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## Chapter 17.80

### PROVISIONS APPLYING TO SPECIAL USES

Sections:

<a href="#">17.80.010</a>	Schools.
<a href="#">17.80.020</a>	Utility substation or pumping substation.
<a href="#">17.80.030</a>	Automobile service station.
<a href="#">17.80.040</a>	Standards for mobile home parks and recreational vehicle parks.
<a href="#">17.80.050</a>	Vacation rental dwelling use criteria.
<a href="#">17.80.060</a>	Bed and breakfast accommodation standards.
<a href="#">17.80.070</a>	Essential emergency communications and warning facilities.
<a href="#">17.80.080</a>	Animals and gardens.
<a href="#">17.80.090</a>	Small wind energy systems.
<a href="#">17.80.100</a>	Small solar energy systems.
<a href="#">17.80.110</a>	Accessory dwelling unit standards.
<a href="#">17.80.120</a>	Cottage housing developments.
<a href="#">17.80.130</a>	Retail marijuana facilities.

#### 17.80.010 Schools.



A. Nursery schools, day care centers and kindergartens shall have a minimum site size of 10,000 square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per child of total capacity. In all zones, a sight-obscuring fence of at least five feet but not more than six feet in height shall be provided separating the play area from abutting lots. Adequate off-street parking and loading shall be provided pursuant to Chapter [17.56](#) LCMC.

B. Elementary schools shall provide one acre of site area for each 90 pupils or one acre for every three classrooms, whichever is greater.

C. Secondary schools shall provide one acre of site area for each 75 pupils or one acre for every two and one-half classrooms, whichever is greater. (Ord. 92-3 § 4; Ord. 84-2 § 10.010)

#### 17.80.020 Utility substation or pumping substation.

system is allowed as an accessory use in all zones in which structures are permitted.

**B. General Standards.**

1. Ground-mounted solar energy systems are considered structures and must meet applicable setbacks for the zone district.
2. Roof-mounted systems shall be mounted as flush as possible to the roof but in any case not more than three feet above the existing roof. (Ord. 2009-06 § 3)

**17.80.110 Accessory dwelling unit standards.**

**A. Purpose. Accessory dwelling units**



(ADUs) are allowed to provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal unit, rental income, companionship, security, and services; ADUs add affordable units to the existing housing supply; ADUs make housing units available to moderate-income people who might otherwise have difficulty finding homes within Lincoln City; ADUs create housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and ADUs protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood.

**B. Standards. Accessory dwelling units shall conform to the following standards:**

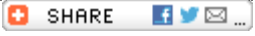
1. Type. Accessory dwelling units may be a portion of the building that contains the primary dwelling unit, attached to a garage, or a separate, free-standing unit.
2. Floor Area. Accessory dwelling units shall not exceed 750 square feet of floor area or 50 percent of the floor area of the principal dwelling unit, whichever is less.
3. Lot Size. An accessory dwelling unit may be developed on a lot or parcel with an area of 3,500 square feet or more. If the lot or parcel does not meet the minimum lot size for the zoning district in which the lot or parcel is located, the accessory dwelling unit must be a portion of the existing building (or lawful addition to) the principal dwelling unit. Notwithstanding the above, the ADU may be a separate structure if the lot is 5,000 square feet or larger, is legally nonconforming and provided all other zoning standards are met.
4. One Unit. A lot or parcel may have a maximum of one accessory dwelling unit.

5. Exempt from Density Limits. Accessory dwelling units are exempt from the density standards of the zoning districts in which they are located.
6. Occupancy. No one may occupy an accessory dwelling unit until the planning and community development department has issued a certificate of occupancy for the unit.
7. Design. An accessory dwelling unit shall comply with the following standards:
  - a. Roofs. Roofs of detached accessory dwelling units shall be similar to the main house, preferably not flat, and shall include high-quality architectural embellishments, such as dormers, gables, and eave trim.
  - b. Facades. A street-facing facade of the accessory dwelling unit shall include a high-quality exterior of materials that are durable and appropriate in a coastal environment, and windows similar in size, style, and orientation to the main house, including molding.
  - c. Color. The exterior color shall be of the same color family and intensity as the main house.
8. Unity of Ownership. An accessory dwelling unit shall not in any way be segregated in ownership from the principal dwelling unit.
9. Owner-Occupied. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the property owner as the owner's permanent and principal residence. The property owner shall prepare, execute, and record a covenant or deed restriction in favor of the city, in a form acceptable to the city, providing future property owners with notice of this restriction. The owner-occupied unit may not be rented to other parties.
10. Off-Street Parking. Each accessory dwelling unit must have one off-street parking space. This requirement is in addition to the off-street parking requirements that apply to the principal dwelling.
11. Primary Entrance. If the accessory dwelling unit's primary entrance is not the same as that for the principal dwelling unit it shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit. If the accessory dwelling unit is accessed via a stairway the stairway may not be constructed on the front of the principal dwelling unit.

12. Vacation Rental. Neither the accessory dwelling unit nor the principal dwelling unit may be used as a vacation rental dwelling.

13. Sewer Connection. Both the principal dwelling unit and the accessory dwelling unit must be connected to the city sewer system. Neither the accessory dwelling unit nor the principal dwelling unit may use a septic system. (Ord. 2014-08 § 8)

#### **17.80.120 Cottage housing developments.**

A. Purpose. A cottage housing development  is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family homes. Cottage housing is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

B. Definitions. The following definitions apply to this section:

1. "Common open space" means an area improved for recreational use or gardening that all owners in the cottage cluster own and maintain in common through a homeowners' association, condominium association, or similar mechanism.
2. "Cottage" means a detached, single-family dwelling unit that is part of a cottage housing development and that contains 1,250 square feet or less of gross floor area.
3. "Cottage cluster" means a group of four to 12 cottages, arranged around a common open space.
4. "Cottage housing development" means one or two clusters of cottages developed under a single land development plan, or as a part of another land development plan.
5. "Footprint" means the gross floor area of a cottage's ground-level story.
6. "Gross floor area" means the area within the exterior walls, but excluding any space where the floor to ceiling height is less than six feet.

C. Applicable Zoning Districts. Cottage housing developments are allowed only in the single-family residential (R-1), recreation residential (R-R), and multiple-family (R-M) zoning districts.