



AGENDA

Lincoln City Planning Commission
Tuesday, May 5, 2020, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

2. AGENDA CHANGES OR REVISIONS

3. MINUTES

3.1. Planning Commission - Regular Meeting - Mar 3, 2020 6:00 PM

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

5. PUBLIC HEARINGS/DELIBERATIONS

1. Deliberations - ANNEX 2020-01 and CPA & ZC 2020-02

2. Deliberations - CPA & ZC 2020-01 Scrutton

3. CUP 2019-02 Oksenholt NW Port Ave 6-plex WITHDRAWN

5.3.1. CUP 2019-02 Oksenholt NW Port Ave 6-plex - conditional use permit request
WITHDRAWN by applicant

4. CUP 2020-02 Devils Lake Dredging

5.4.1. CUP 2020-02 Devils Lake Dredging - conditional use permit request to remove storm-
deposited sediment in Devils Lake

5. ZOA 2020-01 Procedures

5.5.1. ZOA 2020-01 Procedures - ordinance amendment to organize reviews into procedure
types of Type I, II, III, or IV with associated applications and adding a chart showing each

6. ZOA 2020-04 Permanent Signs

5.6.1. ZOA 2020-04 Permanent Signs - proposed language to replace Chapter 17.72 Signs by clarifying definitions, placing temporary sign provisions in Chapter 9.34, and providing clear and objective standards for sign illumination

7. ZOA 2020-02 Parking and Landscaping

5.7.1. ZOA 2020-02 Parking and Landscaping - gathers parking and landscaping requirements from various sections of Title 17 and places them in one chapter - Chapter 17.72 for parking requirements and Chapter 17.55 for landscaping

8. ZOA 2019-08 Design Standards

5.8.1. ZOA 2019-08 Design Standards - amends design standards in the zoning ordinance to make them consistent throughout all commercial zones and pearls

6. OLD BUSINESS

7. NEW BUSINESS

8. PLANNING COMMISSION TRAINING

9. REPORTS & COMMENTS

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

11. ADJOURN

All information for this meeting is available on the City of Lincoln City website at www.lincolncity.org, and this meeting will be televised live on Charter Channel 4 Lincoln City and rebroadcast at various times. Planning Commission meetings are streamed live on the Internet through a link on the City of Lincoln City website, and can also be viewed following the meeting. 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, at 541-996-1203.

**LINCOLN CITY PLANNING COMMISSION
MINUTES
March 3, 2020**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

Attendee Name	Title	Status	Arrived
Marci Baker	Commissioner	Present	
Kim Blackerby	Commissioner	Present	
Joshua Brainerd	Commissioner	Present	
Patti Kroen	Chair	Present	
Lenny Nelson	Commissioner	Present	
Miles Schlesinger	Commissioner	Absent	
MacNeale Smith	Commissioner	Present	

2. AGENDA CHANGES OR REVISIONS

3. MINUTES

3.1. Planning Commission - Regular Meeting - Feb 18, 2020 6:00 PM

MOTION:	Adopt the February 18, 2020 Planning Commission meeting minutes
MOVER:	Joshua Brainerd, Commissioner
SECONDER:	Marci Baker, Commissioner
AYES:	Baker, Blackerby, Brainerd, Kroen, Smith
ABSTAIN:	Lenny Nelson
ABSENT:	Miles Schlesinger
RESULT:	Passed

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

1. FR 2020-01: Final Recommendation for ANNEX 2020-01 CPA/ZC 2020-02 Woods Annexation

Planning Commission Chair Patti Kroen introduced the Final Recommendation 2020-01 and then made the following statement: "Before we vote on a final recommendation, I have to say something because I have been thinking about this action since our last meeting. Usually when I leave these meetings I feel good about what we've done. I think we do our homework, and I think we accomplish a lot of good for the City. I left the last meeting feeling that I made a mistake and I would like to correct that mistake now. I think that may be why there is a gap between tentative and final decisions – so we have an opportunity to reflect a little bit away from the moment and confirm in our minds we are doing the right thing."

"During the hearing I gave several reasons why I was not in favor of the annexation, and the reason I am saying this now is because I'm changing my vote and I want to make sure that my concerns are included in the recommendation that ultimately goes to the City Council. So I'm just going to reiterate them quickly."

"We talked during the meeting about having adequate land currently in the city limits for single-family residential construction. I mentioned that the City is working on the Villages, and several in-fill projects, and I continue to think that we have significant raw surplus land already zoned for single-family housing in the city limits."

"We have issues addressing the maintenance needs of water delivery and sewer systems – particularly in the Roads End area. Those have come to light during the discussions on the urban renewal district. So I'm puzzled why we would focus on adding 80 additional homes when we are having some issues maintaining what is already in the city."

"There is a potential for 80 homes on this site, and I continue to be concerned about issues that will add to the problems that already exist on Logan Road, which is the only exit from Roads End, and also with the Logan Road/Highway 101 intersection."

"The last and probably most important thing that kept rattling around in my head over the last couple of weeks is this: The annexation has been turned down twice. The first time it was turned down because there was no development agreement associated with it. The second time it was turned down because, while there was a development agreement, it was not considered specific enough. So then I had to wonder why we didn't have a development agreement with it coming in front of us last meeting."

"It was stated that the previous Planning Director preferred the applicant not to submit one. Without Lindsay here to confirm or deny whether she said that or not, we don't know what she said or why. But it doesn't make sense to me because during her short tenure here she made a point of being an advocate for development agreements, and in fact she was instrumental in writing new rules and regulations for development agreements that we passed through the Planning Commission and the City Council. So, I'm not sure why she would suggest the applicant not do one."

"And the reason a development agreement is important is because the city has a very specific need for a very specific type of housing right now. There is no guarantee and no commitment from the developer to actually provide the kind of housing the city needs on this property. So, again, I wonder why we would recommend annexation of this land without one, particularly when we were told that the developer is 'interested in negotiating one' but, for whatever reason, didn't?"

"During the hearing, the applicants' representative correctly stated that what the Planning Commission has to consider is the application in front of them. That is an application without a development agreement and no guarantees for the city. It was suggested that the city has changed a lot since 2005, and I would agree that's true. The laws have changed. The facts of the community have changed. Roads End has been annexed by the city, along with hundreds of more VRDs in that area requiring more workforce housing. The Villages has been acquired and has become a focus for new residential development in the city. But maybe more important: The City has initiated that more formalized development agreement process, and I think that it should be followed in this instance."

"I want to point out I have not talked to anyone on the Commission about this, so I didn't share my feelings or approach to this. But I have given it a significant amount of thought and I am

going to change my position and vote to deny this annexation and re-zone. I have no idea how my fellow commissioners feel about this, but I wanted to make sure that my reasoning is on the record and will be clearly forwarded to the City Council. The Planning Commission is not the final say in this. The applicant will certainly have an opportunity to address the City Council on this request. But personally, I think it is important to admit when you have made a mistake, if you make them, if you feel you've made one. And if you have time to correct it you should do that. And that is what I am doing."

Commissioner Marci Baker stated that she had been planning to ask if there was an option to change her vote. She said that she had gone back and read the minutes and wondered why she voted the way she did - that she had a lot of concerns that she had stated and that are present in the minutes for the February 18, 2020 meeting. Chair Kroen replied that she had appreciated Commissioner Baker's comments - especially about the requested zone change placing an island of R-1-5 zone in the middle of several different zones.

City Attorney Richard Appicello said that he has seen boards change their votes between preliminary and final decisions, but that usually approving a final recommendation is a rote exercise in making sure that the final recommendation matches what the Planning Commission wants to say. What they are doing is putting their concerns into the recommendation to the City Council. The Planning Commission is entitled to deliberate. Mr Appicello told the commissioners that if they feel the need to go back to deliberations, they can make a motion to reconsider the decision. He said that the decision in front of them is a final recommendation to approve the proposed annexation and zone change. If the Planning Commission is going to just vote up and down on that recommendation, they need a motion to vote on the recommendation that is before them. If they do not pass that motion, they will need to come back and deliberate.

Commissioner Kim Blackerby said that he also had thought a lot about the recommendation over the last couple of weeks. He said that he didn't think that he would change his vote, but that it is up to negotiation with the city, and that he hopes that the City Council would take into consideration the concerns of citizens.

Mr Appicello consulted the Planning Commission rules: "The vote on a final order or final recommendation is not meant to be a second vote on the subject of the hearing. If the final order or final recommendation accurately reflects the findings of the majority and the decision, Commissioners should vote to approve." Mr Appicello explained to the commissioners that if they change their votes, they have to explain why they changed their votes, and that if they have already explained why, the explanation is in the record.

Commissioner Baker indicated that she want to make a motion to reconsider the Planning Commission's decision and reopen deliberation. Mr Appicello explained that reconsideration is reconsideration on the final vote - someone who voted in favor makes a motion to reconsider and someone seconds. If the motion passes, deliberation is reopened.

4.1.2.

MOTION:	Reconsider the vote to recommend tentative approval of ANEX 2020-01 and CPA & ZC 2020-02
MOVER:	Marci Baker, Commissioner
SECONDER:	Joshua Brainerd, Commissioner
AYES:	Marci Baker, Joshua Brainerd, Patti Kroen, MacNeale Smith
NAYS:	Kim Blackerby
ABSTAIN:	Lenny Nelson
ABSENT:	Miles Schlesinger
RESULT:	Passed

The motion to reconsider the February 18, 2020 vote passed, removing the tentative approval and reopening deliberations.

Commissioner Baker said that they had talked during the discussions about the zone change creating an island of R-1-5 zone.

Mr Appicello reminded the commissioners that they have the option of approving the annexation and denying the rezone. There were reasons to do that when Roads End was annexed. He said that he did not know what rationale the commissioners would have to deny the rezone in this case. Ms Skinner added that approving the annexation and denying the rezone would result in the site coming into the city with county zoning, and City staff would have to administer the county ordinance. The Comprehensive Plan designation, lot size, and permitted uses are the same between R-1-5 and R-1-RE.

The commissioners confirmed that in removing the tentative approval, they intended the action to apply to both the annexation and the zone change, as the motion did not specify.

Commissioner Mac Smith said that the choice of zone is the issue for him. The R-1-5 zone seems to be inconsistent with what is currently going on in the area. He said that he has had similar second thoughts since the last meeting, and that R-1-5 is not the most appropriate zone for the area as it sits.

Chair Kroen said that she is focused on the annexation and the lack of a development agreement, and that the zoning issue does not address the lack of a development agreement.

Commissioner Blackerby asked whether the applicants will have to come back with a development agreement. Ms Skinner replied that they do not. In order to develop more than just the two lots as they are currently configured, they would have to come back with a subdivision/planned unit development, but a development agreement is not required.

Commissioner Baker asked whether the demand on the utilities would be one of the items addressed. Chair Kroen said that it comes down to us having capacity for a certain number of hookups, and whether this is where we want to use them. Mr Appicello replied that it is only a question of whether the City has the capacity, and not a question of whether this user or that user gets it. Until someone comes in with system development charges, they have not reserved

the capacity. It is first come, first served, and if an applicant comes in with a development proposal that needs more capacity than is available, they may be required to build the infrastructure. Especially when you are talking about more than a small subdivision.

Commissioner Blackerby asked whether, if the city does not annex the property, the owners could develop the property within county guidelines. Mr Appicello answered that there is a limitation on water service outside the city limits and that is the biggest limiting factor. A limitation on how much water and how many lots can be served, and it is not much. Everyone who develops in the city pays the same system development charges. Once you've been annexed and have a comp plan designation and a zoning designation, you get to come in under Title 16 of the Lincoln City Municipal Code and subdivide and pay the system development charges, etc. In this case there is no development agreement and the applicants are free to do whatever is allowed there under the land use and zoning designation. But nobody is treated differently. Sometimes, through the plan development process, there is some negotiation, but the plan development process is pretty spelled out in the code and there is not a lot to negotiate there.

Commissioner Blackerby said that there was a lot of conversation at the February 18, 2020 meeting about things that could be negotiated in the meeting, and asked whether there would be the possibility of negotiating improvements to the intersection. Ms Skinner replied that there are certain improvements that are required. Frontage improvements are one of those things if there is a nexus and proportionality based on the traffic impact study. With a negotiated development agreement, the City has a little bit of opportunity to ask for things that have no nexus or proportionality.

Mr Appicello pointed out that it is an option to continue the deliberations to the April 7, 2020 meeting when Commissioner Schlesinger is present. That would also give Commissioner Nelson an opportunity to review the hearing materials and video so that all seven commissioners can participate in the deliberation.

MOTION:	Continue deliberations on ANNEX 2020-01 and CPA & ZC 2020-02 to the April 7, 2020 meeting
MOVER:	Kim Blackerby,
SECONDER:	Joshua Brainerd, Commissioner
AYES:	Baker, Blackerby, Brainerd, Kroen, Nelson, Smith
ABSENT:	Miles Schlesinger
RESULT:	Passed

Mr Appicello reminded the commissioners to avoid ex parte contact related to the case before the April 7, 2020 Planning Commission meeting.

5. PUBLIC HEARINGS/DELIBERATIONS

- 1. CUP 2019-02 Oksenholt NW Port 6-plex

The applicant requested that the public hearing for CUP 2019-02 be continued to the April 7, 2020 meeting of the Planning Commission.

MOTION:	Continue the public hearing to the April 7, 2020 Planning Commission Meeting
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Joshua Brainerd, Commissioner
AYES:	Baker, Blackerby, Brainerd, Kroen, Nelson, Smith
ABSENT:	Miles Schlesinger
RESULT:	Passed

2. CPA ZC 2020-01 Scrutton et al Zone Change - continued from February 18, 2020

The record was left open after the close of the February 18, 2020 public hearing at the request of the applicant. Commissioner Lenny Nelson, who was absent from that meeting, reviewed the hearing materials and the video, and is able to participate in deliberations.

Commissioner Nelson said that she tends to concur with the applicants - that the site of the proposed zone change is a good place for vacation rental dwellings, and that she doesn't see anything else that would go there. Chair Kroen clarified that although there was conversation at the public hearing about vacation rentals, and several of the existing homes at the site have current VRD licenses, there is no promise that, if the zone change is granted, the lots will continue to be used as VRDs. All of the uses permitted in the Recreation-Commercial zone would be available to the owners. Commissioner Nelson said that she concurs with the applicants. The site is an island in the middle of commercial use.

Commissioner Baker said that, in the context of the last two rezone requests that the Planning Commission has heard, she thinks about the history of the use of the area and its potential to be workforce housing. There was a difference of opinion between the applicant and staff about the R-C zone being a new zone to the area. It depends on your perspective. She said that the argument about the elevation change isolating this group of houses doesn't make a big difference - that she thinks of it as one continuous strand. We have a lot of unused commercial space in the City that is empty, so there is a lot of availability for commercial activities. Related to the amount of land available for multi-family, there have been arguments that particular land is not suitable. Commissioner Baker said that it makes her wonder how much of the reported surplus of buildable multi-family land is actually buildable.

Commissioner Josh Brainerd said that he thinks the zone change is a good use in the area, to extend what is already around the site. He said that he does not think that it is out of character, and is a very little piece of land. He said that he does not think that you could get any affordable workforce housing on the site, and that he is in favor of developing the lots. It isn't a bad thing to look at putting something new and more consistent in the area. Commissioner Brainerd said that he is inferring that someone will develop the property for some kind of commercial or vacation use.

Commissioner Blackerby said that he has gone back and forth on this case. It seemed from the public hearing that this was just a way to work around the vacation rental rules. At the same time, the surrounding area is all commercial. As you move south up the hill, what stops

lot owners from asking to be rezoned to recreation commercial? Commissioner Blackerby indicated that he is leaning toward recommending approval.

Commissioner Smith said that one of the things that struck him was the language that the applicants used, talking about the unsuitability of the site for development. It is hard to see a reason for the request other than as an attempt to get around the rules for VRDs. Commissioner Smith expressed concern about losing the actual housing units, but there is insufficient information in the application to tell. He said that a rezone in the area seems unnecessarily risky to the housing stock in the area, which is something we have been working to increase in Lincoln City. He said that he does not agree with statements that rents at the site would be prohibitively expensive. As it stands, just rezoning to rezone doesn't make sense.

Chair Kroen spoke Commissioner Baker's comments, saying that we have had several requests for zone changes, which seems to indicate an on-going chronic need to do a review and revision of the comp plan and do a review of zoning in a systematic way instead of parcel-by-parcel. She said that she is not in favor of changing the zoning of individual lots. From all of the information presented, it does seem like this request is about circumventing the VRD rules. Chair Kroen said that she doesn't see the urgency to rezone the site, especially in the context of statements that there is no plan currently to do anything differently there. The only advantage seems to be the ability to transfer the existing VRD licenses and to turn the other houses on the property into VRDs. Concerning the idea that turning these into VRDs is good for the tourism economy, she said that the tourism economy is not just more vacation rentals and that, in fact, VRD proliferation has been devastating to cities all over the world. Every VRD removes a unit from housing stock. Going back to the comp plan and requests for rezoning, we want to make sure that all of the zoning is consistent with the comp plan. The staff report identifies several planning goals that the rezone would be inconsistent with. Chair Kroen said that she is not in favor of recommending this rezone at this time. The number of requests that have come through show that we have issues with zoning in the city, and she would like to do this in a comprehensive way rather than pick things off individually.

Commissioner Baker said that there are so many people who were affected by the new VRD rules that were put into place. As we get zone change requests, we are really making precedent on how we deal with these.

Commissioner Nelson said that it is economically likely that someone would build workforce housing on the bluff, or even within walking distance. Houses that are right on the bluff are not likely to be used for affordable housing.

5.2.2.

MOTION:	Recommend approval of CPA & ZC 2020-01
MOVER:	Kim Blackerby, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Kim Blackerby, Joshua Brainerd, Lenny Nelson
NAYS:	Marci Baker, Patti Kroen, MacNeale Smith
ABSENT:	Miles Schlesinger
RESULT:	Failed by Roll Call Vote

After a tied vote on the motion, Mr Appicello talked about the Planning Commission's options. He said that they could try the opposite motion, or that someone could change their vote. Or that the vote could be sent to the City Council reported as a 3-3 tie.

Chair Kroen asked whether anyone wanted to change their vote. Commissioner Nelson asked Mr Appicello whether the matter would move on to the City Council without a recommendation. Mr Appicello replied the vote would be reported to the City Council as a tie vote. He said that the other option is to continue the matter until Commissioner Schlesinger is present and the Planning Commission has the ability to make a decision.

Commissioner Nelson said that she is content to wait until Commissioner Schlesinger is present.

Commissioner Blackerby said that, although he voted yes, he is willing to hear why those who voted differently did so. Chair Kroen said that at this point she is not thinking about what the applicants might do with the land. She said that she is she is thinking about whether the request is consistent with the Comprehensive Plan, and whether we should be changing zoning lot by lot. Since there is no urgency, no stated plan of what the applicants intend to do, this site would be an area that we would want to look at during a comp plan review. Rather than pick a lot here and a lot there every single meeting we have, Chair Kroen said that she would like to go into the comp plan and fix it once. She said that there are lots of things you could do on the site, but for her the job is to look at whether what comes before the Planning Commission is consistent, and in her opinion the zone change request is not consistent.

Commissioner Baker said that the character of the site is residential or empty. The adjacency to the run-down commercial area and whether or not the site will be used for VRDs is not the issue. The issue is the change of residential into commercial. She said that she thinks the change sets a precedent and the Planning Commission has to look at the precedent that they are setting. Right now with no urgency and no development plan, there is no reason to approve the zone change until there is an opportunity to look at the comp plan.

5.2.3.

MOTION:	Continue deliberation on CPA & ZC 2020-01 to the April 7, 2020 meeting
MOVER:	Kim Blackerby, Commissioner
SECONDER:	Marci Baker, Commissioner
AYES:	Baker, Blackerby, Brainerd, Kroen, Nelson, Smith
ABSENT:	Miles Schlesinger
RESULT:	Passed

Mr Appicello reminded the commissioners to not seek out additional information on the zone change request before the April 7, 2020 meeting and to avoid ex parte communication.

6. OLD BUSINESS

None

7. NEW BUSINESS

None

8. PLANNING COMMISSION TRAINING

8.1. Ex parte and quasi-judicial training

Mr Appicello presented a brief training, overview, and review of quasi-judicial procedures and ex parte contact.

9. REPORTS & COMMENTS

None

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

At the March 17, 2020 meeting, the Planning Commission will hold the hearing for the revision of the design review standards that has been continued since June 2019. In order to make the design standards flow with the process, the amendments to parking and landscaping and procedures are also scheduled for March 17. These are a rearranging of the language in the existing code so that it is consistent with the design review standards language.

11. ADJOURN

Respectfully submitted,

James White
Assistant Planner

Patti Kroen
Chair



**PLANNING COMMISSION STAFF REPORT
MEETING DATE: May 5, 2020**

**Report prepared by AnneMarie Skinner, Planning & Community Development
Director**

CUP 2019-02 Oksenholt NW Port Ave 6-plex WITHDRAWN

This request has been WITHDRAWN by the applicant.



PLANNING COMMISSION STAFF REPORT
MEETING DATE: May 5, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

CUP 2020-02 Devils Lake Dredging

PROJECT INFORMATION

See attached staff report

BACKGROUND

See attached staff report

AUTHORIZATION

See attached staff report

ANALYSIS

See attached staff report

STAFF RECOMMENDATION

See attached staff report

CUP 2020-02 Application Package(PDF)

CUP Permit attachments (PDF)

Devils Lake Vegetation survey 2019 Aquatechnex (PDF)

Additional Application Information (MSG)

CUP 2020-02 Staff Report (DOCX)

OFFICE USE ONLY
 Date Filed: _____
 Amount/Fee: _____
 Receipt No: _____
 Received By: _____
 30 Days: _____
 Deemed Incomplete: _____
 Deemed Complete: _____
 120 Day Deadline: _____



LAND USE APPLICATION

OFFICE USE ONLY
 Stamp Date Received

RECEIVED
 FEB 21 2020
PLANNING

File No: _____

APPLICATION TYPE

<input type="checkbox"/> ANNEXATION	<input type="checkbox"/> LOT LINE ADJUSTMENT	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> APPEAL OF PLANNING COMMISSION DECISION	<input type="checkbox"/> MINOR PARTITION	<input type="checkbox"/> SUBDIVISION
<input type="checkbox"/> APPEAL OF PLANNING DEPARTMENT DECISION	<input type="checkbox"/> NATURAL RESOURCE DEVELOPMENT REVIEW	<input type="checkbox"/> URBAN GROWTH BOUNDARY AMENDMENT
<input type="checkbox"/> COMPREHENSIVE PLAN & ZONING MAP AMENDMENT	<input type="checkbox"/> NATURAL RESOURCE DEVELOPMENT VARIANCE	<input type="checkbox"/> VACATION
<input type="checkbox"/> COMPREHENSIVE PLAN &/OR ZONING ORDINANCE TEXT AMENDMENT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN	<input type="checkbox"/> VARIANCE
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT FINAL MASTER PLAN	<input type="checkbox"/> OTHER _____

NAME OF APPLICANT: DEVILS LAKE WATER IMPROVEMENT DISTRICT
MAILING ADDRESS: PO BOX 974
CITY: LINCOLN CITY **STATE:** OR **ZIP:** 97367
DAYTIME PHONE: 541-994-5330 **Signature:** _____
EMAIL (OPTIONAL): lake.manager@dlwid.org

OWNER OF RECORD (if other than applicant)
NAME: STATE OF OREGON, Division of State Lands
MAILING ADDRESS: 775 Summer St NE # 100
CITY: SALEM **STATE:** OR **ZIP:** 97301
DAYTIME PHONE: 503-986-5285 **Signature:** _____
EMAIL (OPTIONAL): _____

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:
 AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER
PROJECT LOCATION: Devils Lake, near D River and NE 1st Street,
PROJECT ADDRESS: Lincoln City, OR 97367
ASSESSOR'S MAP NO.: 071115 **TAX LOT(S):** 07-11-15-AC-WATER
AREA: .14 ac (acres) **SQ. FT.:** 6,000 **ZONING:** MW

**CONDITIONAL USE PERMIT
EVIDENCE TO SUPPORT OF FINDINGS OF FACT**

Directions: Please provide factual and supportive evidence that your application meets the Findings of Fact listed below. It is the applicant's responsibility to demonstrate that the conditional use permit will comply with these Findings of Fact. Additional sheets may be attached if necessary.

1. The proposal is in compliance with the Comprehensive Plan.

This proposed project will not alter lands forms, increase or decrease lake size, not modify any existing site boundaries. Project footprint is 300' x 20' or .14 ac. Project mission is to excavate annual sediment deposition from tidal activity and expected to total 450 cubic yards of sand.

2. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.

Lake site is adequate for all project work. Adjacent City Park - Hostetter will be utilized for project equipment; via DWRD Easement and Park South-Bank. Equipment will work from Park site, not in wetland lake.

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.

Project will not increase/decrease traffic, only deepen to lowest portion of lake. Dump truck traffic will be necessary during 4-5 day project duration. Existing road network/traffic signals will easily accommodate this modified, short-duration traffic.

- 4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the Planning 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.

no facilities are included in project. Vehicular egress/ingress and internal circulation is not a project factor at the lake. Project will increase Hostetter Park usage during project and thereafter due to lake access improvements.

- 5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.

Project is expected to improve lake flow to river and ocean and be more complimentary to adjoining properties and uses.

APPLICANT'S VERIFICATION

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the information in this application and its attachments is true, complete, and correct.

SIGNATURES

[Handwritten Signature]

 Applicant

2/3/20

 Date

[Handwritten Signature]

 Property Owner

2/17/20

 Date

 Property Owner

 Date



Joint Permit Application

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.



	U.S. Army Corps of Engineers Portland District		Oregon Department of State Lands		Oregon Department of Environmental Quality
Action ID Number		Number			

(1) TYPE OF PERMIT(S) IF KNOWN (check all that apply)

Corps: Individual Nationwide No.: _____ Regional General Permit _____ Other (specify): _____

DSL: Individual GP Trans GP Min Wet GP Maint Dredge GP Ocean Energy No Permit Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Name (Required)	Joshua Brainerd	Northern Parcel ~ 07-11-15-AC-03200-00 Alison Robertson, Director Lincoln City Urban Renewal Agency PO Box 50 Lincoln City, OR 97367 T: 541-996-1095 F: 541-996-1241 E: ARobertson@LincolnCity.org	
Business Name	Devils Lake Water Improvement District	Eastern Parcel ~ State of Oregon, Division of State Lands 775 Summer St. NE #100 Salem OR, 97301 T: 503-986-5200 F: 503-378-4844	
Mailing Address 1	PO Box 974 Lincoln City, OR 97367		
Mailing Address 2			
City, State, Zip			
Business Phone	541-994-5330		
Cell Phone	919-600-8467		
Fax	541-994-6040		
Email	lake.manager@dlwid.org		

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name Devils Lake Flood Risk Reduction	<u>Latitude & Longitude*</u> 44.9674 N 124.0155 W	
Project Address / Location	City (nearest)	County

Devils Lake near D River and NE 1st Street, Lincoln City, OR 97367		Lincoln City		Lincoln
Township		Range	Section	Quarter / Quarter
07		11	15	AC
07		11	15	CA
Tax Lot				
Northern Parcel 07-11-15-AC-03200-00				
Eastern Parcel 07-11-15-AC-WATER-oo				

Brief Directions to the Site:
 From northern boundary of Lincoln City ~ Travel south on Highway 101 approximately 3 miles ~ Head east on NE 1st Street 0.1 miles ~ Park in Hostetler Park adjacent to D River / Devils Lake.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

River / Stream Non-Tidal Wetland Lake / Reservoir / Pond
 Estuary or Tidal Wetland Other Pacific Ocean

Waterbody or Wetland Name**	River Mile	6 th Field HUC Name	6 th Field HUC (12 digits)
Devils Lake	0.01	Devils Lake-Frontal Pacific Ocean	171002040901

* In decimal format (e.g., 44.9399, -123.0283)
 ** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (Check all that apply.)

<input type="checkbox"/> Commercial Development	<input type="checkbox"/> Industrial Development	<input type="checkbox"/> Residential Development
<input type="checkbox"/> Institutional Development	<input type="checkbox"/> Agricultural	<input checked="" type="checkbox"/> Recreational
<input type="checkbox"/> Transportation	<input type="checkbox"/> Restoration	<input type="checkbox"/> Bridge
<input checked="" type="checkbox"/> Dredging	<input type="checkbox"/> Utility lines	<input type="checkbox"/> Survey or Sampling
<input type="checkbox"/> In- or Over-Water Structure	<input checked="" type="checkbox"/> Maintenance	<input checked="" type="checkbox"/> Other:

(4) PROJECT DESCRIPTION

A. Summarize the overall project including work in areas both in and outside of waters or wetlands.
 A maintenance dredging/sediment removal project is proposed by Devils Lake Water Improvement District, a local governmental public body, for the lowest portion (west end) of Devils Lake. This lowest portion of the lake is annually overtaken with depositions of sand and log debris from the Pacific Ocean. This is an area immediately upstream of the "Worlds' Shortest River", the D River, which although technically lies just west of and outside of the project area, is historically most strongly associated with the lower lake in terms of facilitating competing or opposition tidal flow dynamics. The D River during winter storms and king tides frequently receives tidal surges and large depositions of beach sand and woody debris, generally inundating the entire length of the river and upstream (east) into the lower 300' – 400' portion of Devils Lake. Proposed dredging is for as-necessary/periodic dredging during a period of up to 10 years. The area of interest has been and will continue to be a long-term and serious maintenance and potential flooding issue dating back at least to the 1940's. Historic reports indicate the local fire department used to periodically move sediment out the lower lake with fire hoses and a water cannon when the sand would inundate the lower portion of Devils Lake. In later years the City of Lincoln City reportedly provided excavation on an emergency basis. The US Army Corps of Engineers has conducted three extensive studies of the area to address flooding issues, but more permanent solutions such as debris barriers, stream modifications, and flood proofing have been either too costly or otherwise not preferred.

The proposed dredging would include approximately 450 cubic yards of primarily beach sand material and surf-driven log debris excavated from the bed of Devils Lake, generally 250-300' east of the D River and south of the City-owned, Hostetler Park in Lincoln City, Oregon. The approximate project footprint is 20' x 300' to a depth of 2'. Property ownership in the project area is controlled by two entities, the State of Oregon, by Division of State Lands, and Lincoln City, Urban Renewal Agency. The total area of excavation is approximately 0.75 acres.

The dredging is proposed to be conducted on an as-required basis over a ten-year period as a flood risk reduction, recreational safety enhancement, and lake outflow improvement project. Dredging material has been approved for in-water disposal by the Portland Sediment Evaluation Team through to 2026. Dredging would be conducted within a modified the in-water work window with consent and recommendation from ODFW.

Access to the site will be via an easement owned by the Devils Lake Water Improvement District through Hostetler Park, and from unimproved "ramps" from park property. Since the central Oregon coast zone is considered sand-starved, we anticipate the fill site(s) will be coordinated through and approved by state and/or federal agencies having the authority and responsibility to receive and approve placement. If approved, material will be placed in dump trucks and transported via state highway and municipal streets to approved locations along local beaches. If sand removal disposition is not approved for local beach placement, local residents have expressed interest in receiving the lake bottom sand. Logistics for non-beach placement will be developed on an as-needed basis.

The dredging activity would occur from the City owned Hostetler Park using a track hoe with adequate boom reach to create a "sluicing" channel to promote an increased flow out of the lake, into the D River. Track hoe work from within Hostetler Park the Park will only impact volunteer blackberry stands /lowest City wetland and includes only one piece of equipment, a track hoe.

B. Describe work within waters and wetlands.

A maintenance dredging project is proposed for the extreme terminal end of Devils Lake, an area susceptible to sand deposition from ocean swells entering the area from the west during high tide events. Excavation of sand and debris will be accomplished by use of a track hoe staged at the southern shore of Hostetler Park. Equipment will not be accessing the wetted lake channel but will be operated from several locations within the park. We expect the work may occur between August 1st and August 31st of any calendar year in which the permit is valid.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

Construction removal activities are limited to north-west bank locations of Devils Lake, along the south bank locations of Hostetler Park. A track hoe will be utilized to dig a linear trench with target dimensions of 300' long, 20' wide, and up to 2' in depth, for a total removal of approximately 450 cu. yds. This project zone is reachable from locations within the park and the DLWID easement within the park. The spoils/sand material will be deposited/stockpiled at the park then front loader loaded into one or more dump trucks for transport to the approved local beach sites.

Equipment: Note: All equipment in excellent condition, and if possible, with all service performed not on project sites.

Track Hoe, 2019 CAT 307.5

Loader, 2016 CAT 259 D

Dump truck(s) tbd

1. All contractor equipment will be utilized at the park property, not within the wetted lake channel. Any temporary stockpiled sand material will be placed to take advantage of park property slopes that drain down to the lake.

2. The construction (removal activities) zone, within the park (staging, equipment laydown, existing accesses to lake) will be isolated for the contractors use only; the park will be posted closed during the duration of the project. The equipment park area will be pollution-controlled by the placement of booms during any fueling or if necessary, equipment maintenance activities. Contractor will have on site appropriate spill kits to immediately tend to any incidental spills relating to his equipment.

3. Devils Lake Water Improvement District will have competent staff over-watching this project to ensure the minimize any impacts to waters or wetlands.

(4) PROJECT DESCRIPTION (continued)

D. Describe source of fill material and disposal locations if known.
Not applicable.

E. Construction timeline.

What is the estimated project start date? August 1, 2020

What is the estimated project completion date? August 31, 2029

Is any of the work underway or already complete? Yes No
If yes, please describe.

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
Devils Lake	300	20	1-2	.14 ac	450	Annual	Sand

G. Total Removal Volumes and Dimensions

Total Removal to Wetlands and Other Waters		Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Removal to Wetlands				
Total Removal Below Ordinary High Water		300	.14 ac	450
Total Removal Below <u>Highest Measured Tide</u>		300	.14 ac	450
Total Removal Below <u>High Tide Line</u>		300	.14 ac	450
Total Removal Below <u>Mean High Water Tidal Elevation</u>		300	.14 ac	450

H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
N/A							

(4) PROJECT DESCRIPTION (CONTINUED)

I. Total Fill Volumes and Dimensions

Total Fill to Wetlands and Other Waters		Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Fill to Wetlands				
Total Fill Below Ordinary High Water				
Total Fill Below <u>Highest Measured Tide</u>				
Total Fill Below <u>High Tide Line</u>				
Total Fill Below <u>Mean High Water Tidal Elevation</u>				

*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").
 **Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain.
 *** Example: soil, gravel, wood, concrete, pilings, rock etc.

(5) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.
 The lowest portion of Devils Lake is annually overtaken with depositions of sand and log debris from the Pacific Ocean. This is an area immediately upstream of the "Worlds' Shortest River", the D River, which although technically lies just west of and outside of the project area, is historically most strongly associated with the lower lake in terms of facilitating competing or opposition tidal flow dynamics. The D River during winter storms and king tides frequently receives tidal surges and large depositions of beach sand and woody debris, generally inundating the entire length of the river and upstream (east) into the lower 300' – 400' portion of Devils Lake. Proposed dredging is for as-necessary/periodic dredging during a period of up to 10 years. The area of interest has been and will continue to be a long-term and serious maintenance and potential flooding issue dating back at least to the 1940's. Historic reports indicate the local fire department used to periodically move sediment out the lower lake with fire hoses and a water cannon when the sand would inundate the lower portion of Devils Lake. In later years the City of Lincoln City reportedly provided excavation on an emergency basis. The US Army Corps of Engineers has conducted three extensive studies of the area to address flooding issues, but more permanent solutions such as debris barriers, stream modifications, and flood proofing have been either too costly or otherwise not preferred.

(6) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

Physical Characteristics: The project area includes an area at the terminal end of Devils Lake. Flow through this area is typically laminar, except during extreme precipitation and/or when ocean swells reverse the direction of flow and inundate the area with ocean surges. The project area is immediately upstream of the lotic waters of the D River which initiate officially at the downstream side of the Devils Lake impoundment structure. This impoundment device is owned by the Devils Lake Water Improvement District for exercise of water certificates 69267 and 89980. The river runs year-round, but at a highly variable discharge. Peak winter flows exceed 60 cfs, while summer flow may be as low as 3 cfs.

Ordinary High Water for the lake is 10.4' above mean sea level, and typically occurs in the winter months. This 10.4' elevation is the meandered boundary, and thus all property below this elevation within the Devils Lake footprint is owned by the State of Oregon under the operational control of the Department of State Lands. A staff gage re-surveyed in 2009 by then Oregon Water Resources Department Watermaster Greg Beaman is just south of the dam site, making elevation readings readily available.

The lake does not have an official ordinary low water elevation, but early records suggest an elevation of 8.3' above mean sea level may be appropriate.

The project area is bounded by two principal properties, City-owned Hostetler Park to the north and the lake property to the east. The northern bank is a low elevation gradually sloping bank, which transitions to City-owned wetlands and uplands. A riparian buffer dominated by shrubs and grasses extends landward. Further inland the area is maintained for park users and is partly mowed, partly graveled, and partly covered by a small grove of shore pines. Much of the Hostetler Park is subject to seasonal inundation and/or wetland hydrology. The 100-year flood elevation for the area is 14.0' MSL. Elevations range from 10.4' to 15.9' in the lowest parts of the park with a sharp increase in elevation as the parcels meet Highway 101 which is at an elevation of approximately 22' MSL.

The wetland immediately adjacent to the northern shore of the project has been determined to be classified as not-significant by City of Lincoln City Citizens Advisory Committee Local Wetlands Inventory Determination of Significant Wetlands prepared by SRI/Shapiro in 1995. Hostetler Park includes a riparian zone and intact wetlands and has features such as mowed areas, picnic areas, and parking facilities. An access road also already exists through the area to the lake for use of impoundment structure maintenance. The access road and parking lot will serve as staging areas in the project, thus no new removals or fills temporary or otherwise are required for staging or access to the actual project area which is within the north shore of Devils Lake.

The eastern boundary of the project is Devils Lake and is generally characterized as an area of gravels and shallow lake with significant sand buildup.

The lowest 400' of the lake is generally straight with wetted channel widths tapering from 175' to 75', east to west with the narrowest area at the western edge of the project, nearest the D River. Low flow wetted widths depend on the depth of water upstream of the dam. In areas where oceanic sands have been deposited to an elevation in excess of 8.0' MSL, a narrower channel forms through the sand. Otherwise in areas at or below the elevation of the concrete crest of the abutment of the dam (8' MSL), a shallow pool forms to the full width (75' at the terminal end) which spills over the impoundment structure then into the D River. The length of the channel in the project area is approximately 300'. The overall footprint for dredging is approximately 300' x 20'. The substrate is primarily sand, deposited from ocean surges during high swell events tied to peak tidal swings. Below the sand a cobble layer is present, however the project excavation only includes material to a depth of approximately 2' which is primarily sand of oceanic origin.

Dredged Material Suitability: The Portland Sediment Evaluation Team has determined the dredged material is suitable for unconfined, aquatic placement. This determination is considered valid until January 2026.

Biological Characteristics: Devils Lake is classified as Essential Salmon Habitat. Native, threatened Oregon Coastal Coho Salmon migrate through the project area. Returning fish migration has been documented from early October to late mid-February. Outward migration is typically observed between Mid-April to Mid-July. Other species moving through the area include Pacific Sea Lamprey, Sea Run Cutthroat, and Steelhead. Non-anadromous fish species include stickle back, and limited populations of non-native warmwater species such as largemouth bass, black crappie, yellow perch and channel catfish. A full list of species is attached.

B. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.

The project area is the site of historical recreational and navigation use. For decades, the area was the site of a swimming and wading area adjacent to what is now Hostetler Park. Decades ago, a boat dealer and the Devils Lake Yacht Club were located in the immediate area of the project.

Without this project, the northern side of the lower lake lacks the flow/depth capacity to support any form of swimming and safe wading, let along forms of motor and non-motor water craft. During the summer, the lake is generally .5 to 2.0 feet deep with D River influenced sand deposition forming significant sand bars.

Fishing in Devils Lake is generally confined to the deeper portions of the lake, however bank anglers are frequently seen fishing from the shore line. Stocked rainbow trout, largemouth bass, yellow perch, and black crappie are the most likely candidate species for angling.

Bird-watchers are frequently seen enjoying their interest from canoes and kayaks.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

The specific needs of the project are to provide an increase of lower-lake depth and flow to and over the Devils Lake impoundment structure and to mitigate the impact of winter tidal surge/high ocean flow flooding activity risk from the D River/Pacific Ocean. Additionally, much needed and improved flow capacity through the area is necessary to restore safe navigation and recreational opportunities within the lowest 300' of the lake. The project aligns with the three investigations for flood control and debris management conducted by the US Army Corps of Engineers on Devils Lake between 1974 and 1990 and are summarized as alternatives 1-9. Alternative 2 is reflective in part as the preferred method for this project. In addition, the District evaluated two other approaches through a Technical Memorandum in 2015 listed and linked below and summarized in brief as alternatives a and b.

Key Reports:

1974 – US Army Corps of Engineers. Environmental Assessment Report, Devils Lake Flood Control, Lincoln City, Oregon. Draft.

- www.dlwid.org/Research/1974-USACE.pdf

* Not required by the Corps for a complete application, but is necessary for individual permits before a permit decision can be rendered.

1977 - US Army Corps of Engineers. Devils Lake Area, Oregon Detailed Project Report – Draft.

www.dlwid.org/Research/1977-USACE.pdf

1990 – US Army Corps of Engineers. Devils Lake/D River, Lincoln City, Oregon, Reconnaissance Report on Flood Damage Reduction.

- www.dlwid.org/Research/1990-USACE.pdf

2015 – PBS Engineering and Environmental. Technical Memorandum Schematic Options for Modification of Impoundment Dam Facility D River, Lincoln City, Oregon.

- www.dlwid.org/Projects/Lake_Level/PBS_Technical_Memorandum_D_River_Impoundment_Dam.pdf

The most comprehensive alternative analysis in the USACE reports (1977) suggest the following methods (1-9). Notably, methods 3-6 were evaluated in 2 or more scenarios (e.g. 3a, 3b, etc.). Based on reconnaissance-scope findings, Alternatives 2, 3, and 5 were studied in detail by the report, and thus are presented here for comparison in greater detail to the preferred method. The preferred approach is a combination of periodic maintenance combined with as-necessary emergency dredging (done under a separate and active permit), and as stated is most closely associated with alternative 2 below. Comparisons of the relevance of an alternative to preferred alternative is provided throughout. In addition, the summary of the preferred method has been provided as a summary.

1. **Do Nothing:** Due to ongoing risks of annual flooding occurrences, this alternative was considered unacceptable to the DLWID Board and residents. This alternative would not change the lake outlet, would not alter anadromous fish routes, but would continue to exacerbate water quality associated with summer-fall minimal flows, compounding excessive nutrient lake eutrophication. Physical impacts of flooding and associated damage would continue to be significant under this alternative. A do-nothing approach is not acceptable to lake residents and the local community, and the public safety, recreation and water quality benefits associated with reduced wintertime flooding would not be achieved.

2. **Periodic Debris Removal:** An extension of what was the ongoing local efforts of channel clearing, this method would remove the large wood in attempt to reduce the number of logs creating jams in and, specifically relating to this permit the lower lake area. It was suggested at the time that this would improve fish passage from its natural undisturbed state, however it would disrupt the riverbed and fauna. Noise and air pollution were deemed a concern, yet visual impacts were thought to be minimal. To be funded initially by the federal government, but subsequently by local interests, this management strategy was ultimately rejected due to concerns of local cost burden. The alternative however now can be considered like the favored hybrid method, of periodic sand removal accompanied with the emergency dredging done under another and existing permit. Sand will be excavated from the area in front of and due south of Hostetler Park under this permit, creating recreational access and reduced flooding risk. Emergency dredging downstream in the D River would occur under the separate and existing permit during storm events. The periodic maintenance dredging method would be scheduled to conform to Oregon Department of Fish & Wildlife in-water work period for this lake. A recent conversation with ODFW indicated a variance in-water work period would probably be set within August 1st and 31st within the year.

3. **Debris Barrier: 3b – Trash rack at mouth of D River ~** This method would construct a barrier across the mouth of the D River to prevent debris from clogging the river and creating flooding. This design would require a massive structure (3-foot-wide concrete reinforced piers to an elevation of 22' MSL), which would effectively separate the river and the lake from the ocean. Temporary habitat destruction and loss of river fauna expected. This method would be extremely costly (to exceed \$679,500 in 1977 dollars, see Figure 1), and would require a much larger investment than available locally. Further, it is not deemed an appropriate intervention today based on existing scope of proposed project and need.

4. **Straight Channel:** Not considered due to initial reconnaissance-scope findings, not deemed an appropriate intervention today.

(8) ADDITIONAL INFORMATION

Are there <u>state</u> or <u>federally</u> listed species on the project site?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within designated or proposed critical habitat?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within a national <u>Wild and Scenic River</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within a <u>State Scenic Waterway</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within the <u>100-year floodplain</u> ?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.			
Is the project site within the <u>Territorial Sea Plan (TSP) Area</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
If yes, attach TSP review as a separate document for DSL.			
Is the project site within a designated <u>Marine Reserve</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
If yes, certain additional DSL restrictions will apply.			
Will the overall project involve ground disturbance of one acre or more?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).			
Is the fill or dredged material a carrier of contaminants from on-site or off-site spills?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Has the fill or dredged material been physically and/or chemically tested?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).			
Has a cultural resource (archaeological and/or built environment) survey been performed on the project area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.			
Is the project part of a DEQ Cleanup Site? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Permit number _____			
DEQ contact.			
Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf			

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
-------------	--------------	--------------	-----------------------------

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.

Agency	Certificate / approval / denial description	Date Applied
--------	---	--------------

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

Work proposed on or over lands owned by or leased from the Corps (may require authorization pursuant to 33 USC 408). These could include the federal navigation channel structures, levees, real estate, dikes, dams, and other Corps projects.

- | | | |
|--|-----------------------|-------|
| <input type="checkbox"/> State owned waterway | DSL Waterway Lease #: | |
| <input type="checkbox"/> Other Corps or DSL Permits | Corps # | DSL # |
| <input type="checkbox"/> Violation for Unauthorized Activity | Corps # | DSL # |
| <input type="checkbox"/> Wetland and Waters Delineation | Corps # | DSL # |

Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter

(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.

Within the dredging/removal of sand from the lake, there will be inevitable loss of some benthic organisms, to be likely replaced within seasonal eastward tidal deposition of sand flows during winter storm events.

Dredging may cause a temporary increase in turbidity but is consistent with a temporary increase in turbidity associated with the export/migration of sand during high flows. Frequent tidal flows through the D River into the lower lake are characterized by a temporary increase in turbidity. This short-lived event clears rapidly at the close of storm events.

Our viewed history has shown this to be accurate.

B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.

When describing the biological characteristic, the 1974 USACE report described the D River as an impoverished extension of Devils Lake. The project area, while not specifically including the D River, may also be described as impoverished given the lack of vegetation complexity relative to the lake and watershed at large. It is anticipated that any impacts to the biological character of the area would quickly be recovered through opportunistic recolonization of plants (primarily blackberry) from the 680+ acre lake, and thus any shoreside vegetation impact would quickly be recovered.

Any temporary increase of turbidity will quickly subside within the project duration. Project to be completed during the August lower-flow conditions, reducing sediment mobilization during and after construction.

Devils Lake Water Improvement District staff will project-manage this permit activity, especially observing for turbidity. Any turbidity event that doesn't quickly recover to pre-construction conditions will be reported to DSL and ODFW.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

Permittee-responsible Onsite Mitigation
 Permittee-responsible Offsite mitigation
 Mitigation Bank or In-Lieu Fee Program
 Payment to Provide (approved for use with Corps permits)

D. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

Mitigation not proposed as dredging is being done for public safety and general benefit and any negative environmental impacts are considered minor and temporary. Project also serves in the public interest as it will reduce the risk of flooding which impacts public and private shorelines and restores a historic recreational use including increased accessibility. Flooding greatly increases the introduction of nutrients to the lake associated with erosion and septic system inundation.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project: We expect this to be non-applicable
 Type and amount of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

- Yes. Submit the plan with this application and complete the remainder of this section.
- No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #	
County	City	Latitude & Longitude (in DD.DDDD format)	
Township	Range	Section	Quarter/Quarter

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE

<input type="checkbox"/> Pre-printed mailing labels of adjacent property owners attached	Project Site Adjacent Property Owners	Mitigation Site Adjacent Property Owners
--	---------------------------------------	--

Contact Name Northern Parcel
Address 1 Alison Robertson, Director
Address 2 Lincoln City Urban Renewal Agency
City, ST ZIP Code PO Box 50, LC Oregon 97367

Contact Name
Address 1
Address 2
City, ST ZIP Code

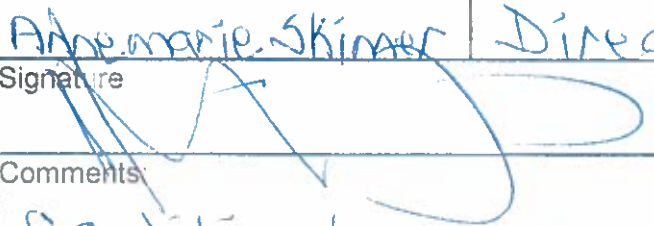
Contact Name Eastern Parcel
Address 1 Carrie Landrum
Address 2 State of Oregon DSL
City, ST ZIP Code 775 Summer St NE #100 Salem Or 97301

**(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- This project is not regulated by the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations with the following:
 - Conditional Use Approval
 - Development Permit
 - Other Permit (explain in comment section below)
- This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
 - Plan Amendment
 - Zone Change
 - Other Approval or Review (explain in comment section below)

An application or variance request has has not been filed for the approvals required above.

Local planning official name (print)	Title	City / County
Annemarie Skinner	Director	Lincoln City
Signature	Date	
	1-21-2020	
Comments:		
conditional use permit approval will need to be requested and approved prior to any work.		

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon Coastal Zone, the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name	Title
Applicant Signature	Date

(13) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed	\$
Applicant Signature (required) must match the name in Block 2	
Print Name	Title
Signature	Date
Authorized Agent Signature	
Print Name	Title
Signature	Date

Landowner Signature(s)*	
Landowner of the Project Site (if different from applicant)	
Print Name	Title
Signature	Date
Landowner of the Mitigation Site (if different from applicant)	
Print Name	Title
Signature	Date

Department of State Lands, Property Manager (to be completed by DSL)	
<i>If the project is located on <u>state-owned submerged and submersible lands</u> DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.</i>	
Print Name	Title
Signature	Date

* Not required by the Corps.

(14) ATTACHMENTS

- Drawings
 - Location map with roads identified
 - U.S.G.S topographic map
 - Tax lot map
 - Site plan(s)
 - Plan view and cross section drawing(s)
 - Recent aerial photo
 - Project photos
 - Erosion and Pollution Control Plan(s), if applicable
 - DSL / Corps Wetland Concurrence letter and map, if approved and applicable
- Pre-printed labels for adjacent property owners (Required if more than 5)
- Incumbency Certificate if applicant is a partnership or corporation
- Restoration plan or rehabilitation plan for temporary impacts
- Mitigation plan
- Wetland functional assessments, if applicable
 - Cover Page
 - Score Sheets
 - ORWAP OR, F, T, & S forms
 - ORWAP Reports
 - Assessment Maps
 - ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- Stream Functional Assessments, if applicable
 - Cover Page
 - Score Sheets
 - SFAM PA, PAA, & EAA forms
 - SFAM Report
 - Assessment Maps
 - Aerial Photo Site Map and Topo Site Map (Both maps should document the PA, PAA, & EAA)
- Compensatory Mitigation (CM) Eligibility & Accounting Worksheet
 - Matching Quickguide sheet(s)
 - CM Eligibility & Accounting sheet
- Alternatives analysis
- Biological assessment (if requested by the Corps project manager during pre-application coordination)
- Stormwater management plan (may be required by the Corps or DEQ)
- Other
 - Please describe:

For U.S. Army Corps of Engineers send application to:

USACE Portland District
ATTN: CENWP-ODG-P
PO Box 2946
Portland, OR 97208-2946
Phone: 503-808-4373
portlandpermits@usace.army.mil

Counties:

Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam, Grant, Hood River, Jefferson, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

U.S. Army Corps of Engineers
ATTN: CENWP-ODG-E
211 E. 7th AVE, Suite 105
Eugene, OR 97401-2722
Phone: 541-465-6868
portlandpermits@usace.army.mil

Counties:

Coos, Crook, Curry, Deschutes, Douglas, Jackson, Josephine, Harney, Klamath, Lake, Lane

For Department of State Lands send application to:

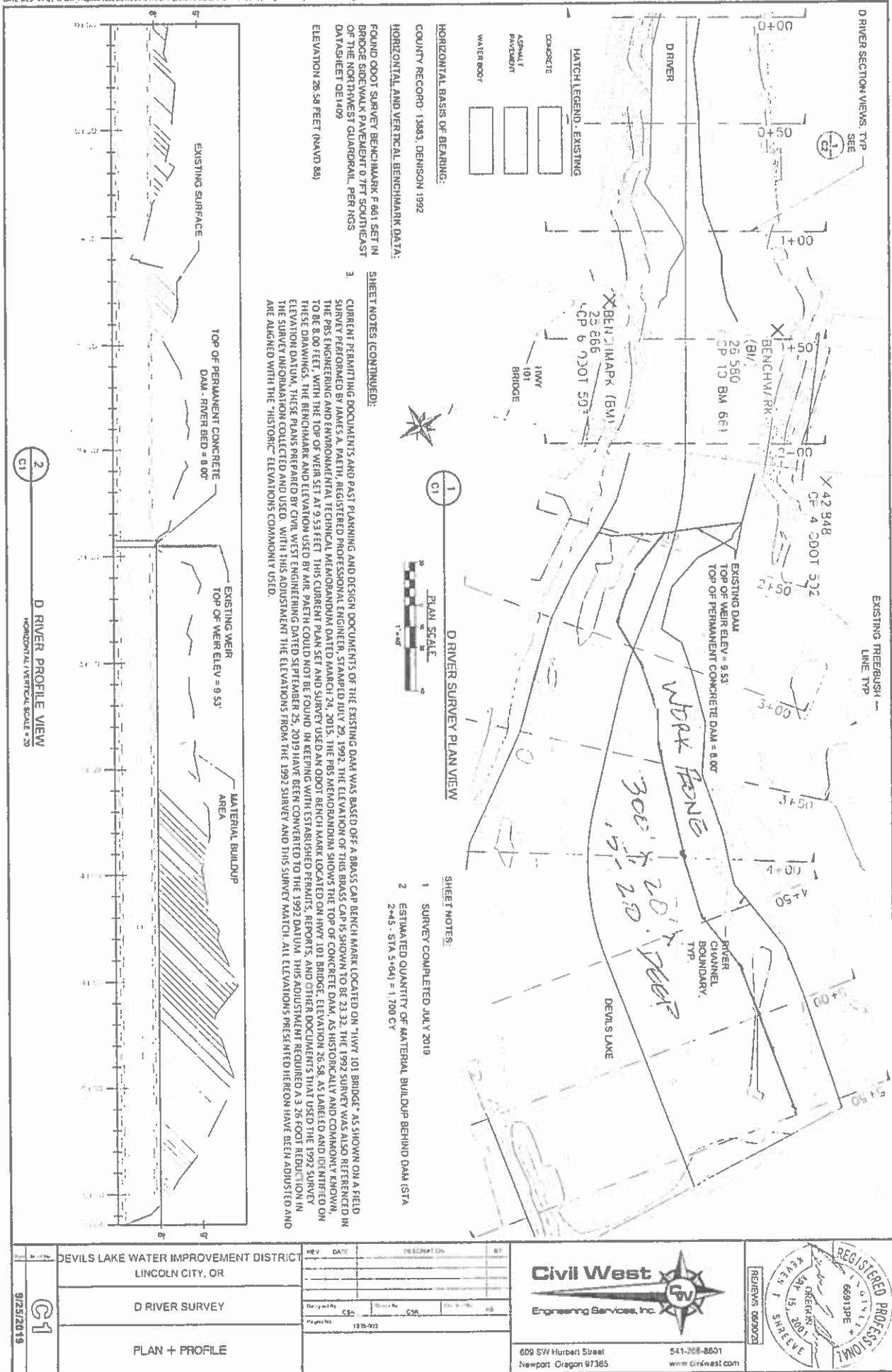
West of the Cascades:
Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Phone: 503-986-5200

East of the Cascades:
Department of State Lands
1645 NE Forbes Road, Suite 112
Sand, Oregon 97701
Phone: 541-388-6112

For Department of Environmental Quality e-mail application to:

ATTN: DEQ 401 Certification Program
Water Quality
700 NE Multnomah St, Suite 600
Portland, OR 97232
401applications@deq.state.or.us

DATE: 8/25/2019 0:00:00 Project: 1200 Devils Lake Water Improvement District: D River Survey: Design Survey: 1200: F:\DL.dwg



DEVILS LAKE WATER IMPROVEMENT DISTRICT LINCOLN CITY, OR	DATE	DESCRIPTION	BY
D RIVER SURVEY			
PLAN + PROFILE			

Civil West
Engineering Services, Inc.

609 SW Hubert Street
Newport, Oregon 97365

541-768-8601
www.civilwest.com



TAX LOT MAP: REMOVAL SITE

D River – Hostetler Park Dredging

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SW 1/4 NE 1/4 SECTION 15 T7S R11W WM
LINCOLN COUNTY

07 11 15 AC
LINCOLN CITY



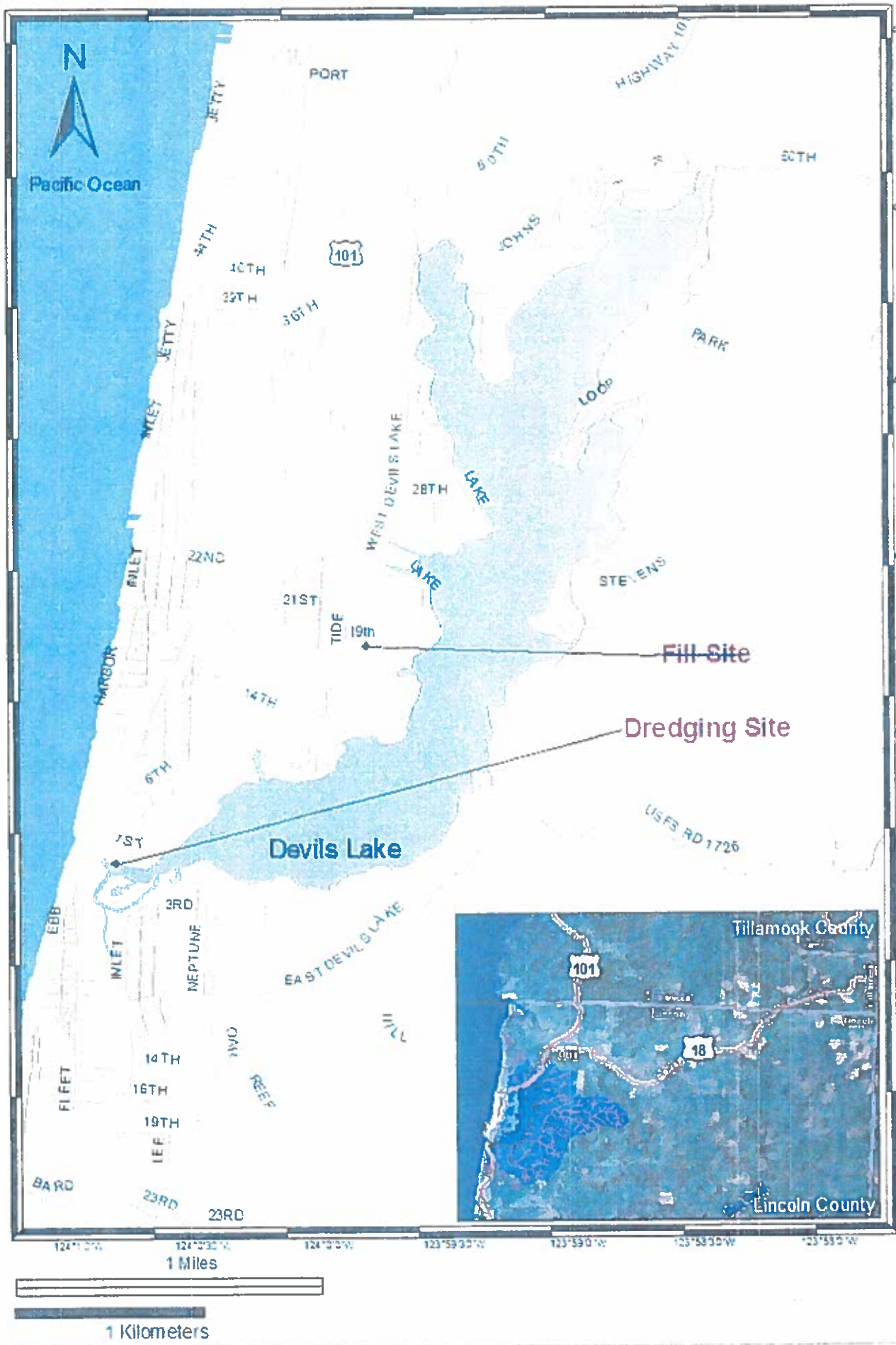
07 11 15 AC
LINCOLN CITY

SITE PLAN: D River – Hostetler Park Dredging



Location Map

D River - Hostetler Park Dredging



Natural Resource Map

D River - Hostetler Park Dredging

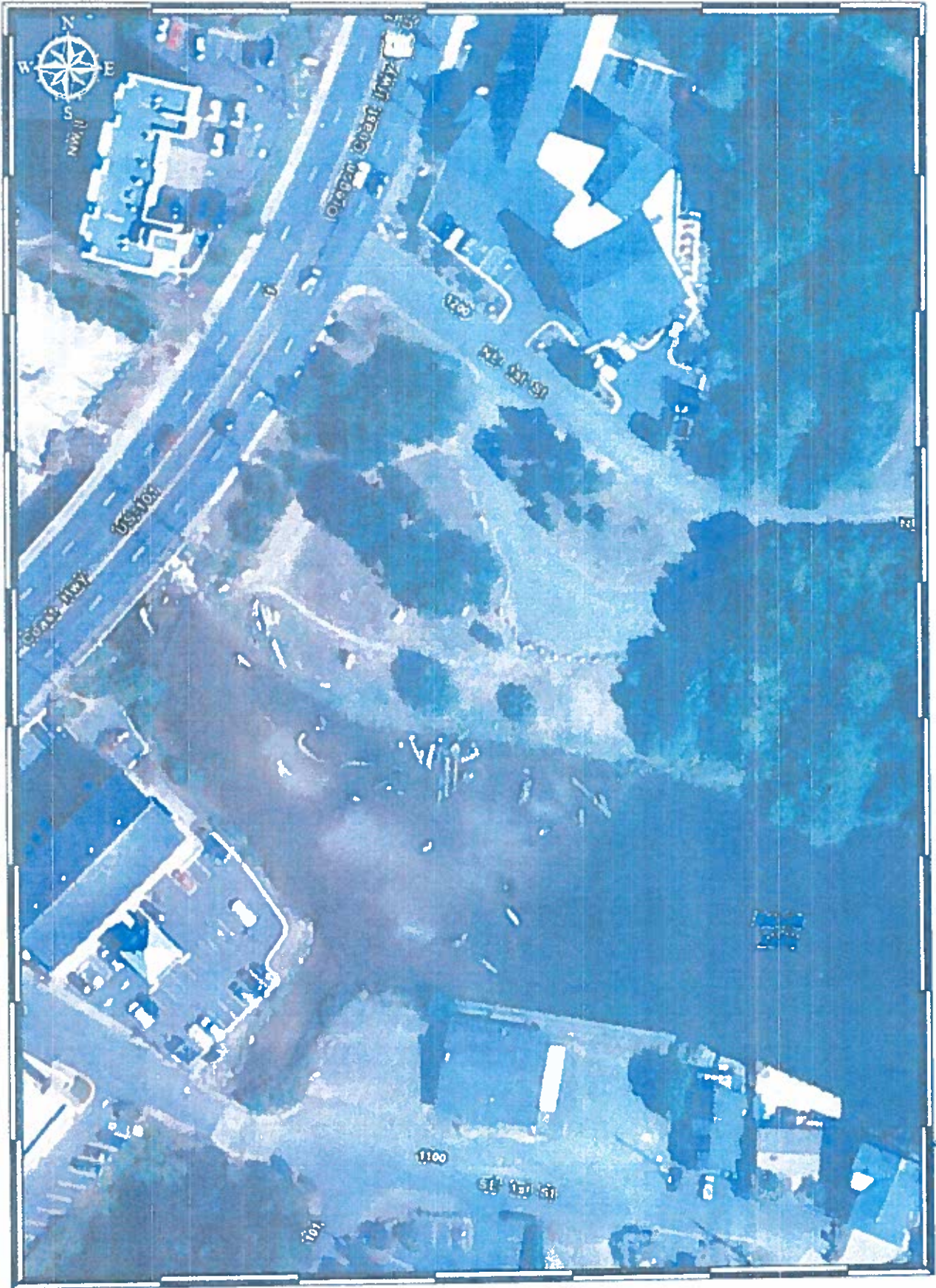


0.1 Miles

0.1 Kilometers

Aerial View

D River - Hostetler Park Dredging



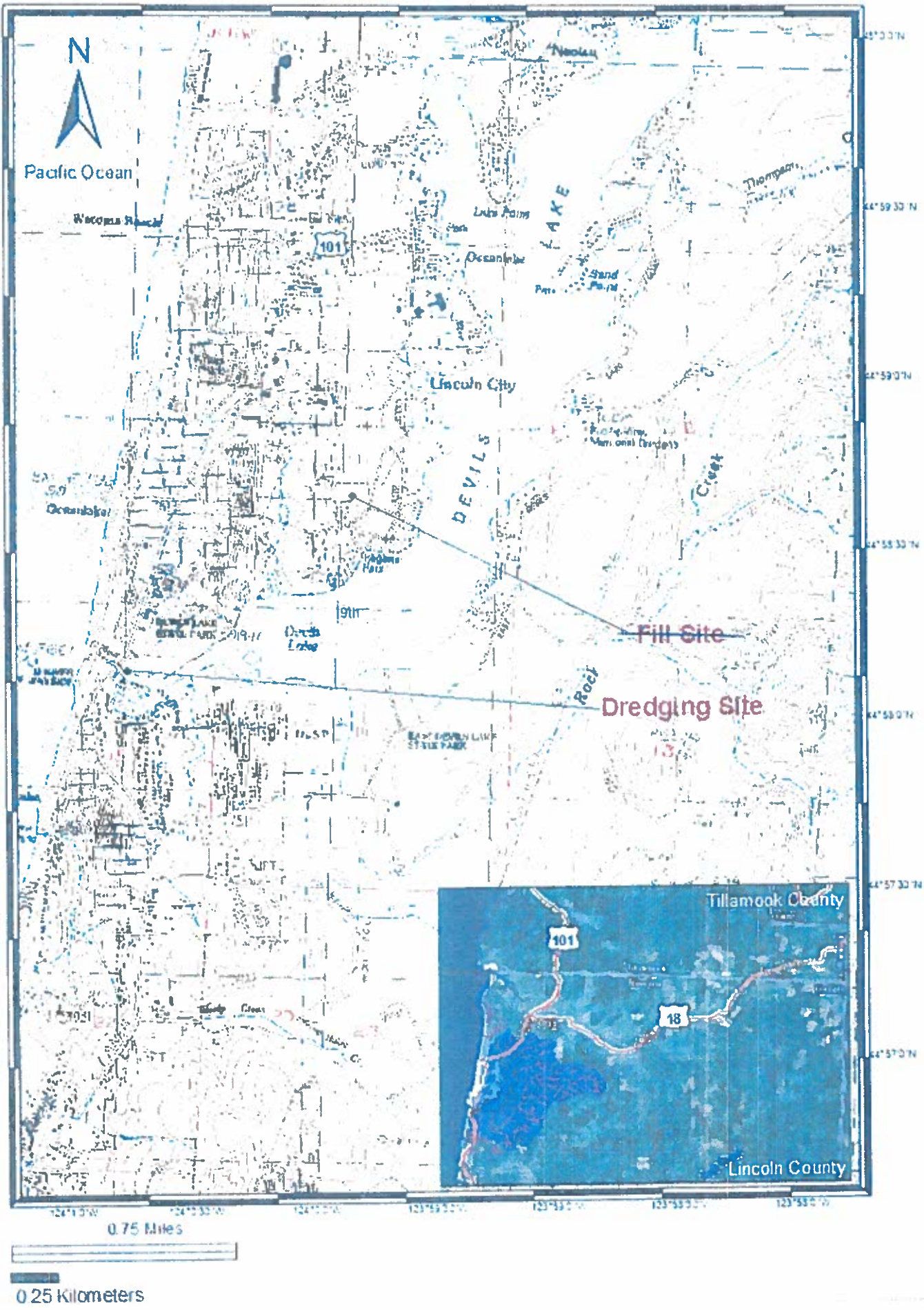
0.1 Miles



0.1 Kilometers

USGS Topographic Map

D River - Hostetler Park Dredging

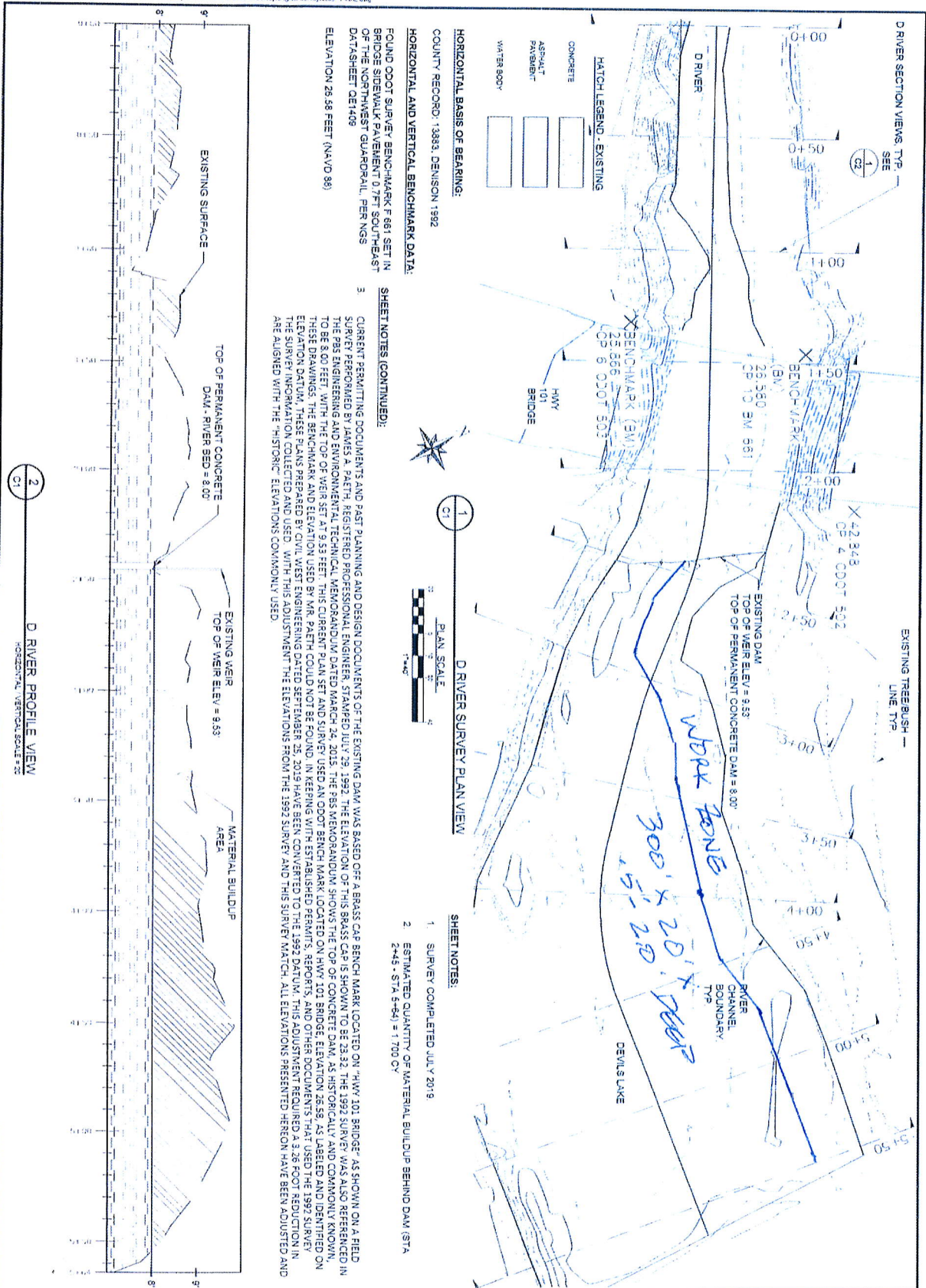


SITE PLAN: D River – Hostetler Park Dredging

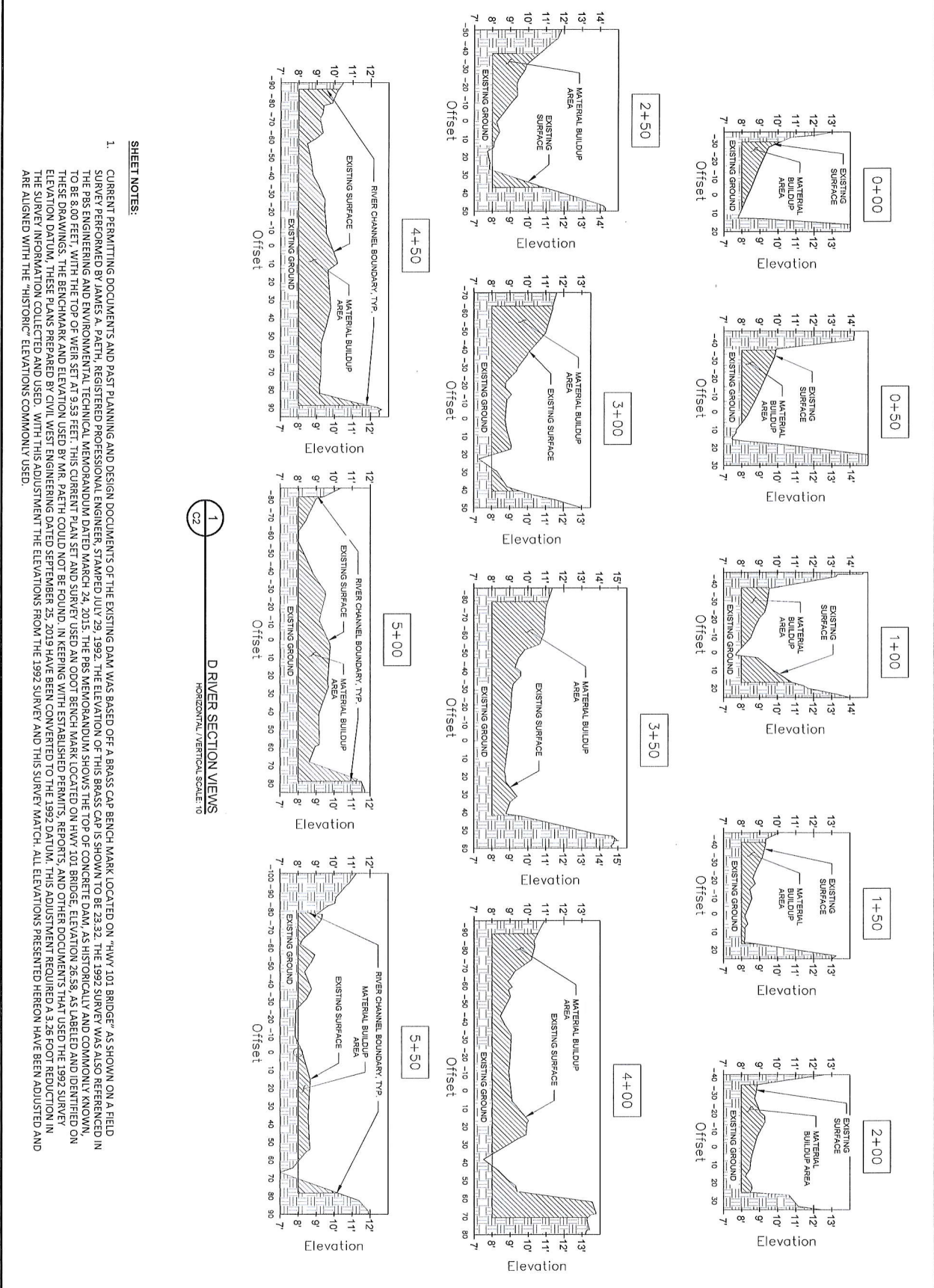


CHANNEL : 20' x 300' x .5' - 2' DEEP
w/ SIDE SLOPES APPROX 2:1
TOTAL CUT 450 CU. Yds.

DATE: 9/25/2019 6:00:07 PM Project: 51136 Devils Lake Water Improvement District (D River Survey) (Open Survey) (105 - Final.dwg)



<p>DEVILS LAKE WATER IMPROVEMENT DISTRICT LINCOLN CITY, OR</p> <p>D RIVER SURVEY</p> <p>PLAN + PROFILE</p>	<p>REV# DATE DESCRIPTION BY</p>	<p>Civil West Engineering Services, Inc.</p> <p>609 SW Hubert Street Newport, Oregon 97365</p> <p>541-266-8601 www.civilwest.com</p>	<p>REGISTERED PROFESSIONAL ENGINEER STATE OF OREGON NOV 15, 2006 EXPIRES 08/31/2026 6661398</p>
	<p>DATE: 9/25/2019</p>		
	<p>PROJECT: 51136</p>		



D RIVER SECTION VIEWS
HORIZONTAL / VERTICAL SCALE 10

SHEET NOTES:

- CURRENT PERMITTING DOCUMENTS AND DESIGN DOCUMENTS OF THE EXISTING DAM, WAS BASED OFF A BRASS CAP BENCH MARK LOCATED ON "HWY 101 BRIDGE" AS SHOWN ON A FIELD SURVEY PERFORMED BY JAMES A. PATRICK, REGISTERED PROFESSIONAL ENGINEER, STAMPED JULY 29, 1992. THE ELEVATION OF THIS BRASS CAP IS SHOWN TO BE 23.32. THE 1992 SURVEY WAS ALSO REFERENCED IN THE PBS ENGINEERING AND ENVIRONMENTAL TECHNICAL MEMORANDUM DATED MARCH 24, 2015. THE PBS MEMORANDUM SHOWS THE TOP OF CONCRETE DAM, AS HISTORICALLY AND COMMONLY KNOWN, TO BE 8.00 FEET, WITH THE TOP OF WEIR SET AT 9.53 FEET. THIS CURRENT PLAN SET AND SURVEY USED AN ODOT BENCH MARK LOCATED ON HWY 101 BRIDGE, ELEVATION 26.58, AS LABELED AND IDENTIFIED ON THESE DRAWINGS. THESE BENCHMARK AND ELEVATION USED BY MR. PATRICK COULD NOT BE FOUND, IN KEEPING WITH ESTABLISHED PERMITS, REPORTS, AND OTHER DOCUMENTS THAT USED THE 1992 SURVEY ELEVATION DATUM, THESE PLANS PREPARED BY CIVIL WEST ENGINEERING DATED SEPTEMBER 25, 2019 HAVE BEEN CONVERTED TO THE 1992 DATUM. THIS ADJUSTMENT REQUIRED A 3.26 FOOT REDUCTION IN THE SURVEY INFORMATION COLLECTED AND USED, WITH THIS ADJUSTMENT THE ELEVATIONS FROM THE 1992 SURVEY AND THIS SURVEY MATCH. ALL ELEVATIONS PRESENTED HEREON HAVE BEEN ADJUSTED AND ARE ALIGNED WITH THE "HISTORIC" ELEVATIONS COMMONLY USED.

Date: 9/25/2019 Sheet No: 02	DEVILS LAKE WATER IMPROVEMENT DISTRICT LINCOLN CITY, OR D RIVER SURVEY D RIVER SECTION VIEWS
---------------------------------	---

REV	DATE	DESCRIPTION	BY

Designed By: CSK	Drawn By: CSK	Checked By: KS
Product No: 1305-003		

Civil West
Engineering Services, Inc.

609 SW Hubert Street
Newport, Oregon 97365

541-266-8601
www.civilwest.com

REGISTERED PROFESSIONAL ENGINEER
OREGON
KENNETH T. SHEEVE
669199PE
MAY 15, 2001
RENEWS 08/30/21

Devils Lake 2019 Aquatic Plants Survey Report And Biobase Mapping

Prepared by AquaTechnex, LLC.



Introduction

AquaTechnex was contracted Devils Lake Water Improvement District (DLWID) to provide Biobase Mapping and aquatic plant survey services at Devils Lake. Our mapping and survey efforts in 2019 focused on updating Devils Lake's bathymetric data and aquatic plant identification and presence.

2019 Aquatic Plant Survey

Prior to conducting the aquatic plant identification and presence survey it was known and clarified aquatic plants at the time of survey may have senesced beyond identification or have completely decomposed for the season. However, the importance of finding and identifying any invasive aquatic plants warranted a preliminary inspection of the lake. Upon review of littoral zone of the lake we concluded most of the lake bottom was barren

of aquatic plants. Thus, completing transects and rake tosses would not provide requested aquatic plant data and would require visually searching for remaining plants.

While completing the first pass around the lake plant findings were noted and recorded with a Trimble GPS. A data dictionary with aquatic plant names as features was used to record plant species. Noted plant species included American waterweed (*Elodea canadensis*), Naiad (*Najas spp.*), Water celery (*Valasenaria americana*), Yellow cow lily (*Nuphar spp.*), Water starwort (*Callitriche spp.*), and Parrotfeather (*Myriophyllum aquaticum*). The map following this report on page 4 provides location/distribution of plants around Devils Lake.



All current noted plants are native, except parrotfeather (Image: left). This plant species is listed in the State of Oregon as a Class B invasive noxious weed. Special attention was given to locating all locations still present around the lake. Many fragments of the plant were seen during the inspection. Fragmentation/vegetatively is parrotfeather’s mode of reproduction. Wind and current driven fragments spread this plant to new locations. Current population in the lake is low. However, the spread to new locations is quick and expansion will likely double or greater in one year.

Biobase Mapping of Devils Lake

BioBase is a cloud-based platform that automates processing and map creation of spatial data. BioBase processes sonar log files to create detailed bathymetric, submerged aquatic vegetation, and bottom hardness maps. AquaTechnex utilized this technology to generate the following bathymetric, Submerged aquatic vegetation and bottom hardness maps on pages 6 – 10. The Devils Lake Biobase survey report is found at the end of this report or at the following link, <https://noxreportprod.s3.amazonaws.com/48123221-3fc8-47dd-9479-a21ba7242c85/Report.html>.

Submerged Aquatic Plant Map

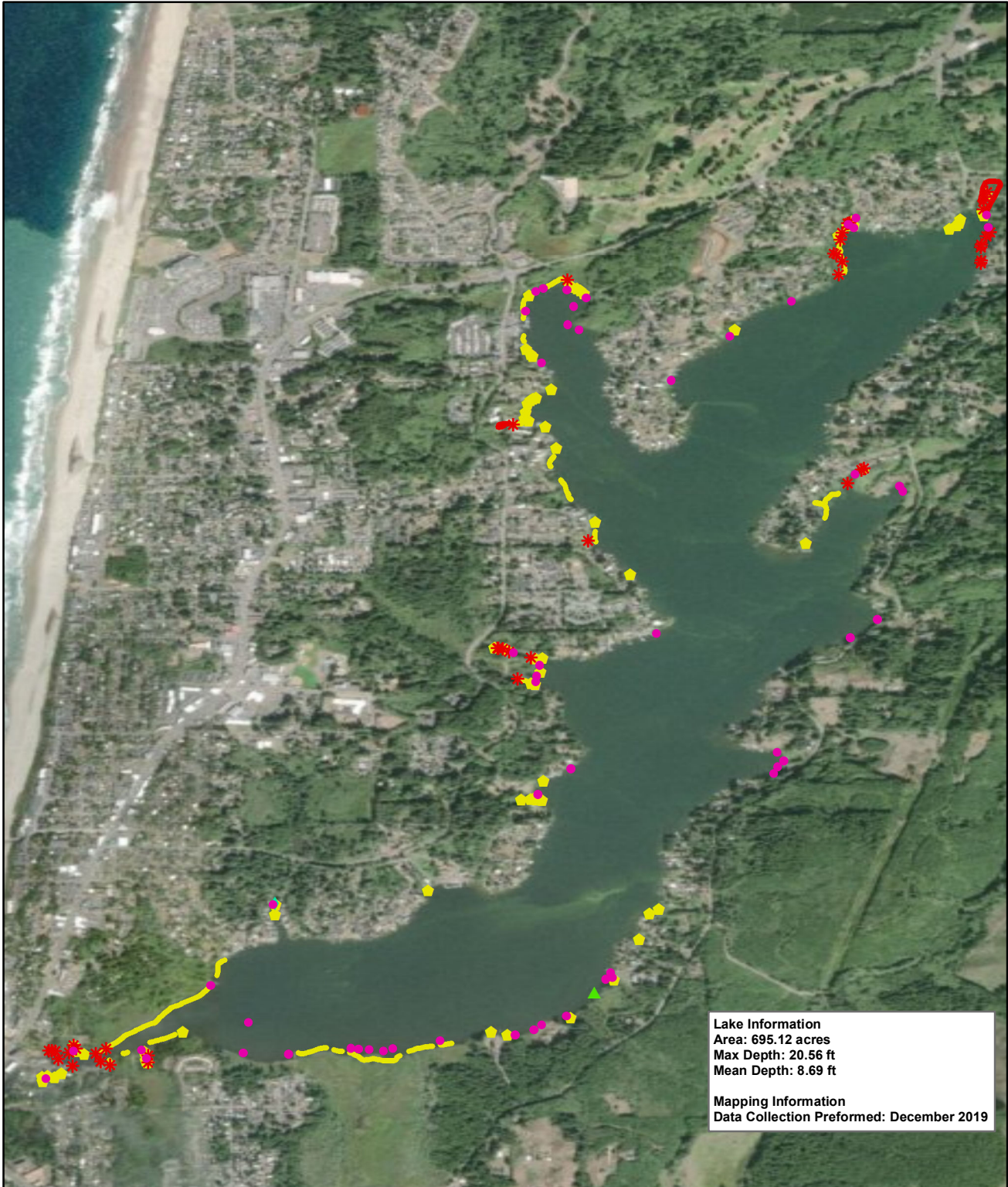
From the biobase report plant data is represented by Veg Avg BV (Average biovolume of the vegetation) and Veg PAC (Percent of the bottom that has plants growing). Biovolume is the amount of the water column (in percent) that is occupied by plants. Sometimes this is described as “how tall the plants are” and is generally a fair description. In the map below, the color scale denotes percentages with red indicating a higher percentage of the water column filled with plants and blue/green indicating very little or no plants at all. During this time of year few submerged aquatic species remain as represented in map below almost entirely blue. See page 5.

Biobase Contour Maps

Two contour maps are provided below. One with blue color shading to depict associated zones of depth and the second with respected depth contours. Devils Lake has an area of 695 acres and volume of 6,042 acre-ft. See pages 6 and 5.

Biobase Composition Map

The composition map provides data on Devils Lake's bottom hardness. The bulk of the lake bottom is depicted soft. Devils Lake near shore areas are shallow and in many areas are wide. AquaTechnex staff frequently had to use oars to free vessels from muck or off wood debris in shallow zones of the lake. During the survey we found near shore areas were mainly soft sediments and organic muck with minimal area being gravel to solid. See page 8.



Lake Information
 Area: 695.12 acres
 Max Depth: 20.56 ft
 Mean Depth: 8.69 ft

Mapping Information
 Data Collection Performed: December 2019

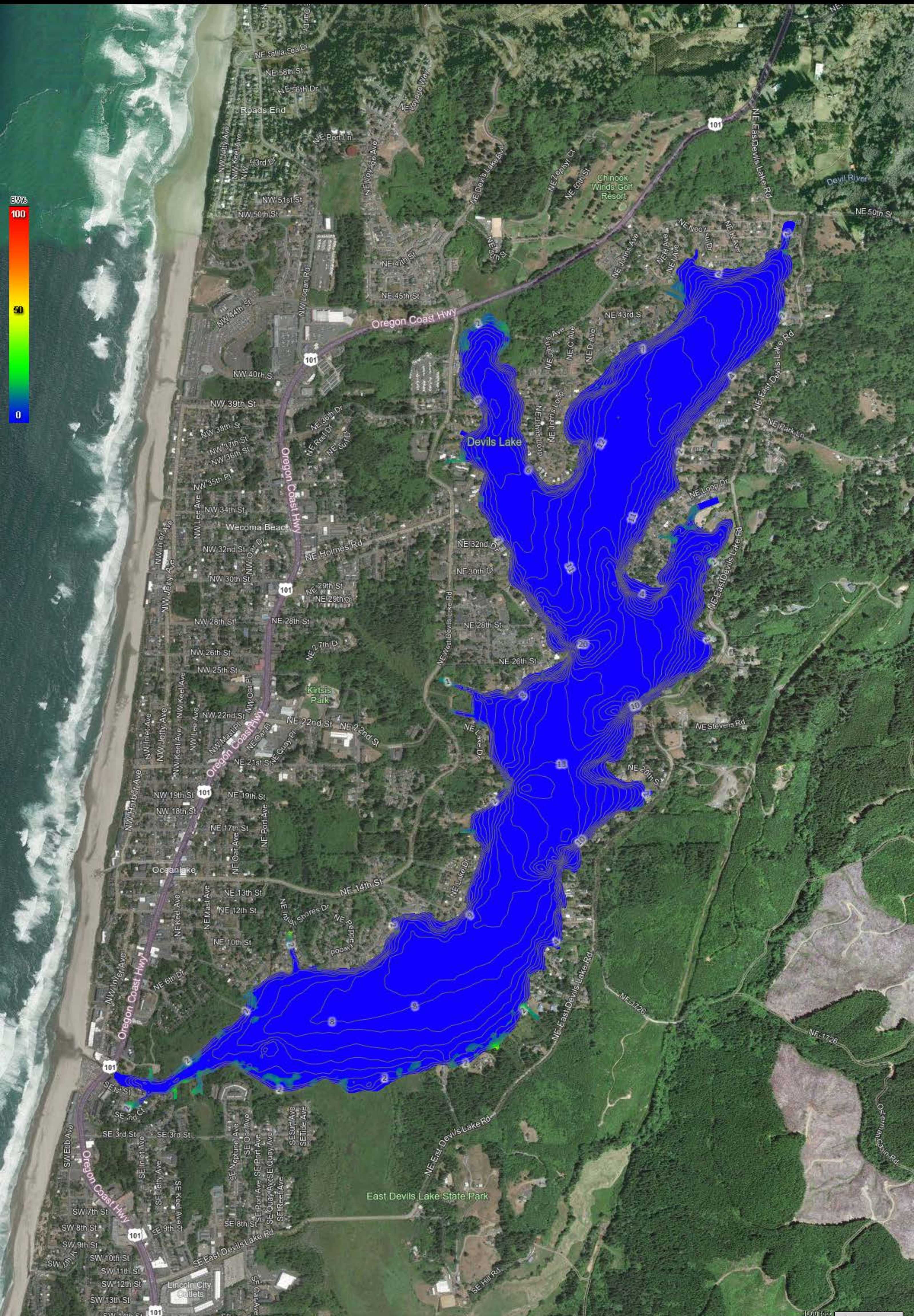
Devils Lake
 Lincoln County, Oregon
 December, 2019

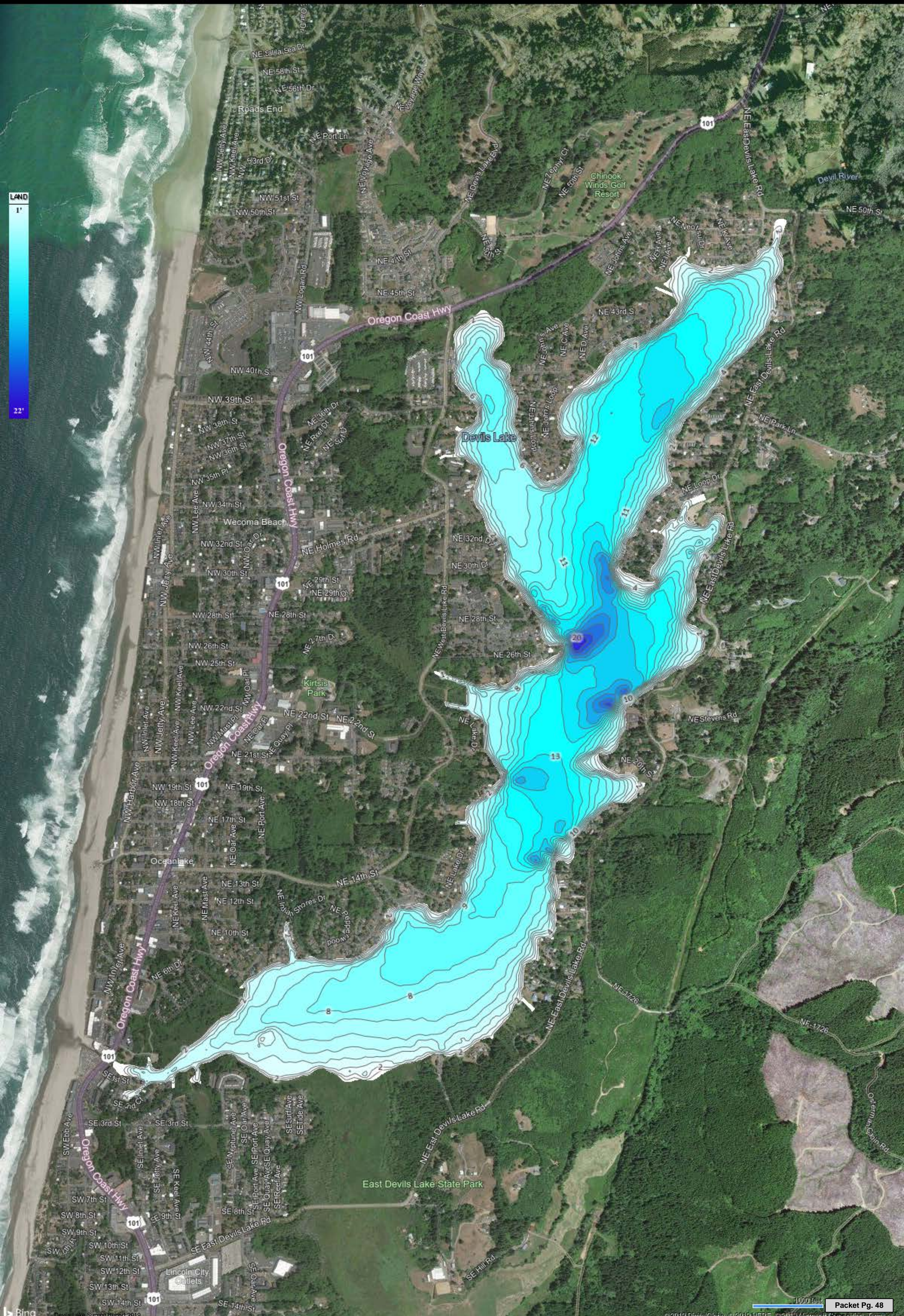
Legend

● Najas/Callitriche spp.	* Myriophyllum aquaticum
◆ Vallisneria americana	— Nuphar spp.
▲ Elodea canadensis	◆ Nuphar spp.
— Myriophyllum aquaticum	

AquaTechnex, LLC
 Washington Office
 Centralia, Washington
 360-249-0192
 www.aquatex.com

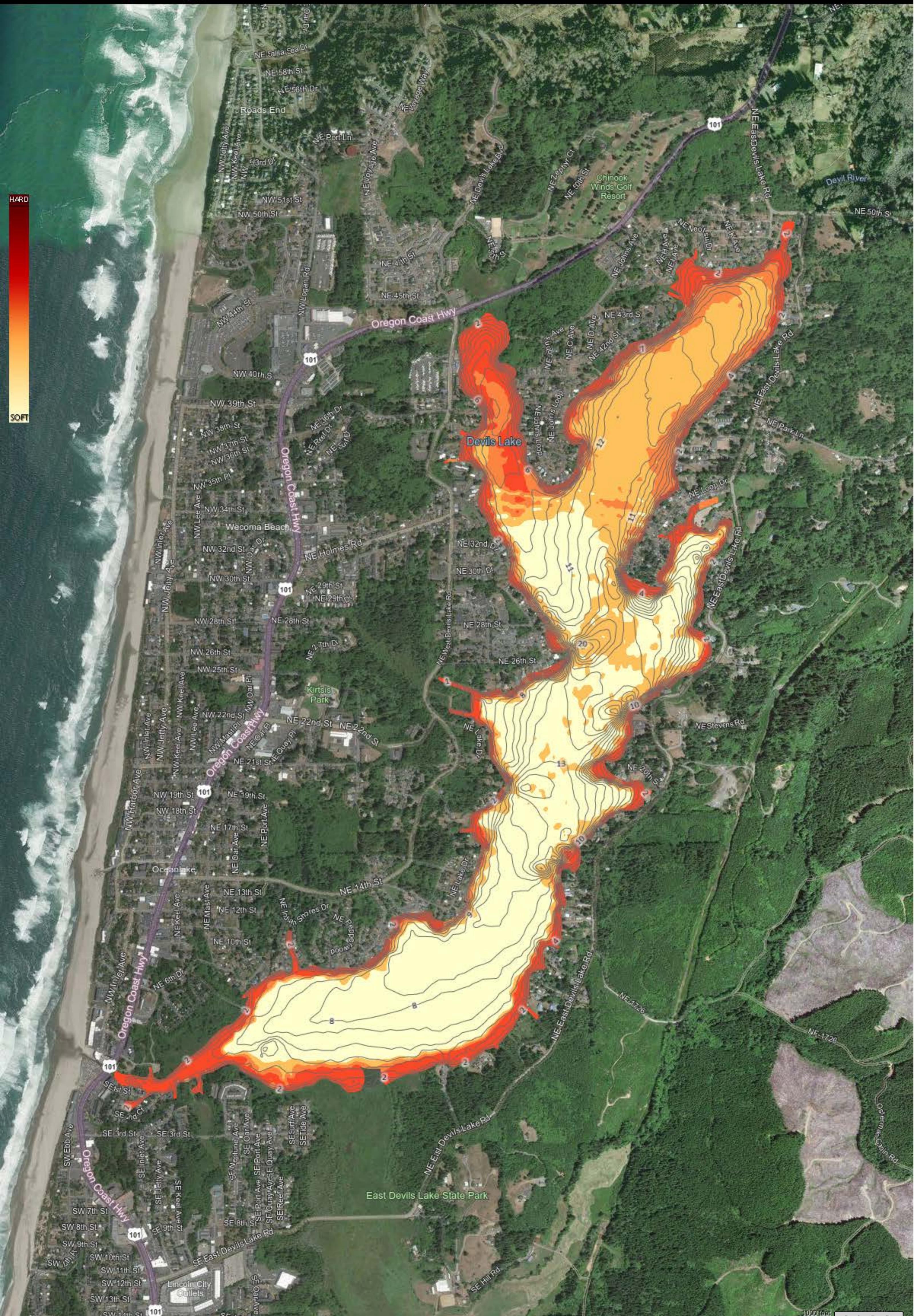
0 550 1,100 2,200 3,300 4,400
 Feet





1000 Feet





Devils Lake, Lincoln Oregon

Waterbody Size: 695.12 acres



Data Collector

Kyle Langan

Data Collection Date

12/3/2019 7:48:20 PM (UTC)

Average Water Temperature

45.71° F

Location

Start: 44.96718288,
-124.01456611
End: 44.99650351,
-123.98550700

Survey Size

Area: 694.45 acres
Percent: 99.90% of
waterbody
Volume: 6036.72 acre ft

Est. Waterbody Volume

7453433.86 cu. m
(6042.60 acre ft)

Settings

Track Buffer: 80 m
Grid Cell Size: 16.0
m
Min. BV Detect: 5%
Min. Veg Depth: 0.73
Detect: m

Offset Information

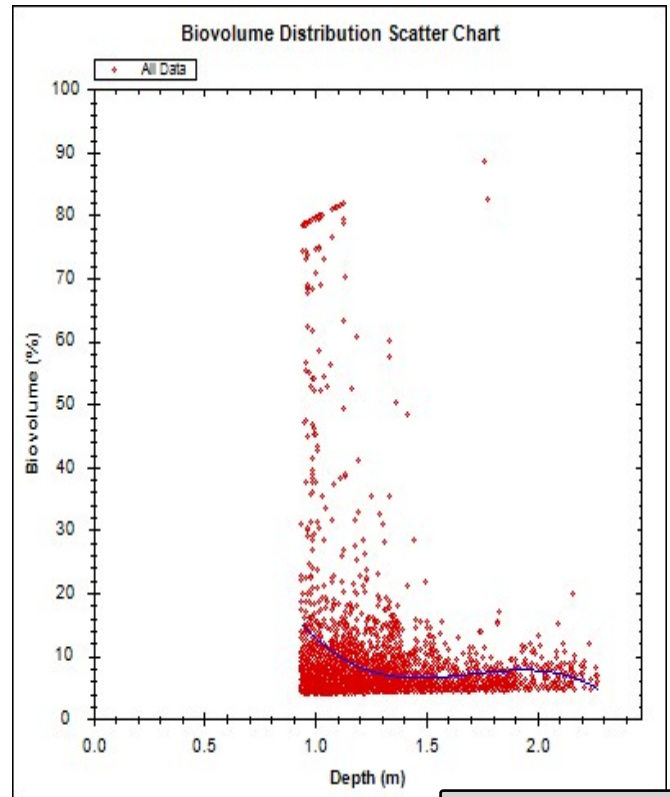
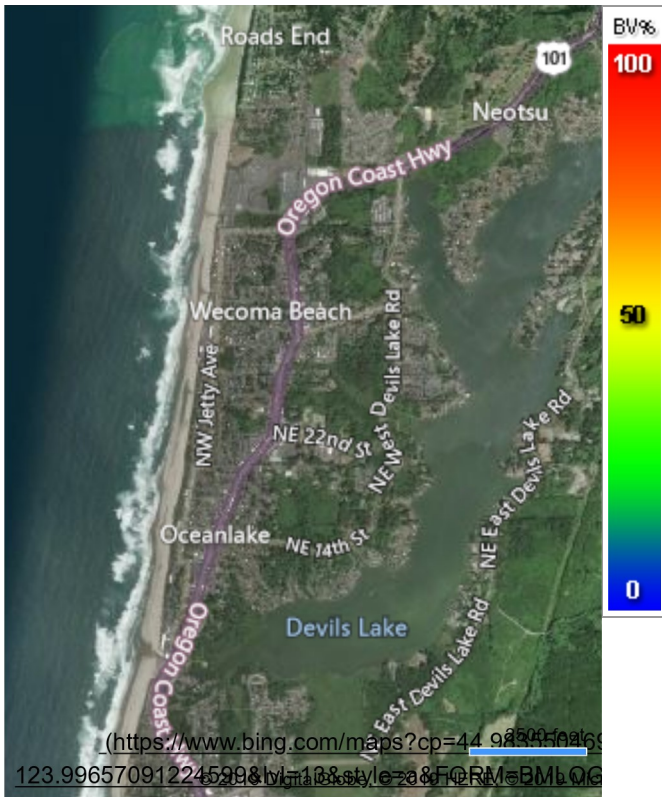
See Below

Survey Summary

	Type	PAC	Avg BVp	SD BVp	Avg BVw	SD BVw	Depth Range	Avg Depth	Distance	No. Points
Full Survey	Point	7.2%	10.6%	±12.0%	0.8%	±4.2%	1.93 - 21.19 ft	7.00 ft	60.34 miles	34591
	Grid	2.2%	8.2%	±4.7%	0.2%	±1.4%	0.19 - 20.56 ft	8.69 ft	-	487

Vegetation Biovolume Heat Map

Biovolume Distribution Scatter Chart



Latitude	Longitude	Biovolume %
44.9660792173059	-124.015022836453	
44.9661095809891	-124.01480842528	
44.966276580959	-124.014518970196	
44.9663069445377	-124.014358161816	
44.9665194891384	-124.014122309525	
44.9664435804428	-124.014079427291	
44.9661741037624	-124.014604734665	
44.966606784014	-124.013934699749	
44.9665612388781	-124.013934699749	
44.9666778711313	-124.013677524294	
44.9666399169008	-124.013795450439	
44.9667765520128	-124.01354887759	
44.9669207776113	-124.013479193959	
44.9670004810759	-124.013355907534	
44.9668980051725	-124.013302304741	
44.9667765520128	-124.013350547255	
44.966655098596	-124.013302304741	
44.9667006436575	-124.013136136081	
44.9668145061528	-124.013109334685	
44.9669435500411	-124.013136136081	
44.9670498212604	-124.013045011333	
44.9669928902745	-124.012932445467	
44.9669018005796	-124.012852041277	
44.9668638464973	-124.012712674014	
44.9669777086688	-124.012691232897	
44.9671257291537	-124.012728754852	
44.9672320000356	-124.012701953455	
44.9672168184931	-124.012605468427	
44.9671333199375	-124.012535784796	
44.9670687982432	-124.012460740885	
44.9671143429761	-124.012332094181	
44.9672244092648	-124.01234628862	
44.9673534522309	-124.012383810575	
44.9674255643502	-124.012276604988	
44.9674179736051	-124.012174759681	
44.9673496568537	-124.01209971577	
44.967250976958	-124.01201931158	
44.9672357954206	-124.011901385435	
44.9673117030678	-124.011794179848	
44.9674331550943	-124.011869223759	
44.9675470161357	-124.011971069066	
44.967668467664	-124.011981789625	

44.9677216026268	-124.011820981245
44.9676267187302	-124.01169769482
44.9674976763788	-124.01161729063
44.9674065874855	-124.011569048116
44.9673534522309	-124.01146184253
44.9673791960851	-124.011253165686
44.9675575784507	-124.011247805407
44.967709392793	-124.011349650714
44.9678460253575	-124.011478297418
44.967971271589	-124.011537260491
44.9680319969362	-124.011403253508
44.967971271589	-124.011231724569
44.9678308439775	-124.011156680658
44.9677131881464	-124.011070916189
44.9675651691774	-124.010990511999
44.9675158294361	-124.010808262501
44.967606918156	-124.010647454121
44.9677397556132	-124.01073857887
44.9678915694733	-124.010851144736
44.9680395876001	-124.010958350323
44.9681686287323	-124.011028033954
44.9682597164155	-124.010883306412
44.9682065819512	-124.010722498032
44.968050973594	-124.010620652725
44.9678991601558	-124.010540248535
44.9677549370173	-124.010422322389
44.9676637349817	-124.010320419009
44.9679445906792	-124.010095287277
44.9676903024714	-124.010143529791
44.9678117536964	-124.010047044763
44.9680698366956	-124.010191772305
44.9681761058283	-124.010250735378
44.9682861700796	-124.010347220406
44.9684114153501	-124.010465146551
44.9686391333231	-124.010282897054
44.9685480462424	-124.01047586711
44.9685670227295	-124.010159610629
44.9679711580389	-124.009773670517
44.9679294093253	-124.009602141579
44.9689109026176	-124.009862880836
44.96899256572	-124.009738919027
44.9700565684309	-124.008323805282
44.9701172915704	-124.008248761372
44.9706827727198	-124.007962780167
44.9707510855013	-124.007785890949

44.9708118079055	-124.007635803128
44.9708459642296	-124.007480355027
44.9678561043432	-124.008892486101
44.9677299324747	-124.008745740814
44.9676616160949	-124.008574211875
44.9676881835856	-124.008349080143
44.9677868627291	-124.008236514277
44.9679424718028	-124.008300837629
44.967953857816	-124.007791611092
44.9678580273071	-124.007717904653
44.9677403715318	-124.007642860743
44.9676074012792	-124.007550376579
44.9674821542531	-124.007480692948
44.9673569069536	-124.007378847641
44.9672430455348	-124.007309164009
44.9671329792819	-124.007207318702
44.9670267082166	-124.007126914512
44.9669394139799	-124.006966106132
44.9669052553294	-124.006794577193
44.9669090507361	-124.006548004344
44.966981163414	-124.006397916523
44.9671215931057	-124.006510482389
44.9672696132194	-124.006590886579
44.9674684947591	-124.006738035723
44.9676886257662	-124.006855961869
44.9678783931977	-124.007027490808
44.9679087559285	-124.007118615556
44.9678897792236	-124.007418791199
44.9679998440244	-124.007617121534
44.9680795459897	-124.007499195389
44.9680074346925	-124.00732766645
44.9680188206928	-124.007129336115
44.9681782244599	-124.007231181422
44.9682844933918	-124.006952446897
44.9681554525203	-124.007000689411
44.9680757506605	-124.006979248293
44.9682199729924	-124.006829160472
44.9682047917114	-124.006673712371
44.9680985226318	-124.006754116561
44.9680036393586	-124.006893483824
44.9679505046571	-124.006984608573
44.9681516571962	-124.006486102595
44.968037797355	-124.006400338125
44.9679239372879	-124.006325294215
44.9677986909529	-124.006239529745

44.9676506722045	-124.006175206393
44.9674912669714	-124.006068000807
44.9673470428074	-124.005971515779
44.9671990228935	-124.005848229354
44.9671117289191	-124.005746384047
44.9669978670137	-124.005628457901
44.9670016624142	-124.005440848125
44.967115524312	-124.005274679465
44.9671231150972	-124.005103150527
44.9670623887878	-124.004908294071
44.967236976754	-124.00491365435
44.9673774058194	-124.005047661334
44.9675481974627	-124.005192388876
44.9676848304112	-124.00532103558
44.9678062816477	-124.005417520608
44.967730374655	-124.004634919825
44.9676051278974	-124.004538434797
44.9674988577069	-124.004474111445
44.9673774058194	-124.0043561853
44.9673090890197	-124.004200737199
44.9672901121164	-124.003980965746
44.967244567523	-124.003809436808
44.9672142044407	-124.003670069545
44.967171061652	-124.003457626464
44.9672393786162	-124.003302178364
44.9673873984259	-124.003350420878
44.9675164410253	-124.003430825068
44.9676644601201	-124.003554111492
44.9676948229641	-124.002980561604
44.9675695761289	-124.002884076576
44.9674557151323	-124.002750069592
44.9673380585317	-124.002664305123
44.9672020065214	-124.002555260766
44.9670881447952	-124.002464136017
44.9670691678189	-124.002335489313
44.9672911509429	-124.00220329822
44.9670786092014	-124.00179591699
44.9670960237472	-124.001512622782
44.9675818321372	-124.001791357308
44.9678971023361	-124.002119933143
44.9677161190194	-124.001134061117
44.967442852946	-124.00079100324
44.9675187603192	-123.99982615296
44.9674276714593	-124.000319298659
44.9678527515679	-123.999783270725

44.9679162332945	-123.998015434068
44.9680832280047	-123.996214380212
44.9682326542853	-123.99583761218
44.9680201160325	-123.996566610169
44.9687184530488	-123.994744115196
44.9689613508877	-123.994336733966
44.9708285936756	-123.992878737987
44.979047766174	-123.987514761039
44.9791691933489	-123.987922142268
44.9793513336293	-123.988286641263

Biovolume Analysis by Quantity

AOI	0-5%	5-20%	20-40%	40-60%	60-80%	>80%
1	92.82%	6.73%	0.20%	0.09%	0.14%	0.03%

Biovolume Analysis by Depth

Full Survey	Depth	Type	Count	PAC	Avg BVp	SD BVp	Avg BVw	SD BVw
	0-1m	Point	1655	46.3%	17.4%	±19.7%	14.8%	±0.0%
	1-2m		13817	12.2%	7.5%	±2.6%	2.5%	±0.0%
	2-3m		10491	0.3%	6.6%	±1.0%	0.3%	±0.0%
	3-4m		6850	0.0%	0.0%	±0.0%	0.0%	±0.0%
	4-5m		1637	0.0%	0.0%	±0.0%	0.0%	±0.0%
	5-6m		103	0.0%	0.0%	±0.0%	0.0%	±0.0%
	6-7m		12	0.0%	0.0%	±0.0%	0.0%	±0.0%
	7-8m		3	0.0%	0.0%	±0.0%	0.0%	±0.0%
	8-9m		1	0.0%	0.0%	±0.0%	0.0%	±0.0%
	9-10m		22	0.0%	0.0%	±0.0%	0.0%	±0.0%
	0-1m	Grid	361	18.7%	8.8%	±5.2%	1.6%	±4.1%
	1-2m		125	2.8%	6.6%	±1.8%	0.2%	±1.1%
	2-3m		0	0.0%	5.2%	±0.1%	0.0%	±0.0%
	3-4m		0	0.0%	0.0%	±0.0%	0.0%	±0.0%
	4-5m		0	0.0%	0.0%	±0.0%	0.0%	±0.0%
	5-6m		0	0.0%	0.0%	±0.0%	0.0%	±0.0%
	6-7m		0	0.0%	0.0%	±0.0%	0.0%	±0.0%

AOI

Area of Interest: Defines the individual transects or contiguous data samples as depicted by the color coding of each trip line. Separate areas of interest can be generated through merging of multiple trips, appending data to a single sonar log or lapses in time (greater than five minutes) within a sonar log.

BVp

Biovolume (Plant): Refers to the percentage of the water column taken up by vegetation when vegetation exists. Areas that do not have any vegetation are not taken into consideration for this calculation.

BVw

Biovolume (All water): Refers to the average percentage of the water column taken up by vegetation regardless of whether vegetation exists. In areas where no vegetation exists, a zero value is entered into the calculation, thus reducing the overall biovolume of the entire area covered by the survey.

PAC

Percent Area Covered: Refers to the overall surface area that has vegetation growing.

Grid

Geostatistical Interpolated Grid: Interpolated and evenly spaced values representing kriged (smoothed) output of aggregated data points. The gridded data is most accurate summary of individual survey areas.

Point

Individual Coordinate Point: A single point represents a summary of sonar pings and the derived bottom and canopy depths. Individual point data create an irregularly spaced dataset that may have overlaps and/or gaps in the data resulting in a increased potential for error.

Additional Waypoints

No Additional Waypoints

Offsets

Trip Name	File Name	Trip Date (UTC)	Manual Offset (ft)	Max Tide (ft)	Min Tide (ft)	Ave Tide (ft)	Start Tide (ft)	End Tide (ft)
DEVIL1.sl2	DEVIL1.sl2	12/4/2019 10:29:32 AM	0.67	0	0	0	0	0
DEVIL2.sl2	DEVIL2.sl2	12/4/2019 12:33:57 PM	0.67	0	0	0	0	0
DEVIL3.sl2	DEVIL3.sl2	12/4/2019 2:54:39 PM	0.67	0	0	0	0	0
DEVIL4.sl2	DEVIL4.sl2	12/4/2019 4:49:22 PM	0.67	0	0	0	0	0
DEVIL5.sl2	DEVIL5.sl2	12/4/2019 6:06:31 PM	0.67	0	0	0	0	0
DEVILS3.sl2	DEVILS3.sl2	12/3/2019 10:04:07 PM	0.67	0	0	0	0	0
DEVILS2.sl2	DEVILS2.sl2	12/3/2019 8:50:11 PM	0.67	0	0	0	0	0
DEVILS4.sl2	DEVILS4.sl2	12/3/2019 11:04:50 PM	0.67	0	0	0	0	0

DEVILS5.sl2	DEVILS5.sl2	12/4/2019 4:53:42 PM	0.67	0	0	0	0	0	5.4.1.c
DEVILS6.sl2	DEVILS6.sl2	12/4/2019 5:59:28 PM	0.67	0	0	0	0	0	0
DEVILS7.sl2	DEVILS7.sl2	12/4/2019 6:58:30 PM	0.67	0	0	0	0	0	0
DEVILS8.sl2	DEVILS8.sl2	12/4/2019 7:33:03 PM	0.67	0	0	0	0	0	0
DEVILS10.sl2	DEVILS10.sl2	12/4/2019 9:03:20 PM	0.67	0	0	0	0	0	0
Sonar_2019-12-03_13.48.10.sl2	Sonar_2019-12-03_13.48.10.sl2	12/3/2019 7:48:20 PM	0.67	0	0	0	0	0	0
DEVILS9.sl2	DEVILS9.sl2	12/4/2019 8:01:09 PM	0.67	0	0	0	0	0	0

Report URL: <https://noxreportprod.s3.amazonaws.com/48123221-3fc8-47dd-9479-a21ba7242c85/Report.html> (<https://noxreportprod.s3.amazonaws.com/48123221-3fc8-47dd-9479-a21ba7242c85/Report.html>)

Navico, Inc. is not liable to you for any indirect, exemplary, consequential, incidental or punitive damages, including lost profits, related to use of this report even if Navico, Inc. has been advised of the possibility of such damages. The gathering party shall be solely responsible for their own user uploads, manual data point inserts, ancillary research data, and submissions and the consequences of posting or publishing them. This report has been created for research purposes only. Not for commercial use or resale.

AnneMarie Skinner

From: Joshua <josh@dlwid.org>
Sent: Monday, March 9, 2020 12:06 PM
To: AnneMarie Skinner
Cc: James White; tom@dlwid.org
Subject: RE: more info needed RE: bathymetric map or chart
Attachments: CUP Permit attachments.PDF

AnneMarie,

Please find the attached additional requested information regarding the CUP permit application below and attached to this email:

A. Standards for Uses Involving Filling, Dredging, Drainage, Disposal of Dredging Spoils, and Similar Activities or Construction of Wharfs, Bulkheads or Similar Devices.

1. Evidence shall be provided that the applicant has complied with, or fully intends to comply with, all standards of the Department of Environmental Quality, the Division of State Lands, and all other agencies having interests or ordinances applicable to the property in question. **Yes, Devils Lake Water Improvement District (DLWID), a political sub-division fully intends to comply with all applicable local, state, and federal agencies having interests or jurisdictions in and over the project site.**
2. The activity shall not represent a source of water pollution to any nearby tidelands, marshlands, rivers, streams or other waterways used for the raising, production or preservation of marine life or other natural resources. **We expect minimal turbidity as a result of this maintenance sediment reduction project. We expect any turbidity to clear within hours, with outflow into the D River then directly to ocean currents. Our contractor is very familiar with exercising equipment-control while operating excavation equipment and will take all precautions necessary to ensure minimal sediment disturbance. Typically, lake flow during the proposed project work time is roughly 6 cubic feet per second, or laminar/without turbulence.**
3. Any filling or dredging activity shall not substantially alter the course of any channel or the natural movement of any waters, result in increased flood hazards, or cause the formation of appreciable bottom or sludge deposits deleterious to marine life. **This sediment reduction maintenance project will not appreciably alter any lake or river channel course; it will be undertaken to lesson flood hazards and reduce sediment deposits deleterious to marine life.**
4. Any fill or dredging spoil area shall be deposited behind a watertight berm to avoid any sloughing and to stabilize the area. **All dredged sand material will be track hoe-removed from the lower lake and deposited upland/directly adjacent to the removal site for offsite disposal.**
5. If a fill is proposed of which any portion falls below mean higher high water or mean high water plus six feet, whichever is highest, and which is adjacent to or having potential access to a navigable waterway,

the developer shall designate on the plan a portion of the parcel to remain unfilled for possible off-channel moorage or similar use. The size of the area to remain unfilled shall be determined on the basis of the need generated by proposed or anticipated uses on the fill, and shall be not less than 20 percent of that portion of the parcel lying below the highest above-mentioned elevation. The location and design of the unfilled portion shall be approved by the planning department. **The permit application is for sediment removal, not fill, therefore not applicable.**

6. Applications for a permit for filling, dredging or similar activities shall include:

- a. The source of the applicant's right to fill or dredge; **Approval from Oregon Division of State Lands, the responsible agency for the owner, the State of Oregon. Location is tax lot number 07-11-15-AC-Water-00.**
- b. The purpose of the proposed operation; **This project requests approval to remove from the lowest portion of Devils Lake, 450 cubic yards of sand sediment with project sediment reduction dimensions of 20' x300' x .5' to 2'. This project will be undertaken to reduce flooding potential, improve fish passage, improve user safety, and restore wading/swimming and boating opportunities.**
- c. The legal description of the area where the operation will take place; **The specific removal site of within Lincoln County tax lot number 07-11-15-AC-03200-00, extending east into State of Oregon-owned tax lot 07-11-15-AC- WATER-00.**
- d. The depth to which dredging or filling is to take place and the proposed angle of slope; **The dredging depth is expected to be .5' to 2', and is generally a linear trench of 20' wide, and 300' long. We expect creating a trapezoidal trench with target slopes of 2:1.**
- e. The manner in which material will be dredged or used for fill and the type of material to be used; **The dredging method will be by track hoe with sufficient boom reach to accomplish the 20' trench width.**
- f. The method to be used to stabilize the dredge or fill area; **The dredge area will be unsupported, with certain sloughing expected.**
- g. A map showing the plan of dredging or filling and the uses proposed for the area; **See included Plan Survey. The existing uses are minimal due to sediment build-up; a deeper lower lake channel will promote a return to non-motorized boating (canoe and kayak) and smaller motorized craft, wading and swimming adjacent to the Lincoln City-owned Hostetler Park.**
- h. The time when the project is scheduled to begin and to be completed. **The ODFW recommended in-water work period is August 1st through August 31st of any given year.**

Joshua Brainerd
 District Manager
 Devils Lake Water Improvement District
 3788 SE High School Drive (PO Box 974)
 Lincoln City, Oregon, 97367
 541-994-5330



Staff Report

Planning Commission Hearing on May 5, 2020

Case File CUP 2020-02

Date: April 24, 2020

Case File: CUP 2020-02 Devils Lake Dredging

Applicant: Devils Lake Water Improvement District
PO Box 974
Lincoln City, OR 97367
541.994.5330

Property Owner: State of Oregon, Division of State Lands
775 Summer St NE #100
Salem, OR 97301
503.986.5285

Situs Address: None

Location: Devils Lake near D River and NE 1st Street

Tax Map and Lot: 07-11-15-AC-Water
07-11-15-AC-03200

Comprehensive Plan Designation: General-Commercial District (G-C)

Zoning District: Marine Waterway (M-W)

Site Size: Approximately 6,000 sf

Proposal: Request for a conditional use permit to conduct maintenance dredging of approximately 450 cubic yards of beach sand and debris from the lower 250-300-foot portion of Devils Lake.

Surrounding Land Uses and Zones: North: Hostetler Park; R-C; Northeast: restaurant; R-C
South: restaurant, residences; GC
East: Devils Lake; M-W
West: Hotel, businesses; GC; Highway 101



Public Notice: The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on April 15, 2020. *The News Guard* published the public hearing notice on April 22, 2020.

Authority: Section 17.60.020 of the Lincoln City Municipal Code (LCMC) gives the Planning Commission authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of LCMC Chapter 17.60.

Applicable Substantive Criteria: LCMC Chapter 17.44 Marine Waterway (M-W) Zone
LCMC Chapter 17.60 Conditional Uses

BACKGROUND

The application submitted on February 21, 2020 by the Devils Lake Water Improvement District (DLWID) requests conditional use permit approval to conduct maintenance dredging of approximately 450 cubic yards of beach sand and surf-driven debris from the bed of the lower 250 to 300 feet of Devils Lake, east of D River and south of the City-owned Hostetler Park. The subject site consists of a portion of Assessor's Map 07-11-15-AC-03200, which is zoned Recreation-Commercial (R-C), and the lower portion of Devils Lake where the dredging will occur, which is zoned Marine Waterway (M-W).

The City of Lincoln City owns Tax Lot 3200, and DLWID has an easement on a portion of the site for operation, maintenance, repair, replacement, and servicing of the "D" River outlet control device, and for staging of DLWID's work in doing such. The application indicates that the easement on Tax Lot 3200 and the south bank of Hostetler Park will be used for staging and as the base from which the dredging activities will occur.

ANALYSIS

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.

17.44.040 Standards for Conditional Uses Involving Filling, Dredging, Drainage, Disposal of Dredging Spoils, and Similar Activities or Construction of Wharfs, Bulkheads or Similar Devices.

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. Evidence shall be provided that the applicant has complied with, or fully intends to comply with, all standards of the Department of Environmental Quality, the Division of State Lands, and all other agencies having interests or ordinances applicable to the property in question;**

The applicant included, as part of the application for conditional use permit, a draft Joint Permit Application to the U.S. Army Corps of Engineers, the Oregon Department of State Lands, and the Oregon Department of Environmental Quality. The applicant has also indicated that the "*Devils Lake Water Improvement District (DLWID), a political sub-division, fully intends to comply with all applicable local, state, and federal agencies having interests or jurisdictions in and over the project site.*" Staff considers this criterion satisfied, with a condition of approval that copies of approvals from applicable agencies be given to Planning and Community Development prior to commencement of any staging or dredging activities.

- 2. The activity shall not represent a source of water pollution to any nearby tidelands, marshlands, rivers, streams or other waterways used for the raising, production or preservation of marine life or other natural resources;**

Turbidity is a measure of the loss of water transparency, and is a common result of re-suspended sediment caused by dredging. The applicant's Joint Permit Application says that "*dredging may cause a temporary increase in turbidity but is consistent with a temporary increase in turbidity associated with the export/migration of sand during high flows. Frequent tidal flows through the D River into the lower lake are characterized by a temporary increase in turbidity. This short-lived event clears rapidly at the close of storm events.*"

In response to the conditional use standards for dredging, found in LCMC 17.44.040, the applicant wrote "*We expect minimal turbidity as a result of this maintenance sediment reduction project. We expect any turbidity to clear within hours, with outflow into the D River then directly to ocean currents. Our contractor is very familiar with exercising equipment-control while operating excavation equipment and will take all precautions necessary to ensure minimal sediment disturbance. Typically, lake flow during the proposed project work time is roughly 6 cubic feet per second, or laminar/without turbulence.*"

The applicant reports that the project will be completed during August low-flow conditions to reduce sediment mobilization during and after construction, and that DLWID staff will provide observation for turbidity. Any turbidity event that doesn't quickly recover to pre-construction conditions will be reported to the Oregon Department of State Lands and the Oregon Department of Fish and Wildlife. Related to water pollutants other than turbidity, the applicant's Joint Permit Application states "*The equipment park area will be pollution-controlled by the placement of booms during any fueling or if necessary, equipment maintenance activities. Contractor will have on site appropriate spill kits to immediately tend to any incidental spills relating to his equipment.*"

Ultimately, turbidity and other potential pollutants are covered by permits required by the U.S. Army Corps of Engineers, the Oregon Department of State Lands, and the Oregon Department of Environmental Quality, and the applicant can satisfy this criterion by acquiring and complying with those permits.

- 3. Any filling or dredging activity shall not substantially alter the course of any channel or the natural movement of any waters, result in increased flood hazards, or cause the formation of appreciable bottom or sludge deposits deleterious to marine life;**

The applicant writes that "*This sediment reduction maintenance project will not appreciably alter any lake or river channel course; it will be undertaken to lesson flood hazards and reduce sediment deposits deleterious to marine life.*" This criterion is met.

- 4. Any fill or dredging spoil area shall be deposited behind a watertight berm to avoid any sloughing and to stabilize the area;**

The applicant wrote that "*All dredged sand material will be track hoe-removed from the lower lake and deposited upland/directly adjacent to the removal site for offsite disposal.*" This criterion is met.

- 5. If a fill is proposed of which any portion falls below mean higher high water or mean high water plus six feet, whichever is highest, and which is adjacent to or having potential access to a navigable waterway, the developer shall designate on the plan a portion of the parcel to remain unfilled for possible off-channel moorage or similar use. The size of the area to remain unfilled**

shall be determined on the basis of the need generated by proposed or anticipated uses on the fill, and shall be not less than 20 percent of that portion of the parcel lying below the highest above-mentioned elevation. The location and design of the unfilled portion shall be approved by the planning department;

The permit application is for sediment removal and does not include any proposed fill activities. This criterion is not applicable.

6. Applications for a permit for filling, dredging or similar activities shall include:

a. The source of the applicant's right to fill or dredge;

The applicant pointed to approval from the Oregon Division of State Lands, the responsible agency for the owner, the State of Oregon, as the source for their right to dredge at the subject site.

b. The purpose of the proposed operation;

The applicant wrote *"This project requests approval to remove from the lowest portion of Devils Lake, 450 cubic yards of sand sediment with project sediment reduction dimensions of 20' x 300' x .5' to 2'. This project will be undertaken to reduce flooding potential, improve fish passage, improve user safety, and restore wading/swimming and boating opportunities."*

c. The legal description of the area where the operation will take place;

The applicant wrote *"The specific removal site of within Lincoln County tax lot number 07-11-15-AC-03200-00, extending east into State of Oregon-owned tax lot 07-11-15-AC-WATER-00."*

d. The depth to which dredging or filling is to take place and the proposed angle of slope;

The applicant wrote *"The dredging depth is expected to be .5' to 2', and is generally a linear trench of 20' wide, and 300' long. We expect creating a trapezoidal trench with target slopes of 2:1."*

e. The manner in which material will be dredged or used for fill and the type of material to be used;

The applicant wrote *"The dredging method will be by track hoe with sufficient boom reach to accomplish the 20' trench width."*

f. The method to be used to stabilize the dredge or fill area;

The applicant wrote *"The dredge area will be unsupported, with certain sloughing expected."*

g. A map showing the plan of dredging or filling and the uses proposed for the area;

The applicant wrote *"See included Plan Survey. The existing uses are minimal due to sediment build-up; a deeper lower lake channel will promote a return to non-motorized boating (canoe and kayak) and smaller motorized craft, wading and swimming adjacent to the Lincoln City-owned Hostetler Park."*

h. The time when the project is scheduled to begin and to be completed.

The applicant wrote “*The ODFW recommended in-water work period is August 1st through August 31st of any given year.*”

This criterion is met.

17.60.050(C) Conditional uses

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;

The City of Lincoln City Comprehensive Plan (Comprehensive Plan) recognizes Devils Lake as a historical and important recreational site, designates it as a marine waterway to ensure that it is protected for water dependent uses, and designates land within 500’ of the lake as coastal shorelands. The Comprehensive Plan does not address dredging except as it relates directly to the Siletz River Estuary. This criterion is either met or does not apply.

2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, wall and fences, parking, loading, landscaping and other features required by this title;

Because of the nature of the proposed work – dredging of the lake channel from the bank with no permanent construction – adequacy of the site is best determined by asking whether the purposes of the proposal can be met while still meeting the standards for conditional use involving dredging and disposal of dredging spoils as required by LCMC 17.44.040. The applicant indicated that dredging will be able to be accomplished from the bank using a track hoe with sufficient boom length, and that they will not have to enter the wetted lake channel to complete the work.

Analysis of the consistency of the proposal with the requirements of LCMC 17.44.040 is presented previously in this document and is included herein for reference.

Potential impacts to the staging and work area are unclear. There are jurisdictional wetlands along most of the south property line of Tax Lot 3200. The applicant indicates that track hoe work from within Hostetler Park will only impact volunteer blackberry stands/lowest city wetlands. The wetland areas are not included in the City’s inventory of significant wetlands, and so would be under the jurisdiction of the Oregon Department of State Lands, with which the applicant is already consulting as part of the Joint Permit Application.

This criterion is met or can be met with the condition of approval that all applicable approvals from Oregon Department of State Lands and the Joint Permit Application are obtained prior to the commencement of any staging or work activity.

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;

The applicant wrote “Dump truck traffic will be necessary during 4-5 day project duration. Existing road network/traffic signals will easily accommodate this modified, short-duration traffic.”

The applicant does not indicate how many dump truck trips will be required, how far the dump trucks will be going, or what time of day they will be moving. All of that information is necessary to determine whether there will be an impact – especially during the proposed August in-water work window when traffic on that section of Hwy 101 is particularly congested. However:

- (a) A large dump truck can typically transport 28,000 lbs (14 tons), and a small dump truck can typically transport 13,000-15,000 lbs.
- (b) Wet sand weighs approximately 3,300 lbs per cubic yard.
- (c) Although a typical dump truck will hold 10-14 cubic yards of material, because of weight limitations, a dump truck should be able to carry between 4 and 8.5 cubic yards of wet sand (given the capacities and weight given above), depending on size of the truck.
- (d) The applicant has indicated that approximately 450 cubic yards of material will be removed during the proposed dredging.
- (e) Using the above numbers and assumptions, 450 cubic yards will require between 53 and 113 round trips.
- (f) The applicant estimates that the dump truck trips will occur over 4 or 5 days, which equals 11 trips a day on the low end and 29 trips per day on the high end.

This criterion can be met with a condition of approval that the applicant provide a traffic plan to be reviewed and approved by Lincoln City Public Works or Oregon Department of Transportation, or one or both as applicable, prior to the commencement of any staging or dredging activity.

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;

The application indicates that work is of a temporary, short duration (4-5 days) as needed over ten years. Most impacts are likewise expected to also be temporary and of short duration. The potential for increased traffic congestion as the result of numerous dump truck trips is discussed as part of Criterion 3 above and is included herein for reference. Similarly, the potential for wetland impacts is discussed under Criterion 2 above and is included herein for reference.

In addition to out-of-the-water staging and equipment operations, and moving fill off-site, there is the potential for adverse aquatic impacts. The applicant provided a draft Joint Permit Application to the U.S. Army Corps of Engineers, the Oregon Department of State Lands, and the Oregon Department of Environmental Quality as part of the materials included with the application for a Conditional Use Permit. That draft application indicates that the proposed dredging area is a designated Essential Salmon Habitat area and is listed as critical habitat. Additionally, work in the water requires a floodplain development permit issued by the City of Lincoln City.

The applicant can meet this criterion by obtaining all necessary permits and complying with associated conditions of approval, including but not limited to: the joint USACoE, DSL, DEQ permit, a Lincoln City Floodplain Development Permit, and any required environmental assessments or consultations as identified during the permitting process. All required permits shall be obtained prior to staging or work activity and a copy of each shall be submitted to Planning and Community Development for inclusion in this project folder.

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.

The subject site is not in one of these designated areas. This criterion is not applicable.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing on the proposed conditional use request, take public testimony, close the public hearing, deliberate, and determine whether the request complies with the criteria for granting approval of the request, complies with the criteria with conditions, or doesn't comply with the criteria.

Should the Planning Commission determine the request complies with the criteria with conditions, staff suggests the following conditions at a minimum:

1. A traffic plan must be prepared and submitted for review and approval by Lincoln City Public Works and/or Oregon Department of Transportation, one or both as applicable, prior to the commencement of any staging or dredging activity, showing how the proposed activity will not impact traffic during daytime hours between 8:00 a.m. and 5:00 p.m., on any day of the week. The approved traffic plan shall be given to Planning and Community Development for inclusion in the project folder.
2. The applicant shall obtain all necessary permits and comply with associated conditions of approval, including but not limited to: the joint U.S. Army Corp of Engineers, Oregon Department of State Lands, Oregon Department of Environmental Quality, Lincoln City Floodplain Development Permit, and any required environmental assessment reports as identified during the permitting process by any applicable agency. All required permits shall be obtained prior to staging or work activity and a copy of each shall be submitted to Planning and Community Development for inclusion in the project folder.



PLANNING COMMISSION STAFF REPORT
MEETING DATE: May 5, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

ZOA 2020-01 Procedures

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City PO Box 50 Lincoln City, OR 97367
Map & Lot No.	City-wide ordinance amendment
Comprehensive Plan & Zoning	City-wide ordinance amendment
Surrounding Land Uses And Zoning	City-wide ordinance amendment
Public Notice	Mailed to property owners in city limits on February 26, 2020. Published in The News Guard on March 4, 2020
Relevant Substantive Criteria	Lincoln City Municipal Code (LCMC) 17.88.020

BACKGROUND

The public hearing for this ordinance amendment was originally scheduled for March 17, 2020. Due to the cancellation of the Planning Commission meetings on March 17, 2020, and April 7, 2020, and April 21, 2020, the hearing has been continued to May 5, 2020. However, staff needs additional time to perform a coordinated review between the planning director and the city attorney prior to the public hearing and is requesting a continuance of the public hearing to May 19, 2020.

The current chapter for procedures in Title 17 does not have procedures categorized as Type I, Type II, Type III, or Type IV 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 types.

AUTHORIZATION

This amendment was initiated by the Planning and Community Development Director pursuant to LCMC 17.88.020.

ORDINANCE FORM

This proposed amendment has not yet been placed in the City Council's final ordinance form.

ANALYSIS

The attached language 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.

STAFF RECOMMENDATION

Continue the public hearing to May 19, 2020, at 6:00 p.m.



PLANNING COMMISSION STAFF REPORT
MEETING DATE: May 5, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

ZOA 2020-04 Permanent Signs

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City PO Box 50 Lincoln City, OR 97367
Map & Lot No.	City-wide ordinance amendment
Comprehensive Plan & Zoning	City-wide ordinance amendment
Surrounding Land Uses And Zoning	City-wide ordinance amendment
Public Notice	Mailed to property owners in city limits on February 26, 2020. Published in The News Guard on March 4, 2020
Relevant Substantive Criteria	Lincoln City Municipal Code (LCMC) 17.88.020

BACKGROUND

The existing Chapter 17.72 (Sign Regulations) contains provisions for permanent and temporary signs. Section 17.72.060(C)(2) contains a provision for three temporary flags in a commercial zone, allowing for a substitution of two feather banners for two flags. The allowance in that subsection to substitute two feather banners for two flags expired on October 8, 2019. An affirmation, extension, and reinstatement of said allowance was adopted by City Council on October 14, 2019, with a new sunset date of April 8, 2020. [Extended again by 6 months by Ordinance 2020-08]

The main impetus of the proposed ordinance amendment, then is to address the expiration of allowing feather banners. In the process of addressing the use of feather banners as temporary signs, the entire Chapter 17.72 is being reviewed and amended. The purposes of the amendment are to remove temporary sign regulations from Title 17 and place them instead in Title 9; move the definitions for signs out of Chapter 17.72 and place them instead in the Chapter 17.08, which is the definition chapter for Title 17; provide consistent sign regulations throughout the entire city; and provide clear and objective standards for sign illumination.

AUTHORIZATION

This amendment was initiated by the Planning and Community Development Director pursuant to LCMC 17.88.020.

ORDINANCE FORM

The proposed ordinance amendments have not yet been put in the City Councils standard ordinance form.

ANALYSIS

To provide a clear and objective sign code for permanent signs, that is consistent across the city, and allows for easy understanding by citizens and consistent administration by city staff, the following is proposed:

1. Remove allowances for temporary signs from Chapter 17.72 LCMC and place all temporary sign allowances in Chapter 9.34 LCMC.
2. Move the definitions listed in Chapter 17.72 LCMC and place them in Section 17.08.010 (Definitions), along with the rest of the definitions for Title 17.
3. Remove sign requirements from chapters that are inconsistent with each other and replace them with standard language for each zoning district that reads as: "Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC."
4. Provide clear and objective standards for sign illumination, electronic display centers, and changeable copy signs.
5. Add diagrams for sign area measurements.
6. Add example pictures of wall and blade signs.

STAFF RECOMMENDATION

Hold the public hearing, close the public hearing and the record, and deliberate.

Option 1 – Move to recommend approval to City Council, as written, and proceed with a second and a vote.

Option 2 – Move to recommend denial to City Council, for the reasons stated, and proceed with a second and a vote.

Option 3 – Move to recommend approval to City Council, with changes as noted, and proceed with a second and a vote.

Option 4 – Move to continue deliberations to May 19, 2020.

Chapter 17.72 permanent signs (DOCX)

Chapter 9.34 temporary signs (DOCX)

17.08.010 Definitions

“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.

“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.

“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.

“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 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.

“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.

“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.

“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.

“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.

“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.

“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.

“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).

“LED” means a semiconductor diode that converts applied voltage to light.

“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.

“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.

"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.

"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.

"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.

"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.

"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.

"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.

"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.

"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.

ZOA 2020-04 Sign Ordinance
Draft Planning Commission Mtg March 17, 2020

“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.

“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.

See LCMC 17.08.010 for definitions.

“A-frame sign” means a double-faced portable sign composed of two sign faces attached at the top and separated at the bottom, not permanently attached to the ground.

“Banner” means a sign made of fabric, vinyl, canvas, or other non-rigid or flexible material with no enclosing framework. A banner is not a feather banner or a flag.

“Feather banner” means a portable sign of cloth, bunting, plastic, paper, or similar non-rigid, flexible material, taller than it is wide, and attached to a pole. A feather banner is not a flag or a banner.

“Flag” means a portable sign of fabric, bunting, or similar material, with no framework or structure, that is displayed hanging from a portable pole, portable staff, halyard, or flag-mount fixture on a building so as to allow movement caused by the atmosphere and is wider than it is tall, but no more than three times as wide as any other dimension. A flag is not a banner or a feather banner.

“Lawn sign” means a temporary sign made of lightweight materials that is supported by a frame or other structure placed directly in or upon the ground without other support or anchor.

“Portable sign” means a temporary sign that is transported in and out of a building or a structure on a daily basis, and is not affixed to a building, structure, or the ground in a permanent manner. Portable signs are A-frame signs, feather banners, flags, sandwich board signs, and sidewalk signs.

“Sandwich board sign” means a portable sign and is an A-frame sign. See A-frame sign.

“Sidewalk sign” means a portable sign that is double-faced, composed of two back-to-back sign faces attached at the top and bottom, not permanently attached to the ground.

“Temporary sign” means a sign which is displayed consistently, but only for a limited and defined period of time, and is not permanently affixed or attached to a building, structure, or the ground, and is designed to be easily removed at the end of the limited and defined period of time. Temporary signs are banners or lawn signs. Portable signs as defined herein are also classified as temporary signs. Pole signs can also be utilized as temporary signs, provided they meet the requirements for and are designed as temporary signs.

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 Sign zoning permit application

- A. Except as provided in LCMC 17.72.025, a sign zoning 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 sign zoning 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 sign zoning 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 sign zoning 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 five-foot-wide 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 five-foot-wide 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.

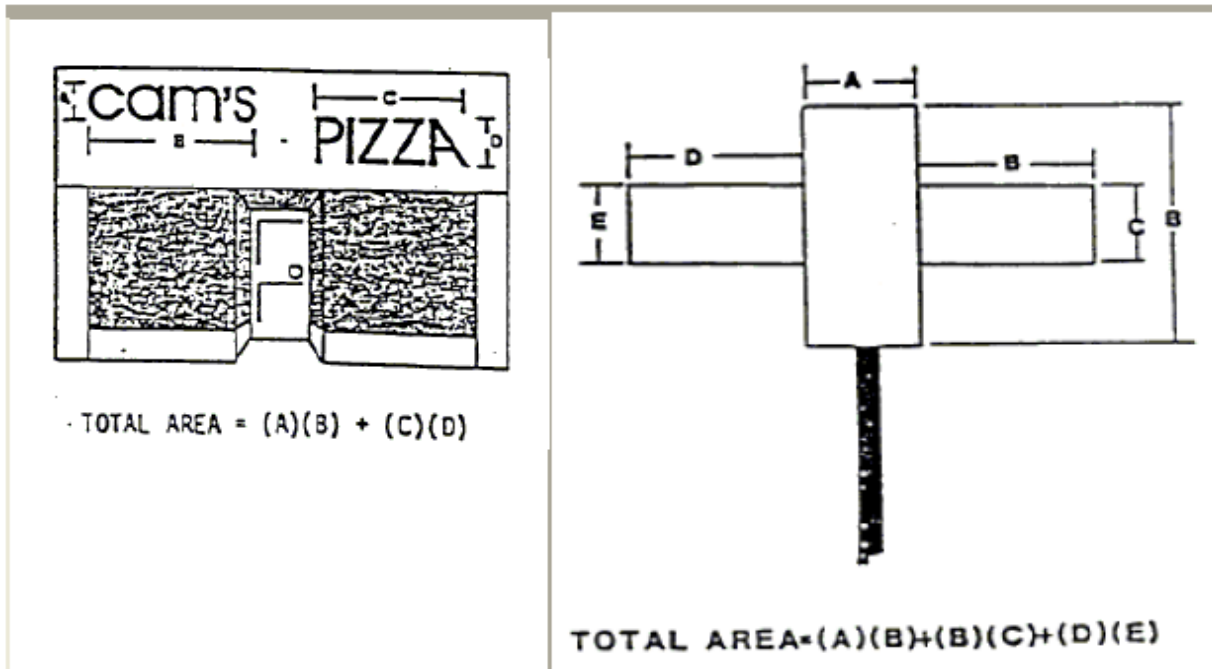
17.72.070 Measurements

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 with one tenant space are allowed a minimum of 25 square feet of attached sign area.
 - b) For buildings with two or more tenant spaces, 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 17.72.092-1: 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 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.

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.~~

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.

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.~~

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.~~

17.28.080 Signs.

Signs shall be allowed ~~permitted~~ subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72. LCMC in accordance with the provisions of Chapter 17.72 LCMC.

17.32.090 Signs.

Signs shall be allowed ~~permitted~~ subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC. ~~in accordance with the provisions of Chapter 17.72 LCMC.~~

17.34.150 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.36.060 Signs.

Signs shall be allowed ~~permitted in accordance with~~ subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.45.070 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

17.50.150 Signs.

Signs shall be allowed subject to the provisions of Chapter 9.34 LCMC and Chapter 17.72 LCMC.

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.

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).

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.

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.

SIGN REGULATIONS¹

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-S-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.

DRAFT

Definitions for Chapter 9.34.

See LCMC 17.08.010 for definitions.

General standards, conditions, and limitations for temporary signs.

- A. Temporary signs may be displayed only in compliance with the regulations in this chapter, and including the following specific provisions:
1. Temporary signs are banner signs, lawn signs, or temporary pole signs;
 2. Temporary signs shall not be internally or externally illuminated by any light source primarily intended for the illumination of the temporary sign;
 3. Temporary signs shall always be maintained and displayed in a condition that is neat, clean, and in good repair.
 4. Temporary signs do not require a sign zoning permit or a structural permit.
 5. Temporary signs shall not be attached to fences, trees, shrubs, vegetation, utility or street light poles, utility boxes, trash receptacles, government signs, traffic control signs or devices, or permanent signs.
 6. Temporary signs shall not exceed six feet in height.
 7. Temporary signs must be placed and displayed in a manner that all ADA accessibility requirements are met. Obstruction of ADA accessibility requirements shall result in immediate removal of a temporary sign.
 8. Placement of temporary signs shall not present a safety hazard to any person, place, or thing. Temporary signs placed such that they present a safety hazard shall be removed by the city immediately with or without notice.
 9. Temporary signs not in compliance with this chapter may be removed by the city with or without notice.

Temporary sign allowances for attached and detached single-unit dwellings and duplexes.

- A. The following are temporary sign allowances per attached or detached single-unit dwelling or per unit in a duplex:
1. Temporary signs with a sign face not exceeding eight square feet in area, for a period of sixty days prior to the date of a state or local official election and five days following the date of the election. There is no limit to the number provided each does not exceed eight square feet in area.
 2. One temporary sign not exceeding eight square feet in area during the time of construction or remodeling, provided the sign is removed within seven days of completion of the construction or remodeling.
 3. One temporary sign during the period of time a real property is being marketed, in good faith, for sale or lease.
 - a. Such sign shall not exceed eight square feet in sign face area.
 - b. Such sign may be erected beginning the day the property is offered for sale or lease and must be removed within 15 days after the property is no longer for sale or lease.

Temporary sign allowances for uses other than attached and detached single-unit dwellings and duplexes.

- A. The following are temporary signs allowed per tenant space that is a use other than an attached or detached single-unit dwelling or duplex:

1. Temporary signs with a sign face not exceeding eight square feet in area, for a period of sixty days prior to the date of a state or local official election and for five days following the date of the election.
2. Two temporary signs during the period of time real property is being marketed in good faith, for sale or lease. Such temporary signs shall not exceed 32 square feet in sign face area each. Such signs may be erected beginning the day the property is offered for sale or lease and must be removed within 15 days after the property is no longer for sale or lease.
3. One temporary sign not exceeding 32 square feet in area during the time of construction or remodeling provided the sign is removed within seven days of the completion of any construction or remodeling.
4. One temporary sign on sites containing no structures or buildings, but only if land use approval for development has been obtained from the review authority.
 - a. Such sign shall not exceed 32 square feet in sign face area.
 - b. Such sign shall not exceed 8 feet in height.
 - c. Such sign may be erected beginning on the date the land use approval is obtained and continuing through to the issuance of the building permit for the last unit or completion of the project as approved.

General standards, conditions, and limitations for portable signs.

- A. Portable signs may be displayed only in compliance with the regulations in this chapter, and including the following specific provisions:
 1. Portable signs are A-frame signs, flags, feather banners, sandwich board signs, and sidewalk signs.
 2. Portable signs shall only be displayed daily or nightly for a certain number of hours during the 24-hour period, rather than consistently displayed throughout the entire 24-hour period, and thus are designed to be easily placed and removed on a daily or nightly basis.
 3. Portable signs shall be removed on a daily or nightly basis and shall not remain in place over night.
 4. Portable signs shall not be internally or externally illuminated by any light source primarily intended for the illumination of the temporary sign;
 5. Portable signs shall always be maintained and displayed in a condition that is neat, clean, and in good repair.
 6. Portable signs do not require a sign zoning permit or a structural permit.
 7. Portable signs shall not be attached to fences, trees, shrubs, vegetation, utility or street light poles, utility boxes, trash receptacles, government signs, traffic control signs or devices, permanent signs, or temporary signs.
 8. Placement of portable signs shall adhere to all ADA-accessibility and clear circulation path requirements.
 9. Placement of portable signs shall not present a safety hazard to any person, place, or thing. Portable signs placed such that they present a safety hazard shall be removed by the city immediately with or without notice.
 10. Portable signs not in compliance with this chapter may be removed by the city with or without notice.

Portable sign allowances for attached and detached single-unit dwellings and duplexes.

- A. The following are portable sign allowances per attached or detached single-unit dwelling or duplex unit:
 - 1. Two flags

Portable sign allowances for uses other than attached and detached single-unit dwellings and duplexes.

- A. The following are portable signs allowed per tenant space that is a use other than an attached or detached single-unit dwelling or duplex:
 - 1. Two flags, and
 - 2. One of either an A-frame sign, feather banner, sandwich board sign, or sidewalk sign

Violation – Penalty – Abatement.

- A. Violation of any provision of this chapter, including the standards, limitations, and conditions of temporary signs detailed herein, including but not limited to removal within the time specified, shall be considered a nuisance, is unlawful and an offense against the city, and shall be enforced as a Class B violation under Chapter 1.16 LCMC.
- B. Each day's violation of a provision of this chapter constitutes a separate offense.
- C. In addition to citation as noted above, failure to abate the nuisance under this chapter shall be subject to city abatement of the nuisance, including cost assessment and lien consistent with Chapter 8.12 LCMC nuisance abatement procedures. The abatement of a nuisance is not a penalty for violation of this chapter, but is an additional remedy.
- D. The city may, as an alternative to other remedies that are legally available for enforcing this chapter, institute a civil suit for an injunction, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove a violation of this chapter.



PLANNING COMMISSION STAFF REPORT
MEETING DATE: May 5, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

ZOA 2020-02 Parking and Landscaping

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City PO Box 50 Lincoln City, OR 97367
Map & Lot No.	City-wide ordinance amendment
Comprehensive Plan & Zoning	City-wide ordinance amendment
Surrounding Land Uses And Zoning	City-wide ordinance amendment
Public Notice	Mailed to property owners in city limits on February 26, 2020. Published in The News Guard on March 4, 2020
Relevant Substantive Criteria	Lincoln City Municipal Code (LCMC) 17.88.020

BACKGROUND

Off-street parking and loading requirements are noted throughout various portions of Title 17, as are landscaping requirements. This makes it difficult to locate all the requirements for those unfamiliar with the code or those who will only have occasion to use it once.

This public hearing was noticed and scheduled for March 17, 2020. Due to cancellations of both the March 17th, April 7th, and April 21st, 2020 meetings due to COVID-19, the public hearing has by necessity been continued to May 5, 2020, and is being held on such date.

AUTHORIZATION

This amendment was initiated by the Planning and Community Development Director pursuant to LCMC 17.88.020.

ORDINANCE FORM

This proposed amendment has not yet been placed in the City Council's final ordinance form.

ANALYSIS

To provide a clear and objective parking and landscaping code for off-street parking and loading and landscaping, that is consistent across the city, and allows for easy understanding by citizens and consistent administration by city staff, the following is proposed:

1. Modify Section 17.08.010 (Definitions) by adding, revising, or deleting pertinent definitions associated with parking and landscaping
2. Moving the landscaping requirements from Section 17.52.100 and placing them in a new Chapter 17.55 Landscaping for easier location by the reader
3. Remove inconsistent language and replace it with standard language for each zoning district that reads as: "Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC." and "Landscaping shall be provided in accordance with Chapter 17.55 LCMC."
4. Rearrange the order of the requirements for residential and commercial so that the residential is all grouped together and the commercial is all grouped together in a separate section.
5. Moving the parking and landscaping requirements noted in design standards from those sections and placing them instead in Chapter 17.56 and Chapter 17.55, respectively. Again, this groups all the requirements in the same place making for easier location of standards by the reader.
6. Rewording the point system for residential landscaping into a comparable lot perimeter/percentage of lot area system for a less complicated approach that is easier to interpret and navigate, while still receiving the same result.

STAFF RECOMMENDATION

Hold the public hearing, close the public hearing and record, and deliberate.

Option 1 – Motion and second to recommend approval to City Council, as written, followed by a vote.

Option 2 – Motion and second to recommend denial to City Council, for the reasons stated, followed by a vote.

Option 3 – Motion and second to recommend approval to City Council, with changes as noted, followed by a vote.

Option 4 – Motion and second to continue deliberations to May 19, 2020.

Draft Parking and Landscaping for PC 05052020 (DOCX)

Draft language for ZOA 2020-02 Parking and Landscaping

17.08.010

“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.

“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).

~~“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.~~

“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.~~

“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.

“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.

“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.

“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.

“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.

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

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

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

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

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

~~17.28.100. A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.~~

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

17.32.110 Other required conditions.

~~A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.~~

~~17.36.080.A. Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC. LCMC 17.52.100.~~

~~17.40.060.I.4. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.~~

17.40.060.J. Landscaping. Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

~~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.~~

~~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.~~

~~17.24.080 Off-street Parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.~~

~~17.28.090 Off-street Parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.~~

~~17.32.100 Off-street Parking and loading. Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.~~

~~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 Nelsecott 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.

17.36.070 **Off-street Parking and Loading.**

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

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.

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.

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).

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.

~~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 1.)



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.~~

17.80.040.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.~~

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.

E. 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

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 b. Over 1,000 701 to 1,000 square feet per unit c. Over 1,000 square feet per unit	1 space per dwelling unit 1.5 2 spaces per dwelling unit (round up) 2 spaces per dwelling unit
2. Multiple-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 space per dwelling unit for one-bedroom or studio units

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.

G. 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.

H. 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.

I. 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.

J. 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.

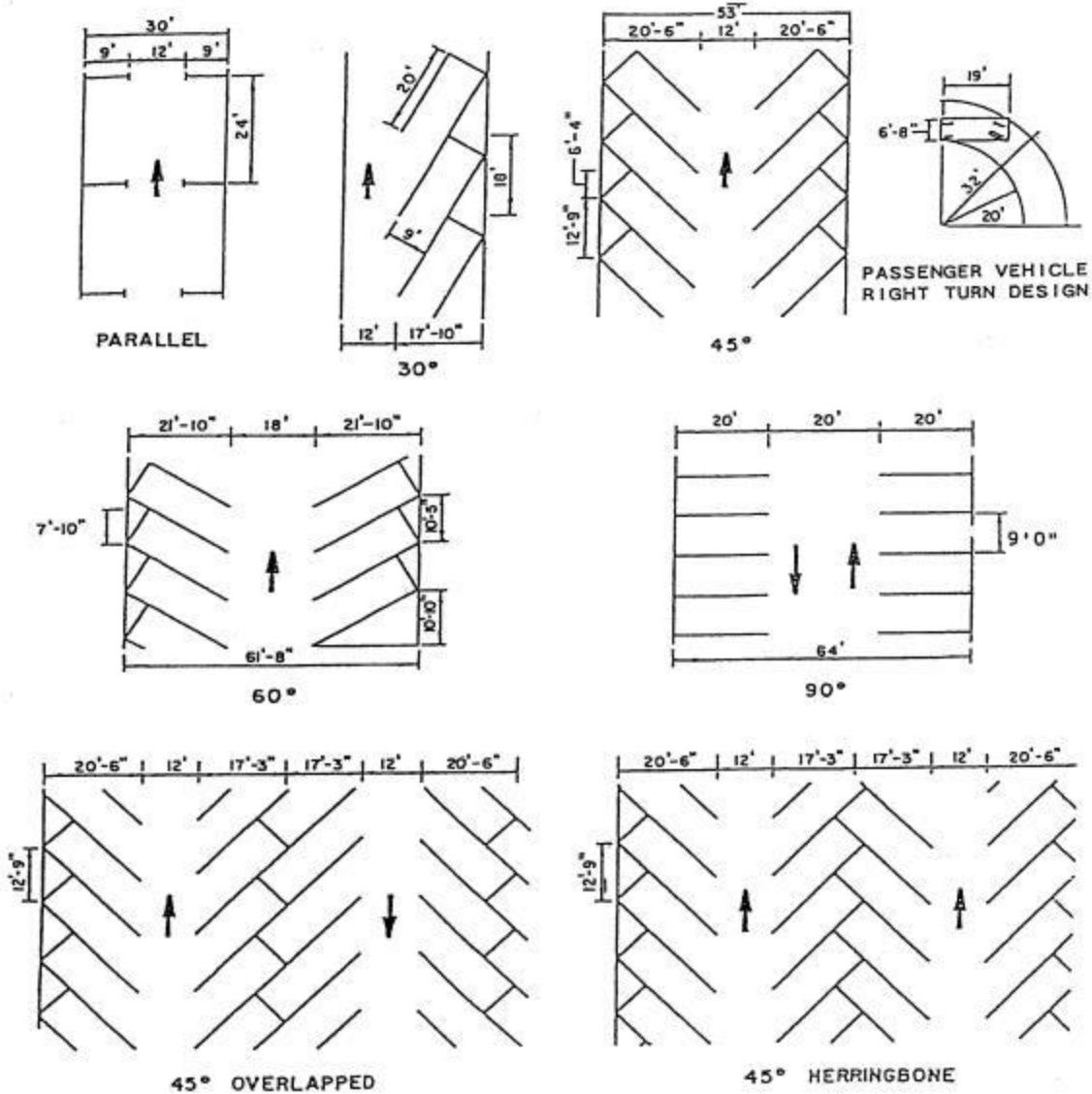
K. Lighting of Parking Areas.

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.

L. Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of federal, state, and local codes.

M. 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:



N. 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.

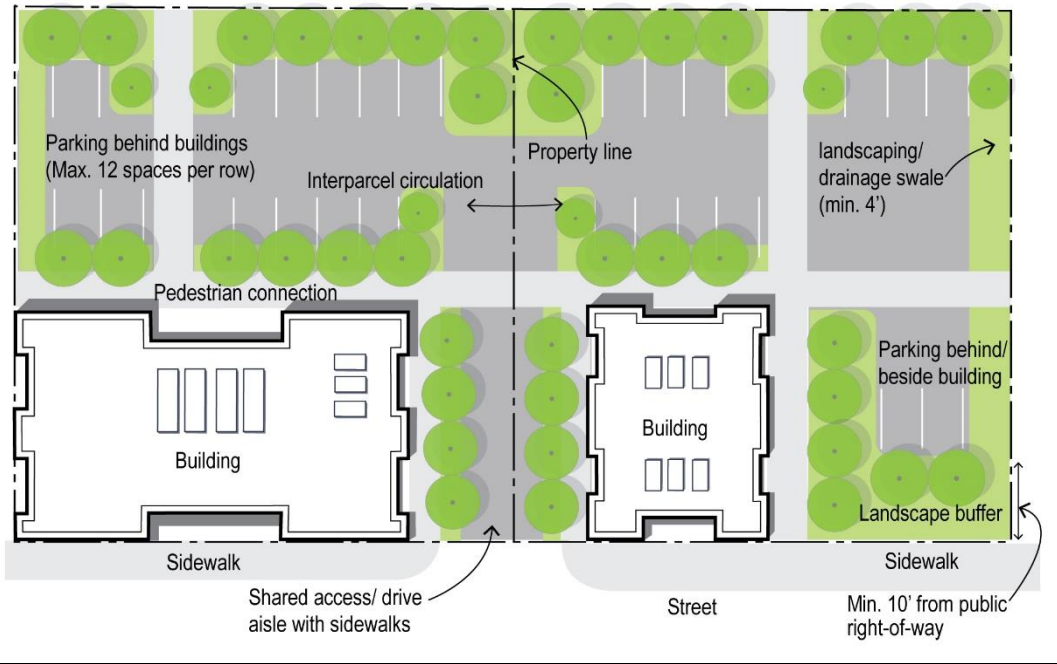
b. Islands must be provided with protective curbing to prevent vehicles driving directly into the island.

c. Islands count towards the interior parking lot landscaping requirement of subsection 17.56.080.1.1.

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



O. 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:

<u>Number Required</u>	<u>Total Parking Spaces</u>
<u>1</u>	<u>50 – 75</u>
<u>2</u>	<u>76 – 100</u>
<u>3</u>	<u>101 – 200</u>

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.

P. 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 17.55 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.

17.52.170 **Solid waste, garbage, trash, recycling, and composting** receptacle enclosures **storage areas**.

~~In an R-M, PC, RC, GC and PI zone, a~~ **All 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.**

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 spaces, 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.

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.

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.**

17.42.060.D. ~~Outside~~ **Outdoor 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.**

17.52.050 ~~Storage in front yard~~

~~Boats and trailers and house trailers shall not be stored in a required front yard.~~

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 Nelsecott 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.~~

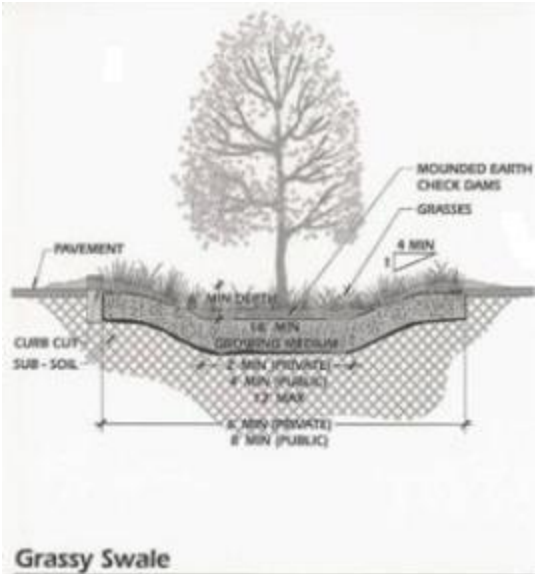
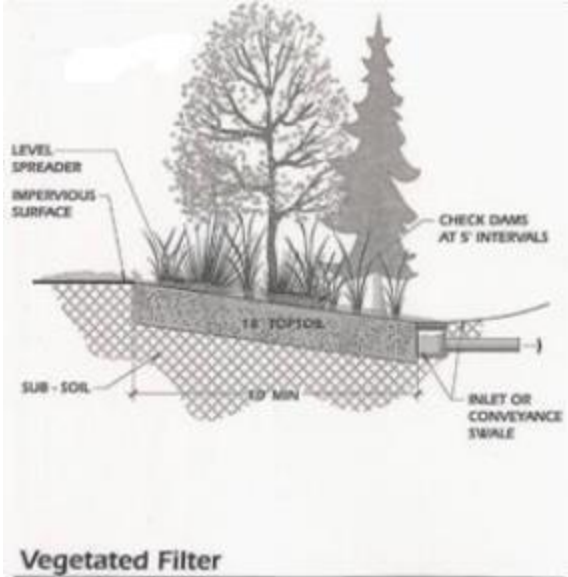
~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can be prevented without long-term detriment to the subject tree.~~

~~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.)~~



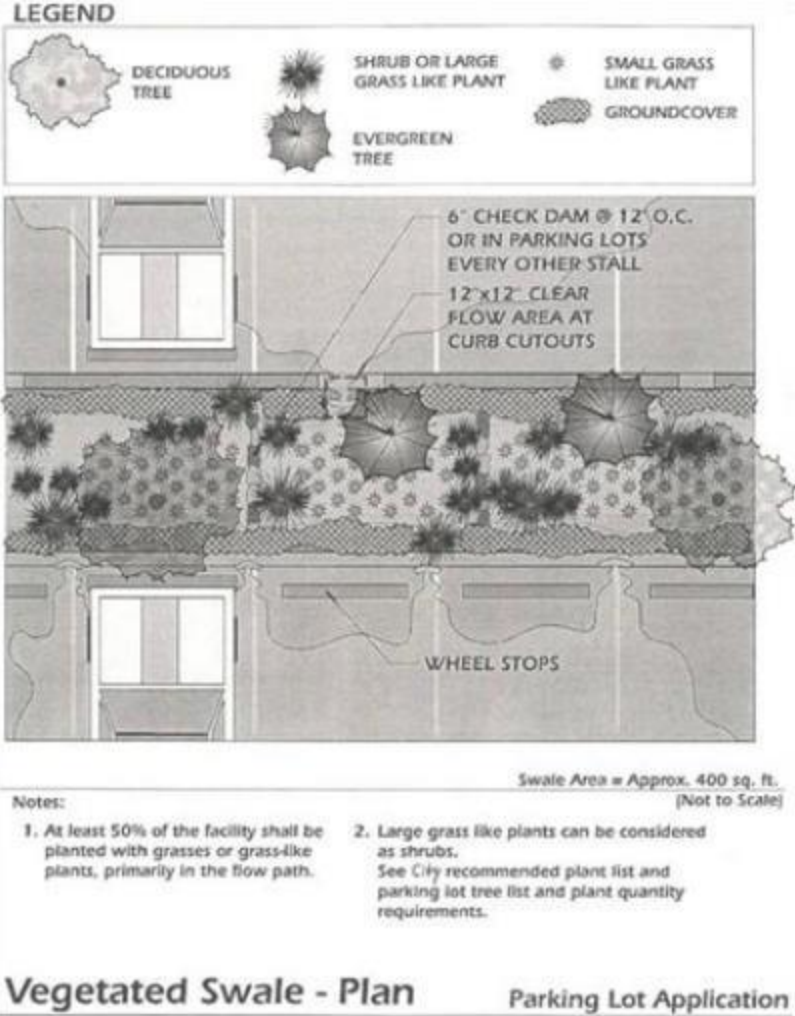


Figure 17.34.140: Typical parking lot landscape concepts, incorporating water quality features.



PLANNING COMMISSION STAFF REPORT
MEETING DATE: May 5, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

ZOA 2019-08 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.

Project Advisory Committee (PAC) Members: Marty Rollins, Joe Getty, Danelle Lochrie, Diana Portwood, Dave Price, Jeff Syrop, Nora Sherwood, Rich Briggs, Shawnn Kehr. Representatives from the Bay Area Merchants Association and the Lincoln City Chamber of Commerce will also serve on the PAC. The State Historic Preservation Office will also be advising.

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.

Due to cancellation of the Planning Commission meetings on March 17th, April 7th, and April 21st, 2020, due to COVID-19, the public hearing for this case has been continued to this date of May 5, 2020, and is being held accordingly.

Hold the public hearing, close the public hearing and the record, and deliberate.

Option 1 – Motion to recommend approval of the draft language, as written, followed by a second and a vote.

Option 2 – Motion to recommend denial of the draft language as written, for the reasons stated, followed by a second and a vote.

Option 3 – Motion to recommend approval of the draft language, with changes as stated, followed by a second and a vote.

Option 4 – Motion to continue deliberations to May 19, 2020, followed by a second and a vote.

PC Draft 05052020 (PDF)

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF LINCOLN CITY, AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTER 17.08 (DEFINITIONS); 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

1
2 **WHEREAS**, on July 2, 2019, the City duly notified the Oregon Department of Land Conservation
3 and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s)
4 and on July 16, 2019; notice of the proposed amendments was included in an ORS 227.186(4)
5 notice to all affected property owners.
6

7 **WHEREAS**, the Planning Commission, on May 5, 2020, held a public hearing and considered the
8 amendments contained within this ordinance. On **INSERT DATE**, the Planning Commission voted
9 to transmit the amendments to the City Council with a recommendation to approve the
10 amendments herein, with some modifications; and
11

12 **WHEREAS**, the City Council held a public hearing on June 22, 2020. Following the close of the
13 public hearing on **INSERT DATE**, Council closed the record and deliberated on the proposed
14 amendments. All persons were given an opportunity to provide written and/or oral testimony on
15 the proposed ordinance. After deliberation, Council provided direction and ordinances were
16 returned for required readings on **INSERT DATE**.
17

18 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**
19

20 **The term “setback” will replace “yard” in “yard requirement” throughout Title 17.**
21

22 **SECTION 1.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.08 (*Definitions*), is hereby
23 amended to add the following new definitions or revise or delete the following existing
24 definitions as follows:
25

26 Unless the context indicates otherwise, words in the present tense include the future; the
27 singular number includes the plural and the plural number includes the singular; undefined
28 words have their ordinary accepted meanings within the context in which they are used.
29 Webster’s Third New International Dictionary of the English Language, Unabridged, shall be
30 considered a standard reference.
31

32 **“Accessory use” means a use or activity which is subordinate and clearly incidental to the**
33 **primary use.**
34

35 **“Accessory structure” or “accessory use” means a structure or building detached from a**
36 **principal structure or building and located on the same lot or parcel, subordinate and**
37 **clearly incidental to the principal building or structure. The primary use of the site is not**
38 **carried on in an accessory structure or building. use incidental and subordinate to the**
39 **main use of property and located on the same lot as the main use, including any required**
40 **off-street parking within 200 feet (measured in a straight line) of the building or use it**
41 **is intended to serve.**
42

1 ~~“Access way” means a pedestrian and/or bicycle connection between two rights-of-way, or~~
 2 ~~to achieve other connectivity needs as determined by the planning commission. An~~
 3 ~~access way conforms to city standards and is in either an off-street public right-of-way~~
 4 ~~or a public access easement on private property.~~

5
 6 “Alcove” means a recessed section of a building’s exterior wall; may provide weather
 7 protection or outdoor seating.

8
 9 ~~“Alteration” means any change, addition, or modification in construction, or a change of~~
 10 ~~occupancy. Where the term “alteration” is applied to a change of construction, it is~~
 11 ~~intended to apply to any change, addition, or modification in construction. When the~~
 12 ~~term is used in connection with a change of occupancy, it is intended to apply to changes~~
 13 ~~of occupancy from one trade or use to another or from one division of trade or use to~~
 14 ~~another.~~

15
 16 ~~Alteration, Structural. “Structural alteration” means a change or repair which would tend~~
 17 ~~to prolong the life of the supporting members of a building or structure, such as~~
 18 ~~alteration of bearing walls, foundation, columns, beams, or girders. In addition, any~~
 19 ~~change in the external dimensions of the building shall be considered a structural~~
 20 ~~alteration.~~

21 ~~“Apartment” means any multifamily dwelling in which a dwelling unit is or dwelling units~~
 22 ~~are rented, leased, let or hired out.~~

23
 24 “Applicant” means a person who applies for approval under this code. An applicant can be
 25 the owner of the property, a contract purchaser, or someone who is legally authorized
 26 to represent the owner, such as a builder, developer, or contract purchaser.

27
 28 “Assisted living facility” means an establishment which provides living quarters and a
 29 variety of supportive personal care, limited health care, housekeeping, and/or
 30 transportation services to individuals who are unable to live independently due to
 31 infirmity of age or disability, but who do not need the full-time, medically-oriented care
 32 of a nursing home. Facility which provides or coordinates a range of elderly or disabled
 33 personal health care and daily living assistance services, available on a 24-hour basis in
 34 a residential setting comprised of one-family or single-family dwellings, duplex or two-
 35 family dwellings and multifamily dwellings or any combination thereof, provided, that
 36 at least one resident of each dwelling shall be an elderly or disabled person.

1 “Attached single-unit dwelling” means a dwelling unit which is located on that unit’s own
2 individual lot or parcel, which is used as an independent dwelling unit, and which is
3 attached to one or more dwelling units by common vertical walls; also known as a
4 townhouse.

5
6 ~~“Attached single-familyunit housing dwelling development” means a development~~
7 ~~consisting of two four or more structures comprised of attached single-unitfamily~~
8 ~~dwelling.~~

9 ~~“Baby-sitting home” means a home occupation in which care is provided to no more than~~
10 ~~two children (under 15 years old) at one time during a part of the 24-hour day, with or~~
11 ~~without compensation. This does not include the home of the child.~~

12 “Bed and breakfast accommodations” means any establishment located in a structure
13 designed as a detached single-unit dwelling, providing limited overnight lodging and meals
14 for guests pursuant to the requirements outlined in LCMC Section 17.80.060.

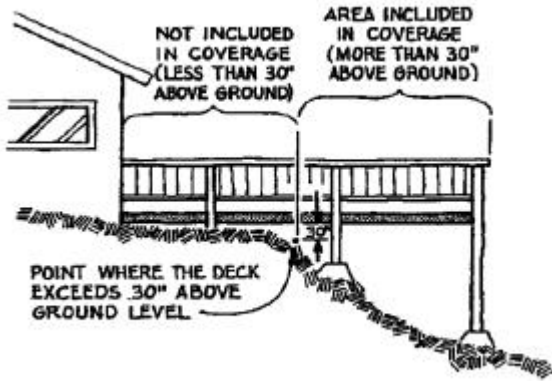
15
16 “Belt course” means a horizontal course in a masonry wall that is of a different color,
17 texture, size, or material and which is compatible with the overall form and architectural
18 composition.

19
20 “Bollard” means a post of metal, wood, or masonry, or a combination thereof, that is used
21 to separate or direct traffic, vehicles, pedestrians, or both. Bollards may or may not contain
22 sidewalk or pathway lighting.

23
24 ~~“Breakwater” means a structure to protect a harbor or beach from the force of waves.~~

25
26 “Building,” means any structure utilized or intended for supporting or sheltering any use
27 or occupancy. including accessory buildings, means a structure built for the support, shelter
28 or enclosure of any persons, animals, chattels or property of any kind.

29
30 “Building coverage” means the percentage of the total lot or parcel covered by the
31 footprint of all primary and accessory structures and buildings, including decks, balconies,
32 porches, and stairs. Uncovered decks, porches, or stairs that are 30 inches or less from the
33 ground are not included in the determination of building coverage. accessory buildings
34 of greater than 200 square feet, decks, balconies, porches, and stairs. Uncovered decks,
35 porches and stairs that are 30 inches or less from the ground shall not be included in the
36 determination of building coverage.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

~~“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.

~~“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.

“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.

“Department” means the planning and community development department of the city of Lincoln City.

1 “Detached single-unit dwelling” means a single dwelling unit that is not attached to any
2 other dwelling unit by any means, has no roof, wall, or floor in common with any other
3 dwelling unit, and is on its own lot or parcel.

4 “Clerestory” means a window that extends from the ground floor of a building to near the
5 top of an outside wall.

6 “Commercial” means use involving the buying and/or selling of goods and/or services as
7 the primary activity.

8 “Commercial building” means a building with more than 50 percent of its ground floor
9 space used for commercial uses. activities. Commercial buildings include, but are not
10 limited to, stores, restaurants, hotels, motels, boarding, lodging or rooming houses,
11 galleries, offices, mixed use buildings, fabrication shops, service stations, warehouses, and
12 government buildings.

13 “Common open space” means land jointly owned to include open space, landscaping,
14 and/or recreation facilities (e.g., may be managed by a homeowners’ association).

15 “Community garden” means a site where plants, including flowers, are grown, and
16 several individuals or households cultivate the site. The site may be divided into individual
17 allotments, or gardeners may work together to cultivate the entire property. The land may
18 be publicly or privately owner. The plants are grown for personal use by the gardeners, or
19 for donation.

20 “Comprehensive Plan” means the current adopted Comprehensive Plan of the City of
21 Lincoln City.

22 “Condominium” means a form of ownership in which separate areas in a residential,
23 commercial, or industrial building may be owned by individuals. The individual owners
24 may also jointly own an undivided interest in common areas such as recreation areas,
25 parking areas, land or other facilities.ownership of a single unit in a multi-unit structure
26 that may contain common open spaces and facilities; includes both residential and
27 commercial condominiums. See ORS 100 for applicable requirements.

28 “Convenience service retail uses” means establishments designed and intended to serve
29 the daily or frequent trade or service needs of the surrounding population. Such
30 establishments include grocery stores, variety stores, drug stores, coin-operated laundries,
31 dry cleaning establishments, beauty and barber shops, and medical-dental and other
32 professional offices. Specifically excluded are automobile service stations and drive-in
33 restaurants.

34 “Corbel” means a projection on a building out from a masonry wall, sometimes to support
35 a load and sometimes for decorative effect.

36 “Cornice” means any horizontal member, structural or nonstructural, projecting outward
37 from the exterior walls at the roofline, including eaves and other roof overhang.

1 “Court” means any open space, unobstructed from the ground to the sky that is bounded
 2 on two or more sides by the walls of a building that is on the same lot or parcel. open,
 3 unoccupied space, other than a yard, on the same lot with a building and bounded on two
 4 or more sides by such building.

5 “Day care center” means an establishment receiving compensation for providing care,
 6 supervision, and protection of six or more children at any one time during any part of the
 7 24-hour day. a land use in which care is provided to six or more children at any one time
 8 and/or by two or more unrelated persons during a part of the 24-hour day. Such day care
 9 centers shall have and maintain certification of approval from the Children’s Services
 10 Division as defined and stated in ORS Chapter 148, Child Welfare Services.

11 “Day care home” means a home occupation taking place in a dwelling unit in which care is
 12 provided to no more than five children at any one time, by a resident of the dwelling unit,
 13 during a part of the 24-hour day, with or without compensation. The care is only to be
 14 provided by the residents of the dwelling unit in which the care is administered.

15 “Director” means the planning and community development director of the city of Lincoln
 16 City, or authorized designee, and any person designated by the director to act in the
 17 director’s place.

18 “Discretionary” means a permit action or decision that involves judgment or discretion.

19 “Dock” means a floating structure extending along or out from the shore into a body of
 20 water, to which watercraft may be moored. moorage facility constructed perpendicular or
 21 parallel to the shoreline.

22 “Dormitory” means a room for sleeping purposes for more than four persons, which is
 23 rented.

24 “Drive-in userestaurant” means an establishment or facility that by design, physical
 25 facilities, service, or packaging procedures encourages or permits customers to receive
 26 services, obtain goods, or be entertained while remaining in their motor vehicles before
 27 and during the transaction or activity. a structure or portion thereof primarily so
 28 developed that its principal retail or service character is to provide short-order fast foods
 29 to patrons while in motor vehicles or while at a counter.

30 “Dwelling” means a structure conforming to the definition of a dwelling under applicable
 31 building codes and providing complete, independent living facilities for one or more
 32 persons, including permanent indoor provisions for living, sleeping, eating, cooking, and
 33 sanitation.

34 Dwelling, Attached Single-Family. “Attached single-family dwelling” means a dwelling
 35 which is located on that unit’s individual lot, which is used as an independent dwelling
 36 unit, and which is attached to one or more dwelling units by common vertical walls.

1 ~~Dwelling, Duplex or Two-Family. "Duplex or two-family dwelling" means a detached~~
2 ~~building designed and used as two independent dwelling units.~~

3 "Duplex" means one structure containing two primary dwelling units on one lot or parcel.
4 The units must share a common wall or common floor/ceiling and are not located on their
5 own individual lots or parcels.

6 ~~Dwelling, Multifamily. "Multifamily dwelling" means a building or portion thereof~~
7 ~~designed as three or more independent dwelling units, with each dwelling unit used as a~~
8 ~~dwelling unit for more than 30 days, but not including an attached single-family dwelling~~
9 ~~or a group of attached single-family dwellings.~~

10 ~~Dwelling, One-Family or Single-Family. "One-family or single-family dwelling" means a~~
11 ~~detached building designed and used as one dwelling unit.~~

12 "Dwelling unit" means a building, or a portion of a building, that has independent living
13 facilities including permanent indoor provisions for living, sleeping, cooking, and
14 sanitation, and that is designed for residential occupancy. Buildings with more than one
15 set of cooking facilities are considered to contain multiple dwelling units, as applicable,
16 unless the additional cooking facilities are clearly accessory to the primary use, such as an
17 outdoor grill or wet bar. one or more rooms designed exclusively and used for occupancy
18 by one family for living purposes and having only one cooking facility.

19 "Façade" means the exterior wall of a building or structure exposed to public view or that wall viewed by persons
20 from a street, sidewalk, or right-of-way.

21 "Family" means one person or two or more persons related by blood, marriage, legal adoption or guardianship, or a
22 group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage,
23 legal adoption or guardianship living together as a single housekeeping unit in a dwelling unit.

24 "Fenestration" means the arrangement of windows and doors on the elevations of a building or structure.

25
26 "Frontage" means that part of a property line abutting a street. all the property abutting on a street.

27 "Gross area" means the total area within the property lines of a unit of land.

28
29 "Home occupation" means any lawful activity carried out for gain by a resident of a
30 dwelling unit in that resident's dwelling unit and in which the activity is secondary to the
31 primary use of the dwelling unit as a dwelling unit, where no employees not residing in
32 the dwelling unit enter the premises for any activity related to the home occupation, and
33 does not give the outward appearance of anything other than a residence. not otherwise
34 specifically provided for in this title, commonly carried on within a dwelling by a member
35 or members of a family, no employee or other person being engaged in the same, and in
36 which the activity is secondary to the use of the dwelling for living purposes. A home
37 occupation is one that is conducted in such a manner as not to give the appearance of a

1 ~~business nor to infringe upon the right of neighboring residences to enjoy the peaceful~~
2 ~~occupancy of their homes.~~

3 ~~“Horticulture” means the cultivation of plants, garden crops, trees and/or nursery stock.~~

4 ~~“Hotel” means a facility offering transient lodging accommodations for compensation~~
5 ~~and which may or may not include additional facilities and services, such as restaurants,~~
6 ~~meeting rooms, entertainment, personal services, and recreational facilities, and where no~~
7 ~~cooking facilities are provided in any lodging rooms or suites. building or portion thereof~~
8 ~~designed or used for occupancy of individuals who are lodged with or without meals, and~~
9 ~~in which no provision is made for cooking in any individual room or suite.~~

10 ~~“Lot” means a legally defined piece of land other than a tract that is the result of a land~~
11 ~~division. This definition includes the State definition of both lot, (result of subdividing),~~
12 ~~and parcel, (result of partitioning).~~ plot, parcel or area of land owned by or under the lawful
13 control and in the lawful possession of one distinct ownership.

14 ~~“Lot area” means the total area of a lot measured in a horizontal plane within the lot~~
15 ~~boundary lines exclusive of public and private roads, and easements of access to other~~
16 ~~property.~~

17 ~~“Lot depth” means the perpendicular distance measured from the midpoint of the front~~
18 ~~property to the midpoint of the opposite property line. average horizontal distance~~
19 ~~between the front lot line and rear lot line.~~

20 ~~“Lot line” means the property line bounding a lot.~~

21 ~~Lot line, Front. “Front lot line” means, for an interior lot, a line separating the lot from the~~
22 ~~street; and for a corner or through lot, a line separating either (but not both) frontages of~~
23 ~~the lot from the street.~~

24 ~~Lot line, Rear. “Rear lot line” means, for an interior lot, a line separating one lot line from~~
25 ~~another on the opposite side of the lot from the front lot line; for corner lots, either (but~~
26 ~~not both) interior lot line separating one lot from another; and for an irregular or~~
27 ~~triangular-shaped lot, a straight line 10 feet in length that is parallel to and at the~~
28 ~~maximum distance from the front lot line.~~

29 ~~Lot line, Side. “Side lot line” means, for interior lots, a line separating one lot from the~~
30 ~~abutting lot or lots fronting on the same street; for corner lots, a line other than the front~~
31 ~~lot line separating the lot from the street or line separating the lot from the abutting lot~~
32 ~~along the same frontage.~~

33 ~~“Lot width” means the horizontal distance between the side property lines measured at~~
34 ~~right angles to the lot depth at a point midway between the front and rear property lines.~~
35 ~~average horizontal distance between the side lot lines, ordinarily measured parallel to the~~
36 ~~front lot line.~~

37 ~~“Medallion” means a small decorative detail used to accent a building’s exterior.~~

1 **“Mezzanine” means an intermediate level between a ground floor and the upper story(ies)**
2 **occupying a partial area of floor space.**

3 **“Mixed use” means a development that includes a building or buildings containing a mix**
4 **of commercial and residential uses that are planned and developed together on the same**
5 **site, or adjoining sites. The mix of uses may occur in the same building or in separate**
6 **buildings, provided at least one building in the development contains both commercial**
7 **and residential uses.**

8 **“Multi-unit dwelling” means a structure containing three or more dwelling units. The land**
9 **underneath the structure is not divided into separate lots.**

10 **“Net area” means the area left after subtracting from the gross area the following:**
11 **significant wetland areas, significant riparian areas, areas dedicated for public rights-**
12 **of-way, areas dedicated to the public for public parks, areas in a bluff erosion zone, and**
13 **areas in a flood hazard area.**

14
15 **“Nonconforming commercial site development” means characteristics of existing**
16 **developed properties that do not meet standards specified in Chapter 17.74 LCMC,**
17 **Commercial Design Standards. ~~Or design standards adopted for specific pearl districts,~~**
18 **as applicable.**

19
20 **“Occupancy classification” means the formal designation of the primary purpose of the building,**
21 **structure, or portion thereof as listed in the adopted Oregon Structural Specialty Code and**
22 **Oregon Residential Specialty Code.**

23 **“Orient” means to cause to face toward a particular point of reference (e.g., “A building oriented**
24 **to the street”).**

25 **“Owner” is the owner of the title to real property or the contract purchase of real property of**
26 **record, as shown on the latest assessment records in the Lincoln County Assessor’s Office.**
27 **Owner also includes a deed holder or contract purchaser whose name does not appear in the**
28 **latest assessment records, but who presents to the city a copy of a recorded deed or contract of**
29 **sale signed by the owner of record. ~~means the person in whom is vested the ownership,~~**
30 **dominion or title of property; proprietor; including an authorized agent of the owner.**

31 **“Parapet” means a low protective wall at the edge of a roof or balcony.**

32 **“Parcel.” See “Lot.”**

33 **“Pathway” means a pedestrian and/or bicycle way on public or private property that provides**
34 **pedestrian and/or bicycle circulation within a site and to adjacent sites and facilities, that may or**
35 **may not be dedicated to the public or within right-of-way.**

- 1 "Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk,
 2 pathway, or other area that is used principally by pedestrians. Bollards, wall-mounted lights, and
 3 step lights are typical of pedestrian-scale lighting.
- 4 "Pedestrian space" means areas planned and improved to provide opportunities for active
 5 recreation, passive relaxation, or community interaction, and which are accessible to the general
 6 public or to residents, tenants, employees, or customers in common. Examples include plazas,
 7 courtyards, alcoves, outdoor seating areas, private parks, and viewpoints overlooking natural
 8 resource areas. Pedestrian spaces do not include public parks unless the public parks were
 9 approved as Pedestrian Space and conveyed to the city.
- 10 "Pediment" means a low-pitched gable over a portico, door, or window; may be used to reduce
 11 the scale of a building façade.
- 12 "Pier" means, in architectural terms, a portion of a wall between windows, doors, or other
 13 openings. As a water facility, it means a fixed moorage facility constructed outward from the
 14 shoreline.
- 15 "Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital
 16 and base, projecting only slightly from a wall as an ornamental motif.
- 17 "Plaza" means an outdoor area designed to encourage social interaction and accommodate
 18 recreational events, events, or relaxation. Plazas are typically provided with pedestrian amenities,
 19 art, and/or landscaping.
- 20 "Portico" means a porch or entrance to a building consisting of a covered and often columned
 21 area.
- 22 "Practicable" means capable of being done after taking into consideration reasonable cost,
 23 existing technology, and logistics in light of overall project purposes.
- 24 "Primary entrance" means the entrance to a building that most individuals are expected to use.
 25 Generally, each building has one primary entrance; however, some buildings may have more
 26 than one primary entrance or may have entrances that open directly into the building's lobby or
 27 principal interior ground level circulation space.
- 28 "Primary structure" means a structure or combination of structures of chief importance or
 29 function on a site. In general, the primary use of the site is carried out in a primary structure. The
 30 difference between a primary and accessory structure is determined by comparing the size,
 31 placement, design, appearance, and the orientation of the structures on a site.
- 32 "Primary use" means an activity or combination of activities of chief importance on the site. The
 33 main purpose for which the land or structures are intended, designed, or ordinarily used.
- 34 "Property line" means the division line between two units of land.
- 35 _____ "Front property line" means a property line that abuts a street. On a corner lot, the front
 36 property line is the shortest of the property lines that abut a street. If two or more street

1 property lines are of equal length, then the property owner can choose which property line is to
2 be the front. However, a through lot has two front property lines regardless of whether street
3 property lines are of equal or unequal length.

4 _____ Rear property line means the line opposite the front property line. For irregular or
5 triangular lots, the rear property line shall be a straight line 10 feet in length, within the lot,
6 parallel with and at the maximum distance from the front property line.

7 _____ Side property line means property lines that are neither a front or rear property line. On
8 a corner lot, the longest property line which abuts a street is a street side property line.

9 **“Public utility” means telephone, electric, natural gas, telecommunication, and similar**
10 **franchise facilities, and water and wastewater (sanitary sewer and storm) conveyance**
11 **and treatment facilities. Utility uses may or may not have regular employees at the site.**
12 **Services may be public or privately provided.**

13
14 **“Radio and television transmitter or tower” means transmitter or tower that disseminates**
15 **only radio and television communications intended to be received by the public,**
16 **including the direct transmission or by the intermediary of relay stations.**

17
18 **“Residential facility” means a residential care, residential training or residential treatment**
19 **facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to**
20 **443.455), that provides residential care alone or in conjunction with treatment or**
21 **training or a combination thereof for six to fifteen individuals who need not be related.**
22 **Staff persons required to meet licensing requirements shall not be counted in the**
23 **number of facility residents, and need not be related to each other or to any resident of**
24 **the residential facility.**

25
26 **“Residential home” means a residential treatment or training home, as defined in ORS**
27 **443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under**
28 **ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of**
29 **registered facilities) or an adult foster home licensed under ORS 443.705 (Definitions**
30 **for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that**
31 **provides residential care alone or in conjunction with treatment or training or a**
32 **combination thereof for five or fewer individuals who need not be related. Staff persons**
33 **required to meet licensing requirements shall not be counted in the number of facility**
34 **residents, and need not be related to each other or to any resident of the residential**
35 **home.**

36

1 ~~“Residential home” means a residential treatment or training or an adult foster home~~
2 ~~licensed by or under the authority of the department, as defined in ORS 443.400, under~~
3 ~~ORS 443.400 through 443.825, a residential facility registered under ORS 443.480~~
4 ~~through 443.500 or an adult foster home licensed under ORS 443.705 through 443.825~~
5 ~~which provides residential care alone or in conjunction with treatment or training or a~~
6 ~~combination thereof for five or fewer individuals who need not be related. Staff persons~~
7 ~~required to meet licensing requirements shall not be counted in the number of facility~~
8 ~~residents, and need not be related to each other or to any resident of the residential~~
9 ~~home.~~

10
11 “Resort” means a place providing lodging and recreation to vacationers for a fee.

12
13 “Routine repairs and maintenance” means the activities intended to preserve and care for
14 a structure, building, landscaping, or other improvements to such an extent that they
15 remain safe, presentable, neat, and carry out the purpose for which they were initiated,
16 installed, constructed or required, without expanding the existing development or activity;
17 also the regular upkeep of physical properties including recurring, preventative, and on-
18 going maintenance necessary to delay or prevent the failure of critical and non-critical
19 building systems, buildings, and structures. Examples of routine repairs and maintenance
20 include painting, re-roofing, repairing dry rot, re-siding, replacing exterior windows or
21 doors in the same location as their existing location, or similar.

22
23 “Setback” means the minimum or maximum distance required between a specified object and
24 another point. Typically, a setback refers to the minimum or maximum distance from a building
25 or structure to a specified property line.

26 “Front setback” means the required distance from the front property line and a specified object.

27 “Rear setback” means the required distance from the rear property line and a specified object.

28 “Interior side setback means the required distance from the side property line and a specified
29 object.

30 “Street side setback means the required distance from the street side property line and a
31 specified object.

32 “Garage/carport entrance setback” means the distance from the property line to the
33 garage/carport entrance.

34 “Shared street” means a low-volume and low-speed street, as the city’s transportation system
35 plan designates, used by pedestrians, bicyclists, and motor vehicles, and where pedestrians have
36 priority over motor vehicles and bicyclists. Shared streets do not have clear division between
37 pedestrian and motor vehicle space (e.g., no continuous curb) and typically include such features

1 as street furniture (e.g., planters, street trees, benches) and areas for social interaction. Design
2 criteria for shared streets are in the transportation system plan.

3 ~~“Shared-use path” means a facility for non-motorized travel outside of the roadway, intended~~
4 ~~for transportation, recreation, or both. Typical design standards for shared-use paths are in the~~
5 ~~city’s transportation system plan.~~

6 ~~“Sign” means an identification, description, illustration or device which is affixed to or~~
7 ~~represented, directly or indirectly, upon a building, structure or land and which directs attention~~
8 ~~to a product, place, activity, person, institution or business.~~

9 ~~Sign, Advertising. “Advertising sign” means a sign which directs attention to a business, product,~~
10 ~~activity or service which is not necessarily conducted, sold or offered upon the premises where~~
11 ~~such sign is located.~~

12 ~~“Sidewalk cafe” means any group of tables and chairs, and its authorized decorative and~~
13 ~~accessory devices, situated and maintained upon the public sidewalk or along the private~~
14 ~~porches, plazas, and arcades for use in connection with the consumption of food and beverage~~
15 ~~sold to the public from or in an adjoining indoor restaurant or delicatessen.~~

16 ~~“Site” means for land divisions and property line adjustments, the lots, lots of record, parcels, or~~
17 ~~tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership~~
18 ~~except as follows:~~

19 - ~~If a proposed development includes multiple ownerships, then the site is the combined~~
20 ~~area of all contiguous ownerships.~~

21 - ~~If a proposed development includes only a portion of an ownership, and the balance of~~
22 ~~the ownership is vacant, then the applicant may choose to define the site as the portion~~
23 ~~of the ownership that is proposed for development.~~

24 - ~~If a proposed development includes only a portion of an ownership, and there is other~~
25 ~~development on the ownership, then the applicant may choose to define the site as the~~
26 ~~portion of the ownership that is currently developed plus the portion proposed for~~
27 ~~development.~~

28 ~~“Silviculture” means the care and cultivation of forest trees; forestry.~~

29
30 ~~“Site plan” means a plan, prepared to scale, showing accurately and completely all~~
31 ~~dimensions of the uses proposed for a specific parcel of land.~~

32
33 ~~“Spandrel” means the blank space between windows and successive stories; or the area~~
34 ~~between the top of a column or pier and the apex of the arch springing from it.~~

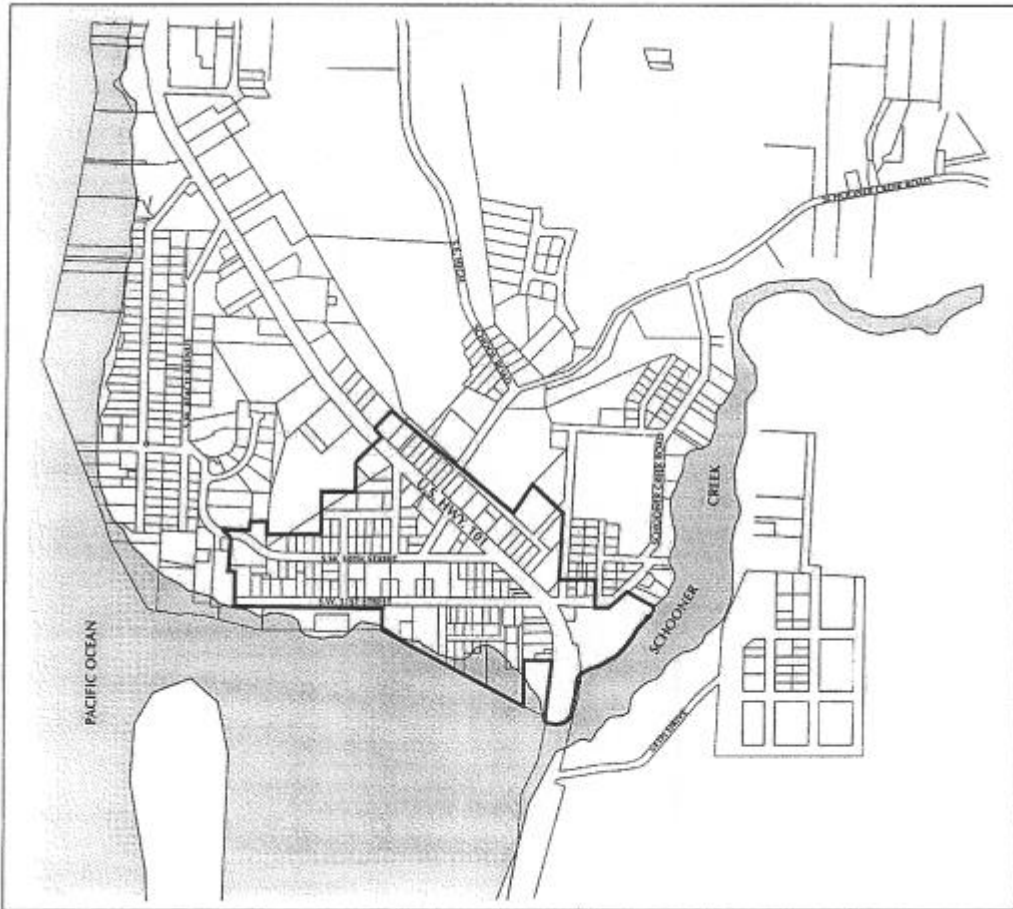
35

1 **“Street” means, for purposes of this title, the entire width between the right-of-way lines**
2 **of every way for vehicular and pedestrian traffic and includes the terms, and may be used**
3 **interchangeably with, “road,” “highway,” “laned,” “place,” “avenue,” “alley” and other**
4 **similar designations.**

5 **“Structure” means except as provided by applicable building codes, any object**
6 **constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag**
7 **poles, signs, utility vaults, and other similar objects. Structure does not include paved**
8 **areas or vegetative landscaping materials. ~~something constructed or built and having a~~**
9 **fixed base on, or fixed connection to, the ground or another structure.**

10 **“Structural alteration” means a change or repair of the supporting members of a building**
11 **or structure, such as alteration of bearing walls, foundation, columns, beams, or girders.**
12 **In addition, any decrease or increase to number of size of exterior openings shall be**
13 **considered a structural alteration.**

14
15 **“Taft Village core” means the area depicted graphically below and generally defined by the**
16 **Fleet Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay**
17 **(south), Inlet Avenue (east), and the west end of SW 51st Street (west).**
18



Taft Village Core

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16

“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.

1 “Turret” means a small tower extending above a building.

2 “Underlying zone” means the property’s existing zoning district existing zone on the
3 property at the time an application is accepted for processing. of application.

4 “Use” means the purpose or activity for which land or a building or structure thereon is
5 designed, arranged, occupied, or intended or for which it is maintained, and shall include
6 any manner or performance of such activity with respect to the performance requirements
7 of this title.

8 ~~“Use limitations” means regulations intended to limit or emphasize the desired nature and~~
9 ~~quality of uses permitted within a business or special district.~~

10 “Land Use regulations” means regulations which relate to a specific condition such as
11 density or intensity or to building size, bulk or siting conditions occurring anywhere and
12 for any type of building located within a given zoning district.

13 ~~“Variance” means a decision by the review authority to lessen or otherwise modify the~~
14 ~~requirements of the zoning code. is a term applied to the authorization after a public~~
15 ~~hearing for the construction or maintenance of a building or structure. The rationale for~~
16 ~~the use of a variance is to provide for administrative relief from the literal terms of a~~
17 ~~zoning code.~~

18 ~~Yard, Transitional. “Transitional yard” means a yard that must be provided with~~
19 ~~landscaping and screening on a lot in a commercial district which adjoins a lot in a~~
20 ~~residential district. A transitional yard shall include any required yard or right of way~~
21 ~~setback.~~

22
23

24 **SECTION 2.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.20 (Multiple-Unit
25 Residential (R-M) Zone) is hereby amended to read as follows:

26
27

Chapter 17.20
MULTIPLE-UNIT RESIDENTIAL (R-M) ZONE

Sections:

30

- 31 **17.20.010 Purpose.**
- 32 **17.20.020 Permitted uses.**
- 33 **17.20.030 Accessory uses.**
- 34 **17.20.040 Conditional uses.**
- 35 **17.20.050 Development standards.**
- 36 **17.20.060 Landscaping.**
- 37 **17.20.070 Signs.**
- 38 **17.20.080 Supplementary Regulations and Exceptions.**
- 39 **17.20.090 Off-street parking and loading.**

1 **17.20.100 Design standards.**

2 **17.20.110 Restrictions.**

3
4 **17.20.010 Purpose.**

5
6 **The Multiple-Unit Residential (R-M) zone allows and encourages higher-density**
7 **residential uses that blend a range of housing types with the surrounding neighborhood,**
8 **in a compact, aesthetic, and walkable development pattern.**
9

10 **17.20.020 Permitted uses.**

11
12 **A. Attached single-unit dwellings;**

13
14 **B. Attached single-unit dwellings developments;**

15
16 **C. Community or market gardens not larger than 12,500 square feet, subject to the**
17 **provisions of LCMC 17.80.080;**

18
19 **D. Cottage housing developments, subject to the provisions of LCMC 17.80.120;**

20
21 **E. Duplexes;**

22
23 **F. Multi-unit dwellings;**

24
25 **G. Residential facilities;**

26
27 **H. Residential homes;**

28
29 **I. Structures used temporarily on the site and only during construction of a permitted or**
30 **conditional use for which a building permit has been issued, but not exceeding six**
31 **months;**

32
33 **J. Tiny house developments, subject to the provisions of LCMC 17.80.040(C);**

34
35 **K. Transportation uses.**

36
37 **17.20.030 Accessory uses.**

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

39
40 **B. Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060;**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

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.

17.20.050 Development standards.

	<u>Attached single-unit dwellings, residential facilities, and residential homes</u>	<u>Attached single-unit dwellings developments⁵</u>	<u>Duplexes</u>	<u>Multi-unit dwellings</u>	<u>Conditional uses</u>
1. <u>Min. lot width</u>	<u>25</u>	<u>None</u>	<u>25 feet</u>	<u>25 feet</u>	<u>Not applicable</u>
2. <u>Min. lot area (square feet)</u>	<u>2,500</u>	<u>None</u>	<u>2,500</u>	<u>2,500</u>	<u>None</u>
3. <u>Min. density</u>	<u>None</u>	<u>15 dwelling units per net acre^{2,3}</u>	<u>None</u>	<u>15 dwelling units per net acre^{2,3}</u>	<u>Not applicable</u>
4. <u>Max. building height (see also Sections 17.52.190 and 17.52.200)</u>					
a. <u>Primary buildings</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>	<u>40 feet</u>	<u>35 feet</u>
b. <u>Accessory buildings, structures, uses</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>
5. <u>Min. building setbacks (except garage/carport entrances)⁴</u>					
a. <u>Front porch</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>	<u>0 feet</u>	<u>5 feet</u>
b. <u>Front wall</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>0 feet</u>	<u>10 feet</u>
c. <u>Side interior</u>	<u>5 feet, but 0 feet for attached walls</u>	<u>5 feet, except 0 feet for attached walls</u>	<u>5 feet</u>	<u>5 feet</u>	<u>10 feet</u>
d. <u>Side street</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>0 feet</u>	<u>10 feet</u>
e. <u>Rear</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>15 feet</u>	<u>15 feet</u>
6. <u>Min. setbacks for garage/carport entrances</u>					

	<u>Attached single-unit dwellings, residential facilities, and residential homes</u>	<u>Attached single-unit dwellings developments⁵</u>	<u>Duplexes</u>	<u>Multi-unit dwellings</u>	<u>Conditional uses</u>
<u>(attached or detached)</u>					
<u>a. Front-loaded access</u>	<u>10 feet behind front street-facing wall of dwelling</u>	<u>10 feet behind front street-facing wall of dwelling</u>	<u>10 feet behind front street-facing wall of dwelling</u>	<u>Not permitted</u>	<u>Not permitted</u>
<u>b. Side-loaded access</u>	<u>Must not project beyond side street-facing wall of dwelling</u>	<u>Must not project beyond side street-facing wall of dwelling</u>	<u>Must not project beyond side street-facing wall of dwelling</u>	<u>Must not project beyond side street-facing wall of primary building</u>	<u>Not permitted</u>
<u>c. Rear-loaded access</u>	<u>3-foot minimum from rear property line</u>	<u>3-foot minimum from rear property line</u>	<u>3-foot minimum from rear property line</u>	<u>3-foot minimum from rear property line</u>	<u>3-foot minimum from rear property line</u>
<u>7. Max. building coverage</u>	<u>35%</u>	<u>45%</u>	<u>45%</u>	<u>65%</u>	<u>45%</u>
<u>8. Common Open Space</u>	<u>None required</u>	<u>Required¹</u>	<u>None required</u>	<u>Required¹</u>	<u>None required</u>
<u>9. Vehicle storage space</u>	<u>None required</u>	<u>Required⁵</u>	<u>None required</u>	<u>None required</u>	<u>None required</u>

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

4
5 i. Common open space must be designed for passive or active recreational use and
6 may include usable floor area in the development’s recreation building or club

1 house. Common open space must be located outside of required setbacks and
2 required parking areas. The common open space requirement is allowed to count
3 toward the minimum landscape percentage requirement in Chapter 17.55 LCMC.
4

5 ii. Common open space must be available, accessible, and free for use by occupants
6 and their guests without leaving the development.
7

8 iii. Common open space must be connected to primary building entrances (in the case
9 of multi-unit dwellings) by an ADA-accessible walkway that is at least five feet
10 wide. The square footage area of ADA-accessible walkways can count towards the
11 minimum common open space square footage requirement if they provide at least
12 one of connection to each other, connection to other common open space areas, or
13 connection to public right-of-way or the parking area for the development.
14

15 iv. All required common open spaces must include at least one amenity for users
16 including seating, trash/recycling bins, dog waste stations, or play equipment – all
17 of which must coordinate with and complement the development. If a common
18 open space area has direct connection to an ADA-accessible walkway, then that
19 connection and ADA-accessible walkway can count as the amenity for that
20 particular common open space area. Common open spaces provided over and
21 above the minimum requirement do not need to provide any amenities.
22

23 ²Where the minimum density calculation results in a fraction that is .50 or above, the
24 fraction is rounded up to the next whole number. Where a minimum density calculation
25 results in a fraction that is less than .50, the fraction is rounded down to the preceding
26 whole number.
27

28 ³Example: 50,000 gross square feet less 1,200 square feet for significant wetlands and
29 right-of-way dedication equals 48,800 net square feet. 48,800 divided by 43,560 = 1.12
30 acres x 15 = 16.8 or 17 dwelling units minimum density.
31

32 ⁴Refer to 17.52.160(B) for exceptions to setback requirements for accessory buildings.
33

34 ⁵Vehicle storage space for boats, campers, RVs, etc. shall be provided at the rate of one
35 10-foot by 20-foot space in size for every four dwelling units. Adequate maneuvering
36 room shall be provided. The perimeter of the vehicle storage space, excepting the
37 entrance to such, shall be blocked from sight with a 6-foot-high sight-obscuring fence,
38 hedge, or wall that complies with clear-vision area requirements of LCMC 17.52.060, and if
39 a hedge, complies with LCMC 17.55.080, Living landscaping as screening.
40

41 17.20.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55
42 LCMC.
43

1 17.20.070 Signs. Signs shall be allowed in accordance with Chapter 17.72 LCMC and
2 Chapter 9.34 LCMC.

3
4 17.20.080 Supplementary Regulations and Exceptions. Supplementary Regulations and
5 Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

6
7 17.20.090 Off-street parking and loading. Off-street parking and loading shall be
8 provided in accordance with Chapter 17.56 LCMC.

9
10 17.20.100 Design standards. Design standards shall be adhered to in accordance with
11 Chapter 17.74.

12
13 17.20.110 Restrictions. No development shall occur in the R-M zone unless all city services
14 (sewer and water) are available to serve such development.

15
16 17.20.120 Conflicts. If conflicts occur between the requirements of this chapter and any
17 other rules or regulations, the strictest requirement shall apply.

18
19
20 **Chapter 17.20**
21 **MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE**

22 **Sections:**

- 23
- 24 ~~17.20.010 Purpose.~~
- 25 ~~17.20.020 Permitted uses.~~
- 26 ~~17.20.030 Accessory uses.~~
- 27 ~~17.20.040 Conditional uses.~~
- 28 ~~17.20.050 Minimum lot area and density requirements.~~
- 29 ~~17.20.060 Lot width, building coverage and yard requirements.~~
- 30 ~~17.20.070 Maximum building height.~~
- 31 ~~17.20.080 Signs.~~
- 32 ~~17.20.090 Parking.~~
- 33 ~~17.20.100 Other required conditions.~~

34
35 ~~17.20.010 Purpose.~~
36 ~~This zoning district is designed to provide an environment suitable for higher density~~
37 ~~urban residential uses, and community services.~~

38
39 ~~17.20.020 Permitted uses.~~
40 ~~The following uses are permitted:~~

- 41
- 42 ~~A. Single-family dwellings, if developed under the standards set forth for single-family~~
- 43 ~~dwellings within the R-1 zone (except for the building coverage standards, which shall be~~
- 44 ~~as set out in LCMC 17.20.060(D)), and two-family dwellings or duplexes;~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

~~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;~~

1 ~~F. Vacation rental dwelling, provided it is not rented for more than 30 nights in any~~
2 ~~calendar year, and subject to LCMC 17.80.050 and to the license requirements of Chapter~~
3 ~~5.14 LCMC;~~
4

5 ~~G. Other accessory uses and accessory buildings and structures customarily appurtenant~~
6 ~~to a permitted use.~~
7

8 ~~17.20.040 Conditional uses.~~
9 ~~The following conditional uses may be permitted subject to a conditional use permit:~~
10

11 ~~A. Time-share units, when developed subject to requirements and standards of this~~
12 ~~section;~~
13

14 ~~B. Places of worship;~~
15

16 ~~C. Public or private schools (kindergarten through 12th grade, educational institutions,~~
17 ~~nursery schools and day care centers);~~
18

19 ~~D. Community meeting buildings, fraternal and social organizations and recreation~~
20 ~~centers, public parks, playgrounds and similar publicly owned recreational areas;~~
21

22 ~~E. Public or private golf courses, except driving ranges or miniature courses operated as a~~
23 ~~business;~~
24

25 ~~F. Mobile home parks submitted under the provisions of LCMC 17.80.040;~~
26

27 ~~G. Temporary real estate offices in legally recorded subdivisions;~~
28

29 ~~H. Cemeteries;~~
30

31 ~~I. Utility substations, but not wireless communications facilities;~~
32

33 ~~J. Radio and television transmitters or towers, but not wireless communications facilities;~~
34

35 ~~K. Government buildings;~~
36

37 ~~L. Hospitals, sanitariums, rest homes and nursing homes.~~
38

39 ~~17.20.050 Minimum lot area and density requirements.~~
40 ~~The minimum lot area shall be 5,000 square feet for a single family dwelling and a~~
41 ~~minimum of 8,000 square feet for a duplex or the first two units of a multifamily~~
42 ~~development. For each additional dwelling unit, the following standards shall apply:~~
43

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

4
5 ~~B. High Density. Where the entire lot is within 150 feet of the boundary of a commercial~~
6 ~~zone, the lot must have an additional area of 1,200 square feet for each additional~~
7 ~~dwelling unit.~~

8
9 ~~C. Mixed Density. Where a portion of the parcel is within 150 feet of a boundary line of a~~
10 ~~commercial zone and a portion of the parcel is in excess of 150 feet of the boundary of a~~
11 ~~commercial zone, calculate allowed density (number of dwelling units) in the following~~
12 ~~manner:~~

13
14 ~~1. Deduct the 8,000 square feet required for the first two units from the larger of the two~~
15 ~~portions. If neither portion is 8,000 square feet, deduct as much as possible from the~~
16 ~~larger portion and the remainder from the smaller portion, or if the same size, subtract~~
17 ~~equally from both portions;~~

18
19 ~~2. Divide the remainder (i.e., square feet of the portion within 150 feet of a commercial~~
20 ~~zone, less the square footage deducted from this portion in step one) by 1,200 square feet~~
21 ~~per unit;~~

22
23 ~~3. Divide the remainder (square feet of the portion more than 150 feet from a commercial~~
24 ~~zone, less the square footage deducted from this portion in step one) by 2,250 square feet~~
25 ~~per unit;~~

26
27 ~~4. Add the quotients from steps 2 and 3. Round the resulting quotient down to the~~
28 ~~nearest whole number;~~

29
30 ~~5. To this sum add the two units from step 1 to get the maximum number of dwelling~~
31 ~~units allowed on the parcel. The site plan may distribute the allowed units on the lot~~
32 ~~without regard to distance from commercial zoning.~~

33
34 ~~6. Example of calculation described in subsections (C)(1) through (5) of this section:~~

35
36 ~~A 50,000 square foot parcel with 20,000 square feet within 150 feet of a commercial zone~~
37 ~~and 30,000 square feet in excess of 150 feet from a commercial zone.~~

38
39 ~~1. Deduct the 8,000 square feet required for the first two units from the 30,000 square~~
40 ~~foot portion.~~

41
42 ~~2. Divide the 20,000 square feet of the area within 150 feet of a commercial zone by 1,200~~
43 ~~square feet per unit. The result is 16.67 units.~~

44

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

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

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

7
8 ~~17.20.060 Lot width, building coverage and yard requirements.~~

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

11
12 ~~B. Front Yard. The minimum front yard shall be 20 feet.~~

13
14 ~~C. Side and Rear Yard. The minimum side and rear yard shall be at least five feet, except~~
15 ~~that the street side yard shall be a minimum of 15 feet. The side and rear yard shall be~~
16 ~~increased by one-half foot for each foot by which the building height exceeds 15 feet.~~

17
18 ~~D. Building Coverage. The maximum building coverage by buildings and structures shall~~
19 ~~not exceed 45 percent of the total lot area.~~

20
21 ~~E. Special yards and distances between buildings shall be provided as follows:~~

22
23 ~~1. The distance between any principal building and any accessory building shall be a~~
24 ~~minimum of 10 feet.~~

25
26 ~~2. An inner court providing access to double-row dwelling groups shall be a minimum of~~
27 ~~20 feet in width.~~

28
29 ~~3. Except for single-family dwellings on one lot, the distance between principal buildings~~
30 ~~shall be at least one-half the sum of the height of both buildings; provided, however, that~~
31 ~~in no case shall the distance be less than 15 feet. This requirement shall also apply to~~
32 ~~portions of the same building separated from each other by a court or other open space.~~

33
34 ~~4. For special yard requirements, see Chapter 17.52 LCMC, Supplementary Regulations and~~
35 ~~Exceptions.~~

36
37 ~~17.20.070 Maximum building height.~~
38 ~~Maximum building height shall be 35 feet except as provided in LCMC 17.52.190 and~~
39 ~~17.52.200.~~

40
41 ~~17.20.080 Signs.~~
42 ~~Signs shall be permitted in accordance with the provisions of Chapter 17.72 LCMC.~~

43
44 ~~17.20.090 Parking.~~

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

2

3 ~~17.20.100 Other required conditions.~~

4 ~~A. Landscaping. Landscaping shall be provided in accordance with LCMC 17.52.100.~~

5

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

15

16 ~~C. [Reserved]~~

17

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

25

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

28

29 ~~1. Width of Access Way. The width of any access way leading to or from a street or~~
30 ~~highway shall not exceed 24 feet, or where the city engineer or the Oregon Department of~~
31 ~~Transportation requires a turn lane, 36 feet, nor be less than 15 feet in width at the right-~~
32 ~~of-way line for a one-way ingress or egress. The alignment of access ways and curb return~~
33 ~~dimensions is subject to site plan review committee approval.~~

34

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

41

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

44

1 ~~F. Restrictions. No development shall occur in the R-M zone unless all city services (sewer~~
2 ~~and water) are available to serve such development, except as provided in LCMC~~
3 ~~17.52.120(A).~~

4
5 ~~G. Design Features. All single-family units (site-built, modular and manufactured homes)~~
6 ~~to be constructed or located in the multifamily residential zone shall utilize at least two of~~
7 ~~the following design features to provide visual relief along the front of the home:~~

8
9 ~~1. Dormers;~~

10
11 ~~2. Gables;~~

12
13 ~~3. Recessed entries;~~

14
15 ~~4. Covered porch entries;~~

16
17 ~~5. Cupolas;~~

18
19 ~~6. Pillars or posts;~~

20
21 ~~7. Bay or bow windows;~~

22
23 ~~8. Eaves (minimum six-inch projection);~~

24
25 ~~9. Off-sets on building face or roof (minimum 16 inches).~~

26
27 **SECTION 3.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.24 (*Professional Campus*
28 (*PC Zone*), Section 17.24.020 (*Uses permitted*), paragraph (F), is hereby amended as follows:

29
30
31 F. Elderly housing units developed under the standards and ~~provisions of the low density~~
32 ~~section of the R-M zone; requirements for multi-unit dwellings in Chapter 17.20 and~~
33 ~~Chapter 17.74;~~

34
35 **SECTION 4.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.28 (*Recreation-Commercial*
36 (*RC Zone*), Section 17.28.040 (*Conditional uses permitted*), paragraphs (B), (F), and (J) are hereby
37 amended as follows:

38
39 B. ~~Public use or p~~Public utility;

40
41 F. Multi-~~unit~~ family dwellings developed under the standards **and requirements for multi-**
42 **unit dwellings in Chapter 17.20 and Chapter 17.74; of the R-M zone;**
43

1 **J. Residential facilities developed under the standards and requirements for residential**
2 **facilities in Chapter 17.20, and subject to the provisions of Chapter 17.74 residential**
3 **uses.**
4

5 **SECTION 5.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial*
6 (*GC Zone*), Section 17.32.040 (*Conditional uses permitted*), paragraph (K), is hereby amended,
7 and paragraph (U) is hereby added, as follows:
8

9 K. Multi-~~unit~~ family dwellings developed under the standards and ~~provisions of the high~~
10 **density section of the R-M zone; requirements for multi-unit dwellings in Chapter**
11 **17.20 and Article III of Chapter 17.74;**
12

13 **U. Residential facilities developed under the standards and requirements for residential**
14 **facilities in Chapter 17.20, and subject to provisions of Chapter 17.74 for residential**
15 **uses.**
16

17 **SECTION 6.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.32 (*General Commercial*
18 (*GC Zone*), Section 17.32.110 (*Other required conditions*), paragraph (E) is hereby amended as
19 follows:
20

21 **E. All commercial or mixed use buildings development in the GC zone must conform**
22 **to and comply with Chapter 17.74 LCMC, Commercial Design Standards.**
23

24 **SECTION 7.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.34 (*Nelscott Plan District*)
25 is hereby amended as follows:
26

27 **17.34.010 Purpose.**
28 The Nelscott plan district (NPD) is established to provide for the integration of residential,
29 commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use
30 environment. The purpose of the district is to provide maximum flexibility in land use while
31 protecting the unique character of Nelscott.
32

33 **17.34.020 Nelscott plan district subdistricts. overlay zones.**
34

35 **17.34.030 Permitted uses.**
36 Table 17.34.030.A identifies the land uses allowed in the each of the three Nelscott subdistricts.
37 Uses permitted are identified with "P"; those that are allowed subject to conditional use permit
38 approval are identified with "C"; prohibited uses are identified with "N."
39

40 **Table 17.34.030-1 Land Uses Allowed in Nelscott**
41

Uses	Subdistrict		
	Business District	Cottage Residential	Beachside Mixed Use
<u>Residential Categories</u>			
<u>Single-unit dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Attached single-unit dwelling</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Duplex</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Accessory dwelling unit,</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Multi-unit dwellings</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Mixed use</u> <u>– dwelling(s) above or abutting a ground floor commercial use</u> <u>– dwelling(s) below a ground floor commercial use fronting on Highway 101</u>	<u>P</u> <u>N</u>	<u>N</u> <u>N</u>	<u>P</u> <u>P</u>
<u>Manufactured homes, subject to the provisions of LCMC 17.52.250</u>		<u>P</u>	
<u>Commercial Categories</u>			
<u>Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities)</u> <u>– lawfully existing as of June 1, 2008</u> <u>– new or expanded use</u>	<u>P</u> <u>N</u>	<u>N</u> <u>N</u>	<u>N</u> <u>N</u>
<u>Walk-up windows, ATMs, similar uses/facilities</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Bed and breakfast inn, subject to the provisions of LCMC 17.80.060</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Educational services, not a school (e.g., tutoring or similar services)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Entertainment, major event</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Overnight accommodations, except bed and breakfast inns</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Offices</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Outdoor recreation, commercial</u>	<u>CU</u>	<u>N</u>	<u>CU</u>
<u>Surface parking lot, except for public facilities and parking as an accessory use</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Vehicle servicing or vehicle repair</u>	<u>N</u>	<u>N</u>	<u>N</u>

Uses	Subdistrict		
	Business District	Cottage Residential	Beachside Mixed Use
<u>Retail sales and service, excluding drive-up</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Retail sales and service, greater than 60,000 square feet</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Retail marijuana facility, subject to the provisions of LCMC 17.80.130</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Self-service storage</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Industrial Categories</u>			
<u>Industrial service, excluding drive-up</u> – fully enclosed (e.g., office) – not enclosed	<u>CU</u> <u>N</u>	<u>N</u> <u>N</u>	<u>N</u> <u>N</u>
<u>Manufacturing and production in conjunction with an allowed commercial use</u> – fully enclosed – not enclosed	<u>CU</u> <u>N</u>	<u>N</u> <u>N</u>	<u>N</u> <u>N</u>
<u>Warehouse and freight movement</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Waste-related, except as accessory to a primary permitted use</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Wholesale sales</u> – fully enclosed – not enclosed	<u>CU</u> <u>N</u>	<u>N</u> <u>N</u>	<u>N</u> <u>N</u>
<u>Institutional Categories</u>			
<u>Basic utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Colleges</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Government use</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>

Uses	Subdistrict		
	Business District	Cottage Residential	Beachside Mixed Use
<u>Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Parks and open space</u> <u>– pedestrian amenities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>– parks and recreation facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>– other open space</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Places of worship¹</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Schools</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Other Categories</u>			
<u>Accessory structures</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Animals and gardens, subject to the provisions of LCMC 17.80.080</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Radio and television transmitter towers</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Wireless communications facilities</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Essential emergency communications, early warning and associated emergency facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Transportation uses</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

3
4 **17.34.040 Development standards.**

5
6 **Table 17.34.040-1 Development Standards**

Standard	Business District	Cottage Residential	Beachside Mixed Use
<u>Minimum Lot Area* (square feet)</u>	<u>3,750 sq. ft.</u>	<u>3,750 sq. ft.</u>	<u>3,750 sq. ft.</u>
	<u>3,750 sq. ft.</u>	<u>Not applicable</u>	<u>3,750 sq. ft.</u>
	<u>3,750 sq. ft.</u>	<u>3,750 sq. ft.</u>	<u>3,750 sq. ft.</u>

<u>Standard</u>	<u>Business District</u>	<u>Cottage Residential</u>	<u>Beachside Mixed Use</u>
* <u>Development must conform to lot width, depth, setback and coverage standards</u> – <u>Detached single-unit dwelling</u> – <u>Attached single-unit dwelling</u> – <u>Other structures</u>			
<u>Maximum Dwelling Unit Density</u> – <u>Single-unit dwelling and Duplex</u> – <u>Multi-unit dwelling¹</u>	<u>One dwelling unit per 3,750 sq. ft.</u> <u>Subject to Chapter 17.20 LCMC</u>	<u>One dwelling unit per 3,750 sq. ft.</u> <u>Not applicable</u>	<u>One dwelling unit per 3,750 sq. ft.</u> <u>Subject to Chapter 17.20</u>
<u>Minimum Lot Width</u>	<u>50 ft.</u>	<u>35 ft.</u>	<u>50 ft.</u>
<u>Minimum Lot Depth</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Maximum Building Height</u>	<u>45 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
<u>Maximum Building Coverage</u>	<u>90%</u>	<u>35%²</u>	<u>80%</u>
<u>Minimum Setbacks</u> <u>Front, street, side, and rear property lines, except garage or carport entrances</u> <u>Garage/carport entrance setback from street</u> <u>Building setback from alley or walkway</u>	<u>0 ft., except as required for utility easements; single-family dwellings subject to NCR standards</u> <u>20 ft.</u> <u>5 ft.</u>	<u>5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings</u> <u>20 ft.</u> <u>5 ft.</u>	<u>10 ft.; single-unit dwellings subject to NCR standards</u> <u>20 ft.</u> <u>Not applicable</u>

1
2
3
4
5
6
7

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.

1
2 **17.34.080 Supplementary Regulations and Exceptions. Supplementary Regulations and**
3 **Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.**

4
5 **17.34.090 Off-street parking and loading. Off-street parking and loading shall be**
6 **provided in accordance with Chapter 17.56 LCMC.**

7
8 **17.34.100 Design standards. Design standards shall be adhered to in accordance with**
9 **Chapter 17.74.**

10
11 **17.34.110 Restrictions. No development shall occur in the NP zone unless all city services**
12 **(sewer and water) are available to serve such development.**

13
14 **17.34.120 Conflicts. If conflicts occur between the requirements of this chapter and any**
15 **other rules or regulations, the strictest requirement shall apply.**

16
17
18 **SECTION 8.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.45 (*Taft Village Core*
19 (*TVC*) *Zone*), is hereby amended as follows:

20
21 **17.45.010 Purpose.**

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

27
28 **17.45.020 Permitted uses.**

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

32
33 **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

Uses	Status of Use
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 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 rentals ²	C
3. Hotels/motels with 10 units or less	P
4. Recreational vehicle parks	N
5. Time-share units	C
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	

Uses	Status of Use
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	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

Uses	Status of Use
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
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

Uses	Status of Use
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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

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.

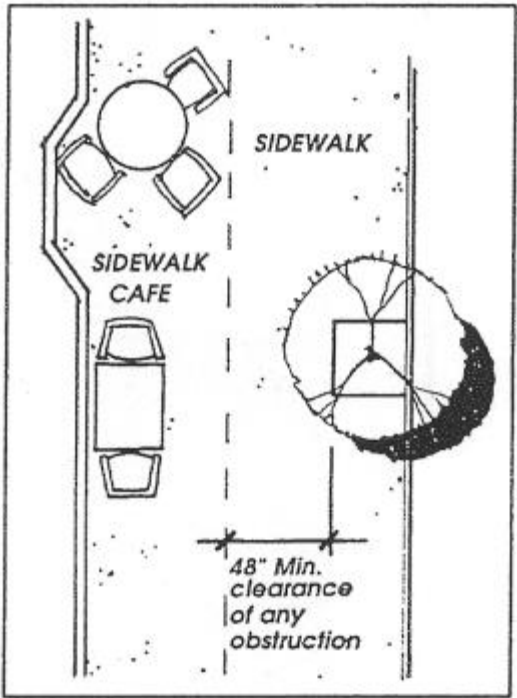
G. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not including bed and breakfast accommodations and other boarding and lodging facilities with 10 units or less.

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;

- 1 3. The outdoor sales display of merchandise shall only occur during times when the associated establishment is
- 2 also open for business; and
- 3 4. Only merchandise normally available at the associated business may be displayed outdoors.
- 4 I. Sidewalk Cafes. Sidewalk cafes on public sidewalks can enhance the pedestrian ambiance of Taft and are
- 5 encouraged. The purpose of this subsection is to set out the conditions and requirements under which a sidewalk
- 6 cafe may be permitted to operate on a public sidewalk within the TVC zone.
- 7 1. Conditional Use Permit Required. A conditional use permit is required for all sidewalk cafes in accordance
- 8 with Chapter 17.60 LCMC.
- 9 2. ODOT Right-of-Way. The Oregon Department of Transportation (ODOT) may require a separate permit for
- 10 sidewalk cafes located adjacent to Highway 101 within the ODOT right-of-way.
- 11 3. Limitations and Requirements. A sidewalk cafe may be permitted in the TVC zone subject to the sidewalk
- 12 cafe being situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk cafe's
- 13 operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.
- 14 a. A sidewalk cafe may be located on the public sidewalk immediately adjacent to and abutting the indoor
- 15 restaurant or delicatessen which operates the cafe; provided, that the area in which the sidewalk cafe is
- 16 located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating
- 17 indoor restaurant or delicatessen and all other applicable provisions of this section are fulfilled.
- 18 b. An indoor restaurant or delicatessen may be permitted to operate only one sidewalk cafe and each
- 19 sidewalk cafe shall be confined to a single location on the sidewalk.
- 20 c. A sidewalk cafe may be permitted only where the sidewalk or porch is wide enough to adequately
- 21 accommodate both the usual pedestrian traffic in the area and the operation of the proposed cafe,
- 22 consistent with the Americans with Disabilities Act. There shall be a minimum 48-inch clear distance free
- 23 of all obstructions, in order to allow adequate pedestrian movement.
- 24



- 25 d. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.
- 26 Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified
- 27 music, or speakers shall be reviewed at the time of application for a conditional use permit.
- 28 e. No additional signing shall be allowed on or above public sidewalk at any outdoor cafe except for the
- 29 name of the establishment on an awning or umbrella valance.
- 30

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

21

22

23 **17.45.060 Landscaping. Landscaping shall be provided in accordance with Chapter 17.55**

24 **LCMC.**

25

26 **17.45.070 Signs. Signs shall be allowed in accordance with Chapter 9.34 LCMC and**

27 **Chapter 17.72 LCMC.**

28

29 **17.45.080 Supplementary Regulations and Exceptions. Supplementary Regulations and**

30 **Exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.**

31

32 **17.45.090 Off-street parking and loading. Off-street parking and loading shall be**

33 **provided in accordance with Chapter 17.56 LCMC.**

34

35 **17.45.100 Design standards. Design standards shall be adhered to in accordance with**

36 **Chapter 17.74.**

37

38 **17.45.110 Restrictions. No development shall occur in the TVC zone unless all city services**

39 **(sewer and water) are available to serve such development.**

40

41 **17.45.120 Conflicts. If conflicts occur between the requirements of this chapter and any**

42 **other rules or regulations, the strictest requirement shall apply.**

43

44

45

46

47

1 **SECTION 9.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.52 (*Supplementary*
 2 *Regulations and Exceptions*), Section 17.52.210(*Planned unit development (PUD)*) Paragraph E.2.,
 3 (*Residential Density Bonuses*) is hereby amended as follows:
 4

5 2. Except with respect to the “affordable housing bonus,” in no case shall the density bonus
 6 or bonuses cause the overall project density to exceed the maximum allowed residential
 7 density, which in the R-1-5 zone is 8.71 units per gross project acre, in the R-1-7.5 zone is
 8 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~~
 9 ~~the “low density” density as calculated in LCMC 17.20.050(A).~~

10
 11 **SECTION 10.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.50 (*Oceanlake*), is
 12 hereby amended as follows:
 13

14 **17.50.010 Purpose.**

15 The Oceanlake plan (OP) district is established to provide for the integration of residential,
 16 commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use
 17 environment. The purpose of the district is to provide maximum flexibility in land use.
 18

19 **17.50.020 Oceanlake district overlay zones.**

20 The OP district consists of three design subdistricts, or overlay zones
 21

22 **17.50.030 Permitted uses.**

23 Table 17.50.030-1 identifies the land uses allowed in OP. Uses permitted are identified with “P”;
 24 those that are allowed subject to conditional use permit approval are identified with “C”;
 25 prohibited uses are identified with “N.”
 26

27 **Table 17.50.030-1 Land Uses Allowed in Oceanlake**
 28

Uses	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
<u>Residential Categories</u>			
<u>Household Living</u>			
<u>All residential uses allowed, if:</u>			
<u>Lawfully existing as of July 25, 2007</u>	P	P	P
<u>New dwelling(s) – ground floor</u>	N	P	P
<u>Dwelling(s) above a ground floor commercial use</u>	P	P	P
<u>Four-flat dwellings, subject to the provisions of LCMC 17.80.140</u>	P	P	P

Uses	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
<u>Manufactured homes, subject to the provisions of LCMC 17.52.250</u>			<u>P</u>
<u>Commercial Categories</u>			
<u>Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)</u>			
<u>Lawfully existing as of July 25, 2007</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>New or expanded use</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Educational services, not a school (e.g., tutoring or similar services)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Entertainment, major event</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Overnight accommodations, except bed and breakfast inns</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Outdoor recreation, commercial</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Surface parking lot, except for public facilities and parking as an accessory use</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Vehicle servicing or vehicle repair</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Retail sales and service, excluding drive-up</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail marijuana facility, subject to the provisions of LCMC 17.80.130</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Self-service storage</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Industrial Categories</u>			
<u>Industrial service, excluding drive-up</u>			

Uses	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
Fully enclosed (e.g., office)	<u>C</u>	<u>C</u>	<u>N</u>
Not enclosed	<u>N</u>	<u>N</u>	<u>N</u>
Manufacturing and production in conjunction with an allowed commercial use			
Fully enclosed	<u>C</u>	<u>C</u>	<u>C</u>
Not enclosed	<u>N</u>	<u>N</u>	<u>N</u>
Warehouse and freight movement	<u>N</u>	<u>N</u>	<u>N</u>
Waste-related, except as accessory to a primary permitted use	<u>N</u>	<u>N</u>	<u>N</u>
Wholesale sales			
Fully enclosed	<u>C</u>	<u>C</u>	<u>N</u>
Not enclosed	<u>N</u>	<u>N</u>	<u>N</u>
Institutional Categories			
Basic utilities	<u>P</u>	<u>P</u>	<u>P</u>
Colleges	<u>C</u>	<u>N</u>	<u>N</u>
Community service, including government use (public or nonprofit)	<u>P</u>	<u>C</u>	<u>C</u>
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	<u>C</u>	<u>P</u>	<u>C</u>
Parks and open space			
Pedestrian amenities	<u>P</u>	<u>P</u>	<u>P</u>
Parks and recreation facilities	<u>P</u>	<u>P</u>	<u>P</u>
Other open space	<u>P</u>	<u>P</u>	<u>P</u>
Places of worship ¹			
Lawfully existing as of July 25, 2007	<u>P</u>	<u>P</u>	<u>P</u>
New	<u>C</u>	<u>C</u>	<u>C</u>
Schools	<u>C</u>	<u>C</u>	<u>C</u>
Other Categories			

Uses	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
<u>Accessory structures (with a permitted use)</u>	P	P	P
<u>Radio and television transmitter or tower</u>	C	C	C
<u>Wireless communications facilities</u>	N	N	N
<u>Essential emergency communications, early warning and associated emergency facilities</u>	P	P	P
<u>Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080</u>	P	P	P
<u>Animals and gardens, subject to the provisions of LCMC 17.80.080</u>	P	P	P
<u>Accessory dwelling units, subject to the provisions of LCMC 17.80.110</u>	P	P	P
<u>Transportation uses</u>	P	P	P

1
2
3
4

17.50.040 Development standards.

Table 17.50.040-1 Development Standards

Standard	Main Street/Hwy 101 Area	Interior Area	Oceanfront Area
<u>Minimum lot area* (square feet)</u>			
<u>*Development must conform to lot width, depth, yard setback and coverage standards.</u>			
<u>Detached single-unit dwelling</u>	<u>Not applicable</u>	<u>5,000 sf</u>	<u>5,000 sf</u>
<u>Attached single-unit dwelling</u>	<u>Not applicable</u>	<u>2,000 sf (alley required)</u>	<u>5,000 sf</u>
<u>Other structures</u>	<u>5,000 sf</u>	<u>5,000 sf</u>	<u>5,000 sf</u>
<u>Minimum lot width</u>	<u>50 ft</u>	<u>20 ft w/alley access; or 50 ft w/out alley</u>	<u>50 ft</u>

<u>Standard</u>	<u>Main Street/Hwy 101 Area</u>	<u>Interior Area</u>	<u>Oceanfront Area</u>
<u>Minimum lot depth</u>	<u>50 ft</u>	<u>50 ft</u>	<u>50 ft</u>
<u>Building/structure height, per LCMC 17.50.090(B)(1)</u>			
<u>Maximum height</u>	<u>35 ft</u>	<u>35 ft</u>	<u>35 ft</u>
<u>Minimum height</u>	<u>18 ft</u>		
<u>Maximum building coverage</u>	<u>90%</u>	<u>80% where alley access or on-street parking provided</u> <u>60% where no alley access or on-street parking provided</u>	<u>80%</u>
<u>Minimum setbacks:</u>			
<u>Front, street, side, and rear property lines, except garage/carport entrances</u>	<u>0 ft, except as required for utility easements</u>	<u>0 ft, except as required for utility easements</u>	<u>10 ft</u>
<u>Garage/carport entrance, setback from street</u>	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft</u>
<u>Alley, building setback from alley</u>	<u>3 ft</u>	<u>3 ft</u>	<u>Not Applicable</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

SECTION 11. 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~~ Interior walkways shall be at least five ~~four~~ feet in width.

1 **SECTION 12.** Lincoln City Municipal Code, Title 17 (*Zoning*), Chapter 17.74 (*Commercial Design*
2 *Standards*) is hereby amended to read as follows:

3
4 **Chapter 17.74**
5 **DESIGN STANDARDS**

6
7 **Article I. General Provisions**

- 8
- 9 **17.74.010 Intent.**
- 10 **17.74.020 Applicability.**
- 11 **17.74.030 Exceptions.**
- 12 **17.74.040 Administration.**
- 13

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

- 15
- 16 **17.74.050 Character types and guiding principles.**
- 17 **17.74.060 Site design.**
- 18 **17.74.070 View protection.**
- 19 **17.74.080 Pedestrian spaces.**
- 20 **17.74.090 Building design.**
- 21 **17.74.100 Transportation and streetscape standards.**
- 22 **17.74.110 Exterior lighting.**
- 23

24 **Article III. Design Standards Residential**

- 25
- 26 **17.74.130. Building design.**
- 27

28 **Article I. General Provisions.**

29

30 **17.74.010 The intent of these regulations is to:**

- 31
- 32 **A. Enhance and protect the city’s quality of life and community image through clearly**
33 **articulated site and building design standards;**
- 34
- 35 **B. Protect and promote the city’s economic vitality by encouraging and rewarding high-**
36 **quality development;**
- 37
- 38 **C. Establish a clear relationship between streets, pedestrian spaces, and buildings; and**
- 39
- 40 **D. Enhance and protect the security and health, safety, and welfare of the public.**
- 41

42 **17.74.20 Applicability.**

43

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

4
5 **1. Article I. General Provisions for Mixed Uses, Uses Other Than Residential, and**
6 **Residential.**

7
8 **2. Article II. Design Standards for Mixed Uses and Uses Other Than Residential.**

9
10 **3. Article III. Design Standards for Residential.**

11
12 **B. Conflicting regulations. Where conflicts occur between this chapter and other**
13 **municipal code regulations or ordinances, the strictest requirement shall apply.**

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

17 **17.74.030 Exceptions and Nonconformances.**

18
19 **A. Routine repairs and maintenance. Routine repairs and maintenance are exempt from**
20 **these standards.**

21
22 **B. Additions or expansion. Additions to or expansions of an existing building or**
23 **structure are exempt from standards contained in this chapter that are specific to**
24 **building design, provided the addition or expansion is less than 800 square feet of**
25 **gross floor area. If the addition or expansion consists of 801 square feet or more of**
26 **gross floor area, then the standards contained in this chapter that are specific to**
27 **building design shall apply to the addition or expansion. Existing non-conforming**
28 **portions of the building shall come into conformity as provided in Chapter 17.64**
29 **LCMC. As part of the addition or expansion, and regardless of size, all other portions**
30 **of the site (landscaping, off-street parking and loading, supplementary regulations**
31 **and exceptions, and nonconformances, etc.) must comply with respective code**
32 **requirements as applicable.**

33
34 **C. Residential dwelling exception. Detached single-unit dwellings, attached single-unit**
35 **dwellings, duplexes, and manufactured dwellings in any zone are exempt from all**
36 **requirements of this chapter.**

37
38 **D. Nonconformances. See Chapter 17.64 LCMC for application of these standards in**
39 **nonconforming situations.**

40
41 **17.74.040 Standards versus guidelines.**

1 **A. The sections that follow provide intent statements, followed by standards and guidelines.**
 2 **Most standards contain approval criteria that are objective; however, some criteria**
 3 **require the review authority to apply discretion. Where discretion is involved, the review**
 4 **authority must use the guidelines in evaluating a proposal. The following further**
 5 **explains the relationship between intent statements, standards, and guidelines.**
 6

7 **1. Intent statements are not utilized as applicable approval criteria for evaluating the**
 8 **application for approval or denial. However, intent statements are utilized when**
 9 **considering approval or denial of requests for adjustments or modifications as the**
 10 **applicant must demonstrate how the requested adjustment or modification and**
 11 **proposed alternative conforms to the intent statements.**
 12

13 **2. Standards use the words "shall" or "must" and are mandatory. A request for an**
 14 **adjustment or modification is required if the standard cannot be met.**
 15

16 **3. Guidelines use the words "should," "may," "preferred," "encouraged," and**
 17 **"discouraged," and are advisory only. Guidelines supplement the standards and**
 18 **provide examples of acceptable or unacceptable design.**
 19

20 a. **Graphics used in this chapter do not prescribe a particular design, but serve as**
 21 **examples of acceptable or unacceptable design solutions.**
 22

23 **4. Standards and guidelines both serve as approval criteria, but the review authority**
 24 **has much greater latitude in applying guidelines. Where a guideline conflicts with a**
 25 **standard, the standard prevails.**
 26

27 **5. In the case of a requested adjustment or modification to a standard, the submitted**
 28 **application and associated materials must demonstrate how the adjustment or**
 29 **modification results in equal or greater conformity to the intent of the code and**
 30 **other applicable standards and guidelines.**
 31

32 **6. Nullification of one standard or guideline by a court of competent jurisdiction does**
 33 **not cause any other standard or guideline to be nullified (severability).**
 34

35 **F. Burden of proof. The submitted application and associated materials must demonstrate**
 36 **how the proposal meets all the applicable standards contained in this chapter and other**
 37 **applicable city regulations. Through adjustment or modification requests, the**
 38 **application and associated materials must also provide evidence of why a standard is**
 39 **not relevant given the context of the site and proposed use.**
 40

41 **G. Adjustments and modifications. Adjustments to or modifications of the standards in this**
 42 **chapter are not variances. The procedures and criteria for variances are addressed in**
 43 **Chapter 17.68. The review authority may approve requests for adjustments to or**

1 modifications of the standards in this chapter provided the applicant demonstrates the
 2 following:

- 3
- 4 1. The character types and guiding principles, as contained in Section 17.74.050, and
 5 the intent statement(s) under the standard to be adjusted or modified can be better
 6 met through the proposed alternative design solution; or
 7
- 8 2. Necessary characteristics of the allowed use present practical difficulties in meeting
 9 a standard. In such cases, the submitted materials must provide alternative features
 10 to meet the intent of the standard, along with an explanation of how the alternative
 11 features meet the intent of the standard being adjusted or modified.
 12

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

14

15 **17.74.50 Guiding principles.**

- 16
- 17 A. Enhance Lincoln City's historic qualities and facilitate compact, walkable,
 18 mixed-use development.
 19
- 20 B. Orient buildings and their primary entrances to public or private streets or to
 21 pedestrian spaces abutting the public or private streets.
 22
- 23 C. Create vibrant pedestrian spaces that, where possible, take advantage of western
 24 and southern exposures.
 25
- 26 D. Provide aesthetically-pleasing visual interest along the public right-of-way and
 27 private streets, retaining the historic pattern of small buildings or at least the
 28 impression of small buildings.
 29
- 30 E. Treat corner lots as focal points by prominent placement of the building and with
 31 vertical building elements, public art, seating, or other design features.
 32
- 33 F. Allow for flexibility to accommodate a wide variety of site conditions, while
 34 maintaining basic standards and common themes.
 35
- 36 G. Enhance the street front by providing visual interest through site design and
 37 building articulation.
 38
- 39 H. Sustainable building practices are encouraged, as is energy conservation in
 40 construction.
 41

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

3
4 **17.74.060 Site design.**

5
6 **A. Intent.**

- 7
- 8 1. Facilitate the development of a continuous pedestrian pathway network throughout
9 the city.
- 10
- 11 2. Create a sense of enclosure and human scale by orienting buildings to streets or,
12 where buildings must be set back from the street, by orienting them to pedestrian
13 activity, and design intervening area with pedestrian spaces and landscaping.
- 14
- 15 3. Maintain views to the ocean, bay, rivers, and forested hillsides and bluffs.
- 16

17 **B. General standards.**

- 18
- 19 1. Site conditions. Locate buildings to preserve existing topography, views, and natural
20 features to the extent possible, and to take advantage of unique site conditions.
- 21
- 22 2. Pedestrian space. Maximize opportunities for usable, attractive, well-integrated
23 pedestrian space.
- 24
- 25 3. Site design. Site designs should maximize the preservation of existing mature
26 vegetation and should provide for on-site storm water quality treatment and
27 management such as through providing bioswales or other natural water treatment
28 features.
- 29
- 30 4. Natural features and systems. Prioritize natural features and systems by orienting
31 buildings around existing native vegetation, significant wetlands, and significant
32 riparian areas, and maximizing passive heating and solar gain, protection from
33 weather, and predominant winds.
- 34
- 35 5. Building entries. Create clearly identifiable building entries from the street, unless
36 restricted by unique site conditions.
- 37
- 38 6. Building continuity. Where practicable, it is encouraged to extend buildings from
39 side property line to side property line to increase vitality and to maintain continuity
40 of a storefront character.
- 41

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

4
5 8. Retaining walls. Where new retaining walls are constructed adjacent to public right-
6 of-way, they must consist of one or more of the following: rusticated concrete block,
7 striated or battered concrete, or natural stone.

8
9 9. Compliance with Chapter 17.52 is required. If conflicts occur, the strictest
10 requirement shall apply.

11
12 10. Drive-through facilities and stacking lanes. Drive-through facilities, including windows
13 and ordering stations, must not be visible from public right-of-way. Stacking lanes must
14 be able to accommodate all vehicles on the site, such that no part of any vehicle using
15 or in line to use a drive-through facility shall project into or over any portion of public
16 right-of-way.

17
18 **11. Building orientation.**

19
20 a. Building orientation. A building or structure must extend along at least 50
21 percent of the lot’s street frontage(s). If the lot has more than one street
22 frontage, this requirement shall apply to all of the lot’s street frontages. This
23 required 50-percent building frontage must be at the back of a public sidewalk,
24 public right-of-way, or adjacent to an area dedicated to the public. See *Figure*
25 17.74.60-2.

26
27 b. Primary building entrance.

28
29 i. Corner building. A primary entrance is required at the corner within 10 feet
30 of right-of-way. Where a corner entrance is not practicable, a primary
31 building entrance must be within 40 feet of the corner. See *Figure 17.74.60-*
32 2.

33
34 ii. Interior building. A primary entrance is required within 10 feet of public right-
35 of-way and directly connected to a public sidewalk.

36
37 **Figure 17.74.60-2. Building orientation diagram.**



1
2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

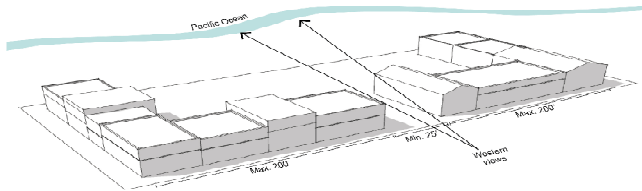
17.74.070 View protection.

A. Intent. To acknowledge existing key natural and scenic views of the Pacific Ocean, 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 running in a general northerly-southerly direction, 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 north-south street frontages. 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.

1 **Figure 17.74.70-1. View protection diagram.**



2 _____

3
4 **17.74.080 Pedestrian spaces.**

5
6 **A. Intent.**

- 7
- 8 1. **The increased development intensity, mixture of uses, pedestrian activity, close**
- 9 **building orientation, and minimal private open space envisioned for the city should**
- 10 **be offset by providing pedestrian spaces along building frontages and breaks**
- 11 **between buildings.**
- 12
- 13 2. **Pedestrian spaces serve to provide visual relief, pedestrian resting areas, and**
- 14 **opportunities for socialization.**
- 15
- 16 3. **Projects must contribute their proportionate share of pedestrian space. Pedestrian**
- 17 **spaces count toward the required minimum landscape area.**

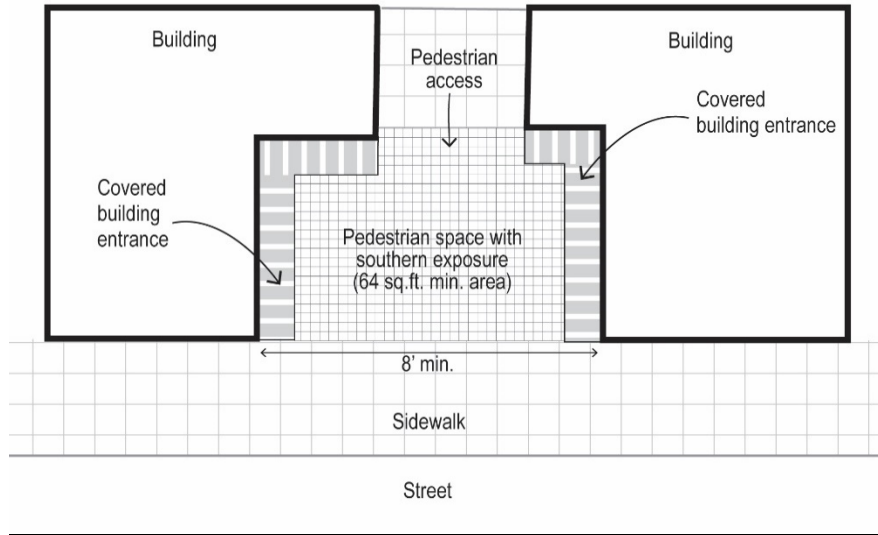
18
19 **B. Standards.**

- 20
- 21 1. **Required area and dimensions. At least three percent of every development site,**
- 22 **excepting developments that are wholly residential, must be pedestrian space. Any**
- 23 **pedestrian space must be at least eight feet across with a surface area of at least 64**
- 24 **square feet. See Figure 17.74.80-1.**
- 25
- 26 2. **In-lieu fee. The applicant may find that the creation of pedestrian space is not**
- 27 **practicable. In such case, the review authority may approve an in-lieu fee equal to**
- 28 **the assessed value of the land and improvements that would have otherwise been**
- 29 **required. The assessed value shall be that shown on the most current property tax**
- 30 **report from the Lincoln County Assessor’s Office. The in-lieu fee shall be paid to the**
- 31 **city.**

32

- 1 3. Preferred location. The highest priority locations for pedestrian spaces are those
2 areas with the highest pedestrian activity that have a western or southern exposure,
3 Where no such area exists, then pedestrian space should be an extended sidewalk or
4 walkway connecting multiple developments.
5
- 6 4. Access. All pedestrian spaces must be accessible from the public right-of-way or
7 otherwise be connected to and visible from the public right-of-way by a sidewalk or
8 pedestrian pathway. Connections between pedestrian spaces and the public right-
9 of-way must be identified with a change in paving materials or paving treatment.
10 Use of painted concrete is not an acceptable method of identifying such connections.
11
- 12 5. Weather protection. Where a pedestrian space adjoins a building entrance, it should
13 incorporate a canopy, awning, pergola, portico, or similar weather protection
14 feature.
15
- 16 6. Site Features. Features such as trash/recycling receptacles, benches, planter boxes,
17 and other similar items must be coordinated in color and design with each other, the
18 site, and the buildings and structures on the site.
19
- 20 7. Pedestrian amenities required. Required pedestrian spaces must contain pedestrian
21 amenities within the designated pedestrian space in an amount equal to or greater
22 than one-half of one percent of the estimated project construction cost. Cost
23 estimates for pedestrian amenity improvements must be prepared by a licensed
24 architect, landscape architect, or other qualified professional, and shall be subject to
25 review and approval by the review authority. Features that count toward fulfilling
26 the one-half of one percent amenity requirement include:
27 • Tables, chairs, benches;
28 • Water features;
29 • Planters;
30 • Plaza space;
31 • Extra-wide sidewalk by at least six inches over and above the minimum width
32 requirement;
33 • Public art;
34 • Pedestrian-scale lighting at street corners, along pedestrian pathways, or
35 throughout the pedestrian space;
36 • Dog stations;
37 • Drinking fountains; or
38 • Similar.
39
- 40 8. Edge treatment. Pedestrian space should have an articulated edge where feasible to
41 provide visual interest and additional seating along the edges of the pedestrian
42 space where people may linger out of the traffic flow. The articulated edge should
43 be defined without impeding traffic flow.
44

1 **Figure 17.74.80-1. Pedestrian space diagram.**



2
3
4
5
6
7
8
9
10

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.

11
12
13
14

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

1
2 **17.74.100 Building design.**

3
4 **A. Intent. The building design standards reflect the following community values:**

- 5
6 1. **Context-sensitive and eclectic coastal architecture.**
- 7
8 2. **Articulated building facades to break up large volumes and promote human scale.**
- 9
10 3. **Contextually appropriate materials, textures, and colors.**
- 11
12 4. **Pedestrian-scale development through ground floors made active with windows,**
- 13 **pedestrian amenities, and furnishings.**
- 14
15 5. **Corner buildings that serve as focal points with vertical building elements,**
- 16 **furnishings, and/or public art.**
- 17
18 6. **Architecture that is consistent with the character of each pearl, balancing rhythm**
- 19 **and continuity, yet creative in the design of building elevations, rooflines, and facade**
- 20 **elements.**
- 21
22 7. **Design that increases environmental sustainability, softens the building's edge, and**
- 23 **provides visual interest for the pedestrian.**

24
25 **B. Specific design elements for pearls. In addition to the other standards of this chapter,**

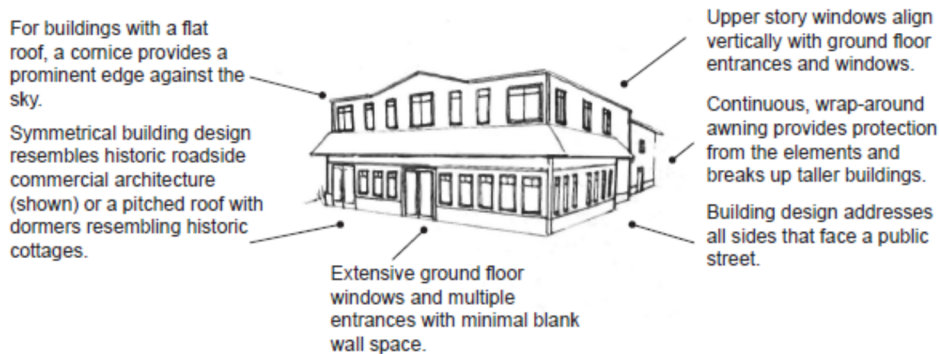
26 **development in pearls must show conformance to the following pearl-specific design**

27 **elements:**

- 28
29 1. **Wecoma. Building design must embrace the historic roadside commercial or small-**
- 30 **scale cottage architecture found throughout Wecoma and continue architectural**
- 31 **detail along all facades facing public right-of-way.**
- 32

1
2

Figure 17.74.100-1. Wecoma design elements.



3

4

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

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

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.

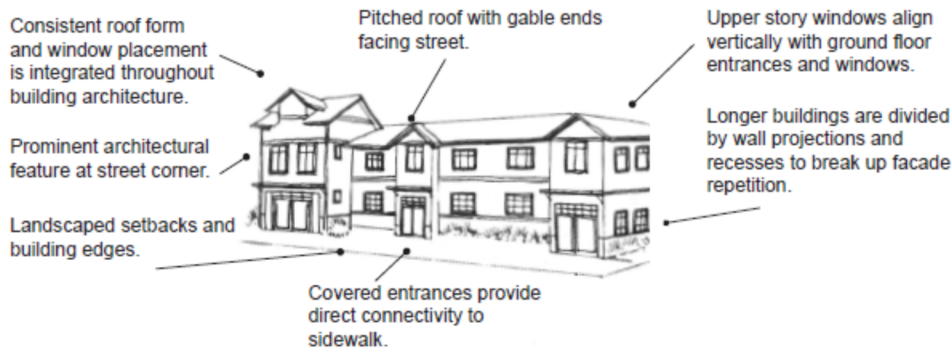
B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled between rolling hills, 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.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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.

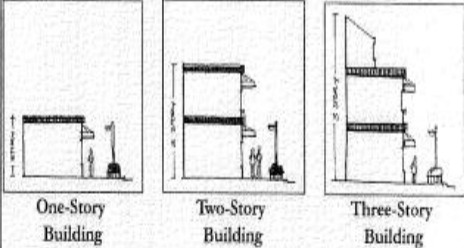
C. Respecting Neighborhood Transitions. Developments on the edge of the Nelscott Plan District should be made compatible with abutting detached single-unit dwellings outside the plan district – particularly the detached single-unit dwellings and cottages to the north.

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.**

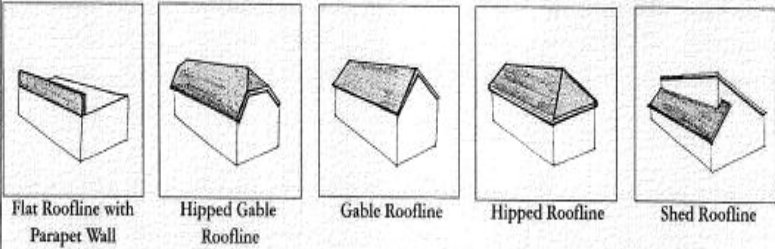
1

Figure 17.74.100-3. Taft design elements.




One-Story Building Two-Story Building Three-Story Building

Buildings throughout Taft should be built to respect and relate to the scale of people. One-story and two-story building heights are optimal; heights greater than two stories should be stepped back away from sidewalks and streets to preserve view corridors and maintain a human scale.



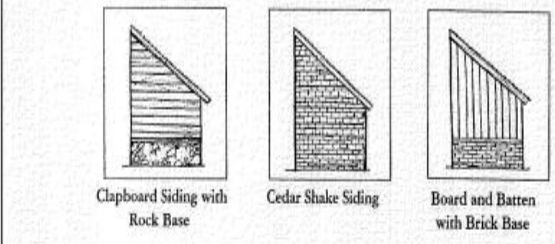
Flat Roofline with Parapet Wall Hipped Gable Roofline Gable Roofline Hipped Roofline Shed Roofline

Building form — including rooflines — should respond to the general design and nature of other buildings along the street to create a cohesive and quality image. Throughout Taft, a mix of buildings with flat/parapet wall, shed, gable, and hip rooflines are desired.



2

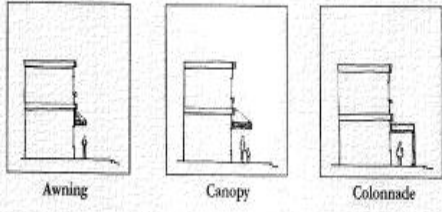
3




Clapboard Siding with Rock Base Cedar Shake Siding Board and Batten with Brick Base

Buildings should pay tribute to the history of Taft and the Oregon Coast by incorporating architectural details and building materials found locally and in the region. Materials and design details used for new buildings and rehabilitated buildings in Taft should reflect craftsmanship and should integrate finishes that convey a natural appearance.

Buildings in Taft should be inviting to pedestrians and provide them with protection from the weather. Open storefronts, windows, awnings, porches, canopies, and colonnades should be incorporated generously throughout Taft, and should have strong design relationships with the form of buildings.



Awning Canopy Colonnade



4

5

6

Buildings and Street Create Outdoor Roms

Sidewalk Environment

Plaza Adjacent to Buildings

Midblock Passages Between Buildings

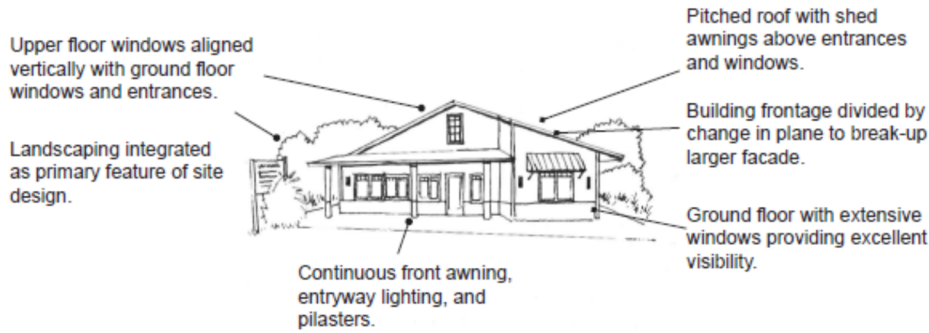
People enjoy walking and spending time in communities when there are interesting things to see and do. Buildings in Taft should foster a pedestrian-friendly atmosphere by being seamlessly linked together by landscaped sidewalks and walkways, plazas, pocket parks, courtyards, midblock passages, entry courts, and trails.

Buildings and sites in Taft should integrate design features that provide pedestrians with points of conversation, rest, education, information, and visual interest. Sitting areas, gardens, window displays, nighttime lighting, outdoor eating areas, public art, historical markers, fountains, creative signs, and other amenities are ingredients to making Taft more pedestrian-friendly.

1
2
3
4
5
6
7
8
9
10

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.**

1 **Figure 17.74.100-4. Cutler City design elements.**



2
3
4
5

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 entrances	One entrance, and at least one additional entrance for every

<u>Standard</u>	<u>Required</u>		
<u>connected to street.</u>	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. <u>Building articulation.</u>			
a. <u>Maximum individual wall plane size.</u>	800 square feet		
b. <u>Minimum recess or projection of each wall plane.</u>	i. Facades less than 100 feet long: 3 feet ii. Facades 100 feet or longer: 6 feet		
c. <u>Maximum length of individual wall plane.</u>	12 feet		
5. <u>Pedestrian shelters.</u>			
a. <u>Minimum along street frontage.</u>	75% of building frontage length		

1
2
3
4
5
6
7
8
9
10
11
12

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.**

- 1
2 3. **Varied height. Height must vary from building to building to avoid a homogenous**
3 **appearance. This standard is met by using stepped parapets, gables, or different**
4 **height from building to building.**
5
- 6 4. **Minimum height. Single-story buildings must incorporate parapets, towers or other**
7 **design elements to reach the minimum height.**
8
- 9 5. **Building modulation. Vertical and horizontal building modulation must be used to**
10 **add variety and to make large buildings appear to be an aggregation of smaller**
11 **buildings. A roof plan and foundation footing plan are required at submittal to show**
12 **compliance with this standard.**
13
- 14 6. **Relation to shorter buildings. Where a wall of a proposed building is 10 feet taller or**
15 **more than the adjacent building, the taller building must follow the horizontal lines**
16 **of the shorter building along the ground floor, and reference elements or detailing**
17 **of the shorter building(s) on its upper stories.**
18
- 19 7. **Highway 101 corner buildings. New buildings that are constructed on a corner site**
20 **that is located at the intersection of a street and Highway 101 must include at least**
21 **a two-step hierarchy in the building height, with the tallest portion of the building**
22 **at the corner, tapering down in height along each street frontage. Buildings must**
23 **additionally include at least two of the following on building corners facing the**
24 **public right-of-way:**
25
 - 26 a. **Bay windows;**
 - 27
 - 28 b. **Roof decks or balconies on upper stories;**
 - 29
 - 30 c. **Corner entrance (also meet the requirements of Section 17.74.100 (I));**
 - 31
 - 32 d. **Crowning features to a tower form such as wide cornices, projecting parapets, or**
33 **a pitched roof; and/or**
 - 34
 - 35 e. **Bevel, notch, or rounded corner.**
 - 36
 - 37

38 ***Figure 17.74.100-4. Examples of building form.***
39



Upper floor step-back and varied height.



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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

- 1 **a. Base. The base must occupy the lowest portion of the elevation using articulation**
- 2 **and weightier materials such as concrete and must have a height of at least three**
- 3 **feet.**
- 4
- 5 **b. Body. The component described as the body must constitute a minimum of 50**
- 6 **percent of the total building height.**
- 7
- 8 **c. Cap. The cap must occupy the highest portion of the elevation, excluding the**
- 9 **roof, and must have a dimension that does not exceed the height of the base.**
- 10 **The cap must consist of a cornice, parapet, awning, canopy, eave, or other**
- 11 **architectural treatment that visually performs in the same manner.**

3. Horizontal lines.

- 15 **a. Multi-story buildings must have designs that establish prominent horizontal lines**
- 16 **and avoid blank walls. Examples of such horizontal lines include: the base below**
- 17 **a series of storefront windows; an existing awning or canopy line, or belt course**
- 18 **between building stories; and/or an existing cornice or parapet line. It is not**
- 19 **necessary for new lines to match existing lines.**
- 20
- 21 **b. Use of awnings, canopies, belt course, or similar detailing, materials and/or**
- 22 **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.

- 26
- 27 **4. Blank wall treatments. In pearls, walls longer than 30 feet that face public right-of-**
- 28 **way or pedestrian space must incorporate two or more of the following:**
- 29
- 30 **a. Vegetation, such as trees, shrubs, and ground cover adjacent to and covering at**
- 31 **least 50 percent of the wall surface. Such vegetation must be selected from the**
- 32 **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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

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.

1



Large display windows along ground floor.



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

2 **J. Pedestrian shelters and weather protection.**

- 3
- 4 **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.**
- 5
- 6
- 7 **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.**
- 8
- 9
- 10
- 11 **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.**
- 12
- 13
- 14
- 15
- 16 **4. Pedestrian shelters must be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.**
- 17
- 18
- 19 **5. Pedestrian shelters must be maintained and in good condition.**

20

21 **K. Materials and color.**

22

23 **1. Primary materials.**

- 24
- 25 **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.**
- 26
- 27
- 28

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

3
4 **c. Corrugated metal, foam/synthetic stucco, vinyl, and similar materials shall not be**
5 **allowed.**

6
7 **2. Secondary materials.**

8
9 **a. Any of the materials listed as primary exterior building materials also may be**
10 **used as secondary materials or accents.**

11
12 **b. Metals such as copper, steel, iron, bronze and similar-appearance metals may be**
13 **used as trims or accents when compatible with the overall building design.**

14
15 **3. Change in materials.**

16
17 **a. Elevations must incorporate changes in material that define a building’s base,**
18 **middle, and top and create visual interest and relief.**

19
20 **b. Side and rear elevations that do not face a public right-of-way, street, public**
21 **parking area, pedestrian space, or a public park may utilize changes in texture**
22 **and/or color of materials in the interest of affordability; provided, that the design**
23 **is consistent with the overall composition of the building.**

24
25 **4. Substitute materials. Substitute materials that are equal in appearance and durability**
26 **to those in this section may be requested as an adjustment or modification for review**
27 **and approval by the review authority. The application must provide specifications**
28 **from the manufacturer as part of the adjustment or modification request.**

29
30 **5. Contemporary designs. Materials that provide a contemporary interpretation of**
31 **local architecture styles, including arts and crafts, art deco, and vernacular (beach**
32 **cottage) styles, are encouraged. Building designs that resemble suburban strip-malls**
33 **or have been replicated in many suburbs and those that use highly-reflective glass**
34 **and/or similar non-traditional features are not permitted.**

35
36 **6. Sustainability. Where possible, use materials indigenous to the region and/or**
37 **manufactured or supplied locally and that have minimal adverse impacts to the**
38 **environment.**

39
40 **Figure 17.74.100-9. Examples of building materials.**

41



Natural wood for primary building material demonstrating local architectural style.



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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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.

1 8. Restoration and rehabilitation. Restoration and rehabilitation projects are
2 encouraged to incorporate the building’s original materials and design elements to
3 the extent practicable.

4
5 **L. Sustainable design.**

6
7 1. When used, sustainable technologies must be an integral part of the building’s form
8 and must be designed to include exterior elements visible from public right-of-way.
9 The review body will make the final determination as to the design integration and
10 appropriateness of sustainable elements.

11
12 2. Consider passive heating and cooling techniques during building design.

13
14 3. Control solar heat gain and glare using external shading devices.

15
16 4. Solar panel installations must minimize glare reflected onto adjacent properties.

17
18 5. All overhanging elements must be at least eight feet above the adjacent sidewalk or
19 grade.

20
21 **Article III. Design Regulations for Multi-unit structures and developments.**

22
23 **17.74.130. Building design.**

24
25 **A. Intent.**

26
27 1. Lincoln City’s natural setting contributes to the area’s high quality of life. Exterior
28 building materials and structural and architectural details reflect the city’s natural
29 setting. The design of new development is durable and withstands the harsh coastal
30 climate and provides protection from the elements.

31
32 2. Development has a human scale, balancing affordability with development that is
33 harmonious with the surrounding context, especially in areas that are adjacent to
34 detached single-unit dwellings. Exteriors of large buildings resemble smaller-scale
35 buildings and offer common open spaces.

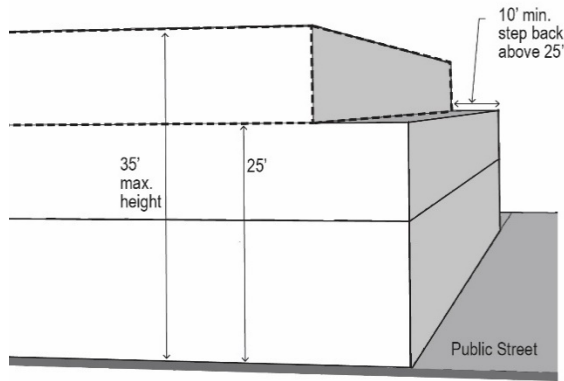
36
37 **B. Building step-back.**

38
39 1. Upper floor step-back. The upper elevations of building facades facing a public
40 right-of-way or pedestrian space must step back above 25 feet or above the second
41 story, whichever is the lesser height. (Figure 17.74.130-1) The following options are
42 acceptable to meet this standard:

43
44 a. The top floor must step back at least 10 feet; or

1
2 **b. Progressive step-backs of several upper floors must total at least 10 feet.**

3
4 ***Figure 17.74.130-1. Building step-back.***



6
7 **C. Building form. All buildings must incorporate elements to preclude blank building**
8 **elevations facing a public right-of-way or pedestrian space. (Figure 17.74.130-2) Along**
9 **the facade of the structure, such features must occur at a minimum of every 30 lineal**
10 **feet, with each floor containing at least two of the following features:**

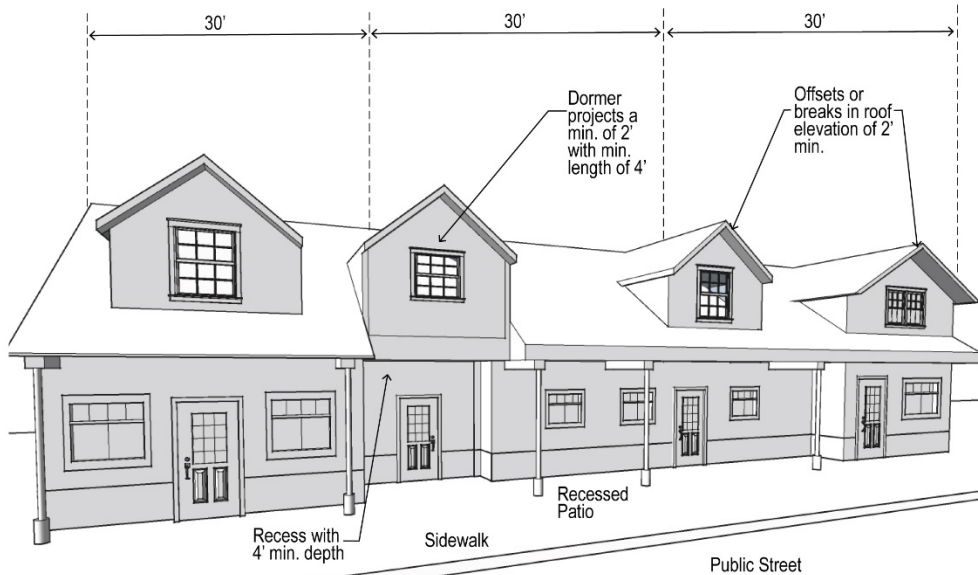
- 11
- 12 1. **Roof line offset of at least two feet from the top surface of one roof to the top**
13 **surface of the other;**
 - 14
 - 15 2. **An offset on the building face of at least eight inches from one exterior wall to the**
16 **other;**
 - 17
 - 18 3. **A section of the façade, at least four feet in width, that is either recessed or bumped**
19 **out by at least one foot deep from the front wall plane;**
 - 20
 - 21 4. **A recessed building entry at least two feet deep, as measured horizontally from the**
22 **face of the main building façade, and at least four feet wide;**
 - 23
 - 24 5. **A balcony at least four feet deep and eight feet wide, that is accessible from at least**
25 **one interior room;**
 - 26
 - 27 6. **A covered porch at least two feet deep (measured horizontally from the face of the**
28 **main façade) and at least four feet wide;**
 - 29
 - 30 7. **Recess with a minimum depth of four feet; or**
 - 31
 - 32 8. **Extension projecting a minimum of two feet and running horizontally a minimum of**
33 **four feet.**

1

2 **Figure 17.74.130-2. Building form.**

3

4



5

1 **Figure 17.74.130-3. Examples of building form.**

2



Recessed entries and balconies, and covered porches.



Roof line and building face offsets, and recessed balconies.

3

4 **D. Roof form.**

5

6

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

7

8

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

9

10

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)**

11

12

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.**

13

14

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

15

16

17

18

19

20

Figure 17.74.130-4. Roof form.

21

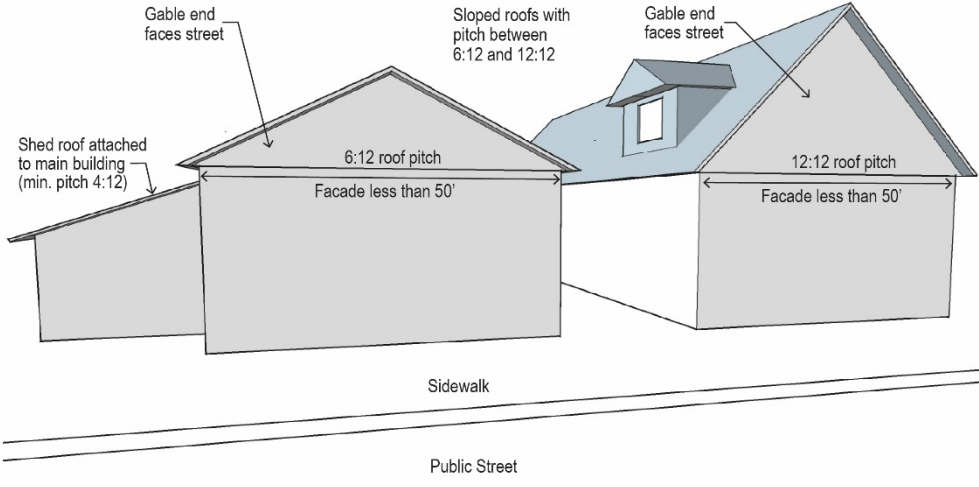
22

23

24

25

26



1
2
3

Figure 17.74.130-5. Examples of roof form.



Street-facing gables.



Pitched roof with attached shed roof.

4
5
6
7
8
9
10
11
12
13
14
15

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.

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

3
4 **12. Building windows.**

5
6 1. Facades facing a public right-of-way. At least 15 percent of the area of each façade
7 that faces a public right-of-way must have, and maintain, clear and transparent
8 windows or main entrance doors. Windows or doors contributing to this standard
9 must allow views from inside the building to the street. Glass block does not meet
10 this standard. Windows in garage doors do not count toward meeting this standard,
11 but windows in garage walls do count toward meeting this standard. Only
12 transparency in doors at the main entrance and facing the street property line counts
13 toward this standard.

14
15 2. Garage windows. Garages with a side or rear wall that faces the street must have a
16 window on the street-facing wall that is a minimum of six square feet in area.

17
18 **G. Building materials. Exterior walls of all buildings and structures, including accessory,**
19 **must be primarily clad in wood clapboard, cementitious fiber board, wood shingle,**
20 **wood drop siding, primed board, wood board and batten, brick, stone, or architectural-**
21 **grade synthetic materials. Natural materials or natural stain or unfinished wood is the**
22 **preferred primary cladding.**

23
24 **H. Building colors. Facade colors must be low reflectance and be muted earth tones or**
25 **neutral colors. Variations in color schemes and building material must be provided to**
26 **articulate entry ways so as to draw attention to these features.**

27
28 **I. Garage requirements. Garage and carport design and construction must use the same**
29 **architectural features and exterior materials and colors as the primary building.**

30
31 **17.52.250 Standards for manufactured homes. ~~in residential zones.~~**

32 **All manufactured homes ~~shall: on individual lots in the R-1 and R-M zones shall:~~**

33
34 **A. ~~Be multi-sectional (double-wide or wider) and enclose~~ Enclose a floor area of not**
35 **less than 600 1,000 square feet;**

36
37 **17.52.150 Exterior Lighting. Artificial exterior lighting shall not be designed to shine or**
38 **create glares in any residential zone or residential use, adjacent dwelling unit or in a**
39 **public right-of-way.**

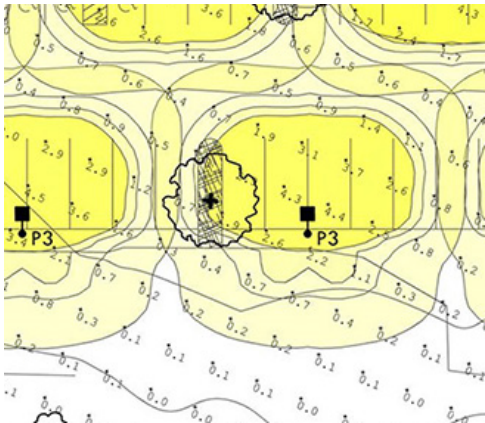
40
41 **A. Light poles must not exceed a height of 20 feet.**

- 1 **B. All lighting must be shielded to avoid glare, light pollution (night sky), and light**
- 2 **spillover onto residential properties. Shielding must be integral to the light**
- 3 **fixture and direct light downward.**
- 4 **C. Luminance at the property line, or no more than five feet over the property line,**
- 5 **must be zero.**
- 6 **D. Maximum initial luminance of outdoor sales displays, outdoor storage areas,**
- 7 **service station canopies, and similar areas must not exceed 20 foot-candles.**
- 8
- 9 **E. Maximum initial luminance of parking lots must not exceed four foot-candles.**
- 10
- 11 **F. Up-lighting is prohibited. The maximum illumination limits for wall washing are**
- 12 **one foot-candle for dark colored surfaces and one-half foot-candle for light**
- 13 **colored surfaces.**
- 14
- 15 **G. Pedestrian ways and building entrances not otherwise illuminated by building-**
- 16 **mounted lights or streetlights must provide between one and two foot-candles**
- 17 **of light from bollards, step lights, or other low-profile fixtures that are**
- 18 **appropriate for walkways and plazas.**
- 19
- 20
- 21 **H. The manufacturer’s data or measurement must demonstrate conformance with**
- 22 **this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan**
- 23 **showing the locations, types, sizes, and heights of all exterior lighting fixtures**
- 24 **shall be included with the applicable application submittal.**
- 25

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).

1
2 17.64.040.B. The following elements shall be made compliant with the design standards
3 provisions as outlined below in Chapter 17.74 LCMC, or, as approved by the planning and
4 community development director review authority, as close to compliant as possible within the
5 cost limitation defined in subsection (A) of this section.

6
7 1. Pedestrian spaces, as set out in LCMC 17.74.080; Pedestrian circulation, as set out in LCMC
8 17.74.070

9 2. Materials and colors as set out in LCMC 17.74.100(K); LCMC 17.74.080(B)(13);

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

12 1. Screening and parking area landscaping as set out in LCMC 17.74.120;

13 2. Water quality as set out in LCMC 17.74.120(B)(5);

14 3. 4. Exterior lighting as set out in LCMC 17.52.150; 17.74.130;

15 4. 5. Windows/Transparency as set out in LCMC 17.74.100(I); 17.74.080(B)(3); and

16 6. Landscaping as set out in Chapter 17.55 LCMC.

17 5. Landscaping of existing setbacks and yard areas.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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

1 **17.74.005 Definitions.**

2 ~~The following definitions are informational. Where conflicts occur between the definitions~~
 3 ~~below and an adopted building code, the adopted building code shall apply. For terms~~
 4 ~~that are not defined below and are not defined in the building code, the reviewing~~
 5 ~~authority will use its discretion in selecting from professional source materials that are~~
 6 ~~most relevant to the question at hand.~~

7 ~~“Accessibility” means the locational and design characteristics of a use, structure, or facility~~
 8 ~~that permit it to be reached by one with a disability, as prescribed under the Americans~~
 9 ~~with Disabilities Act and associated building codes and guidelines.~~

10 ~~“Alcove” means a recessed section of a building’s exterior wall; may provide weather~~
 11 ~~protection, outdoor seating or other pedestrian amenities.~~

12 ~~“Basement” means the lowest story of a building where 50 percent or more of the floor is~~
 13 ~~located below the grade plane.~~

14 ~~“Belt course” means a horizontal course in a masonry wall that is of a different color,~~
 15 ~~texture, size, or material and which is compatible with the overall form and architectural~~
 16 ~~composition.~~

17 ~~“Bollard” means a post of metal, wood or masonry, or a combination thereof, that is used~~
 18 ~~to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain~~
 19 ~~sidewalk or pathway lighting.~~

20 ~~“Clerestory” means a window that extends from the ground floor of a building to near the~~
 21 ~~top of an outside wall.~~

22 ~~“Corbel” means a projection of a building out from a masonry wall, sometimes to support~~
 23 ~~a load and sometimes for decorative effect.~~

24 ~~“Cornice” means the exterior trim of a structure at the meeting of the roof and wall.~~

25 ~~“Facade” means the front or principal face of a building, any side of a building that faces a~~
 26 ~~street, way, or pedestrian space.~~

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

29 ~~“Fenestration” means the arrangement and design of windows and doors in a building.~~

30 ~~“Grade” means the surface elevation of the ground.~~

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

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

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

- 1 ~~“Lintel” means a heavy horizontal beam of wood or stone over an opening of a door or~~
 2 ~~window to support the weight above it.~~
- 3 ~~“Medallion” means a small decorative detail used to accent a building’s exterior.~~
- 4 ~~“Mezzanine” means an intermediate level between a ground floor and the upper story(ies)~~
 5 ~~occupying a partial area of floor space.~~
- 6 ~~“Parapet” means a low protective wall at the edge of a roof.~~
- 7 ~~“Pearl” means an area on the zoning map designated to support the revitalization or~~
 8 ~~preservation of one of Lincoln City’s historic village centers (e.g., Wecoma, DeLake, and~~
 9 ~~Cutler City) by facilitating compact, pedestrian-friendly development at an appropriate~~
 10 ~~village scale and character. The pearl overlay is an interim designation; it is intended to~~
 11 ~~be removed as the city adopts redevelopment plans and specific design standards for a~~
 12 ~~specific pearl, as it has for Oceanlake, Nelscott, and Taft.~~
- 13 ~~“Pedestrian-scale lighting” means lighting that is designed and located to illuminate a~~
 14 ~~sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-~~
 15 ~~mounted lights and step lights are typical of pedestrian-scale lighting.~~
- 16 ~~“Pedestrian space” means a public gathering space, such as a plaza, square, outdoor seating~~
 17 ~~area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting~~
 18 ~~one or more developments to the adjacent streetscape.~~
- 19 ~~“Pediment” means a low-pitched gable over a portico, door or window; may be used to~~
 20 ~~reduce the scale of a building facade.~~
- 21 ~~“Pier” means a portion of a wall between windows, doors or other openings.~~
- 22 ~~“Pilaster” means a shallow pier used to buttress a wall; or a rectangular column with a~~
 23 ~~capital and base, projecting only slightly from a wall as an ornamental motif.~~
- 24 ~~“Pocket park” means a small plaza or landscaped pedestrian space, typically less than one-~~
 25 ~~quarter acre and not for recreational use.~~
- 26 ~~“Portico” means a porch or entrance to a building consisting of a covered and often~~
 27 ~~columned area; may be used to address building orientation standards where~~
 28 ~~redeveloping a building to meet the front property line is not feasible.~~
- 29 ~~“Public art” means artwork in the public realm, regardless of whether it is on public or~~
 30 ~~private property, or whether it is acquired through public or private funding. Public art~~
 31 ~~can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate,~~
 32 ~~fountain, engraving, carving, fresco or similar artwork which is approved through~~
 33 ~~design review. In evaluating public art proposals, the reviewing authority may refer to~~
 34 ~~guidelines and inventories prepared by the city of Lincoln City, the National Trust for~~
 35 ~~Historic Preservation and/or other references it deems appropriate.~~
- 36 ~~“Spandrel” means the blank space between windows and successive stories, or the area~~
 37 ~~between the top of a column or pier and the apex of the arch springing from it.~~
- 38 ~~“Split-barrel roof” means a rounded roof that resembles a barrel split in half and resting~~
 39 ~~rounded side up.~~
- 40 ~~“Standard” means a requirement for the purposes of design review approval. Dimensional~~
 41 ~~requirements and provisions containing the words “shall,” “must,” “not permitted,”~~
 42 ~~“prohibited,” “required/requirement,” or similar prescriptive or proscriptive terms~~
 43 ~~indicate the presence of a standard.~~

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

7 ~~“String” means any area on Lincoln City’s zoning map not included in a designated “pearl.”~~

8 ~~“Transom” means a window immediately above a window or door; may or may not be~~
9 ~~hinged to a transom.~~

10 ~~“Transparency (windows)” means nonreflective glass with a visible transmittance rating of~~
11 ~~0.50 or greater, per the National Fenestration Rating Council.~~

12 ~~“Turret” means a small tower extending above a building.~~

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

16

17 **17.74.010 Purpose and intent.**

18 ~~A. These commercial development design standards are intended to enhance and protect~~
19 ~~the city’s quality of life and community image through clearly articulated commercial~~
20 ~~development design goals and policies and minimum design standards; to protect and~~
21 ~~promote the city’s economic vitality through commercial design standards that~~
22 ~~encourage and reward high-quality development while discouraging less attractive and~~
23 ~~less enduring alternatives; and to enhance and protect the security and health, safety,~~
24 ~~and welfare of the public. In addition, the standards are intended to serve as interim~~
25 ~~design standards for “pearl” areas until such a time that the city adopts specific~~
26 ~~standards for each pearl.~~

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

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

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

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

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

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

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

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

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

- 1 ~~9. Quality exterior building materials, surfaces, and textures.~~
- 2 ~~10. Building locations close to street sidewalks and streetscapes that provide pedestrian~~
- 3 ~~amenities.~~
- 4 ~~11. Connections between building entrances, sidewalks and associated pedestrian areas to~~
- 5 ~~encourage visual and physical integration with a strong sense of place.~~
- 6 ~~12. Stepped-down building scale adjacent to pedestrian routes.~~
- 7 ~~13. Pedestrian-oriented ornamentation and detail at ground level in architectural and~~
- 8 ~~landscape designs.~~
- 9 ~~14. Multi-planed pitched roofs with meaningful overhangs and weather protection features~~
- 10 ~~such as awnings, canopies and pedestrian arcades.~~
- 11 ~~15. Regular or traditional window rhythm.~~
- 12 ~~16. Articulated building forms and massing with significant wall articulation.~~
- 13 ~~C. In furtherance of this purpose, the city considers the following design features to be~~
- 14 ~~undesirable elements of commercial development:~~
- 15 ~~1. Poorly defined site access points.~~
- 16 ~~2. Excessive surface parking lot paving and redundant driveways.~~
- 17 ~~3. Disjointed parking areas, confusing or unsafe circulation pattern.~~
- 18 ~~4. Square, box-like structures with large, blank, unarticulated wall surfaces.~~
- 19 ~~5. Highly reflective surfaces or heavily tinted glass storefronts.~~
- 20 ~~6. Strongly thematic architectural styles including some forms of franchise architectural~~
- 21 ~~styles associated with some chain commercial establishments.~~
- 22 ~~7. Inadequate landscape buffers adjacent to parking lots, walkways, streets, and the~~
- 23 ~~highway.~~
- 24 ~~8. Visible outdoor storage, loading, and equipment areas.~~
- 25
- 26 ~~17.74.020 Applicability.~~
- 27 ~~A. This chapter applies to all commercial and mixed use development in the General~~
- 28 ~~Commercial and Recreation Commercial zones for which site plan review is required,~~
- 29 ~~except where superseded by a specific plan district or overlay zone (e.g., Oceanlake and~~
- 30 ~~Taft) established for a similar purpose. Different standards apply depending on whether~~
- 31 ~~a property is within a designated "pearl" or "string" district.~~
- 32 ~~B. Where an existing use or development is proposed to be modified through~~
- 33 ~~redevelopment or exterior remodeling, the standards shall apply only to that portion of~~
- 34 ~~the use or development that is to be modified; however, where more than 50 percent of~~
- 35 ~~the use or development is to be modified, the entire use or development, as applicable,~~
- 36 ~~shall comply with the provisions of this chapter.~~
- 37 ~~C. The applicant has the burden of proof of demonstrating conformity with the standards~~
- 38 ~~and criteria of this chapter.~~
- 39 ~~D. Where conflicts occur between the design standards and other municipal code~~
- 40 ~~regulations or other ordinances, the provisions of this chapter shall apply.~~
- 41 ~~E. Existing uses and/or developments that do not conform to the provisions of this chapter,~~
- 42 ~~but were established lawfully prior to the city adopting this chapter, shall be allowed to~~
- 43 ~~continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations.~~
- 44

1 **17.74.030 Administration of design standards and guidelines.**

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

- 7 1. The applicant has requested an adjustment or modification to one or more code
 8 standard(s), as provided in subsection (D) of this section; or
- 9 2. The applicant requests a hearing; or
- 10 3. The planning director determines that the size or scale of the development (*vis-a-vis* its
 11 appearance, traffic generation, parking, or other characteristics) warrants a public
 12 hearing.

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

- 19 1. Intent statements are not applicable approval criteria, except requests for adjustments
 20 or variance must demonstrate how the proposal conforms to the code's intent.
- 21 2. Standards use the words "shall" or "must" and are mandatory.
- 22 3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are
 23 advisory. Guidelines supplement the standards and provide examples of acceptable or
 24 unacceptable design. Guidelines also assist in reviewing requests for adjustments and
 25 variances and may serve as the basis for approval, denial, or approval with modifications
 26 in such instances.
- 27 4. Graphics are used to illustrate standards and guidelines. They are not intended to
 28 prescribe a particular design but serve as examples of acceptable or unacceptable design
 29 solutions.
- 30 5. Standards and guidelines both serve as approval criteria, but the reviewing body is
 31 afforded greater latitude in applying guidelines. Where the word "should" is used, the
 32 applicant must demonstrate that the proposal is consistent with the guideline, or that
 33 applying an alternate design solution is consistent with the code's stated intent. Where
 34 a guideline conflicts with any code standard, the standard shall prevail.
- 35 6. In the case of a proposed variance or adjustment to a code standard, the applicant must
 36 demonstrate how the variance or adjustment results in equal or greater conformity to
 37 the intent of the code and all other applicable standards and guidelines.
- 38 7. Nullification of one standard or guideline by a court of competent jurisdiction shall not
 39 cause any other standard or guideline to be nullified (severability).

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

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

- 4 ~~1. The code’s guiding principles, as contained in Article II of this chapter, and the intent~~
5 ~~statement(s) under the applicable standard to be adjusted (Article III of this chapter)~~
6 ~~can be better met through a proposed alternative design solution; or~~
- 7 ~~2. Necessary characteristics of an allowed use present practical difficulties in meeting a~~
8 ~~standard. In such cases the design must provide other features that tend to meet the~~
9 ~~goal of the standard (such as a trellis with vines, a sculpture, or a pergola).~~

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

16
17 **Article II. Guiding Principles**

18
19 **17.74.040 Guiding principles – Pearls.**

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

- 23 ~~A. Enhance Lincoln City’s historic village centers.~~
- 24 ~~B. Facilitate the development of compact, walkable village centers.~~
- 25 ~~C. Support the formation of a mixed use, pedestrian-oriented district serving residents and~~
26 ~~visitors.~~
- 27 ~~D. Develop an interconnected system of driveways or alleys with central public parking and~~
28 ~~encourage the provision of shared private off-street parking.~~
- 29 ~~E. Encourage architecture that is consistent with the character of each village or pearl, while~~
30 ~~ensuring that new development creates a close, intimate human scale and architectural~~
31 ~~designs address all four sides of a building.~~
- 32 ~~F. Encourage the use of contextually appropriate materials, textures and colors.~~
- 33 ~~G. Promote storefront uses by orienting buildings and their entrances to the street or to~~
34 ~~pedestrian spaces abutting the street.~~
- 35 ~~H. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.) oriented~~
36 ~~to take advantage of southern exposures; pedestrian spaces should help identify the~~
37 ~~village, create intrigue, and offer weather protection and comfort to pedestrians while~~
38 ~~adding value to adjoining properties.~~
- 39 ~~I. Break down large building masses and provide visual interest along the street.~~
- 40 ~~J. Balance rhythm and continuity; encourage creativity in the design of building elevations,~~
41 ~~rooflines and facade elements.~~
- 42 ~~K. Treat corner lots as focal points with vertical elements, public art, seating, and other~~
43 ~~design features.~~
- 44 ~~L. Provide weather protection where commercial and mixed use buildings abut the street.~~

1
2 **17.74.050 Guiding principles – Strings.**

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

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

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

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

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

16
17 **Article III. Design Standards and Guidelines**

18
19 **17.74.060 Site design.**

20 **A. Intent.**

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

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

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

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

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

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

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

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

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

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

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

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

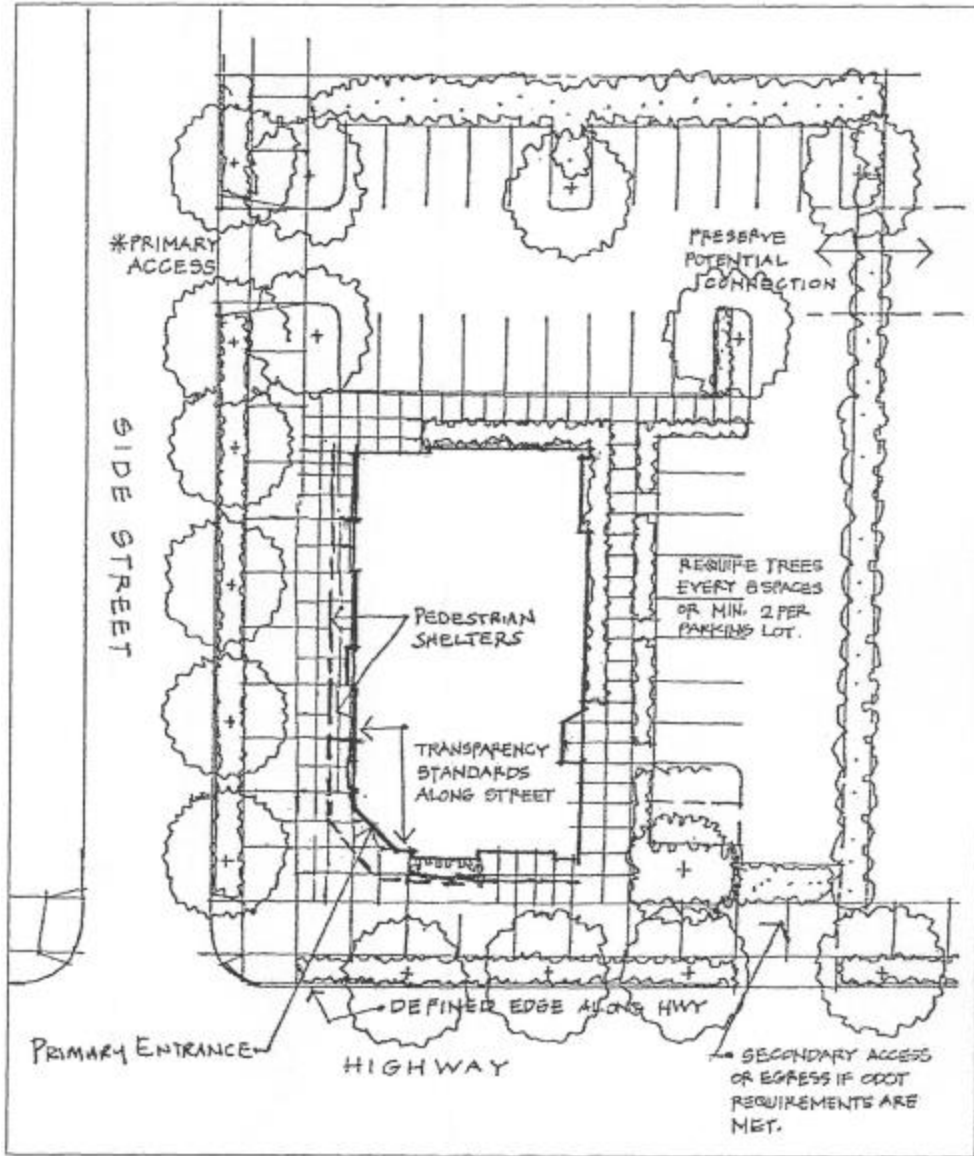
43 **1. Building Setback, Orientation and Pedestrian Circulation. In determining the specific**
44 **access, circulation, building orientation, and street frontage requirements for a**

1 particular project, the applicant, in consultation with the planning director, shall select
 2 from prototypes in subsections (B)(1)(a) through (f) of this section. Within pearl areas,
 3 at least 50 percent of the street-facing elevation of new buildings must be within 20 feet
 4 of the right-of-way, or the primary building entrance must be within 10 feet of the right-
 5 of-way and directly connected to a public sidewalk. New buildings within string areas
 6 shall be not more than 40 feet from public right-of-way or shopping street, consistent
 7 with the performance standards in this section. Primary building entrances may be
 8 oriented to a front yard or a side yard, consistent with the standards specified in
 9 subsections (B)(1)(a) through (f) of this section.

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

16 If a property is designated "string," the building entrance need not be oriented to a corner;
 17 provided, that a minimum 20-foot wide landscape screen separates all off-street
 18 parking areas from adjacent rights-of-way, except where the screen is interrupted for
 19 walkways required by code. See LCMC 17.74.120, Landscaping.

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

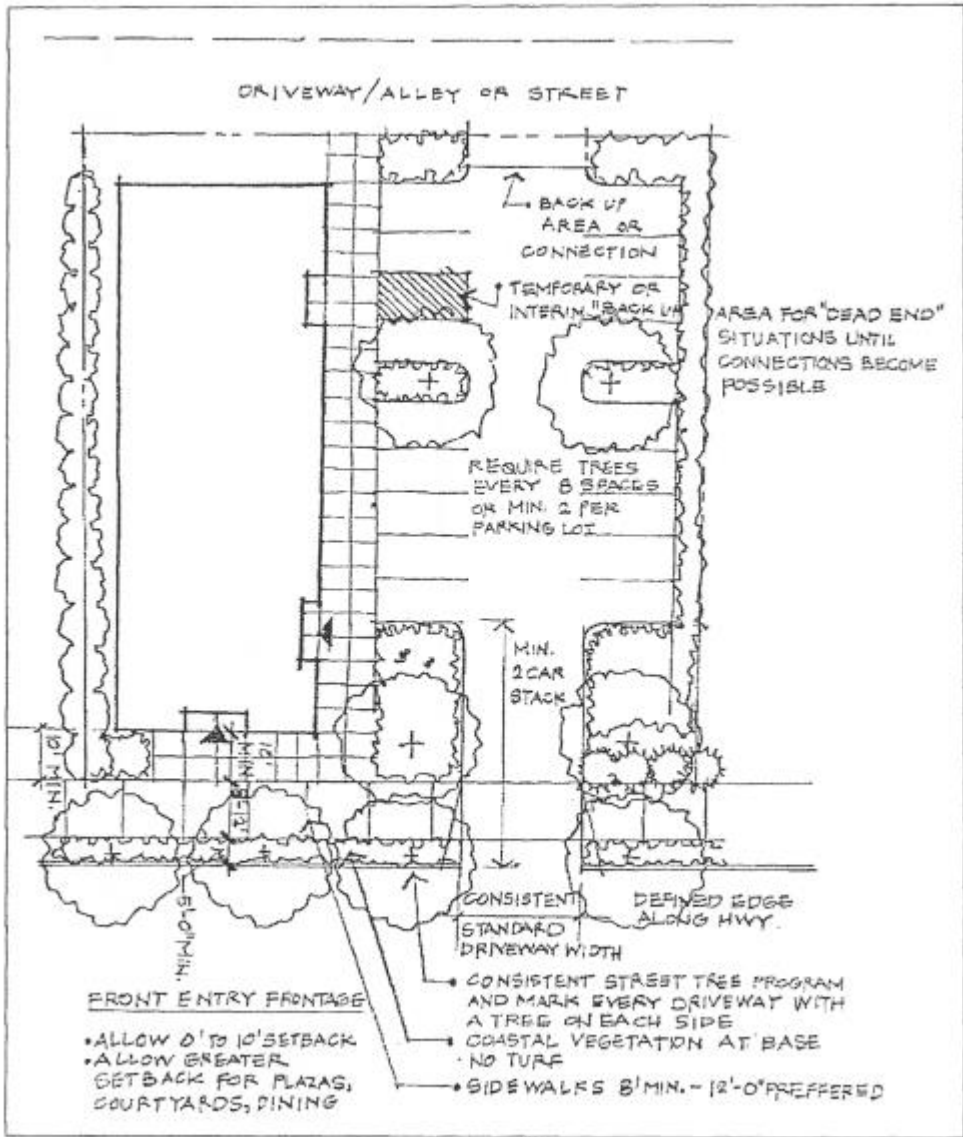


1
2
3
4
5
6
7
8
9
10
11
12
13
14

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.

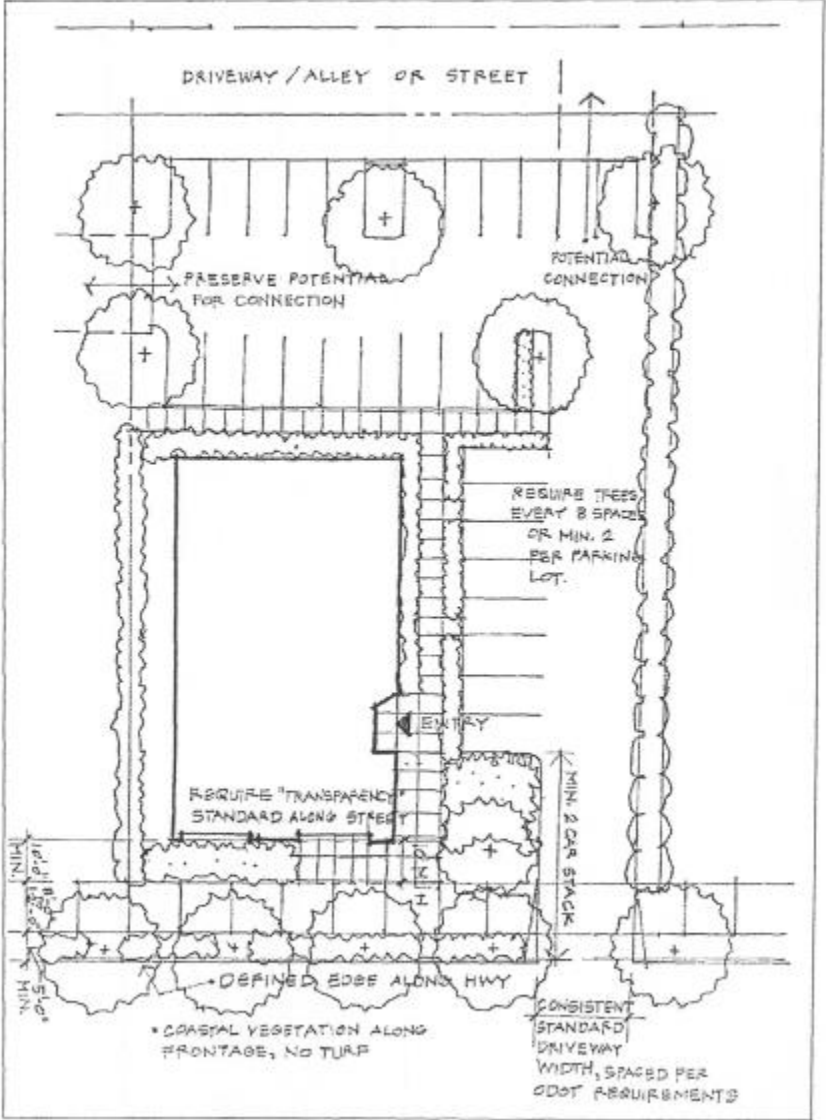
If a property is designated “string,” the building entrance need not be placed within 10 feet of the street edge; provided, that a minimum 20-foot-wide landscape screen separates all off-street parking areas from adjacent rights-of-way (except where the screen is interrupted for walkways required by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



- 1
- 2 **c. Building at Street with Side Entrance. On properties designated “pearl,” and where the**
- 3 **planning director determines that a building may have its primary entrance placed on a**
- 4 **side elevation not facing a street, a primary building entrance shall be placed within 40**
- 5 **feet of a street right-of-way, and a pedestrian pathway shall connect the entrance**
- 6 **directly to the right-of-way. No parking shall be located between the building and any**
- 7 **street frontage. The building shall meet weather protection and transparency standards**
- 8 **on all street-facing elevations.**
- 9 **If the primary building entrance is more than 20 feet from the sidewalk, a pedestrian space**
- 10 **of not less than six feet in width shall connect them. See LCMC 17.74.100, Pedestrian**
- 11 **spaces.**
- 12 **Where a property is designated “string,” the building entrance need not be placed within**
- 13 **40 feet of a street right-of-way, and surface parking may be located between the**
- 14 **building and street; provided, that a minimum 20-foot-wide landscape screen separates**

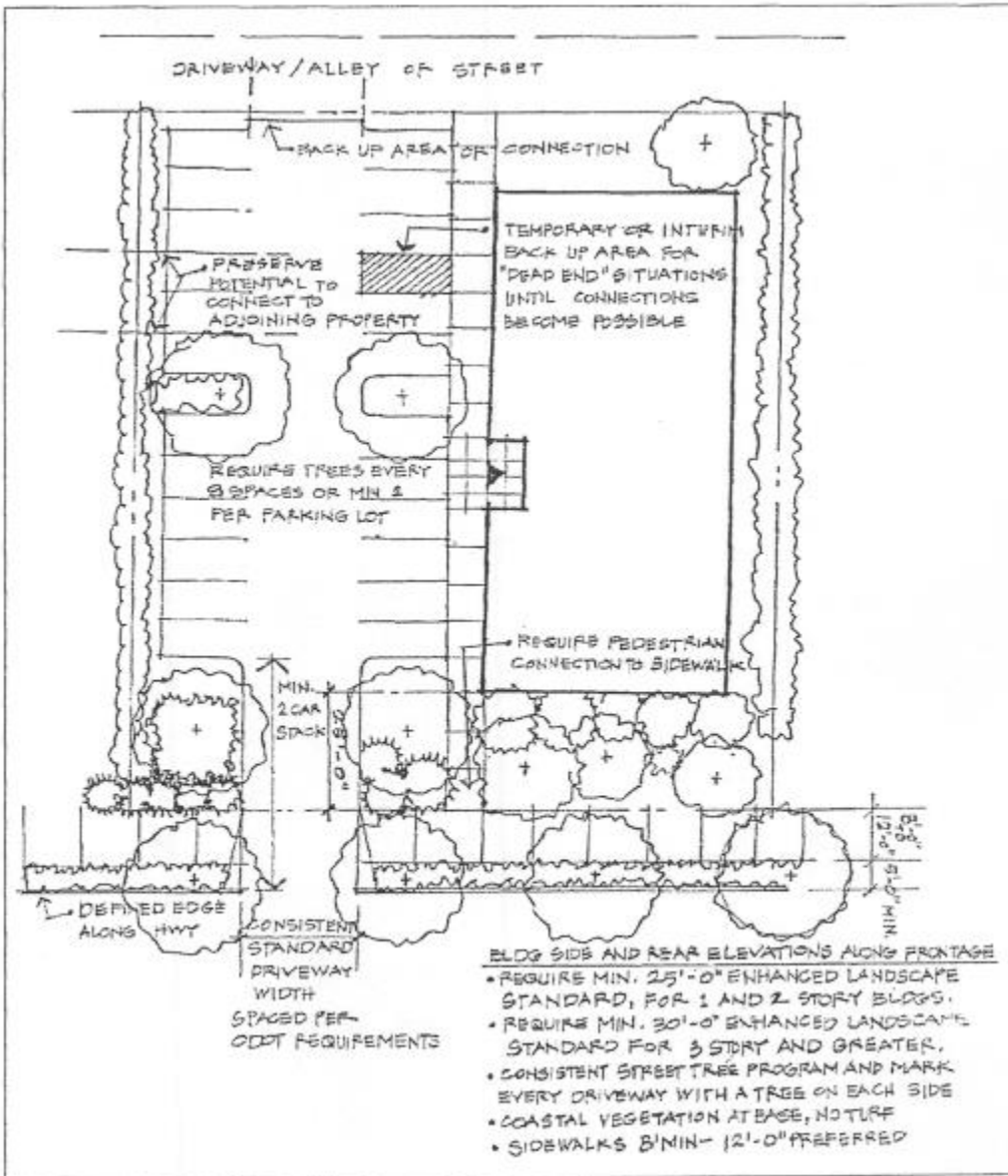
1 all off-street parking areas from adjacent rights-of-way (except where the screen is
 2 interrupted for walkways required by code). See LCMC 17.74.120, Landscaping.
 3 Highway access shall be subject to ODOT review and approval; a connection to a rear alley
 4 or shared driveway (where applicable), or a temporary turnaround where such
 5 connection cannot be made, may be required.



6
 7 **d. Building Set Back with Side Entrance.** Where the planning director determines that a
 8 building may be oriented to an internal parking area and it may have its primary
 9 entrance placed on a side elevation (strings only), the following standards shall apply:
 10 all street-facing elevations and elevations on which a primary building entrance is
 11 placed shall meet the transparency and weather protection requirements of this code.
 12 No parking shall be located between the building and street; buildings with primary
 13 entrances more than 40 feet from the street edge need not meet weather protection
 14 and transparency standards along the street frontage; provided, that a landscape buffer
 15 of 25 to 30 feet in width shall be planted in front of those portions of the wall facing

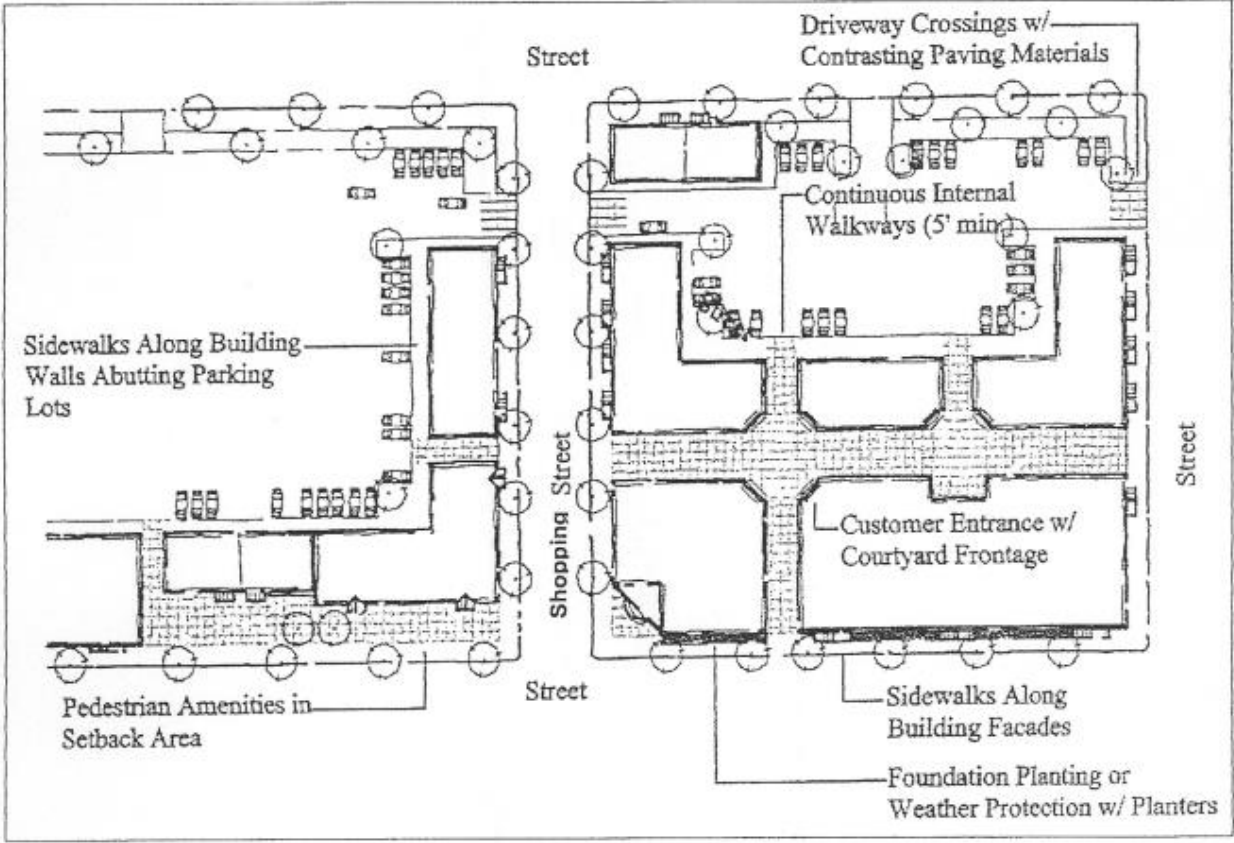
1 ~~the street that do not meet the standards. (Plantings shall conform to the "volume~~
 2 ~~landscape" requirements of this code.) See LCMC 17.74.120, Landscaping.~~

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

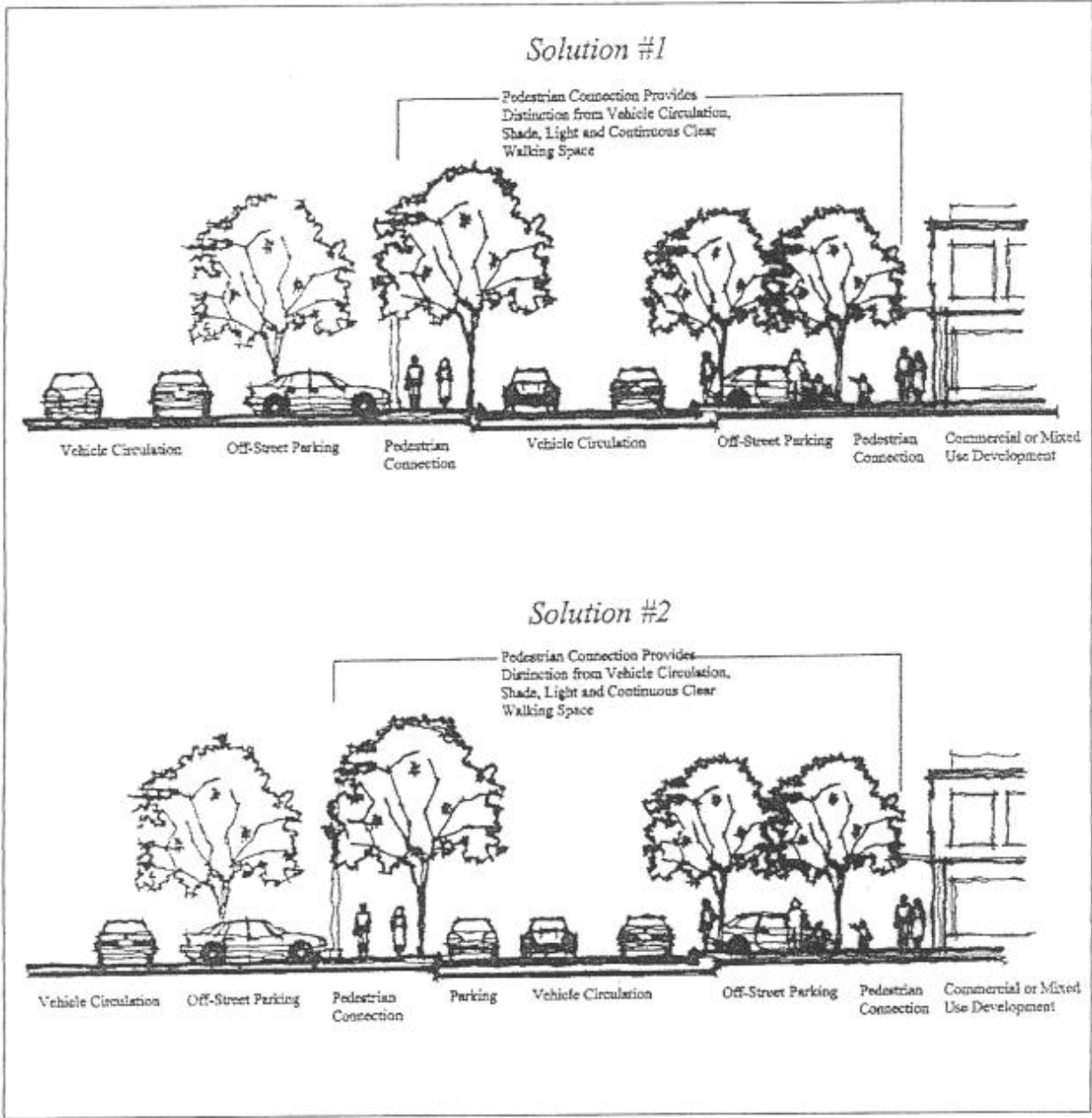


6
 7 ~~e. Parking in Front. Where the planning director finds that multiple buildings and/or~~
 8 ~~building pads should be set back from the street right-of-way behind surface parking~~
 9 ~~and oriented to internal driveways instead of streets (strings only), such driveways shall~~
 10 ~~be designed as "shopping streets." Shopping streets shall contain, at a minimum, on-~~
 11 ~~street parking, sidewalks/walkways with raised curbs, street trees and pedestrian~~
 12 ~~lighting, as generally shown below. Such buildings may have their primary entrance(s)~~
 13 ~~placed along the shopping street instead of a public street; in such cases, primary~~

1 building entrances shall be within 10 feet of a walkway (eight-foot minimum width),
2 except where a pedestrian space (e.g., plaza or outdoor seating area) is provided, the
3 setback may be increased accordingly. Surface parking shall be set back and screened
4 from the street right-of-way behind a 20-foot (minimum width) landscape buffer.
5 Buildings shall meet weather protection and transparency standards along all shopping
6 streets. See LCMC 17.74.080, Building design, and LCMC 17.74.120, Landscaping.
7 Highway access is subject to ODOT review and approval; connection to a rear alley or
8 abutting driveway (where applicable), or a temporary turnaround where such
9 connection is not possible, may be required.



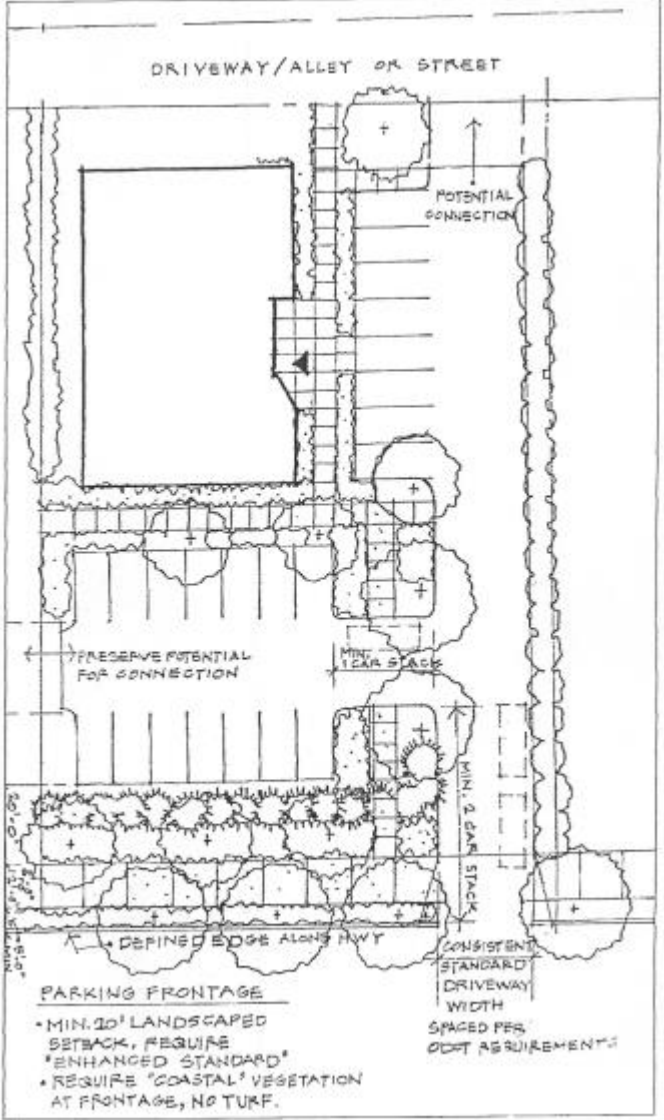
10



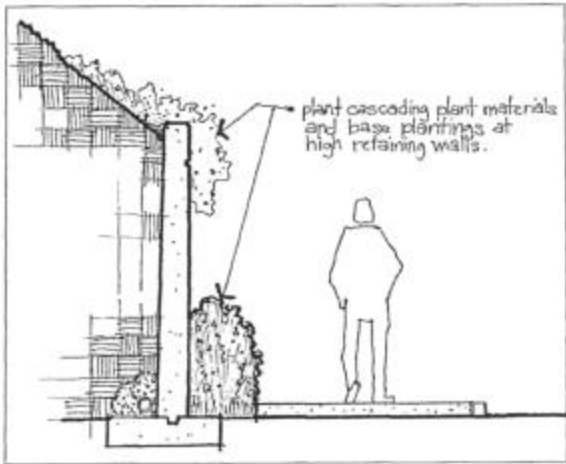
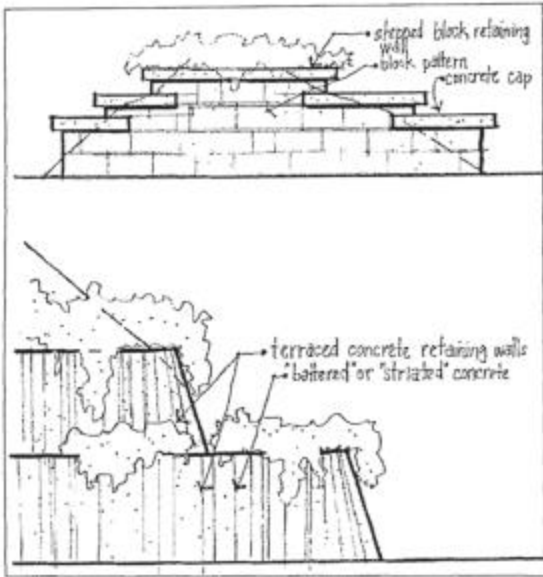
- 1
- 2 **Examples of internal shopping streets that meet the building orientation requirement when**
- 3 **building(s) are not oriented to the highway (strings only). Note: The above driveways**
- 4 **do not have to extend through to Highway 101; provided, that a pedestrian connection**
- 5 **is made to required sidewalk.**
- 6 **f. Parking in Front without Shopping Street. Where the planning director finds that it is**
- 7 **necessary to place surface parking between a building's primary entrance and the**
- 8 **highway or other public street (strings only), and it is not possible to develop an internal**
- 9 **shopping street as described above, e.g., due to the small size of a property, its**
- 10 **configuration, or other physical site constraints, then the following standards shall**
- 11 **apply: all surface parking and internal drives shall be set back at least 20 feet from the**
- 12 **street right-of-way behind a landscape buffer; adequate vehicle queuing distances shall**

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

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



12
 13 **2. Property with Grade Change.** Where retaining walls are required adjacent to a public
 14 right-of-way (strings or pearls), they shall incorporate rusticated concrete block, striated
 15 or battered concrete, or natural stone. Applications for site plan review shall include
 16 proposed retaining wall detail drawings.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

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 **1. Height.**

2 **a. Maximum Height.** Maximum height is established by the underlying zone.

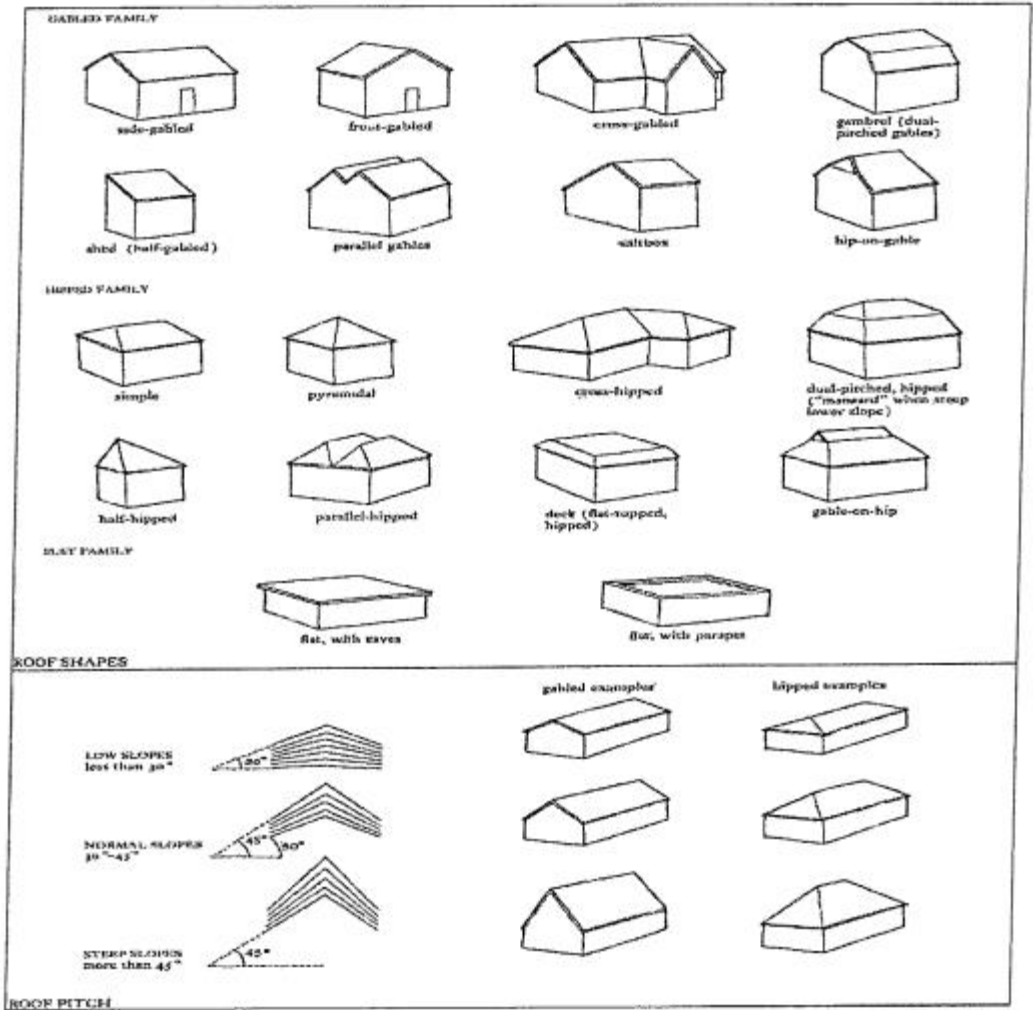
3 **b. Minimum Height.** Buildings within pearls (GC-PO or RC-PO zoned properties) shall be
4 built to a height of not less than 18 feet where those buildings are required to orient to
5 a public right-of-way. The minimum height is intended to maintain a sense of enclosure
6 of the street. Single-story buildings shall incorporate parapets, towers or other design
7 elements that reach the minimum height.

8 **2. Building Form.**

9 **a. Overall Design.** Architectural designs shall address all four sides of a building, for example
10 by continuing architectural elements (e.g., articulation, materials, detailing, etc.) around
11 building corners. New buildings should not mimic any other building in their form or
12 detailing, but instead should reflect the predominant form(s) within each pearl or string,
13 as applicable, while expressing individuality.

14 **b. Stepped Rooflines.** Height should vary from building to building to avoid a homogenous
15 appearance. This standard is met by using stepped parapets, gables, or slightly dissimilar
16 height from building to building. Abrupt changes in height between buildings can be
17 managed by having the taller building follow the horizontal lines of the shorter building
18 along the ground floor, and by having the taller building reference elements or detailing
19 of the shorter building(s) on its upper stories. See also subsection (B)(3) of this section
20 concerning storefront character.

21 **c. Roof Forms.** Roof designs shall conform predominately to one of the following: flat with
22 stepped parapet, gabled, or hipped. Secondary roof forms may include towers, dormers,
23 turrets or other features with rounded (e.g., split-barrel), shed (e.g., dormer), pyramidal,
24 or crossing elevations. Gambrel, dual-pitched (e.g., hipped "mansard"), deck (flat-
25 topped, hipped), A-frame, and similar roof forms are discouraged. Where roofs are
26 pitched, a minimum pitch of at least 30 degrees should be maintained.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

3. Window Transparency.

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 a desired storefront character, and to avoid the creation of large blank walls, buildings shall have large display windows, windowed doors and transom windows. In the pearls this standard is met when the ground floor, street-facing elevation of a building between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk grade is comprised of at least 60 percent transparent windows. In the strings, this standard is reduced to 40 percent. 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 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~~

1 ~~court), shall meet the transparency standard on all elevations abutting pedestrian~~
2 ~~space(s) and on elevations containing a primary entrance. (Recommended: Figures~~
3 ~~17.74.080-1 and 17.74.080-2.)~~

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

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

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

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

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

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

34 ~~b. Street Level/Upper Floor. The distinction between street level and upper floors shall be~~
35 ~~established, for example, through the use of awnings, canopies, belt course, or similar~~
36 ~~detailing, materials and/or fenestration. (Recommended: Figures 17.74.080-1 and~~
37 ~~17.74.080-2.)~~

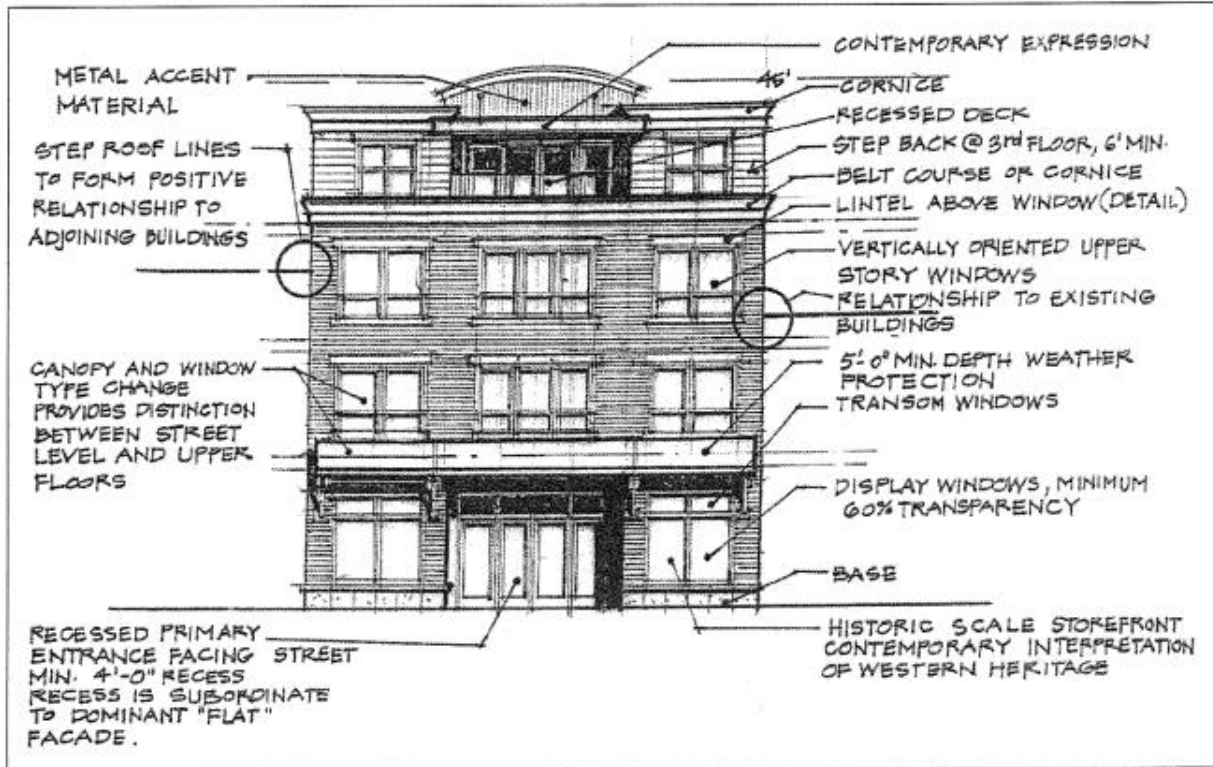


Figure 17.74.080-1: Example of acceptable building elements (applicable to single- or multi-story buildings).

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

1 ~~automobile-oriented uses are provided, they shall conform to the standards in~~
2 ~~LCMC 17.32.040.~~

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

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

17 **11. Horizontal Rhythms.**

18 ~~a. Horizontal Lines. New building designs and exterior remodels should establish prominent~~
19 ~~horizontal lines and avoid blank walls. Examples of such horizontal lines include: the~~
20 ~~base below a series of storefront windows; an existing awning or canopy line, or belt~~
21 ~~course between building stories; and/or an existing cornice or parapet line. It is not~~
22 ~~necessary for new lines to match existing lines. (Recommended: Figures 17.74.080-1 and~~
23 ~~17.74.080-2.)~~

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

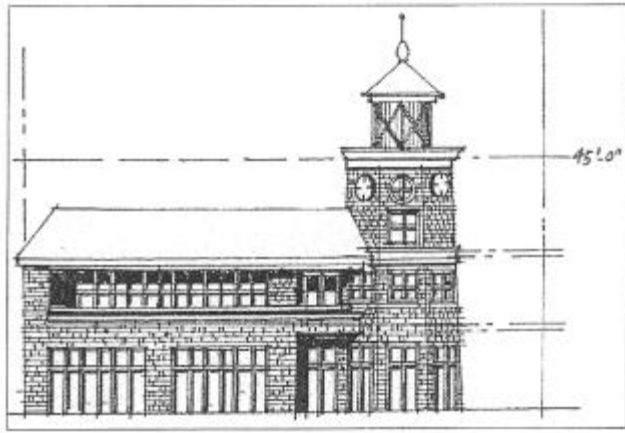
27 ~~c. Building Base. Buildings shall have a foundation or base, typically from ground to the~~
28 ~~bottom of the lower windowsills, with changes in volume or material, to give a sense of~~
29 ~~strength and symmetry. (Recommended: Figures 17.74.080-1 and 17.74.080-2.)~~



1
2
3
4
5
6
7

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.)~~



8
9
10

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~~

11
12
13
14
15

1 buildings: corrugated metal, foam/synthetic stucco, and similar materials as determined
 2 by the decision body. See also subsections (B)(13)(c), Secondary Materials, and
 3 (B)(13)(d), Substitute Materials, of this section.

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

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

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

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

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

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

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



1
 2 ~~Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit~~
 3 ~~the overall composition of the building. Actual designs should address the location and~~
 4 ~~function of the shelter, building codes, architectural compatibility, durability, and right-~~
 5 ~~of-way constraints, if any.~~

6 **15. Mechanical Equipment.**

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

16 ~~b. Rooftops. Rooftop mechanical units shall not be visible from any street.~~

17 ~~c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear~~
 18 ~~yards and screened with fences or walls constructed of materials similar to those on~~
 19 ~~adjacent buildings. Hedges may also be used as screens where there is adequate sunlight~~
 20 ~~and irrigation to ensure their successful growth. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

21
 22 **17.74.090 Transportation and streetscape standards.**

23 ~~A. Intent. The relationship between the local street system, Highway 101 and adjoining~~
 24 ~~properties is important from both a transportation planning and a land use perspective.~~
 25 ~~Oregon Department of Transportation (ODOT) is the permitting authority for all access~~
 26 ~~onto Highway 101. As the permitting agency for land use, the city works cooperatively~~
 27 ~~with ODOT to manage development adjacent to the highway. The city's design~~
 28 ~~standards are intended to implement the community's vision of a cohesive streetscape,~~

1 with on-street parking, wide sidewalks, weather protection (pedestrian) shelters,
2 benches, pedestrian-scaled lighting, public art, opportunities for cafe seating, and other
3 amenities. A safe, inviting and comfortable pedestrian environment benefits businesses,
4 highway users and the community as a whole.

5 ~~B. Standards. In addition to site design standards in LCMC 17.74.060, the following~~
6 ~~provisions apply to all new development:~~

7 ~~1. Transportation Plan Conformity. New development shall conform to the policies,~~
8 ~~standards, specifications and design details (e.g., street sections) contained in the city's~~
9 ~~transportation system plan (TSP) and the standards in LCMC 17.74.060. When~~
10 ~~streetscape improvements are required of new development, such improvements shall~~
11 ~~conform to the TSP.~~

12 ~~2. A connection to a rear alley or shared driveway (where applicable) may be required, or~~
13 ~~where such connection cannot be made, a temporary turnaround may be required.~~

14 ~~3. Streetscapes. Where a project is subject to a redevelopment plan, it shall conform to~~
15 ~~applicable streetscape provisions (e.g., sidewalks, street furnishings, etc.) of the~~
16 ~~redevelopment plan. (Ord. 2011-12 § 1; Ord. 2007-10 § 5)~~

17
18 ~~17.74.100 Pedestrian spaces.~~

19 ~~A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close~~
20 ~~building orientation and minimal private open space envisioned for the pearl areas~~
21 ~~should be offset by pedestrian spaces along building frontages and in breaks between~~
22 ~~buildings. Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating~~
23 ~~areas, pedestrian access ways between buildings, alcoves and pocket parks, provide~~
24 ~~visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian~~
25 ~~spaces do not have to be publicly owned or maintained. Therefore, projects within pearl~~
26 ~~areas are required to contribute their proportionate share of pedestrian space. String~~
27 ~~area projects are encouraged to incorporate appropriate pedestrian space. Pedestrian~~
28 ~~spaces count toward the required minimum landscape area in each zone.~~

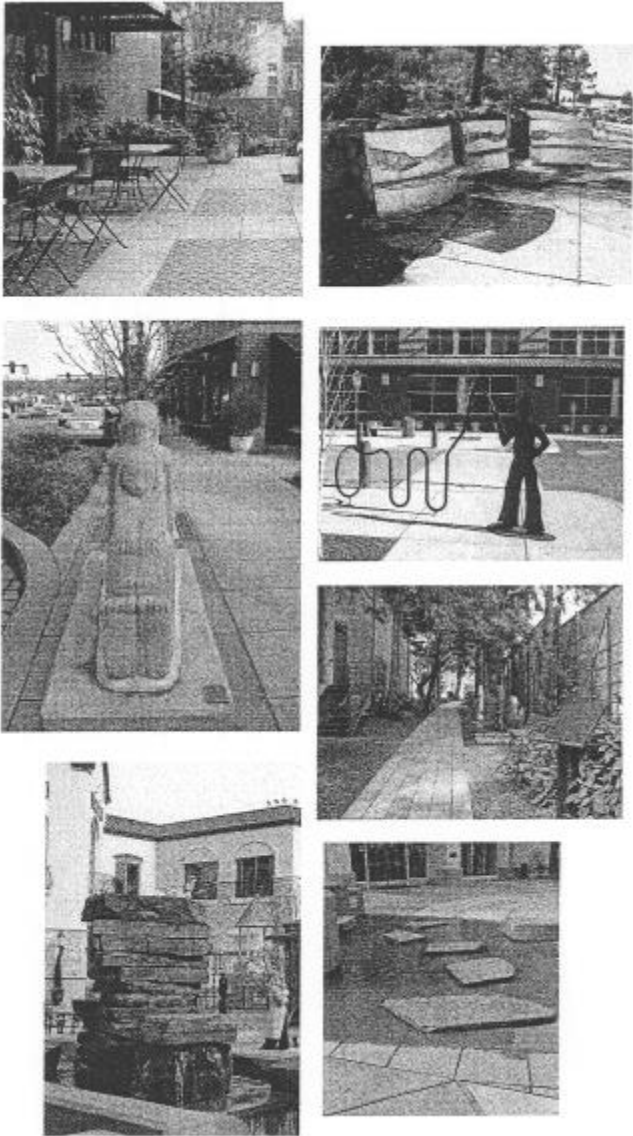
29 ~~B. Standards.~~

30 ~~1. Pedestrian Space Standard. At least three percent of every pearl development site, except~~
31 ~~for residential developments, shall be designated and improved as pedestrian space.~~
32 ~~The highest priority locations for pedestrian space are those areas with the highest~~
33 ~~pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have~~
34 ~~a western or southern exposure (within 45 degrees of true south or west). Where no~~
35 ~~such area exists, then pedestrian space should be provided as an extended sidewalk or~~
36 ~~walkway connecting multiple developments.~~

37 ~~The reviewing authority may find that the creation of pedestrian space is not practicable~~
38 ~~based on the project location or other relevant factors. In such cases, the city may accept~~
39 ~~an in-lieu fee equal to the fair market value of the land and improvements that would~~
40 ~~have otherwise been required. The fair market value shall be determined after the city~~
41 ~~approves the site plan review application and before issuance of any building permits~~
42 ~~on the project.~~

43 ~~2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across~~
44 ~~and have a surface area of not less than 64 square feet.~~

1 ~~3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to~~
 2 ~~and visible from a public right-of-way by a sidewalk or pedestrian access way; access~~
 3 ~~ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in~~
 4 ~~concrete or a change in pavement scoring patterns and/or texture). Where a right-of-~~
 5 ~~way connection is not possible, the owner shall be required to provide a public access~~
 6 ~~way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to~~
 7 ~~public access, unless otherwise required by the city. (Recommended: Figures 17.74.100-~~
 8 ~~1 and 17.74.100-2.)~~



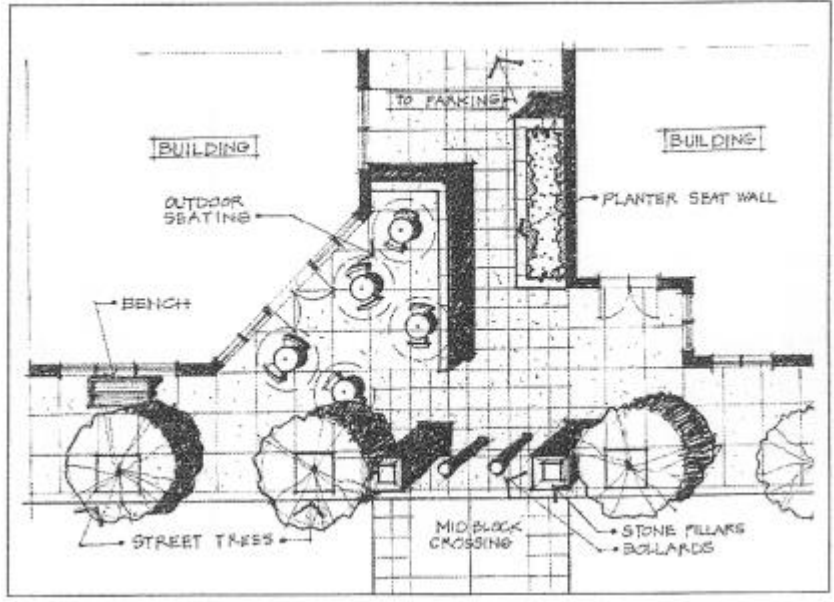
9 ~~Pedestrian spaces should serve as focal points and gathering places, giving the~~
 10 ~~downtown a unique identity and sense of place. Pedestrian amenities may include, but~~
 11 ~~are not limited to, outdoor seating areas or cafes, pedestrian access ways, weather~~
 12 ~~protection, plazas, benches, public art, and street furnishings such as bicycle racks and~~
 13 ~~pedestrian lighting (e.g., bollards) at crossings.~~
 14



1
 2 **Figure 17.74.100-1: Example of a small pedestrian space containing approximately 64**
 3 **square feet.**

4 **4. Pedestrian Amenities Required.** Where pedestrian space is required, it shall contain
 5 pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space),
 6 benches, public art, pedestrian-scale lighting, wayfinding signs (as approved by the city)
 7 or similar pedestrian areas in an amount equal to or greater than one-half of one percent
 8 of the estimated construction cost of the subject building(s). Where a pedestrian space
 9 adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or
 10 similar weather protection feature. Pedestrian amenities such as seating, planters, public
 11 art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or
 12 pedestrian access ways may be counted in fulfilling the one-half of one percent
 13 requirement. (See Figure 17.74.100-2.) Cost estimates for pedestrian amenity
 14 improvements shall be prepared by a licensed architect, landscape architect, or other
 15 qualified professional, and shall be subject to review and approval by the planning and
 16 community development director.

17 **5. Mechanical Equipment and Garbage Storage Areas.** Mechanical equipment and garbage
 18 storage areas are not counted in the pedestrian space(s) required under subsection
 19 (B)(1) of this section. Such facilities shall be screened completely from view and set back
 20 20 feet or more from a pedestrian space for aesthetic reasons and to minimize odors
 21 and noise.



1
2 **Figure 17.74.100-2: Example of preferred types of pedestrian amenities, shown with access**
3 **way between buildings leading to an internal parking area or street end.**

4
5 **17.74.110 Parking.**

6 ~~The off-street parking standards are the same as provided in Chapter 17.56 LCMC, except~~
7 ~~that credit toward minimum parking standards shall be granted for on-street parking~~
8 ~~spaces abutting the development. Shared parking between uses is allowed, in~~
9 ~~conformance with LCMC 17.56.060.~~

10
11 **17.74.120 Landscaping.**

12 ~~**A. Intent.** Lincoln City is identifiable, in part, by its shore pines and other coastal vegetation.~~
13 ~~While it is inevitable that some existing trees will be removed with new development,~~
14 ~~native vegetation should be preserved where practicable or otherwise replanted in~~
15 ~~required landscape areas. Trees and hedges serve as windbreaks and visual screens in an~~
16 ~~area that is otherwise being exposed to high winds. Grassy swales capture and cleanse~~
17 ~~surface water runoff before it infiltrates into the ground or seeps onto the beach.~~
18 ~~Mature vegetation also enhances real estate values. For these reasons, as well as for~~
19 ~~aesthetic reasons, the city requires that all new developments and redevelopment~~
20 ~~projects attempt to save mature vegetation that is not within building envelopes and~~
21 ~~provide landscaping in surface parking areas, as buffers between uses, within street~~
22 ~~planter strips, and to soften the appearance of large building elevations. Landscaping~~
23 ~~must conform to the following provisions, in addition to those in LCMC 17.52.100.~~

24 ~~**B. Standards.**~~

25 ~~**1. Mature Landscaping.** Site plans shall incorporate existing, mature vegetation that is not~~
26 ~~within building envelopes and not within areas that are required to be graded or~~
27 ~~excavated (e.g., for utilities, foundations, and driveways) into the project's landscape~~
28 ~~design to the greatest extent practicable. Where mature tree removal is unavoidable~~
29 ~~(e.g., a tree's location precludes reasonable development consistent with prescribed~~

1 ~~building envelopes, required building orientation, or public improvement~~
 2 ~~requirements), mitigation shall be required as per subsection (B)(3)(g) of this section.~~

3 ~~2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required~~
 4 ~~in quantities exceeding the base requirements of this code to mitigate adjustments to~~
 5 ~~other standards or the loss of mature trees as described under subsection (B)(1) of this~~
 6 ~~section.~~

7 ~~3. Minimum Landscape Standards.~~

8 ~~a. All off-street parking and vehicular use areas (including driveways and loading docks)~~
 9 ~~shall have perimeter landscaping of not less than four feet in depth, and interior~~
 10 ~~landscaping covering at least 10 percent of the entire vehicular use area.~~

11 ~~The planning commission may reduce the minimum landscape area to not less than five~~
 12 ~~percent where the development preserves and protects one or more existing mature~~
 13 ~~trees. The commission shall use its discretion in awarding credit; provided, that more~~
 14 ~~credit may be awarded to projects that preserve the largest or most visible trees as~~
 15 ~~viewed from public rights-of-way including the beach. Areas with preserved trees are~~
 16 ~~counted toward the required parking lot landscaping.~~

17 ~~b. Each separate landscape area shall be a minimum of 24 square feet with a minimum~~
 18 ~~dimension of at least four feet and, on parking lot islands and in park strips along a~~
 19 ~~street, shall contain at least one tree. All remaining land in the landscape area shall be~~
 20 ~~covered by a combination of shrubs, ground cover plants or other city-approved~~
 21 ~~nonvegetative ground cover.~~

22 ~~c. All required buffer strips, screens, and other required landscape areas shall be planted at~~
 23 ~~a density to ensure the intended buffering or screening intent is met; in no case shall a~~
 24 ~~landscape area have less than one tree per 200 square feet of surface or less than one~~
 25 ~~shrub per 50 square feet of area.~~

26 ~~d. Required trees and shrubs shall be non-invasive species that are known to thrive in the~~
 27 ~~northern Oregon coastal environment.~~

28 ~~e. The following guidelines apply:~~

29 ~~i. Vegetation native to the Pacific Northwest coast is encouraged;~~

30 ~~ii. Turf and grass is discouraged, except in residential developments;~~

31 ~~iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of~~
 32 ~~Recommended Species, or species recommended by a licensed nurseryman as being~~
 33 ~~suitable for the local climate, as approved by the planning director.~~

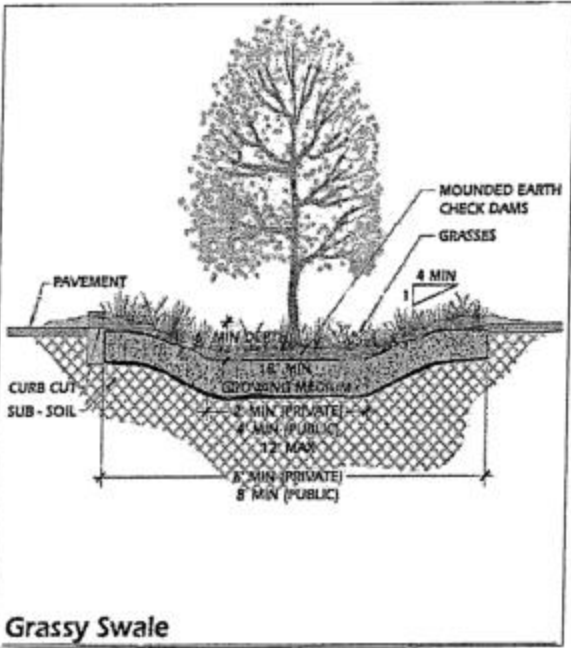
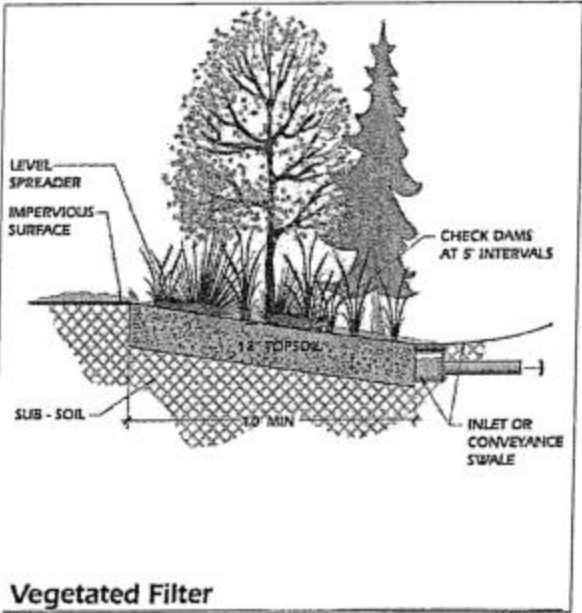
34 ~~f. Trees shall be at least two-inch caliper at time of planting.~~

35 ~~g. When tree mitigation is required, the number of mitigation trees required shall be equal~~
 36 ~~to the total number required to achieve at least half of the number of inches of mature~~
 37 ~~tree(s) removed (diameter measured at four feet above grade). For instance, if a 12-inch~~
 38 ~~diameter tree is removed, then at least two three-inch trees of the same or comparable~~
 39 ~~species shall be planted. Alternatively, the reviewing authority may require fewer trees~~
 40 ~~of a larger size be planted.~~

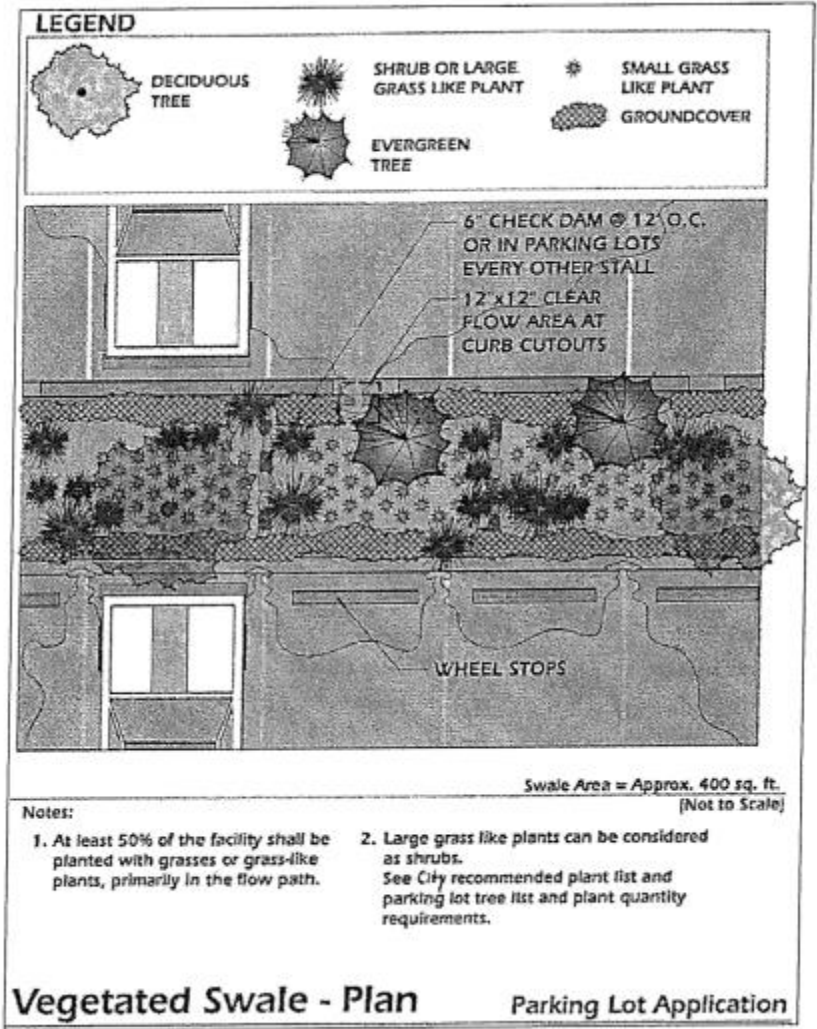
41 ~~h. Irrigation systems shall be provided for all planted areas for a period of at least two years,~~
 42 ~~or until it is demonstrated that new plants have become naturalized.~~

43 ~~i. Shrubs shall be at least three-gallon size when planted.~~

- 1 ~~j. If hedges are planted for screening, plants shall be at least of an initial size so that the~~
2 ~~required screening will be achieved within two years.~~
- 3 ~~k. Trees shall be planted so that encroachment below eight feet into a public right-of-way~~
4 ~~can be prevented without long-term detriment to the subject tree.~~
- 5 ~~l. Landscaping shall preserve an adequate line of sight around vehicle accesses.~~
- 6 ~~m. All landscaping materials shall be in vigorous and healthy growing condition and shall~~
7 ~~be installed according to common planting procedures, with consideration given to soil~~
8 ~~condition. The property owner is responsible for maintaining and replacing, as~~
9 ~~necessary, all approved landscape plants on his property and those within abutting~~
10 ~~rights-of-way (e.g., street trees).~~
- 11 ~~4. Parking Area Landscaping. Surface parking areas shall have perimeter landscaping, as~~
12 ~~described above. Surface parking lots containing more than 20 parking stalls shall be~~
13 ~~divided into rows of not more than 12 continuous parking spaces. (Recommended:~~
14 ~~Figure 17.74.120.)~~
- 15 ~~5. Water Quality. Where a surface parking area incorporates water quality filters/swales and~~
16 ~~porous paving materials, such as pavers set in sand, concrete blocks allowing grass to~~
17 ~~grow through, and/or porous concrete (e.g., particularly along walkways and in parking~~
18 ~~areas that are used infrequently), the reviewing authority may allow additional building~~
19 ~~(lot) coverage. Porous paving may also be used for small areas, such as the first four~~
20 ~~feet of a parking lot's perimeter, where it would help reduce or slow surface water~~
21 ~~runoff. (Recommended: Figure 17.74.120.)~~



1



1
2 **Figure 17.74.120: Typical parking lot landscaping concepts, incorporating water quality**
3 **features.**

4
5 **17.74.130 Exterior lighting.**

6 **A. Intent.** The number, size, design and placement of lights all contribute to creating a safe
7 and aesthetically pleasing development. Excessive lighting contributes to light
8 pollution, glare and light trespass, and it diminishes views of the night sky. Outdoor
9 lights should function primarily as tools for pedestrian wayfinding and business
10 visibility. Business visibility does not require that owners fully illuminate their building
11 and parking areas. Urban renewal plans for some areas (e.g., Taft and Oceanlake) include
12 sidewalk lighting (antique street lamps) that, together with modest on-site lighting in
13 developments, will enable motorists and pedestrians to recognize businesses and safely
14 walk to them. Lights in string areas need not be designed to a highway scale.

15 **B. Standards.** Outdoor light fixtures shall not be installed without site plan review approval.
16 Where a light fixture is required as part of a larger project, the lighting package shall be
17 reviewed under the following guidelines and standards. Where an outdoor light fixture
18 is to be installed apart from any other development application, it shall be processed

1 ~~administratively. Outdoor lighting that does not conform to current standards, but~~
 2 ~~conformed to city standards prior to the effective date of the ordinance codified in this~~
 3 ~~section, is allowed to continue as nonconforming until such time that the light fixture~~
 4 ~~and/or building is remodeled or replaced.~~

5 ~~1. Contextual Design. Exterior lights shall be designed to fit their particular location and~~
 6 ~~function. They should be simple in character and similar in color and intensity to those~~
 7 ~~used traditionally. High pressure sodium lights are appropriate, except where good~~
 8 ~~color rendition is required; enhanced color rendition high pressure sodium lamps, or~~
 9 ~~more uniform spectrum lamps, may also be used.~~

10 ~~a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted~~
 11 ~~lights or streetlights shall be illuminated using bollards, step lights, or other low-profile~~
 12 ~~fixtures that are appropriate for walkways and plazas. Illumination between one and~~
 13 ~~two foot-candles for such areas is required.~~

14 ~~b. Building-mounted lights should complement the building background in style; using~~
 15 ~~lights to draw attention to (wash) architectural elements is permitted; provided, that~~
 16 ~~unshielded, high intensity light sources and sources that direct light upward without~~
 17 ~~cut-offs are not permitted. (See subsection (B)(2) of this section.)~~

18 ~~c. Antique-style lights are preferred over recessed can lights and globe fixtures.~~
 19 ~~Contemporary light fixtures that draw on historic elements or provide a new~~
 20 ~~interpretation of an historic style are encouraged.~~

21 ~~d. Maximum initial luminance of outdoor sales areas, storage areas and service station~~
 22 ~~canopies and similar areas shall not exceed 20 foot-candles, except as otherwise~~
 23 ~~approved by the planning director.~~

24 ~~e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as~~
 25 ~~otherwise approved by the planning director.~~

26 ~~2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as~~
 27 ~~overspray of lights onto adjacent residential properties and lights shining into the night~~
 28 ~~sky, shall be avoided.~~

29 ~~a. Light poles shall not exceed a height of 20 feet.~~

30 ~~b. Only shielded lights are permitted. Shielding should be integral to the light fixture and~~
 31 ~~direct light downward. Exception: Up-lighting of official flags may be allowed; provided,~~
 32 ~~that the luminance level is minimized.~~

33 ~~c. Lighting associated with service areas, parking lots and parking structures, as well as~~
 34 ~~streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night~~
 35 ~~sky) and light spillover onto residential properties. Luminance at the property line, or~~
 36 ~~no more than five feet over the property line, shall be zero.~~

37 ~~d. The planning director may require the installation and use of timers or activity switches~~
 38 ~~to prevent unnecessary sources of light by controlling the length of time that exterior~~
 39 ~~lights are in use late at night.~~

40 ~~e. Lights used to wash a building elevation (including any signs) shall not wash more than~~
 41 ~~75 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~

42 ~~f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of~~
 43 ~~recessed eave lighting is preferred. The maximum illumination limits for wall washing~~

1 are one foot-candle for dark colored surfaces and one-half foot-candle for light colored
2 surfaces.

3 ~~g. The manufacturer's data or measurement shall be provided to demonstrate conformance~~
4 ~~with subsection (B)(1) of this section. Photometric plans are required with site plan~~
5 ~~review applications, unless waived by the planning director.~~



6
7 **Figure 17.74.130: Examples of acceptable lights.**

8
9 17.34.005—Definitions.

10 Note: The following definitions are informational. Where conflicts occur between the definitions
11 below and an adopted building code, the adopted building code shall apply. For terms that are
12 not defined below and are not defined in the building code, the reviewing authority will use its
13 discretion in selecting from professional source materials that are most relevant to the question
14 at hand.

15 "Accessibility" means the locational and design characteristics of a use, structure, or facility that
16 permit it to be reached by one with a disability, as prescribed under the Americans with
17 Disabilities Act and associated building codes and guidelines.

18 "Accessory dwelling unit" means a dwelling unit either attached to a single-family or duplex
19 primary dwelling unit or located on the same lot, having an independent primary means of
20 access, visually subordinate to the primary dwelling, and having a total floor area of not more
21 than 750-square feet.

22 "Alcove" means a recessed section of a building's exterior wall; may provide weather protection,
23 outdoor seating or other pedestrian amenities.

24 "Basement" means the lowest story of a building where 50 percent or more of the floor is
25 located below the grade plane.

- 1 "Belt course" means a horizontal course in a masonry wall that is of a different color, texture,
 2 size, or material and which is compatible with the overall form and architectural composition.
- 3 "Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to
 4 separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or
 5 pathway lighting.
- 6 "Clerestory" means a window that extends from the ground floor of a building to near the top of
 7 an outside wall.
- 8 "Corbel" means a projection on a building out from a masonry wall, sometimes to support a
 9 load and sometimes for decorative effect.
- 10 "Cornice" means the exterior trim of a structure at the meeting of the roof and wall.
- 11 "Facade" means the front or principal face of a building; any side of a building that faces a
 12 street, way, or pedestrian space.
- 13 "False front" means a front wall that extends beyond the side walls or rooftop of a building to
 14 create a more imposing facade. (See also "Parapet.")
- 15 "Fenestration" means the arrangement and design of windows and doors in a building.
- 16 "Grade" means the surface elevation of the ground.
- 17 "Guideline" means a recommended approach, parameter, example, and/or rationale for
 18 interpreting, applying, and/or modifying a standard through the site plan review process. For the
 19 purpose of site plan review, the photographs, illustrations, and diagrams contained in this
 20 chapter are intended to be used as guidelines, except where an illustration contains a specific
 21 dimensional requirement or is accompanied by the words "shall" or "must," then the illustration
 22 is intended as a standard.
- 23 "Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window
 24 to support the weight above it.
- 25 "Medallion" means a small decorative detail used to accent a building's exterior.
- 26 "Mezzanine" means an intermediate level between a ground floor and the upper story(ies)
 27 occupying a partial area of floor space.
- 28 "Parapet" means a low protective wall at the edge of a roof.
- 29 "Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk,
 30 pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and
 31 step lights are typical of pedestrian-scale lighting.
- 32 "Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating
 33 area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or
 34 more developments to the adjacent streetscape.
- 35 "Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce
 36 the scale of a building facade.
- 37 "Pier" means a portion of a wall between windows, doors or other openings.
- 38 "Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital
 39 and base, projecting only slightly from a wall as an ornamental motif.
- 40 "Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-
 41 quarter acre and not for recreational use.
- 42 "Portico" means a porch or entrance to a building consisting of a covered and often columned
 43 area; may be used to address building orientation standards where redeveloping a building to
 44 meet the front property line is not feasible.

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

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

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

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

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

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

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

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

27

28 17.34.030 Applicability of municipal code regulations.

29 A. Applicability. The provisions of the Nelscott Plan District, in addition to all other applicable
30 regulations of this title and other city ordinances, shall apply to all uses of land and
31 development within the NP district.

32 B. Redevelopment and Remodels. Where an existing use or development is proposed to be
33 modified through redevelopment or exterior remodeling, the standards shall apply only to that
34 portion of the use or development that is to be modified; where more than 50 percent of the
35 use or development is to be modified, the reviewing body may require the entire development
36 to conform to the provisions of this chapter, as provided in subsection (E) of this section.

37 C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the
38 standards and criteria of this chapter.

39 D. Ordinance Conflicts. Where conflicts occur between this chapter and other Lincoln City
40 Municipal Code regulations, the provisions of this chapter shall apply.

41 E. Nonconforming Situations. Existing uses and/or developments that do not conform to the
42 provisions of this chapter, but were established lawfully prior to the city adopting this chapter,
43 shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations,
44 except, however, that a nonconforming residence that is destroyed by any cause to an extent

1 exceeding 50 percent of the appraised value as determined by the records of the county
 2 assessor for the year preceding destruction may be rebuilt within the same footprint. To the
 3 extent any such rebuilt residence is expanded, including a vertical expansion, the area of
 4 expansion must conform to the NP regulations.

5 17.34.040 Administration of design standards.

6 A. Site Plan Review. The design standards will be applied to commercial development (including
 7 mixed use and multifamily dwellings, but not including single-family or two-family dwellings)
 8 that must receive approval through the city's site plan review process during that process and
 9 prior to issuance of building permits. Single-family or two-family dwellings are subject to the
 10 design standards requirements relating to block layout and must receive approval through the
 11 building permit review process. The planning director may refer any site plan review application
 12 to the planning commission for a public hearing when:

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

15 2. The applicant requests a hearing; or

16 3. The planning director determines that the size or scale of the development (relative to its
 17 appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

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

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

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

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

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

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

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

43 7. Nullification of one standard or guideline by a court of competent jurisdiction shall not
 44 cause any other standard or guideline to be nullified.

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

3 1. The chapter's guiding principles and the intent statement(s) under the applicable
 4 standard to be adjusted can be better met through a proposed alternative design solution;
 5 or

6 2. There are practical difficulties in meeting a standard based on the necessary
 7 characteristics of an allowed use. In such cases the design must provide other features that
 8 tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).

9 Where the code language suggests more than one way to meet a particular standard, the
 10 applicant is encouraged to be creative and propose the most appropriate design solution given
 11 the site's context and the purpose of the code. The decision-making body shall refer to the
 12 guiding principles in LCMC 17.34.010, the purpose in LCMC 17.34.070, and the intent under each
 13 standard in making its decision; the purpose, guiding principles and intent statements shall
 14 serve as the approval criteria for adjustments.

15 D. Incentives for Design Excellence. The city encourages excellence in design. Projects that
 16 provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or
 17 superior architecture may be rewarded, for example, with reduced off-street parking
 18 requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from
 19 the city's urban renewal program. These "incentives" are in addition to the "adjustments"
 20 provided in subsection (C) of this section. In granting incentives, the hearing body shall find that
 21 the incentive results in a design that is superior to what is required under the base standard(s),
 22 and is consistent with one or more of the following guidelines:

23 1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story
 24 residential uses with ground floor commercial or civic uses are preferred over single-use
 25 developments in the NBD and NBMU subdistricts.

26 2. Connecting Nelscott to the Ocean. Oceanfront projects that provide the public with
 27 physical beach access are preferred over those that provide only visual access or no access
 28 at all. Non-oceanfront projects should maintain views of the ocean from public rights-of-way
 29 where such views currently exist. Where a project results in diminished ocean views, the
 30 decision body may consider other mitigating circumstances in approving an incentive, such
 31 as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity
 32 that enable the public to more easily access the shoreline.

33 3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the
 34 maximum building height standards abutting a residential zone, the project must
 35 incorporate mitigating design features, such as additional open space or buffering adjacent
 36 to residential uses. Applicants are encouraged to do neighborhood outreach prior to
 37 submitting site plans to the city for review. The applicant's efforts to engage the public (e.g.,
 38 through a design charrette) prior to submitting a site plan application may influence the
 39 decision body in approving or denying incentives.

40 4. Designing for the Climate. Design elements that show special attention to the Nelscott
 41 climate, such as innovative rain protection features, wind protection features, and solar
 42 exposure features, are encouraged. Projects going beyond basic wind and rain protection
 43 and taking advantage of solar exposure are preferred over projects that do not.

1 5. Sustainability. Incentives may be appropriate for projects incorporating green building
2 practices, such as the preservation of existing mature vegetation, use of water quality
3 treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy
4 conservation in construction. Projects eligible for green certification through a nationally
5 recognized program (e.g., Leadership Through Energy and Environmental Design (LEED) or
6 similar program approved by the city) are preferred over those that do not meet such
7 criteria.

8 6. Aesthetics and Context Sensitive Design. Architecture that goes beyond base code
9 requirements and achieves the vision contained in the Nelscott Redevelopment Plan is
10 preferred over architecture that merely conforms to the base code requirements. For
11 example, corner properties along Highway 101, particularly those in gateway locations,
12 should incorporate a tower or other signature architectural feature. Oceanfront designs
13 should be superior in both their street-fronting elevation as well as their ocean-fronting
14 elevation.

15 7. Balancing Durability and Affordability. In granting incentives, preference may be given to
16 projects providing affordable workforce housing or affordable commercial space to small
17 businesses (except overnight accommodations). "Affordable housing" means households
18 earning less than the area median income pay no more than 30 percent of their income toward
19 housing costs. Where incentives are provided, the reviewing authority may require the
20 applicant/owner to record deed restrictions or provide other assurances that the subject
21 housing remains affordable for not less than 10 years.

22 **Article III. Nelscott Design Standards**

23 **17.34.070 — Purpose.**

24 The Nelscott design standards are intended to implement the vision for Nelscott, specifically to
25 help ensure that new buildings and rehabilitated existing buildings convey an image consistent
26 with local history and the Oregon coastal environment. The standards reflect the following
27 values and objectives:

- 28 • Retain Nelscott's compact, walkable character and the traditional small-scale commercial
- 29 development in the Highway 101 commercial area;
- 30 • Promote the formation of pedestrian-friendly facilities and structures;
- 31 • Encourage architectural variety, consistent with the eclectic character of Nelscott; provided,
- 32 that new development creates a close, intimate human scale and architectural design addresses
- 33 all four sides of a building;
- 34 • Encourage the use of contextually appropriate materials, textures and colors;
- 35 • Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian
- 36 spaces should help identify Nelscott, create intrigue, and offer weather protection and comfort
- 37 to pedestrians while adding value to the district;
- 38 • Break down large building masses and provide visual interest along the street;
- 39 • Balance rhythm and continuity—encourage creativity in the design of building elevations,
- 40 rooflines and facade elements;
- 41 • Retain the small-scale beach cottage character of the interior residential area. (Ord. 2008-18 §
- 42 4(3)(A))

43 **17.34.080 — Block layout.**

1 A. Intent. New development and redevelopment projects should reinforce the historic street grid
2 of Nelscott. Commercial and mixed use buildings should be placed at or near the sidewalk edge
3 and parking should be set back behind or beside such buildings. Parking should be provided
4 on-street where shoulders are approved to accommodate parking spaces or bays. By
5 maintaining the integrity of Nelscott’s historic form, land is used efficiently, traffic is distributed
6 evenly, and new development contributes to a cohesive, pedestrian-friendly district.

7 B. Standards:

8 1. Rights-of-Way.

9 a. New development and redevelopment projects that are projected to generate additional
10 vehicle and/or pedestrian traffic may be required to dedicate rights-of-way and/or improve
11 abutting streets and walkways.

12 b. Street and walkway right-of-way shall not be vacated, except where it is demonstrated that
13 the development will improve the pedestrian environment.

14 2. Street Access.

15 a. New vehicle access to Highway 101 is discouraged. Access to Highway 101 and connecting
16 streets is subject to the provisions of Lincoln City highway access standards. The city or ODOT
17 may require vehicle access be provided from side streets, and existing highway approaches be
18 consolidated as a condition of development approval.

19 b. The alignment of streets and walkways shall be maintained in new development to ensure
20 connectivity from block to block. The city may require the extension and improvement of a
21 walkway as a condition of development approval. Walkway extensions shall be 10 to 20 feet in
22 width (consistent with the existing width of the walkway), subject to site plan review.

23 c. Walkways shall be contained in a public right-of-way or public access easement improved to
24 city standards.

25 3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior
26 parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area
27 shall provide entrance(s) opening onto it or be connected to the street by a continuous
28 pedestrian walkway (e.g., between buildings). Buildings and development shall not be
29 configured in a way that precludes public access to such public parking facilities. (See also LCMC
30 17.34.090 through 17.34.130.) (Ord. 2008-18 § 4(3)(B))

31 **17.34.090 — Buildings and structures.**

32 A. Single-Family Dwellings and Duplexes.

33 1. Intent. The guidelines for single-family dwellings and duplexes are intended to help ensure
34 that new buildings and rehabilitated dwellings convey an image consistent with local history and
35 the Oregon coastal environment. Clear and basic building forms and quality design details are
36 preferred.

37 2. Incentives.

38 a. Accessory Dwelling Units. A dwelling that complies with at least four of the five guidelines
39 below is eligible for an accessory dwelling unit.

40 b. Building Coverage. A dwelling that complies with at least four of the five guidelines below is
41 eligible for increased building coverage of 10 percent. For example, if a dwelling would be
42 allowed 35 percent building coverage without compliance, with compliance it would be entitled
43 to 45 percent building coverage.

44 3. Guidelines.

1 a. Roofs. Roofs should be pitched, not flat, and should include dormers, gables, and eave trim
2 that enrich the visual quality of the community. High quality architectural embellishments are
3 encouraged.

4 b. Facades. The facades are the fronts of the dwellings and convey the relationship of the
5 building to the street and neighborhood. They include windows, doors, shutters, awnings,
6 molding, porches, steps, stoops, and other design elements arranged to convey the character of
7 the building. One- to two-story homes are encouraged. Porches are common in Nelscott and
8 should be provided unless the configuration of the lot precludes it. High-quality exterior
9 woodwork and attention to detail elements is encouraged. Garage entrances should not be a
10 part of the primary building facade.

11 c. Chimneys. In Nelscott many buildings include unique chimneys of varying shapes that are
12 sheathed with a range of materials including stone, brick, and wood shingles. Dwellings should
13 include chimneys as design elements.

14 d. Texture and Materials. In Nelscott many homes use textures and materials that relate to
15 elements of the local natural environment, such as river rock chimneys, wood shingled siding,
16 brick, and exposed aggregate paving. Dwellings should make use of high-quality natural
17 materials and should be sided with historic wood materials such as shingles, clapboard, bevel
18 siding, or board-and-batten. Foundations should be faced with rock.

19 e. Landscape Materials. These include trees, shrubs, grasses, fences, walls, outdoor lighting,
20 walkways and other hard surface gathering areas. Landscape materials add value to homes by
21 enhancing the outdoor space and relate to the architecture of the building and surrounding
22 areas. River rock and quarry stone are equally suitable for walls in Nelscott. Landscape materials
23 should predominately incorporate native materials such as wood and rock and hardy native
24 plantings. The front yard should consist primarily of landscaping, and should not be dominated
25 by paved parking areas.

26 B. Multifamily Dwellings and Commercial Buildings in the Business District and Beachside Mixed
27 Use District.

28 1. Intent. The Nelscott Strip, the eclectic group of buildings existing along Highway 101, is an
29 iconic element of Nelscott's image. Commercial development and redevelopment along the
30 highway should continue the pattern established in the existing Nelscott Strip. Therefore
31 building design standards for the business district draw on the design elements characterizing
32 the strip while allowing for design variety. In the Beachside mixed-use area, the building design
33 standards draw on the cottage-scale development that exists there now. It is not the city's intent
34 to create an architectural theme or to freeze time. The design standards are not meant to halt
35 progress or restrict property rights, but rather to ensure that new buildings and remodels fit
36 within the context of their surroundings and support a compact, pedestrian-oriented district. In
37 this way, the city can ensure that Nelscott retains its sense of place, vitality and economic base.

38 The key elements of the building design standards are:

- 39 • Eclectic coastal architecture, including commercial and mixed-use development;
- 40 • Building height and articulated facades that create a sense of street enclosure at a human
41 scale;
- 42 • Contextually appropriate materials, textures and colors;
- 43 • Storefront character (windows, pedestrian shelter, furnishings, etc.);
- 44 • Adaptable building styles that comfortably accommodate commercial and mixed land uses;

- 1 • A diversity of building facades and rooflines that fall into a consistent rhythm;
- 2 • Corner lots as focal points with vertical elements, furnishings and public art.

3 2. Standards.

4 a. Height. The maximum allowable height is 45 feet in the Nelscott Business District and 35 feet
 5 in the Nelscott Beachside Mixed Use District, except that in the Nelscott Beachside Mixed Use
 6 District buildings in existence on July 1, 2008, that exceed a height of 35 feet shall continue to
 7 be considered conforming and may be rebuilt if destroyed by any cause to an extent exceeding
 8 50 percent of the appraised value (expansions of such buildings must conform to the 35-foot
 9 height limit). Chimneys, spires, towers, and other architectural projections exceeding the allowed
 10 height may be allowed through site plan review. To the extent they are permitted, building
 11 stories and projections exceeding 35 feet in height must be recessed behind the next lower
 12 building stories by not less than 10 feet, unless a lesser recess is allowed through site plan
 13 review on the basis of superior architectural design or as described in subsection (B)(2)(h)(ii) of
 14 this section.

15 b. Building Form.

16 i. Overall Form. Architectural designs shall address all four sides of a building. The predominant
 17 form abutting Highway 101 is a generally "flat" elevation on the lowest story with any recesses
 18 or projections ("articulations") appearing subordinate to the dominant rectangular form. Upper
 19 stories generally are accommodated within gables and dormers (either gable or shed). New
 20 buildings should reflect the predominant form while expressing individuality, for example with
 21 vertical elements such as cupolas, turrets or towers on corner properties. New buildings should
 22 not mimic any other building in their form or detailing.

23 ii. Stepped Rooflines. Height shall vary from building to building to avoid a homogeneous
 24 appearance. This standard is met by using either stepped rooflines or slightly dissimilar overall
 25 height (i.e., building to building). Abrupt changes in height between buildings can be managed
 26 by having the taller building follow the horizontal lines of the shorter building along the first two
 27 floors and reference elements or detailing of the shorter building(s) on its upper stories. See also
 28 subsection (B)(2)(c) of this section.

29 iii. Roof Form. Side-facing gable roofs are the predominant roof form in the Highway 101 area,
 30 usually incorporating front-facing dormers, and this form shall be followed on new buildings.
 31 Shed roofs sloping to the rear are allowed as well. Mansard roofs, including false mansards
 32 (applied forms without windows), are discouraged and A-frame buildings and other
 33 nontraditional Nelscott forms are prohibited.

34 c. Storefront Character.

35 i. Fenestration (Windows and Doors).

36 (A) Applicability. The window transparency requirement does not apply to the auditorium
 37 portion of a theater (but does apply to the lobby and concession area), to the guestroom
 38 portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to
 39 multiple-family dwellings (but does apply to the commercial parts of mixed-use buildings
 40 incorporating multiple-family dwellings).

41 (B) Standard. Consistent with the desired storefront character, buildings shall provide large
 42 display windows, windowed doors and transom windows. The ground floor, street-facing
 43 elevation of all buildings shall contain at least 60 percent transparent windows, measured as a
 44 section extending the width of the street-facing elevation between the building base (or 30

1 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk
 2 grade. Upper floors may have less window area, but should follow the vertical lines of the lower
 3 level piers and the horizontal definition of spandrels and any cornices. Buildings without a
 4 street-facing elevation, such as those that are set back behind another building and those that
 5 are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent
 6 transparency standard on all elevations abutting pedestrian spaces and on elevations containing
 7 a primary entrance.

8 d. Building Orientation. New buildings shall conform to the build-to-line requirements in LCMC
 9 17.34.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent
 10 with the build-to-line requirement.

11 e. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances
 12 for buildings fronting onto Highway 101 shall be oriented to the highway or a corner where the
 13 highway and a side street meet. Buildings on other streets shall have primary entrances oriented
 14 to a street, court or walkway. All primary entrances shall be covered for a depth of not less than
 15 five feet; either by recess, overhang, canopy, portico and/or awning extending at least five feet
 16 over the entrance. See also subsection (B)(2)(n) of this section, Pedestrian Shelters.

17 f. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a
 18 second entrance oriented to that street. Buildings adjacent to an internal parking area shall
 19 provide a secondary entrance in conformance with LCMC 17.34.080(B)(3). (See also this section
 20 and LCMC 17.34.100, Streetscapes.)

21 g. Armature of the Block. Buildings fronting Highway 101 or Anchor Avenue shall give the
 22 impression of being individual, small-scale structures. This may be accomplished by providing a
 23 minimum six-foot separation between individual buildings, by a significant change in roofline
 24 combined with changes in cladding material and recessed entryways at the point of change, or
 25 by other means approved by the reviewing authority. Building separations shall contribute
 26 positively to the pedestrian environment, for example by providing a pedestrian space, a
 27 pedestrian access way to a parking facility, or an access to residences located on an upper
 28 building story or behind a commercial use.

29 h. Building Mass.

30 i. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to
 31 express the traditional lot pattern and building width of Nelscott. Changes in facade material,
 32 window design, facade height or decorative details are examples of techniques that should be
 33 used. These variations should be expressed throughout the width of the structure such that the
 34 composition appears to be a collection of smaller buildings or storefronts.

35 ii. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two
 36 stories shall be set back on the street sides of each successive story of the building above the
 37 second story a minimum of 10 feet from the next immediate lower story. The purpose of the
 38 height step-back is to maintain the appearance of a shorter building from the street and to
 39 provide for light filtering down to the street. Note: Height step-backs also apply along the east-
 40 west (numbered) streets for the purpose of protecting coastal views and solar access, per
 41 subsection (A) of this section. The planning and community development director may approve
 42 an adjustment waiving the above standard for a portion of a building incorporating a signature
 43 vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(2)(l) of
 44 this section. Any projection exceeding 45 feet shall not contain habitable floor space.

- 1 iii. Street Level/Upper Floor. The distinction between street level and upper floors shall be
 2 established, for example, through the use of awnings, canopies, belt courses, or similar detailing,
 3 materials and/or fenestration.
- 4 i. Accessibility. Accessibility shall be provided consistent with applicable building codes. Where
 5 wheelchair ramps are required, the ramp design shall incorporate materials and detailing similar
 6 to the base of the building.
- 7 j. Openings.
- 8 i. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(2)(c)(i) of this
 9 section. Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions,
 10 pediments, or similar features) is encouraged.
- 11 ii. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a
 12 width that is no greater than the width of the ground floor windows.
- 13 iii. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the
 14 front plane of the building on its ground floor, such items shall not encroach into a required
 15 sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be
 16 part of the building (not affixed to the exterior) and integrated into the building with trim or
 17 other detailing.
- 18 iv. Entrances. Ground level entrances shall be recessed behind the front facade not less than
 19 three feet and be at least partly transparent, except transparency is not required on entrances to
 20 residences. This standard may be met by providing a door with a window(s) or sidelights beside
 21 the door.
- 22 v. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-
 23 facing elevation, they shall be visible from the street for security and have a canopy, awning, or
 24 other weather protection shelter.
- 25 vi. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are
 26 not required to be recessed, but shall have an awning or canopy for weather protection. Where
 27 a corner entrance is not provided, the building plan shall provide for a corner plaza consistent
 28 with LCMC 17.34.110, or the building shall provide architectural features that honor the corner
 29 as a pedestrian space; such features may include but are not limited to an alcove with seating,
 30 public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock
 31 tower), or other feature approved through site plan review. (See also LCMC 17.34.110,
 32 Pedestrian spaces.)
- 33 vii. Remodels. The scale and proportion of altered or added building elements, such as the size
 34 and relationship of new windows, doors, entrances, columns, weather protection shelters, and
 35 other features shall be visually compatible with the overall composition of the building (i.e.,
 36 including building materials, color, detailing, etc.).
- 37 k. Horizontal Rhythms.
- 38 i. Traditional Lot and Building Pattern. Street-facing elevations shall be articulated not less than
 39 once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Other elevations may
 40 be articulated less frequently but should complement the overall building design. The approving
 41 authority may require detailing on a zero-lot-line elevation to reduce the apparent scale and
 42 avoid blank walls, i.e., until an abutting property develops.
- 43 ii. Horizontal Lines. New building designs and exterior remodels shall establish prominent
 44 horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials

- 1 and detailing below a series of storefront windows, awning or canopy lines, belt courses
2 between building stories, and cornice or parapet lines. It is not necessary for new lines to match
3 existing lines.
- 4 iii. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the
5 ground level floor and upper floors, for example, through the placement of windows, transoms,
6 canopies, awnings, and signage. The majority of signage should be placed on the ground floor
7 elevation (e.g., sign bands, canopy signs, or blade signs).
- 8 l. Vertical Lines. New construction or front elevation remodels should reflect a vertical
9 orientation, either through breaks in volume or the use of surface details, to divide large walls
10 and create a pedestrian scale. Building massing for corner properties on Highway 101 should
11 accentuate the corner location with a vertical element. See also LCMC 17.34.080, Block layout.
- 12 m. Materials and Color.
- 13 i. Primary Materials. Exterior building materials shall predominately consist of painted or natural
14 stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding.
15 Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior
16 cladding. See also subsection (B)(2)(m)(ii) and (iii) of this section, Secondary Materials and
17 Substitute Materials.
- 18 ii. Secondary Materials. Any of the primary materials listed in subsection (B)(2)(m)(i) of this
19 section may also be used as secondary materials or accents. Metals such as copper, steel, iron,
20 bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather
21 protection features, ornamentation, etc.) when compatible with the overall building design, and
22 subject to review and approval through site plan review.
- 23 iii. Substitute Materials. Substitute materials that are equal in appearance and durability to those
24 in subsection (B)(2)(m)(i) of this section may be approved at the discretion of the reviewing
25 authority through site plan review. The applicant will be required to provide specifications from
26 the manufacturer.
- 27 iv. Color. Color schemes should be simple and coordinated over the entire building to establish
28 a sense of overall composition. Color schemes should tie together signs, ornamentation,
29 awnings, canopies and entrances. There shall be no more than one base color for each 25
30 horizontal feet of the front elevation; one base color for the entire front elevation is preferred.
31 Using only one or two accent colors is also preferred, except where precedent exists for using
32 more than two colors with some architectural styles (e.g., arts and crafts). Natural wood finishes
33 are appropriate for doors, window sashes and trim, signs, canopies and other architectural
34 accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining
35 building), except that neon signs are allowed subject to applicable sign codes. Metals shall be
36 brushed finish or painted in muted or earth tones to minimize glare.
- 37 v. Contemporary Designs. Materials that provide a contemporary interpretation of local
38 architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are
39 encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to
40 near grade level) and those that use highly reflective glass, clerestory windows and/or similar
41 nontraditional features are discouraged.
- 42 vi. Restoration and Rehabilitation. Restoration and rehabilitation projects should incorporate
43 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

1 street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord.
2 2008-18 § 4(3)(D))

3 **17.34.110 — Pedestrian spaces.**

4 A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close
5 building orientation and minimal private open space envisioned for Nelscott require that
6 pedestrian space be provided along building frontages and in breaks between buildings.
7 Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access
8 ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas
9 and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or
10 maintained. Public or private, they are as important as building design and central parking to the
11 success of Nelscott. Therefore, the city requires that all new developments and redevelopment
12 projects contribute their proportionate share of pedestrian space.

13 B. Standards.

14 1. Pedestrian Space Standard. At least three percent of every development site, except for
15 residential developments (but including mixed use developments), shall be designated and
16 improved as pedestrian space. The highest priority locations for pedestrian space are those
17 areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access
18 ways) that have a western or southern exposure (within 45 degrees of true south or west).
19 Where no such area exists, then pedestrian space should be provided as an extended sidewalk
20 or walkway connecting multiple developments.

21 2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and
22 have a surface area of not less than 64 square feet.

23 3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and
24 visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be
25 identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in
26 pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the
27 owner shall be required to provide a public access way easement to the pedestrian space.
28 Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the
29 city.

30 4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian
31 amenities such as plaza space, extra-wide sidewalks (e.g., outdoor cafe space), benches, public
32 art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian
33 areas in an amount equal to or greater than one-half of one percent of the estimated
34 construction cost of the subject building(s). Where a pedestrian space adjoins a building
35 entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection
36 feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g.,
37 antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in
38 fulfilling the one-half of one percent requirement. Cost estimates for pedestrian amenity
39 improvements shall be prepared by a licensed architect, landscape architect, or other qualified
40 professional, and shall be subject to review and approval by the administrator.

41 5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage
42 storage areas are not permitted within pedestrian space(s). Such facilities shall be screened
43 completely from view and set back 20 feet or more from a pedestrian space for aesthetic
44 reasons and to minimize odors and noise. (Ord. 2008-18 § 4(3)(E))

1 **17.34.120 — Off-street parking and circulation.**

2 A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of
3 surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street
4 parking and loading for uses within the Nelscott Plan District are to be provided in accordance
5 with Chapter 17.56 LCMC except as provided below.

6 B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block
7 layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply
8 to all new development:

9 1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs,
10 etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation
11 and improvement of existing drive-up facilities, subject to a conditional use permit.

12 2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a
13 parcel and that are located in a public street may be counted toward the required parking for
14 commercial development on that parcel. For parcels fronting on Highway 101, the number of
15 on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted
16 toward the required number of parking spaces for commercial or mixed uses.

17 3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial
18 component of any mixed-use building within 400 feet of a public parking facility; all other uses
19 shall conform to the minimum parking standards of the municipal code except that required off-
20 street parking spaces may be located on another parcel not more than 400 feet from the parcel
21 they are intended to serve. Where new surface parking is planned, it shall be limited to parallel
22 on-street parking spaces, parking bays abutting the street, and/or parking areas located behind
23 or to the side of a building.

24 4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12
25 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and
26 24 square feet in area. Additionally, where a parking area or access drive abuts a street or
27 pedestrian access way, a landscape screen of not less than four feet in width and four feet in
28 height shall be provided. Alternatively, the screen may be reduced to two feet in width where a
29 masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site
30 plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning
31 commission may allow a greater number of consecutive parking spaces where the development
32 preserves and protects one or more existing mature trees or exceeds the minimum pedestrian
33 space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the
34 standard; provided, that more credit may be awarded to projects that preserve the largest or
35 most visible trees as viewed from public rights-of-way.

36 5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned
37 parking lots should allow for conversion of such lots to structured parking in the future. Site
38 plans should also allow for the conversion of nonconforming, front yard parking lots to new
39 building sites or pedestrian spaces as properties redevelop. Where a proposed project would
40 construct underground parking, the review authority may adjust building coverage, setbacks, or
41 other development standards to facilitate provision of public-private parking spaces.

42 6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is
43 not allowed between any new building and the street to which is it oriented. Where such

1 parking currently exists, the owner may be required to install landscaping or other buffering
2 between the parking area and the sidewalk with future redevelopment.

3 7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading
4 areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences,
5 shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and
6 screened using architectural elements that are compatible with adjacent building(s). Where no
7 alley exists, service areas shall be accessed from streets other than Highway 101.

8 8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU
9 or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC
10 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was
11 destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to
12 accommodate the number of parking spaces required by LCMC 17.80.050, need only provide
13 the number of parking spaces that, as determined by the planning and community development
14 director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))

15 **17.34.130 — Pedestrian access.**

16 A. Intent. In new development, the pedestrian circulation system shall provide a direct,
17 convenient and comfortable means of accessing individual uses and connecting to other parts
18 of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the
19 ocean beach.

20 B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall
21 provide a continuous pedestrian system conforming to city standards. (Ord. 2008-18 § 4(3)(G))

22 **17.34.140 — Landscaping.**

23 A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it
24 is inevitable that some existing trees will be removed with new development, native vegetation
25 should be preserved where practicable or otherwise replanted in required landscape areas. Trees
26 and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to
27 high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the
28 ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these
29 reasons, as well for aesthetic reasons, the city requires that all new developments and
30 redevelopment projects attempt to save mature vegetation that is not within building envelopes
31 and provide landscaping in surface parking areas, as buffers between uses, within street planter
32 strips, and to soften the appearance of large building elevations.

33 B. Standards:

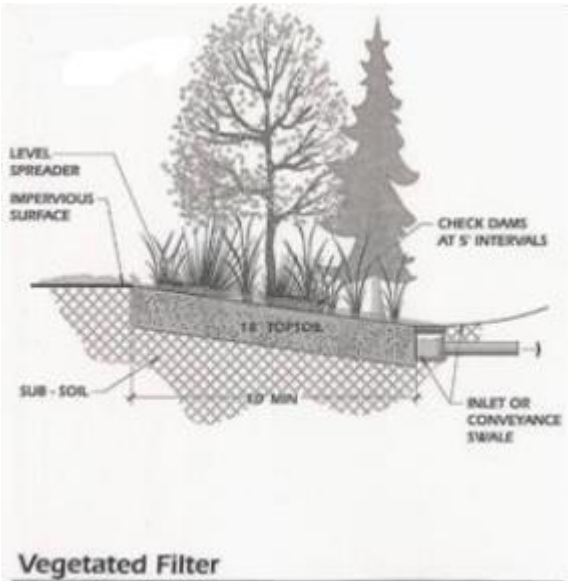
34 1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within
35 building envelopes and not within areas that are required to be graded or excavated (e.g., for
36 utilities, foundations, and driveways) into the project's landscape design to the greatest extent
37 practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes
38 reasonable development consistent with prescribed building envelopes, required building
39 orientation, or public improvement requirements), mitigation shall be required as per subsection
40 (B)(3)(g) of this section.

41 2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in
42 quantities exceeding the base requirements of this code to mitigate adjustments to other
43 standards or the loss of mature trees as described under subsection (B)(1) of this section.

44 3. Minimum Landscape Standards.

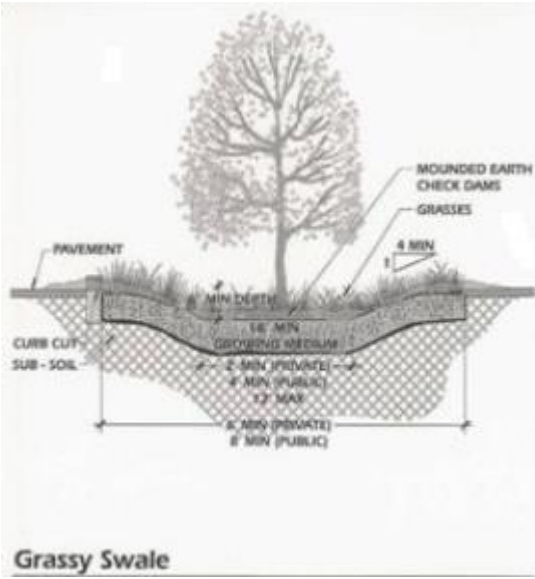
- 1 a. All off-street parking and vehicular use areas (including driveways and loading docks) shall
 2 have perimeter landscaping of not less than four feet in depth, and interior landscaping
 3 covering at least 10 percent of the entire vehicular use area. The planning commission authority
 4 may reduce the minimum landscape area to not less than five percent where the development
 5 preserves and protects one or more existing mature trees. The commission shall use its
 6 discretion in awarding credit; provided, that more credit may be awarded to projects that
 7 preserve the largest or most visible trees as viewed from public rights-of-way including the
 8 beach. Areas with preserved trees are counted toward the required parking lot landscaping.
- 9 b. Each separate landscape area shall be a minimum of 24 square feet with a minimum
 10 dimension of at least four feet and shall contain at least one tree. All remaining land in the
 11 landscape area shall be covered by a combination of shrubs, ground cover plants or other city-
 12 approved nonvegetative ground cover.
- 13 c. All required buffer strips, screens, and other required landscape areas shall be planted at a
 14 density to ensure the intended buffering or screening intent is met; in no case shall a landscape
 15 area have less than one tree per 200 square feet of surface or less than one shrub per 50 square
 16 feet of area.
- 17 d. Required trees and shrubs shall be noninvasive species that are known to thrive in the
 18 northern Oregon coastal environment.
- 19 e. The following guidelines apply:
- 20 i. Vegetation native to the Pacific Northwest coast is encouraged.
- 21 ii. Turf and grass is discouraged, except in residential developments and in water treatment
 22 swales.
- 23 iii. Species should be those contained in the Lincoln City tree planting guide and list of
 24 recommended species, or species recommended by a licensed nurseryman as being suitable for
 25 the local climate, as approved by the planning director.
- 26 f. Trees shall be at least two inch caliper at time of planting.
- 27 g. When tree mitigation is required the number of mitigation trees required shall be equal to at
 28 least one-half total number required to achieve the number of inches of mature tree(s) removed
 29 (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is
 30 removed, then two three-inch trees of the same or comparable species shall be planted.
- 31 h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or
 32 until it is demonstrated that new plants have become naturalized.
- 33 i. Shrubs shall be at least a three-gallon size when planted.
- 34 j. If hedges are planted for screening, plants shall be at least of an initial size so that the required
 35 screening will be achieved within two years.
- 36 k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can
 37 be prevented without long-term detriment to the subject tree.
- 38 l. Landscaping shall preserve an adequate line of sight around vehicle accesses.
- 39 m. All landscaping materials shall be in vigorous and healthy growing condition and shall be
 40 installed according to common planting procedures, with consideration given to soil condition.
 41 The property owner is responsible for maintaining and replacing, as necessary, all approved
 42 landscape plants on his property and those within abutting rights-of-way (e.g., street trees).
- 43 4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under
 44 LCMC 17.34.120.

1 5. Water Quality. Where a surface parking area incorporates water quality filters/swales and
 2 porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow
 3 through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are
 4 used infrequently), the reviewing authority may allow additional building (lot) coverage,
 5 consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small
 6 areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow
 7 surface water runoff. (Recommended: Figure 17.34.140.)
 8



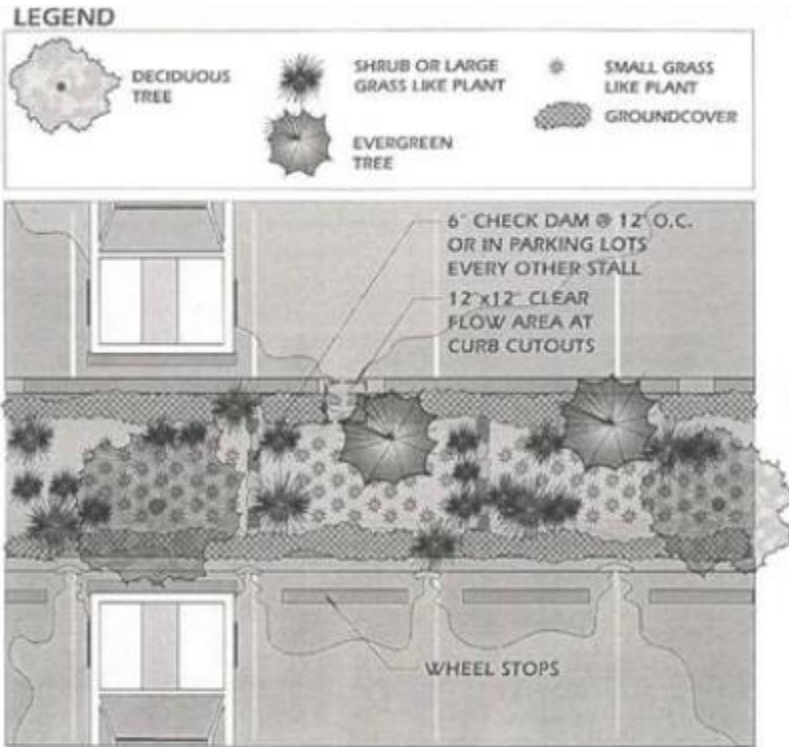
Vegetated Filter

9
10



Grassy Swale

11
12



Swale Area = Approx. 400 sq. ft.
(Not to Scale)

Notes:

- 1. At least 50% of the facility shall be planted with grasses or grass-like plants, primarily in the flow path.
- 2. Large grass like plants can be considered as shrubs. See City recommended plant list and parking lot tree list and plant quantity requirements.

Vegetated Swale - Plan Parking Lot Application

1 **Figure 17.34.140: Typical parking lot landscape concepts, incorporating water quality**
2 **features.**

3 (Ord. 2008-18 § 4(3)(H))

4 **17.34.150 — Signs.**

5 A. Intent. The number, size, configuration, placement, color, materials and illumination of signs
6 all play a part in shaping the built environment. Signs in Nelscott should function primarily as
7 cues for pedestrian wayfinding and business identification. Business identification does not
8 require that owners maximize the size or number of signs. The highway streetscape has built-in
9 traffic calming features that, together with the building design standards, will enable motorists
10 and pedestrians to notice signs at a relatively small scale. Signs designed to a "highway scale"
11 are not necessary and are discouraged through the following standards.

12 B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required
13 as part of a larger project, the sign package shall be reviewed with the site plan under the
14 applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where
15 a sign permit is requested apart from any other development application, it shall be processed
16 administratively under the applicable provisions of the Lincoln City Municipal Code and the
17 following guidelines and standards:
18

- 1 1. Building Signs. Building-mounted signs shall be positioned to emphasize established
- 2 architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within
- 3 "frames" created by components of the facade design. Signs should not obscure building
- 4 details. An individual building shall have no more than six building-mounted signs totaling not
- 5 more than 48 square feet.
- 6 2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that
- 7 signs suspended from an awning, canopy or similar architectural feature may be approved
- 8 subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).
- 9 3. Contextual Design. Signs should complement Nelscott's natural surroundings. For example,
- 10 signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over
- 11 those that are predominately made of plastic, Plexiglas, or similar reflective materials.
- 12 Pictographic symbols are encouraged, as they often communicate more than text and add visual
- 13 interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or
- 14 finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs,
- 15 flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are
- 16 therefore not permitted.
- 17 4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs
- 18 and permanent stylized window signs (allowing at least 50 percent transparency throughout the
- 19 window) are encouraged. Such signs are exempt from the overall sign area limitations.
- 20 5. Signs for buildings with multiple tenants should be designed to allow for new business names
- 21 to be added or replaced easily.
- 22 6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light
- 23 sources shall be placed close to and directed onto the sign they are intended to illuminate, and
- 24 shielded to minimize glare into the street or onto adjacent properties. Where possible, lights
- 25 should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be
- 26 cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for
- 27 those existing prior to the effective date of the ordinance codified in this chapter, are prohibited.
- 28 See also LCMC 17.34.160, Exterior lighting.



29
30



1
2 **Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade,**
3 **wood cutout, hanging sign).**

4 (Ord. 2019-14 § 3; Ord. 2008-18 § 4(3)(l))

5 **17.34.160 — Exterior lighting.**

6 A. Intent. The number, size, design and placement of lights all contribute to creating a safe and
7 aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and
8 light trespass, and it diminishes views of the night sky. Lights in Nelscott should function
9 primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not
10 require that owners fully illuminate their building and parking areas.

11 B. Standards. Outdoor light fixtures shall not be installed without site plan review approval.
12 Where a light fixture is required as part of a larger project, the lighting package shall be
13 reviewed under the following guidelines and standards. Where an outdoor light fixture is to be
14 installed apart from any other development application, it shall be processed administratively.
15 Outdoor lighting that does not conform to current standards, but conformed to city standards
16 prior to the effective date of the ordinance codified in this chapter are allowed to continue as
17 nonconforming until such time that the light fixture and/or building is remodeled or replaced.

18 1. Contextual Design. Exterior lights shall be designed to fit their particular location and function.
19 They should be simple in character and similar in color and intensity to those used traditionally.
20 High-pressure sodium lights are appropriate, except where good color rendition is required;
21 enhanced color rendition high-pressure sodium lamps, or more uniform spectrum lamps, may
22 also be used.

23 a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights
24 or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that
25 are appropriate for walkways and plazas. Illumination between one to two foot-candles for such
26 areas is required.

27 b. Building-mounted lights should complement the building background in style; using lights to
28 draw attention to (wash) architectural elements is permitted; provided, that unshielded, high
29 intensity light sources and sources that direct light upward without cut-offs are not permitted.
30 (See subsection (B)(2) of this section.)

31 c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary
32 light fixtures that draw on historic elements or provide a new interpretation of a historic style are
33 encouraged.

34 d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies
35 and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the
36 planning director.

37 e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as
38 otherwise approved by the planning director.

1 2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of
 2 lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.
 3 a. Light poles shall not exceed a height of 20 feet.
 4 b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct
 5 light downward. Exception: Up-lighting of official flags may be allowed; provided, that the
 6 luminance level is minimized.
 7 c. Lighting associated with service areas, parking lots and parking structures, as well as
 8 streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and
 9 light spillover onto residential properties. Luminance at the property line, or no more than five
 10 feet over the property line, shall be zero.
 11 d. The planning director may require the installation and use of timers or activity switches to
 12 prevent unnecessary sources of light by controlling the length of time that exterior lights are in
 13 use late at night.
 14 e. Lights used to wash a building elevation (including any signs) shall not wash more than 75
 15 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.
 16 f. Uplighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed
 17 eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle
 18 for dark-colored surfaces and one-half foot-candle for light-colored surfaces.
 19 g. The manufacturer's data or measurement shall be provided to demonstrate conformance with
 20 the standards set out in subsection (B)(1) of this section. Photometric plans are required with site
 21 plan review applications, unless waived by the planning director.



22



23

24 **Figure 17.34.160: Examples of acceptable lights.**

25 **17.45.030 — Definitions.**

26 For purposes of the TVC zone, the following definitions shall apply:

1 "Automated teller machine (ATM)" means a pedestrian-oriented machine used by bank and
2 financial patrons for conducting transactions including deposits, withdrawals, and fund transfer,
3 without contact with financial institution personnel.

4 "Building facade" means the entire building front including the parapet.

5 "Building facade—primary" means the side of a building that faces the street and has a main
6 pedestrian entrance from the street.

7 "Building footprint" means the ground surface area above which a building, including
8 cantilevered parts of the building, is located.

9 "Building orientation" means the manner in which the building is positioned on a lot and its
10 architectural features relate to surrounding structures, spaces, and landscapes.

11 "Development incentives" means discretionary measures provided to applicants of new
12 development by the city of Lincoln City or the urban renewal agency to encourage
13 improvements with a pedestrian orientation.

14 "Edge treatment" means the design treatment of the setback between a building facade and an
15 adjacent street.

16 "Floor area—gross" means the total area of all floors in a structure, or on a specified level of a
17 structure, as measured from the outside surface of exterior walls or the centerline of common
18 walls. It excludes any crawl space, area used exclusively for vehicle parking or loading,
19 breezeway, attic without floor, and an open porch, colonnade, deck, balcony, or terrace.

20 "Joint use parking" means the sharing of parking areas by two or more uses, structures, or
21 parcels of land to satisfy parking requirements, reduce the amount of land dedicated to
22 vehicular parking, and increase the amount of land available for new development, plazas, or
23 other uses.

24 "Mixed use" means a development that includes a mix of commercial and residential uses that
25 are planned and developed together on the same site or adjoining sites. The mix of uses may
26 occur in the same building or in separate buildings.

27 "Monument sign" means a freestanding sign that is permanently affixed at grade and has a
28 monolithic or columnar line and which maintains essentially the same contour from grade to
29 top.

30 "New development" means any construction, or alteration of an existing structure or land use, or
31 establishment of a land use, after December 31, 2000.

32 "Outdoor sales" means the outdoor retail sales of merchandise associated with an adjacent
33 existing commercial establishment.

34 "Pedestrian orientation" means any physical structure or place with design qualities and
35 elements that contribute to an active, inviting and pleasant place for pedestrians, including but
36 not limited to:

- 37 1. Street furniture;
- 38 2. Design amenities related to the street level such as awnings, pedestrian connections,
- 39 colonnades, and arcades;
- 40 3. Visibility into buildings at the street level;
- 41 4. Highly articulated facades at the street level with interesting uses of material, color, and
- 42 architectural detailing;
- 43 5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;

1 6. Continuity of building facades along the street with few interruptions in the progression of
2 buildings and stores;

3 7. Pedestrian-oriented signs; and

4 8. Landscaping.

5 "Pedestrian-oriented sign" means a sign with design qualities and elements that are oriented
6 and scaled to the pedestrian rather than the motorist.

7 "Plaza" means a public or private area generally open to the public on a controlled basis and
8 used for passive recreational activities and relaxation. Plazas are pedestrian areas typically
9 provided with amenities such as seating, fountains, art, and landscaping. The paving or surface
10 materials of plazas must comply with Americans with Disabilities Act requirements.

11 "Pole sign" means any sign which is supported by one or more uprights, poles or braces in or
12 upon the ground which are not a part of any building or enclosed within the exterior walls of
13 any building and are separated therefrom by a distance of at least six inches.

14 "Setback" means the distance by which a structure or parking area must be separated from a lot
15 line or other structure.

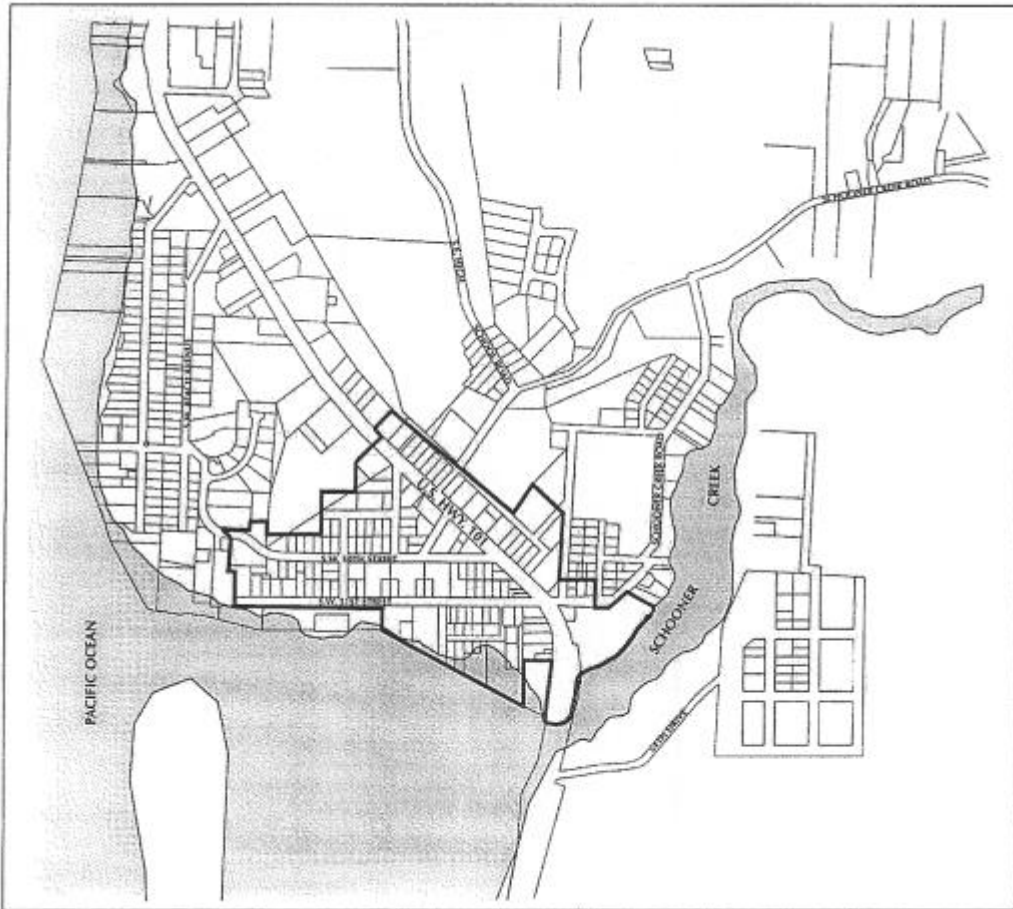
16 "Sidewalk cafe" is any group of tables and chairs, and its authorized decorative and accessory
17 devices, situated and maintained upon the public sidewalk or along the private porches, plazas,
18 and arcades for use in connection with the consumption of food and beverage sold to the
19 public from or in an adjoining indoor restaurant or delicatessen.

20 "Story" means that portion of a building included between the surface of any floor and the
21 surface of the next floor above or, if there is no floor above, the space between the floor and the
22 ceiling.

23 "Structured parking" means a structure established for the short-term storage of operative
24 vehicles for patrons. Structured parking can be constructed as an accessory to another primary
25 use or uses that require the provision of off-street parking.

26 "Taft Village core" means the area depicted graphically below and generally defined by the Fleet
27 Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet
28 Avenue (east), and the west end of SW 51st Street (west).

29



Taft Village Core

1
 2 (Ord. 2008-21 § 3; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(3))
 3

4 **17.45.050 — Site development standards.**

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

6 A. Development standards for single-family residential uses shall be in accordance with Chapter
 7 17.16 LCMC, except as modified in this section.

8 B. Development standards for multiple-family residential uses and duplexes shall be in
 9 accordance with Chapter 17.20 LCMC, except as modified in this section.

10 C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200,
 11 e.g., chimneys, spires, towers, etc.). Buildings must have a gable, hipped gable, hipped, or shed
 12 roofline. Buildings of more than two stories shall be set back on the street sides of each
 13 successive story of the building (above the second story) a minimum of 10 feet from the
 14 building face of the next immediate lower story.

15 D. Setbacks shall be provided consistent with the edge treatments contained in Table 17.45.050-
 16 1 and Figure 17.45.050-A.

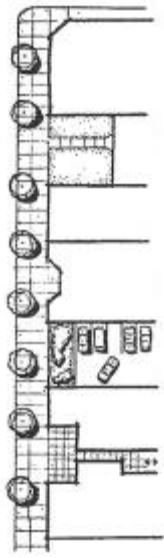
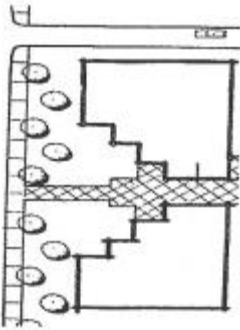
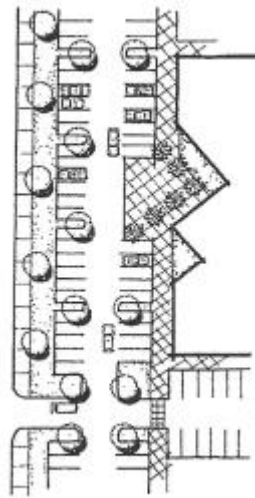
17 E. For parking areas adjacent to a public right-of-way, a minimum 10-foot landscaped setback
 18 from face of curb shall be provided.

- 1 F. Weather protection structures, e.g., canopies, porches, arcades, and colonnades, must be
- 2 provided to the curb line within the existing street right-of-way along street frontages
- 3 designated for edge treatment A. (Figure 17.45.050-A)
- 4 G. Public facilities are exempt from site development standards.
- 5 H. All development with edge treatment A shall incorporate mixed use. See Figure 17.45.050-A.
- 6 I. A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and
- 7 condominiums with nightly rentals shall be comprised of eating/drinking establishments,
- 8 entertainment/recreation establishments, or retail commercial uses.
- 9 J. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any
- 10 cause to an extent exceeding 50 percent of the appraised value as determined by the records of
- 11 the county assessor for the year preceding destruction, such lodging facility may be rebuilt with
- 12 the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.
- 13 K. A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not
- 14 including bed and breakfast accommodations and other boarding and lodging facilities with 10
- 15 units or less.

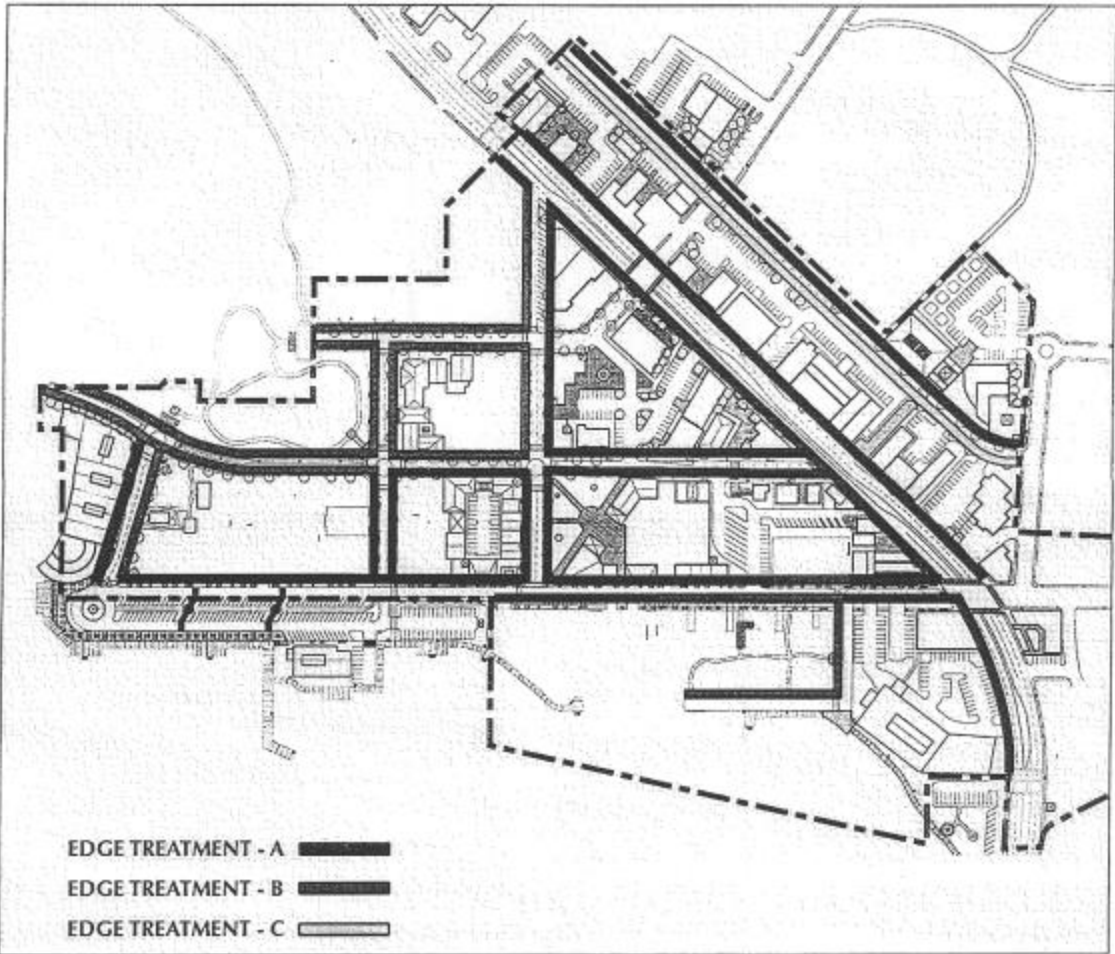
Table 17.45.050-1

	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 specific edge condition locations.	Along east edge of Inlet Avenue only. Refer to Figure 17.45.050-A for specific edge condition locations.

Table 17.45.050-1			
	Edge Treatments		
	A— Street Adjacent	B— Semi-Street Adjacent	C— Setback from Street
	specific edge condition locations:		
Key Details	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Create pedestrian connections between buildings. • Use landscaped setbacks to create “outdoor rooms” with plazas and gardens. • Parking absent from front yards and landscaped setbacks. 	<ul style="list-style-type: none"> • 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
			

1
2 **Figure 17.45.050-A**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

(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

1 development and are intended to promote quality design that is compatible with Taft's unique
2 character and its vision for the future.

3

4 **Figure 17.45.060-A, Part I**

Buildings throughout Taft should be built to respect and relate to the scale of people. One-story and two-story building heights are optimal; heights greater than two stories should be stepped back away from sidewalks and streets to preserve view corridors and maintain a human scale.

Building form — including rooflines — should respond to the general design and nature of other buildings along the street to create a cohesive and quality image. Throughout Taft, a mix of buildings with flat/parapet wall, shed, gable, and hip rooflines are desired.

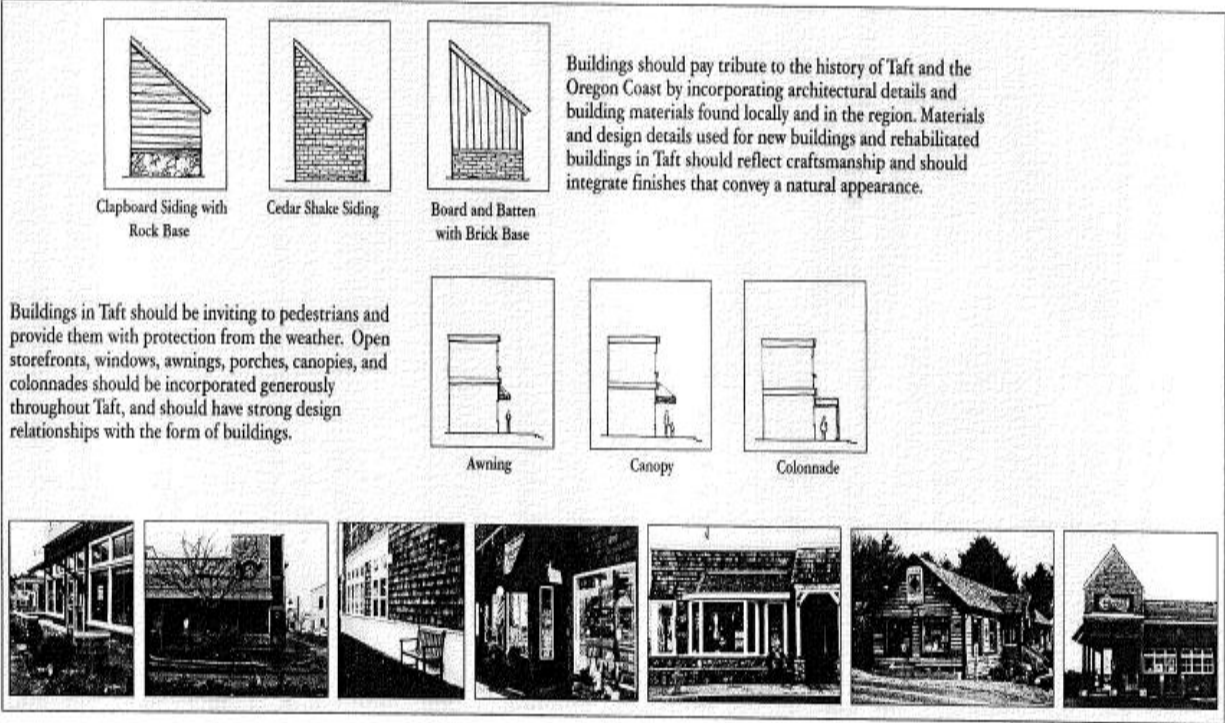
One-Story Building Two-Story Building Three-Story Building

Flat Roofline with Parapet Wall Hipped Gable Roofline Gable Roofline Hipped Roofline Shed Roofline

5

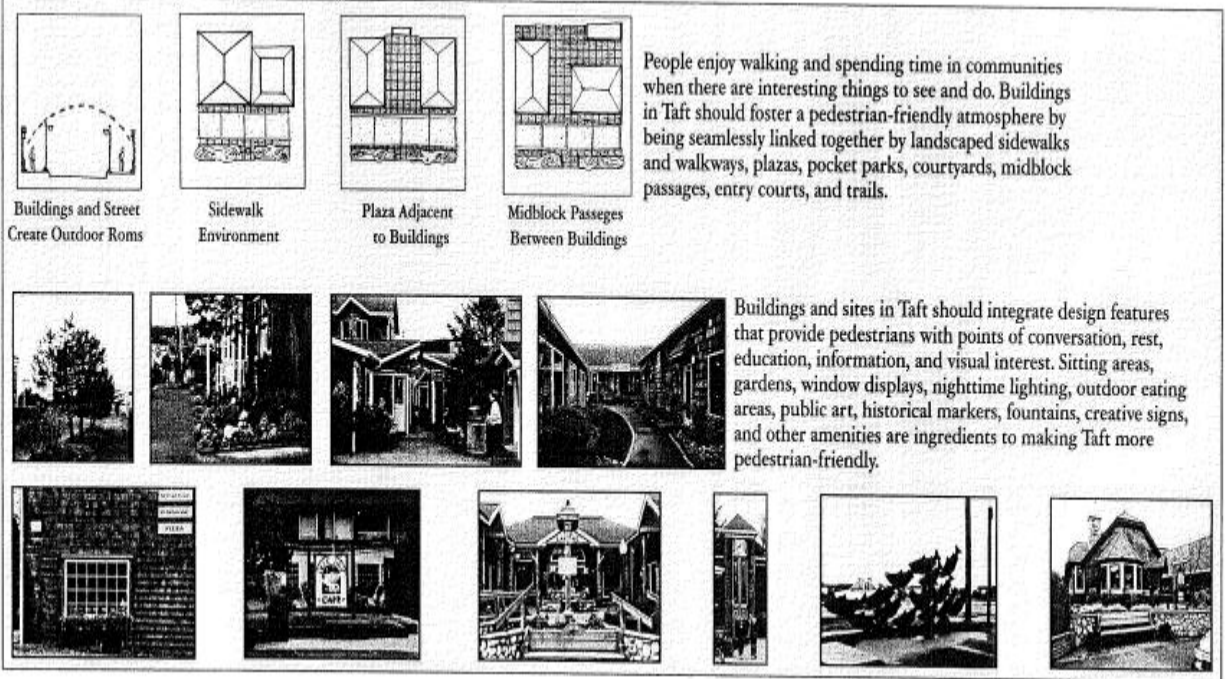
6

7 **Figure 17.45.060-A, Part II**



1
2
3

Figure 17.45.060-A, Part III



4
5
6
7
8
9

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.

1 2. A minimum of 50 percent of the lot frontage abutting a street shall be occupied by a building
2 facade. For lots with three or more street frontages, this standard shall apply to two lot
3 frontages.

4 3. Residential units must not be located on street level.

5 4. Public facilities are exempt from the mixed use requirement.

6 C. New Multifamily and Attached Single-Family Residential:

7 1. These standards do not apply to mixed use development in which residential uses are located
8 above commercial uses.

9 2. Building Orientation. New multifamily and attached single-family dwellings shall meet the
10 following standards:

11 a. Each ground floor unit located along a street shall include a covered or recessed entry, or
12 porch, oriented to the street.

13 b. Units along a street shall be oriented with building fronts parallel to the street.

14 3. New Multifamily and Attached Single-Family Parking, Site Access, and Circulation. Parking
15 areas or driveways adjacent to any street frontage shall not occupy more than the greater of: 25
16 percent of the street frontage; or 20 feet, if a two-way driveway. If garages are oriented to front
17 on a street, the following standards shall be met:

18 a. Only single-car garage doors are permitted;

19 b. Garage doors must be recessed at least three feet behind the front facade.

20 D. Accessory Dwelling Units. Accessory dwelling units must meet the following criteria:

21 1. Density. One accessory dwelling unit may be allowed as an accessory use to a single-family
22 dwelling on any residential lot that meets the minimum lot size requirement.

23 2. Unit Size. An accessory dwelling unit must not exceed 750 square feet.

24 3. Off-Street Parking. If paved, on-street parking is available abutting the lot, no off-street
25 parking will be required for an accessory dwelling unit. If such on-street parking is not available,
26 one off-street parking space must be provided on the lot for the accessory dwelling unit in
27 addition to the parking required for the single-family dwelling.

28 F. Installation of Public Improvements. Project developers are responsible for providing public
29 improvements in compliance with city standards at the time of development, in accordance with
30 LCMC 17.52.230. For the purposes of this requirement, development shall also include the
31 expansion of existing structures by 50 percent or more of the gross floor area.

32 G. Undergrounding of On-Site Utilities. All new development shall provide underground utilities
33 service installation or connections in compliance with LCMC 17.52.120(B). For the purposes of
34 this requirement, development shall also include the expansion of existing structures by 50
35 percent or more of the gross floor area.

36 H. Landscaping. In parking areas adjacent to public right-of-way, landscaping shall provide a
37 two-and-one-half-foot to three-foot high screen across the entire parking frontage except for
38 driveways. Landscape screening may include a combination of low hedgerow plantings,
39 landscaped berms or low decorative masonry walls. The minimum width of a landscaped area
40 required for screening purposes shall be five feet. In addition, landscaping shall be provided in
41 accordance with Table 17.45.050-1 and Figure 17.45.050-A, and LCMC 17.52.100, with the
42 following exceptions:

43 1. Pedestrian plazas may be used to meet up to 50 percent of the lot area landscaping
44 requirement.

- 1 2. Landscaping requirements may be reduced by 50 percent for lots under 10,000 square feet,
- 2 where a primary building front is located adjacent to the right-of-way or adjacent to a
- 3 pedestrian plaza that itself is adjacent to the right-of-way, and on-site parking within a surface
- 4 lot is not provided.
- 5 3. Properties with structured or garage parking of more than 50 spaces are eligible for a 50
- 6 percent reduction of landscaping requirements.
- 7 4. Street trees and landscaping located in public right-of-way are exempted from the provisions
- 8 of LCMC 17.52.100.
- 9 I. Mechanical Equipment. No mechanical equipment, vents, ducts, HVAC equipment,
- 10 transformers, or dish antennas shall be visible from ground level from any adjacent parcel, or
- 11 any public street or right-of-way. This shall be accomplished through the extension of the main
- 12 structure or roof, or screening in a manner that is architecturally integrated with the main
- 13 structure. Plantings may be used to screen mechanical equipment at ground level; provided, that
- 14 the plantings achieve full screening upon installation.
- 15 J. Business Address Required. Each business or structure (as appropriate) shall provide its
- 16 address in numbers a minimum of six inches in height. The address shall be placed on the
- 17 building, awning valance, or canopy in a manner to be clearly visible from the adjacent street,
- 18 alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear
- 19 or side entrances.

20
21

22 **17.45.070 — Signs.**

23 Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC,

24 except that:

25 A. Freestanding pole signs and internally illuminated signs are prohibited.

26 B. Sign Area.

27 1. Attached Signs. The total cumulative square footage allowable for attached signs per

28 commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of

29 attached signs.

30 2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per

31 commercial establishment in the TVC zone is 32 square feet. The maximum number of

32 freestanding signs is one per lot. The maximum height is six feet.

33 C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding

34 sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.

35 D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall

36 be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs

37 include: window signs, small wall-mounted or projecting signs located not more than 10 feet

38 above grade, signs placed on awning valances, and signs suspended under canopies and

39 awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of

40 seven and one-half feet of clearance. (Ord. 2019-14 § 4; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(7))

41 **17.45.080 — Parking.**

42 Off-street parking and loading for uses within the TVC zone shall be provided in accordance

43 with Chapter 17.56 LCMC with the following modifications:

44 A. Number of Parking Spaces.

1 1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any
2 commercial or mixed use building.

3 2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC
4 zone must have one and one-half spaces per dwelling unit.

5 3. Any other uses must provide the number of spaces required by LCMC 17.56.050.

6 B. Location of Parking.

7 1. All Properties. Except for one-family and two-family dwellings, new surface parking must be
8 parallel on-street parking spaces, parking bays abutting the street, parking areas located behind
9 or to the side of a building, or a combination of the above. Paved parking spaces for standard-
10 sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the
11 parking requirements for the development on that parcel.

12 2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street
13 parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward
14 the required number of parking spaces. (Ord. 2019-04 § 1; Ord. 2000-09 § 3; Ord. 84-2 §
15 3.105(8))

16 **17.45.090 — Development incentives.**

17 In order to achieve the type and quality of development and revitalization envisioned for Taft,
18 certain development incentives may be allowed to encourage developers and property owners
19 to participate in the various programs described below. Incentive bonuses may be granted at
20 the discretion of the planning director and nothing contained herein shall obligate the planning
21 director to provide any of the following bonuses or give an applicant any right to any of the
22 following bonuses.

23 A. Pedestrian Amenities Incentive. Within the TVC zone, it is desirable to encourage the
24 provision of pedestrian amenities, which include linkages between adjacent uses, public plazas
25 and other pedestrian-oriented areas that encourage interaction between people and vitality to
26 bayside environment.

27 1. Incentive Bonuses. For projects meeting the requirements for pedestrian linkage, public plazas
28 or weather protection, the following development bonuses may be available:

29 a. Required parking may be reduced by 10 percent; provided, that a finding can be made that
30 adequate parking will be available to the project.

31 b. Area of permitted signs may be increased by a maximum of 10 percent; provided, that a
32 finding can be made that the increased sign area does not detract from the beautification and
33 pedestrian-oriented objectives for Taft.

34 c. Through the development agreement process, the planning director may consider other
35 incentive bonuses, such as reductions in processing fees, in-lieu fees, low interest loans or utility
36 connection fees. The extent of such bonuses may vary on a case-by-case basis between the
37 project applicant and the planning director.

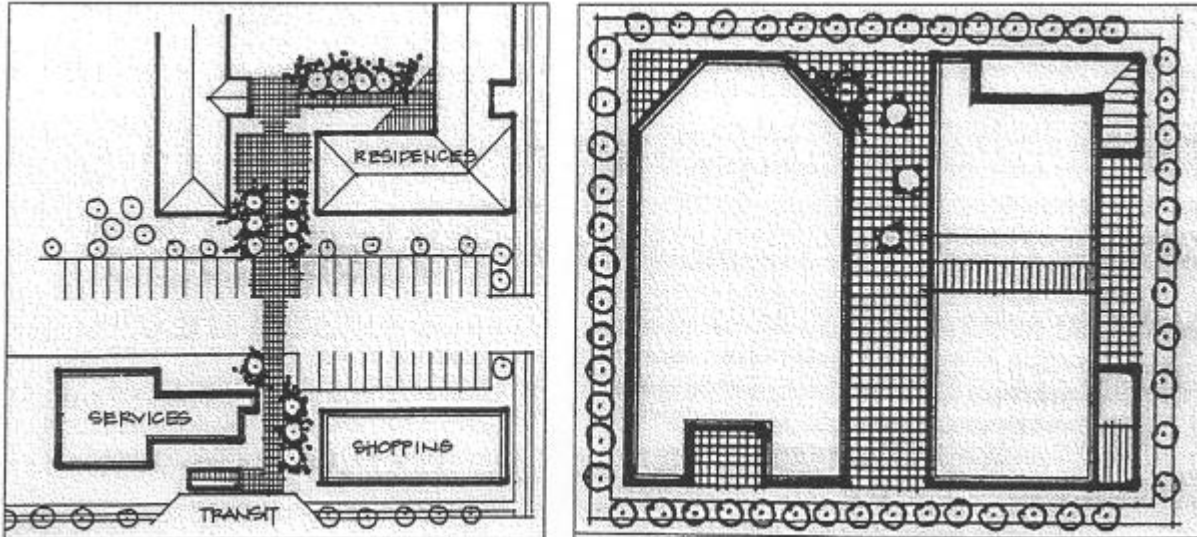
38 For projects meeting all three requirements (pedestrian linkage, public plazas and weather
39 protection) the above development bonuses plus up to one additional dwelling unit for each
40 5,000 square feet of lot size may be available.

41 2. Requirements for Incentive Bonuses.

42 a. Pedestrian Linkage. In order to qualify for the pedestrian linkage bonus, a proposed project
43 must meet all of the following requirements, unless otherwise determined by the planning
44 director:

- 1 i. Pedestrian linkages and pathways that run between buildings shall be a minimum of 10 feet in
- 2 width; linkages and pathways longer than 50 feet shall be an average of 20 feet wide.
- 3 ii. Pedestrian linkages shall be designed to be an integral part of the overall project and shall be
- 4 configured to provide straightforward access from the development to adjacent land uses. The
- 5 incorporation of plazas into the design of pedestrian linkages is highly encouraged.
- 6 iii. Business entrances are encouraged to front onto a pedestrian linkage or pathway. If it is
- 7 deemed that a ground floor business entrance cannot front onto a pedestrian linkage or
- 8 pathway, a minimum of one display window per business shall be provided facing onto the
- 9 pathway or linkage.
- 10 iv. The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade,
- 11 textured paving, or other design elements to enhance the overall pedestrian environment and
- 12 provide a high level of security, attractiveness, and convenience.
- 13 v. The property owner shall be responsible for maintenance and other liabilities of the
- 14 pedestrian linkages.

15 **Pedestrian Linkages**



- 16
- 17 b. Public Plaza. In order to qualify for the public plaza incentive bonus, a proposed project must
- 18 meet all of the following requirements. Where inconsistent setbacks occur along the street,
- 19 plazas shall be considered to compensate for the broken building edge.
- 20 i. Plazas shall be designed with unimpeded lines of sight to and from the public sidewalk and
- 21 pedestrian linkages.
- 22 ii. Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.
- 23 iii. Visual features, such as public art or a fountain, shall be incorporated in plazas to attract
- 24 pedestrians.
- 25 iv. Shade trees or other elements providing relief from the sun, rain, and wind shall be
- 26 incorporated within plazas. Landscaping shall provide special interest through unique foliage,
- 27 color, and seasonal changes in plant habit, scent, or floral display.
- 28 v. Special paving and street furniture per the Taft streetscape furniture palette, as provided in
- 29 Figure 17.45.090-A, shall be used in plazas to complement the streetscape elements in the
- 30 public right-of-way.

- 1 vi. The property owner shall be responsible for maintenance and other liabilities of the public
- 2 plazas.
- 3 c. **Weather Protection.** In order to qualify for incentive bonuses, a weather protection structure
- 4 shall be provided along all street frontages designed for edge treatment A. Weather protection
- 5 structures shall be reviewed and approved by the planning director, city engineer and all
- 6 affected public utility agencies. The weather protection structure shall incorporate the following
- 7 design features:
- 8 i. The structure, e.g., canopies, porches, porticos, arcades, colonnades, verandas, balconies,
- 9 building cantilevers, and building second stories, shall provide weather protection between the
- 10 building face and curb line either within the existing public right-of-way or sidewalk easement.
- 11 ii. A minimum 10-foot clearance must be achieved between the bottom of the weather
- 12 protection structure and the ground below.
- 13 iii. All weather protection structure support features such as columns, posts, pillars, etc., must be
- 14 located so as to align with the existing curb line. A minimum 10-foot separation shall be
- 15 achieved between support features. In addition, a sidewalk with a minimum width of five feet
- 16 shall be achieved between the building face and back of curb.
- 17 iv. Where existing weather protection structures exist on adjacent properties, proposed
- 18 protection structures shall be fully attached and integrated with the existing structure so as to
- 19 achieve continuous weather protection along the street frontage.
- 20 v. The design of the weather protection structure and materials utilized shall generally comply
- 21 with the design theme guidelines adopted for the Taft Village core and will include property
- 22 owner input into alternative designs.
- 23 **Figure 17.45.090-A**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

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.

- 1 **"Belt course" means a horizontal course in a masonry wall that is of a different color,**
 2 **texture, size, or material and which is compatible with the overall form and architectural**
 3 **composition.**
- 4 **"Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used**
 5 **to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk**
 6 **or pathway lighting.**
- 7 **"Clerestory" means a window that extends from the ground floor of a building to near the**
 8 **top of an outside wall.**
- 9 **"Corbel" means a projection of a building out from a masonry wall, sometimes to support**
 10 **a load and sometimes for decorative effect.**
- 11 **"Cornice" means the exterior trim of a structure at the meeting of the roof and wall.**
- 12 **"Facade" means the front or principal face of a building, or any side of a building that**
 13 **faces a street, way, or pedestrian space.**
- 14 **"False front" means a front wall that extends beyond the sidewalks or rooftop of a**
 15 **building to create a more imposing facade. (See also "Parapet.")**
- 16 **"Fenestration" means the arrangement and design of windows and doors in a building.**
- 17 **"Grade" means the surface elevation of the ground.**
- 18 **"Guideline" means a recommended approach, parameter, example, and/or rationale for**
 19 **interpreting, applying, and/or modifying a standard through the site plan review process.**
 20 **For the purpose of site plan review, the photographs, illustrations, and diagrams**
 21 **contained in this chapter are intended to be used as guidelines, except where an**
 22 **illustration contains a specific dimensional requirement or is accompanied by the words**
 23 **"shall" or "must," then the illustration is intended as a standard.**
- 24 **"Island alley" means an alley that does not connect to any street but is designed to allow**
 25 **for future extension through abutting properties and connection to a street or public**
 26 **parking facility. Island alleys serving one or more parcels may be approved through site**
 27 **plan review.**
- 28 **"Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or**
 29 **window to support the weight above it.**
- 30 **"Medallion" means a small decorative detail used to accent a building's exterior.**
- 31 **"Mezzanine" means an intermediate level between a ground floor and the upper story(ies)**
 32 **occupying a partial area of floor space.**
- 33 **"Parapet" means a low protective wall at the edge of a roof.**
- 34 **"Pedestrian-scale lighting" means lighting that is designed and located to illuminate a**
 35 **sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-**
 36 **mounted lights and step lights are typical of pedestrian-scale lighting.**
- 37 **"Pedestrian space" means a public gathering space, such as a plaza, square, outdoor**
 38 **seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and**
 39 **connecting one or more developments to the adjacent streetscape.**
- 40 **"Pediment" means a low-pitched gable over a portico, door or window; may be used to**
 41 **reduce the scale of a building facade.**
- 42 **"Pier" means a portion of a wall between windows, doors or other openings.**
- 43 **"Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a**
 44 **capital and base, projecting only slightly from a wall as an ornamental motif.**

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

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

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

13 ~~“Spandrel” means the blank space between windows and successive stories; or the area~~
14 ~~between the top of a column or pier and the apex of the arch springing from it.~~

15 ~~“Split-barrel roof” means a rounded roof that resembles a barrel split in half and resting~~
16 ~~rounded side up.~~

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

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

27 ~~“Transom” means a window immediately above a window or door; may or may not be~~
28 ~~hinged to a transom.~~

29 ~~“Transparency (windows)” means nonreflective glass with a visible transmittance rating of~~
30 ~~0.50 or greater, per the National Fenestration Rating Council.~~

31 ~~“Turret” means a small tower extending above a building.~~

32 ~~“Wayfinding sign” means a directional sign that is part of an overall sign program for a~~
33 ~~district, neighborhood, or other city-recognized area as approved through design review.~~
34 ~~(Ord. 2007-08 § 1 (Exh. B, Appx. A))~~

35
36

37 **Article III. Design Standards**

38 **17.50.070 — Purpose.**

39 The Oceanlake design standards are intended to implement the redevelopment plan and vision
40 for Oceanlake. The standards reflect the following values and objectives:

41 A. Retain Oceanlake’s compact, walkable main street character and improve the Highway 101
42 commercial area as the district’s main working, shopping and entertainment district.

43 B. Support the formation of a mixed use, pedestrian-oriented district drawing visitors from
44 Highway 101 to the ocean.

1 C. Encourage architectural variety, consistent with the eclectic character of Oceanlake; provided,
2 that new development creates a close, intimate human scale and architectural design addresses
3 all four sides of a building.

4 D. Encourage the use of contextually appropriate materials, textures and colors.

5 E. Provide a continuous system of alleys and mid-block lanes with central public parking and
6 encourage the provision of shared private off-street parking.

7 F. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian
8 spaces should help identify Oceanlake, create intrigue, and offer weather protection and
9 comfort to pedestrians while adding value to the district.

10 G. Break down large building masses and provide visual interest along the street.

11 H. Balance rhythm and continuity; encourage creativity in the design of building elevations,
12 rooflines and facade elements.

13 I. Treat corner lots as focal points with vertical elements, public art, seating, and other features.

14 J. Provide weather protection where buildings abut the street. (Ord. 2007-08 § 1 (Exh. B § 3(A))

15 **17.50.080 — Block layout, alleys and connections to public parking facilities.**

16 A. Intent. New development and redevelopment projects should reinforce the historic street grid
17 of Oceanlake and contribute to the development of central parking facilities interconnected by a
18 system of alleys. Buildings should be placed at or near the sidewalk edge and parking should be
19 set back behind or beside buildings. Parking should be provided on street where shoulders are
20 approved to accommodate parking spaces or bays, and shared parking areas internal to each
21 block. By maintaining the integrity of Oceanlake’s historic urban form, land is used efficiently,
22 traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly
23 district.

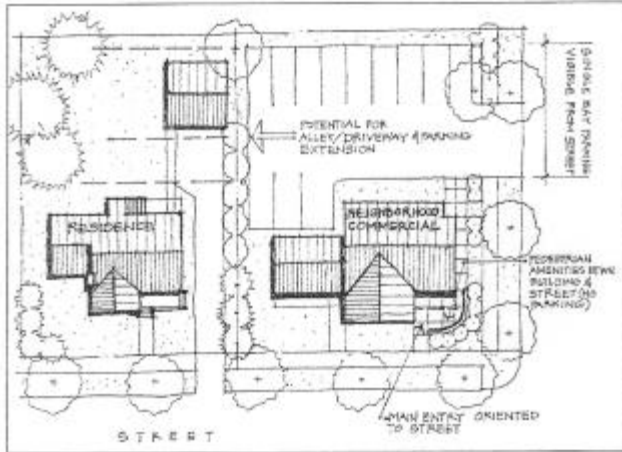
24 B. Standards.

25 1. Rights-of-Way.

26 a. New development and redevelopment projects that are projected to generate additional
27 vehicle and/or pedestrian traffic may be required to dedicate right-of-way and/or improve
28 abutting streets and alleys. See Figure 17.50.080-1.

29 b. Street right-of-way shall not be vacated, except where it is demonstrated that the vacation is
30 necessary to facilitate development of shared parking facilities and the development will
31 improve the pedestrian environment.

32 Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian
33 ways are examples of improving the pedestrian environment.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

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.

1 a. Maximum Height. The maximum allowable height is 35 feet, except that chimneys, spires,
2 towers, and other architectural projections with an area of no more than 150 square feet may be
3 allowed through site plan review. Building projections exceeding 35 feet in height within an
4 ocean view corridor must be recessed behind lower building stories by not less than six feet. For
5 the purpose of the OP district, ocean view corridors are all rights-of-way and parcels abutting
6 14th, 15th, 16th, 17th, 18th, and 19th Streets west of Highway 101, including rights-of-way and
7 parcels extending west of NW Harbor Street to the ocean. (See Figures 17.50.090-1, 17.50.090-2
8 and 17.50.090-3.)

9 b. Minimum Height. Buildings fronting onto Highway 101 shall be built to a height of not less
10 than 18 feet to maintain a sense of enclosure and a human scale relative to the street. Single-
11 story buildings shall incorporate parapets, towers or other design elements that reach the
12 minimum height. Single-story structures of less than 18 feet in height and fronting onto
13 Highway 101 may be approved by the reviewing authority where the proposed building is
14 replacing an automobile-oriented use as defined in LCMC 17.32.030.

15 2. Building Form.

16 a. Overall Form. Architectural designs shall address all four sides of a building. The predominant
17 form abutting Highway 101 is a generally flat elevation with any recesses, projections, or
18 rounded edges ("articulations") appearing subordinate to the dominant rectangular form. New
19 buildings should reflect the predominant form while expressing individuality; for example, with
20 vertical elements such as cupolas, turrets or towers on corner properties. New buildings should
21 not mimic any other building in their form or detailing.

22 b. Stepped Rooflines. Height shall vary from building to building to avoid a homogenous
23 appearance. This standard is met by using either stepped parapets or slightly dissimilar overall
24 height (i.e., building to building). Abrupt changes in height between buildings can be managed
25 by having the taller building follow the horizontal lines of the shorter building along the first two
26 floors and reference elements or detailing of the shorter building(s) on its upper stories. See also
27 subsection (B)(3) of this section, Storefront Character.

28 c. Sloping Roof. Front-facing gables as a primary roof form are not allowed in the Highway 101
29 area, unless visually screened from the right-of-way by a parapet. Where a building in the
30 Highway 101 area has a roof sloping to the rear of the site, it should have side parapets that
31 screen the roof and step down toward the rear of the building. Front gables, split-barrel roofs,
32 rounded parapets, turrets and similar forms may be used as secondary building elements or
33 accents but not primary roof forms in the Highway 101 area. Front-facing gables are allowed as
34 a primary roof form in the interior and oceanfront areas. Mansard roofs, including false
35 mansards (applied forms without windows), are discouraged and A-frame buildings and other
36 nontraditional Oceanlake forms are prohibited.

37 d. False Fronts. False fronts (e.g., boards, panels, flashing, etc.) covering historic masonry facades
38 are not permitted. Exterior remodeling is encouraged where it would remove the false front(s)
39 and restore or replace historically appropriate materials.

40 3. Storefront Character.

41 a. Fenestration (Windows and Doors).

42 i. Applicability. The window transparency requirement does not apply to the auditorium portion
43 of a theater (but does apply to the lobby and concession area), to the guestroom portion of a
44 motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family

1 dwellings (but does apply to the commercial parts of mixed use buildings incorporating
2 multiple-family dwellings).

3 ii. Standard. Consistent with the desired storefront character in the Highway 101 area, buildings
4 shall provide large display windows, windowed doors and transom windows. The ground floor,
5 street-facing elevation of all buildings shall contain at least 60 percent transparent windows,
6 measured as a section extending the width of the street-facing elevation between the building
7 base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the
8 sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of
9 the lower level piers and the horizontal definition of spandrels and any cornices. Buildings
10 without a street-facing elevation, such as those that are set back behind another building and
11 those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent
12 transparency standard on all elevations abutting pedestrian spaces(s) and on elevations
13 containing a primary entrance. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)

14 4. Building Orientation. New buildings shall conform to the build-to-line requirements in LCMC
15 17.50.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent
16 with the build-to-line requirement.

17 5. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances
18 for buildings fronting onto Main Street/Highway 101 shall be oriented to the highway or a
19 corner where the highway and a side street meet. Buildings on other streets shall have primary
20 entrances oriented to a street, court or alley, as described in subsection (B)(2) of this section. All
21 primary entrances shall be covered for a depth of not less than five feet, either by recess,
22 overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also
23 subsection (B)(14) of this section, Pedestrian Shelters.

24 6. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a
25 second entrance oriented to that street. Buildings adjacent to an internal parking area shall
26 provide a secondary entrance in conformance with subsection (B)(5) of this section. (See also
27 this section and LCMC 17.50.100, Streetscapes.)

28 7. Armature of the Block. The width of all buildings fronting Highway 101 shall extend from side
29 lot line to side lot line to maintain continuity of the storefront character. Exceptions to this
30 standard may be granted where the applicant demonstrates that the provision of side yards
31 contributes positively to the pedestrian environment, for example, by providing a pedestrian
32 space, a pedestrian access way to a parking facility, or an access to residences located on an
33 upper building story or behind a commercial use.

34 8. Building Mass.

35 a. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to
36 express the traditional lot pattern and building width of Oceanlake. Changes in facade material,
37 window design, facade height or decorative details are examples of techniques that should be
38 used. These variations should be expressed throughout the width of the structure such that the
39 composition appears to be a collection of smaller buildings or storefronts. See also subsection
40 (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.50.090-1, 17.50.090-2,
41 and 17.50.090-3.)

42

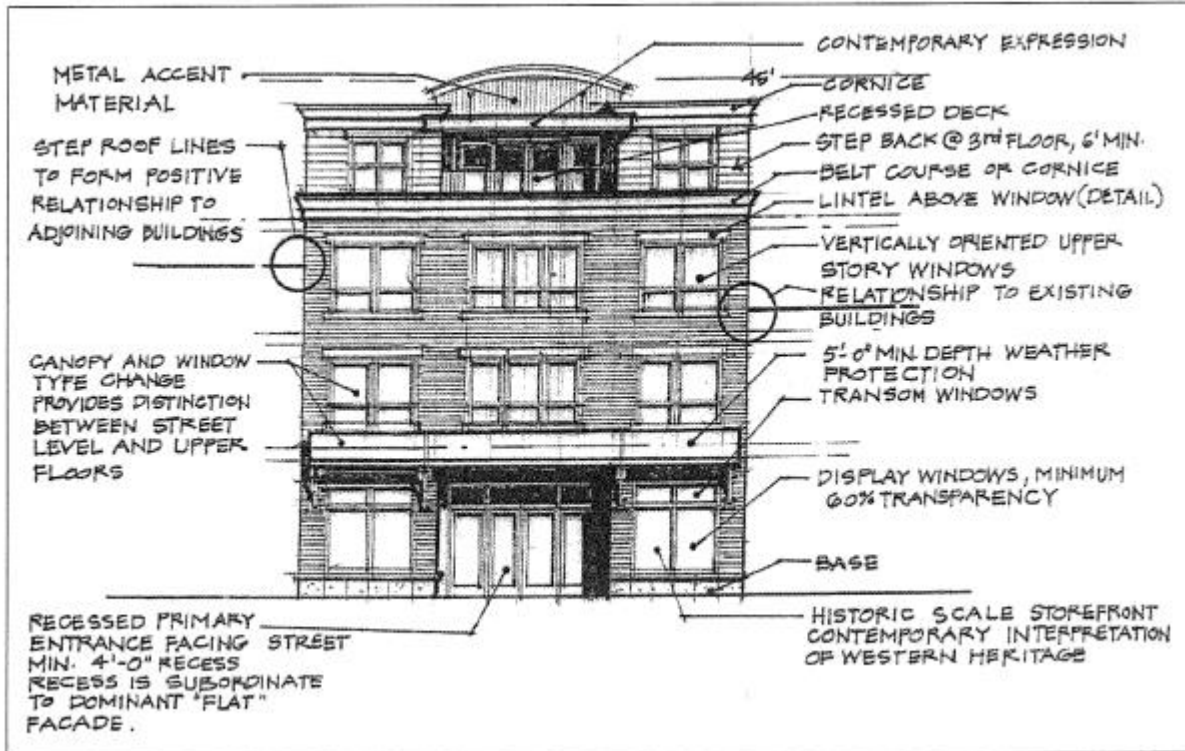


Figure 17.50.090-1: Example of acceptable building elements (35 feet).

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

1 ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is
2 encouraged. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

3 b. Upper Floor Windows. Upper floor window orientation should primarily be vertical, or have a
4 width that is no greater than the width of the ground floor windows. (Recommended: Figures
5 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

6 c. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the
7 front plane of the building on its ground floor, such windows shall not encroach into a required
8 sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be
9 part of the building (not affixed to the exterior) and integrated into the building with trim or
10 other detailing.

11 d. Entrances. Ground level entrances shall be recessed behind the front facade not less than
12 three feet and be at least partly transparent, except transparency is not required on entrances to
13 residences. This standard may be met by providing a door with a window(s), a transom window
14 above the door, or sidelights beside the door.

15 e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-
16 facing elevation, they shall be visible from the street for security and have a canopy, awning, or
17 other weather protection shelter.

18 f. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are
19 not required to be recessed, but shall have an awning or canopy for weather protection. Where
20 a corner entrance is not provided, the building plan shall provide for a corner plaza consistent
21 with LCMC 17.50.110, or the building shall provide architectural features that honor the corner
22 as a pedestrian space; such features may include but are not limited to an alcove with seating,
23 public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock
24 tower), or other feature approved through site plan review. (See also LCMC 17.50.110,
25 Pedestrian spaces.)

26 g. Remodels. The scale and proportion of altered or added building elements, such as the size
27 and relationship of new windows, doors, entrances, columns, weather protection shelters, and
28 other features shall be visually compatible with the overall composition of the building (i.e.,
29 including building materials, color, detailing, etc.).

30 11. Horizontal Rhythms.

31 a. Traditional Lot and Building Pattern. Front elevations shall be articulated not less than once
32 every 25 feet to maintain a pedestrian scale and to avoid blank walls. Articulation should be
33 subtle. For example, slight offsets in a building elevation or roofline, and/or the rhythmic
34 placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and
35 ornamentation are preferred. Abrupt divisions, such as changes in cladding materials, or offsets
36 greater than eight feet, should be avoided. Side and rear elevations may be articulated less
37 frequently but should complement the overall building design. The approving authority may
38 require detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls,
39 i.e., until an abutting property develops. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)

40 b. Horizontal Lines. New building designs and exterior remodels shall establish prominent
41 horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials
42 and detailing below a series of storefront windows, awning or canopy line, belt course between
43 building stories, and cornice or parapet lines. It is not necessary for new lines to match existing
44 lines. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)

- 1 e. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the
- 2 ground level floor and upper floors, for example, through the placement of windows, transoms,
- 3 canopies, awnings, and signage. The majority of signage should be placed on the ground floor
- 4 elevation (e.g., sign bands, canopy signs, or blade signs). (Recommended: Figures 17.50.090-1
- 5 and 17.50.090-2.)
- 6 d. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom
- 7 of the lower windowsills, with changes in volume or material, to give a sense of strength and
- 8 symmetry. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)
- 9



10 **Figure 17.50.090-2: Rhythm, massing, and building openings.**

11

12 12. Vertical Lines. New construction or front elevation remodels should reflect a vertical

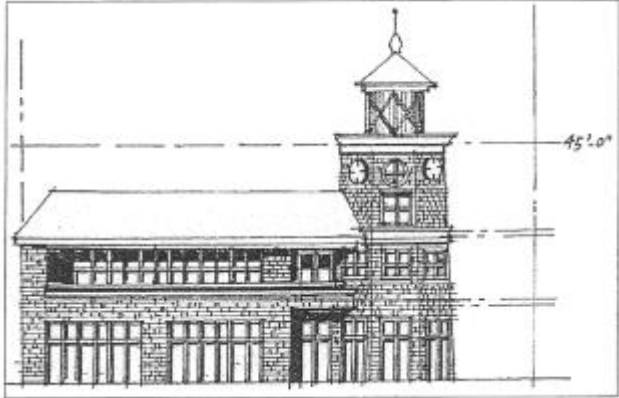
13 orientation, either through breaks in volume or the use of surface details, to divide large walls

14 and create a pedestrian scale. Building massing for corner properties on Highway 101 should

15 accentuate the corner location with a vertical element. See also subsection (B)(11)(a) of this

16 section, Traditional Lot and Building Pattern. (Recommended: Figures 17.50.090-1, 17.50.090-2,

17 and 17.50.090-3.)



1
 2 **Figure 17.50.090-3: Example of vertical element and desirable building height for corner**
 3 **property on Highway 101. Note: building step-back not required on east side of Highway**
 4 **101.**

- 5 13. Materials and Color.
- 6 a. Primary Materials. Exterior building materials shall predominantly consist of painted or natural
 7 stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding.
 8 Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior
 9 cladding. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute
 10 Materials, of this section.
- 11 b. Change in Materials. Elevations shall incorporate changes in material that define a building's
 12 base, middle and top and create visual interest and relief. Side and rear elevations that do not
 13 face a street, public parking area, pedestrian access way or plaza may utilize changes in texture
 14 and/or color of materials in the interest of affordability; provided, that the design is consistent
 15 with the overall composition of the building.
- 16 c. Secondary Materials. Any of the primary materials listed above may also be used as secondary
 17 materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals
 18 may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.)
 19 when compatible with the overall building design, and subject to review and approval through
 20 site plan review.
- 21 d. Substitute Materials. Substitute materials that are equal in appearance and durability to those
 22 in subsection (B)(13)(a) of this section may be approved at the discretion of the reviewing
 23 authority through site plan review. The applicant will be required to provide specifications from
 24 the manufacturer.
- 25 e. Color. Color schemes should be simple and coordinated over the entire building to establish a
 26 sense of overall composition. Color schemes should tie together signs, ornamentation, awnings,
 27 canopies and entrances. There shall be no more than one base color for each 25 horizontal feet
 28 of the front elevation; one base color for the entire front elevation is preferred. Using only one
 29 or two accent colors is also preferred, except where precedent exists for using more than two
 30 colors with some architectural styles (e.g., arts and crafts). Natural wood finishes are appropriate
 31 for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent,
 32 sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon
 33 signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in
 34 mute or earth tones to minimize glare.

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

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

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

15 Exception: The reviewing authority may reduce the minimum shelter depth to four feet upon
 16 finding that existing right-of-way dimensions or building code requirements preclude a larger
 17 shelter.



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

22 15. Mechanical Equipment.

23 a. Screening. When mechanical equipment, such as utility vaults, air compressors, generators,
 24 antennas, satellite dishes, or similar equipment, is adjacent to a street, sidewalk or pedestrian
 25 space, it shall be screened from view on all streets. Where such equipment is installed on a side
 26 or rear building elevation and is adjacent to an alley, access way, or pedestrian space, its
 27 appearance shall be minimized or screened using materials and/or colors that are similar to
 28

1 these used on the subject building. Standpipes, meters, vaults and similar equipment should not
2 be placed on a front elevation when other alternative locations exist; such equipment shall be
3 placed on a side or rear elevation when practicable.

4 b. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed
5 the allowable building height.

6 c. Ground Mounted Units. Ground-mounted mechanical units shall be limited to side or rear
7 yards and screened with fences or walls constructed of materials similar to those on adjacent
8 buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation
9 to ensure their successful growth.

10 **17.50.100 — Streetscapes.**

11 A. Intent. The relationship between the local street system, Highway 101 and adjoining
12 properties is important from both a transportation planning and a land use perspective. Oregon
13 Department of Transportation (ODOT) is the permitting authority for all access onto Highway
14 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage
15 development adjacent to the highway. The city's design standards are intended to implement
16 the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks,
17 weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art,
18 opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian
19 environment benefits businesses, highway users and the community as a whole.

20 B. Standards. In addition to standards for block layout, alleys and parking lot access provided in
21 LCMC 17.50.080, the following provisions apply to all new development:

22 1. Transportation Plan Conformity. New development shall conform to the policies, standards,
23 specifications and design details (e.g., street sections) contained in the city's transportation
24 system plan (TSP) and the requirements of this chapter, specifically LCMC 17.50.080 (Block
25 layout, alleys and connections to public parking facilities) and 17.50.110 (Pedestrian spaces).
26 When streetscape improvements are required of new development, such improvements shall
27 conform to the TSP. Additionally, street furnishing shall conform to the specifications contained
28 in the Oceanlake redevelopment plan.

29 2. Local Streets and Alleys. LCMC 17.50.080 provides standards for extending alleys through
30 blocks and local street improvements.

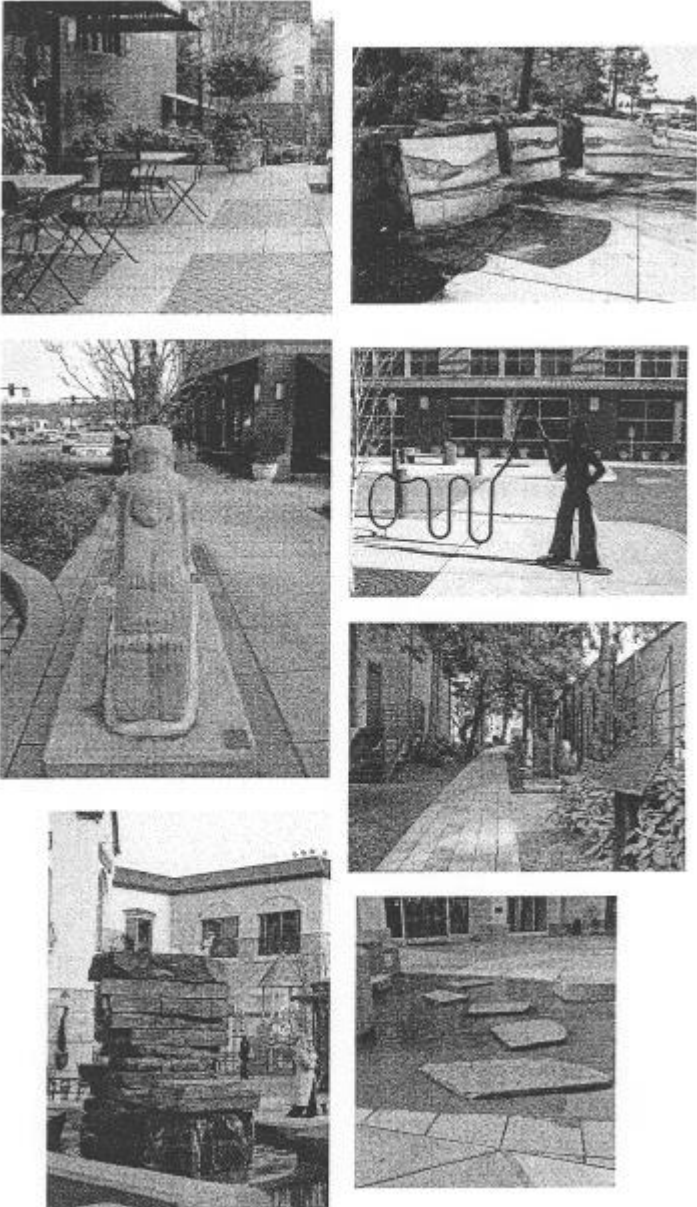
31 3. Pedestrian Amenities. LCMC 17.50.110 provides standards for pedestrian spaces and
32 pedestrian amenities. Additionally, the Oceanlake redevelopment plan provides specifications
33 for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights.

34 **17.50.110 — Pedestrian spaces.**

35 A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close
36 building orientation and minimal private open space envisioned for Oceanlake require that
37 pedestrian space be provided along building frontages and in breaks between buildings.
38 Pedestrian space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access
39 ways between buildings, alcoves and pocket parks, provides visual relief, pedestrian resting
40 areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or
41 maintained. Public or private, they are as important as building design and central parking to the
42 success of Oceanlake. Therefore, the city requires that all new developments and redevelopment
43 projects contribute their proportionate share of pedestrian space.

44 B. Standards.

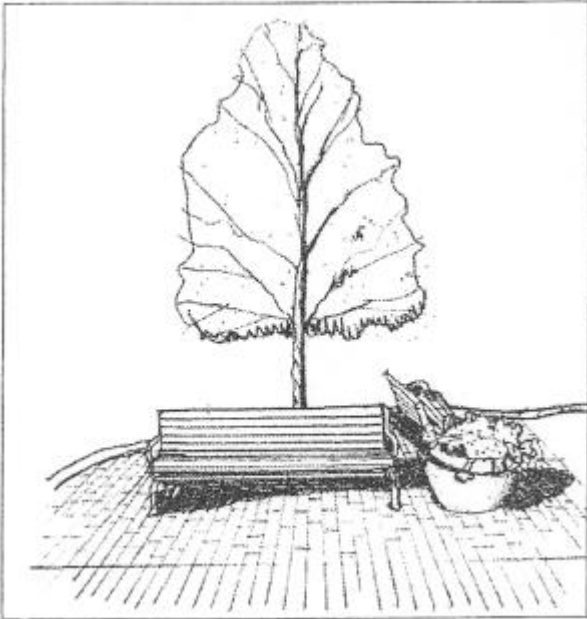
- 1 1. Pedestrian Space Standard. At least three percent of every development site, except for
- 2 residential developments, shall be designated and improved as pedestrian space. The highest
- 3 priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g.,
- 4 street corners and mid-block pedestrian access ways) that have a western or southern exposure
- 5 (within 45 degrees of true south or west). Where no such area exists, then pedestrian space
- 6 should be provided as an extended sidewalk or walkway connecting multiple developments. See
- 7 photo examples in subsection (B)(2) of this section.
- 8 2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and
- 9 have a surface area of not less than 64 square feet.
- 10



11 **Pedestrian spaces should serve as focal points and gathering places, giving the downtown**
 12 **a unique identity and sense of place. Pedestrian amenities may include, but are not**
 13

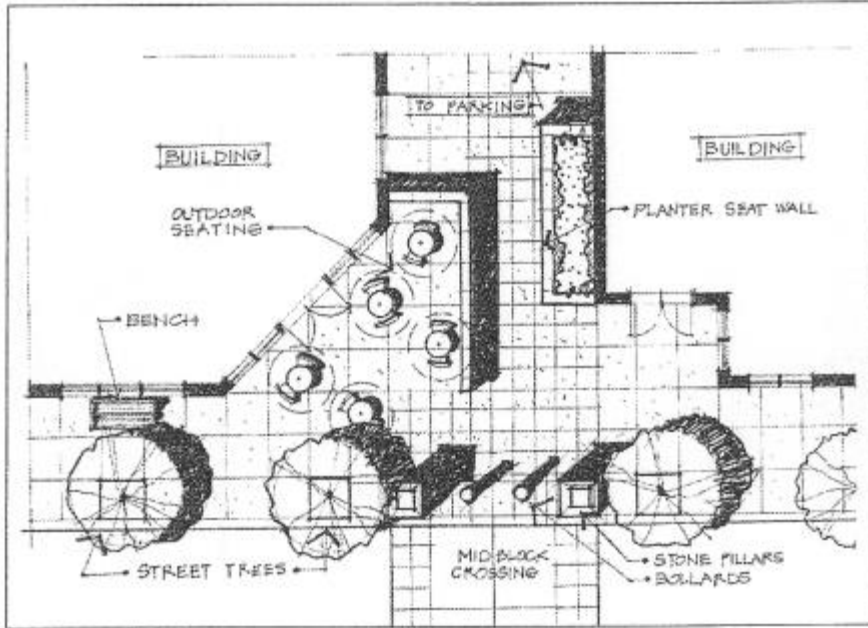
1 ~~limited to, outdoor seating areas or cafes, pedestrian access ways, weather protection,~~
2 ~~plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian~~
3 ~~lighting (e.g., bollards) at crossings.~~

4 3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and
5 visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be
6 identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in
7 pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the
8 owner shall be required to provide a public access way easement to the pedestrian space.
9 Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the
10 city. (Recommended: Figures 17.50.110-1 and 17.50.110-2.)



11
12 **Figure 17.50.110-1: Example of a small pedestrian space containing approximately 64**
13 **square feet.**

14 4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian
15 amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public
16 art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian
17 areas in an amount equal to or greater than one-half of one percent of the estimated
18 construction cost of the subject building(s). Where a pedestrian space adjoins a building
19 entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection
20 feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g.,
21 antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in
22 fulfilling the one-half percent requirement. (See Figure 17.50.110-2.) Cost estimates for
23 pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect,
24 or other qualified professional, and shall be subject to review and approval by the administrator.
25



1
2 **Figure 17.50.110-2: Example of preferred types of pedestrian amenities, shown with**
3 **access way between buildings leading to an internal parking area or street end.**

4 5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage
5 storage areas are not permitted within pedestrian space(s). Such facilities shall be screened
6 completely from view and set back 20 feet or more from a pedestrian space for aesthetic
7 reasons and to minimize odors and noise.

8 **17.50.120 — Off-street parking and circulation.**

9 A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets,
10 garages, and in shared public or private parking areas internal to each block. Areas of surface
11 parking must be behind or to the side of buildings. Surface parking may transition to structured
12 parking over time as the market and public-private partnerships allow.

13 B. Standards. In addition to standards for block layout, alleys and parking lot access provided in
14 LCMC 17.50.080, the following provisions apply to all new development and redevelopment:

15 1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-
16 up/drive-through facilities. Where applicable, the reviewing authority may approve the
17 relocation and improvement of existing drive-up facilities, subject to a conditional use permit.

18 2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement
19 for any commercial or mixed use building in the main street highway overlay zone or for the
20 commercial component of any mixed use building in the interior mixed use or oceanfront
21 overlay zones; all other uses must conform to the minimum parking standards of the LCMC
22 17.56.050.

23 3. Location of Required Parking. New surface parking must be parallel on-street parking spaces,
24 parking bays abutting the street, parking areas located behind or to the side of a building, or a
25 combination of the above. (Recommended: Figure 17.50.120-I.)

26



1
 2 **Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be**
 3 **buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where**
 4 **allowed, shall be oriented away from Main Street.**

5 4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking
 6 spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in
 7 area. Additionally, a landscape screen of not less than four feet in width and four feet in height
 8 must separate a parking area or access drive from an abutting street or pedestrian access way.
 9 Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width
 10 where a masonry, wrought iron, brick or similar architectural-grade wall is provided.
 11 Landscaping must conform with LCMC 17.50.140. The planning commission may use its
 12 discretion to allow a greater number of consecutive parking spaces where the development
 13 preserves and protects one or more existing mature trees or exceeds the minimum pedestrian
 14 space requirement in LCMC 17.50.110. The commission may award more credit to projects that
 15 preserve the largest or most visible trees as viewed from public rights-of-way.

16 5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned
 17 parking lots must allow for conversion of such lots to structured parking in the future. Site plans
 18 must allow for the conversion of nonconforming, front yard parking lots to new building sites or
 19 pedestrian spaces as properties redevelop.

20 6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is
 21 not allowed between any new building and the street to which it is oriented. Where such
 22 parking currently exists and the owner proposes to redevelop the site, the city may require the
 23 owner to install landscaping or other buffering between the parking area and the sidewalk.

24 7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto
 25 Highway 101, but must instead access a street, alley, or other access approved through site plan
 26 review. Structured parking must not directly abut Highway 101; it must instead be clad with
 27 commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the
 28 highway frontage.

29 8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an
 30 alley and must be screened using architectural elements that are compatible with adjacent

1 building(s). Where no alley exists, access to service areas must be from a street other than
2 Highway 101.

3
4 **17.50.130 — Pedestrian access.**

5 A. Intent. In new development, the pedestrian circulation system shall provide a direct,
6 convenient and comfortable means of accessing individual uses and connecting to other parts
7 of Oceanlake. The pedestrian system includes sidewalks, pathways, mid-block access ways, and
8 the ocean beach.

9 B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall
10 provide a continuous pedestrian system conforming to city standards.

11 **17.50.140 — Landscaping.**

12 A. Intent. Oceanlake is identifiable, in part, by its shore pines and other coastal vegetation. While
13 it is inevitable that some existing trees will be removed with new development, native
14 vegetation should be preserved where practicable or otherwise replanted in required landscape
15 areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise
16 being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it
17 infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate
18 values. For these reasons, as well as for aesthetic reasons, the city requires that all new
19 developments and redevelopment projects attempt to save mature vegetation that is not within
20 building envelopes and provide landscaping in surface parking areas, as buffers between uses,
21 within street planter strips, and to soften the appearance of large building elevations.

22 B. Standards.

23 1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within
24 building envelopes and not within areas that are required to be graded or excavated (e.g., for
25 utilities, foundations, and driveways) into the project's landscape design to the greatest extent
26 practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes
27 reasonable development consistent with prescribed building envelopes, required building
28 orientation, or public improvement requirements), mitigation shall be required as per subsection
29 (B)(3)(g) of this section.

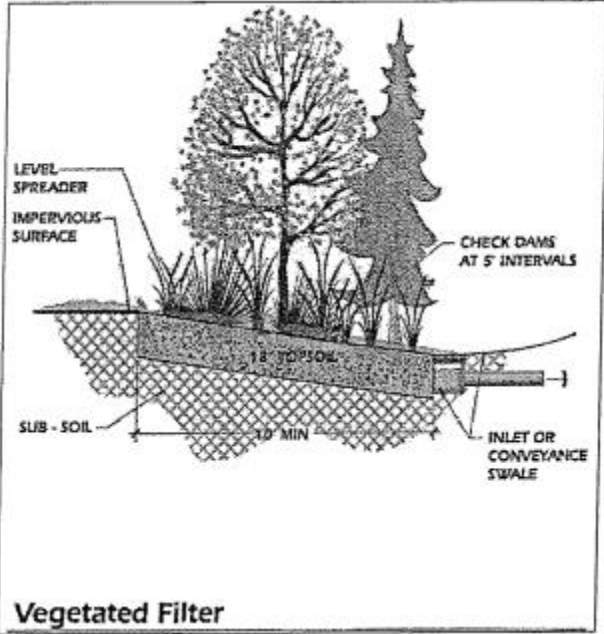
30 2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in
31 quantities exceeding the base requirements of this code to mitigate adjustments to other
32 standard or the loss of mature trees as described under subsection (B)(1) of this section.

33 3. Minimum Landscape Standards.

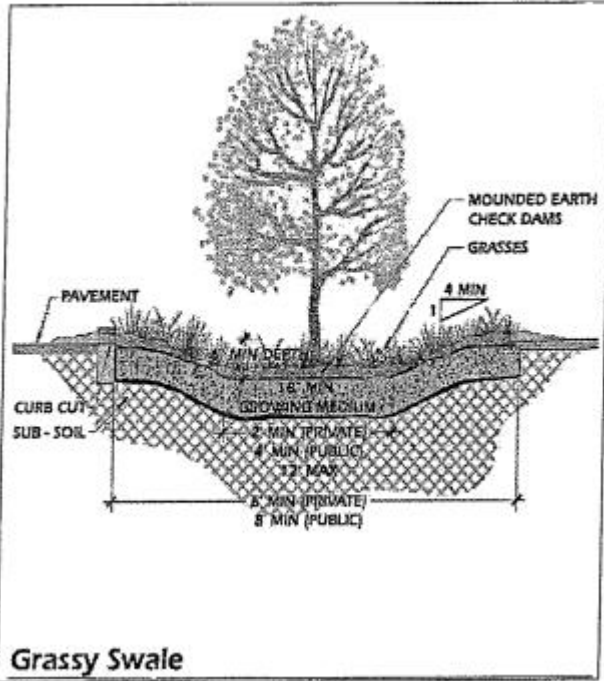
34 a. All off-street parking and vehicular use areas (including driveways and loading docks) shall
35 have perimeter landscaping of not less than four feet in depth, and interior landscaping
36 covering at least 10 percent of the entire vehicular use area. The planning commission authority
37 may reduce the minimum landscape area to not less than five percent where the development
38 preserves and protects one or more existing mature trees. The commission shall use its
39 discretion in awarding credit; provided, that more credit may be awarded to projects that
40 preserve the largest or most visible trees as viewed from public rights-of-way including the
41 beach. Areas with preserved trees are counted toward the required parking lot landscaping.

42 b. Each separate landscape area shall be a minimum of 24 square feet with a minimum
43 dimension of at least four feet and shall contain at least one tree. All remaining land in the

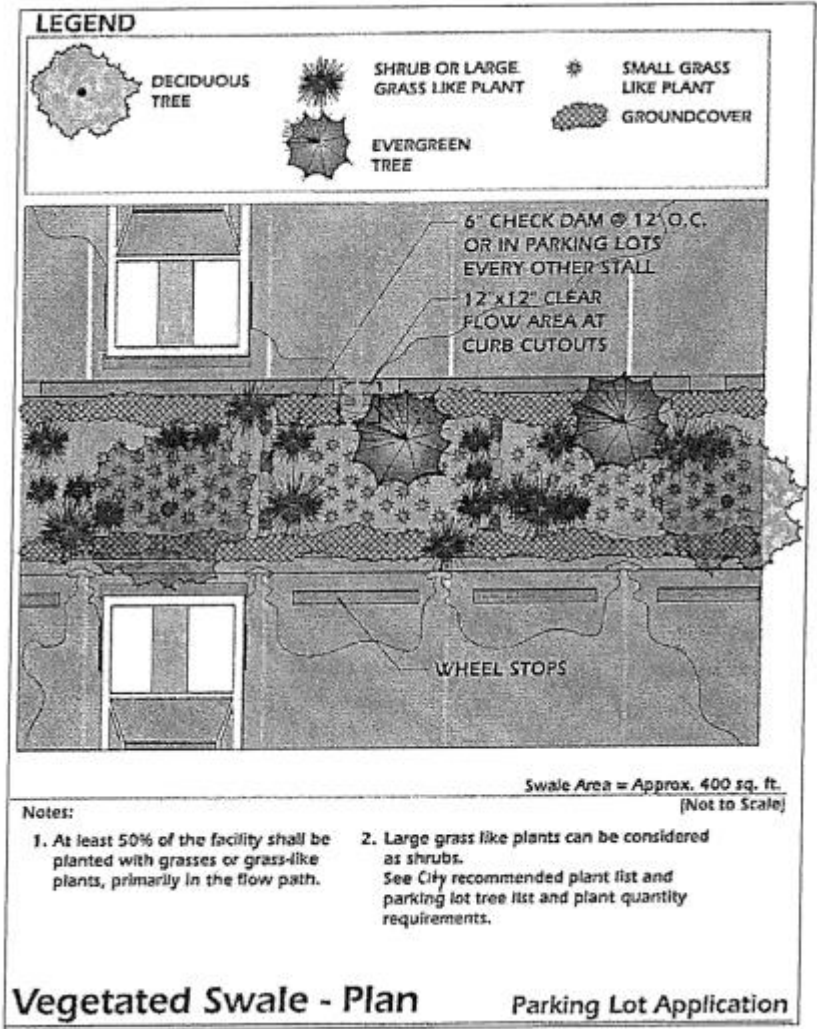
- 1 landscape area shall be covered by a combination of shrubs, ground cover plants or other city-
- 2 approved nonvegetative ground cover.
- 3 c. All required buffer strips, screens, and other required landscape areas shall be planted at a
- 4 density to ensure the intended buffering or screening intent is met; in no case shall a landscape
- 5 area have less than one tree per 200 square feet of surface or less than one shrub per 50 square
- 6 feet of area.
- 7 d. Required trees and shrubs shall be noninvasive species that are known to thrive in the
- 8 northern Oregon coastal environment.
- 9 e. The following guidelines apply:
- 10 i. Vegetation native to the Pacific Northwest coast is encouraged.
- 11 ii. Turf and grass is discouraged, except in residential developments and in water treatment
- 12 swales.
- 13 iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of
- 14 Recommended Species, or species recommended by a licensed nurseryman as being suitable for
- 15 the local climate, as approved by the planning director.
- 16 f. Trees shall be at least two-inch caliper at time of planting.
- 17 g. When tree mitigation is required, the number of mitigation trees required shall be equal to at
- 18 least one-half the total number required to achieve the number of inches of mature tree(s)
- 19 removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree
- 20 is removed, then two three-inch trees of the same or comparable species shall be planted.
- 21 h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or
- 22 until it is demonstrated that new plants have become naturalized.
- 23 i. Shrubs shall be at least three-gallon size when planted.
- 24 j. If hedges are planted for screening, plants shall be at least of an initial size so that the required
- 25 screening will be achieved within two years.
- 26 k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can
- 27 be prevented without long-term detriment to the subject tree.
- 28 l. Landscaping shall preserve an adequate line of sight around vehicle accesses.
- 29 m. All landscaping materials shall be in vigorous and healthy growing condition and shall be
- 30 installed according to common planting procedures, with consideration given to soil condition.
- 31 The property owner is responsible for maintaining and replacing, as necessary, all approved
- 32 landscape plants on his property and those within abutting rights-of-way (e.g., street trees).
- 33 4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under
- 34 LCMC 17.50.120, Off-street parking and circulation.
- 35 5. Water Quality. Where a surface parking area incorporates water quality filters/swales and
- 36 porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow
- 37 through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are
- 38 used infrequently), the reviewing authority may allow additional building (lot) coverage,
- 39 consistent with the standards in Table 17.50.060. Porous paving may also be used for small
- 40 areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow
- 41 surface water runoff. (Recommended: Figure 17.50.140.)



1



2
3



1
2 **Figure 17.50.140**

3
4 **17.50.150 — Signs.**

5 A. Intent. The number, size, configuration, placement, color, materials and illumination of signs
6 all play a part in shaping the built environment. Signs in Oceanlake should function primarily as
7 cues for pedestrian wayfinding and business identification. Business identification does not
8 require that owners maximize the size or number of signs. The highway streetscape has built-in
9 traffic calming features that, together with the building design standards, will enable motorists
10 and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are
11 not necessary and are discouraged through the following standards.

12 B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required
13 as part of a larger project, the sign package shall be reviewed with the site plan under the
14 applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where
15 a sign permit is requested apart from any other development application, it shall be processed
16 administratively under the applicable provisions of the Lincoln City Municipal Code and the
17 following guidelines and standards:

- 1 1. Building Signs. Building-mounted signs shall be positioned to emphasize established
2 architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within
3 frames created by components of the facade design. Signs should not obscure building details.
4 An individual building shall have no more than four building-mounted signs totaling not more
5 than 48 square feet.
- 6 2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that
7 signs suspended from an awning, canopy or similar architectural feature may be approved
8 subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).
- 9 3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example,
10 signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over
11 those that are predominantly made of plastic, Plexiglas, or similar reflective materials.
12 Pictographic symbols are encouraged, as they often communicate more than text and add visual
13 interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or
14 finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs,
15 flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are
16 therefore not permitted.
- 17 4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs
18 and permanent stylized window signs (allowing at least 50 percent transparency throughout the
19 window) are encouraged. Such signs are exempt from the overall sign area limitations.
- 20 5. Signs for buildings with multiple tenants should be designed to allow for new business names
21 to be added or replaced easily.
- 22 6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light
23 sources shall be placed close to and directed onto the sign they are intended to illuminate, and
24 shielded to minimize glare into the street or onto adjacent properties. Where possible, lights
25 should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be
26 cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for
27 those existing prior to the effective date of the design standards, are prohibited. See also LCMC
28 17.50.160, Exterior lighting.
- 29



1
2 **Figure 17.50.150-1: Examples of encouraged sign types (from top: mural, blade, wood**
3 **cutout, hanging sign).**

4
5 **17.50.160 — Exterior lighting.**

6 A. Intent. The number, size, design and placement of lights all contribute to creating a safe and
7 aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and
8 light trespass, and it diminishes views of the night sky. Lights in Oceanlake should function
9 primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not
10 require that owners fully illuminate their building and parking areas. The urban renewal plan for
11 Oceanlake includes sidewalk lighting (antique street lamps) that, together with modest on-site
12 lighting in developments, will enable motorists and pedestrians to recognize businesses and
13 safely walk to them. Lights designed to a highway scale or large urban commercial scale (e.g.,
14 cobra head standards, or car sales lot lighting) are not permitted.

15 B. Standards. Outdoor light fixtures shall not be installed without site plan review approval.
16 Where a light fixture is required as part of a larger project, the lighting package shall be
17 reviewed under the following guidelines and standards. Where an outdoor light fixture is to be
18 installed apart from any other development application, it shall be processed administratively.

1 Outdoor lighting that does not conform to current standards, but conformed to city standards
2 prior to the effective date of the ordinance codified in this section, is allowed to continue as
3 nonconforming until such time that the light fixture and/or building is remodeled or replaced.

4 1. Contextual Design. Exterior lights shall be designed to fit their particular location and function.
5 They should be simple in character and similar in color and intensity to those used traditionally.
6 High pressure sodium lights are appropriate, except where good color rendition is required;
7 enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may
8 also be used.

9 a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights
10 or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that
11 are appropriate for walkways and plazas. Illumination between one and two foot-candles for
12 such areas is required.

13 b. Building-mounted lights should complement the building background in style; using lights to
14 draw attention to (wash) architectural elements is permitted; provided, that unshielded, high
15 intensity light sources and sources that direct light upward without cut-offs are not permitted.
16 (See subsection (B)(2) of this section.)

17 c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary
18 light fixtures that draw on historic elements or provide a new interpretation of an historic style
19 are encouraged.

20 d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies
21 and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the
22 planning director.

23 e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as
24 otherwise approved by the planning director.

25 2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of
26 lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.

27 a. Light poles shall not exceed a height of 20 feet.

28 b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct
29 light downward. Exception: Up-lighting of official flags may be allowed; provided, that the
30 luminance level is minimized.

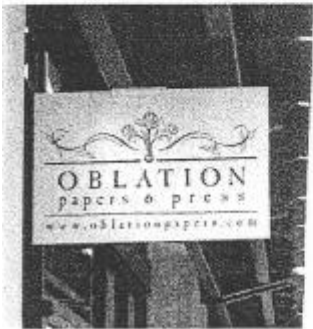
31 c. Lighting associated with service areas, parking lots and parking structures, as well as
32 streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and
33 light spillover onto residential properties. Luminance at the property line, or no more than five
34 feet over the property line, shall be zero.

35 d. The planning director may require the installation and use of timers or activity switches to
36 prevent unnecessary sources of light by controlling the length of time that exterior lights are in
37 use late at night.

38 e. Lights used to wash a building elevation (including any signs) shall not wash more than 75
39 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.

40 f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed
41 eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle
42 for dark-colored surfaces and one-half foot-candle for light-colored surfaces.

1 g. The manufacturer's data or measurement shall be provided to demonstrate conformance with
2 subsection (B)(1) of this section. Photometric plans are required with site plan review
3 applications, unless waived by the planning director.
4



5
6 **Figure 17.50.160-1: Examples of acceptable lights.**

- 7
- 8 Chapter 17.34
- 9 NELSCOTT PLAN (NP) DISTRICT
- 10 Sections:
- 11 Article I. Nelscott Plan District—General Provisions
- 12 17.34.005—Definitions.
- 13 17.34.010—Purpose and overall guiding principles.
- 14 17.34.020—Nelscott district overlay zones.
- 15 17.34.030—Applicability of municipal code regulations.
- 16 17.34.040—Administration of design standards.
- 17 Article II. Nelscott Land Use Standards
- 18 17.34.050—Permitted uses.
- 19 17.34.060—General development standards.
- 20 Article III. Nelscott Design Standards
- 21 17.34.070—Purpose.
- 22 17.34.080—Block layout.
- 23 17.34.090—Buildings and structures.
- 24 17.34.100—Streetscapes.

1 17.34.110— Pedestrian spaces.

2 17.34.120— Off-street parking and circulation.

3 17.34.130— Pedestrian access.

4 17.34.140— Landscaping.

5 17.34.150— Signs.

6 17.34.160— Exterior lighting.

7 Article I. Nelscott Plan District— General Provisions

8 17.34.005— Definitions.

9 Note: The following definitions are informational. Where conflicts occur between the definitions
10 below and an adopted building code, the adopted building code shall apply. For terms that are
11 not defined below and are not defined in the building code, the reviewing authority will use its
12 discretion in selecting from professional source materials that are most relevant to the question
13 at hand.

14 "Accessibility" means the locational and design characteristics of a use, structure, or facility that
15 permit it to be reached by one with a disability, as prescribed under the Americans with
16 Disabilities Act and associated building codes and guidelines.

17 "Accessory dwelling unit" means a dwelling unit either attached to a single-family or duplex
18 primary dwelling unit or located on the same lot, having an independent primary means of
19 access, visually subordinate to the primary dwelling, and having a total floor area of not more
20 than 750 square feet.

21 "Alcove" means a recessed section of a building's exterior wall; may provide weather protection,
22 outdoor seating or other pedestrian amenities.

23 "Basement" means the lowest story of a building where 50 percent or more of the floor is
24 located below the grade plane.

25 "Belt course" means a horizontal course in a masonry wall that is of a different color, texture,
26 size, or material and which is compatible with the overall form and architectural composition.

27 "Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to
28 separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or
29 pathway lighting.

30 "Clerestory" means a window that extends from the ground floor of a building to near the top of
31 an outside wall.

32 "Corbel" means a projection on a building out from a masonry wall, sometimes to support a
33 load and sometimes for decorative effect.

34 "Cornice" means the exterior trim of a structure at the meeting of the roof and wall.

35 "Facade" means the front or principal face of a building; any side of a building that faces a
36 street, way, or pedestrian space.

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

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

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

41 "Guideline" means a recommended approach, parameter, example, and/or rationale for
42 interpreting, applying, and/or modifying a standard through the site plan review process. For the
43 purpose of site plan review, the photographs, illustrations, and diagrams contained in this
44 chapter are intended to be used as guidelines, except where an illustration contains a specific

- 1 dimensional requirement or is accompanied by the words "shall" or "must," then the illustration
 2 is intended as a standard.
- 3 "Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window
 4 to support the weight above it.
- 5 "Medallion" means a small decorative detail used to accent a building's exterior.
- 6 "Mezzanine" means an intermediate level between a ground floor and the upper story(ies)
 7 occupying a partial area of floor space.
- 8 "Parapet" means a low protective wall at the edge of a roof.
- 9 "Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk,
 10 pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and
 11 step lights are typical of pedestrian-scale lighting.
- 12 "Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating
 13 area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or
 14 more developments to the adjacent streetscape.
- 15 "Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce
 16 the scale of a building facade.
- 17 "Pier" means a portion of a wall between windows, doors or other openings.
- 18 "Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital
 19 and base, projecting only slightly from a wall as an ornamental motif.
- 20 "Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-
 21 quarter acre and not for recreational use.
- 22 "Portico" means a porch or entrance to a building consisting of a covered and often columned
 23 area; may be used to address building orientation standards where redeveloping a building to
 24 meet the front property line is not feasible.
- 25 "Public art" means artwork in the public realm, regardless of whether it is on public or private
 26 property, or whether it is acquired through public or private funding. Public art can be a
 27 sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain,
 28 engraving, carving, fresco or similar artwork which is approved through design review. In
 29 evaluating public art proposals, the reviewing authority may refer to guidelines and inventories
 30 prepared by the Arts Committee, the National Trust for Historic Preservation and/or other
 31 references it deems appropriate.
- 32 "Spandrel" means the blank space between windows and successive stories; or the area between
 33 the top of a column or pier and the apex of the arch springing from it.
- 34 "Split-barrel roof" means a rounded roof that resembles a barrel split in half and resting
 35 rounded side up.
- 36 "Standard" means a requirement for the purposes of design review approval. Dimensional
 37 requirements and provisions containing the words "shall," "must," "not permitted," "prohibited,"
 38 "required/requirement," or similar prescriptive or proscriptive terms indicate the presence of a
 39 standard.
- 40 "Streetscape" means the interface between development and a public street along the
 41 development's street frontage; it typically includes storefronts, building entrances, weather
 42 protective canopies or awnings, pedestrian spaces such as plazas and curb extensions at
 43 intersections, a building front zone along the sidewalk where outdoor seating may occur, a

1 through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings,
2 and on-street parking where applicable.

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

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

6 "Wayfinding sign" means a directional sign that is part of an overall sign program for a district,
7 neighborhood, or other city-recognized area as approved through design review. (Ord. 2011-11
8 § 1; Ord. 2008-18 § 4, Appx. A)

9 17.34.010 — Purpose and overall guiding principles.

10 The Nelscott plan district (NPD) is established to provide for the integration of residential,
11 commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use
12 environment. The purpose of the district is to provide maximum flexibility in land use while
13 protecting the unique character of Nelscott. Where a proposed development meets the design
14 requirements of this chapter, the land use approvals process should be as predictable and
15 efficient as possible while striving for excellence in design. The NPD land use and design
16 standards in Articles II and III are intended to ensure that projects support the following
17 objectives:

- 18 • Integration and functionality of land uses;
- 19 • Connecting Nelscott to the ocean;
- 20 • Respecting neighborhood transitions;
- 21 • Designing for the climate;
- 22 • Aesthetics and context-sensitive design;
- 23 • Balancing durability and affordability.

24 A. Integration and Functionality of Land Uses. Connections between building entrances,
25 sidewalks and associated pedestrian areas should be made to encourage visual and physical
26 integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way
27 widths within Nelscott, developments should maximize the opportunity to consolidate and share
28 parking, for example, by sharing driveways. Where such connections are not practicable, site
29 plans should maximize the opportunity to provide shared parking serving multiple
30 developments.

31 B. Connecting Nelscott to the Ocean. Nelscott has a network of east-west streets and alleys
32 providing visual and, in some cases, physical access to the beach. The area is defined by village-
33 scale storefronts, beach cottages and hotels nestled between rolling hills, shore pines, and the
34 ocean. While the city recognizes that it is not possible or practical to preserve all views of the
35 ocean, new projects should be designed to take advantage of ocean views while maintaining
36 view corridors from adjacent rights-of-way and pedestrian spaces to the greatest extent
37 practicable.

38 C. Respecting Neighborhood Transitions. Developments on the edge of the Nelscott Plan
39 District should be made compatible with abutting single-family residential uses outside the plan
40 district — particularly the single-family dwellings and cottages to the north. The design standards
41 for Nelscott are intended to address compatibility through height, mass, scale, materials,
42 detailing, setbacks and other elements.

43 D. Designing for the Climate. Temperatures in Lincoln City vary widely and it can rain any day of
44 the year. People like being outside and will often walk from place to place even when it's raining.

1 Nelscott has many visitors in the summer and more people are making it their home, or second
2 home. Therefore, buildings should be designed to withstand high winds, as storms can generate
3 winds of 100 miles per hour. Rooflines should not be overly complex and should have proper
4 drainage for rainwater. Roofs should shed and drain water away from building openings,
5 parking, refuse storage areas and other such areas. Commercial buildings should incorporate
6 canopies, awnings, porticos or similar weather protection features. Pedestrian amenities such as
7 plazas and outdoor seating areas should take advantage of southern exposures and be
8 protected from the wind, to the greatest extent practical.

9 E. Sustainability. In order to reduce the environmental and energy effects of development,
10 sustainable building practices are encouraged. Permeable pavements for driveways, walkways,
11 and parking areas are encouraged, as is energy conservation in construction. Site designs should
12 maximize the preservation of existing mature vegetation and should provide for on-site storm
13 water quality treatment and management such as through providing bioswales or other natural
14 water treatment features.

15 F. Aesthetics and Context Sensitive Design. Nelscott's aesthetic is rooted in the area's eclectic
16 mix of beach cottages, hotels, and the Nelscott Strip nestled between rolling hills, shore pines,
17 and the ocean. The Nelscott Plan District encourages new development and redevelopment that
18 honors the past while providing a contemporary interpretation of the area's architecture and
19 history. The predominant building materials are painted or natural stain wood siding (shingle,
20 lap, or board and batten), masonry block, brick and stone. Detailing may include any of these
21 materials, as well as limited use of metal or vinyl for canopies, building detailing (e.g., flashing,
22 roof gutters, drains, etc.), signs, art, and other detailing.

23 While each project is unique, the Nelscott design standards (Article III) are intended to provide
24 clear and consistent standards. The standards discourage overly thematic, "formula"
25 architecture, or designs used by retailers, national chain stores, franchises and other companies
26 with stores or offices in multiple locations; provided, that corporate logos, art and similar
27 commercial speech are not restricted.

28 G. Balancing Durability and Affordability. Balancing durability and affordability means that the
29 city is practical in administering its codes. Great design does not have to be expensive. Sound
30 design principles, quality workmanship, long-lasting materials, and routine maintenance are all
31 important. Historically, development in Nelscott has been characterized by relatively simple
32 building forms with moderate detailing and ornamentation. Traditional materials such as wood,
33 stone, and brick are preferred, but other materials such as architectural grade composite boards,
34 shingles and trim may be used when it is demonstrated that the material is durable and fits the
35 overall composition of the proposed design. Project designs should respect the past, while
36 being practical and durable for the future. (Ord. 2008-18 § 4(1)(A))

37
38 17.34.030 — Applicability of municipal code regulations.

39 A. Applicability. The provisions of the Nelscott Plan District, in addition to all other applicable
40 regulations of this title and other city ordinances, shall apply to all uses of land and
41 development within the NP district.

42 B. Redevelopment and Remodels. Where an existing use or development is proposed to be
43 modified through redevelopment or exterior remodeling, the standards shall apply only to that
44 portion of the use or development that is to be modified; where more than 50 percent of the

1 use or development is to be modified, the reviewing body may require the entire development
2 to conform to the provisions of this chapter, as provided in subsection (E) of this section.

3 C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the
4 standards and criteria of this chapter.

5 D. Ordinance Conflicts. Where conflicts occur between this chapter and other Lincoln City
6 Municipal Code regulations, the provisions of this chapter shall apply.

7 E. Nonconforming Situations. Existing uses and/or developments that do not conform to the
8 provisions of this chapter, but were established lawfully prior to the city adopting this chapter,
9 shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations,
10 except, however, that a nonconforming residence that is destroyed by any cause to an extent
11 exceeding 50 percent of the appraised value as determined by the records of the county
12 assessor for the year preceding destruction may be rebuilt within the same footprint. To the
13 extent any such rebuilt residence is expanded, including a vertical expansion, the area of
14 expansion must conform to the NP regulations. (Ord. 2008-18 § 4(1)(C))

15 17.34.040 — Administration of design standards.

16 A. Site Plan Review. The design standards will be applied to commercial development (including
17 mixed use and multifamily dwellings, but not including single family or two family dwellings)
18 that must receive approval through the city's site plan review process during that process and
19 prior to issuance of building permits. Single family or two family dwellings are subject to the
20 design standards requirements relating to block layout and must receive approval through the
21 building permit review process. The planning director may refer any site plan review application
22 to the planning commission for a public hearing when:

- 23 1. The applicant has requested an adjustment or modification to one or more Nelscott code
- 24 standard(s), as provided in subsection (C) of this section; or
- 25 2. The applicant requests a hearing; or
- 26 3. The planning director determines that the size or scale of the development (relative to its
- 27 appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

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

- 34 1. Intent statements are not applicable approval criteria, except requests for adjustments or
- 35 variance must demonstrate how the proposal conforms to the code's intent.
- 36 2. Standards use the words "shall" or "must" and are mandatory.
- 37 3. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory.
- 38 Guidelines supplement the standards and provide examples of acceptable or unacceptable
- 39 design. Guidelines also assist in reviewing requests for adjustments and variances and may serve
- 40 as the basis for approval, denial, or approval with modifications in such instances.
- 41 4. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a
- 42 particular design but serve as examples of acceptable or unacceptable design solutions.
- 43 5. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded
- 44 greater latitude in applying guidelines. Where the word "should" is used, the applicant must

1 demonstrate that the proposal is consistent with the guideline, or that applying an alternate
2 design solution is consistent with the code's stated intent. Where a guideline conflicts with any
3 code standard, the standard shall prevail.

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

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

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

11 1. The chapter's guiding principles and the intent statement(s) under the applicable standard to
12 be adjusted can be better met through a proposed alternative design solution; or

13 2. There are practical difficulties in meeting a standard based on the necessary characteristics of
14 an allowed use. In such cases the design must provide other features that tend to meet the goal
15 of the standard (such as a trellis with vines, a sculpture, or a pergola).

16 Where the code language suggests more than one way to meet a particular standard, the
17 applicant is encouraged to be creative and propose the most appropriate design solution given
18 the site's context and the purpose of the code. The decision-making body shall refer to the
19 guiding principles in LCMC 17.34.010, the purpose in LCMC 17.34.070, and the intent under each
20 standard in making its decision; the purpose, guiding principles and intent statements shall
21 serve as the approval criteria for adjustments.

22 D. Incentives for Design Excellence. The city encourages excellence in design. Projects that
23 provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or
24 superior architecture may be rewarded, for example, with reduced off-street parking
25 requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from
26 the city's urban renewal program. These "incentives" are in addition to the "adjustments"
27 provided in subsection (C) of this section. In granting incentives, the hearing body shall find that
28 the incentive results in a design that is superior to what is required under the base standard(s),
29 and is consistent with one or more of the following guidelines:

30 1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story
31 residential uses with ground floor commercial or civic uses are preferred over single-use
32 developments in the NBD and NBMU subdistricts.

33 2. Connecting Nelscott to the Ocean. Oceanfront projects that provide the public with physical
34 beach access are preferred over those that provide only visual access or no access at all.
35 Nonoceanfront projects should maintain views of the ocean from public rights-of-way where
36 such views currently exist. Where a project results in diminished ocean views, the decision body
37 may consider other mitigating circumstances in approving an incentive, such as the provision of
38 pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable the public to
39 more easily access the shoreline.

40 3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the
41 maximum building height standards abutting a residential zone, the project must incorporate
42 mitigating design features, such as additional open space or buffering adjacent to residential
43 uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to
44 the city for review. The applicant's efforts to engage the public (e.g., through a design charrette)

1 prior to submitting a site plan application may influence the decision body in approving or
2 denying incentives.

3 4. Designing for the Climate. Design elements that show special attention to the Nelscott
4 climate, such as innovative rain protection features, wind protection features, and solar exposure
5 features, are encouraged. Projects going beyond basic wind and rain protection and taking
6 advantage of solar exposure are preferred over projects that do not.

7 5. Sustainability. Incentives may be appropriate for projects incorporating green building
8 practices, such as the preservation of existing mature vegetation, use of water quality treatment
9 in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in
10 construction. Projects eligible for green certification through a nationally recognized program
11 (e.g., Leadership Through Energy and Environmental Design (LEED) or similar program approved
12 by the city) are preferred over those that do not meet such criteria.

13 6. Aesthetics and Context Sensitive Design. Architecture that goes beyond base code
14 requirements and achieves the vision contained in the Nelscott Redevelopment Plan is preferred
15 over architecture that merely conforms to the base code requirements. For example, corner
16 properties along Highway 101, particularly those in gateway locations, should incorporate a
17 tower or other signature architectural feature. Oceanfront designs should be superior in both
18 their street-fronting elevation as well as their ocean-fronting elevation.

19 7. Balancing Durability and Affordability. In granting incentives, preference may be given to
20 projects providing affordable workforce housing or affordable commercial space to small
21 businesses (except overnight accommodations). "Affordable housing" means households
22 earning less than the area median income pay no more than 30 percent of their income toward
23 housing costs. Where incentives are provided, the reviewing authority may require the
24 applicant/owner to record deed restrictions or provide other assurances that the subject
25 housing remains affordable for not less than 10 years. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(1)(D))

26 Article II. Nelscott Land Use Standards

27 17.34.050 — Permitted uses.

28 Table 17.34.050.A identifies the land uses allowed in the each of the three Nelscott subdistricts.
29 Uses permitted subject to site plan review are identified with "P"; those that are allowed subject
30 to conditional use permit are identified with "C"; prohibited uses are identified with "N." If a use
31 is not listed, the planning commission may interpret the code and make a similar use ruling
32 following the procedure for authorization of similar uses found in LCMC 17.52.020.

33 Table 17.34.050.A — Land Uses Allowed in Nelscott

34

35 Uses — Status of Use in District	36 Business District	36 Cottage Residential	36 Beachside Mixed Use
37 Residential Categories			
38 Single-family dwelling	P	P	P
39 Attached single-family dwelling	P	N	P
40 Duplex or two-family dwelling (when developed on a minimum 7,000-square-foot lot)	P		P
41	P		P
42 Accessory dwelling unit, accessory to single-family dwelling or duplex, subject to compliance 43 with design guidelines	P	P	P
44 Multiple-family dwellings	P	N	P

- 1 Mixed use
- 2 – dwelling(s) above or abutting a ground floor commercial use
- 3 – dwelling(s) below a ground floor commercial use fronting on Highway 101 — P
- 4 N — N
- 5 N — P
- 6 P
- 7 Manufactured homes when developed in accordance with the standards set forth in LCMC
- 8 17.52.250 — P
- 9 Commercial Categories —
- 10 Drive-up/drive-in/drive-through (drive-up windows, ATMs, similar uses/facilities)
- 11 – lawfully existing as of June 1, 2008
- 12 – new or expanded use — P
- 13 N — N
- 14 N — N
- 15 N
- 16 Walk-up windows, ATMs, similar uses/facilities — P — N — P
- 17 Bed and breakfast inn, per LCMC 17.80.060 P — P — P
- 18 Educational services, not a school (e.g., tutoring or similar services) P — P — P
- 19 Entertainment, major event P — N — P
- 20 Overnight accommodations, except bed and breakfast inns P — N — P
- 21 Offices P — N — P
- 22 Outdoor recreation, commercial — CU — N — CU
- 23 Surface parking lot, except for public facilities and parking as an accessory use — CU — CU
- 24 — CU
- 25 Vehicle servicing or vehicle repair — N — N — N
- 26 Retail sales and service, excluding drive-up P — N — P
- 27 Retail sales and service, greater than 60,000 square feet — N — N — N
- 28 Retail marijuana facility, subject to the provisions of LCMC 17.80.130 — P — N — N
- 29 Self-service storage — N — N — N
- 30 Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter
- 31 5.14 LCMC — P — N — P
- 32 Industrial Categories —
- 33 Industrial service, excluding drive-up
- 34 – fully enclosed (e.g., office)
- 35 – not enclosed CU
- 36 N — N
- 37 N — N
- 38 N
- 39 Manufacturing and production in conjunction with an allowed commercial use
- 40 – fully enclosed
- 41 – not enclosed CU
- 42 N — N
- 43 N — N
- 44 N

- 1 Warehouse and freight movement — N — N — N
- 2 Waste-related, except as accessory to a primary permitted use — N — N — N
- 3 Wholesale sales
- 4 — fully enclosed
- 5 — not enclosed CU
- 6 N — N
- 7 N — N
- 8 N
- 9 Institutional Categories —————
- 10 Basic utilities P — P — P
- 11 Colleges — CU — N — N
- 12 Government use — P — CU — CU
- 13 Day care, adult or child day care; does not include family day care (16 or fewer children) under
- 14 ORS 657A.440 CU — CU — CU
- 15 Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses — CU
- 16 — N — N
- 17 Parks and open space
- 18 — pedestrian amenities
- 19 — parks and recreation facilities
- 20 — other open space — P
- 21 P
- 22 P — P
- 23 P
- 24 P — P
- 25 P
- 26 P
- 27 Places of worship¹ — CU — CU — CU
- 28 Schools — CU — CU — CU
- 29 Other Categories —————
- 30 Accessory structures (with a permitted use) P — P — P
- 31 Community gardens and market gardens not larger than 12,500 square feet, in accordance with
- 32 the standards of LCMC 17.80.080 — P — P — P
- 33 Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC
- 34 17.80.080 — P — P — P
- 35 Radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas — CU
- 36 — CU — CU
- 37 Stand-alone wireless communication facilities — N — N — N
- 38 Essential emergency communications, early warning and associated emergency facilities — P
- 39 — P — P
- 40 Transportation facilities (operation, maintenance, preservation, and construction in accordance
- 41 with the city's transportation system plan) — P — P — P
- 42
- 43 1. — Together with accessory uses as specified in LCMC 17.80.160.

1 (Ord. 2019-29 § 1; Ord. 2019-24 § 11; Ord. 2019-21 § 7; Ord. 2016-20 §§ 4, 5; Ord. 2016-05 § 2;
2 Ord. 2014-29 § 2; Ord. 2009-05 § 15; Ord. 2009-02 § 7; Ord. 2008-18 § 4(2)(A))

3 17.34.060 — General development standards.

4 Except as modified through the procedures in LCMC 17.34.040(C) and (D), the development
5 standards in Table 17.34.060.B apply to all Nelscott uses and development.

6 Table 17.34.060.B — Development Standards

7

8 Standard — Business District — Cottage Residential — Beachside Mixed Use

9 Minimum Lot Area* (square feet)

10 *Development must conform to lot width, depth, yard setback and coverage standards

11 — Detached single-family dwelling

12 — Attached single-family dwelling

13 — Other structures — 3,750 sq. ft.

14 3,750 sq. ft.

15 3,750 sq. ft. — 3,750 sq. ft.

16 Not applicable

17 3,750 sq. ft. — 3,750 sq. ft.

18 3,750 sq. ft.

19 3,750 sq. ft.

20 Maximum Dwelling Unit Density

21 — Single-family dwelling

22 — Duplex or two-family dwelling

23 — Multiple-family dwelling¹ —

24 One unit per 3,750 sq. ft.

25 Two units per 7,000 sq. ft.

26 As in R-M zone (high density) One unit per 3,750 sq. ft.

27 Two units per 7,000 sq. ft.

28 Not applicable One unit per 3,750 sq. ft.

29 Two units per 7,000 sq. ft.

30 As in R-M zone (high density)

31 Minimum Lot Width — 50 ft. — 35 ft. — 50 ft.

32 Minimum Lot Depth — 50 ft. — 50 ft. — 50 ft.

33 Building/Structure Height

34 Maximum height (see exceptions in LCMC 17.34.090(B)(2)(a))

35 Minimum height — 45 ft.

36 18 ft. — 35 ft.

37 None — 35 ft.

38 None

39 Fences, retaining/garden walls

40 Max. height — Front and street yards

41 Max. height — Interior side and rear yards —

42 3.5 ft.

43 6 ft. —

44 3.5 ft.

1 ~~6 ft.—~~
2 ~~3.5 ft.~~
3 ~~6 ft., except as may be prohibited in coastal zone~~
4 ~~Building Coverage~~
5 ~~Maximum building coverage (footprint of building including projections such as balconies,~~
6 ~~cantilevers, etc.) — 90% — 35% — 80%~~
7 ~~Min. Landscape Area (% site area), except does not apply to single-family dwellings. Landscape~~
8 ~~area may include plant areas and approved pedestrian spaces. Street trees and other street~~
9 ~~frontage landscaping included. Single-family and duplex development is subject to landscaping~~
10 ~~standards in LCMC 17.52.100. 10% — 10% (may be reduced to 5% where at least one significant~~
11 ~~shore pine is preserved on site, subject to site plan review) — 10% (may be reduced to 5% where~~
12 ~~at least one significant shore pine is preserved on site, subject to site plan review)~~
13 ~~Minimum Setbacks (feet):~~
14 ~~(See also LCMC 17.34.090(B)(2)(h)(ii), Height Step-Back)~~
15 ~~Front, street, side, and rear property lines, except garage or carport, and subject to building~~
16 ~~code~~
17 ~~Garage/carport entry, setback from street~~
18 ~~Alley or walkway, building setback from alley or walkway —~~
19
20
21 ~~0 ft., except as required for utility easements; single-family dwellings subject to NCR standards~~
22 ~~20 ft.~~
23 ~~5 ft.—~~
24
25
26 ~~5 ft. for one-story dwellings, 7.5 ft. for more than one-story dwellings~~
27 ~~20 ft.~~
28 ~~5 ft.—~~
29
30
31 ~~10 ft.; single-family dwellings subject to NCR standards~~
32 ~~20 ft.~~
33 ~~Not applicable~~
34 ~~Build-To-Line (feet):~~
35 ~~New buildings only: At least one primary building entrance shall be built no farther from the~~
36 ~~street right-of-way than the build-to-line; except where a greater setback is required for a~~
37 ~~planned street improvement, then the build-to-line increases accordingly. The build-to-line may~~
38 ~~also be increased through site plan review when pedestrian amenities are provided between a~~
39 ~~primary building entrance and the street right-of-way — 10 ft. — Not applicable Not applicable~~
40 ~~Special setback for planned street improvements — 30 feet from the street centerline where the~~
41 ~~ultimate right-of-way width is 60 feet; 24 feet from the street centerline where the ultimate~~
42 ~~right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way~~
43 ~~width is 30 feet.~~
44

1 1. Multifamily dwellings must meet the standards of LCMC 17.20.100.
 2 2. For lawfully created, pre-existing lots between 3,000 and 4,000 square feet, the maximum
 3 building coverage is 40 percent. For lawfully created, pre-existing lots smaller than 3,000 square
 4 feet, the maximum building coverage is 50 percent.
 5 (Ord. 2010-06 §§ 5, 6; Ord. 2008-18 § 4(2)(B))

6 Article III. Nelscott Design Standards

7 17.34.070 Purpose.

8 The Nelscott design standards are intended to implement the vision for Nelscott, specifically to
 9 help ensure that new buildings and rehabilitated existing buildings convey an image consistent
 10 with local history and the Oregon coastal environment. The standards reflect the following
 11 values and objectives:

- 12 • Retain Nelscott’s compact, walkable character and the traditional small-scale commercial
- 13 development in the Highway 101 commercial area;
- 14 • Promote the formation of pedestrian-friendly facilities and structures;
- 15 • Encourage architectural variety, consistent with the eclectic character of Nelscott; provided,
- 16 that new development creates a close, intimate human scale and architectural design addresses
- 17 all four sides of a building;
- 18 • Encourage the use of contextually appropriate materials, textures and colors;
- 19 • Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian
- 20 spaces should help identify Nelscott, create intrigue, and offer weather protection and comfort
- 21 to pedestrians while adding value to the district;
- 22 • Break down large building masses and provide visual interest along the street;
- 23 • Balance rhythm and continuity—encourage creativity in the design of building elevations,
- 24 rooflines and facade elements;
- 25 • Retain the small-scale beach cottage character of the interior residential area. (Ord. 2008-18 §
- 26 4(3)(A))

27 17.34.080 Block layout.

28 A. Intent. New development and redevelopment projects should reinforce the historic street grid
 29 of Nelscott. Commercial and mixed use buildings should be placed at or near the sidewalk edge
 30 and parking should be set back behind or beside such buildings. Parking should be provided
 31 on-street where shoulders are approved to accommodate parking spaces or bays. By
 32 maintaining the integrity of Nelscott’s historic form, land is used efficiently, traffic is distributed
 33 evenly, and new development contributes to a cohesive, pedestrian-friendly district.

34 B. Standards.

35 1. Rights-of-Way.

- 36 a. New development and redevelopment projects that are projected to generate additional
- 37 vehicle and/or pedestrian traffic may be required to dedicate rights-of-way and/or improve
- 38 abutting streets and walkways.
- 39 b. Street and walkway right-of-way shall not be vacated, except where it is demonstrated that
- 40 the development will improve the pedestrian environment.

41 2. Street Access.

- 42 a. New vehicle access to Highway 101 is discouraged. Access to Highway 101 and connecting
- 43 streets is subject to the provisions of Lincoln City highway access standards. The city or ODOT

- 1 may require vehicle access be provided from side streets, and existing highway approaches be
 2 consolidated as a condition of development approval.
- 3 b. The alignment of streets and walkways shall be maintained in new development to ensure
 4 connectivity from block to block. The city may require the extension and improvement of a
 5 walkway as a condition of development approval. Walkway extensions shall be 10 to 20 feet in
 6 width (consistent with the existing width of the walkway), subject to site plan review.
- 7 c. Walkways shall be contained in a public right-of-way or public access easement improved to
 8 city standards.
- 9 3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior
 10 parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area
 11 shall provide entrance(s) opening onto it or be connected to the street by a continuous
 12 pedestrian walkway (e.g., between buildings). Buildings and development shall not be
 13 configured in a way that precludes public access to such public parking facilities. (See also LCMC
 14 17.34.090 through 17.34.130.) (Ord. 2008-18 § 4(3)(B))
- 15 17.34.090 — Buildings and structures.
- 16 A. Single-Family Dwellings and Duplexes.
- 17 1. Intent. The guidelines for single-family dwellings and duplexes are intended to help ensure
 18 that new buildings and rehabilitated dwellings convey an image consistent with local history and
 19 the Oregon coastal environment. Clear and basic building forms and quality design details are
 20 preferred.
- 21 2. Incentives.
- 22 a. Accessory Dwelling Units. A dwelling that complies with at least four of the five guidelines
 23 below is eligible for an accessory dwelling unit.
- 24 b. Building Coverage. A dwelling that complies with at least four of the five guidelines below is
 25 eligible for increased building coverage of 10 percent. For example, if a dwelling would be
 26 allowed 35 percent building coverage without compliance, with compliance it would be entitled
 27 to 45 percent building coverage.
- 28 3. Guidelines.
- 29 a. Roofs. Roofs should be pitched, not flat, and should include dormers, gables, and eave trim
 30 that enrich the visual quality of the community. High quality architectural embellishments are
 31 encouraged.
- 32 b. Facades. The facades are the fronts of the dwellings and convey the relationship of the
 33 building to the street and neighborhood. They include windows, doors, shutters, awnings,
 34 molding, porches, steps, stoops, and other design elements arranged to convey the character of
 35 the building. One- to two-story homes are encouraged. Porches are common in Nelscott and
 36 should be provided unless the configuration of the lot precludes it. High-quality exterior
 37 woodwork and attention to detail elements is encouraged. Garage entrances should not be a
 38 part of the primary building facade.
- 39 c. Chimneys. In Nelscott many buildings include unique chimneys of varying shapes that are
 40 sheathed with a range of materials including stone, brick, and wood shingles. Dwellings should
 41 include chimneys as design elements.
- 42 d. Texture and Materials. In Nelscott many homes use textures and materials that relate to
 43 elements of the local natural environment, such as river rock chimneys, wood shingled siding,
 44 brick, and exposed aggregate paving. Dwellings should make use of high-quality natural

1 materials and should be sided with historic wood materials such as shingles, clapboard, bevel
2 siding, or board-and-batten. Foundations should be faced with rock.

3 e. Landscape Materials. These include trees, shrubs, grasses, fences, walls, outdoor lighting,
4 walkways and other hard surface gathering areas. Landscape materials add value to homes by
5 enhancing the outdoor space and relate to the architecture of the building and surrounding
6 areas. River rock and quarry stone are equally suitable for walls in Nelscott. Landscape materials
7 should predominately incorporate native materials such as wood and rock and hardy native
8 plantings. The front yard should consist primarily of landscaping, and should not be dominated
9 by paved parking areas.

10 B. Multifamily Dwellings and Commercial Buildings in the Business District and Beachside Mixed
11 Use District.

12 1. Intent. The Nelscott Strip, the eclectic group of buildings existing along Highway 101, is an
13 iconic element of Nelscott’s image. Commercial development and redevelopment along the
14 highway should continue the pattern established in the existing Nelscott Strip. Therefore
15 building design standards for the business district draw on the design elements characterizing
16 the strip while allowing for design variety. In the Beachside mixed-use area, the building design
17 standards draw on the cottage-scale development that exists there now. It is not the city’s intent
18 to create an architectural theme or to freeze time. The design standards are not meant to halt
19 progress or restrict property rights, but rather to ensure that new buildings and remodels fit
20 within the context of their surroundings and support a compact, pedestrian-oriented district. In
21 this way, the city can ensure that Nelscott retains its sense of place, vitality and economic base.
22 The key elements of the building design standards are:

- 23 • Eclectic coastal architecture, including commercial and mixed-use development;
- 24 • Building height and articulated facades that create a sense of street enclosure at a human
25 scale;
- 26 • Contextually appropriate materials, textures and colors;
- 27 • Storefront character (windows, pedestrian shelter, furnishings, etc.);
- 28 • Adaptable building styles that comfortably accommodate commercial and mixed land uses;
- 29 • A diversity of building facades and rooflines that fall into a consistent rhythm;
- 30 • Corner lots as focal points with vertical elements, furnishings and public art.

31 2. Standards.

32 a. Height. The maximum allowable height is 45 feet in the Nelscott Business District and 35 feet
33 in the Nelscott Beachside Mixed Use District, except that in the Nelscott Beachside Mixed Use
34 District buildings in existence on July 1, 2008, that exceed a height of 35 feet shall continue to
35 be considered conforming and may be rebuilt if destroyed by any cause to an extent exceeding
36 50 percent of the appraised value (expansions of such buildings must conform to the 35-foot
37 height limit). Chimneys, spires, towers, and other architectural projections exceeding the allowed
38 height may be allowed through site plan review. To the extent they are permitted, building
39 stories and projections exceeding 35 feet in height must be recessed behind the next lower
40 building stories by not less than 10 feet, unless a lesser recess is allowed through site plan
41 review on the basis of superior architectural design or as described in subsection (B)(2)(h)(ii) of
42 this section.

43 b. Building Form.

1 i. Overall Form. Architectural designs shall address all four sides of a building. The predominant
2 form abutting Highway 101 is a generally "flat" elevation on the lowest story with any recesses
3 or projections ("articulations") appearing subordinate to the dominant rectangular form. Upper
4 stories generally are accommodated within gables and dormers (either gable or shed). New
5 buildings should reflect the predominant form while expressing individuality, for example with
6 vertical elements such as cupolas, turrets or towers on corner properties. New buildings should
7 not mimic any other building in their form or detailing.

8 ii. Stepped Rooflines. Height shall vary from building to building to avoid a homogeneous
9 appearance. This standard is met by using either stepped rooflines or slightly dissimilar overall
10 height (i.e., building to building). Abrupt changes in height between buildings can be managed
11 by having the taller building follow the horizontal lines of the shorter building along the first two
12 floors and reference elements or detailing of the shorter building(s) on its upper stories. See also
13 subsection (B)(2)(c) of this section.

14 iii. Roof Form. Side-facing gable roofs are the predominant roof form in the Highway 101 area,
15 usually incorporating front-facing dormers, and this form shall be followed on new buildings.
16 Shed roofs sloping to the rear are allowed as well. Mansard roofs, including false mansards
17 (applied forms without windows), are discouraged and A-frame buildings and other
18 nontraditional Nelscott forms are prohibited.

19 c. Storefront Character.

20 i. Fenestration (Windows and Doors).

21 (A) Applicability. The window transparency requirement does not apply to the auditorium
22 portion of a theater (but does apply to the lobby and concession area), to the guestroom
23 portion of a motel, hotel, or resort (but does apply to the lobby and other portions), or to
24 multiple family dwellings (but does apply to the commercial parts of mixed use buildings
25 incorporating multiple family dwellings).

26 (B) Standard. Consistent with the desired storefront character, buildings shall provide large
27 display windows, windowed doors and transom windows. The ground floor, street-facing
28 elevation of all buildings shall contain at least 60 percent transparent windows, measured as a
29 section extending the width of the street-facing elevation between the building base (or 30
30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the sidewalk
31 grade. Upper floors may have less window area, but should follow the vertical lines of the lower
32 level piers and the horizontal definition of spandrels and any cornices. Buildings without a
33 street-facing elevation, such as those that are set back behind another building and those that
34 are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent
35 transparency standard on all elevations abutting pedestrian spaces and on elevations containing
36 a primary entrance.

37 d. Building Orientation. New buildings shall conform to the build-to-line requirements in LCMC
38 17.34.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent
39 with the build-to-line requirement.

40 e. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances
41 for buildings fronting onto Highway 101 shall be oriented to the highway or a corner where the
42 highway and a side street meet. Buildings on other streets shall have primary entrances oriented
43 to a street, court or walkway. All primary entrances shall be covered for a depth of not less than

1 five feet; either by recess, overhang, canopy, portico and/or awning extending at least five feet
2 over the entrance. See also subsection (B)(2)(n) of this section, Pedestrian Shelters.

3 f. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a
4 second entrance oriented to that street. Buildings adjacent to an internal parking area shall
5 provide a secondary entrance in conformance with LCMC 17.34.080(B)(3). (See also this section
6 and LCMC 17.34.100, Streetscapes.)

7 g. Armature of the Block. Buildings fronting Highway 101 or Anchor Avenue shall give the
8 impression of being individual, small-scale structures. This may be accomplished by providing a
9 minimum six-foot separation between individual buildings, by a significant change in roofline
10 combined with changes in cladding material and recessed entryways at the point of change, or
11 by other means approved by the reviewing authority. Building separations shall contribute
12 positively to the pedestrian environment, for example by providing a pedestrian space, a
13 pedestrian access way to a parking facility, or an access to residences located on an upper
14 building story or behind a commercial use.

15 h. Building Mass.

16 i. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to
17 express the traditional lot pattern and building width of Nelscott. Changes in facade material,
18 window design, facade height or decorative details are examples of techniques that should be
19 used. These variations should be expressed throughout the width of the structure such that the
20 composition appears to be a collection of smaller buildings or storefronts.

21 ii. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two
22 stories shall be set back on the street sides of each successive story of the building above the
23 second story a minimum of 10 feet from the next immediate lower story. The purpose of the
24 height step-back is to maintain the appearance of a shorter building from the street and to
25 provide for light filtering down to the street. Note: Height step-backs also apply along the east-
26 west (numbered) streets for the purpose of protecting coastal views and solar access, per
27 subsection (A) of this section. The planning and community development director may approve
28 an adjustment waiving the above standard for a portion of a building incorporating a signature
29 vertical element (e.g., clock tower) on a street corner, as recommended in subsection (B)(2)(l) of
30 this section. Any projection exceeding 45 feet shall not contain habitable floor space.

31 iii. Street Level/Upper Floor. The distinction between street level and upper floors shall be
32 established, for example, through the use of awnings, canopies, belt courses, or similar detailing,
33 materials and/or fenestration.

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

37 j. Openings.

38 i. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(2)(c)(i) of this
39 section. Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions,
40 pediments, or similar features) is encouraged.

41 ii. Upper Floor Windows. Upper floor window orientation should be primarily vertical, or have a
42 width that is no greater than the width of the ground floor windows.

43 iii. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the
44 front plane of the building on its ground floor, such items shall not encroach into a required

1 sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be
2 part of the building (not affixed to the exterior) and integrated into the building with trim or
3 other detailing.

4 iv. Entrances. Ground level entrances shall be recessed behind the front facade not less than
5 three feet and be at least partly transparent, except transparency is not required on entrances to
6 residences. This standard may be met by providing a door with a window(s) or sidelights beside
7 the door.

8 v. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-
9 facing elevation, they shall be visible from the street for security and have a canopy, awning, or
10 other weather protection shelter.

11 vi. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are
12 not required to be recessed, but shall have an awning or canopy for weather protection. Where
13 a corner entrance is not provided, the building plan shall provide for a corner plaza consistent
14 with LCMC 17.34.110, or the building shall provide architectural features that honor the corner
15 as a pedestrian space; such features may include but are not limited to an alcove with seating,
16 public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock
17 tower), or other feature approved through site plan review. (See also LCMC 17.34.110,
18 Pedestrian spaces.)

19 vii. Remodels. The scale and proportion of altered or added building elements, such as the size
20 and relationship of new windows, doors, entrances, columns, weather protection shelters, and
21 other features shall be visually compatible with the overall composition of the building (i.e.,
22 including building materials, color, detailing, etc.).

23 k. Horizontal Rhythms.

24 i. Traditional Lot and Building Pattern. Street facing elevations shall be articulated not less than
25 once every 25 feet to maintain a pedestrian scale and to avoid blank walls. Other elevations may
26 be articulated less frequently but should complement the overall building design. The approving
27 authority may require detailing on a zero lot line elevation to reduce the apparent scale and
28 avoid blank walls, i.e., until an abutting property develops.

29 ii. Horizontal Lines. New building designs and exterior remodels shall establish prominent
30 horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials
31 and detailing below a series of storefront windows, awning or canopy lines, belt courses
32 between building stories, and cornice or parapet lines. It is not necessary for new lines to match
33 existing lines.

34 iii. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the
35 ground level floor and upper floors, for example, through the placement of windows, transoms,
36 canopies, awnings, and signage. The majority of signage should be placed on the ground floor
37 elevation (e.g., sign bands, canopy signs, or blade signs).

38 l. Vertical Lines. New construction or front elevation remodels should reflect a vertical
39 orientation, either through breaks in volume or the use of surface details, to divide large walls
40 and create a pedestrian scale. Building massing for corner properties on Highway 101 should
41 accentuate the corner location with a vertical element. See also LCMC 17.34.080, Block layout.

42 m. Materials and Color.

43 i. Primary Materials. Exterior building materials shall predominately consist of painted or natural
44 stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding.

1 Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior
2 cladding. See also subsection (B)(2)(m)(ii) and (iii) of this section, Secondary Materials and
3 Substitute Materials.

4 ii. Secondary Materials. Any of the primary materials listed in subsection (B)(2)(m)(i) of this
5 section may also be used as secondary materials or accents. Metals such as copper, steel, iron,
6 bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather
7 protection features, ornamentation, etc.) when compatible with the overall building design, and
8 subject to review and approval through site plan review.

9 iii. Substitute Materials. Substitute materials that are equal in appearance and durability to those
10 in subsection (B)(2)(m)(i) of this section may be approved at the discretion of the reviewing
11 authority through site plan review. The applicant will be required to provide specifications from
12 the manufacturer.

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

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

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

30 n. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be
31 provided along at least 60 percent of a building's ground floor elevation(s) where the building
32 abuts a sidewalk, walkway, plaza, pedestrian access way, or outdoor seating area. Pedestrian
33 shelters used to meet the above standard shall extend at least five feet over the pedestrian area,
34 shed rain away from building entrance(s), be proportionate to the building in its dimensions,
35 and not obscure the building's architectural details. If mezzanine or transom windows exist, the
36 shelter shall be below such windows where feasible.

37 Exception: The reviewing authority may reduce the minimum shelter depth upon finding that
38 existing right-of-way dimensions or building code requirements preclude a larger shelter.

39 o. Mechanical Equipment.

40 i. Screening. When mechanical equipment, such as utility vaults, air compressors, generators,
41 private antennas, private satellite dishes, or similar equipment, is adjacent to a street, sidewalk or
42 pedestrian space, it shall be screened from view on all streets. Where such equipment is installed
43 on a side or rear building elevation and is adjacent to a walkway, access way, or pedestrian
44 space, its appearance shall be minimized or screened using materials and/or colors that are

1 similar to those used on the subject building. Standpipes, meters, vaults and similar equipment
2 should not be placed on a front elevation when other alternative locations exist; such equipment
3 shall be placed on a side or rear elevation when practicable.

4 ii. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed
5 the allowable building height.

6 iii. Ground Mounted Units. Ground-mounted mechanical units shall be limited to side or rear
7 yards and screened with fences or walls constructed of materials similar to those on adjacent
8 buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation
9 to ensure their successful growth. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(C))

10 ~~17.34.100~~ Streetscapes.

11 A. Intent. The relationship between the local street system, Highway 101 and adjoining
12 properties is important from both a transportation planning and a land use perspective. The
13 Oregon Department of Transportation (ODOT) is the permitting authority for all access onto
14 Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to
15 manage development adjacent to the highway. The city's design standards are intended to
16 implement the community's vision of a cohesive streetscape, with on-street parking, wide
17 sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public
18 art, opportunities for cafe seating, and other amenities. A safe, inviting and comfortable
19 pedestrian environment benefits businesses, highway users and the community as a whole.

20 B. Standards. In addition to standards for block layout, alleys and parking lot access provided in
21 LCMC 17.34.080, the following provisions apply to all new development:

22 1. Transportation Plan Conformity. New development shall conform to the policies, standards,
23 specifications and design details (e.g., street sections) contained in the city's transportation
24 system plan (TSP) and the requirements of this chapter, specifically LCMC 17.34.080, Block
25 layout, and 17.34.110, Pedestrian spaces. When streetscape improvements are required of new
26 development, such improvements shall conform to the TSP.

27 2. Local Streets. LCMC 17.34.080 provides standards for local street improvements.

28 3. Pedestrian Amenities. LCMC 17.34.110 provides standards for pedestrian spaces and
29 pedestrian amenities. Additionally, the Nelscott Redevelopment Plan provides specifications for
30 street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord.
31 2008-18 § 4(3)(D))

32 ~~17.34.110~~ Pedestrian spaces.

33 A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close
34 building orientation and minimal private open space envisioned for Nelscott require that
35 pedestrian space be provided along building frontages and in breaks between buildings.
36 Pedestrian spaces, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access
37 ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas
38 and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or
39 maintained. Public or private, they are as important as building design and central parking to the
40 success of Nelscott. Therefore, the city requires that all new developments and redevelopment
41 projects contribute their proportionate share of pedestrian space.

42 B. Standards.

43 1. Pedestrian Space Standard. At least three percent of every development site, except for
44 residential developments (but including mixed use developments), shall be designated and

1 improved as pedestrian space. The highest priority locations for pedestrian space are those
2 areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access
3 ways) that have a western or southern exposure (within 45 degrees of true south or west).
4 Where no such area exists, then pedestrian space should be provided as an extended sidewalk
5 or walkway connecting multiple developments.

6 2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and
7 have a surface area of not less than 64 square feet.

8 3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and
9 visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be
10 identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in
11 pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the
12 owner shall be required to provide a public access way easement to the pedestrian space.
13 Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the
14 city.

15 4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian
16 amenities such as plaza space, extra-wide sidewalks (e.g., outdoor cafe space), benches, public
17 art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian
18 areas in an amount equal to or greater than one-half of one percent of the estimated
19 construction cost of the subject building(s). Where a pedestrian space adjoins a building
20 entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection
21 feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g.,
22 antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in
23 fulfilling the one-half of one percent requirement. Cost estimates for pedestrian amenity
24 improvements shall be prepared by a licensed architect, landscape architect, or other qualified
25 professional, and shall be subject to review and approval by the administrator.

26 5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage
27 storage areas are not permitted within pedestrian space(s). Such facilities shall be screened
28 completely from view and set back 20 feet or more from a pedestrian space for aesthetic
29 reasons and to minimize odors and noise. (Ord. 2008-18 § 4(3)(E))

30 17.34.120 — Off-street parking and circulation.

31 A. Intent. Parking is to be provided to meet the anticipated normal demand. Where areas of
32 surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street
33 parking and loading for uses within the Nelscott Plan District are to be provided in accordance
34 with Chapter 17.56 LCMC except as provided below.

35 B. Standards. In addition to the standards of Chapter 17.56 LCMC and the standards for block
36 layout, alleys and parking lot access provided in LCMC 17.34.080, the following provisions apply
37 to all new development:

38 1. Drive-Up and Drive-Through Uses. New drive-up/drive-through facilities (e.g., windows, ATMs,
39 etc.) are not permitted. Where applicable, the reviewing authority may approve the relocation
40 and improvement of existing drive-up facilities, subject to a conditional use permit.

41 2. On-Street Parking. Existing or required paved, standard-sized parking spaces that abut a
42 parcel and that are located in a public street may be counted toward the required parking for
43 commercial development on that parcel. For parcels fronting on Highway 101, the number of

1 on-street parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted
2 toward the required number of parking spaces for commercial or mixed uses.

3 3. Off-Street Parking. There is no minimum off-street parking requirement for the commercial
4 component of any mixed use building within 400 feet of a public parking facility; all other uses
5 shall conform to the minimum parking standards of the municipal code except that required off-
6 street parking spaces may be located on another parcel not more than 400 feet from the parcel
7 they are intended to serve. Where new surface parking is planned, it shall be limited to parallel
8 on-street parking spaces, parking bays abutting the street, and/or parking areas located behind
9 or to the side of a building.

10 4. Parking Lot Design. Surface parking areas shall be divided into bays of not more than 12
11 parking spaces per bay. The minimum dimensions for landscape areas are four feet in width and
12 24 square feet in area. Additionally, where a parking area or access drive abuts a street or
13 pedestrian access way, a landscape screen of not less than four feet in width and four feet in
14 height shall be provided. Alternatively, the screen may be reduced to two feet in width where a
15 masonry, wrought iron, brick or similar architectural-grade wall is also provided, subject to site
16 plan review. Landscaping shall be provided in conformance with LCMC 17.34.140. The planning
17 commission may allow a greater number of consecutive parking spaces where the development
18 preserves and protects one or more existing mature trees or exceeds the minimum pedestrian
19 space requirement in LCMC 17.34.110. The commission shall use its discretion in adjusting the
20 standard; provided, that more credit may be awarded to projects that preserve the largest or
21 most visible trees as viewed from public rights-of-way.

22 5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned
23 parking lots should allow for conversion of such lots to structured parking in the future. Site
24 plans should also allow for the conversion of nonconforming, front yard parking lots to new
25 building sites or pedestrian spaces as properties redevelop. Where a proposed project would
26 construct underground parking, the review authority may adjust building coverage, setbacks, or
27 other development standards to facilitate provision of public-private parking spaces.

28 6. Parking in Front of Buildings. Due to the pedestrian orientation of Nelscott, surface parking is
29 not allowed between any new building and the street to which is it oriented. Where such
30 parking currently exists, the owner may be required to install landscaping or other buffering
31 between the parking area and the sidewalk with future redevelopment.

32 7. Service and Loading Areas. The visual, traffic, odor and noise impacts of service and loading
33 areas, relative to streets, pedestrian spaces, pedestrian access ways and adjacent residences,
34 shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and
35 screened using architectural elements that are compatible with adjacent building(s). Where no
36 alley exists, service areas shall be accessed from streets other than Highway 101.

37 8. Exception for Commercial Vacation Rental Dwellings. A vacation rental dwelling in the NBMU
38 or NBD subdistricts that (a) is in a building that existed on October 1, 2008, or pursuant to LCMC
39 17.34.040(E), replaces, with no increase in the number of bedrooms, such a building that was
40 destroyed by calamity (e.g., fire, flood, earthquake), and (b) is on a lot that is too small to
41 accommodate the number of parking spaces required by LCMC 17.80.050, need only provide
42 the number of parking spaces that, as determined by the planning and community development
43 director, reasonably can be accommodated on the lot. (Ord. 2010-06 § 5; Ord. 2008-18 § 4(3)(F))
44 17.34.130—— Pedestrian access.

1 A. Intent. In new development, the pedestrian circulation system shall provide a direct,
2 convenient and comfortable means of accessing individual uses and connecting to other parts
3 of Nelscott. The pedestrian system includes sidewalks, pathways, mid-block access ways, and the
4 ocean beach.

5 B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall
6 provide a continuous pedestrian system conforming to city standards. (Ord. 2008-18 § 4(3)(G))
7 17.34.140——Landscaping.

8 A. Intent. Nelscott is identifiable, in part, by its shore pines and other coastal vegetation. While it
9 is inevitable that some existing trees will be removed with new development, native vegetation
10 should be preserved where practicable or otherwise replanted in required landscape areas. Trees
11 and hedges serve as windbreaks and visual screens in an area that is otherwise being exposed to
12 high winds. Grassy swales capture and cleanse surface water runoff before it infiltrates into the
13 ground or seeps onto the beach. Mature vegetation also enhances real estate values. For these
14 reasons, as well for aesthetic reasons, the city requires that all new developments and
15 redevelopment projects attempt to save mature vegetation that is not within building envelopes
16 and provide landscaping in surface parking areas, as buffers between uses, within street planter
17 strips, and to soften the appearance of large building elevations.

18 B. Standards.

19 1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within
20 building envelopes and not within areas that are required to be graded or excavated (e.g., for
21 utilities, foundations, and driveways) into the project’s landscape design to the greatest extent
22 practicable. Where mature tree removal is unavoidable (e.g., a tree’s location precludes
23 reasonable development consistent with prescribed building envelopes, required building
24 orientation, or public improvement requirements), mitigation shall be required as per subsection
25 (B)(3)(g) of this section.

26 2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in
27 quantities exceeding the base requirements of this code to mitigate adjustments to other
28 standards or the loss of mature trees as described under subsection (B)(1) of this section.

29 3. Minimum Landscape Standards.

30 a. All off-street parking and vehicular use areas (including driveways and loading docks) shall
31 have perimeter landscaping of not less than four feet in depth, and interior landscaping
32 covering at least 10 percent of the entire vehicular use area. The planning commission authority
33 may reduce the minimum landscape area to not less than five percent where the development
34 preserves and protects one or more existing mature trees. The commission shall use its
35 discretion in awarding credit; provided, that more credit may be awarded to projects that
36 preserve the largest or most visible trees as viewed from public rights-of-way including the
37 beach. Areas with preserved trees are counted toward the required parking lot landscaping.

38 b. Each separate landscape area shall be a minimum of 24 square feet with a minimum
39 dimension of at least four feet and shall contain at least one tree. All remaining land in the
40 landscape area shall be covered by a combination of shrubs, ground cover plants or other city-
41 approved nonvegetative ground cover.

42 c. All required buffer strips, screens, and other required landscape areas shall be planted at a
43 density to ensure the intended buffering or screening intent is met; in no case shall a landscape

1 area have less than one tree per 200 square feet of surface or less than one shrub per 50 square
2 feet of area.

3 d. Required trees and shrubs shall be noninvasive species that are known to thrive in the
4 northern Oregon coastal environment.

5 e. The following guidelines apply:

6 i. Vegetation native to the Pacific Northwest coast is encouraged.

7 ii. Turf and grass is discouraged, except in residential developments and in water treatment
8 swales.

9 iii. Species should be those contained in the Lincoln City tree planting guide and list of
10 recommended species, or species recommended by a licensed nurseryman as being suitable for
11 the local climate, as approved by the planning director.

12 f. Trees shall be at least two inch caliper at time of planting.

13 g. When tree mitigation is required the number of mitigation trees required shall be equal to at
14 least one-half total number required to achieve the number of inches of mature tree(s) removed
15 (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree is
16 removed, then two three-inch trees of the same or comparable species shall be planted.

17 h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or
18 until it is demonstrated that new plants have become naturalized.

19 i. Shrubs shall be at least a three-gallon size when planted.

20 j. If hedges are planted for screening, plants shall be at least of an initial size so that the required
21 screening will be achieved within two years.

22 k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can
23 be prevented without long-term detriment to the subject tree.

24 l. Landscaping shall preserve an adequate line of sight around vehicle accesses.

25 m. All landscaping materials shall be in vigorous and healthy growing condition and shall be
26 installed according to common planting procedures, with consideration given to soil condition.

27 The property owner is responsible for maintaining and replacing, as necessary, all approved
28 landscape plants on his property and those within abutting rights-of-way (e.g., street trees).

29 4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under
30 LCMC 17.34.120.

31 5. Water Quality. Where a surface parking area incorporates water quality filters/swales and
32 porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow
33 through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are
34 used infrequently), the reviewing authority may allow additional building (lot) coverage,
35 consistent with the standards in Table 17.34.060.B. Porous paving may also be used for small
36 areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow
37 surface water runoff. (Recommended: Figure 17.34.140.)

38
39
40
41
42
43
44

Figure 17.34.140: Typical parking lot landscape concepts, incorporating water quality features.

1 (Ord. 2008-18 § 4(3)(H))

2 17.34.150——Signs.

3 A. Intent. The number, size, configuration, placement, color, materials and illumination of signs
4 all play a part in shaping the built environment. Signs in Nelscott should function primarily as
5 cues for pedestrian wayfinding and business identification. Business identification does not
6 require that owners maximize the size or number of signs. The highway streetscape has built-in
7 traffic calming features that, together with the building design standards, will enable motorists
8 and pedestrians to notice signs at a relatively small scale. Signs designed to a “highway scale”
9 are not necessary and are discouraged through the following standards.

10 B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required
11 as part of a larger project, the sign package shall be reviewed with the site plan under the
12 applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where
13 a sign permit is requested apart from any other development application, it shall be processed
14 administratively under the applicable provisions of the Lincoln City Municipal Code and the
15 following guidelines and standards:

16 1. Building Signs. Building-mounted signs shall be positioned to emphasize established
17 architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within
18 “frames” created by components of the facade design. Signs should not obscure building
19 details. An individual building shall have no more than six building-mounted signs totaling not
20 more than 48 square feet.

21 2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that
22 signs suspended from an awning, canopy or similar architectural feature may be approved
23 subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).

24 3. Contextual Design. Signs should complement Nelscott’s natural surroundings. For example,
25 signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over
26 those that are predominately made of plastic, Plexiglas, or similar reflective materials.
27 Pictographic symbols are encouraged, as they often communicate more than text and add visual
28 interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or
29 finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs,
30 flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are
31 therefore not permitted.

32 4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs
33 and permanent stylized window signs (allowing at least 50 percent transparency throughout the
34 window) are encouraged. Such signs are exempt from the overall sign area limitations.

35 5. Signs for buildings with multiple tenants should be designed to allow for new business names
36 to be added or replaced easily.

37 6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light
38 sources shall be placed close to and directed onto the sign they are intended to illuminate, and
39 shielded to minimize glare into the street or onto adjacent properties. Where possible, lights
40 should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be
41 cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for
42 those existing prior to the effective date of the ordinance codified in this chapter, are prohibited.
43 See also LCMC 17.34.160, Exterior lighting.

44

1
2
3 Figure 17.34.150: Examples of encouraged sign types (from top, left to right: mural, blade, wood
4 cutout, hanging sign).
5 (Ord. 2019-14 § 3; Ord. 2008-18 § 4(3)(I))
6 17.34.160 — Exterior lighting.
7 A. Intent. The number, size, design and placement of lights all contribute to creating a safe and
8 aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and
9 light trespass, and it diminishes views of the night sky. Lights in Nelscott should function
10 primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not
11 require that owners fully illuminate their building and parking areas.
12 B. Standards. Outdoor light fixtures shall not be installed without site plan review approval.
13 Where a light fixture is required as part of a larger project, the lighting package shall be
14 reviewed under the following guidelines and standards. Where an outdoor light fixture is to be
15 installed apart from any other development application, it shall be processed administratively.
16 Outdoor lighting that does not conform to current standards, but conformed to city standards
17 prior to the effective date of the ordinance codified in this chapter are allowed to continue as
18 nonconforming until such time that the light fixture and/or building is remodeled or replaced.
19 1. Contextual Design. Exterior lights shall be designed to fit their particular location and function.
20 They should be simple in character and similar in color and intensity to those used traditionally.
21 High-pressure sodium lights are appropriate, except where good color rendition is required;
22 enhanced color rendition high-pressure sodium lamps, or more uniform spectrum lamps, may
23 also be used.
24 a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights
25 or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that
26 are appropriate for walkways and plazas. Illumination between one to two foot-candles for such
27 areas is required.
28 b. Building-mounted lights should complement the building background in style; using lights to
29 draw attention to (wash) architectural elements is permitted; provided, that unshielded, high
30 intensity light sources and sources that direct light upward without cut-offs are not permitted.
31 (See subsection (B)(2) of this section.)
32 c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary
33 light fixtures that draw on historic elements or provide a new interpretation of a historic style are
34 encouraged.
35 d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies
36 and similar areas shall not exceed 20 foot-candles, except as otherwise approved by the
37 planning director.
38 e. Maximum initial luminance of parking lots shall not exceed four foot-candles, except as
39 otherwise approved by the planning director.
40 2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of
41 lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.
42 a. Light poles shall not exceed a height of 20 feet.

- 1 b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct
- 2 light downward. Exception: Up-lighting of official flags may be allowed; provided, that the
- 3 luminance level is minimized.
- 4 c. Lighting associated with service areas, parking lots and parking structures, as well as
- 5 streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and
- 6 light spillover onto residential properties. Luminance at the property line, or no more than five
- 7 feet over the property line, shall be zero.
- 8 d. The planning director may require the installation and use of timers or activity switches to
- 9 prevent unnecessary sources of light by controlling the length of time that exterior lights are in
- 10 use late at night.
- 11 e. Lights used to wash a building elevation (including any signs) shall not wash more than 75
- 12 percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.
- 13 f. Uplighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed
- 14 eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle
- 15 for dark-colored surfaces and one-half foot-candle for light-colored surfaces.
- 16 g. The manufacturer's data or measurement shall be provided to demonstrate conformance with
- 17 the standards set out in subsection (B)(1) of this section. Photometric plans are required with site
- 18 plan review applications, unless waived by the planning director.

19
20

21 Figure 17.34.160: Examples of acceptable lights.
22 (Ord. 2008-18 § 4(3)(J))

23

24 Chapter 17.45
25 TAFT VILLAGE CORE (TVC) ZONE

26 Sections:

- 27 17.45.010 — Purpose.
- 28 17.45.020 — Application.
- 29 17.45.030 — Definitions.
- 30 17.45.040 — Land use activities.
- 31 17.45.050 — Site development standards.
- 32 17.45.060 — General preferences, requirements and standards.
- 33 17.45.070 — Signs.
- 34 17.45.080 — Parking.
- 35 17.45.090 — Development incentives.
- 36 17.45.100 — Nonconforming uses and structures.
- 37 17.45.010 — Purpose.

38 The purpose of the Taft Village core (TVC) zone is to provide for a wide variety of uses, including
39 retail, professional office, service-oriented businesses, single-family and multifamily residences
40 and combinations of the above in mixed use developments within a core area of the village of
41 Taft where concentrations of a variety of uses will encourage a pedestrian-oriented pattern of
42 development that is different from the patterns found between Lincoln City's village nodes. (Ord.
43 2000-09 § 3; Ord. 84-2 § 3.105(1))

44 17.45.020 — Application.

1 The TVC zone constitutes the primary zoning provisions (development standards) for the core
2 area of the village of Taft. The requirements of this chapter are in addition to other requirements
3 of this title. If there is a conflict between the regulations provided in other chapters of this title
4 and this chapter, the regulations provided in this chapter shall prevail. Where direction is not
5 provided in this chapter, provisions in other chapters of this title shall prevail. (Ord. 2000-09 § 3;
6 Ord. 84-2 § 3.105(2))

7 17.45.030—Definitions.

8 For purposes of the TVC zone, the following definitions shall apply:

9 "Automated teller machine (ATM)" means a pedestrian-oriented machine used by bank and
10 financial patrons for conducting transactions including deposits, withdrawals, and fund transfer,
11 without contact with financial institution personnel.

12 "Building facade" means the entire building front including the parapet.

13 "Building facade—primary" means the side of a building that faces the street and has a main
14 pedestrian entrance from the street.

15 "Building footprint" means the ground surface area above which a building, including
16 cantilevered parts of the building, is located.

17 "Building orientation" means the manner in which the building is positioned on a lot and its
18 architectural features relate to surrounding structures, spaces, and landscapes.

19 "Development incentives" means discretionary measures provided to applicants of new
20 development by the city of Lincoln City or the urban renewal agency to encourage
21 improvements with a pedestrian orientation.

22 "Edge treatment" means the design treatment of the setback between a building facade and an
23 adjacent street.

24 "Floor area—gross" means the total area of all floors in a structure, or on a specified level of a
25 structure, as measured from the outside surface of exterior walls or the centerline of common
26 walls. It excludes any crawl space, area used exclusively for vehicle parking or loading,
27 breezeway, attic without floor, and an open porch, colonnade, deck, balcony, or terrace.

28 "Joint use parking" means the sharing of parking areas by two or more uses, structures, or
29 parcels of land to satisfy parking requirements, reduce the amount of land dedicated to
30 vehicular parking, and increase the amount of land available for new development, plazas, or
31 other uses.

32 "Mixed use" means a development that includes a mix of commercial and residential uses that
33 are planned and developed together on the same site or adjoining sites. The mix of uses may
34 occur in the same building or in separate buildings.

35 "Monument sign" means a freestanding sign that is permanently affixed at grade and has a
36 monolithic or columnar line and which maintains essentially the same contour from grade to
37 top.

38 "New development" means any construction, or alteration of an existing structure or land use, or
39 establishment of a land use, after December 31, 2000.

40 "Outdoor sales" means the outdoor retail sales of merchandise associated with an adjacent
41 existing commercial establishment.

42 "Pedestrian orientation" means any physical structure or place with design qualities and
43 elements that contribute to an active, inviting and pleasant place for pedestrians, including but
44 not limited to:

- 1 1. Street furniture;
- 2 2. Design amenities related to the street level such as awnings, pedestrian connections,
- 3 colonnades, and arcades;
- 4 3. Visibility into buildings at the street level;
- 5 4. Highly articulated facades at the street level with interesting uses of material, color, and
- 6 architectural detailing;
- 7 5. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
- 8 6. Continuity of building facades along the street with few interruptions in the progression of
- 9 buildings and stores;
- 10 7. Pedestrian-oriented signs; and
- 11 8. Landscaping.

12 "Pedestrian-oriented sign" means a sign with design qualities and elements that are oriented
 13 and scaled to the pedestrian rather than the motorist.

14 "Plaza" means a public or private area generally open to the public on a controlled basis and
 15 used for passive recreational activities and relaxation. Plazas are pedestrian areas typically
 16 provided with amenities such as seating, fountains, art, and landscaping. The paving or surface
 17 materials of plazas must comply with Americans with Disabilities Act requirements.

18 "Pole sign" means any sign which is supported by one or more uprights, poles or braces in or
 19 upon the ground which are not a part of any building or enclosed within the exterior walls of
 20 any building and are separated therefrom by a distance of at least six inches.

21 "Setback" means the distance by which a structure or parking area must be separated from a lot
 22 line or other structure.

23 "Sidewalk cafe" is any group of tables and chairs, and its authorized decorative and accessory
 24 devices, situated and maintained upon the public sidewalk or along the private porches, plazas,
 25 and arcades for use in connection with the consumption of food and beverage sold to the
 26 public from or in an adjoining indoor restaurant or delicatessen.

27 "Story" means that portion of a building included between the surface of any floor and the
 28 surface of the next floor above or, if there is no floor above, the space between the floor and the
 29 ceiling.

30 "Structured parking" means a structure established for the short-term storage of operative
 31 vehicles for patrons. Structured parking can be constructed as an accessory to another primary
 32 use or uses that require the provision of off-street parking.

33 "Taft Village core" means the area depicted graphically below and generally defined by the Fleet
 34 Avenue alignment at Highway 101 (north), Schooner Creek bridge and Siletz Bay (south), Inlet
 35 Avenue (east), and the west end of SW 51st Street (west).

36
 37

38 (Ord. 2008-21 § 3; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(3))
 39 17.45.040 — Land use activities.

40 This section contains a matrix that establishes which land uses are permitted (P), conditionally
 41 permitted (C), or expressly prohibited (-) within the TVC zone. A conditionally permitted use
 42 requires approval of a use permit by the planning commission in compliance with applicable
 43 provisions of Chapter 17.60 LCMC. If a particular use is not listed, the planning director shall be
 44 responsible to make a use determination to decide if the proposed use is similar to a listed use.

1 Unless a proposed use is determined to be similar to a listed permitted or conditionally
 2 permitted use, it is a prohibited use. A permitted or conditionally permitted use may be subject
 3 to site plan review in accordance with LCMC 17.52.240.

4

5 ~~TVC Land Use Activity P or C~~

6 ~~A. Administrative and Professional Offices—~~

7 ~~Commercial establishments where the administrative, clerical and managerial functions of a~~
 8 ~~business or industry are conducted or where members of a profession conduct their practice.~~
 9 ~~Examples include accounting, medicine, physical therapy, veterinary with no kennels,~~
 10 ~~engineering, real estate.——P~~

11 ~~B. Automotive Related Uses—~~

12 ~~Commercial establishments which provide parts, repair and service for motor vehicles:—~~

13 ~~1. Auto parts/supplies sales—No installations——P~~

14 ~~2. Auto parts/supplies sales—With installations——~~

15 ~~3. Car washes—~~

16 ~~4. Fuel/service stations——~~

17 ~~5. Vehicle (car, RV and truck) sales/leasing——~~

18 ~~C. Boarding and Lodging Facilities¹—~~

19 ~~Commercial establishments which provide boarding and lodging facilities:~~

20 ~~1. Bed and breakfast accommodations——P~~

21 ~~2. Condominiums with 10 units or less and with nightly rentals²——C~~

22 ~~3. Hotels/motels with 10 units or less P~~

23 ~~4. Recreational vehicle parks—~~

24 ~~5. Time share units——C~~

25 ~~6. Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of~~
 26 ~~Chapter 5.14 LCMC——P~~

27 ~~D. Eating/Drinking Establishments——~~

28 ~~Commercial establishments which serve prepared food or beverages for consumption on or off~~
 29 ~~the premises:—~~

30 ~~1. Night clubs/bars/lounges/micro brew pubs——P~~

31 ~~2. Restaurants—without drive-throughs (including cafes, coffee shops, family restaurants, etc.)~~
 32 ~~——P~~

33 ~~3. Restaurants—with drive-throughs—~~

34 ~~4. Restaurants—with walk-up windows (with or without seating)——P~~

35 ~~5. Sidewalk cafes——C~~

36 ~~6. Wine tasting——P~~

37 ~~E. Entertainment/Recreation Establishments—~~

38 ~~Commercial establishments which provide participant/spectator amusement, entertainment or~~
 39 ~~sport, primarily for financial gain. Examples include auditoriums, theaters, museums. Game~~
 40 ~~arcades are limited to five games/machines when located as an auxiliary use in an otherwise~~
 41 ~~permitted use.~~

42 ~~1. Auditoriums, convention centers, movie theaters, museums——C~~

43 ~~2. Miscellaneous indoor establishments (i.e., pool halls, billiard parlors, game arcades)——C~~

44 ~~3. Miscellaneous outdoor establishments (i.e., amphitheater, swimming/aquatics facility)——C~~

- 1 F. Financial —
- 2 Commercial establishments that engage in monetary transactions not directly related to the sale
- 3 of a product/service. Examples include: banks, savings and loan, etc. —
- 4 1. Financial land use, with no ATMs — P
- 5 2. Financial land use, with interior ATMs — P
- 6 3. Financial land use, with exterior ATMs — C
- 7 4. Interior ATMs, as an accessory to another permitted or conditionally permitted use — C
- 8 5. Exterior ATMs, as an accessory to another permitted or conditionally permitted use —
- 9 G. Mixed Use —
- 10 Developments that contain office/retail/service establishments and residential uses, either within
- 11 the same structure or on the same parcel. — P
- 12 H. Personal Service —
- 13 Commercial establishments which provide services of a personal nature. Examples include:
- 14 barber/beauty/nail shops, tailor shops, dance school/karate studio, dry cleaners/laundromat,
- 15 health/athletic clubs, travel agent, therapeutic massage. — P
- 16 I. Residential —
- 17 1. Single family dwellings, in accordance with Chapter 17.16 LCMC P
- 18 2. Attached single family dwellings, in accordance with LCMC 17.52.260 — P
- 19 3. Two family and duplexes, in accordance with Chapter 17.16 LCMC — P
- 20 4. Multifamily dwelling units, with edge treatment B, in accordance with R-M zone standards
- 21 — C
- 22 5. Multifamily dwelling units, with edge treatment A or C, in accordance with R-M zone
- 23 standards — P
- 24 6. Accessory dwelling units, in accordance with LCMC 17.45.060(D) P
- 25 7. Manufactured homes, in accordance with Chapter 17.16 LCMC and LCMC 17.52.250 — P
- 26 8. Four flat dwellings, subject to the provisions of LCMC 17.80.140 P
- 27 J. Retail Commercial —
- 28 Commercial establishments which sell merchandise generally needed/desired by the residents,
- 29 employees and visitors of/to the community. Examples include: packaged food, liquor, grocery,
- 30 drugs, video rental, general merchandise, gift shops, sporting goods, building materials, garden
- 31 supplies/nurseries, antiques/second hand stores, convenience stores, but exclude mini-
- 32 warehouses. — P
- 33 Retail marijuana facility, if located within 100 feet of the right-of-way of Highway 101, and
- 34 subject to the provisions of LCMC 17.80.130.P
- 35 K. Service Commercial
- 36 Commercial establishments which provide business, repair and miscellaneous services. Examples
- 37 include: printing/publishing, laboratories, catering, interior design, miscellaneous repairs (indoor
- 38 only). — P
- 39 L. Other Uses —
- 40 1. Ambulance service — C
- 41 2. Art gallery and studio — P
- 42 3. Places of worship — C
- 43 4. Clubs, lodges, meeting halls — C
- 44 5. Home occupations — P

- 1 ~~6. Handicraft-type industries with on-site sales (i.e., crafts, saddles) P~~
- 2 ~~7. Parks/playgrounds/community gardens—C~~
- 3 ~~8. Police/fire facilities—C~~
- 4 ~~9. Public facilities/public parking lots P~~
- 5 ~~10. Public/private schools, business/trade schools, in accordance with LCMC 17.80.010—C~~
- 6 ~~11. Public utility or utility substation—C~~
- 7 ~~12. Essential emergency communications, early warning and associated emergency facilities~~
- 8 ~~———P~~
- 9 ~~13. Community gardens and market gardens not larger than 12,500 square feet, in accordance~~
- 10 ~~with the standards of LCMC 17.80.080———P~~
- 11 ~~14. Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC~~
- 12 ~~17.80.080———P~~
- 13 ~~15. Transportation uses, defined in Chapter 17.08 LCMC———P~~
- 14 ~~16. Docks, subject to the provisions of LCMC 17.44.040———C~~
- 15
- 16 ~~1—A cap of 212 units in boarding and lodging facilities are permitted in the TVC zone, not~~
- 17 ~~including bed and breakfast accommodations and other boarding and lodging facilities with 10~~
- 18 ~~units or less.~~
- 19 ~~2—A minimum of 50 percent of the ground-level gross floor area of new hotels/motels and~~
- 20 ~~condominiums with nightly rentals shall be comprised of eating/drinking establishments,~~
- 21 ~~entertainment/recreation establishments, or retail commercial uses.~~
- 22 ~~3—Together with accessory uses as specified in LCMC 17.80.160.~~
- 23 ~~(Ord. 2019-24 § 16; Ord. 2019-23 § 8; Ord. 2019-21 § 8; Ord. 2019-02 § 6; Ord. 2017-09 § 12; Ord.~~
- 24 ~~2016-20 § 7; Ord. 2016-05 § 3; Ord. 2014-29 § 3; Ord. 2012-06 § 9; Ord. 2009-05 § 16; Ord. 2009-~~
- 25 ~~02 § 6; Ord. 2005-14 § 12; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(4))~~
- 26 ~~17.45.050———Site development standards.~~
- 27 ~~This section establishes development standards for projects in the TVC zone.~~
- 28 ~~A. Development standards for single-family residential uses shall be in accordance with Chapter~~
- 29 ~~17.16 LCMC, except as modified in this section.~~
- 30 ~~B. Development standards for multiple-family residential uses and duplexes shall be in~~
- 31 ~~accordance with Chapter 17.20 LCMC, except as modified in this section.~~
- 32 ~~C. Maximum building height is 38 feet (subject to the exceptions contained in LCMC 17.52.200,~~
- 33 ~~e.g., chimneys, spires, towers, etc.). Buildings must have a gable, hipped gable, hipped, or shed~~
- 34 ~~roofline. Buildings of more than two stories shall be set back on the street sides of each~~
- 35 ~~successive story of the building (above the second story) a minimum of 10 feet from the~~
- 36 ~~building face of the next immediate lower story.~~
- 37 ~~D. Setbacks shall be provided consistent with the edge treatments contained in Table 17.45.050-~~
- 38 ~~1 and Figure 17.45.050-A.~~
- 39 ~~E. For parking areas adjacent to a public right-of-way, a minimum 10-foot landscaped setback~~
- 40 ~~from face of curb shall be provided.~~
- 41 ~~F. Weather protection structures, e.g., canopies, porches, arcades, and colonnades, must be~~
- 42 ~~provided to the curb line within the existing street right-of-way along street frontages~~
- 43 ~~designated for edge treatment A. (Figure 17.45.050-A)~~
- 44 ~~G. Public facilities are exempt from site development standards.~~

1 H. All development with edge treatment A shall incorporate mixed use. See Figure 17.45.050-A.

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

5 J. If a hotel, motel, condominium, or other lodging facility in the TVC zone is destroyed by any
6 cause to an extent exceeding 50 percent of the appraised value as determined by the records of
7 the county assessor for the year preceding destruction, such lodging facility may be rebuilt with
8 the same or fewer number of rooms, Chapter 17.64 LCMC to the contrary notwithstanding.

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

12 Table 17.45.050-1

13
14 ~~—————~~ Edge Treatments

15 ~~—————~~ A — Street Adjacent — B — Semi-Street Adjacent — C — Setback from Street
16 Description — Street Adjacent — Pedestrian Orientation. This edge treatment requires placing
17 the front elevation or landscaping of new development on the front property line and at the
18 sidewalk edge to create a strong relationship between buildings and the street, excluding
19 architectural projections or other architectural features. — Semi-Street Adjacent — Landscaped
20 Perimeters. This edge treatment requires landscaped setbacks of a minimum five feet between
21 buildings and streets, interrupted only by pedestrian areas, plazas, and sidewalks. Setback from
22 Street — Limited Parking. This edge treatment requires one bay of parking (one to two rows plus
23 aisle) between the street and new development, with landscaped parkway or street trees
24 accenting the sidewalk edge.

25 General Areas of Applicability Highway 101, 51st Street, Fleet Avenue, and portions of local
26 streets. Refer to Figure 17.45.050-A for specific edge condition locations. — Cottage commercial
27 and residential environments. Refer to Figure 17.45.050-A for specific edge condition locations.

28 ~~—————~~ Along east edge of Inlet Avenue only. Refer to Figure 17.45.050-A for specific edge
29 condition locations.

- 30 Key Details —
- 31 • Avoid setbacks from the sidewalk edge.
 - 32 • Create continuous pedestrian activity in an uninterrupted sequence by minimizing gaps
33 between buildings, blank walls and parking lots.
 - 34 • Create pedestrian connections to parking lots at the rear or sides of buildings.
 - 35 • Use building indentations to create small pedestrian plazas along the street wall. —
 - 36 Create pedestrian connections between buildings.
 - 37 • Use landscaped setbacks to create “outdoor rooms” with plazas and gardens.
 - 38 • Parking absent from front yards and landscaped setbacks. • Create pedestrian linkages from
39 the public sidewalk to building perimeter and entries.
 - 40 • Provide vehicular access and pedestrian connections to adjoining parcels whenever possible.
 - 41 • Provide accent landscaping and enhanced paving at vehicular entries.

41 _____

42 _____

43 _____

44 Edge Illustration —

1 _____
2 _____

3
4

5 ~~Figure 17.45.050-A~~

6
7

~~(Ord. 2000-09 § 3; Ord. 84-2 § 3.105(5))~~

8 ~~17.45.060~~ General preferences, requirements and standards.

9 ~~The following general preferences, requirements and standards apply to new development in~~
10 ~~the TVC zone.~~

11 ~~A. Preferences. This subsection (A) is intended to promote compatible and enhanced site and~~
12 ~~building design throughout the village of Taft core area. This process provides a means for~~
13 ~~property owners to implement both the comprehensive plan and the village of Taft~~
14 ~~redevelopment plan related to Taft’s physical development and to the preservation of its unique~~
15 ~~character. This subsection (A) is not intended to create standards, approval criteria or legally~~
16 ~~enforceable requirements.~~

17 ~~In reviewing projects/improvements subject to any approval, the planning director shall refer to~~
18 ~~appropriate design guidelines in the village of Taft redevelopment plan (or any others that may~~
19 ~~be adopted by the city) in order to provide guidance to applicants seeking to comply with the~~
20 ~~requirements of the village of Taft redevelopment plan and the TVC zone.~~

21 ~~The design theme poster contained in Figure 17.45.060-A, Parts I, II, and III, is to be used by~~
22 ~~property owners, developers, architects, landscape architects and designers in the planning and~~
23 ~~design of projects in the village of Taft. The design guidance provided by the poster~~
24 ~~communicates the Lincoln City community and city’s desired qualities and characteristics of~~
25 ~~development and are intended to promote quality design that is compatible with Taft’s unique~~
26 ~~character and its vision for the future.~~

27
28

~~Figure 17.45.060-A, Part I~~

29
30

~~Figure 17.45.060-A, Part II~~

31
32
33

~~Figure 17.45.060-A, Part III~~

34
35

36 ~~B. New Commercial/Mixed Use. New commercial buildings and mixed use buildings shall comply~~
37 ~~with the following pedestrian-oriented design standards and location and development criteria:~~

38 ~~1. For building facades that face an abutting street, a minimum of 50 percent of the ground~~
39 ~~floor facade shall include windows and/or doors. The building facade shall be designed so a~~
40 ~~blank wall without a window or doorway is no greater than 20 feet in length.~~

41 ~~2. A minimum of 50 percent of the lot frontage abutting a street shall be occupied by a building~~
42 ~~facade. For lots with three or more street frontages, this standard shall apply to two lot~~
43 ~~frontages.~~

44 ~~3. Residential units must not be located on street level.~~

- 1 4. Public facilities are exempt from the mixed use requirement.
- 2 C. New Multifamily and Attached Single-Family Residential.
- 3 1. These standards do not apply to mixed use development in which residential uses are located
- 4 above commercial uses.
- 5 2. Building Orientation. New multifamily and attached single-family dwellings shall meet the
- 6 following standards:
- 7 a. Each ground floor unit located along a street shall include a covered or recessed entry, or
- 8 porch, oriented to the street.
- 9 b. Units along a street shall be oriented with building fronts parallel to the street.
- 10 3. New Multifamily and Attached Single-Family Parking, Site Access, and Circulation. Parking
- 11 areas or driveways adjacent to any street frontage shall not occupy more than the greater of: 25
- 12 percent of the street frontage; or 20 feet, if a two-way driveway. If garages are oriented to front
- 13 on a street, the following standards shall be met:
- 14 a. Only single-car garage doors are permitted;
- 15 b. Garage doors must be recessed at least three feet behind the front facade.
- 16 D. Accessory Dwelling Units. Accessory dwelling units must meet the following criteria:
- 17 1. Density. One accessory dwelling unit may be allowed as an accessory use to a single-family
- 18 dwelling on any residential lot that meets the minimum lot size requirement.
- 19 2. Unit Size. An accessory dwelling unit must not exceed 750 square feet.
- 20 3. Off-Street Parking. If paved, on-street parking is available abutting the lot, no off-street
- 21 parking will be required for an accessory dwelling unit. If such on-street parking is not available,
- 22 one off-street parking space must be provided on the lot for the accessory dwelling unit in
- 23 addition to the parking required for the single-family dwelling.
- 24 E. Outdoor Sales. All commercial uses, including repair, service and storage, shall be conducted
- 25 within a completely enclosed building or be completely screened from view from off the subject
- 26 site, except that the outdoor sales display of merchandise in conjunction with antique shops,
- 27 flower shops, art galleries, beach equipment shops, kite shops, and similar specialty and craft
- 28 businesses is permitted in the TVC zone subject to the following provisions:
- 29 1. Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum
- 30 width of four feet is maintained clear of any obstructions and the city grants a right-of-way
- 31 incursion permit;
- 32 2. No additional signs or other advertising devices (temporary or permanent) shall be used in
- 33 conjunction with outdoor sales displays except those allowed in compliance with this title;
- 34 3. The outdoor sales display of merchandise shall only occur during times when the associated
- 35 establishment is also open for business; and
- 36 4. Only merchandise normally available at the associated business may be displayed outdoors.
- 37 F. Installation of Public Improvements. Project developers are responsible for providing public
- 38 improvements in compliance with city standards at the time of development, in accordance with
- 39 LCMC 17.52.230. For the purposes of this requirement, development shall also include the
- 40 expansion of existing structures by 50 percent or more of the gross floor area.
- 41 G. Undergrounding of On-Site Utilities. All new development shall provide underground utilities
- 42 service installation or connections in compliance with LCMC 17.52.120(B). For the purposes of
- 43 this requirement, development shall also include the expansion of existing structures by 50
- 44 percent or more of the gross floor area.

1 H. Landscaping. In parking areas adjacent to public right-of-way, landscaping shall provide a
2 two-and-one-half-foot to three-foot-high screen across the entire parking frontage except for
3 driveways. Landscape screening may include a combination of low hedgerow plantings,
4 landscaped berms or low decorative masonry walls. The minimum width of a landscaped area
5 required for screening purposes shall be five feet. In addition, landscaping shall be provided in
6 accordance with Table 17.45.050-1 and Figure 17.45.050-A, and LCMC 17.52.100, with the
7 following exceptions:

- 8 1. Pedestrian plazas may be used to meet up to 50 percent of the lot area landscaping
9 requirement.
- 10 2. Landscaping requirements may be reduced by 50 percent for lots under 10,000 square feet,
11 where a primary building front is located adjacent to the right-of-way or adjacent to a
12 pedestrian plaza that itself is adjacent to the right-of-way, and on-site parking within a surface
13 lot is not provided.
- 14 3. Properties with structured or garage parking of more than 50 spaces are eligible for a 50
15 percent reduction of landscaping requirements.
- 16 4. Street trees and landscaping located in public right-of-way are exempted from the provisions
17 of LCMC 17.52.100.

18 I. Mechanical Equipment. No mechanical equipment, vents, ducts, HVAC equipment,
19 transformers, or dish antennas shall be visible from ground level from any adjacent parcel, or
20 any public street or right-of-way. This shall be accomplished through the extension of the main
21 structure or roof, or screening in a manner that is architecturally integrated with the main
22 structure. Plantings may be used to screen mechanical equipment at ground level; provided, that
23 the plantings achieve full-screening upon installation.

24 J. Business Address Required. Each business or structure (as appropriate) shall provide its
25 address in numbers a minimum of six inches in height. The address shall be placed on the
26 building, awning valance, or canopy in a manner to be clearly visible from the adjacent street,
27 alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear
28 or side entrances.

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

33 1. Conditional Use Permit Required. A conditional use permit is required for all sidewalk cafes in
34 accordance with Chapter 17.60 LCMC. Notwithstanding the requirements of Chapter 17.60
35 LCMC, the planning director may grant a conditional use permit for a sidewalk cafe. The
36 planning director may require an applicant for a permit to obtain the permit from the planning
37 commission.

38 2. ODOT Right-of-Way. The Oregon Department of Transportation (ODOT) may require a
39 separate permit for sidewalk cafes located adjacent to Highway 101 within the ODOT right-of-
40 way.

41 3. Limitations and Requirements. A sidewalk cafe may be permitted in the TVC zone subject to
42 the sidewalk cafe being situated adjacent to an indoor restaurant or delicatessen as specified
43 below, and the sidewalk cafe's operation is incidental to and a part of the operation of such
44 adjacent indoor restaurant or delicatessen.

- 1 a. A sidewalk cafe may be located on the public sidewalk immediately adjacent to and abutting
2 the indoor restaurant or delicatessen which operates the cafe; provided, that the area in which
3 the sidewalk cafe is located extends no farther along the sidewalk's length than the actual
4 sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable
5 provisions of this section are fulfilled.
- 6 b. An indoor restaurant or delicatessen may be permitted to operate only one sidewalk cafe and
7 each sidewalk cafe shall be confined to a single location on the sidewalk.
- 8 c. A sidewalk cafe may be permitted only where the sidewalk or porch is wide enough to
9 adequately accommodate both the usual pedestrian traffic in the area and the operation of the
10 proposed cafe, consistent with the Americans with Disabilities Act. There shall be a minimum 48-
11 inch clear distance free of all obstructions, in order to allow adequate pedestrian movement.
12
- 13
- 14 d. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be
15 movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor
16 heaters, amplified music, or speakers shall be reviewed at the time of application for a
17 conditional use permit.
- 18 e. No additional signing shall be allowed on or above public sidewalk at any outdoor cafe except
19 for the name of the establishment on an awning or umbrella valance.
- 20 f. A sidewalk cafe may serve only food and beverages prepared or stocked for sale at the
21 adjoining indoor restaurant or delicatessen.
- 22 g. The service of beer or wine, or both, must be solely for on-premises consumption by
23 customers and must be expressly authorized as part of a conditional use permit approval.
- 24 h. The area in which the sidewalk cafe is authorized is identified in a manner, as approved by the
25 planning director, which will clearly separate and delineate it from the areas of the sidewalk that
26 will remain open to pedestrian traffic.
- 27 i. Outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. All exterior
28 surfaces within the cafe shall be easily cleaned and shall be kept clean at all times by the
29 permittee.
- 30 j. Trash and refuse storage for the sidewalk cafe shall not be permitted within the outdoor
31 dining area or on adjacent sidewalk areas and the permittee shall remove all trash and litter as
32 they accumulate. The permittee shall be responsible for maintaining the outdoor dining area,
33 including the sidewalk surface and furniture and adjacent areas, in a clean and safe condition.
- 34 k. Hours of operation shall be no greater than those of the indoor restaurant or delicatessen.
- 35 l. The city shall have the right to prohibit the operation of a sidewalk cafe at any time because of
36 anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and
37 conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades,
38 repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible,
39 the permittee will be given prior written notice of any time period during which the city will
40 prohibit the operation of the sidewalk cafe.
- 41 m. No off-street parking is required for a sidewalk cafe.
- 42 4. Approval Authority. For purposes of a sidewalk cafe conditional use permit, the planning
43 director may exercise the authority of the planning commission under Chapter 17.60 LCMC.

1 5. Findings and Conditions. In connection with approval of a conditional use permit, the
2 planning director shall make findings that the proposed operation meets the limitations of this
3 section. The planning director may impose such conditions in granting approval as deemed
4 necessary to assure that the proposed operation will meet the operating requirements and
5 conditions set forth in this section and to assure that the general public health, safety and
6 welfare will be protected.

7 6. Term and Renewal. The planning director may approve a conditional use permit for a sidewalk
8 cafe for a maximum period of one year in accordance with Chapter 17.60 LCMC. Thereafter, the
9 planning director, if an extension application is filed prior to any expiration date of the
10 conditional use permit, may extend the permit for additional periods, with the same or modified
11 conditions of approval, not to exceed one year for each extension, following his/her review and
12 approval of the sidewalk cafe's operations. Alternatively, the planning director may decide not to
13 extend the permit. The planning director must find that the conditions of the permit have not
14 been violated in order to extend the permit.

15 7. Revocation. A conditional use permit may be revoked by the planning commission, following
16 notice to the permittee and a public hearing, upon a finding that any of the following are true:

- 17 a. That one or more conditions of the permit have been violated;
- 18 b. That one or more conditions of this section have been violated;
- 19 c. That the sidewalk cafe is being operated in a manner which constitutes a nuisance; or
- 20 d. That the operation of the sidewalk cafe unduly impedes or restricts the movement of
21 pedestrians past the sidewalk cafe.

22 L. Repealed by Ord. 2008-21. (Ord. 2008-21 § 2; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(6))
23 17.45.070——Signs.

24 Signs are allowed within the TVC zone in compliance with the provisions of Chapter 17.72 LCMC,
25 except that:

- 26 A. Freestanding pole signs and internally illuminated signs are prohibited.
- 27 B. Sign Area.

28 1. Attached Signs. The total cumulative square footage allowable for attached signs per
29 commercial establishment in the TVC zone is 32 square feet. There is no limit to the number of
30 attached signs.

31 2. Freestanding Signs. The total cumulative square footage allowable for freestanding signs per
32 commercial establishment in the TVC zone is 32 square feet. The maximum number of
33 freestanding signs is one per lot. The maximum height is six feet.

34 C. Sign Area Bonus. For commercial establishments that do not have an on-site freestanding
35 sign, the maximum allowable sign area for attached signs can be increased to 64 square feet.

36 D. Pedestrian-Oriented Sign Bonus. The maximum size for any one bonus pedestrian sign shall
37 be six square feet, up to a total of 12 square feet for all such signs. Pedestrian-oriented signs
38 include: window signs, small wall-mounted or projecting signs located not more than 10 feet
39 above grade, signs placed on awning valances, and signs suspended under canopies and
40 awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of
41 seven and one-half feet of clearance. (Ord. 2019-14 § 4; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(7))

42 17.45.080——Parking.

43 Off-street parking and loading for uses within the TVC zone shall be provided in accordance
44 with Chapter 17.56 LCMC with the following modifications:

1 A. Number of Parking Spaces.

2 1. Commercial and Mixed Use. The TVC has no minimum off-street parking requirement for any
3 commercial or mixed use building.

4 2. Residential. Multifamily dwellings, duplexes, and attached single-family dwellings in the TVC
5 zone must have one and one-half spaces per dwelling unit.

6 3. Any other uses must provide the number of spaces required by LCMC 17.56.050.

7 B. Location of Parking.

8 1. All Properties. Except for one-family and two-family dwellings, new surface parking must be
9 parallel on-street parking spaces, parking bays abutting the street, parking areas located behind
10 or to the side of a building, or a combination of the above. Paved parking spaces for standard-
11 sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the
12 parking requirements for the development on that parcel.

13 2. Properties on Highway 101. For parcels fronting on Highway 101, the number of on-street
14 parking spaces for standard-sized vehicles within 200 feet of a parcel may be counted toward
15 the required number of parking spaces. (Ord. 2019-04 § 1; Ord. 2000-09 § 3; Ord. 84-2 §
16 3.105(8))

17 17.45.090 — Development incentives.

18 In order to achieve the type and quality of development and revitalization envisioned for Taft,
19 certain development incentives may be allowed to encourage developers and property owners
20 to participate in the various programs described below. Incentive bonuses may be granted at
21 the discretion of the planning director and nothing contained herein shall obligate the planning
22 director to provide any of the following bonuses or give an applicant any right to any of the
23 following bonuses.

24 A. Pedestrian Amenities Incentive. Within the TVC zone, it is desirable to encourage the
25 provision of pedestrian amenities, which include linkages between adjacent uses, public plazas
26 and other pedestrian-oriented areas that encourage interaction between people and vitality to
27 bayside environment.

28 1. Incentive Bonuses. For projects meeting the requirements for pedestrian linkage, public plazas
29 or weather protection, the following development bonuses may be available:

30 a. Required parking may be reduced by 10 percent; provided, that a finding can be made that
31 adequate parking will be available to the project.

32 b. Area of permitted signs may be increased by a maximum of 10 percent; provided, that a
33 finding can be made that the increased sign area does not detract from the beautification and
34 pedestrian-oriented objectives for Taft.

35 c. Through the development agreement process, the planning director may consider other
36 incentive bonuses, such as reductions in processing fees, in-lieu fees, low interest loans or utility
37 connection fees. The extent of such bonuses may vary on a case-by-case basis between the
38 project applicant and the planning director.

39 For projects meeting all three requirements (pedestrian linkage, public plazas and weather
40 protection) the above development bonuses plus up to one additional dwelling unit for each
41 5,000 square feet of lot size may be available.

42 2. Requirements for Incentive Bonuses.

1 a. Pedestrian Linkage. In order to qualify for the pedestrian linkage bonus, a proposed project
 2 must meet all of the following requirements, unless otherwise determined by the planning
 3 director:

- 4 i. Pedestrian linkages and pathways that run between buildings shall be a minimum of 10 feet in
 5 width; linkages and pathways longer than 50 feet shall be an average of 20 feet wide.
- 6 ii. Pedestrian linkages shall be designed to be an integral part of the overall project and shall be
 7 configured to provide straightforward access from the development to adjacent land uses. The
 8 incorporation of plazas into the design of pedestrian linkages is highly encouraged.
- 9 iii. Business entrances are encouraged to front onto a pedestrian linkage or pathway. If it is
 10 deemed that a ground floor business entrance cannot front onto a pedestrian linkage or
 11 pathway, a minimum of one display window per business shall be provided facing onto the
 12 pathway or linkage.
- 13 iv. The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade,
 14 textured paving, or other design elements to enhance the overall pedestrian environment and
 15 provide a high level of security, attractiveness, and convenience.
- 16 v. The property owner shall be responsible for maintenance and other liabilities of the
 17 pedestrian linkages.

18 Pedestrian Linkages

19

20 b. Public Plaza. In order to qualify for the public plaza incentive bonus, a proposed project must
 21 meet all of the following requirements. Where inconsistent setbacks occur along the street,
 22 plazas shall be considered to compensate for the broken building edge.

- 23 i. Plazas shall be designed with unimpeded lines of sight to and from the public sidewalk and
 24 pedestrian linkages.
- 25 ii. Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.
- 26 iii. Visual features, such as public art or a fountain, shall be incorporated in plazas to attract
 27 pedestrians.
- 28 iv. Shade trees or other elements providing relief from the sun, rain, and wind shall be
 29 incorporated within plazas. Landscaping shall provide special interest through unique foliage,
 30 color, and seasonal changes in plant habit, scent, or floral display.
- 31 v. Special paving and street furniture per the Taft streetscape furniture palette, as provided in
 32 Figure 17.45.090-A, shall be used in plazas to complement the streetscape elements in the
 33 public right-of-way.
- 34 vi. The property owner shall be responsible for maintenance and other liabilities of the public
 35 plazas.

36 c. Weather Protection. In order to qualify for incentive bonuses, a weather protection structure
 37 shall be provided along all street frontages designed for edge treatment A. Weather protection
 38 structures shall be reviewed and approved by the planning director, city engineer and all
 39 affected public utility agencies. The weather protection structure shall incorporate the following
 40 design features:

- 41 i. The structure, e.g., canopies, porches, porticos, arcades, colonnades, verandas, balconies,
 42 building cantilevers, and building second stories, shall provide weather protection between the
 43 building face and curb line either within the existing public right-of-way or sidewalk easement.

- 1 ii. A minimum 10-foot clearance must be achieved between the bottom of the weather
- 2 protection structure and the ground below.
- 3 iii. All-weather protection structure support features such as columns, posts, pillars, etc., must be
- 4 located so as to align with the existing curb line. A minimum 10-foot separation shall be
- 5 achieved between support features. In addition, a sidewalk with a minimum width of five feet
- 6 shall be achieved between the building face and back of curb.
- 7 iv. Where existing weather protection structures exist on adjacent properties, proposed
- 8 protection structures shall be fully attached and integrated with the existing structure so as to
- 9 achieve continuous weather protection along the street frontage.
- 10 v. The design of the weather protection structure and materials utilized shall generally comply
- 11 with the design theme guidelines adopted for the Taft Village core and will include property
- 12 owner input into alternative designs.

13 Figure 17.45.090-A

14

15 (Ord. 2000-09 § 3; Ord. 84-2 § 3.105(9))

16 17.45.100 — Nonconforming uses and structures.

17 A. Continuation of Nonconforming Use. A use lawfully occupying a structure or site on

18 November 6, 2000, that does not conform to the regulations for the Taft Village core zone shall

19 be deemed to be a nonconforming use and may be continued, subject to the following

20 regulations:

- 21 1. Routine maintenance and repairs may be performed on structures or sites the use of which is
- 22 nonconforming.
- 23 2. Structures or sites, the use of which is nonconforming, may be altered, renovated, enlarged,
- 24 replaced, or moved if, and only if:
- 25 a. As to any added area, at least the entire added area will be used for a use that conforms to
- 26 the regulations for the Taft Village core zone; and
- 27 b. The area continuing to be used for the nonconforming use is not more than the area lawfully
- 28 used for the nonconforming use immediately prior to the alteration, renovation, enlargement,
- 29 replacement, or movement.

30 B. Continuation of Nonconforming Structure. A structure lawfully occupying a site on November

31 6, 2000, that does not conform to the regulations for the Taft Village core zone shall be deemed

32 to be a nonconforming structure and may be continued or replaced, subject to the following

33 regulations:

- 34 1. Routine maintenance and repairs may be performed on nonconforming structures.
- 35 2. Nonconforming structures may be altered, renovated, enlarged, replaced, or moved if, and
- 36 only if, the alteration, renovation, enlargement, replacement, or movement does not cause the
- 37 ultimate structure to further violate the regulation or regulations under which the structure was
- 38 nonconforming.

39 C. Applicability of Chapter 17.64 LCMC (Nonconforming Uses). LCMC 17.64.020(A) and

40 17.64.030(A) shall not apply to nonconforming uses and structures in the Taft Village core zone.

41 Except as so limited, Chapter 17.64 LCMC shall apply to nonconforming uses and structures in

42 the Taft Village core zone. (Ord. 2010-05 § 4; Ord. 2000-09 § 3; Ord. 84-2 § 3.105(10))

43

44 Chapter 17.50

1 OCEANLAKE PLAN (OP) DISTRICT

2 Sections:

3 Article I. General Provisions

4 17.50.005— Definitions.

5 17.50.010— Purpose and overall guiding principles.

6 17.50.020— Oceanlake district overlay zones.

7 17.50.030— Applicability of municipal code regulations.

8 17.50.040— Administration of design standards.

9 Article II. Land Use Standards

10 17.50.050— Permitted uses.

11 17.50.060— General development standards.

12 Article III. Design Standards

13 17.50.070— Purpose.

14 17.50.080— Block layout, alleys and connections to public parking facilities.

15 17.50.090— Buildings and structures.

16 17.50.100— Streetscapes.

17 17.50.110— Pedestrian spaces.

18 17.50.120— Off-street parking and circulation.

19 17.50.130— Pedestrian access.

20 17.50.140— Landscaping.

21 17.50.150— Signs.

22 17.50.160— Exterior lighting.

23 Article I. General Provisions

24 17.50.005— Definitions.

25 The following definitions are informational. Where conflicts occur between the definitions below
26 and an adopted building code, the adopted building code shall apply. For terms that are not
27 defined below and are not defined in the building code, the reviewing authority will use its
28 discretion in selecting from professional source materials that are most relevant to the question
29 at hand.

30 "Accessibility" means the locational and design characteristics of a use, structure, or facility that
31 permit it to be reached by one with a disability, as prescribed under the Americans with
32 Disabilities Act and associated building codes and guidelines.

33 "Alcove" means a recessed section of a building's exterior wall; may provide weather protection,
34 outdoor seating or other pedestrian amenities.

35 "Basement" means the lowest story of a building where 50 percent or more of the floor is
36 located below the grade plane.

37 "Belt course" means a horizontal course in a masonry wall that is of a different color, texture,
38 size, or material and which is compatible with the overall form and architectural composition.

39 "Bollard" means a post of metal, wood or masonry, or a combination thereof, that is used to
40 separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or
41 pathway lighting.

42 "Clerestory" means a window that extends from the ground floor of a building to near the top of
43 an outside wall.

- 1 "Corbel" means a projection of a building out from a masonry wall, sometimes to support a load
2 and sometimes for decorative effect.
- 3 "Cornice" means the exterior trim of a structure at the meeting of the roof and wall.
- 4 "Facade" means the front or principal face of a building, or any side of a building that faces a
5 street, way, or pedestrian space.
- 6 "False front" means a front wall that extends beyond the sidewalks or rooftop of a building to
7 create a more imposing facade. (See also "Parapet.")
- 8 "Fenestration" means the arrangement and design of windows and doors in a building.
- 9 "Grade" means the surface elevation of the ground.
- 10 "Guideline" means a recommended approach, parameter, example, and/or rationale for
11 interpreting, applying, and/or modifying a standard through the site plan review process. For the
12 purpose of site plan review, the photographs, illustrations, and diagrams contained in this
13 chapter are intended to be used as guidelines, except where an illustration contains a specific
14 dimensional requirement or is accompanied by the words "shall" or "must," then the illustration
15 is intended as a standard.
- 16 "Island alley" means an alley that does not connect to any street but is designed to allow for
17 future extension through abutting properties and connection to a street or public parking
18 facility. Island alleys serving one or more parcels may be approved through site plan review.
- 19 "Lintel" means a heavy horizontal beam of wood or stone over an opening of a door or window
20 to support the weight above it.
- 21 "Medallion" means a small decorative detail used to accent a building's exterior.
- 22 "Mezzanine" means an intermediate level between a ground floor and the upper story(ies)
23 occupying a partial area of floor space.
- 24 "Parapet" means a low protective wall at the edge of a roof.
- 25 "Pedestrian-scale lighting" means lighting that is designed and located to illuminate a sidewalk,
26 pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and
27 step lights are typical of pedestrian-scale lighting.
- 28 "Pedestrian space" means a public gathering space, such as a plaza, square, outdoor seating
29 area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or
30 more developments to the adjacent streetscape.
- 31 "Pediment" means a low-pitched gable over a portico, door or window; may be used to reduce
32 the scale of a building facade.
- 33 "Pier" means a portion of a wall between windows, doors or other openings.
- 34 "Pilaster" means a shallow pier used to buttress a wall; or a rectangular column with a capital
35 and base, projecting only slightly from a wall as an ornamental motif.
- 36 "Pocket park" means a small plaza or landscaped pedestrian space, typically less than one-
37 quarter acre and not for recreational use.
- 38 "Portico" means a porch or entrance to a building consisting of a covered and often columned
39 area; may be used to address building orientation standards where redeveloping a building to
40 meet the front property line is not feasible.
- 41 "Public art" means artwork in the public realm, regardless of whether it is on public or private
42 property, or whether it is acquired through public or private funding. Public art can be a
43 sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain,
44 engraving, carving, fresco or similar artwork which is approved through design review. In

1 evaluating public art proposals, the reviewing authority may refer to guidelines and inventories
2 prepared by the arts committee, the National Trust for Historic Preservation and/or other
3 references it deems appropriate.

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

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

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

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

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

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

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

23 "Wayfinding sign" means a directional sign that is part of an overall sign program for a district,
24 neighborhood, or other city-recognized area as approved through design review. (Ord. 2007-08
25 § 1 (Exh. B, Appx. A))

26 17.50.010 — Purpose and overall guiding principles.

27 The Oceanlake plan (OP) district is established to provide for the integration of residential,
28 commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed use
29 environment. The purpose of the district is to provide maximum flexibility in land use where a
30 proposed development meets the design requirements of this chapter; the land use approvals
31 process should be as predictable and efficient as possible while striving for excellence in design.
32 The OP land use and design standards in Articles II and III of this chapter, respectively, are
33 intended to ensure that projects support the following objectives:

- 34 • Integration and functionality of land uses,
- 35 • Connecting Oceanlake to the ocean,
- 36 • Respecting neighborhood transitions,
- 37 • Designing for the climate,
- 38 • Aesthetics and context-sensitive design,
- 39 • Balancing durability and affordability.

40 A. Integration and Functionality of Land Uses. Connections between building entrances,
41 sidewalks and associated pedestrian areas should be made to encourage visual and physical
42 integration with a strong sense of place. Due to the small parcel sizes and limited right-of-way
43 widths within Oceanlake, developments should maximize the opportunity to consolidate and
44 share parking, for example, by extending alleys or shared driveways, particularly those

1 connecting to public parking facilities. Where such connections are not practicable, site plans
 2 should maximize the opportunity to provide shared parking serving multiple developments.

3 B. Connecting Oceanlake to the Ocean. Oceanlake has a well developed network of east-west
 4 (numbered) streets providing visual and, in some cases, physical access to the beach. The skyline
 5 is not defined by skyscrapers but village-scale storefronts, beach cottages and hotels nestled
 6 between rolling hills, shore pines, and ocean bluffs. While the city recognizes that it is not
 7 possible or practical to preserve all views of the ocean, new projects should be designed to take
 8 advantage of ocean views while maintaining view corridors from adjacent rights-of-way and
 9 pedestrian spaces to the greatest extent practicable. Building stories above 35 feet are required
 10 to step back away from the street to maintain a village scale along the street, and to allow for
 11 sunlight and ocean views.

12 C. Respecting Neighborhood Transitions. Developments on the edge of the Oceanlake plan
 13 district should be made compatible with abutting single-family residential uses outside the plan
 14 district, particularly the single-story bungalows and cottages in the R-1-5 zone north of NW 19th
 15 Street. The design standards for Oceanlake are intended to address compatibility through
 16 height, mass, scale, materials, detailing, setbacks and other elements.

17 D. Designing for the Climate. Temperatures in Lincoln City vary widely and it can rain any day of
 18 the year. People like being outside and will often walk from place to place even when it's raining.
 19 Oceanlake has many visitors in the summer and more people are making it their home, or
 20 second home. Therefore, buildings should be designed to withstand high winds, as storms can
 21 generate winds of 100 miles per hour. Rooflines should not be overly complex and should have
 22 proper drainage for rainwater. Roofs should shed and drain water away from building openings,
 23 parking, refuse storage areas and other such areas. Buildings should incorporate canopies,
 24 awnings, porticos or similar weather protection features. Pedestrian amenities such as plazas
 25 and outdoor seating areas should take advantage of southern exposures and be protected from
 26 the wind, to the greatest extent practical.

27 E. Aesthetics and Context Sensitive Design. Oceanlake's aesthetic is rooted in the area's eclectic
 28 mix of beach cottages, hotels, and main street storefronts nestled between rolling hills, shore
 29 pines, and ocean bluffs. The Oceanlake plan district encourages new development and
 30 redevelopment that honors the past while providing a contemporary interpretation of the area's
 31 architecture and history. The predominant building materials are painted or natural-stain wood
 32 siding (shingle, lap, or board-and-batten), masonry block, brick and stone. Detailing may include
 33 any of these materials, as well as limited use of metal or vinyl for canopies, building detailing
 34 (e.g., flashing, roof gutters, drains, etc.), signs, art, and other detailing.

35 While each project is unique, the Oceanlake design standards (Article III of this chapter) are
 36 intended to provide clear and consistent standards. The standards discourage overly thematic,
 37 "formula" architecture, or designs used by retailers, national chain stores, franchises and other
 38 companies with stores or offices in multiple locations; provided, that corporate logos, art and
 39 similar commercial speech are not restricted.

40 F. Balancing Durability and Affordability. "Balancing durability and affordability" means that the
 41 city is practical in administering its codes. Great design does not have to be expensive. Sound
 42 design principles, quality workmanship, long-lasting materials, and routine maintenance are all
 43 important. Historically, development in Oceanlake has been characterized by relatively simple
 44 building forms with moderate detailing and ornamentation. Traditional materials such as wood,

1 stone, and brick are preferred, but other materials, such as architectural-grade composite
2 boards, shingles and trim, may be used when it is demonstrated that the material is durable and
3 fits the overall composition of the proposed design. Project designs should respect the past,
4 while being practical and durable for the future. (Ord. 2007-08 § 1 (Exh. B § 1(A))

5 17.50.030—Applicability of municipal code regulations.

6 A. Applicability. The provisions of the Oceanlake plan district, in addition to all other applicable
7 regulations of this title and other city ordinances, shall apply to all uses of land and
8 development within the OP district.

9 B. Redevelopment and Remodels. Where an existing use or development is proposed to be
10 modified through redevelopment or exterior remodeling, the standards shall apply only to that
11 portion of the use or development that is to be modified; where more than 50 percent of the
12 use or development is to be modified, the reviewing body may require the entire development
13 to conform to the provisions of this chapter, as provided in subsection (E) of this section.

14 C. Burden of Proof. The applicant has the burden of proof of demonstrating conformity with the
15 standards and criteria of this chapter.

16 D. Ordinance Conflicts. Where conflicts occur between the design standards and other municipal
17 code regulations, the provisions of this chapter shall apply.

18 E. Nonconforming Situations. Existing uses and/or developments that do not conform to the
19 provisions of this chapter, but were established lawfully prior to the city adopting this chapter,
20 shall be allowed to continue, as provided in Chapter 17.64 LCMC, Nonconforming Situations.
21 (Ord. 2007-08 § 1 (Exh. B § 1(C))

22 17.50.040—Administration of design standards.

23 A. Site Plan Review. The design standards will be applied to commercial development (including
24 mixed use and multifamily dwellings, but not including single family or two family dwellings)
25 that must receive approval through the city’s site plan review process during that process and
26 prior to issuance of building permits. Single family or two family dwellings are subject to the
27 design standards requirements relating to block layout, alleys, and connections to public parking
28 facilities (LCMC 17.50.080) and must receive approval through the building permit review
29 process. The planning director may refer any site plan review application to the planning
30 commission for a public hearing when:

- 31 1. The applicant has requested an adjustment or modification to one or more Oceanlake code
32 standard(s), as provided in subsection (C) of this section; or
- 33 2. The applicant requests a hearing; or
- 34 3. The planning director determines that the size or scale of the development (vis-a-vis its
35 appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

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

- 42 1. Intent statements are not applicable approval criteria, except requests for adjustments or
43 variance must demonstrate how the proposal conforms to the code’s intent.
- 44 2. Standards use the words “shall” or “must” and are mandatory.

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

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

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

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

15 7. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause
16 any other standard or guideline to be nullified.

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

- 19 1. The chapter's guiding principles and the intent statement(s) under the applicable standard to
- 20 be adjusted can be better met through a proposed alternative design solution; or
- 21 2. There are practical difficulties in meeting a standard based on the necessary characteristics of
- 22 an allowed use. In such cases the design must provide other features that tend to meet the goal
- 23 of the standard (such as a trellis with vines, a sculpture, or a pergola).

24 Where the code language suggests more than one way to meet a particular standard, the
25 applicant is encouraged to be creative and propose the most appropriate design solution given
26 the site's context and the purpose of the code. The decision-making body shall refer to the
27 guiding principles in LCMC 17.50.010, the purpose in LCMC 17.50.070, and the intent under each
28 standard, in making its decision; the purpose, guiding principles and intent statements shall
29 serve as the approval criteria for adjustments.

30 D. Incentives for Design Excellence. The city encourages excellence in design. Projects that
31 provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or
32 superior architecture may be rewarded, for example, with reduced off-street parking
33 requirements, reduced lot sizes, increased allowable building coverage, and/or assistance from
34 the city's urban renewal program. These incentives are in addition to the adjustments provided
35 in Article III of this chapter. In granting incentives, the hearing body shall find that the incentive
36 results in a design that is superior to what is required under the base standard(s), and is
37 consistent with one or more of the following guidelines:

- 38 1. Integration and Functionality of Land Uses. Mixed use projects combining upper-story
- 39 residential uses with ground floor commercial or civic uses are preferred over single-use
- 40 developments.
- 41 2. Connecting Oceanlake to the Ocean. Oceanfront projects that provide physical beach access
- 42 to the public are preferred over those that provide only visual access or no access at all. Non-
- 43 oceanfront projects should maintain views of the ocean from public rights-of-way where such
- 44 views currently exist. Where a project results in diminished ocean views, the decision body may

1 consider other mitigating circumstances in approving an incentive, such as the provision of
2 pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable to the public
3 to more easily access the shoreline.

4 3. Respecting Neighborhood Transitions. Where an applicant requests an exception to the
5 maximum building height standards abutting a residential zone, the project must incorporate
6 mitigating design features, such as additional open space or buffering adjacent to residential
7 uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to
8 the city for review. The applicant's efforts to engage the public (e.g., through a design charrette)
9 prior to submitting a site plan application may influence the decision body in approving or
10 denying incentives.

11 4. Designing for the Climate. Incentives may be appropriate for projects incorporating green
12 building practices, such as the preservation of existing mature vegetation, use of water quality
13 treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy
14 conservation in construction. Projects eligible for green certification through a nationally
15 recognized program (e.g., Leadership through Energy and Environmental Design (LEED) or
16 similar program approved by the city) are preferred over those that do not meet such criteria.

17 5. Aesthetics and Context Sensitive Design. Architecture that goes beyond base code
18 requirements and achieves the vision contained in the Oceanlake redevelopment plan is
19 preferred over architecture that merely conforms to the base code requirements. For example,
20 corner properties along Highway 101, particularly those in gateway locations, should reach the
21 35-foot allowable height by incorporating a third building story, tower, or other signature
22 architectural feature. Oceanfront designs should be superior in both their street-fronting
23 elevation, as well as their ocean-fronting elevation.

24 6. Balancing Durability and Affordability. In granting incentives, preference may be given to
25 projects providing affordable workforce housing or affordable commercial space to small
26 businesses (except overnight accommodations). "Affordable housing" means households
27 earning less than the area median income pay no more than 30 percent of their income toward
28 housing costs. Where incentives are provided, the reviewing authority may require the
29 applicant/owner to record deed restrictions or provide other assurances that the subject
30 housing remains affordable for not less than 10 years. (Ord. 2010-06 § 7; Ord. 2007-08 § 1 (Exh.
31 B § 1(D))

32 Article II. Land Use Standards

33 17.50.050 — Permitted uses.

34 Table 17.50.050 identifies the land uses allowed in each of the three Oceanlake subdistricts. Uses
35 permitted subject to site plan review are identified with "P"; those that are allowed subject to
36 conditional use permit are identified with "CU"; prohibited uses are identified with "N." If a use is
37 not listed, the planning commission may interpret the code and make a similar use ruling
38 following the procedure for authorization of similar uses found in LCMC 17.52.020.

39
40 Table 17.50.050 — Land Uses Allowed in Oceanlake

41
42 Uses — Status of Use in District
43 Use Categories — Main Street Area — Interior Area — Oceanfront Area
44 Residential Categories —————

- 1 Household Living _____
- 2 All residential uses allowed, if: _____
- 3 Lawfully existing as of July 25, 2007 P P P
- 4 New dwelling(s) – ground floor N P P
- 5 Dwelling(s) above a ground floor commercial use P P P
- 6 Four flat dwellings, subject to the provisions of LCMC 17.80.140 P P P
- 7 Manufactured homes when developed in accordance with the standards set forth in LCMC
- 8 17.52.250 P
- 9 Commercial Categories _____
- 10 Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) _____
- 11 _____
- 12 Lawfully existing as of July 25, 2007 P N N
- 13 New or expanded use N N N
- 14 Bed and breakfast inn, per LCMC 17.80.060 P P P
- 15 Educational services, not a school (e.g., tutoring or similar services) P P P
- 16 Entertainment, major event CU CU CU
- 17 Overnight accommodations, except bed and breakfast inns CU CU P
- 18 Offices P P P
- 19 Outdoor recreation, commercial CU CU CU
- 20 Surface parking lot, except for public facilities and parking as an accessory use N CU
- 21 N
- 22 Vehicle servicing or vehicle repair N N N
- 23 Retail sales and service, excluding drive-up P P P
- 24 Retail marijuana facility, subject to the provisions of LCMC 17.80.130 P N N
- 25 Self-service storage N N N
- 26 Vacation rental dwelling, subject to LCMC 17.80.050 and to the license requirements of Chapter
- 27 5.14 LCMC P P P
- 28 Industrial Categories _____
- 29 Industrial service, excluding drive-up _____
- 30 Fully enclosed (e.g., office) CU CU N
- 31 Not enclosed N N N
- 32 Manufacturing and production in conjunction with an allowed commercial use _____
- 33 Fully enclosed CU CU CU
- 34 Not enclosed N N N
- 35 Warehouse and freight movement N N N
- 36 Waste-related, except as accessory to a primary permitted use N N N
- 37 Wholesale sales _____
- 38 Fully enclosed CU CU N
- 39 Not enclosed N N N
- 40 Institutional Categories _____
- 41 Basic utilities P P P
- 42 Colleges CU N N
- 43 Community service, including government use (public or nonprofit) P CU CU

- 1 Day care, adult or child day care; does not include family day care (16 or fewer children) under
- 2 ORS 657A.440 CU P CU
- 3 Parks and open space _____
- 4 Pedestrian amenities P P P
- 5 Parks and recreation facilities P P P
- 6 Other open space P P P
- 7 Places of worship¹ _____
- 8 Lawfully existing as of July 25, 2007 P P P
- 9 New CU CU CU
- 10 Schools CU CU CU
- 11 Other Categories _____
- 12 Accessory structures (with a permitted use) P P P
- 13 Commercial radio frequency transmission facilities such as mini-cell antennas and wi-fi antennas
- 14 _____ CU CU CU
- 15 Stand-alone wireless communications facilities N N N
- 16 Essential emergency communications, early warning and associated emergency facilities P
- 17 _____ P P
- 18 Community gardens and market gardens not larger than 12,500 square feet, in accordance with
- 19 the standards of LCMC 17.80.080 P P P
- 20 Gardens and animals, accessory to a permitted use and subject to the provisions of LCMC
- 21 17.80.080 P P P
- 22 Accessory dwelling units, accessory to single-family dwelling or duplex, subject to the provisions
- 23 of LCMC 17.80.110 P P P
- 24 Transportation facilities (operation, maintenance, preservation, and construction in accordance
- 25 with the city's transportation system plan) P P P

27 Key:

- 28 P = Permitted, subject to site/development review
- 29 CU = Conditional use permit required (Chapter 17.60 LCMC)
- 30 N = Not permitted

31 1. Together with accessory uses as specified in LCMC 17.80.160.
 32 (Ord. 2019-29 § 2; Ord. 2019-24 § 17; Ord. 2019-21 § 9; Ord. 2019-02 § 7; Ord. 2016-20 § 8; Ord.
 33 2016-05 § 4; Ord. 2014-29 § 4; Ord. 2014-08 § 7; Ord. 2009-05 § 17; Ord. 2007-08 § 1 (Ex. B §
 34 2(A))
 35 17.50.060 — General development standards.
 36 Except as modified through the procedures in LCMC 17.50.040(C), the development standards in
 37 Table 17.50.060 apply to all Oceanlake uses and development.
 38 Table 17.50.060 — Development Standards

39

40 Standard	_____	Main Street/Hwy 101 Area	_____	Interior Area	_____	Oceanfront Area	_____
41 Minimum lot area* (square feet)	_____						
42 *Development must conform to lot width, depth, yard setback and coverage standards.	_____						
43 _____							
44 Detached single-family dwelling	_____	Not applicable	5,000 sf	_____	5,000 sf		

- 1 Attached single-family dwelling ~~Not applicable~~ 2,000 sf (alley required) ~~5,000 sf~~
- 2 Other structures ~~5,000 sf~~ ~~5,000 sf~~ ~~5,000 sf~~
- 3 Minimum lot width ~~50 ft~~ ~~20 ft w/alley access; or 50 ft w/out alley~~ ~~50 ft~~
- 4 Minimum lot depth ~~50 ft~~ ~~50 ft~~ ~~50 ft~~
- 5 Building/structure height, per LCMC 17.50.090(B)(1) _____
- 6 Maximum height (see exceptions in LCMC 17.50.090(B)(1)) ~~35 ft~~ ~~35 ft~~ ~~35 ft~~
- 7 Minimum height ~~18 ft~~ _____
- 8 Fences, retaining/garden walls _____
- 9 Maximum height – front and street yards ~~3.5 ft~~ ~~3.5 ft~~ ~~3.5 ft~~
- 10 Maximum height – interior side and rear yards ~~6 ft~~ ~~6 ft~~ ~~6 ft, except as may be~~
- 11 ~~prohibited in coastal zone~~
- 12 Building coverage _____
- 13 Maximum building coverage (foundation plane as % of site area) ~~90%~~ ~~80% where alley~~
- 14 ~~access or on-street parking provided~~
- 15 _____
- 16 ~~60% where no alley access or on-street parking provided~~ ~~80%~~
- 17 Minimum landscape area (% site area)
- 18 ~~except does not apply to single-family dwellings. Landscape area may include plant areas and~~
- 19 ~~approved pedestrian spaces. Street trees and other street frontage landscaping included. Single-~~
- 20 ~~family and duplex development is subject to landscaping standards in LCMC 17.52.100. ~~10%~~~~
- 21 ~~_____10%~~
- 22 ~~(may be reduced to 5% where at least one significant shore pine is preserved on site, subject to~~
- 23 ~~site plan review) _____10%~~
- 24 ~~(may be reduced to 5% where at least one significant shore pine is preserved on site, subject to~~
- 25 ~~site plan review)~~
- 26 Minimum setbacks (feet):
- 27 (See also LCMC 17.50.090(B)(8)(b), Height Step-Back.) _____
- 28 Front, street, side, and rear property lines, except garage or carport, and subject to building
- 29 code ~~0 ft, except as required for utility easements~~ ~~0 ft, except as required for utility easements~~
- 30 ~~_____10 ft~~
- 31 Garage/carport entry, setback from street ~~20 ft~~ ~~20 ft~~ ~~20 ft~~
- 32 Alley, building setback from alley ~~3 ft~~ ~~3 ft~~ ~~Not Applicable~~
- 33 Build-to line (feet): _____
- 34 New buildings only: At least one primary building entrance shall be built no farther from the
- 35 street right-of-way than the build-to line; except where a greater setback is required for a
- 36 planned street improvement, then the build-to line increases accordingly. The build-to line may
- 37 also be increased through site plan review when pedestrian amenities are provided between a
- 38 primary building entrance and the street right-of-way. ~~10 ft~~ ~~Not Applicable~~ ~~Not~~
- 39 ~~Applicable~~
- 40 Special setback for planned street improvements ~~30 feet from the street centerline where the~~
- 41 ~~ultimate right-of-way width is 60 feet;~~
- 42 ~~_____24 feet from the street centerline where the ultimate right-of-way width is 48 feet;~~
- 43 ~~_____15 feet from the street centerline where the ultimate right-of-way width is 30 feet.~~
- 44 _____

1 (Ord. 2010-06 §§ 7, 8; Ord. 2007-08 § 1 (Exh. B § 2(B))

2 Article III. Design Standards

3 17.50.070 — Purpose.

4 The Oceanlake design standards are intended to implement the redevelopment plan and vision
5 for Oceanlake. The standards reflect the following values and objectives:

6 A. Retain Oceanlake’s compact, walkable main street character and improve the Highway 101
7 commercial area as the district’s main working, shopping and entertainment district.

8 B. Support the formation of a mixed use, pedestrian-oriented district drawing visitors from
9 Highway 101 to the ocean.

10 C. Encourage architectural variety, consistent with the eclectic character of Oceanlake; provided,
11 that new development creates a close, intimate human scale and architectural design addresses
12 all four sides of a building.

13 D. Encourage the use of contextually appropriate materials, textures and colors.

14 E. Provide a continuous system of alleys and mid-block lanes with central public parking and
15 encourage the provision of shared private off-street parking.

16 F. Create vibrant pedestrian spaces (e.g., plazas, public art, cafe seating areas, etc.); pedestrian
17 spaces should help identify Oceanlake, create intrigue, and offer weather protection and
18 comfort to pedestrians while adding value to the district.

19 G. Break down large building masses and provide visual interest along the street.

20 H. Balance rhythm and continuity; encourage creativity in the design of building elevations,
21 rooflines and facade elements.

22 I. Treat corner lots as focal points with vertical elements, public art, seating, and other features.

23 J. Provide weather protection where buildings abut the street. (Ord. 2007-08 § 1 (Exh. B § 3(A))
24 17.50.080 — Block layout, alleys and connections to public parking facilities.

25 A. Intent. New development and redevelopment projects should reinforce the historic street grid
26 of Oceanlake and contribute to the development of central parking facilities interconnected by a
27 system of alleys. Buildings should be placed at or near the sidewalk edge and parking should be
28 set back behind or beside buildings. Parking should be provided on street where shoulders are
29 approved to accommodate parking spaces or bays, and shared parking areas internal to each
30 block. By maintaining the integrity of Oceanlake’s historic urban form, land is used efficiently,
31 traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly
32 district.

33 B. Standards:

34 1. Rights-of-Way.

35 a. New development and redevelopment projects that are projected to generate additional
36 vehicle and/or pedestrian traffic may be required to dedicate right-of-way and/or improve
37 abutting streets and alleys. See Figure 17.50.080-1.

38 b. Street right-of-way shall not be vacated, except where it is demonstrated that the vacation is
39 necessary to facilitate development of shared parking facilities and the development will
40 improve the pedestrian environment.

41 Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian
42 ways are examples of improving the pedestrian environment.

43

44 Figure 17.50.080-1: Typical local street.

- 1 2. Street/Alley Access.
- 2 a. New vehicle access to/from Highway 101 is discouraged; the city or ODOT may require vehicle
- 3 access be provided from side street or alley, and existing highway approaches be consolidated
- 4 as a condition of development approval.
- 5 b. The alignment of streets and alleys shall be maintained in new development to ensure
- 6 connectivity from block to block. The city may require the extension and improvement of an
- 7 alley as a condition of development approval. Where a block contains no alley, development
- 8 may be required to configure off-street parking such that an alley can be extended through it in
- 9 the future. Alleys shall be 12 to 16 feet in width, subject to site plan review. See example in
- 10 Figure 17.50.080-2.
- 11 c. Where a development receives credit toward off-street parking requirements based on its
- 12 proximity to a public parking facility and/or abutting on-street parking, the city may require the
- 13 owner to dedicate and improve an alley.
- 14 d. Alleys should be continuous through a block to facilitate property access and full utilization of
- 15 internal parking areas, except where existing development or the highway precludes the
- 16 continuation of an alley.
- 17 e. Alleys shall be contained in a public right-of-way or public access easement improved to city
- 18 standards.
- 19 f. Where an interior lot or parcel is unable to connect to an existing alley and the proposed site
- 20 plan provides a parking facility oriented to the rear of the property, the reviewing authority may
- 21 allow the creation of a temporary island alley. Island alleys must allow for future extension(s) to
- 22 abutting vacant and/or redevelopable properties.

23
24 Figure 17.50.080-2: Typical parking lot configuration allowing for future alley.

25 3. Buildings Abutting Interior Parking Areas. Where a block is planned to contain an interior
26 parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area
27 shall provide entrance(s) opening onto it or be connected to the street by a continuous
28 pedestrian walkway (e.g., between buildings). Buildings and development shall not be
29 configured in a way that precludes public access to such public parking facilities. (See also LCMC
30 17.50.090 through 17.50.130.) (Ord. 2007-08 § 1 (Exh. B § 3(B))

31 17.50.090 — Buildings and structures.

32 A. Intent. While many communities attempt to create or re-create an urban downtown of their
33 own, Oceanlake already has a main street with a mixture of older and contemporary buildings.
34 The interior area of Oceanlake, between the highway and ocean, also has the potential to
35 become a vibrant, mixed use neighborhood, as envisioned by the Oceanlake redevelopment
36 plan.

37 The eclectic group of buildings existing along the highway loosely follows the ageless rhythm of
38 a traditional main street. Therefore building design standards draw on traditional main street
39 elements while allowing for design variety. It is not the city's intent to create an architectural
40 theme or to freeze time. The design standards are not meant to halt progress or restrict
41 property rights, but rather to ensure that new buildings and remodels fit within the context of
42 their surroundings and support a compact, pedestrian-oriented district. In this way, the city can
43 ensure that Oceanlake retains its sense of place, its vitality and economic base.

44 The key elements of the building design standards are:

- 1 1. Eclectic coastal architecture, including residential, commercial, and mixed use development.
- 2 2. Building height and articulated facades that create a sense of street enclosure at a human
- 3 scale.
- 4 3. Contextually appropriate materials, textures and colors.
- 5 4. Storefront character (windows, pedestrian shelter, furnishings, etc.).
- 6 5. Adaptable building styles that comfortably accommodate commercial, residential and mixed
- 7 land uses.
- 8 6. A diversity of building facades and rooflines that fall into a consistent rhythm.
- 9 7. Corner lots as focal points with vertical elements, furnishings and public art.
- 10 B. Standards.
- 11 1. Height.
- 12 a. Maximum Height. The maximum allowable height is 35 feet, except that chimneys, spires,
- 13 towers, and other architectural projections with an area of no more than 150 square feet may be
- 14 allowed through site plan review. Building projections exceeding 35 feet in height within an
- 15 ocean view corridor must be recessed behind lower building stories by not less than six feet. For
- 16 the purpose of the OP district, ocean view corridors are all rights-of-way and parcels abutting
- 17 14th, 15th, 16th, 17th, 18th, and 19th Streets west of Highway 101, including rights-of-way and
- 18 parcels extending west of NW Harbor Street to the ocean. (See Figures 17.50.090-1, 17.50.090-2
- 19 and 17.50.090-3.)
- 20 b. Minimum Height. Buildings fronting onto Highway 101 shall be built to a height of not less
- 21 than 18 feet to maintain a sense of enclosure and a human scale relative to the street. Single-
- 22 story buildings shall incorporate parapets, towers or other design elements that reach the
- 23 minimum height. Single-story structures of less than 18 feet in height and fronting onto
- 24 Highway 101 may be approved by the reviewing authority where the proposed building is
- 25 replacing an automobile-oriented use as defined in LCMC 17.32.030.
- 26 2. Building Form.
- 27 a. Overall Form. Architectural designs shall address all four sides of a building. The predominant
- 28 form abutting Highway 101 is a generally flat elevation with any recesses, projections, or
- 29 rounded edges ("articulations") appearing subordinate to the dominant rectangular form. New
- 30 buildings should reflect the predominant form while expressing individuality; for example, with
- 31 vertical elements such as cupolas, turrets or towers on corner properties. New buildings should
- 32 not mimic any other building in their form or detailing.
- 33 b. Stepped Rooflines. Height shall vary from building to building to avoid a homogenous
- 34 appearance. This standard is met by using either stepped parapets or slightly dissimilar overall
- 35 height (i.e., building to building). Abrupt changes in height between buildings can be managed
- 36 by having the taller building follow the horizontal lines of the shorter building along the first two
- 37 floors and reference elements or detailing of the shorter building(s) on its upper stories. See also
- 38 subsection (B)(3) of this section, Storefront Character.
- 39 c. Sloping Roof. Front-facing gables as a primary roof form are not allowed in the Highway 101
- 40 area, unless visually screened from the right-of-way by a parapet. Where a building in the
- 41 Highway 101 area has a roof sloping to the rear of the site, it should have side parapets that
- 42 screen the roof and step down toward the rear of the building. Front gables, split-barrel roofs,
- 43 rounded parapets, turrets and similar forms may be used as secondary building elements or
- 44 accents but not primary roof forms in the Highway 101 area. Front-facing gables are allowed as

1 a primary roof form in the interior and oceanfront areas. Mansard roofs, including false
2 mansards (applied forms without windows), are discouraged and A-frame buildings and other
3 nontraditional Oceanlake forms are prohibited.

4 d. False Fronts. False fronts (e.g., boards, panels, flashing, etc.) covering historic masonry facades
5 are not permitted. Exterior remodeling is encouraged where it would remove the false front(s)
6 and restore or replace historically appropriate materials.

7 3. Storefront Character.

8 a. Fenestration (Windows and Doors):

9 i. Applicability. The window transparency requirement does not apply to the auditorium portion
10 of a theater (but does apply to the lobby and concession area), to the guestroom portion of a
11 motel, hotel, or resort (but does apply to the lobby and other portions), or to multiple-family
12 dwellings (but does apply to the commercial parts of mixed use buildings incorporating
13 multiple-family dwellings):

14 ii. Standard. Consistent with the desired storefront character in the Highway 101 area, buildings
15 shall provide large display windows, windowed doors and transom windows. The ground floor,
16 street-facing elevation of all buildings shall contain at least 60 percent transparent windows,
17 measured as a section extending the width of the street-facing elevation between the building
18 base (or 30 inches above the sidewalk grade, whichever is less) and a plane 80 inches above the
19 sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of
20 the lower level piers and the horizontal definition of spandrels and any cornices. Buildings
21 without a street-facing elevation, such as those that are set back behind another building and
22 those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the 60 percent
23 transparency standard on all elevations abutting pedestrian spaces(s) and on elevations
24 containing a primary entrance. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)

25 4. Building Orientation. New buildings shall conform to the build-to-line requirements in LCMC
26 17.50.060. Primary building entrances shall be oriented to a front yard or a side yard, consistent
27 with the build-to-line requirement.

28 5. Primary Entrances. Buildings shall have clearly defined primary entrances. Primary entrances
29 for buildings fronting onto Main Street/Highway 101 shall be oriented to the highway or a
30 corner where the highway and a side street meet. Buildings on other streets shall have primary
31 entrances oriented to a street, court or alley, as described in subsection (B)(2) of this section. All
32 primary entrances shall be covered for a depth of not less than five feet, either by recess,
33 overhang, canopy, portico and/or awning extending at least five feet over the entrance. See also
34 subsection (B)(14) of this section, Pedestrian Shelters.

35 6. Secondary Entrances. Buildings with more than 90 feet of frontage on a street shall have a
36 second entrance oriented to that street. Buildings adjacent to an internal parking area shall
37 provide a secondary entrance in conformance with subsection (B)(5) of this section. (See also
38 this section and LCMC 17.50.100, Streetscapes.)

39 7. Armature of the Block. The width of all buildings fronting Highway 101 shall extend from side
40 lot line to side lot line to maintain continuity of the storefront character. Exceptions to this
41 standard may be granted where the applicant demonstrates that the provision of side yards
42 contributes positively to the pedestrian environment, for example, by providing a pedestrian
43 space, a pedestrian access way to a parking facility, or an access to residences located on an
44 upper building story or behind a commercial use.

1 8. Building Mass.
 2 a. Traditional Building Pattern. Buildings shall incorporate offsets or divisions in the facade to
 3 express the traditional lot pattern and building width of Oceanlake. Changes in facade material,
 4 window design, facade height or decorative details are examples of techniques that should be
 5 used. These variations should be expressed throughout the width of the structure such that the
 6 composition appears to be a collection of smaller buildings or storefronts. See also subsection
 7 (B)(11) of this section, Horizontal Rhythms. (Recommended: Figures 17.50.090-1, 17.50.090-2,
 8 and 17.50.090-3.)
 9

10
 11 Figure 17.50.090-1: Example of acceptable building elements (35 feet).

12 b. Height Step-Back. For properties fronting Highway 101, portions of a building exceeding two
 13 stories shall be set back on the street sides of each successive story of the building above the
 14 second story a minimum of six feet from the next immediate lower story. The purpose of the
 15 height step-back is to maintain the appearance of a shorter building from the street and to
 16 provide for light filtering down to the street. Note: Height step-backs also apply along the east-
 17 west (numbered) streets for the purpose of protecting coastal views and solar access, per
 18 subsection (B)(1) of this section. (Recommended: Figures 17.50.090-1 and 17.50.090-2.) The
 19 planning and community development director may approve an adjustment waiving the above
 20 standard for a portion of a building incorporating a signature vertical element (e.g., clock tower)
 21 on a street corner, as recommended in subsection (B)(12) of this section. Any projection
 22 exceeding 35 feet shall be ornamental only and not contain habitable floor space. (See Figure
 23 17.50.090-3.)

24 c. Street Level/Upper Floor. The distinction between street level and upper floors shall be
 25 established, for example, through the use of awnings, canopies, belt course, or similar detailing,
 26 materials and/or fenestration. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-
 27 3.)

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

31 10. Openings.

32 a. Ground Floor Windows. Ground floor elevations shall conform to subsection (B)(3)(a) of this
 33 section and should contain windows that are framed by piers or pilasters (sides); awnings,
 34 canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and
 35 ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is
 36 encouraged. (Recommended: Figures 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

37 b. Upper Floor Windows. Upper floor window orientation should primarily be vertical, or have a
 38 width that is no greater than the width of the ground floor windows. (Recommended: Figures
 39 17.50.090-1, 17.50.090-2, and 17.50.090-3.)

40 c. Projecting Windows, Display Cases. Where windows, flower boxes or display cases break the
 41 front plane of the building on its ground floor, such windows shall not encroach into a required
 42 sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be
 43 part of the building (not affixed to the exterior) and integrated into the building with trim or
 44 other detailing.

1 d. Entrances. Ground level entrances shall be recessed behind the front facade not less than
2 three feet and be at least partly transparent, except transparency is not required on entrances to
3 residences. This standard may be met by providing a door with a window(s), a transom window
4 above the door, or sidelights beside the door.

5 e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-
6 facing elevation, they shall be visible from the street for security and have a canopy, awning, or
7 other weather protection shelter.

8 f. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are
9 not required to be recessed, but shall have an awning or canopy for weather protection. Where
10 a corner entrance is not provided, the building plan shall provide for a corner plaza consistent
11 with LCMC 17.50.110, or the building shall provide architectural features that honor the corner
12 as a pedestrian space; such features may include but are not limited to an alcove with seating,
13 public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock
14 tower), or other feature approved through site plan review. (See also LCMC 17.50.110,
15 Pedestrian spaces.)

16 g. Remodels. The scale and proportion of altered or added building elements, such as the size
17 and relationship of new windows, doors, entrances, columns, weather protection shelters, and
18 other features shall be visually compatible with the overall composition of the building (i.e.,
19 including building materials, color, detailing, etc.).

20 11. Horizontal Rhythms.

21 a. Traditional Lot and Building Pattern. Front elevations shall be articulated not less than once
22 every 25 feet to maintain a pedestrian scale and to avoid blank walls. Articulation should be
23 subtle. For example, slight offsets in a building elevation or roofline, and/or the rhythmic
24 placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and
25 ornamentation are preferred. Abrupt divisions, such as changes in cladding materials, or offsets
26 greater than eight feet, should be avoided. Side and rear elevations may be articulated less
27 frequently but should complement the overall building design. The approving authority may
28 require detailing on a zero lot line elevation to reduce the apparent scale and avoid blank walls,
29 i.e., until an abutting property develops. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)

30 b. Horizontal Lines. New building designs and exterior remodels shall establish prominent
31 horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials
32 and detailing below a series of storefront windows, awning or canopy line, belt course between
33 building stories, and cornice or parapet lines. It is not necessary for new lines to match existing
34 lines. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)

35 c. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the
36 ground level floor and upper floors, for example, through the placement of windows, transoms,
37 canopies, awnings, and signage. The majority of signage should be placed on the ground floor
38 elevation (e.g., sign bands, canopy signs, or blade signs). (Recommended: Figures 17.50.090-1
39 and 17.50.090-2.)

40 d. Building Base. Buildings shall have a foundation or base, typically from ground to the bottom
41 of the lower windowsills, with changes in volume or material, to give a sense of strength and
42 symmetry. (Recommended: Figures 17.50.090-1 and 17.50.090-2.)

43
44

1 Figure 17.50.090-2: Rhythm, massing, and building openings.

2 12. Vertical Lines. New construction or front elevation remodels should reflect a vertical
3 orientation, either through breaks in volume or the use of surface details, to divide large walls
4 and create a pedestrian scale. Building massing for corner properties on Highway 101 should
5 accentuate the corner location with a vertical element. See also subsection (B)(11)(a) of this
6 section, Traditional Lot and Building Pattern. (Recommended: Figures 17.50.090-1, 17.50.090-2,
7 and 17.50.090-3.)

8
9 Figure 17.50.090-3: Example of vertical element and desirable building height for corner
10 property on Highway 101. Note: building step-back not required on east side of Highway 101.

11 13. Materials and Color.

12 a. Primary Materials. Exterior building materials shall predominantly consist of painted or natural
13 stain wood, stone, brick, rusticated concrete block (warm earth tones) or comparable cladding.
14 Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior
15 cladding. See also subsections (B)(13)(c), Secondary Materials, and (B)(13)(d), Substitute
16 Materials, of this section.

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

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

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

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

41 f. Contemporary Designs. Materials that provide a contemporary interpretation of local
42 architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles are
43 encouraged. Buildings that resemble suburban strip malls (e.g., picture windows extending to

1 near grade level) and those that use highly reflective glass, clerestory windows and/or similar
2 nontraditional features are discouraged.

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

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

12 Exception: The reviewing authority may reduce the minimum shelter depth to four feet upon
13 finding that existing right-of-way dimensions or building code requirements preclude a larger
14 shelter.

15
16 Pedestrian shelters may come in a variety of forms, materials, and colors, provided they fit the
17 overall composition of the building. Actual designs should address the location and function of
18 the shelter, building codes, architecture, durability, and right-of-way constraints, if any.

19 15. Mechanical Equipment.

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

28 b. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed
29 the allowable building height.

30 c. Ground Mounted Units. Ground-mounted mechanical units shall be limited to side or rear
31 yards and screened with fences or walls constructed of materials similar to those on adjacent
32 buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation
33 to ensure their successful growth. (Ord. 2007-08 § 1 (Exh. B § 3(C))

34 17.50.100 — Streetscapes.

35 A. Intent. The relationship between the local street system, Highway 101 and adjoining
36 properties is important from both a transportation planning and a land use perspective. Oregon
37 Department of Transportation (ODOT) is the permitting authority for all access onto Highway
38 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage
39 development adjacent to the highway. The city's design standards are intended to implement
40 the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks,
41 weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art,
42 opportunities for cafe seating, and other amenities. A safe, inviting and comfortable pedestrian
43 environment benefits businesses, highway users and the community as a whole.

1 B. Standards. In addition to standards for block layout, alleys and parking lot access provided in
2 LCMC 17.50.080, the following provisions apply to all new development:

3 1. Transportation Plan Conformity. New development shall conform to the policies, standards,
4 specifications and design details (e.g., street sections) contained in the city's transportation
5 system plan (TSP) and the requirements of this chapter, specifically LCMC 17.50.080 (Block
6 layout, alleys and connections to public parking facilities) and 17.50.110 (Pedestrian spaces).
7 When streetscape improvements are required of new development, such improvements shall
8 conform to the TSP. Additionally, street furnishing shall conform to the specifications contained
9 in the Oceanlake redevelopment plan.

10 2. Local Streets and Alleys. LCMC 17.50.080 provides standards for extending alleys through
11 blocks and local street improvements.

12 3. Pedestrian Amenities. LCMC 17.50.110 provides standards for pedestrian spaces and
13 pedestrian amenities. Additionally, the Oceanlake redevelopment plan provides specifications
14 for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights. (Ord.
15 2007-08 § 1 (Exh. B § 3(D))
16 17.50.110—— Pedestrian spaces.

17 A. Intent. The increased development intensity, mixture of uses, pedestrian activity, close
18 building orientation and minimal private open space envisioned for Oceanlake require that
19 pedestrian space be provided along building frontages and in breaks between buildings.
20 Pedestrian space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access
21 ways between buildings, alcoves and pocket parks, provides visual relief, pedestrian resting
22 areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or
23 maintained. Public or private, they are as important as building design and central parking to the
24 success of Oceanlake. Therefore, the city requires that all new developments and redevelopment
25 projects contribute their proportionate share of pedestrian space.

26 B. Standards.

27 1. Pedestrian Space Standard. At least three percent of every development site, except for
28 residential developments, shall be designated and improved as pedestrian space. The highest
29 priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g.,
30 street corners and mid-block pedestrian access ways) that have a western or southern exposure
31 (within 45 degrees of true south or west). Where no such area exists, then pedestrian space
32 should be provided as an extended sidewalk or walkway connecting multiple developments. See
33 photo-examples in subsection (B)(2) of this section.

34 2. Dimensions. All pedestrian spaces shall have dimensions of not less than eight feet across and
35 have a surface area of not less than 64 square feet.

36
37

38 Pedestrian spaces should serve as focal points and gathering places, giving the downtown a
39 unique identity and sense of place. Pedestrian amenities may include, but are not limited to,
40 outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches,
41 public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at
42 crossings.

43 3. Public Access. Such areas shall abut a public right-of-way or otherwise be connected to and
44 visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be

1 identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in
2 pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the
3 owner shall be required to provide a public access way easement to the pedestrian space.
4 Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the
5 city. (Recommended: Figures 17.50.110-1 and 17.50.110-2.)

6
7 Figure 17.50.110-1: Example of a small pedestrian space containing approximately 64 square
8 feet.

9 4. Pedestrian Amenities Required. Where pedestrian space is required, it shall contain pedestrian
10 amenities such as plaza space, extra-wide sidewalks (i.e., outdoor cafe space), benches, public
11 art, pedestrian-scale lighting, wayfinding signs (as approved by the city) or similar pedestrian
12 areas in an amount equal to or greater than one-half of one percent of the estimated
13 construction cost of the subject building(s). Where a pedestrian space adjoins a building
14 entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection
15 feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g.,
16 antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in
17 fulfilling the one-half percent requirement. (See Figure 17.50.110-2.) Cost estimates for
18 pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect,
19 or other qualified professional, and shall be subject to review and approval by the administrator.

20
21
22 Figure 17.50.110-2: Example of preferred types of pedestrian amenities, shown with access way
23 between buildings leading to an internal parking area or street end.

24 5. Mechanical Equipment and Garbage Storage Areas. Mechanical equipment and garbage
25 storage areas are not permitted within pedestrian space(s). Such facilities shall be screened
26 completely from view and set back 20 feet or more from a pedestrian space for aesthetic
27 reasons and to minimize odors and noise. (Ord. 2007-08 § 1 (Exh. B § 3(E))

28 17.50.120— Off-street parking and circulation.

29 A. Intent. Parking is to be primarily in on-street parking spaces, parking bays abutting streets,
30 garages, and in shared public or private parking areas internal to each block. Areas of surface
31 parking must be behind or to the side of buildings. Surface parking may transition to structured
32 parking over time as the market and public-private partnerships allow.

33 B. Standards. In addition to standards for block layout, alleys and parking lot access provided in
34 LCMC 17.50.080, the following provisions apply to all new development and redevelopment:

- 35 1. Drive-Up and Drive-Through Uses. The Oceanlake plan district does not allow new drive-
36 up/drive-through facilities. Where applicable, the reviewing authority may approve the
37 relocation and improvement of existing drive-up facilities, subject to a conditional use permit.
- 38 2. Number of Required Parking Spaces. The Oceanlake plan district has no parking requirement
39 for any commercial or mixed use building in the main-street highway overlay zone or for the
40 commercial component of any mixed use building in the interior-mixed use or oceanfront
41 overlay zones; all other uses must conform to the minimum parking standards of the LCMC
42 17.56.050.

1 3. Location of Required Parking. New surface parking must be parallel on-street parking spaces,
2 parking bays abutting the street, parking areas located behind or to the side of a building, or a
3 combination of the above. (Recommended: Figure 17.50.120-1.)
4

5
6 Figure 17.50.120-1: Parking is subordinate to storefront character. Parking must be buffered
7 from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be
8 oriented away from Main Street.

9 4. Parking Lot Design. Surface parking areas must be in bays of not more than 12 parking
10 spaces. The minimum dimension for landscape areas is four feet in width and 24 square feet in
11 area. Additionally, a landscape screen of not less than four feet in width and four feet in height
12 must separate a parking area or access drive from an abutting street or pedestrian access way.
13 Alternatively, and subject to site plan approval, the screen may be reduced to two feet in width
14 where a masonry, wrought iron, brick or similar architectural-grade wall is provided.

15 Landscaping must conform with LCMC 17.50.140. The planning commission may use its
16 discretion to allow a greater number of consecutive parking spaces where the development
17 preserves and protects one or more existing mature trees or exceeds the minimum pedestrian
18 space requirement in LCMC 17.50.110. The commission may award more credit to projects that
19 preserve the largest or most visible trees as viewed from public rights-of-way.

20 5. Redevelopment of Surface Parking Lots. Site plans for properties adjacent to city-owned
21 parking lots must allow for conversion of such lots to structured parking in the future. Site plans
22 must allow for the conversion of nonconforming, front yard parking lots to new building sites or
23 pedestrian spaces as properties redevelop.

24 6. Parking in Front of Buildings. Due to the pedestrian orientation of this zone, surface parking is
25 not allowed between any new building and the street to which it is oriented. Where such
26 parking currently exists and the owner proposes to redevelop the site, the city may require the
27 owner to install landscaping or other buffering between the parking area and the sidewalk.

28 7. Parking Structures. Parking structures (e.g., garages, decks, lids, etc.) may not open onto
29 Highway 101, but must instead access a street, alley, or other access approved through site plan
30 review. Structured parking must not directly abut Highway 101; it must instead be clad with
31 commercial building(s) and/or pedestrian space a minimum of 10 feet in depth along the
32 highway frontage.

33 8. Service and Loading Areas. Access to service areas and loading docks/bays must be from an
34 alley and must be screened using architectural elements that are compatible with adjacent
35 building(s). Where no alley exists, access to service areas must be from a street other than
36 Highway 101. (Ord. 2019-04 § 2; Ord. 2010-06 § 7; Ord. 2007-08 § 1 (Exh. B § 3(F))
37

38 17.50.130 — Pedestrian access.

39 A. Intent. In new development, the pedestrian circulation system shall provide a direct,
40 convenient and comfortable means of accessing individual uses and connecting to other parts
41 of Oceanlake. The pedestrian system includes sidewalks, pathways, mid-block access ways, and
42 the ocean beach.

1 B. Standards. To ensure safe, direct and convenient pedestrian circulation, all developments shall
2 provide a continuous pedestrian system conforming to city standards. (Ord. 2007-08 § 1 (Exh. B
3 § 3(G))

4 17.50.140 — Landscaping.

5 A. Intent. Oceanlake is identifiable, in part, by its shore pines and other coastal vegetation. While
6 it is inevitable that some existing trees will be removed with new development, native
7 vegetation should be preserved where practicable or otherwise replanted in required landscape
8 areas. Trees and hedges serve as windbreaks and visual screens in an area that is otherwise
9 being exposed to high winds. Grassy swales capture and cleanse surface water runoff before it
10 infiltrates into the ground or seeps onto the beach. Mature vegetation also enhances real estate
11 values. For these reasons, as well as for aesthetic reasons, the city requires that all new
12 developments and redevelopment projects attempt to save mature vegetation that is not within
13 building envelopes and provide landscaping in surface parking areas, as buffers between uses,
14 within street planter strips, and to soften the appearance of large building elevations.

15 B. Standards.

16 1. Mature Landscaping. Site plans shall incorporate existing, mature vegetation that is not within
17 building envelopes and not within areas that are required to be graded or excavated (e.g., for
18 utilities, foundations, and driveways) into the project's landscape design to the greatest extent
19 practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes
20 reasonable development consistent with prescribed building envelopes, required building
21 orientation, or public improvement requirements), mitigation shall be required as per subsection
22 (B)(3)(g) of this section.

23 2. Volume Landscaping and Screening. Large trees and/or shrub planting may be required in
24 quantities exceeding the base requirements of this code to mitigate adjustments to other
25 standard or the loss of mature trees as described under subsection (B)(1) of this section.

26 3. Minimum Landscape Standards.

27 a. All off-street parking and vehicular use areas (including driveways and loading docks) shall
28 have perimeter landscaping of not less than four feet in depth, and interior landscaping
29 covering at least 10 percent of the entire vehicular use area. The planning commission authority
30 may reduce the minimum landscape area to not less than five percent where the development
31 preserves and protects one or more existing mature trees. The commission shall use its
32 discretion in awarding credit; provided, that more credit may be awarded to projects that
33 preserve the largest or most visible trees as viewed from public rights-of-way including the
34 beach. Areas with preserved trees are counted toward the required parking lot landscaping.

35 b. Each separate landscape area shall be a minimum of 24 square feet with a minimum
36 dimension of at least four feet and shall contain at least one tree. All remaining land in the
37 landscape area shall be covered by a combination of shrubs, ground cover plants or other city-
38 approved nonvegetative ground cover.

39 c. All required buffer strips, screens, and other required landscape areas shall be planted at a
40 density to ensure the intended buffering or screening intent is met; in no case shall a landscape
41 area have less than one tree per 200 square feet of surface or less than one shrub per 50 square
42 feet of area.

43 d. Required trees and shrubs shall be noninvasive species that are known to thrive in the
44 northern Oregon coastal environment.

- 1 e. The following guidelines apply:
- 2 i. Vegetation native to the Pacific Northwest coast is encouraged.
- 3 ii. Turf and grass is discouraged, except in residential developments and in water treatment
- 4 swales.
- 5 iii. Species should be those contained in the Lincoln City Tree Planting Guide and List of
- 6 Recommended Species, or species recommended by a licensed nurseryman as being suitable for
- 7 the local climate, as approved by the planning director.
- 8 f. Trees shall be at least two-inch caliper at time of planting.
- 9 g. When tree mitigation is required, the number of mitigation trees required shall be equal to at
- 10 least one-half the total number required to achieve the number of inches of mature tree(s)
- 11 removed (diameter measured at four feet above grade). For instance, if a 12-inch diameter tree
- 12 is removed, then two three-inch trees of the same or comparable species shall be planted.
- 13 h. Irrigation systems shall be provided for all planted areas for a period of at least two years, or
- 14 until it is demonstrated that new plants have become naturalized.
- 15 i. Shrubs shall be at least three-gallon size when planted.
- 16 j. If hedges are planted for screening, plants shall be at least of an initial size so that the required
- 17 screening will be achieved within two years.
- 18 k. Trees shall be planted so that encroachment below eight feet into a public right-of-way can
- 19 be prevented without long-term detriment to the subject tree.
- 20 l. Landscaping shall preserve an adequate line of sight around vehicle accesses.
- 21 m. All landscaping materials shall be in vigorous and healthy growing condition and shall be
- 22 installed according to common planting procedures, with consideration given to soil condition.
- 23 The property owner is responsible for maintaining and replacing, as necessary, all approved
- 24 landscape plants on his property and those within abutting rights-of-way (e.g., street trees).
- 25 4. Parking Area Landscaping. Surface parking areas shall contain landscaping as described under
- 26 LCMC 17.50.120, Off-street parking and circulation.
- 27 5. Water Quality. Where a surface parking area incorporates water quality filters/swales and
- 28 porous paving materials, such as pavers set in sand, concrete blocks allowing grass to grow
- 29 through, and/or porous concrete (e.g., particularly along walkways and in parking areas that are
- 30 used infrequently), the reviewing authority may allow additional building (lot) coverage,
- 31 consistent with the standards in Table 17.50.060. Porous paving may also be used for small
- 32 areas, such as the first four feet of a parking lot's perimeter, where it would help reduce or slow
- 33 surface water runoff. (Recommended: Figure 17.50.140.)

34
35
36
37

38 Figure 17.50.140
39 (Ord. 2007-08 § 1 (Exh. B § 3(H))
40 17.50.150 — Signs.

41 A. Intent. The number, size, configuration, placement, color, materials and illumination of signs
42 all play a part in shaping the built environment. Signs in Oceanlake should function primarily as
43 cues for pedestrian wayfinding and business identification. Business identification does not
44 require that owners maximize the size or number of signs. The highway streetscape has built-in

1 traffic-calming features that, together with the building design standards, will enable motorists
2 and pedestrians to notice signs at a relatively small scale. Signs designed to a highway scale are
3 not necessary and are discouraged through the following standards.

4 B. Standards. Signs shall not be installed without a sign permit. Where a sign permit is required
5 as part of a larger project, the sign package shall be reviewed with the site plan under the
6 applicable provisions of Chapter 17.72 LCMC and the following guidelines and standards. Where
7 a sign permit is requested apart from any other development application, it shall be processed
8 administratively under the applicable provisions of the Lincoln City Municipal Code and the
9 following guidelines and standards:

10 1. Building Signs. Building-mounted signs shall be positioned to emphasize established
11 architectural elements such as entrances, windows, gables, etc. Signs should appear to fit within
12 frames created by components of the facade design. Signs should not obscure building details.
13 An individual building shall have no more than four building-mounted signs totaling not more
14 than 48 square feet.

15 2. Freestanding Signs. New freestanding signs shall not exceed six feet in height, except that
16 signs suspended from an awning, canopy or similar architectural feature may be approved
17 subject to applicable building codes. Portable signs shall conform to LCMC 17.72.060(C)(4).

18 3. Contextual Design. Signs should complement Oceanlake's natural surroundings. For example,
19 signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over
20 those that are predominantly made of plastic, Plexiglas, or similar reflective materials.

21 Pictographic symbols are encouraged, as they often communicate more than text and add visual
22 interest to the street. Fluorescent (e.g., day-glow), sparkling, reflective, or similar colors or
23 finishes are not permitted. Banner signs, streamers, moving signs, video or animated signs,
24 flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are
25 therefore not permitted.

26 4. Pedestrian Signs. Pedestrian-scale signs, such as blade signs, wood cutout signs, door signs
27 and permanent stylized window signs (allowing at least 50 percent transparency throughout the
28 window) are encouraged. Such signs are exempt from the overall sign area limitations.

29 5. Signs for buildings with multiple tenants should be designed to allow for new business names
30 to be added or replaced easily.

31 6. Illuminated Signs. When signs are to be illuminated, external light sources shall be used. Light
32 sources shall be placed close to and directed onto the sign they are intended to illuminate, and
33 shielded to minimize glare into the street or onto adjacent properties. Where possible, lights
34 should be incorporated into the sign bracket. Lights placed below any sign (up-lighting) shall be
35 cut off to minimize spillover into the night sky. Lights in canisters and backlit signs, except for
36 those existing prior to the effective date of the design standards, are prohibited. See also LCMC
37 17.50.160, Exterior lighting.

38
39
40 Figure 17.50.150-1: Examples of encouraged sign types (from top: mural, blade, wood cutout,
41 hanging sign).
42 (Ord. 2019-14 § 5; Ord. 2007-08 § 1 (Exh. B § 3(I))
43 17.50.160 — Exterior lighting.

1 A. Intent. The number, size, design and placement of lights all contribute to creating a safe and
2 aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and
3 light trespass, and it diminishes views of the night sky. Lights in Oceanlake should function
4 primarily as tools for pedestrian wayfinding and business visibility. Business visibility does not
5 require that owners fully illuminate their building and parking areas. The urban renewal plan for
6 Oceanlake includes sidewalk lighting (antique street lamps) that, together with modest on-site
7 lighting in developments, will enable motorists and pedestrians to recognize businesses and
8 safely walk to them. Lights designed to a highway scale or large urban commercial scale (e.g.,
9 cobra head standards, or car sales lot lighting) are not permitted.

10 B. Standards. Outdoor light fixtures shall not be installed without site plan review approval.
11 Where a light fixture is required as part of a larger project, the lighting package shall be
12 reviewed under the following guidelines and standards. Where an outdoor light fixture is to be
13 installed apart from any other development application, it shall be processed administratively.
14 Outdoor lighting that does not conform to current standards, but conformed to city standards
15 prior to the effective date of the ordinance codified in this section, is allowed to continue as
16 nonconforming until such time that the light fixture and/or building is remodeled or replaced.

17 1. Contextual Design. Exterior lights shall be designed to fit their particular location and function.
18 They should be simple in character and similar in color and intensity to those used traditionally.
19 High pressure sodium lights are appropriate, except where good color rendition is required;
20 enhanced color rendition high pressure sodium lamps, or more uniform spectrum lamps, may
21 also be used.

22 a. Pedestrian ways and entrances that are not otherwise illuminated by building mounted lights
23 or streetlights shall be illuminated using bollards, step lights, or other low profile fixtures that
24 are appropriate for walkways and plazas. Illumination between one and two foot candles for
25 such areas is required.

26 b. Building mounted lights should complement the building background in style; using lights to
27 draw attention to (wash) architectural elements is permitted; provided, that unshielded, high
28 intensity light sources and sources that direct light upward without cut-offs are not permitted.
29 (See subsection (B)(2) of this section.)

30 c. Antique style lights are preferred over recessed can lights and globe fixtures. Contemporary
31 light fixtures that draw on historic elements or provide a new interpretation of an historic style
32 are encouraged.

33 d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies
34 and similar areas shall not exceed 20 foot candles, except as otherwise approved by the
35 planning director.

36 e. Maximum initial luminance of parking lots shall not exceed four foot candles, except as
37 otherwise approved by the planning director.

38 2. Impacts of Lighting. The visual impacts of site and architectural lighting, such as overspray of
39 lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.

40 a. Light poles shall not exceed a height of 20 feet.

41 b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct
42 light downward. Exception: Up lighting of official flags may be allowed; provided, that the
43 luminance level is minimized.

- 1 ~~e. Lighting associated with service areas, parking lots and parking structures, as well as~~
- 2 ~~streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and~~
- 3 ~~light spillover onto residential properties. Luminance at the property line, or no more than five~~
- 4 ~~feet over the property line, shall be zero.~~
- 5 ~~d. The planning director may require the installation and use of timers or activity switches to~~
- 6 ~~prevent unnecessary sources of light by controlling the length of time that exterior lights are in~~
- 7 ~~use late at night.~~
- 8 ~~e. Lights used to wash a building elevation (including any signs) shall not wash more than 75~~
- 9 ~~percent of the facade. Interior lights (e.g., store displays, etc.) are exempt.~~
- 10 ~~f. Up-lighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed~~
- 11 ~~eave lighting is preferred. The maximum illumination limits for wall washing are one foot-candle~~
- 12 ~~for dark-colored surfaces and one-half foot-candle for light-colored surfaces.~~
- 13 ~~g. The manufacturer's data or measurement shall be provided to demonstrate conformance with~~
- 14 ~~subsection (B)(1) of this section. Photometric plans are required with site plan review~~
- 15 ~~applications, unless waived by the planning director.~~

16
17
18 ~~Figure 17.50.160-1: Examples of acceptable lights.~~
19 ~~(Ord. 2007-08 § 1 (Ex. B § 3(J))~~
20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

SECTION 11. 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 12. 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 13. 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 14. 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 15. Ordinance Effective Date.

Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

SECTION 16. 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 11-16) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.