

1 **Ordinance No. 2024-12**

2 **An Ordinance Amending the City of Lincoln City Municipal Code, Title 17 (Zoning), Amending**
3 **Chapter 17.08 (Definitions), to Amend the Definition of “Building Coverage”**

4 **Whereas**, the amendments to the Lincoln City Municipal Code are in conformance with the
5 Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached
6 Exhibit “A”; and

7 **Whereas**, the amendments are in conformance with the Zoning Ordinance, including, but not
8 limited to, required initiation, processing and noticing requirements; and

9 **Whereas**, the City duly notified the Oregon Department of Land Conservation and
10 Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on
11 _____, 2024; City staff determined that the amendment does not remove uses
12 from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and

13 **Whereas**, the Planning Commission, on _____, 2024, held a public hearing and
14 considered the amendments contained within this ordinance. On _____, 2024 the
15 Planning Commission voted to transmit the amendments to the City Council with a
16 recommendation that the ordinance be adopted; and

17 **Whereas**, The City Council conducted a public hearing on _____ 2024, closed the
18 hearing, closed the record, and deliberated on the proposed amendments on _____,
19 2024; and

20 **Whereas**, all persons were given an opportunity to provide written and/or oral testimony on
21 the proposed ordinance amendments,

22 **The City of Lincoln City Ordains as follows:**

23 **Section 1:** Lincoln City Municipal Code Chapter 17.08 (Definitions) is hereby amended to amend
24 the definition of “Building coverage” to read as follows:

25 “Building coverage” means the percentage of the total lot or parcel covered by the footprint of
26 all primary and accessory structures and buildings, including decks, balconies, porches, and
27 stairs. Uncovered decks, porches, or stairs are not included in the determination of building
28 coverage provided the surface of the deck, balcony, porch, or stairs consists of planks no wider
29 than six inches with spaces at least ¼ inch wide between the planks that are open directly to
30 the ground beneath them.

31 **Section 2:** Findings Adopted. The findings contained in the Whereas Clauses of this ordinance,
32 together with the Findings set forth in Exhibit A, as well as the competent substantial evidence
33 in the whole record of this legislative proceeding are incorporated into this section by reference
34 as if fully set forth herein, and are adopted in support of this legislative action.

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Section 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Section 4. Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

Section 5. Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the ____ day of _____ 2024 (First Reading) and on the ____ day of _____ 2024 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this ____ day of _____.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

David Robinson, CITY ATTORNEY