



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

November 3, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 005-08

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 19, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Richard Townsend, City of Lincoln City

<paa> ya

FORM

2 Notice of Adoption

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

DATE STAMP	DEPT OF OCT 30 2008 LAND CONSERVATION AND DEVELOPMENT For DLCD Use Only
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Jurisdiction: City of Lincoln City Local file number: CPA/ZC 03-07

Date of Adoption: Oct. 27, 2008 Date Mailed: Oct. 29, 2008

Date original Notice of Proposed Amendment was mailed to DLCD: _____

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

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

Amend the Comprehensive Plan text to add "Nelscott Plan District" as a development category. Amend the Zoning Ordinance to add a new zone, "Nelscott Plan District", with three sub-categories – "Nelscott Business District", "Nelscott Beachside Mixed-Use" and "Nelscott Cottage Residential". Amend the Comprehensive Plan Map to assign the "Nelscott Plan District" designation to properties roughly bounded by SW 28th Street to the north, SW 36th Street to the south, and the Pacific Ocean to the west, as well as lots fronting Highway 101 on the east side, commonly known as the "Nelscott District". The purpose of these amendments is to implement the Nelscott Plan developed by the Lincoln City Urban Renewal Agency.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".

No substantive text changes. Minor changes to map designations. No change to district boundary

Plan Map Changed from: various to: Nelscott Plan District

Zone Map Changed from: various to: Nelscott Plan District

Location: Nelscott District Acres Involved: 48 +/-

Specify Density: Previous: varies New: varies

Applicable Statewide Planning Goals: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19

Was an Exception Adopted? YES NO

DLCD File No.: 005-08 (16930)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: Richard Townsend Phone: (541) 996-2153 Extension: _____
Address: PO Box 50 City: Lincoln City
Zip Code + 4: 97361- Email Address: rtown@lincolncity.org

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2008-18

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN TEXT, THE COMPREHENSIVE PLAN MAP, THE ZONING ORDINANCE, AND THE ZONING MAP TO CREATE THE NELSCOTT PLAN DISTRICT AND ADOPT REGULATIONS RELATING TO ALLOWED USES IN THE DISTRICT

THE CITY OF LINCOLN CITY FINDS THAT:

- A. The Planning Commission held a duly-noticed public hearing on amendment of the City's Comprehensive Plan text (adopted by Ordinance No. 84-01, as amended) on July 15, August 5, September 2, and October 7, 2008 and recommended approval.
- B. The Oregon Department of Land Conservation and Development was duly notified of the proposed amendment.
- C. The City Council held a duly-noticed public hearing on amendment of the Comprehensive Plan text on October 13, 2008.
- D. The proposed Comprehensive Plan text amendment conforms to and is consistent with the City's *Comprehensive Plan Policies* and Statewide Planning Goals for the following reasons:

Statewide Planning Goals

- (1) Goal 1: "Citizen Involvement". All proposed documents were made available for public review and purchase and assistance was available to interpret and explain the technical information. All affected property owners were noticed regarding the public hearings on the proposed Nelscott zoning provisions, including Measure 56 notice, and hearing notices were published in local papers in accordance with notice requirements. Therefore, the amendments are consistent with Goal 1.
- (2) Goal 2: "Land Use Planning" This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearings and have been reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

- (3) Goal 3: Agricultural Lands". The area affected by the Nelscott zoning provisions is located within the City's Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such. No agricultural lands will be affected by the amendments. Therefore, Goal 3 is not applicable.
- (4) Goal 4: "Forest Lands". The area affected by the Nelscott zoning provisions is located within the City's Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected area does not contain any designated forest lands. Therefore, Goal 4 is not applicable.
- (5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources". The area affected by the Nelscott zoning provisions is located within the City's Urban Growth Boundary. The application of the Nelscott zoning provisions is limited to lands zoned for General Commercial, Recreation Commercial, and Single-Family Residential use. They do not include any areas currently zoned Open Space or Park. They do not include the one property listed on the National Register of Historic Places, the Dorchester House. The area subject to the Nelscott zoning provisions also includes some sites designated as significant aesthetic resources. The Nelscott zoning provisions will enhance these areas by requiring commercial structures to be built to improved aesthetic qualities. Therefore, the Nelscott zoning provisions are consistent with Goal 5.
- (6) Goal 6: "Air, Water and Land Resources Quality". The Nelscott zoning provisions will not serve to increase the waste and process discharges already being generated within the affected areas. Such discharges include solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. Therefore the Nelscott zoning provisions are consistent with Goal 6.
- (7) Goal 7: "Areas Subject to Natural Disasters and Hazards". The area affected by the Nelscott zoning provisions includes some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the Nelscott zoning provisions do not authorize any development inconsistent with these natural hazard standards. Therefore the Nelscott zoning provisions are consistent with Goal 7.
- (8) Goal 8: "Recreational Needs". The areas affected by the Nelscott zoning provisions do not include any areas zoned for open space or park use, nor do they of themselves authorize any development inconsistent with the recreational needs of the community, region, or state. Therefore, the Nelscott zoning provisions are consistent with Goal 8.
- (9) Goal 9: "Economic Development". The Nelscott zoning provisions do not affect the availability of land suitable for industrial and commercial development. Instead they provide for orderly development of commercial lands in a manner that is intended to promote a more attractive community and thereby enhance the

appeal of the community as a place for economic activity. They do not relate to lands zoned for industrial development. The Nelscott zoning provisions are expected to promote economic development. Therefore, the Nelscott zoning provisions consistent with Goal 9.

- (10) Goal 10: "Housing". The Nelscott zoning provisions may affect the availability of housing by modifying certain existing restrictions in a way to allow increased housing development at a lower cost, such as by allowing mixed-use structures in the commercial areas and by allowing residential development on smaller lots. By helping to improve the visual appearance of structures and sites used for residential development the Nelscott zoning provisions will help to enhance the quality of the housing stock in Lincoln City. Therefore, the Nelscott zoning provisions are consistent with Goal 10.
- (11) Goal 11: "Public Facilities and Services". Existing City water and sewer infrastructure and treatment facilities will not be affected by the Nelscott zoning provisions, nor will their ability to serve surrounding properties be affected. Therefore, the Nelscott zoning provisions are consistent with Goal 11.
- (12) Goal 12: "Transportation". The Nelscott zoning provisions are consistent with the City's *Comprehensive Plan* and *Transportation Master Plan*. Therefore, the Nelscott zoning provisions are consistent with Goal 12.
- (13) Goal 13: "Energy Conservation". The land use patterns and development allowed in association with the Nelscott zoning provisions promote walkability and therefore would have a positive effect on Energy Conservation. Therefore, the Nelscott zoning provisions are consistent with Goal 13.
- (14) Goal 14: "Urbanization". The proposed Nelscott zoning provisions, through improving the aesthetic quality of the city, serve to promote the livability of Lincoln City, thereby reducing the need to expand the Urban Grown Boundary. Proposed densities of surrounding properties will not be changed. Therefore, the amendments are consistent with Goal 14.
- (15) Goal 15: "Willamette River Greenway". The affected areas are not located within the Willamette River Greenway. Therefore, Goal 15 is not applicable.
- (16) Goal 16: "Estuarine Resources". The affected areas of the Nelscott zoning provisions do not include any areas adjacent to a designated estuarine resource. Therefore, Goal 16 is not applicable.
- (17) Goal 17: "Coastal Shorelands". The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands include some parts of the Nelscott area, and

also include areas that have been designated as significant aesthetic resources. By helping to improve the aesthetic quality of commercial development, the Nelscott zoning provisions will improve the aesthetic character of the coastal shorelands in general and the significant aesthetic resources specifically. Therefore the Nelscott zoning provisions are consistent with Goal 17.

- (18) Goal 18: "Beaches & Dunes". The affected areas of the Nelscott zoning provisions are not located within a beach or active dune area. Therefore, Goal 18 is not applicable.
- (19) Goal 19: "Ocean Resources". Because the affected areas of the Nelscott zoning provisions are solely on the dry land areas of the city, the Nelscott zoning provisions will not affect the nearshore ocean and continental shelf. Therefore, the Nelscott zoning provisions are consistent with Goal 19.

Comprehensive Plan Goals

- (1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, was adopted by the City Council of Lincoln City after public hearing and has been reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, establishes conformance with this goal.

- (2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a Citizen Involvement Program. In addition, the public hearing process, with notice to the public and property owners and review of the Nelscott zoning provisions by the Planning Commission (a citizen board), and the City Council (a citizen board) establishes conformance with this goal.

- (3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment the area and serve as a framework for urban and rural development."

Public services and utilities generally already are in place in the areas affected by the Nelscott zoning provisions. The proposed amendments will not adversely affect the availability or arrangement of public services and utilities. The goal is satisfied.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The Nelscott zoning provisions, through improving the aesthetic quality of the city, serve to promote the livability of Lincoln City, thereby reducing the need to expand the Urban Grown Boundary. Proposed densities of surrounding properties will not be changed. This goal is satisfied.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The areas affected by the Nelscott zoning provisions include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the Nelscott zoning provisions do not authorize any development inconsistent with these natural hazard standards. This goal is satisfied.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The Nelscott zoning provisions may affect the availability of housing by modifying certain existing restrictions in a way to allow increased housing development at a lower cost, such as by allowing mixed-use structures in the commercial areas, by allowing accessory dwellings in some circumstances, and by allowing residential development on smaller lots. The Nelscott zoning provisions therefore will enhance the availability of adequate numbers of needed housing units at price ranges and rent levels commensurate with the local area. Therefore, they are consistent with the housing goal.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The Nelscott zoning provisions provide for orderly development of commercial lands in a manner that is intended to promote a more attractive community and thereby enhance the appeal of the community as a place for economic activity, particularly with respect to making the community attractive to tourists. The Nelscott zoning provisions are expected to promote economic development. The Nelscott zoning provisions, therefore, meet the goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

One of the major purposes of the Nelscott zoning provisions is to carry out this goal through design standards for commercial buildings in the Nelscott area. This goal is satisfied.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The Nelscott zoning provisions include provisions intended to promote improved pedestrian and vehicular circulation in the commercial areas of the city. They do not, of themselves, create any additional transportation impacts on the existing transportation system. Therefore, this goal is satisfied.

(10) Energy Goal

"To conserve energy."

The proposed Nelscott zoning provisions will not have any adverse effects on the energy goal. Therefore, the goal is satisfied.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The Nelscott zoning provisions will not, of themselves, have any adverse effects on the natural environment. They do not add or delete any natural environmental resources of the city. This goal is satisfied.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, protect, and enhance the coastal resources of the city."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. These coastal shorelands include some parts of the Nelscott area, including some areas of significant aesthetic resources. By helping to improve the aesthetic quality of commercial development, the Nelscott zoning provisions will improve the aesthetic character of the coastal shorelands in general and the significant aesthetic resources specifically. Therefore the Nelscott zoning provisions are consistent with this goal.

E. The proposed Comprehensive Plan Map amendment is consistent with all applicable provisions of the Zoning Ordinance including, but not limited to, required initiation, processing and noticing requirements.

NOW, THEREFORE, THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan text, in the section headed "Development Categories," is hereby amended to include the following development category:

14. Nelscott Plan District, is provided for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed-use environment in the Nelscott area. The district is intended to provide maximum flexibility in land use that combines predictability and efficiency in the land use approval process while protecting the unique character of Nelscott.

Section 2. The Comprehensive Plan Map of Lincoln City is hereby amended to change the Comprehensive Plan Map designation on the parcels shown on the map attached as Exhibit "A" from their existing designations to Nelscott Plan District (NPD).

Section 3. The Zoning Map of Lincoln City is hereby amended to change the Zoning Map designation on the parcels shown on the map attached as Exhibit "A" from their existing designations to Nelscott Plan District (NPD).

Section 4. The Municipal Code of Lincoln City is amended by adding a new Chapter 17.34 to read as follows:

I. Nelscott Plan District – General Provisions

A. Purpose and Overall Guiding Principles

The Nelscott Plan District (NPD) is established to provide for the integration of residential, commercial, and recreational uses in a well-planned, pedestrian-oriented, mixed-use environment. The purpose of the district is to provide maximum flexibility in land use while protecting the unique character of Nelscott. Where a proposed development meets the design requirements of this chapter, the land use approvals process should be as predictable and efficient as possible while striving for excellence in design. The NPD land use and design standards in Parts II and III are intended to ensure that projects support the following objectives:

- Integration and functionality of land uses
- Connecting Nelscott to the ocean
- Respecting neighborhood transitions
- Designing for the climate
- Aesthetics and context-sensitive design
- Balancing durability and affordability

1. 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.

2. 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.

3. Respecting Neighborhood Transitions

Developments on the edge of the Nelscott Plan District should be made compatible with abutting single-family residential uses outside the plan district – particularly the single-family dwellings and cottages to the north. The design standards for Nelscott are intended to address compatibility through height, mass, scale, materials, detailing, setbacks and other elements.

4. Designing for the Climate

Temperatures in Lincoln City vary widely and it can rain any day of the year. People like being outside and will often walk from place to place even when it's raining. Nelscott has many visitors in the summer and more people are making it their home, or second home. Therefore, buildings should be designed to withstand high winds, as storms can generate winds of 100-miles per hour. Rooflines should not be overly complex and should have proper drainage for rainwater. Roofs should shed and drain water away from building openings, parking, refuse storage areas and other such areas. Commercial buildings should incorporate canopies, awnings, porticos or similar weather protection features. Pedestrian amenities such as plazas and outdoor seating areas should take advantage of southern exposures and be protected from the wind, to the greatest extent practical.

5. Sustainability

In order to reduce the environmental and energy effects of development, sustainable building practices are encouraged. Permeable pavements for driveways, walkways, and parking areas are encouraged, as are energy conservation in construction. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and management such as through providing bioswales or other natural water treatment features.

6. Aesthetics and Context-Sensitive Design

Nelscott's aesthetic is rooted in the area's eclectic mix of beach cottages, hotels, and the Nelscott Strip nestled between rolling hills, shore pines, and the ocean. The Nelscott Plan District encourages new development and redevelopment that honors the past while providing a contemporary interpretation of the area's architecture and history. The predominant building materials are painted or natural-stain wood siding (shingle, lap, or board-and-batten), masonry block, brick and stone. Detailing may include any of these materials, as well as limited use of metal or vinyl for canopies, building detailing (e.g., flashing, roof gutters, drains, etc.), signs, art, and other detailing.

While each project is unique, the Nelscott design standards (Part III) are intended to provide clear and consistent standards. The standards discourage overly thematic, "formula" architecture, or designs used by retailers, national chain stores, franchises and other companies with stores or offices in multiple locations, provided that corporate logos, art and similar commercial speech is not restricted.

7. Balancing Durability and Affordability

Balancing durability and affordability means that the city is practical in administering its codes. Great design does not have to be expensive. Sound design principles, quality workmanship, long-lasting materials, and routine maintenance are all important. Historically, development in Nelscott has been characterized by relatively simple building forms with moderate detailing and ornamentation. Traditional materials, such as wood, stone, and brick are preferred, but other materials, such as architectural-grade composite boards, shingles and trim may be used when it is demonstrated that the

material is durable and fits the overall composition of the proposed design. Project designs should respect the past, while being practical and durable for the future.

B. Nelscott District Overlay Zones

The NP district consists of three subdistricts as shown on the Zoning Map in Appendix B.

1. Nelscott Business District (NBD)

The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott commercial core along Highway 101 and to concentrate the businesses in a pedestrian-friendly manner. The emphasis in this subdistrict is to provide retail, commercial, and personal services for the neighboring residents and visitors.

2. Nelscott Cottage Residential (NCR)

The intent of this zoning subdistrict is to encourage and enhance the traditional character of the Nelscott residential areas located west of Highway 101. The emphasis in this subdistrict is on preserving and protecting the traditional cottage heritage in a family-friendly, pedestrian-oriented environment.

3. Nelscott Beachside Mixed Use (NBMU)

The intent of this zoning subdistrict is to provide for a variety of small-scale beach-oriented commercial and residential uses in a family-friendly environment.

C. Applicability of Municipal Code Regulations

1. Applicability

The provisions of the Nelscott Plan District, in addition to all other applicable regulations of the Zoning Ordinance and other city ordinances, shall apply to all uses of land and development within the NP district.

2. Redevelopment and Remodels

Where an existing use or development is proposed to be modified through redevelopment or exterior remodeling, the standards shall apply only to that portion of the use or development that is to be modified; where more than fifty percent (50%) of the use or development is to be modified, the reviewing body may require the entire development to conform to the provisions of this chapter, as provided in subsection C.5, below.

3. Burden of Proof

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

4. Ordinance Conflicts

Where conflicts occur between this chapter and other Municipal Code regulations, the provisions of this chapter shall apply.

5. Non-Conforming Situations

Existing uses and/or developments that do not conform to the provisions of this chapter, but were established lawfully prior to the city adopting this chapter, shall be allowed to continue, as provided in Municipal Code Chapter 17.64, *Non-Conforming Uses*, except, however, that a non-conforming residence that is destroyed by any cause to an extent exceeding fifty percent of the appraised value as determined by the records of the county assessor for the year preceding destruction may be rebuilt within the same footprint. To the extent any such rebuilt residence is expanded, including a vertical expansion, the area of expansion must conform to the NP regulations.

D. Administration of Design Standards

1. Site Plan Review

The design standards will be applied to commercial development (including mixed use and multi-family dwellings, but not including single-family or two-family dwellings) that must receive approval through the city's Site Plan Review process during that process and prior to issuance of building permits. Single-family or two-family dwellings are subject to the design standards requirements relating to "Block Layout" and must receive approval through the building permit review process. The Planning Director may refer any Site Plan Review application to the Planning Commission for a public hearing when:

- a. The applicant has requested an adjustment or modification to one or more Nelscott code standard(s), as provided in subsections D.3, below; or
- b. The applicant requests a hearing; or
- c. The planning director determines that the size or scale of the development (relative to its appearance, traffic generation, parking, or other characteristics) warrants a public hearing.

2. Design Standards versus Guidelines

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

- A. Intent statements are not applicable approval criteria, except requests for adjustments or variance must demonstrate how the proposal conforms to the code's intent.
- B. Standards use the words "shall" or "must" and are mandatory.
- C. Guidelines use the words "should," "may," "preferred," and "discouraged," and are advisory. Guidelines supplement the standards and provide examples of acceptable or unacceptable design. Guidelines also assist in reviewing requests for adjustments and variances and may serve as the basis for approval, denial, or approval with modifications in such instances.
- D. Graphics are used to illustrate standards and guidelines. They are not intended to prescribe a particular design but serve as examples of acceptable or unacceptable design solutions.
- E. Standards and guidelines both serve as approval criteria, but the reviewing body is afforded greater latitude in applying guidelines. Where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the

code's stated intent. Where a guideline conflicts with any code standard, the standard shall prevail.

- F. In the case of a proposed variance or adjustment to a code standard, the applicant must demonstrate how the variance or adjustment results in equal or greater conformity to the intent of the code and all other applicable standards and guidelines.
- G. Nullification of one standard or guideline by a court of competent jurisdiction shall not cause any other standard or guideline to be nullified.

3. Adjustments/Modifications to the Standards

The standards contained in this ordinance may be *adjusted* or *modified* without the need for a variance if the applicant demonstrates that:

- a. the ordinance's guiding principles and the intent statement(s) under the applicable standard to be adjusted can be better met through a proposed alternative design solution, or
- b. there are practical difficulties in meeting a standard based on the necessary characteristics of an allowed use. In such cases the design must provide other features that tend to meet the goal of the standard (such as a trellis with vines, a sculpture, or a pergola).

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

4. Incentives for Design Excellence

The city encourages excellence in design. Projects that provide superior pedestrian spaces, pedestrian amenities, public art, alleys, shared parking, or superior architecture may be rewarded, for example, with reduced off-street parking requirements, reduced lot sizes, increased allowable lot coverage, and/or assistance from the city's urban renewal program. These "incentives" are in addition to the "adjustments" provided in Part III. In granting incentives, the hearing body shall find that the incentive results in a design that is *superior* to what is required under the base standard(s), and is consistent with one or more of the following guidelines:

- 1. **Integration and Functionality of Land Uses** – Mixed-use projects combining upper-story residential uses with ground floor commercial or civic uses are preferred over single-use developments in the NBD and NBMU subdistricts.
- 2. **Connecting Nelscott to the Ocean** – Oceanfront projects that provide the public with physical beach access are preferred over those that provide only visual access or no access at all. Non-oceanfront projects should maintain views of the ocean from public rights-of-way where such views currently exist. Where a project results in diminished ocean views, the decision body

may consider other mitigating circumstances in approving an incentive, such as the provision of pedestrian spaces (e.g., plaza) or public parking facilities in the vicinity that enable the public to more easily access the shoreline.

3. **Respecting Neighborhood Transitions** – Where an applicant requests an exception to the maximum building height standards abutting a residential zone, the project must incorporate mitigating design features, such as additional open space or buffering adjacent to residential uses. Applicants are encouraged to do neighborhood outreach prior to submitting site plans to the city for review. The applicant's efforts to engage the public (e.g., through a design charrette) prior to submitting a site plan application may influence the decision body in approving or denying incentives.
4. **Designing for the Climate** – Design elements that show special attention to the Nelscott climate, such as innovative rain protection features, wind protection features, and solar exposure features, are encouraged. Projects going beyond basic wind and rain protection and taking advantage of solar exposure are preferred over projects that do not.
5. **Sustainability** – Incentives may be appropriate for projects incorporating green building practices, such as the preservation of existing mature vegetation, use of water quality treatment in parking lots, rooftops, and landscapes, use of renewable energy, and energy conservation in construction. Projects eligible for green certification through a nationally recognized program (e.g., Leadership Through Energy and Environmental Design (LEED) or similar program approved by the City) are preferred over those that do not meet such criteria.
6. **Aesthetics and Context-Sensitive Design** – Architecture that goes beyond base code requirements and achieves the vision contained in the Nelscott Redevelopment Plan is preferred over architecture that merely conforms to the base code requirements. For example, corner properties along Highway 101, particularly those in gateway locations, should incorporate a tower or other signature architectural feature. Oceanfront designs should be superior in both their street-fronting elevation, as well as their ocean-fronting elevation.
7. **Balancing Durability and Affordability** – In granting incentives, preference may be given to projects providing affordable workforce housing or affordable commercial space to small businesses (except overnight accommodations). Affordable housing means households earning less than the area median income pay no more than 30 percent of their income toward housing costs. Where incentives are provided, the reviewing authority may require the applicant/owner to record deed restrictions or provide other assurances that the subject housing remains affordable for not less than ten (10) years.

II. Nelscott Land Use Standards

A. Permitted Uses

Table II.A identifies the land uses allowed in each of the three Nelscott subdistricts. Uses permitted subject to Site Plan review are identified with "P"; those that are allowed subject to conditional use permit are identified with "C"; prohibited uses are identified with "N." If a use is not listed, the Planning Commission may interpret the code and make a similar use ruling following the procedure for authorization of similar uses found in Section 17.52.020.

Table II.A – Land Uses Allowed in Nelscott			
Uses	Status of Use in District		
Use Categories	Business District	Cottage Residential	Beachside Mixed Use
Residential Categories			
Single-family dwelling	P	P	P
Attached single-family dwelling	P	N	P
Duplex or two-family dwelling (when developed on a minimum 7,000 square foot lot)	P	P	P
Accessory dwelling unit, accessory to single-family dwelling or duplex, subject to compliance with design guidelines	P	P	P
Accessory use of a single family dwelling as a vacation rental dwelling, subject to Section 17.80.050	N/A	P	N/A
Primary use of a single family dwelling as a vacation rental dwelling, subject to Section 17.80.050	P	N	P
Multiple-family dwellings	P	N	P
Mixed use			
- dwelling(s) above or abutting a ground floor commercial use	P	N	P
- dwelling(s) below a ground floor commercial use fronting on Highway 101	P	N	P
Commercial Categories			

Table II.A – Land Uses Allowed in Nelscott

Use Categories	Status of Use in District		
	<i>Business District</i>	<i>Cottage Residential</i>	<i>Beachside Mixed Use</i>
Drive-Up/Drive-In/Drive-Through (drive-up windows, ATM's, similar uses/facilities) <ul style="list-style-type: none"> - lawfully existing as of June 1, 2008 - new or expanded use 	P N	N N	N N
Walk-up windows, ATMs, similar uses/facilities	P	N	P
Bed and Breakfast Inn, per Section 17.80.060	P	P	P
Educational Services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, Major Event	P	N	P
Overnight Accommodations, except Bed & Breakfast Inns	P	N	P
Offices	P	N	P
Outdoor Recreation, Commercial	CU	N	CU
Surface Parking Lot, except for public facilities and parking as an accessory use	CU	CU	CU
Vehicle Servicing or Vehicle Repair	N	N	N
Retail Sales and Service, excluding Drive-Up	P	N	P
Retail Sales and Service, greater than 60,000 square feet	N	N	N
Self-Service Storage	N	N	N
Industrial Categories			

Key:

- P = Permitted, subject to site/development review
CU = Conditional Use permit required (Chapter 17.60)
N = Not permitted

Table II.A – Land Uses Allowed in Nelscott

Use Categories	Uses	Status of Use in District		
		Business District	Cottage Residential	Beachside Mixed Use
Industrial Service, excluding Drive-Up	- fully enclosed (e.g., office) - not enclosed	CU N	N N	N N
Manufacturing and Production in conjunction with an allowed commercial use	- fully enclosed - not enclosed	CU N	N N	N N
Warehouse and Freight Movement		N	N	N
Waste-Related, except as accessory to a primary permitted use		N	N	N
Wholesale Sales	- fully enclosed - not enclosed	CU N	N N	N N
Institutional Categories				
Basic Utilities		P	P	P
Colleges		CU	N	N
Government Use		P	CU	CU
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.440		CU	CU	CU
Nursing home, assisted living facility, hospital, rest home, sanitarium, and similar uses		CU	N	N

Table II.A – Land Uses Allowed in Nelscott

Use Categories	Status of Use in District		
	Business District	Cottage Residential	Beachside Mixed Use
Parks and Open Space <ul style="list-style-type: none"> - pedestrian amenities - parks and recreation facilities - other open space 	P P P	P P P	P P P
Religious Institutions and Houses of Worship	CU	CU	CU
Schools	CU	CU	CU
Other Categories			
Accessory Structures (with a permitted use)	P	P	P
Radio Frequency Transmission Facilities such as mini-cell antennas and Wi-Fi antennas	CU	CU	CU
Stand-alone wireless communication facilities	N	N	N
Essential emergency communications facilities	P	P	P
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	P	P	P

B. General Development Standards

Except as modified through the procedures in Part I, Sections D.4 and D.5, the development standards in Table II.B apply to all Nelscott uses and development.

Table II.B – Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
<hr/>			

Key:

Table II.B – Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback and coverage standards. - Detached single family dwelling - Attached single family dwelling - Other structures	3,750 sf 3,750 sf 3,750 sf	3,750 sf Not applicable 3,750 sf	3,750 sf 3,750 sf 3,750 sf
Maximum Dwelling Unit Density - Single-family dwelling - Duplex or two-family dwelling - Multiple-family dwelling ⁵	One unit per 3,750 sf Two units per 7,000 sf As in R-M zone (high density)	One unit per 3,750 sf Two units per 7,000 sf N/A	One unit per 3,750 sf Two units per 7,000 sf As in R-M zone (high density)
Minimum Lot Width	50 ft	35 ft	50 ft
Minimum Lot Depth	50 ft	50 ft	50 ft
Building/Structure Height Maximum Height (see exceptions in Section III. C.2) Minimum Height	45 ft 18 ft	35 ft None	35 ft None
Fences, Retaining/Garden Walls Max. Height. – Front and Street Yards Max. Height. – Interior Side and Rear Yards	3.5 ft 6 ft	3.5 ft 6 ft	3.5 ft 6 ft, except as may be prohibited in coastal zone

⁵ Multi-family dwellings must meet the standards of LCMC §17.20.100.

Table II.B – Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Lot Coverage Maximum Lot Coverage (Footprint of building including projections such as balconies, cantilevers, etc.)	90%	35%*	80%
Min. Landscape Area (% site area), except does not apply to Single Family Dwellings. Landscape area may include plant areas and approved pedestrian spaces. Street trees and other street frontage landscaping included.	10%	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to Site Plan review)	10% (may be reduced to 5% where at least one significant shore pine is preserved on site, subject to Site Plan review)

*For lawfully created, pre-existing lots between 3,000 and 4,000 square feet the maximum lot coverage is 40%. For lawfully created, pre-existing lots smaller than 3,000 square feet the maximum lot coverage is 50%.

Table II.B – Development Standards

Standard	Business District	Cottage Residential	Beachside Mixed Use
Minimum Setbacks (feet): (See also, Section 2.2.170, RL Height Step-Down.)			
<u>Front, Street, Side, and Rear</u> property lines, except garage or carport, and subject to building code	0 ft, except as required for utility easements; single family dwellings subject to NCR standards	5 ft for one-story dwellings, 7.5 ft for more than one-story dwellings	10 ft; single-family dwellings subject to NCR standards
<u>Garage/Carport Entry</u> , setback from street	20 ft	20 ft	20 ft
<u>Alley or Walkway</u> , building setback from alley or walkway	5 ft	5 ft	Not Applicable
Build-To Line (feet): <u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases accordingly. The build-to line may also be increased through Site Plan Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way.	10 ft	Not Applicable	Not Applicable
Special Setback for Planned Street Improvements	30 feet from the street centerline where the ultimate right-of-way width is 60 feet; 24 feet from the street centerline where the ultimate right-of-way width is 48 feet; 15 feet from the street centerline where the ultimate right-of-way width is 30 feet.		

III. Nelscott Design Standards

A. Purpose

The Nelscott design standards are intended to implement the vision for Nelscott, specifically to help ensure that new buildings and rehabilitated existing buildings convey an image consistent with local history and the Oregon coastal environment. The standards reflect the following values and objectives:

- Retain Nelscott's compact, walkable character and the traditional small-scale commercial development in the Highway 101 commercial area;
- Promote the formation of pedestrian-friendly facilities and structures;
- Encourage architectural variety, consistent with the eclectic character of Nelscott, provided that new development creates a close, intimate human-scale and architectural design addresses all four sides of a building;
- Encourage the use of contextually appropriate materials, textures and colors
- Create vibrant pedestrian spaces (e.g., plazas, public art, café seating areas, etc.); pedestrian spaces should help identify Nelscott, create intrigue, and offer weather protection and comfort to pedestrians while adding value to the district;
- Break down large building masses and provide visual interest along the street;
- Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines and façade elements;
- Retain the small-scale beach cottage character of the interior residential area;

B. Block Layout

Intent:

New development and redevelopment projects should reinforce the historic street grid of Nelscott. Commercial and mixed-use buildings should be placed at or near the sidewalk edge and parking should be set back behind or beside such buildings. Parking should be provided on-street where shoulders are approved to accommodate parking spaces or bays. By maintaining the integrity of Nelscott's historic form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly district.

Standards:

1. Rights-of-Way.

- a. New development and redevelopment projects that are projected to generate additional vehicle and/or pedestrian traffic may be required to dedicate right-of-way and/or improve abutting streets and walkways.
- b. Street and walkway right-of-way shall not be vacated, except where it is demonstrated that the development will improve the pedestrian environment.

2. Street Access.

- a. New vehicle access to Highway 101 is discouraged. Access to Highway 101 and connecting streets is subject to the provisions of Lincoln City highway access standards. The city or ODOT may require vehicle access be provided from side street, and existing highway approaches be consolidated as a condition of development approval.
- b. The alignment of streets and walkways shall be maintained in new development to ensure connectivity from block to block. The city may require the extension and improvement of a walkway as a condition of development approval. Walkways extensions shall be 10-20 feet in width (consistent with the existing width of the walkway), subject to Site Plan Review.
- c. Walkways shall be contained in a public right-of-way or public access easement improved to city standards.

3. Buildings Abutting Interior Parking Areas.

Where a block is planned to contain an interior parking area (i.e., served by an alley or shared access drive), buildings abutting the parking area shall provide entrance(s) opening onto it or be connected to the street by a continuous pedestrian walkway (e.g., between buildings). Buildings and development shall not be configured in a way that precludes public access to such public parking facilities. (See also, Sections C through G.)

C. Buildings and Structures

1. Single Family Dwellings and Duplexes

Intent:

The guidelines for single-family dwellings and duplexes are intended to help ensure that new buildings and rehabilitated dwellings convey an image consistent with local history and the Oregon coastal environment. Clear and basic building forms and quality design details are preferred.

Incentives:

- 1. Accessory Dwelling Units.** A dwelling that complies with at least four of the five guidelines below is eligible for an accessory dwelling unit.
- 2. Lot Coverage.** A dwelling that complies with at least four of the five guidelines below is eligible for increased lot coverage of ten percent. For example, if a dwelling would be allowed 35% lot coverage without compliance, with compliance it would be entitled to 45% lot coverage.

Guidelines:

- 1. Roofs.** Roofs should be pitched, not flat, and should include dormers, gables, and eaves trim that enrich the visual quality of the community. High quality architectural embellishments are encouraged.
- 2. Facades.** The façades are the fronts of the dwellings and convey the relationship of the building to the street and neighborhood. They include windows, doors, shutters, awnings, molding, porches, steps, stoops, and other design elements arranged to convey the character of the building. One to two-story homes are encouraged. Porches are common in Nelscott and should be provided unless the configuration of the lot precludes it. High quality exterior woodwork and attention to detail elements is encouraged. Garage entrances should not be a part of the primary building façade.
- 3. Chimneys.** In Nelscott many buildings include unique chimneys of varying shapes that are sheathed with a range of materials including stone, brick, and wood shingles. Dwellings should include chimneys as design elements.
- 4. Texture and Materials.** In Nelscott many homes use textures and materials that relate to elements of the local natural environment, such as river rock chimneys, wood shingled siding, brick, and exposed aggregate paving. Dwellings should make use of high-quality natural materials and should be sided with historic wood materials such as shingles, clapboard, bevel siding, or board-and-batten. Foundations should be faced with rock.
- 5. Landscape Materials.** These include trees, shrubs, grasses, fences, walls, outdoor lighting, walkways and other hard surface gathering areas. Landscape materials add value to homes by enhancing the outdoor space and relate to the architecture of the building and surrounding areas. River rock and quarry stone are equally suitable for walls in Nelscott. Landscape materials should

predominately incorporate native materials such as wood and rock and hardy native plantings. The front yard should consist primarily of landscaping, and should not be dominated by paved parking areas.

2. Multi-Family Dwellings and Commercial Buildings in the Business District and Beachside Mixed Use District

Intent:

The Nelscott Strip, the eclectic group of buildings existing along Highway 101 is an iconic element of Nelscott's image. Commercial development and redevelopment along the highway should continue the pattern established in the existing Nelscott Strip. Therefore building design standards for the Business District draw on the design elements characterizing the strip while allowing for design variety. In the Beachside Mixed Use area, the building design standards draw on the cottage-scale development that exists there now. It is not the city's intent to create an architectural theme or to freeze time. The design standards are not meant to halt progress or restrict property rights, but rather to ensure that new buildings and remodels fit within the context of their surroundings and support a compact, pedestrian-oriented district. In this way, the city can ensure that Nelscott retains its sense of place, its vitality and economic base.

The key elements of the building design standards are:

- Eclectic coastal architecture, including commercial and mixed-use development
- Building height and articulated facades that create a sense of street enclosure at a human-scale
- Contextually appropriate materials, textures and colors
- Storefront character (windows, pedestrian shelter, furnishings, etc.)
- Adaptable building styles that comfortably accommodate commercial and mixed land uses
- A diversity of building facades and rooflines that fall into a consistent rhythm
- Corner lots as focal points with vertical elements, furnishings and public art

Standards:

1. **Height.** The maximum allowable height is 45 feet in the Nelscott Business District, and 35 feet in the Nelscott Beachside Mixed Use District, except that in the Nelscott Beachside Mixed Use District buildings in existence on July 1, 2008 that exceed a height of 35 feet shall continue to be considered conforming and may be rebuilt if destroyed by any cause to an extent exceeding 50 percent of the appraised value (expansions of such buildings must conform to the 35-foot height limit). Chimneys, spires, towers, and other architectural projections exceeding the allowed height may be allowed through site plan review. To the extent they are permitted, building stories and projections exceeding 35 feet in height must be recessed behind the next lower building stories by not less than ten feet, unless a lesser recess is allowed through site plan review on the basis of superior architectural design or as described in paragraph 8.b., below.

2. **Building Form**

- a. **Overall Form.** Architectural designs shall address all four sides of a building. The predominant form abutting Highway 101 is a generally "flat" elevation on the lowest story with any recesses or projections ("articulations") appearing subordinate to the dominant rectangular form. Upper stories generally are accommodated within gables and dormers (either gable or shed). New buildings should reflect the predominant form, while expressing individuality, for example with vertical elements such as cupolas, turrets or towers on corner properties. New buildings should not mimic any other building in their form or detailing.

- b. **Stepped Rooflines.** Height shall vary from building to building to avoid a homogenous appearance. This standard is met by using either stepped rooflines or slightly dissimilar overall height (i.e., building-to-building). Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also, Storefront Character, below.
- c. **Roof Form.** Side-facing gable roofs are the predominant roof form in the Highway 101 area, usually incorporating front-facing dormers, and this form shall be followed on new buildings. Shed roofs sloping to the rear are allowed as well. Mansard roofs, including false Mansards (applied forms without windows), are discouraged and A-frame buildings and other non-traditional Nelscott forms are prohibited.

3. **Storefront Character**

a. **Fenestration (Windows and Doors).**

- 1. **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).
 - 2. **Standard.** Consistent with the desired storefront character, buildings shall provide large display windows, windowed doors and transom windows. The ground floor, street-facing elevation of all buildings shall contain at least sixty percent (60%) transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane eighty (80) inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are set back behind another building and those that are oriented to a pedestrian space (e.g., side plaza or court), shall meet the sixty percent (60%) transparency standard on all elevations abutting pedestrian spaces(s) and on elevations containing a primary entrance.
- 4. **Building Orientation.** New buildings shall conform to the build-to line requirements in Section II.B. Primary building entrances shall be oriented to a front yard or a side yard, consistent with the build-to line requirement.
 - 5. **Primary Entrances.** Buildings shall have clearly defined primary entrances. Primary entrances for building fronting onto Highway 101 shall be oriented to the highway or a corner where the highway and a side street meet. Buildings on other streets shall have primary entrances oriented to a street, court or walkway. All primary entrances shall be covered for a depth of not less than five (5) feet; either by recess, overhang, canopy, portico and/or awning extending at least five (5) over the entrance. See also, subsection C.14, Pedestrian Shelters.
 - 6. **Secondary Entrances.** Buildings with more than ninety (90) feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with subsection A.5. (See also, Section C, Buildings, and Section D, Streetscapes, below.)

7. **Armature of the Block.** Buildings fronting Highway 101 or Anchor Avenue shall give the impression of being individual, small-scale structures. This may be accomplished by providing a minimum six-foot separation between individual buildings, by a significant change in roofline combined with changes in cladding material and recessed entryways at the point of change, or by other means approved by the reviewing authority. Building separations shall contribute positively to the pedestrian environment, for example, by providing a pedestrian space, a pedestrian access way to a parking facility, or an access to residences located on an upper building story or behind a commercial use.

8. **Building Mass**

- a. **Traditional Building Pattern.** Buildings shall incorporate offsets or divisions in the façade to express the traditional lot pattern and building width of Nelscott. Changes in façade material, window design, façade height or decorative details are examples of techniques that should be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts.
- 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 ten (10) feet from the next immediate lower story. The purpose of the height step-back is to maintain the appearance of a shorter building from the street and to provide for light filtering down to the street. Note: Height step-backs also apply along the east-west (numbered) streets for the purpose of protecting coastal views and solar access, per subsection C.1. 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 C.12, below. Any projection exceeding 45 feet shall not contain habitable floor space. (See Figure C6.)
- 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.

9. **Accessibility**

Accessibility shall be provided consistent with applicable buildings 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 C.3.a.. Decorative detailing and ornamentation around windows (e.g., sills, corbels, medallions, pediments, or similar features) is encouraged.
- b. **Upper Floor Windows.** Upper floor window orientation should be primarily be vertical, or have a width that is no greater than the width of the ground floor windows.
- c. **Projecting Windows, Display Cases.** Where windows, flower boxes or display cases break the front plane of the building on its ground floor, such items shall not encroach into a required sidewalk clear zone. For durability and aesthetic reasons, display cases, when provided, shall be part of the building (not affixed to the exterior) and integrated into the building with trim or other detailing.

- d. Entrances. Ground level entrances shall be recessed behind the front façade not less than three (3) feet and be at least partly transparent, except transparency is not required on entrances to residences. This standard may be met by providing a door with a window(s) or sidelights beside the door.
- e. ATMs and Service Windows. Where ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
- f. Corner Entrances. Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with Section E, below, or the building shall provide architectural features that honor the corner as a pedestrian space; such features may include but are not limited to an alcove with seating, public art (e.g., sculpture or fountain), a vertical building element such as a tower (e.g., clock tower), or other feature approved through Site Plan review. (See also, Section E, Pedestrian spaces.)
- g. Remodels. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns, weather protection shelters, and other features shall be visually compatible with the overall composition of the building (i.e., including building materials, color, detailing, etc.).

11. Horizontal Rhythms

- a. Traditional Lot and Building Pattern. Street-facing elevations shall be articulated not less than once every twenty-five (25) feet to maintain a pedestrian scale and to avoid blank walls. Other elevations may be articulated less frequently but should complement the overall building design. The approving authority may require detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls, e.g., until an abutting property develops.
- b. Horizontal Lines. New building designs and exterior remodels shall establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: base materials and detailing below a series of storefront windows; awning or canopy line, belt course between building stories, and cornice or parapet lines. It is not necessary for new lines to match existing lines.
- c. Ground Floor/Upper Floor Division. A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the placement of windows, transoms, canopies, awnings, and signage. The majority of signage should be placed on the ground floor elevation (e.g., sign bands, canopy signs, or blade signs).

12. Vertical Lines

New construction or front elevation remodels should reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls and create a pedestrian scale. Building massing for corner properties on Highway 101 should accentuate the corner location with a vertical element. See also, Section B, Traditional Lot and Building Pattern, above. (Recommended: Figures C4, C5 and C6)

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 earth tones) or comparable cladding. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. See also, Secondary Materials and Substitute Materials, below.
- b. **Secondary Materials.** Any of the primary materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through Site Plan review.
- c. **Substitute Materials.** Substitute materials that are equal in appearance and durability to those in subsection 'a' may be approved at the discretion of the reviewing authority through Site Plan review. The applicant will be required to provide specifications from the manufacturer.
- d. **Color.** Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each twenty-five (25) horizontal feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles (e.g., Arts and Crafts). Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, neon and "day-glow" colors are not allowed (e.g., outlining building), except that neon signs are allowed subject to applicable sign codes. Metals shall be brushed finish or painted in mute or earth tones to minimize glare.
- e. **Contemporary Designs.** Materials that provide a contemporary interpretation of local architecture styles, including Arts and Crafts, Art Deco, and Vernacular (beach cottage) styles are encouraged. Buildings that resemble suburban strip-malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar non-traditional features are discouraged.
- f. **Restoration and Rehabilitation.** Restoration and rehabilitation projects should incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.

14. Pedestrian Shelters

Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least sixty percent (60%) 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 (5) 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.

15. Mechanical Equipment

- a. **Screening.** When mechanical equipment, such as utility vaults, air compressors, generators, private antennae, private satellite dishes, or similar equipment is adjacent to a street, sidewalk or pedestrian space, it shall be screened from view 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.

- b. Rooftops. Rooftop mechanical units shall not be visible from any street and shall not exceed the allowable building height.
- c. Ground-Mounted Units. Ground-mounted mechanical units shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth.

D. Streetscapes

Intent:

The relationship between the local street system, Highway 101 and adjoining properties is important from both a transportation planning and a land use perspective. Oregon Department of Transportation (ODOT) is the permitting authority for all access onto Highway 101. As the permitting agency for land use, the city works cooperatively with ODOT to manage development adjacent to the highway. The city's design standards are intended to implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for café seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses, highway users and the community as a whole.

Standards:

In addition to standards for block layout, alleys and parking lot access provided in Section III.B, 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 Section B (Blocks, Local Streets and Alleys) and Section E (Pedestrian spaces). When streetscape improvements are required of new development, such improvements shall conform to the TSP.
2. **Local Streets.** Section B provides standards for local street improvements.
3. **Pedestrian Amenities.** Section E provides standards for pedestrian spaces and pedestrian amenities. Additionally, the Nelscott Redevelopment Plan provides specifications for street furnishings such as benches, trash receptacles, wayfinding signs, and streetlights.

E. Pedestrian spaces

Intent:

The increased development intensity, mixture of uses, pedestrian activity, close building orientation and minimal private open space envisioned for Nelscott require that pedestrian space be provided along building frontages and in breaks between buildings. Pedestrian space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Pedestrian spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and central parking to the success of Nelscott. Therefore, the city requires that all new developments and redevelopment projects contribute their proportionate share of pedestrian space.

Standards:

1. **Pedestrian space Standard.** At least three percent (3%) of every development site, except for residential developments (but including mixed-use developments), shall be designated and improved as pedestrian space. The highest priority locations for pedestrian space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure (within 45 degrees of true south or west). Where no such area exists, then pedestrian space should be provided as an extended sidewalk or walkway connecting multiple developments.
2. **Dimensions.** All pedestrian spaces shall have dimensions of not less than eight (8) feet across and have a surface area of not less than sixty-four (64) square feet.
3. **Public Access.** Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the pedestrian space. Pedestrian spaces shall not be gated or closed to public access, unless otherwise required by the city.
4. **Pedestrian Amenities Required.** Where pedestrian space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor café space), benches, public art, pedestrian-scale lighting, way finding signs (as approved by the city) or similar pedestrian areas in an amount equal to or greater than one-half of one percent (0.5%) of the estimated construction cost of the subject building(s). Where a pedestrian space adjoins a building entrance it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or pedestrian access ways may be counted in fulfilling the 0.5% requirement. Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator.
5. **Mechanical Equipment and Garbage Storage Areas.** Mechanical equipment and garbage storage areas are not permitted within pedestrian space(s). Such facilities shall be screened completely from view and set back twenty (20) feet or more from a pedestrian space for aesthetic reasons and to minimize odors and noise.

F. Off-Street Parking and Circulation

Intent:

Parking is to be provided to meet the anticipated normal demand. Where areas of surface parking exist, such areas shall be oriented behind or to the side of buildings. Off-street parking and loading for uses within the Nelscott Plan District are to be provided in accordance with LCMC Chapter 17.56 except as provided below.

Standards:

In addition to the standards of LCMC Chapter 17.56 and the standards for block layout, alleys and parking lot access provided in Section III.B, 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 four hundred (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 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 twelve (12) parking spaces per bay. The minimum dimension for landscape areas is four (4) feet in width and twenty four (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 (4) feet in width and four (4) feet in height shall be provided. Alternatively, the screen may be reduced to two (2) 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 Section III.H. 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 Section E. 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 non-conforming, 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 lot 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 it is 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 paragraph 1.C.5. of this section, 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 & Community Development Director reasonably can be accommodated on the lot.

G. Pedestrian Access

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.

Standards:

To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system conforming to City standards.

H. Landscaping

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.

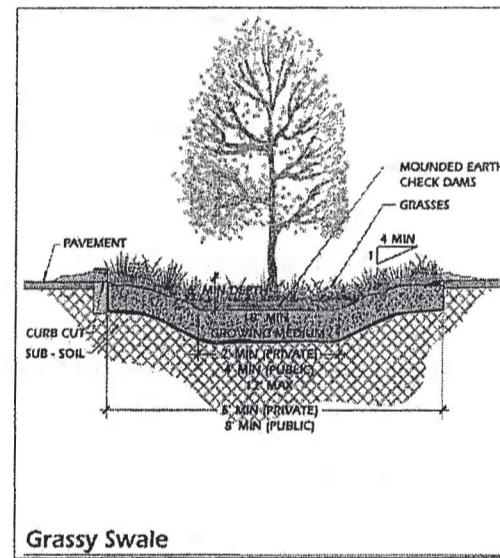
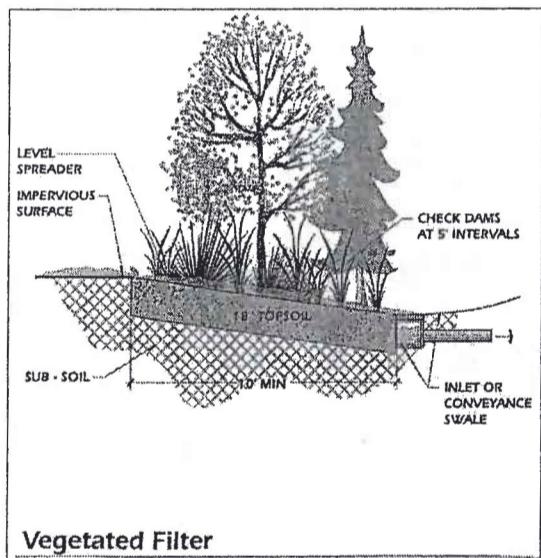
Standards:

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 3.g, below.

2. **Volume Landscaping and Screening.** Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate adjustments to other standard or the loss of mature trees as described under subsection H.1.
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 (4) feet in depth, and interior landscaping covering at least ten percent (10%) of the entire vehicular use area. The planning commission authority may reduce the minimum landscape area to not less than five percent (5%) 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 twenty four (24) square feet with a minimum dimension of at least four (4) 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 non-vegetative 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 (1) tree per 200 square feet of surface or less than one (1) shrub per 50 square feet of area.
 - d. Required trees and shrubs shall be non-invasive species that are known to thrive in the Northern Oregon coastal environment.
 - e. The following guidelines apply:
 - Vegetation native to the Pacific Northwest coast is encouraged
 - Turf and grass is discouraged, except in residential developments and in water treatment swales
 - Species should be those contained in the Lincoln City Tree Planting Guide & 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 (2) inch caliper at time of planting.
 - g. When tree mitigation is required the number of mitigation trees required shall be equal to the at least one-half total number required to achieve the number of inches of mature tree(s) removed (diameter measured at 4-feet above grade). For instance, if a 12-inch diameter tree is removed, then two 3-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 (2) years, or until it is demonstrated that new plants have become naturalized.
 - i. Shrubs shall be at a least 3-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 2 years.

- k. Trees shall be planted so that encroachment below 8 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 site 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 those within abutting rights-of-way (e.g., street trees).
4. **Parking Area Landscaping.** Surface parking areas shall contain landscaping as described under Section F Parking.
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 II.B. Porous paving may also be used for small areas, such as the first four (4) feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure H1.)



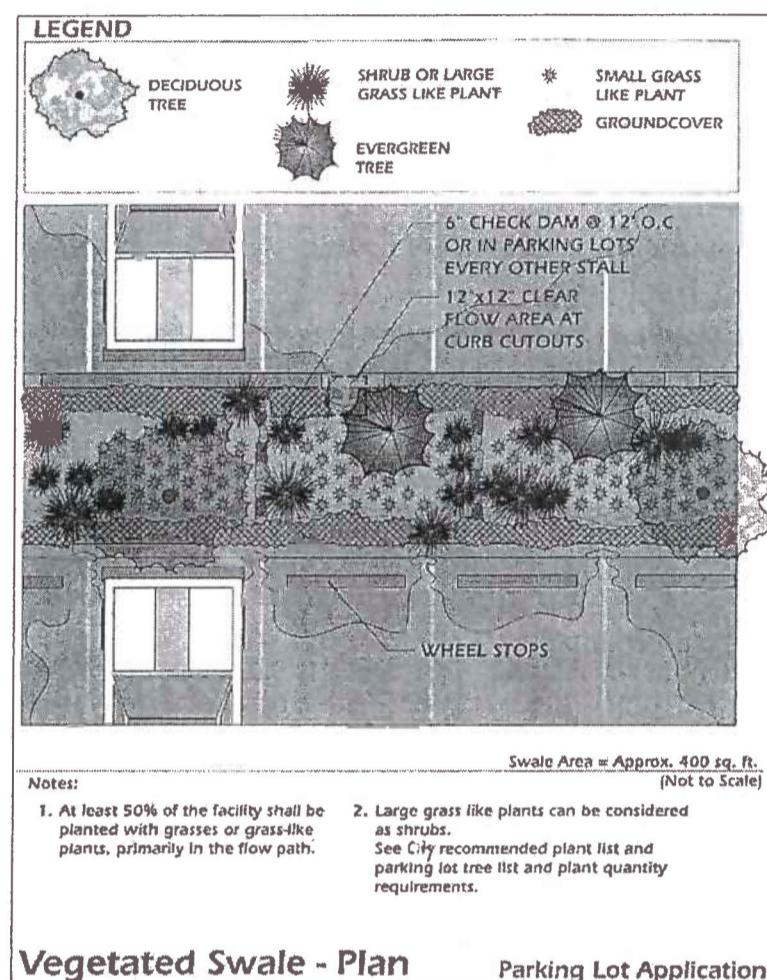


Figure H1: Typical parking lot landscape concepts, incorporating water quality features.

I. Signs

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 way finding 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.

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 the Sign Ordinance 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 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 façade design. Signs should not obscure building details. An individual building shall have no more than six (6) building-mounted signs totaling not more than forty eight (48) square feet.
2. **Freestanding Signs.** New freestanding signs shall not exceed six (6) 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 Lincoln City Municipal Code Section 17.72.060.A.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% transparency throughout the window) are encouraged. Such signs are exempt from the overall sign area limitations.
5. **Directory Signs.** Directory 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 to 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, Section J, Lighting.



Figure __: Examples of encouraged sign types (from top: mural, blade, wood cutout, hanging sign)

J. Exterior Lighting

Intent:

The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing development. Excessive lighting contributes to light pollution, glare and light trespass, and it diminishes views of the night sky. Lights in Nelscott should function primarily as tools for pedestrian way finding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas.

Standards:

Outdoor light fixtures shall not be installed without Site Plan review approval. Where a light fixture is required as part of a larger project, the lighting package shall be reviewed under the following guidelines and standards. Where an outdoor light fixture is to be installed apart from any other development application, it shall be processed administratively. Outdoor lighting that does not conform to current standards, but conformed to city standards prior to the effective date of this section are allowed to continue as non-conforming until such time that the light fixture and/or building is remodeled or replaced.

1. **Contextual Design.** Exterior lights shall be designed to fit their particular location and function. They should be simple in character and similar in color and intensity to those used traditionally. High-pressure sodium lights are appropriate, except where good color rendition is required; enhanced color rendition high-pressure sodium lamps, or more uniform spectrum lamps, may also be used.
 - a. Pedestrian ways and entrances that are not otherwise illuminated by building-mounted lights or streetlights shall be illuminated using bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas. Illumination between 1.0-2.0 foot-candles for such areas is required.
 - b. Building-mounted lights should complement the building background in style; using lights to draw attention to (wash) architectural elements is permitted, provided that unshielded, high intensity light sources and sources that direct light upward without cut-offs are not permitted. (See subsection J.2 below.)
 - c. Antique-style lights are preferred over recessed can lights and globe fixtures. Contemporary light fixtures that draw on historic elements or provide a new interpretation of an historic style are encouraged.
 - d. Maximum initial luminance of outdoor sales areas, storage areas and service station canopies and similar areas shall not exceed twenty (20) foot-candles, except as otherwise approved by the Planning Director.
 - e. Maximum initial luminance of parking lots shall not exceed four (4) foot-candles, except as otherwise approved by the Planning Director.
2. **Impacts of Lighting.** The visual impacts of site and architectural lighting, such as overspray of lights onto adjacent residential properties and lights shining into the night sky, shall be avoided.
 - a. Light poles shall not exceed a height of twenty (20) feet.

- b. Only shielded lights are permitted. Shielding should be integral to the light fixture and direct light downward. *Exception: Up-lighting of official flags may be allowed provided that the luminance level is minimized.*
- c. Lighting associated with service areas, parking lots and parking structures, as well as streetlights, shall be shielded or provide cut-offs to avoid glare, light pollution (night sky) and light spillover onto residential properties. Luminance at the property line, or no more than five (5) feet over the property line, shall be zero.
- d. The Planning Director may require the installation and use of timers or activity switches to prevent unnecessary sources of light by controlling the length of time that exterior lights are in use late at night.
- e. Lights used to wash a building elevation (including any signs) shall not wash more than seventy-five percent (75%) of the façade. Interior lights (e.g., store displays, etc.) are exempt.
- f. Uplighting is prohibited. Where lighting is used to wash an exterior wall, the use of recessed eave lighting is preferred. The maximum illumination limits for wall washing are 1.0 foot-candle for dark colored surfaces and 0.5 foot-candle for light colored surfaces.
- g. The manufacturer's data or measurement shall be provided to demonstrate conformance with the standards set out in Section 1, above. Photometric plans are required with Site Plan review applications, unless waived by the Planning Director.

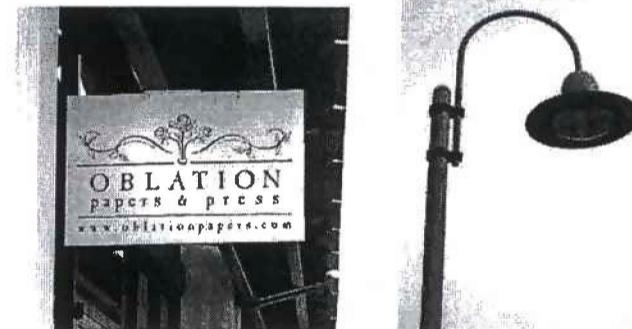
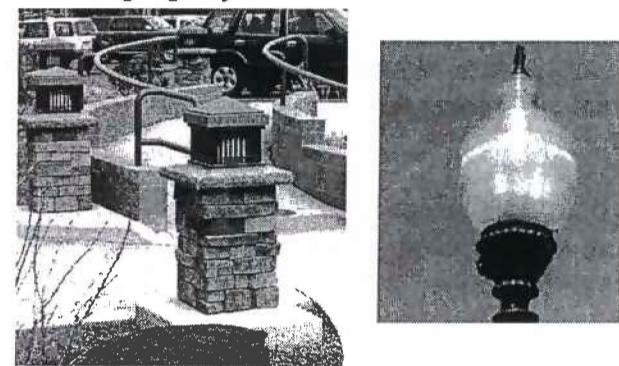


Figure J: Examples of acceptable lights

1 **Appendix A. Definitions**

2
3 *Note: The following definitions are informational. Where conflicts occur between the definitions below
4 and an adopted building code, the adopted building code shall apply. For terms that are not defined below
5 and are not defined in the building code, the reviewing authority will use its discretion in selecting from
6 professional source materials that are most relevant to the question at hand.*

- 7 1. **Accessibility** means the locational and design characteristics of a use, structure, or
8 facility that permit it to be reached by one with a disability, as prescribed under the
9 American With Disabilities Act and associated building codes and guidelines.
- 10 2. **Accessory dwelling unit** means a dwelling unit either attached to a single-family or
11 duplex primary dwelling unit or located on the same lot, having an independent
12 primary means of access, visually subordinate to the primary dwelling, and having a
13 total floor area of not more than 750 square feet.
- 14 3. **Alcove** means a recessed section of a building's exterior wall, may provide weather
15 protection, outdoor seating or other pedestrian amenities.
- 16 4. **Basement** means the lowest story of a building where fifty percent or more of the floor
17 is located below the grade plane.
- 18 5. **Belt course** means a horizontal course in a masonry wall that is of a different color,
19 texture, size, or material and which is compatible with the overall form and
20 architectural composition.
- 21 6. **Bollard** means a post of metal, wood or masonry, or a combination thereof, that is used
22 to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain
23 sidewalk or pathway lighting.
- 24 7. **Pedestrian space** means a public gathering space, such as a plaza, square, outdoor
25 seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and
26 connecting one or more developments to the adjacent streetscape.
- 27 8. **Clerestory** means a window that extends from the ground floor of a building to near
28 the top of an outside wall.
- 29 9. **Corbel** means a projection a building out from a masonry wall, sometimes to support a
30 load and sometimes for decorative effect.
- 31 10. **Cornice** means the exterior trim of a structure at the meeting of the roof and wall.
- 32 11. **Façade** means the front or principal face of a building, any side of a building that faces
33 a street, way, or pedestrian space.
- 34 12. **False-front** means a front wall that extends beyond the sidewalls or rooftop of a
35 building to create a more imposing façade. (See also, "parapet.")
- 36 13. **Fenestration** means the arrangement and design of windows and doors in a building.
- 37 14. **Grade** means the surface elevation of the ground.
- 38 15. **Guideline** means a recommended approach, parameter, example, and/or rationale for
39 interpreting, applying, and/or modifying a standard through the site plan review
40 process. For the purpose of site plan review, the photographs, illustrations, and
41 diagrams contained in this document are intended to be used as guidelines, except

- 1 where an illustration contains a specific dimensional requirement or is accompanied by
2 the words "shall" or "must," then the illustration is intended as a standard.
- 3 16. **Height**. Height is measured from the grade plane to the highest point on a flat roof,
4 including any parapet, or to the average height of the highest gable on a pitched or
5 sloped roof.
- 6 17. **Lintel** means a heavy horizontal beam of wood or stone over an opening of a door or
7 window to support the weight above it.
- 8 18. **Medallion** means a small decorative detail used to accent a building's exterior.
- 9 19. **Mezzanine** means an intermediate level between a ground floor and the upper
10 story(ies) occupying a partial area of floor space.
- 11 20. **Parapet** means a low protective wall at the edge of a roof.
- 12 21. **Pedestrian-scale lighting** means lighting that is designed and located to illuminate a
13 sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-
14 mounted lights and step lights are typical of pedestrian-scale lighting.
- 15 22. **Pediment** means a low-pitched gable over a portico, door or window; may be used to
16 reduce the scale of a building façade.
- 17 23. **Pier** means a portion of a wall between windows, doors or other openings.
- 18 24. **Pilaster** means a shallow pier used to buttress a wall; or a rectangular column with a
19 capital and base, projecting only slightly from a wall as an ornamental motif.
- 20 25. **Pocket park** means a small plaza or landscaped pedestrian space, typically less than
21 one-quarter acre and not for recreational use.
- 22 26. **Portico** means a porch or entrance to a building consisting of a covered and often
23 columned area; may be used to address building orientation standards where
24 redeveloping a building to meet the front property line is not feasible.
- 25 27. **Public art** means artwork in the public realm, regardless of whether it is on public or
26 private property, or whether it is acquired through public or private funding. Public art
27 can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate,
28 fountain, engraving, carving, fresco or similar artwork which is approved through
29 design review. In evaluating public art proposals, the reviewing authority may refer to
30 guidelines and inventories prepared by the Arts Committee, the National Trust for
31 Historic Preservation and/or other references it deems appropriate.
- 32 28. **Spandrel** means the blank space between windows and successive stories; or the area
33 between the top of a column or pier and the apex of the arch springing from it.
- 34 29. **Split-barrel roof** means a rounded roof that resembles a barrel split in half and resting
35 rounded side up.
- 36 30. **Standard** means a requirement for the purposes of design review approval.
37 Dimensional requirements and provisions containing the words "shall," "must," "not
38 permitted," "prohibited," "required/requirement," or similar prescriptive or
39 proscriptive terms indicate the presence of a standard.
- 40 31. **Streetscape** means the interface between development and a public street along the
41 development's street frontage; it typically includes storefronts, building entrances,
42 weather protective canopies or awnings, pedestrian spaces such as plazas and curb

1 extensions at intersections, a building front zone along the sidewalk where outdoor
2 seating may occur, a through zone for pedestrians, a street furnishings zone for lights,
3 trees, and other furnishings, and on-street parking where applicable.

4 32. **Transparency (windows)** means non-reflective glass with a visible transmittance rating
5 of 0.50 or greater, per the National Fenestration Rating Council.

6 33. **Turret** means a small tower extending above a building.

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

10

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 27th day of
Octuber, 2007.

Lori Hollingsworth
LORI HOLLINGSWORTH, MAYOR

13 ATTEST:

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15 Cathy Steere
16 CATHY STEERE, CITY RECORDER

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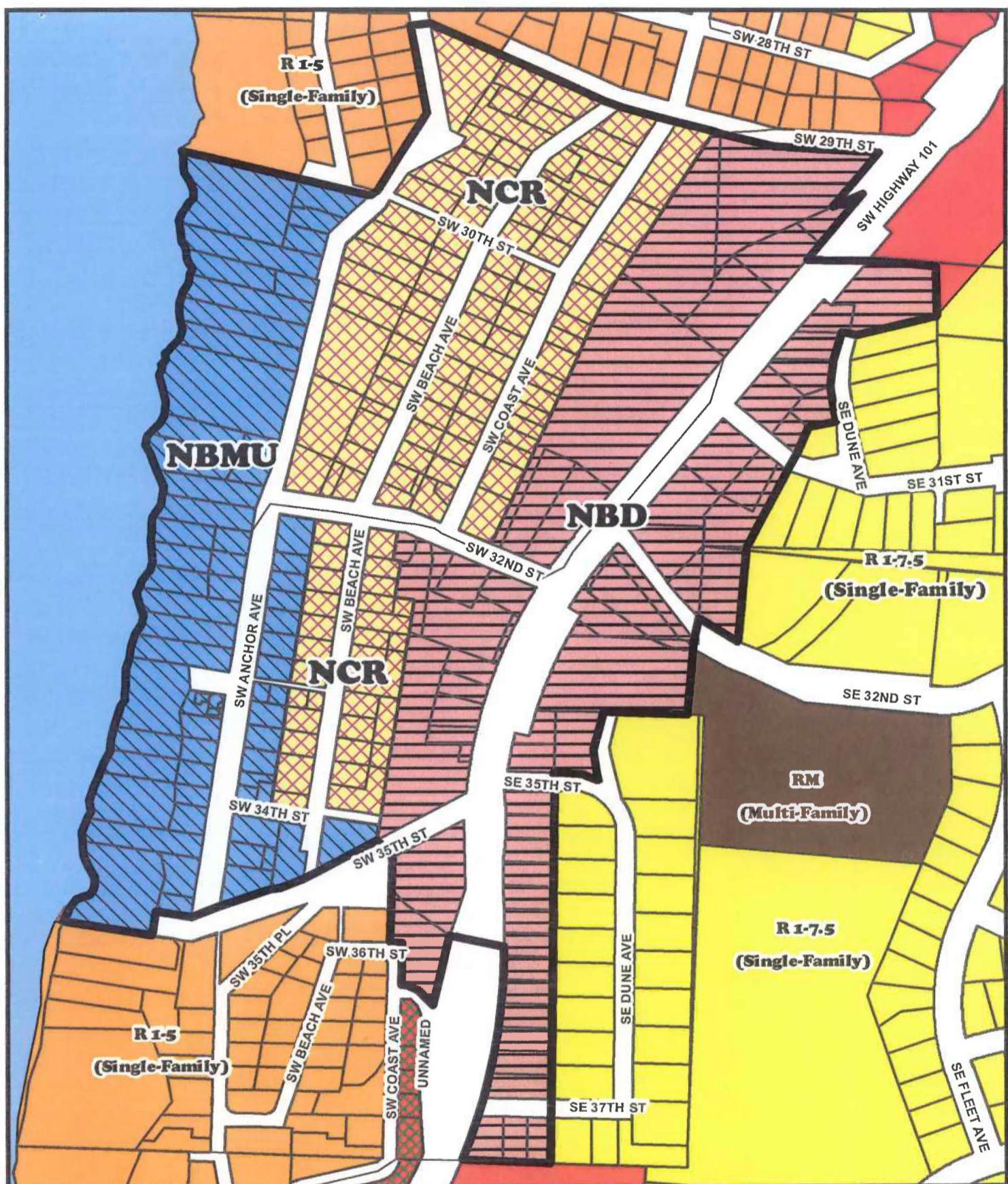
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Nelscott Plan District - Version A

Nelscott Beachside Mixed Use Nelscott Cottage Residential
 Nelscott Business District

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Feet
August 2008

G & COMMUNITY DEVELOPMENT
LINCOLN CITY
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CITY, OR 97367



UNITED STATES POSTAGE

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0004219450 OCT 29 2008
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Attn: Plan Amendment Specialist
Dept. of Land Conservation/Dev.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540