

Toledo City Hall
Council Chambers
206 N. Main St. Toledo OR
May 13, 2020
7:00 pm

AGENDA

TOLEDO PLANNING COMMISSION

ELECTRONIC/VIRTUAL MEETING VIA ZOOM MEETING PLATFORM. Due to the Governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold the meeting through the Zoom video meeting platform. The public is invited to attend the meeting electronically. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information.

Public Comments: The Planning Commission may take limited verbal comments during the meeting. Written comments can be submitted by email to planning@cityoftoledo.org by 4:00 pm on May 13, 2020, to be included in the record. Comments received will be shared with the Planning Commission and included in the record.

1. CALL TO ORDER AND ROLL CALL
2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE FEBRUARY 12, 2020, AND MARCH 11, 2020 MINUTES as circulated and reviewed by the Planning Commission
4. DISCUSSION ITEMS:
 - a. Sign Code Review
 - b. Safe Routes to School Grant Application Update
 - c. Residential Code Updates
5. STAFF COMMENTS
6. COMMISSIONER COMMENTS
7. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting by calling the Toledo Planning Department at 541-336-2247.

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Todd Michels. Commissioners present: Geoffrey Wilkie, Robert Duprau, Anne Learned-Ellis, and Penny Ryerson (arrived at 7:03 pm). Excused was Cora Warfield.

Staff present: Contract Planner (CP) Justin Peterson, City Attorney (CA) David Robinson, and Secretary Arlene Inukai

VISITORS: None

APPROVAL OF THE JANUARY 8, 2020, MINUTES:

Commissioner Wilkie noted two errors ("levee" and "Wilkie" on Page 4). It was moved and seconded (Learned-Ellis/Wilkie) to approve the January 8, 2020, minutes as circulated and corrected by the Planning Commission. The **motion passed**, noting the absence of Warfield and Ryerson.

Commissioner Ryerson entered the meeting at this time.

DISCUSSION ITEM: ACCESSORY DWELLING UNIT UPDATE:

CP Peterson reported the City Council passed the accessory dwelling unit updates, as recommended. No changes or adjustments were proposed. There was one public comment presented at the meeting, in support of the proposal. The decision is now in the appeal period. CP Peterson thanked Commissioner Ryerson for running the public hearing last month. Commissioner Ryerson expressed appreciation of the entire group in helping with the procedures.

DISCUSSION ITEM: HOUSING WORKSESSION, MARCH 11, 2020:

Next month's meeting will be a joint worksession with the City Council, beginning at 6:00 pm. Kevin Young with Oregon Department of Land Conservation and Development (DLCD) will be at the meeting to discuss housing issues. If Commissioners have a specific housing topic to review, CP Peterson suggested they let him know of the items that could be discussed.

DISCUSSION ITEM: OLALLA SLOUGH PARK PROJECT:

CP Peterson reviewed the recent meeting with Mayor Cross, Department of State Lands, DLCD, and City staff to provide some details on the park project. The City will need a wetland delineation study for the site. In the next budget year, Planning will ask for \$10000-15000 for special planning projects, which could be used for the wetlands report. A boardwalk project would need the wetland delineation, then a consultant to design the project, then a contractor to build. At best, the wetland study could be funded in the next budget year, a consultant hired this summer and the study completed in the fall. The State indicated that there could be a salmon habitat impact, but they were reluctant to give specific advice until a proposal comes through.

CP Peterson discussed the Safe Routes to School grant program. Commissioners reviewed the grant opportunities and believe the project identification option would be a good place to start. CP

Peterson will provide more information on the program and will coordinate with Lincoln County and the School District. Commissioners discussed other grants that could be used for the bicycle/pedestrian trail, such as the Oregon Parks and Recreation grant.

DISCUSSION ITEM: SIGN CODE REVIEW:

CP Peterson announced that the City Council recently discussed the need for sign standards and for Planning to start looking at signs in the commercial districts. At this point, there are no sign regulations specified in the Commercial Zone. Signs are protected by the 1st Amendment and there is a lot of case law around signs. The Planning Commission started a sign code review in 2010, but it is uncertain why it did not move forward. CP Peterson distributed a handout showing existing sign standards within the zoning ordinance.

Sign standards can be discussed at the next joint City Council/Planning Commission worksession. The group should determine the goal of the sign code and what the code needs to achieve. For example, is the goal to address safety, time, size, clear vision? Sign standards must be content-neutral, therefore, reference to the types of signs, such as 'political signs' needs to be removed. The size, location, duration, safety, and line of vision can all be addressed. Commercial signs will still need to meet building code standards. Standards along Bus. Hwy 20 may be different than Main Street and residential neighborhoods. All sign standards need to be content-neutral. Commissioners discussed temporary and political signs.

Commissioners suggested that safety and line of vision should be the starting point. They would like to keep the code simple, while meeting sign laws and recent court challenges. Signs should be informative and safe. Moving signs are hard to read and focus on while driving.

STAFF COMMENTS:

CP Peterson reported that Cascades West Council of Government is in the process of hiring a Coastal Planner to cover Yachats, Waldport, possibly Lincoln City, and Toledo may soon have a new Planner. CP Peterson's assignments will depend on the workload, but most likely, Toledo will transfer to the new Planner. He would like to stay and complete Toledo's projects, but will work on a smooth transition. Commissioners voiced appreciation of CP Peterson's assistance and his departure will be a loss.

CA Robinson reported Toledo Public Library will have a tree celebration on April 25th and tree-related activities for kids. He will keep the Planning Commission updated on the project.

COMMISSIONER COMMENTS:

Commissioner Ryerson apologized for arriving late, but she was delayed a bit due to the Port of Toledo and City Council joint meeting held earlier this evening.

There being no further business before the Commission, the meeting was adjourned at 7:40 pm.

Secretary

President

TOLEDO PLANNING COMMISSION AND CITY COUNCIL
MINUTES OF THE JOINT WORKSESSION

The City of Toledo Planning Commission/City Council joint worksession was called to order at 6:01 pm by Planning Commission President Todd Michels.

City Councilors present: Jackie Kauffman, Heather Jukich, Betty Kamikawa, Stu Strom, and Mayor Rod Cross. Excused were Bill Dalbey and Josh Smith.

Planning Commissioners present: President Todd Michels, Geoff Wilkie, Cora Warfield, Robert Duprau, and Anne Learned-Ellis. Excused was Penny Ryerson.

Staff present: Contract Planner Justin Peterson, City Manager Judy Richter, City Attorney David Robinson, and Secretary Arlene Inukai.

VISITORS: Kevin Young and Lisa Phipps

DISCUSSION AND INFORMATION ITEM: HOUSING PRESENTATION BY KEVIN YOUNG OF OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD):

Kevin Young introduced himself, stating that he is an urban planner with DLCD, focusing on housing, infrastructure, and urbanization. He introduced Lisa Phipps, also with DLCD. Councilors and Commissioners each introduced themselves. Mr. Young stated he work for several years with former Toledo Planner Fred Towne while at the City of Corvallis.

Before tonight's meeting Mr. Young reviewed the Lincoln County Housing Strategy Plan from 2019 and believes it's a good starting point for Toledo to move forward with housing issues.

Mr. Young provided a PowerPoint presentation, highlights are summarized below:

- Oregon State Planning Goal 10 references housing, including buildable lands and housing needs.
- The City of Toledo has a 20 year old Buildable Lands Inventory (BLI) and no Housing Needs Analysis (HNA). An HNA is needed, but before this plan is completed, the BLI need to be updated to show existing residential lands are available for a 20 year period.
- Review of State housing policies.
- Barriers to "needed housing" would be identified in an HNA. Housing needs could be a specific type of unit. Once the barriers are identified, the City could remove those barriers through code amendments, establish "clear and objective" standards, and non-discretionary criteria. Local government still has the ability to discuss the process, but there should be clear standards.
- The HNA will show a supply and demand over a 20 year period. The growth/population projections will be used. A BLI can exclude the floodplain and 25% slopes from the inventory. At this time, tsunami zones are not automatically excluded, but many communities have an overlay zone that affects the development. Building in a floodplain or steep slope can be done, but may not be "affordable".

- The Urban Growth Boundary (UGB) adjustment process has become easier than expansions. It might make more sense to adjust an existing UGB than expand it.
- Reviewed other Oregon cities HNA adoption and recent UGB adjustments.
- Explained House Bills 2001 and 2003 requirements. Because of the House Bills, new model codes will be coming out, which may be helpful to the City. The City can choose to pick certain elements from the two bills and implement those housing standards, but the City is not obligated to adopt all of the requirements, because of the population size.
- One option for Toledo is to partner with other communities and the County for a regional HNA. Completing an HNA will be helpful for Toledo, as UGB development may not be as feasible, due to the lack of public infrastructure. It would also help in obtaining funding for specific projects and strategies identified in the plan. There are funding options available to local governments that could be used for an HNA or a housing program, such as DLCDC's technical assistance grant and Transportation and Growth Management's program.
- The group discussed the removal of parking requirements for accessory dwelling units (ADU) and that small cities should be able to require one new space for an ADU. They stressed the increased problems with on-street parking and emergency vehicle access.
- The code standards have to be clear and objective. If a developer finds that they are not, then it can be challenged in the courts.

The group thanked Mr. Young for the presentation and asked that a copy of the slides be provided to members who are absent.

CP Peterson distributed a report on the building permit and land use activities for 2020. The group reviewed a couple of current projects and received clarification on site addresses.

At this time, Mayor Cross left the meeting.

DISCUSSION AND INFORMATION ITEM: SIGN CODE:

CP Peterson reported on the new project to establish a sign code. At an earlier Planning Commission meeting, the Commission defined the goal of the sign ordinance to focus on safety, this can include line of sight, but the code can also address size and luminosity. Sign codes cannot regulate content.

There could be different standards for different zones or along Bus. Highway 20/Main Street area. The group discussed size of the print, as some signs can be hard to read if the size is too small. It was noted that the truck route signs are small and difficult to read. Because of case laws, there can be regulations on how fast an electronic sign can display content. CA Robinson stressed the need for clear and objective criteria and, if the viewer has to read a sign to determine how to regulate it, then it does not meet sign laws.

General consensus of the group agreed to focus on safety and placement of the signs and then to address the standards for various zone districts. CA Robinson reported that the League of Oregon Cities created a model sign code that can be distributed. The model code is 67 pages, which includes explanations. Commissioner Learned-Ellis would like to keep the code simple.

CP Peterson noted that a new sign code may create non-conforming signs. Readability, abandoned signs, and temporary signs can be addressed in a new sign code. The group discussed how a new code could impact temporary signs, such as political signs. Often, political signs are pulled by the

campaign after elections, but there could be standards on placement/location, safety, and zoning district. All agreed safety is a good reason to move forward with the code changes.

Councilors suggested a review along Bus. Highway 20 and Main Street districts, asking for uniformity. The size, placement, lighting, should all be reviewed, along with billboard placement standards. The group discussed the existing Toledo Booster reader board, truck signs, right-of-way placement, and zone districts. Councilor Kauffman stressed there should be safety measures and uniformity within the standards. Councilor Jukich added that they do not want to restrict the 'timber unity' signs. Councilor Kamikawa asked how the code could impact a proposed lighted digital sign for the library and pool. It was clarified that the City would still have to comply with the new code standards.

CP Peterson reported he will continue working on the code. There could be another joint worksession as the proposal gets completed.

DISCUSSION AND INFORMATION ITEM: PLANNER REPORT:

CP Peterson reported that Oregon Cascades West Council of Governments have been in the hiring process for a Coastal Planner. The selected candidate declined and CP Peterson will remain with Toledo for a bit longer.

CITY COUNCILOR AND PLANNING COMMISSIONER COMMENTS:

All agreed it is beneficial to meet in a joint worksession.

STAFF COMMENTS:

CM Richter announced a League of Oregon Cities Land Use Planning in Oregon class, scheduled for May 7, 2020, at the Toledo Fire Department.

There being no further business, the worksession was adjourned at 8:00 pm.

Secretary

Planning Commission President

To: Toledo Planning Commission
From: Justin Peterson, Contract Planner
Date: May 7, 2020
Re: Sign Code Update

The City of Toledo existing code has very few sign regulations. The City Council and Planning Commission had a joint work session on March 11, 2020 to discuss the goal of a sign code update. The meeting provided staff direction to research sign code language. The League of Oregon Cities has a model sign code. In addition, the City of Cannon Beach has a sign code that may be a good template for the City of Toledo. The existing City of Toledo Sign regulations and the Cannon Beach Sign Code are attached.

The purpose of this memo is to continue the conversation about the sign code. Staff plans to schedule a second joint work session in July or August. At that meeting staff will provide a draft sign code.

Attachments: -Existing Sign Standards
-Cannon Beach Sign Code

City of Toledo Existing Sign Code

Definition

"Sign" means a presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the board, metal, or surface upon which the sign is painted, included, or attached. (TMC 17.04)

17.08.040 and 17.12.050 - Signs. (R-S and R-G Zone)

The following signs are permitted in the R-S zone:

- A. One temporary sign, not illuminated and not to exceed nine square feet in area, advertising the sale, lease, or rental of the property.
- B. Temporary political signs, not illuminated and not to exceed six square feet, to be removed within seven days after the pertinent election date.
- C. One non-illuminated sign not to exceed six square feet in area in conjunction with a home occupation.

17.46.050 - Advertising and signs. (Home Occupations)

In no case shall a sign exceed six square feet.

Cannon Beach Sign Code

17.04.525 Sign or sign related definitions.

The following definitions pertain to signs:

- A. "Abandoned sign" means a sign pertaining to a use or lot where the message of the sign no longer pertains to a use or activity occurring on the lot;
- B. "Awning sign" means a sign that is placed on a temporary or movable shelter supported entirely from the exterior wall of a building;
- C. "Bench sign" means a sign painted on or attached to a bench;
- D. "Building frontage" means an exterior building wall facing a street, parking lot or pedestrian walkway;
- E. "Business frontage" means the lineal frontage of a building or portion thereof devoted to a specific business and having an entrance open to the general public;
- F. "Corner sign" means a sign that is placed on a lot so as to be visible from two public streets;
- G. "Freestanding sign" means a sign on a frame, pole or other support structure which is not attached to any building or permanent structure;
- H. "Frontage" means the single full surface of a building facing a given direction;
- I. "Incidental sign" means a sign, other than a temporary or lawn sign, which does not require a permit;
- J. "Lawn sign" means a temporary freestanding sign made of rigid materials;
- K. "Permanent sign" means a sign attached to a building, structure or the ground in some manner, having a sign face area of four square feet or more and made of materials intended for more than short-term use;
- L. "Projecting sign" means a sign attached to and projecting out from a building face or wall and generally at right angles to the building;
- M. "Readerboard sign" means a sign which can accommodate changeable copy;
- N. "Sandwich board sign" means a sign not supported by a structure in the ground, nor attached to or erected against a structure, and capable of being moved;
- O. "Sign" means any identification, description, illustration, symbol or device which is affixed upon a building, structure or land and whose primary purpose is to convey a message;
- P. "Site frontage" means the length of the property line parallel to and along each public right-of-way;
- Q. "Temporary sign" means a sign not permanently attached to a building, structure or the ground;
- R. "Undeveloped site" means a lot with no permanent structure which contains a use permitted by the zone in which it is located;
- S. "Wall graphic" means a painting or other graphic art technique which is applied directly to the wall or face of a building or structure;
- T. "Wall sign" means a sign attached to or erected against the wall of a building with the sign face in a parallel plane of the building wall;

- U. "Window sign" means a sign permanently affixed to the window panes of a building. (Ord. 89-29 § 1; Ord. 88-1 § 1; Ord. 86-16 § 1 (90); Ord. 86-10 § 1 (90))

Chapter 17.56 SIGNS

17.56.010 Purpose.

The purpose of this chapter is to regulate such factors as the size, number, location, illumination and construction of signs with the intent of safeguarding and enhancing the aesthetic character of the city. (Ord. 89-29 § 2; Ord. 89-3 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(1))

17.56.020 Conformance.

No sign may be erected unless it conforms with the regulations of this chapter. Sign permits, as required by Section 17.56.060 must be approved prior to the erection of the sign. (Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(2))

17.56.030 Regulations—Generally.

The following general provisions shall govern all signs, in addition to all other applicable provisions pertaining to signs:

A. Sign Face Area.

1. The area of sign faces enclosed in frames or cabinets is determined by the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 1 of this chapter). Sign area does not include foundations, supports and other essential structures which do not serve as a backdrop or border to the sign. Only one side of a double-faced sign is counted in measuring the sign face area. (To be considered a double-faced sign, the sides of the sign must be flush.)
2. When signs are constructed of individual pieces the sign area is determined by a perimeter drawn around all the individual pieces taken together (see Figure 2 of this chapter).
3. For sign structures containing multiple sign modules oriented in the same direction, the sum of the sign area of the individual sign modules are counted as one sign face (see Figure 3 of this chapter).
4. The area of a sign shall be determined according to the following:
 - a. Rectangle or square: length times width.
 - b. Triangle: length times width divided by two.
 - c. Circle: 3.14 times R squared, where R is the sign's radius.
 - d. Oval: the area contained within a rectangle whose length times width does not exceed thirty square feet.
 - e. The city shall measure other sign shapes, not listed above, according to the formula it determines to be most appropriate.
5. Where a business or use has more than one entrance, the business owner shall specify which entrance is the business frontage for the purpose of calculating sign face area.

- #### **B. Height of Signs.**
- No freestanding, projecting or awning sign, including supporting structures, shall be more than sixteen feet in height. The overall height of a sign or sign-supporting structure is

measured from the existing grade directly below the sign to the highest point of the sign or sign-supporting structure (see Figure 4 of this chapter).

- C. Clearances. Clearances are measured from the existing grade directly below the sign to the bottom of the sign structure enclosing the sign face (see Figure 5 of this chapter).
- D. Corner Signs. Corner signs facing more than one street shall be assigned to a site frontage by the applicant. The sign must meet all provisions for the site frontage it is assigned to.
- E. Sign Placement.
 - 1. Placement. All signs and sign structures shall be erected and attached totally within the site except where permitted to extend into a street right-of-way.
 - 2. Frontages. Signs allowed based on the length of one site frontage may not be placed on another site frontage.
 - 3. Vision Clearance Areas. No sign may be located within a vision clearance area as defined in Section 17.90.040.
 - 4. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least fourteen feet above the ground. Vehicle areas include driveways, parking lots and loading and maneuvering areas.
 - 5. Pedestrian Area Clearances. When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the grade. An exception is provided for a sign that is attached to the structural element associated with a doorway or entry that is less than eight feet above the grade. In this case, the sign shall be placed no lower than the lowest point of the structural element associated with the doorway or entry.
 - 6. Projecting Signs. Signs shall project no more than two feet into a public right-of-way.
- F. Sign Lettering. The maximum letter height shall be twelve inches.
- G. Signs Not to Constitute a Traffic Hazard. Signs or sign supporting structures shall not be located so as to detract from a motorist's view of vehicular or pedestrian traffic or a traffic sign.
- H. Glare. All signs shall be so designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly-dedicated streets and surrounding public or private property.
- I. Prohibited Signs. The following signs are prohibited:
 - 1. Signs that contain flashing elements;
 - 2. Signs that contain moving, rotating or otherwise animated parts;
 - 3. Signs that contain luminescent, fluorescent or phosphorescent paints or paper. This includes paints referred to as day-glo, hot or neon;
 - 4. Signs that contain neon-type lighting, including such signs when located within a building where that sign is visible from the street adjacent to the exterior of the building;
 - 5. Signs that are internally lighted;
 - 6. Signs placed so that the sign extends above a flat roof or the ridge of a pitched roof;

7. In the C1, C2, RM, MP, OSR, IN and PK zones, no devices such as pennants, streamers, spinners, wind socks or kites, or similar devices which move as a result of air pressure. These devices, when not part of a sign, are similarly prohibited;
 8. A public address system, sound system or similar device, either permanently or temporarily installed exterior to a building, whether or not it is used to advertise a business or product, where the sound is audible from a public street or adjacent property;
 9. Sandwich board sign;
 10. Reader board sign;
 11. Bench sign;
 12. Wall graphics.
- J. Materials.
1. A sign subject to a permit shall meet the material and construction methods requirements of the Uniform Sign Code (1985).
 2. Signs shall be constructed of wood or have a wood exterior, or be painted or etched on a window or be part of an awning. Signs consisting of other materials must be approved by the design review board.
 3. The supporting structure of a sign shall not exceed the sign's height or width by more than two feet.
- K. Maintenance. All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept in a neat appearance.
- L. Removal of Abandoned Sign. It is the responsibility of the property owner to remove any abandoned sign within thirty days of the cessation of its use.
- M. Permanent Signs. Permanent signs are not allowed on undeveloped sites.
- N. Sculpture. Sculpture that represents a business logo shall be considered a sign and shall meet the relevant sign requirements for the site on which is located.
- O. Freestanding signs are subject to review by the design review board. The review shall be conducted as a nonhearing item. (Ord. 97-27 § 1; Ord. 97-4 § 1; Ord. 94-20 § 1; Ord. 94-06 §§ 5—7; Ord. 92-11 § 52; Ord. 89-29 § 2; Ord. 89-3 § 1; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040) (4))

17.56.040 Regulations—Base zone.

- A. C1, C2 and RM Zone Sign Requirements. For all uses and lots in the limited commercial (C1), general commercial (C2) and residential motel (RM) zones, the following number, sizes and types of signs are allowed. All allowed signs must also be in conformance with the regulations in Chapter 17.56.030.
1. Total sign square footage permitted.
 - a. The total square footage of all signage associated with a lot shall not exceed one square foot of sign face area per lineal foot of site frontage.
 - b. The total square footage of all signage associated with a business shall not exceed one square foot of sign face area per lineal foot of business frontage up to a maximum of thirty-six square feet. Notwithstanding paragraph (a) above, each business is permitted a minimum of twenty square feet of sign face area e.g., there are five businesses located

on a lot with fifty feet of site frontage. Paragraph (a) above would limit the total sign face area of all five businesses to no more than fifty square feet. However, this provision ensures that each of the five businesses would be permitted up to twenty square feet.

2. Freestanding Signs. Each lot is permitted one freestanding sign per site frontage. The maximum sign face for a freestanding sign is twenty-four square feet.
 3. Signs Attached to Buildings.
 - a. A business or use shall have no more than one permanent sign, other than a freestanding sign, for each building frontage and the sign must be placed on the corresponding building frontage, e.g., a business with two building frontages cannot place both signs on one of the building frontages.
 - b. The maximum sign face area for an individual sign shall be no more than twenty-four square feet or one square foot of sign face area per lineal foot of business frontage, whichever is less.
 4. Types of Signs. The following types of signs are permitted: permanent, freestanding, wall, projecting, window, awning, temporary, incidental and lawn signs.
- B. Manufactured Dwellings and RV Park (MP), Park Management (PK), Institutional (IN) and Open Space/Recreation (OSR) Zone Sign Requirements. For all uses and lots in the manufactured dwelling and recreational vehicle park (MP), park management (PK), institutional (IN) and open space/recreational (OSR) zones, the following number, sizes and types of signs are allowed. All allowed signs must also be in conformance with the regulations of Chapter 17.66.
1. Total Square Footage Permitted. The total square footage of all signage associated with a lot or business shall not exceed thirty-six square feet of sign face area.
 2. Freestanding Signs. Each site is permitted one freestanding sign. The maximum sign face area for a freestanding sign is twenty-four square feet.
 3. Signs Attached to Buildings.
 - a. A business or use shall have no more than one permanent sign, other than a freestanding sign, for each building frontage and the sign must be placed on the corresponding building frontage, e.g., a business with two building frontages cannot place both signs on one of the building frontages.
 - b. The maximum sign face area of an individual sign is no more than twenty-four square feet or one square foot of sign face per linear foot of business frontage, whichever is less.
 4. Types of Signs. The following types of signs are permitted: permanent, freestanding, wall, projecting, window, awning, temporary, incidental and lawn sign.
- C. Residential Very Low Density (RVL), Lower Density (RL), Moderate Density Residential (R1), Medium Density Residential (R2), High Density Residential (R3) and Residential-Alternative/Manufactured Dwelling (RAM) Zones Sign Requirements. For all uses and lots in the residential very low density (RVL), lower density (RL), moderate density residential (R1), medium density residential (R2), high density residential (R3) and residential alternative/manufactured dwelling (RAM) zones, the following number, sizes and types of signs are allowed. All allowed signs must also be in conformance with the regulations of Chapter 17.66.
1. Total Square Footage Permitted. The total square footage of signage associated with a use or lot shall not exceed ten square feet.
 2. Types of Signs Permitted.

- a. A use or lot shall have no more than one incidental sign, with an area of no more than two square feet of sign face area.
 - b. A use or lot shall have no more than two temporary and/or lawn signs and no temporary or lawn sign shall have an area of more than four square feet.
 - c. The following types of signs are permitted: incidental, wall, projecting, window, temporary, and lawn signs.
- D. E and OS Zones Sign Requirements. No sign shall be permitted in the estuary (E) and open space (OS) zones. (Ord. 92-11 § 53; Ord. 90-10 § 1 (Appx. A § 34); Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(5))

17.56.050 Exemptions.

The following signs are exempt from the provisions of this chapter:

- A. Signs, other than neon signs, within a building not intended to be visible from the exterior of a building;
- B. Signs legally erected in a street right-of-way;
- C. Building numbers required by Chapter 15.08;
- D. Three flags of national or state governments. (Ord. 94-06 § 8; Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(3))

17.56.060 Permits.

- A. Sign Permits Required. A sign permit is required for the erection of any new permanent sign with a sign face area of four square feet or more or the alteration of the structure of an existing permanent sign in the C-1, C-2, RM, MP, PK, IN or OSR zones.
- B. Required Information for a Sign Permit. For purposes of review by the city, a scale drawing of the proposed sign shall be submitted. The drawing shall indicate the dimensions of the sign, location of the sign, any structural elements of the proposed sign, the size and dimensions of any other sign(s) located on the applicant's building or property, the color of the sign, the size and type of the sign's letters and the material of which the sign is to be constructed. (Ord. 14-3 § 1; Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(6))

17.56.070 Variances.

- A. Variances to the sign requirements of this chapter may be approved by the planning commission following the procedures of Chapter 17.88 where the planning commission finds that the variance meets the following criteria:
 - 1. The variance would permit the placement of a sign with an exceptional design, style or circumstance;
 - 2. The granting of the variance would not be detrimental to abutting properties;
 - 3. The granting of the variance would not create a traffic or safety hazard.
- B. Applications which request a variance based on factors listed in subsection (A)(1) above shall be referred to the design review board for a recommendation on whether the applicable criterion is met. (Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(7))

17.56.080 Nonconforming signs.

For the purposes of this chapter, a nonconforming sign is defined as a sign existing at the effective date of the ordinance codified in this chapter which could not be erected under the terms of this chapter. The following requirements shall apply to nonconforming signs (the requirements of Section 17.82.040 are not applicable):

- A. Any permanent nonconforming sign used by a business or a business complex must be brought into conformance with the requirements of this chapter prior to any expansion or change in use which requires design review or a conditional use permit. No building permit for new construction shall be issued until this provision is complied with.
- B. No permanent nonconforming sign may be enlarged in any way.
- C. Should any permanent nonconforming sign be damaged by any means to an extent of more than fifty percent of its replacement costs at the time of damage, it shall be reconstructed in conformity with the provisions of this chapter.
- D. Signs other than permanent signs, shall come into conformance with the requirements of the ordinance codified in this chapter, ninety days from the effective date of such ordinance.
- E. Signs for which a variance has been granted by the city are exempt from the requirements of subsection A of this section. (Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(8))

17.56.090 Abandoned signs or signs in disrepair.

The city shall notify the owner of the real property where a sign has been abandoned or allowed to fall into disrepair, and shall require reasonable repair, replacement or removal within thirty days. If compliance does not occur, the city is authorized to cause removal or repair of such signs, pursuant to Chapter 8.04. Expenses incurred in the enforcement of this provision shall be paid by the owner of the real property from which it was removed. (Ord. 90-10 § 1 (Appx. A § 35); Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(9))

17.56.100 Administration and enforcement.

- A. The city shall provide each business license applicant with a current copy of its sign requirements.
- B. A business license must be obtained before any sign for a business may be erected.
- C. Signs may be transferable if the ownership of a business is changed. (Ord. 92-8 § 1; Ord. 89-29 § 2; Ord. 86-16 § 5; Ord. 79-4 § 1 (4.040)(10))

17.42.05 Purpose and Objectives.

The purpose of this chapter is to improve the aesthetic quality of the city in a manner which recognizes and balances the need for permanent signs with other visual, aesthetic, economic, and safety concerns of the city by:

1. Protecting the health, safety, and welfare of the public;
2. Facilitating communication between people through establishment of a comprehensive system regulating permanent signs in the city;
3. Minimizing adverse safety factors to pedestrians, bicycles, and vehicles;
4. Enhancing the overall aesthetics of the city;
5. Providing permanent signs that are legible, neat, clean, and in good repair, thereby establishing and maintaining an orderly appearance for the city;
6. Providing for safe construction, location, erection, and maintenance of permanent signs;
7. Preventing proliferation of signs and sign clutter by regulating the number and size of permanent signs;
8. Ensuring signage does not create an impermissible conflict with statutory, administrative, or constitutional standards;
9. Providing for fair and consistent enforcement of the sign regulations set forth herein; and
10. Ensuring that the constitutionally guaranteed right of free expression is protected.

17.42.010 Definitions.

“A-Frame Sign” means a double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

“Abandoned sign” means a sign or sign structure where:

- A. The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located;
- B. The sign has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued, once started.

“Alter” means to make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

“Athletic scoreboard” means a sign erected next to an athletic field by the owner or operator of the field and which is visible to spectators.

“Awning” means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or nonrigid materials on a supporting framework.

“Awning Sign” means a sign attached to or incorporated into an awning.

“Banner” means a sign made of fabric or other nonrigid material with no enclosing framework.

“Beacon Sign” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

“Bench sign” means a sign on an outdoor bench.

“Billboard” means a sign on which any sign face exceeds 200 square feet in area.

“Building elevation area” means the area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

“Building frontage, primary” means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

“Building frontage, secondary” means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

“Bulletin board” means a permanent sign providing information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically, through use of an array of lights in a dot matrix configuration, from which characters can be formed.

“Canopy” means a permanent roofed structure which may be freestanding or attached to a building, but which is not a completely enclosed structure or awning.

“Clearance” means the distance between the average grade below a sign to the lowermost portion of the sign.

“Commercial Speech” means any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.

“Community event” means an activity or event identified as such by the city council.

“Component” means, when used in describing a sign, any element of a sign or its source of support (excluding a building), including but not limited to support structure, accessories, wiring, or framing. Paint, vinyl, paper, fabric, lightbulbs, diodes, or plastic copy panels on a sign do not constitute components.

“Dynamic Element” means any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign face or its components, except through the operation of moving, rotating, or otherwise animated parts. This definition does not include Video Signs or Tri-vision Signs as defined below. This definition includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This definition also includes any flashing, blinking, or animated graphic or illumination, and any graphic that incorporates LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

“Flag” means any fabric, bunting or other lightweight material that is secured or mounted so as to allow movement caused by the atmosphere.

“Flashing” means, when used in describing a sign, the presence of an intermittent or flashing light source (whether on the face or externally mounted), or the presence of a light source which creates the illusion of intermittent or flashing light by means of animation.

“Freestanding sign” means a sign wholly supported by integral pole(s), post(s), or other structure or frame, the primary purpose of which is to support the sign and connect it to the ground. Examples include monument signs and pole signs. A freestanding sign does not include a portable sign.

“Government Sign” means a sign that is constructed, placed or maintained by the federal, state or local government for the purpose of carrying out an official duty or responsibility or a sign that is required to be constructed, placed or maintained by a federal, state or local government either directly or to enforce a property owner’s rights.

“Grade” For freestanding signs, “grade” means the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, grade means the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

“Grave marker” means a sign on a cemetery plot or space, including any floral displays or other decorations placed upon it.

“Ground-mounted sign” means a freestanding sign with a minimum of 12 inches of vertical solid base directly and continuously connected to at least 50 percent of the sign face width or, is borne by two or more supports which are a minimum of 12 inches but less than eight feet above grade.

“Handheld sign” means a hand-carried sign of six square feet or less in area, worn or carried by a person when being displayed.

“Height” means the vertical distance measured from grade to the highest attached component of a sign including the supporting structure.

“Historical or landmark marker” means a sign constructed in close proximity to a historic place, object, building, or other landmark recognized by an official historical resources entity, where the sign is constructed by the owner of the historic property and does not exceed 20 square feet in size.

“Historical sign” means a sign designated as a historic or cultural resource under city, state or federal law or a sign that is an historical element of an historical landmark.

“Illuminated sign” means a sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is “external” when the light source is separate from the sign surface and is directed to shine upon the sign and “internal” when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is “direct” when the source of light is directly seen by the public, such as a floodlight, and “indirect” when the source of light is not directly seen by the public, such as cove lighting.

“Incidental Sign” means a sign that is not legible to a person of ordinary eyesight with vision adequate to pass a state driver’s license exam standing at ground level at a location on the public right of way or on other private property.

“Indirect” means, when describing the illumination of a sign, external illumination from a source located away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

“Integral Sign” means a sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar noncombustible material attached to the building façade and projecting no more than two inches from a building.

“Interior sign” means a sign erected and maintained inside of a building, including, but not limited to, a sign attached to or painted on the inside of windows. This definition does not include text, pictures, graphics, or similar representations in display windows.

“Lawn Sign” means a temporary freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole or other structure placed directly in or upon the ground without other support or anchor.

“LED” means a semiconductor diode that converts applied voltage to light and is used in digital displays.

“Maintenance” means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs.

“Marquee” means a permanent roofed structure attached to or supported by a building.

“Menu board” means a sign placed at the beginning of a drive-up service lane of a food service establishment that includes a two-way speaker system for taking food orders.

“Monument sign” means a freestanding sign that is placed on a solid base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

“Multiple-Driveway Sign” means a sign at the exit or entrance of a premise that has two or more driveways.

“Name plate” means a permanent wall sign located on the front facade of a residential structure.

“Noncommercial Speech” means any message that is not commercial speech, which includes but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

“Numeric information sign” means a sign only displaying current numeric measurements such as time, date, temperature, or stock indices.

“Original Art Display” A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

“Owner” means the person owning title to real property on which a sign is located, or the contract purchaser of the real property as shown on the last available complete assessment roll in the office of county assessor. “Owner” also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

“Person” means every person, firm, partnership, association, or corporation.

“Pole sign” means a sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.

“Portable sign” means a sign which is not affixed to a building or other structure, or the ground in a permanent manner and is designed to be moved from place to place.

“Principal use” means a nonresidential use of property by an owner or lessee. Multiple principal uses may be located on a lot or development.

“Prior lawful nonconforming sign” means a sign whose location, dimensions or other physical characteristics do not conform to the standards of this ordinance but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.

“Projecting sign” means a sign, other than a wall sign, that projects from, and is supported by or attached to, a roof or wall of a building or structure.

“Public right of way” means travel area dedicated, deeded or under control of a public agency, including but not limited to, highways, public streets, bike paths, alleys and sidewalks.

“Public sign” means a sign erected, constructed, or placed within the public right of way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right of way or public property.

“Repair” means mending or replacing broken or worn parts with comparable materials.

“Roof elevation area” means the area of a single plane of a roof, measured in square feet and calculated by multiplying the difference between the height of the ridge and the height of the eave by the distance between opposing rakes.

“Roof line” means the top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

“Roof sign” means a sign erected upon, against, or over the roof of any building or structure.

“Sign” means a display, illustration, structure or device that has a visual display visible from a public right of way and designed to identify, announce, direct, or inform. The scope of the term “sign” does not depend on the content of the message or image being conveyed.

“Sign area” means the area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structures, foundations, or supports.

“Sign band” means a continuous horizontal band located on a facade where there are no doors, windows or other architectural features.

“Sign copy” means the message or image conveyed by a sign.

“Sign face” means the sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

“Sign height” means the average level of the grade below the sign to the topmost point of the sign including the supporting sign structure, foundations, and supports.

“Site” means the area, tract, parcel, or lot of land owned by or under the lawful control of an owner. Abutting platted lots under the same ownership shall be considered one site.

“Structure” means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

“Supporting structure” means a structure specifically intended for supporting or containing a sign.

“Suspended sign” means a sign suspended from the underside of a canopy, awning, eve, or marquee.

“Temporary sign” means a sign that is attached to a building, structure, vegetation, or the ground for what is expected to be a transitory or temporary period. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

“Tri-vision sign” means a sign that contains display surfaces composed of a series of three-sided rotating slates arranged side by side, either horizontally or vertically, that are rotated by an electro-mechanical process, capable of displaying a total of no more than three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

“Unlawful Sign” means a sign that does not conform to the provisions of this Code and is not a nonconforming sign.

“Utility Sign” means a sign constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right of way or utility easement.

“Vehicle sign” means a sign placed in or attached to the motor vehicle, trailer, railroad car, is used for either personal purpose or is regularly used for purposes other than the display of signs.

“Video sign” means a sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

“Vision clearance area” means a triangular area on a lot at the intersection of two streets or a street and a railroad, alley, or driveway as defined and measured in YMC 17.48.060.

“Wall sign” means a sign that is painted on a wall of a building, or a sign attached to the wall of a building and extending no more than 12 inches from a wall, or attached to or erected against a roof with

a slope not more than 20 degrees from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than 18 inches from the wall or roof. Window signs that are permanently attached to the outside of a window are wall signs.

“Window sign” means a sign attached to or painted on a window, or displayed inside the building within six inches of a window or building opening so that it is viewable from the outside of the building.

17.42.020 Sign permit application.

- A. Except as provided in this chapter, a permit is required to erect, construct, repair or alter a sign. If a sign is for a new development that requires development review under the City of Toledo zoning/development, then the sign shall be reviewed as part of the development review process prior to approval of a sign permit.
- B. An application for a sign permit shall be made on a form prescribed by the City Manager, shall contain all the information requested on the prescribed form, and shall be filed with the department. The application shall be filed by the owner of the sign or a representative of the sign’s owner.
- C. A separate sign permit application is required for each sign, unless a combined application for all signs in a proposed development is proposed.
- D. The payment of permit fees in the amount set by City Council resolution is required for each separate sign.
- E. A separate application through Lincoln County for an electrical permit may be necessary. It’s the applicant’s responsibility to contact Lincoln County and ascertain electrical permit requirements.
- F. A separate application through the department for a structural permit may be necessary. It is the applicant’s responsibility to contact the building official and ascertain structural permit requirements. If a structural permit is required, it must be issued prior to erecting, constructing, placing, locating, attaching, affixing, moving, modifying, or altering any permanent sign or permanent sign structure.

17.42.025 Exempt signs.

Except for signs prohibited by this chapter, the following signs are exempt from the provisions of the City of Toledo Sign Code:

- A. Incidental signs.
- B. Grave markers.
- C. Original art displays that do not constitute commercial speech.
- D. Seasonal decorations, rope lights, string lights, holiday lights or mini-lights.

17.42.030 Prohibited signs.

Except for nonconforming signs, the following signs are unlawful and are nuisances:

- A. Abandoned signs;
- B. Beacon signs, except those associated with emergencies or aircraft facilities;
- C. Flying signs, such as blimps or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure;

- D. Inflatable signs that are attached to the property, ground or other permanent structure, including but not limited to balloons;
- E. Signs and components and elements of faces of signs that move, shimmer, or contain reflective devices;
- F. Signs which emit any odor, noise or visible matter other than light;
- G. Commercial speech affixed to any transmission facility;
- H. A vehicle, including a trailer, used as a sign or as the base for a sign where the primary purpose of the vehicle in that location is its use as a sign;
- I. Billboards;
- J. Video signs;
- K. Any sign constructed, maintained or altered in a manner not in compliance with the City of Toledo Sign Code;
- L. Any nonpublic sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device;
- M. Any sign (other than a government sign) constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;
- N. Any sign located in a manner which could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;
- O. Any sign equipped with moving, rotating or otherwise animated parts, except for athletic scoreboards permitted under Section **17.42.040**;
- P. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;
- Q. Any sign (other than a government sign) within the vision clearance area provisions contained in the zoning/development ordinance;
- R. Any sign attached to a tree or a plant, a fence or a utility pole, except as otherwise allowed or required by the City of Toledo Sign Code or other chapters of the City Code;
- S. Any sign within or over any public right of way, or located on private property less than two feet from any area subject to vehicular travel, except for:
 - 1. Public signs, (includes banners over the public right of way, with the approval of the controlling jurisdiction).
 - 2. Temporary signs specifically allowed within the public right of way under Section **17.42.045** of this chapter.
 - 3. Temporary signs, including banners, pennants, and wind signs, except as authorized by Section **17.42.040** or **17.42.045** of this chapter.
 - 4. Unlawful signs.

5. Any sign which is judicially determined to be a public nuisance.

17.42.035 Prior Lawful Nonconforming Signs.

Nonconforming permanent signs may continue, subject to the restrictions in this section:

- A. A nonconforming permanent sign or sign structure shall not be:
 1. Expanded in size or height that increases the nonconformity; or
 2. Relocated
- B. A nonconforming permanent sign may be maintained or altered, including changing the face and changing the types of materials comprising the sign, provided no changes are made that would increase the nonconformity.
 1. If a nonconforming sign is destroyed by wind, fire, rain, or by any other natural disaster, the sign shall not be replaced and shall lose its nonconformity and any remaining portions shall be removed; any new signage erected in its place shall comply with the provisions of this chapter.
- C. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

17.42.040 Exemptions from requirement for permit.

The following signs are allowed in all sign districts without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of the City of Toledo Sign Code.

- A. Integral signs;
- B. Government signs;
- C. One indirectly illuminated or nonilluminated sign not exceeding one and one-half square feet in an area placed on any non-multifamily residential lot. This type of sign is typically used as a name plate;
- D. Flags;
- E. Vehicle signs that are not prohibited signs under **17.42.030**;
- F. Signs displayed upon a bus owned by a public transit district;
- G. Historical signs or historical or landmark markers;
- H. Handheld signs;
- I. A sign up to six square feet constructed or placed within a parking lot, for each [XX] square feet of parking area. These signs are typically used to direct traffic and parking;
- J. A sign within the public right of way that is erected by a governmental agency, utility or contractor doing authorized work within the right of way;
- K. A sign that does not exceed eight square feet in area and six feet in height, and is erected on property where there is a danger to the public or to which public access is prohibited;

- L. Nonilluminated interior signs in nonresidential sign districts designed primarily to be viewed from a sidewalk or street, provided the sign does not obscure more than 25 percent of any individual window;
- M. Illuminated interior signs in nonresidential sign districts designed primarily to be viewed from a sidewalk or street, provided the sign face is less than four square feet in area;
- N. One suspended sign for each principal use erected on property which is not considered public right of way, under an attached first floor awning or canopy upon a building with direct exterior pedestrian access, provided the sign does not exceed six square feet in area and has a minimum of eight feet of clearance;
- O. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature;
- P. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended for viewing by persons within the facility. The signs shall be placed so as to be oriented towards the interior of the field and the viewing stands;
- Q. Signs incorporated into vending machines or gasoline pumps;
- R. Temporary signs as allowed under Section **17.42.045** of this chapter;
- S. Utility signs;
- T. Signs for hospital or emergency services, and railroad signs.

17.42.045 Temporary signs.

- A. Temporary signs may be erected and maintained in the city only in compliance with the regulations in this chapter, and with the following specific provisions:
 - 1. Except in connection with a community event, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.
 - 2. A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.
 - 3. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.
 - 4. No temporary sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.
- B. The following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content. Signage shall be allowed for each lot as follows:
 - 1. Signs not exceeding nine square feet in area or four feet in height.
- C. No temporary signs or banners shall be allowed in the public right of way or on public property, except for those listed in this subsection.
 - 1. The following temporary signs shall be permitted in the right of way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. No temporary sign in the right of way shall interrupt the normal flow of vehicle, pedestrian

or bicycle traffic and shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary sign shall extend into a vision clearance area. Temporary signs allowed in the right of way shall include:

- a. Government signs;
 - b. Signs on public sidewalks and adjacent to commercial uses shall comply with the following standards:
 - i. Any temporary sign is placed on the sidewalk within the first three feet behind the curb, and
 - ii. Any temporary sign is present only during the business hours of the responsible enterprise, and
 - iii. Any temporary sign placed elsewhere than directly adjacent to the primary use shall be placed only with the written consent of the property owner of the adjacent property. No more than two temporary signs shall be placed in the public right of way adjacent to any property frontage on a single street;
 - c. Portable signs limited to a maximum of six square feet in area and three feet in height, displayed only on weekends and holidays, placed at street intersections in relative close proximity to a property for sale or lease during the time of that display. One single sign for each property or development shall be permitted at each intersection and shall be positioned as to be no closer than two feet from areas subject to vehicular travel;
 - d. Bench signs located at mass transit stops so long as the bench sign is approved by the owner;
 - e. Signs attached to mass transit shelters which are approved by the mass transit agency and the owner.
2. Temporary banners or seasonal decorations which extend over a roadway or are attached to utility or streetlight poles shall be permitted in the right of way upon issuance of a permit in accordance with the procedures set out in Sections **17.42.040** of this chapter and shall comply with the following standards:
- a. Banners or decorations which extend over a roadway shall not exceed 60 square feet in area. Banners which are attached to a single utility or streetlight pole shall not exceed 12 square feet in area.
 - b. Temporary banners or decorations shall be permitted only if the applicant is conducting an event or activity in the city that has been identified as a community event by the city council or for purposes of identifying a geographic area or district of the city.
 - c. Applicants requesting permits for temporary banners or decorations in city right of way shall obtain all permits and approvals as outlined in Chapter **17.42.045(D)** of this Code prior to submittal of an application for a sign permit. Applicants requesting temporary banners placed over rights of way controlled by other agencies other than the city shall obtain written consent from the appropriate agency regarding the proposed banner(s) prior to submittal of an application for a sign permit. The consent shall identify any restrictions desired by the owner of the right of way.
 - d. Except for a banner(s) identifying a geographic area or district of the city, banner(s) shall be removed within two days of the applicant's event or activity giving rise to the permit.

17.42.050 Reserved

17.42.055 Permanent Signs in the R-S and R-G zones.

In addition to the temporary and permanent signage allowed without permits, the following permanent signage is allowed subject to the requirements of this chapter:

- A. Permitted Sign Types, Number and Area. Signs within the residential sign district are limited as follows and require issuance of permits under Section **17.42.020** of this chapter.
 - 1. A permitted and approved non-residential use may have permanent signage not exceeding 50 square feet in area. Permanent signage may be wall signs, roof signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs or freestanding ground, pole, or monument signs, with no limitation on the number of signs, provided the total permanent signage square footage does not exceed 20 square feet in area.
 - 2. In multifamily developments, one double-faced monument sign, or not more than two single-faced monument signs on either side of a vehicular entrance shall be permitted on the primary street frontage. Sign area shall not exceed 16 square feet for each sign face. Where a complex has multiple street frontages, this signage may be permitted on each building frontage that abuts a TSP designated arterial or collector street.
 - 3. In subdivisions, not more than two single-faced monument signs for a subdivision or planned unit development having 20 or more lots may be permitted on either side of a public right of way or private street tract entrance. Sign area shall not exceed 16 square feet for each sign face.
- B. Maximum Sign Height. Monument signs shall be no more than six feet in height. Ground-mounted signs shall be no more than 12 feet in height.
- C. Changeable copy signs, electronic message centers, and signs that are internally illuminated are prohibited.
 - 1. The illumination of signs within the residential sign district shall comply with the standards contained in Section **17.42.125** of this chapter.

17.42.060 Permanent Signs in all other zones

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

- A. Attached Signs. Attached signs allowed by this code are wall signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs.
 - 1. Number. There is no limit to the number of attached signs on a building with either one tenant space or with more than one tenant space, subject to the aggregate total area limitation of **17.42.060(A)(2)** below.
 - 2. Area.
 - a. Buildings with one tenant space are allowed a minimum of 25 square feet of attached sign area.
 - b. For buildings with two or more tenant spaces, each tenant space is allowed a minimum of 25 square feet of attached sign area.
 - c. Tenant spaces with more than 25 lineal feet of frontage are allowed to increase the 25-square-foot minimum by one square foot for each lineal foot of frontage.

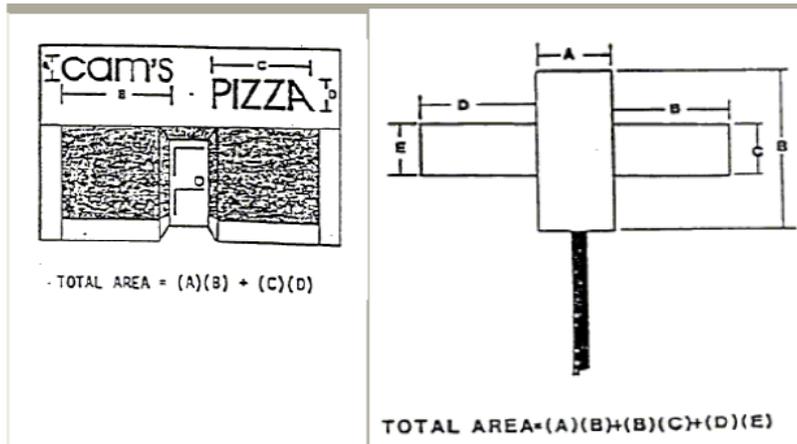
- d. In no case shall the total square footage of attached sign area on one building exceed 100 square feet, regardless of the number of tenant spaces and regardless of the amount of frontage.
3. Attached signs may be illuminated, subject to the provisions in **17.42.125**.
- B. Roof signs. Each building is allowed one roof sign not to exceed 50 square feet in area.
 1. Roof signs may not extend more than 6 feet above a flat roof or the ridge of a pitched roof.
 2. In no case may the combined height of the building and sign exceed the building height limitations of the underlying zone.
 3. Illumination may be incorporated into roof signs, subject to the provisions of Section **17.42.125**.
- C. Freestanding Signs. Freestanding signs are ground signs, monument signs, and pole signs.
 1. Number.
 - a. One freestanding sign is allowed per legal lot of record, provided the lot has 50 or more lineal feet of street frontage. Two or more contiguous lots under the same ownership, wherein each of the lots have less than 50 lineal feet of street frontage, may have their street frontages combined for purposes of determining the lineal feet of street frontage for the one allowed freestanding sign. This is the only instance where street frontages may be combined for sign allowance purposes. In cases where a legal lot of record has multiple street frontages, each of which exceed 100 lineal feet, that legal lot of record may have one freestanding sign for each such street frontage, provided the freestanding sign allotted per street frontage is placed adjacent, and oriented to, the street frontage from which the allowance is obtained.
 - i. Additionally, if one or more of the multiple street frontages exceeds 200 lineal feet, then one additional freestanding sign may be placed adjacent, and oriented to, such street frontage that exceeds 200 lineal feet.
 2. Area Limitations.
 - a. The allowed area of a freestanding sign is one square foot of sign area per one lineal foot of street frontage, up to a maximum area of 100 square feet.
 3. Placement.
 - a. Freestanding signs must comply with clear-vision area requirements of **17.48.060**.
 - b. No freestanding may be within 100 linear feet of another freestanding sign on the same legal lot of record.
 4. Height.
 - a. The maximum height of a freestanding sign is 20 feet measured as the vertical distance from the highest point of the sign, including any vertical projection thereof, to the level of the street upon which the sign faces, or the adjoining ground level, if it is above the street level.

17.42.080 Measurements.

The following shall be used in measuring a sign to determine compliance with this chapter:

- A. Sign Area.

1. Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy. When signs are not framed or on a base material and are inscribed, painted, printed, projected or otherwise placed upon, or attached to a building, canopy, awning or part thereof, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.



2. The area of all signs in existence at the time of enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area.
 3. When signs are constructed in multiple separate pieces containing sign copy, sign face area is determined by a perimeter drawn in straight lines, as small as possible, around all pieces.
- B. Height.
1. Height of sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign including the supporting structure.
 2. Where there is a limitation on the size of lettering, the lettering shall be measured cumulatively in height.
- C. Double- or multi-faced signs. Allowable sign square footage applies to only one side of double- or multi-faced signs, provide each face is identical in size.
- D. Clearance. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

17.42.105 Construction

- A. All permanent signs and sign structures, including exemptions listed in **17.42.040**, shall comply with the applicable provisions governing construction within and for the city, including all city, state, and federal rules and regulations.
- B. Any applicable permits shall be obtained as required by city, state, or federal law and shall be obtained prior to construction or placement.
- C. It is the responsibility of the individual wishing to construct or place the permanent sign to ascertain all requirements, prohibitions, exemptions, and permitting processes and to obtain all required permits prior to said construction or placement.

17.42.110 Placement

- A. Placement is subject to compliance with clear-vision area requirements of **17.48.060**;
- B. All portions and components of permanent signs and sign structures must be placed such that no portion or component obstructs clear and unhindered passage of any vehicular, bicycle, or pedestrian traffic in any right-of-way;
- C. All portions and components of permanent signs and sign structures must be placed outside of the required five-foot-wide clear circulation path for ADA-accessibility. In no case, shall any portion or component of any permanent sign, sign structure, or any other item allowed in this chapter obstruct, impede, or be within the required five-foot-wide clear circulation path unless a reduction in the width of the clear circulation path has been approved by the city engineer.

17.42.115 Maintenance

- A. All permanent signs, along with all of their structures, components, poles, posts, supports, braces, guys and guy wires, anchors, etc. and any other item allowed by this chapter must be:
 - 1. Maintained in a safe, hazard-free condition;
 - 2. Maintained in a condition which is neat, clean, and in good repair;
 - 3. Kept free from rust, corrosion, peeling paint, mold, mildew, or other surface deterioration;
 - 4. Kept neatly and freshly painted or posted; and
 - 5. Kept free of all extraneous items.
- B. All permanent signs, which are faded, torn, damaged, dirty, ripped, corroded, tattered, frayed, broken, hazardous, or in a state of disrepair must have immediate maintenance performed or be removed immediately, but no later than 30 days following the occurrence of the fading, tearing, damage, uncleanliness, etc.
- C. A permanent sign structure must contain a sign face at all times, except during the time when the sign face has been temporarily (no more than 30 days) removed for repair or maintenance. Such sign face shall be neat, clean, and hazard-free.

17.42.120 Illumination—General restrictions.

- A. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.
- B. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.
- C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.
- D. The illumination of signs shall comply with the following standards:
 - 1. No exposed reflective type bulb, par spot nor incandescent lamp, which incandescent lamp exceeds 25 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
 - 2. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for any colored tubing.

3. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed:
 - a. Within residential zones, illumination equivalent to 400 milliamperere rating tubing behind a sign face with tubes spaced at least seven inches, center to center;
 - b. Within all other zones, illumination equivalent to 800 milliamperere rating tubing behind a sign face spaced at least nine inches,

17.72.125 Electronic display centers and changeable copy signs

- A. All electronic display centers shall come equipped with automatic dimming controls that automatically adjust the display brightness based on ambient light conditions such as from day to night or on a cloudy day.
- B. No electronic display center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (LUX meter at a present distance depending on sign area).
- C. Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (Example using a 12-square-foot sign: square root of (12x100) = 34.6 feet measuring distance.)
- D. One electronic display center or changeable copy sign is allowed per legal lot of record provided the legal lot of record has at least 40 lineal feet of street frontage.
- E. The display in the electronic display center may not change or move more often than once every hour.
- F. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
- G. The electronic display center must be designed and equipped to freeze the element's display in one position if a malfunction occurs.
- H. Sign area of the display portion of the electronic display center or changeable copy sign may not exceed 30 percent of the provided sign face.
- I. The electronic display center or changeable copy sign must be part of an attached sign or freestanding sign, is not allowed as a separate sign, and is included in the calculation of allowed attached or freestanding sign face area.
- J. Incorporation of electronic display centers and changeable copy signs
 1. Electronic display centers may be incorporated into either attached or freestanding signs, but not roof signs.
 2. Changeable copy signs may be incorporated into either attached or freestanding signs, but not roof signs.
 3. Electronic display centers and changeable copy signs are only allowed as part of permanent attached or freestanding signs and may not be utilized as stand-alone permanent signs.
 4. Electronic display centers and changeable copy signs are subject to the provisions of Sections **17.42.060** center to center.

17.42.130 Exceptions and Variances

Request to depart from a size or height requirement are subject to **17.68** Variances. Exceptions and Variances to the remaining sections of chapter **17.42** Signs are prohibited.

17.42.140 Violations

Any sign that is located, constructed, maintained, repaired, or used in violation of city code constitutes a nuisance. The city may take action against such as provided in **8.04**.

DRAFT

To: Toledo Planning Commission
From: Justin Peterson, Contract Planner
Date: May 7, 2020
Re: Safe Routes to School Update

At the February 12, 2020 Planning Commission meeting the Safe Routes to School (SRTS) Grant program was discussed. The Planning Commission members were interested in the Project Identification Program (PIP). A description of the program from the Oregon Department of Transportation (ODOT) website is below.

Consultant services will assist the community (school representatives, school community, and local road authority representative) identify infrastructure needs near one school or a cluster of schools feeding into the same middle or high school, focusing on all streets within a quarter-mile of the school, as well as critical issues within a mile of the school. The outcome of each Project Identification Program process will be a Safe Routes to School Plan for each school or cluster of schools that outlines infrastructure and education needs to address barriers to students walking and biking to school and provides some information needed to apply for the ODOT Safe Routes to School Competitive or Rapid Response Construction Grants.

The grant application requires support from the school district and local road authority. Staff reached out to Roy Kinion, Lincoln County Public Works Director. He said he would be willing to listen to ideas. In addition, Staff held a conference call with Susan Graves, the Lincoln County School District Comprehensive Safe Schools Coordinator. Susan was supportive of the idea.

Next steps include completing a Pre-app by June 15th and then submitting an application by August 31st. The application will require a school letter of support and a road authority letter of support. In addition, Staff will have to receive City Council support through a signed Resolution.

Questions that will have to be addressed on the application (the full list of questions is on the application form)

Focus School? How many schools are you applying for the PIP service?

Provide information that describes the need for a Safe Routes to School Plan in your community.

Provide information that describes why your community currently cannot support the burden of planning for Safe Routes to School projects and programs.

Describe past, present, or upcoming Safe Routes to School education programs at the focus school or school district. Safe Routes to School programs include education, encouragement, and evaluation activities that reduce barriers to children walking and bicycling to school.

What are your past, current, or future plans for Safe Routes to School construction improvements? Construction improvements are street safety features like sidewalks, crosswalks, etc. that address barriers to students walking and biking to school.

To: Toledo Planning Commission
From: Justin Peterson, Contract Planner
Date: May 7, 2020
Re: Residential Code Updates

The City Council adopted the Accessory Dwelling Unit (ADU) standards recommended by the Planning Commission on February 5, 2020. The City of Toledo code is now compliant with House Bill (HB) 2001 and has updated standards that provide more flexibility for ADU development. ADUs are only one type of housing unit and updating other development standards may reduce development code barriers to housing development. Other housing development types include single-family residential, multi-family, duplexes, cottage clusters, or upper floor residential.

The City of Toledo has two residential zones the Single-Family Residential (R-S) zone and the General Residential (R-G) zone. In addition, the Commercial (C) zone allows for multi-family as a condition use and allows for one dwelling in conjunction with a commercial use as a permitted use. Staff recommends reviewing the residential zoning standards and consider updating certain standards. The Lincoln County Housing Strategy Plan provided recommendations for development code updates (Table attached). In addition, other development code updates could reduce barriers to development.

The purpose of this memo is to start the conversation about housing code updates. At a future meeting staff can provide a memo that shows recommended code updates in strikethrough and underlined.

Attachments: -Existing City of Toledo Municipal Code
-Lincoln County Housing Strategy Plan Development Code Recommendations

Toledo Residential Code Standards

*Note that only code standards related to housing are provided. Please see the Toledo Development Code for all standards.

17.08 Single Family Residential (R-S)

17.08.010 - Purpose.

The purpose of the R-S zone is to preserve areas within the city for single-family residences and the facilities and services which go along with those residences. The facilities and services and other conditional uses should be compatible with low- density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.

17.08.020 - Uses permitted outright.

In the R-S zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.08.090](#).

- A. Single-family dwellings * and their accessory uses.
- B. Home occupations which comply with [Chapter 17.46](#).
- C. Manufactured dwellings.*
- D. Accessory use structures.*
- E. Accessory dwelling units.*

17.08.030 - Conditional uses permitted.

- E. Manufactured Dwellings that do not meet the minimum standards set in Sections 17.08.090(A)-(B)
- H. Multifamily dwelling units.

17.08.050 - Lot size.

The minimum lot area shall be seven thousand (7,000) square feet for an interior lot and seven thousand five hundred (7,500) square feet for a corner lot.

17.08.060 - Setback requirement.

In an R-S zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. The side yard shall be a minimum of six feet on one side and nine feet on the other side except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of fifteen (15) feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street.

17.08.070 - Height of building.

In an R-S zone no principal building shall exceed a height of thirty-five (35) feet or two and one-half stories, whichever is less, and no accessory building shall exceed a height of two stories or twenty-two (22) feet, whichever is less.

17.08.080 - Lot coverage.

In an R-S zone buildings shall not occupy more than an accumulative fifty-five (55) percent of the lot area. No lot shall have more than one principal building constructed thereon.

17.08.090 - Special standards for certain uses (marked with an asterisk (*) in Sections 17.08.020 and 17.08.030).

A. Design Features for Single-Family Dwellings in a Single-Family Residential Zone.

1. All single-family dwellings shall enclose an area of not less than one thousand (1,000) square feet.
2. All single-family dwellings located within a single-family residential zone, except for manufactured dwellings located within a mobile home or manufactured home park, shall utilize at least three of the following design features, or other design features as approved by the planning commission:
 - a. Dormers;
 - b. Recessed entries;
 - c. Cupolas;
 - d. Bay or bow windows;
 - e. Window shutters;
 - f. Off-set on building face or roof (minimum twelve (12) inches);
 - g. Gables;
 - h. Covered porch entry or enclosed deck;
 - i. Pillars or posts;
 - j. Tile, wood shake, three-tab composite material, or wood shingle roof;
 - k. Horizontal lap siding or shakes;
 - l. Perimeter foundation of surfaced concrete or masonry;
 - m. Window trim (minimum four inches wide);
 - n. Balconies/decks;
 - o. Decorative pattern on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
 - p. An alternative feature providing visual relief similar to above options;
 - q. Six inch minimum eaves plus gutters and downspouts.

3. All single-family dwellings will meet the minimum requirements for energy efficiency, as set by the Uniform Building Codes as adopted by the city, excepting manufactured dwellings which shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards previously stated. Evidence demonstrating that the manufacture dwelling meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.
 4. Single-family dwellings shall have an attached or detached garage or carport. The structure shall be sided and roofed to match the dwelling. All driveways shall have an all-weather surface as approved by the Public Works Department.
 5. Erosion control plans must be submitted prior to issuance of a building permit.
 6. Single-family dwellings and other improvements shall be developed in compliance with all other applicable provisions set forth in the city zoning ordinance and the Uniform Building Codes.
- B. Manufactured Dwellings. In addition to compliance with the provisions set forth above in [Section 17.08.090\(A\)](#), a manufactured dwelling shall be permitted outright subject to the following standards:
1. The manufactured dwelling shall be multi-sectional, double-wide or larger. A manufactured dwelling shall not be considered multi-sectional by virtue of having a tip-out section. The manufactured dwelling must show compliance with Department of Housing and Urban Development standards.
 2. The manufactured dwelling shall minimally be placed on an excavated and backfilled foundation, with continuous footing foundation that is six inches nominal thickness by eighteen (18) inches wide with two continuous #4 rebar lapped twelve (12) inches and centered in each footing. The perimeter shall be enclosed with skirting of concrete or concrete block such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement or in a floodplain, the twelve (12) inch limitation shall not apply.
 3. The manufactured dwelling shall have a pitched roof with a minimum nominal slope of three feet in height for each twelve (12) feet in width (3:12).
- D. Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
1. One Unit. A maximum of one Accessory Dwelling Unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 2. Floor Area
 - a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or

floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.

3. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
4. Design Standards
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.

17.12 General Residential (R-G)

17.12.010 - Purpose.

The purpose of the R-G zone is to encourage economical, higher-density housing in these designated areas. Additional traffic pressure and resulting noise and activity should be confined to the areas zoned R-G.

17.12.020 - Uses permitted outright.

In the R-G zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.12.040](#).

- A. Single-family dwellings and their accessory uses.
- B. Multi-family dwelling units.
- C. Manufactured dwellings.*
- D. Accessory dwelling units.*

17.12.30 - Conditional uses permitted.

- H. Manufactured dwellings that do not meet the minimum standards in [Section 17.12.040\(B\)](#).

17.12.040 - Special standards for certain uses (marked with an asterisk (*) in Sections 17.12.020 and 17.12.030).

- A. Accessory dwelling units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
 1. Two Units. A maximum of two Accessory Dwelling Units are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 2. Floor Area
 - a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.

- b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.
 - 3. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
 - 4. Design Standards
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.
- B. Manufactured dwellings shall:
 - 1. Be double-wide or wider;
 - 2. Have a minimum of eight hundred fifty (850) square feet;
 - 3. Have skirting that matches the dwelling or perimeter foundation of surfaced concrete or masonry;
 - 4. Have a pitched roof with a minimum nominal slope of two feet in height for each twelve (12) feet in width (2:12); and
 - 5. Comply with Department of Housing and Urban Development Standards.

17.12.060 - Lot size.

The minimum lot area shall be six thousand (6,000) square feet for a single-family dwelling plus one thousand eight hundred (1,800) square feet for each additional multi-family dwelling unit. Density in the R-G zone shall not exceed twenty-one (21) units per acre.

17.12.070 - Setback requirements.

In an R-G zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. The side yard shall be a minimum of five feet on both sides except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of five feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street.

17.12.080 - Height of buildings.

In an R-G zone no principal building shall exceed a height of thirty-five (35) feet or two and one-half stories, whichever is less. No accessory building shall exceed a height of two stories or twenty-two (22) feet, whichever is less.

17.12.090 - Lot coverage.

In an R-G zone buildings shall not occupy more than an accumulative sixty-six (66) percent of the lot area. No lot shall have more than one principal building constructed thereon.

17.16 Commercial (C)

17.16.010 - Purpose.

The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses including public, civic, and institutional uses are also allowed. Residential use above the commercial main floor or located as not to prevent the main commercial use are allowed and encouraged especially in the Main Street District area.

17.16.020 - Uses permitted outright.

In the C zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in [Section 17.16.050](#).

- K. One accessory dwelling unit in conjunction with a commercial use and that meets applicable code requirements.

17.16.30 - Conditional uses permitted.

- F. Multi-family dwelling units.

17.16.040 - Setback requirements.

Except for allowed uses within the Main Street District area as defined in [Section 17.40.010](#), the front yard in a C zone shall be a minimum of twenty-five (25) feet.

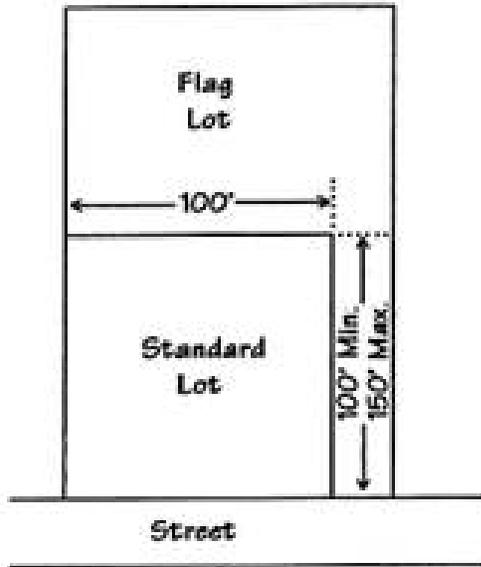
16.04 General Provisions

16.04.050 - General requirements and minimum standards of design and development.

E. Lots, Parcels, Topography, or Past Development Patterns.

1. Every lot and parcel shall abut and take primary ingress and egress from a city street, county road, or state highway and the frontage of each shall not be less than twenty-five (25) feet in nonresidential zones, twenty (20) feet in the R-G zone and R-S zone.
2. Lots and parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd-shaped tract, existing street layout, or existing topography makes such a lot or parcel unavoidable.
3. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.

4. Flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet in length or a "pole" less than twenty (20) feet wide for residential and twenty-five (25) feet for non-residential. See illustration.



5. The pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. Existing circumstances that make this minimum and maximum impossible can be considered as a variance by the planning commission as set forth in the zoning ordinance.
6. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one.
7. Flag lots may not be created such that more than two driveways for individual lots are in less than seventy-five (75) foot of street frontage.
8. Existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development.

Housing Strategy Plan Report

Table 3. Potential Development Code Amendments

Code Provision	Depoe Bay	Lincoln City	Newport	Siletz	Toledo	Waldport	Yachats
Housing Types Allowed	Consider allowing triplexes in R-2 courtyard apts. in R-3	No changes recommended	Consider allowing triplexes in R-2, courtyard apts. in R-3	No changes recommended	Consider allowing duplexes in R-S	Consider allowing duplexes in R-1, triplexes in R-2	Consider allowing duplexes in R-1, triplexes in R-2
Densities/ Minimum Lot Sizes	Reduce lot sizes for duplexes in all zones	Consider reducing lot size for duplexes in all zones, except R-7.5	No changes recommended	Consider reducing lot size for all housing types in G-R	Reduce lot sizes for duplexes if allowed in R-S Consider reducing min lot size for non- single-family dwelling uses in R-G	No changes recommended	Consider reducing min lot size and size for additional units for multifamily in R-3 and R-4
Accessory Dwelling Unit (ADU) Requirements	Allow in all zones where single family dwellings allowed and adopt specific standards	Consider allowing 1 external, 1 internal	Consider eliminating primary resident occupancy requirement, increasing max floor area, and allowing 1 external, 1 internal	Consider eliminating primary resident occupancy requirement and increasing allowed size	Consider eliminating primary resident occupancy requirement and increasing allowed size	Allow in all zones where single family dwellings allowed and adopt specific standards	Allow in all zones where single family dwellings allowed and adopt specific standards
Cottage Cluster Housing	Adopt standards and allow in R-2, R-3, R-4	No changes recommended	Adopt standards and allow in R-2, R-3, R-4	Adopt standards and allow in G-R, maybe R-S	Adopt standards and allow in G-R, maybe R-S	Adopt standards and allow in R-2, R-3, R-4	Adopt standards and allow in R-2, R-3, R-4
Off-street Parking Requirements	Consider reducing requirements for all non- single family dwelling housing types	Consider reducing requirements for multifamily	No changes recommended	Consider reducing requirements for all non- single-family dwelling housing types	No changes recommended	No changes recommended	No changes recommended