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ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.08 (DEFINITIONS) TO AMEND THE DEFINITIONS OF "COTTAGE," "COTTAGE CLUSTER," "DETACHED SINGLE-UNIT DWELLING," "MANUFACTURED DWELLING PARK," AND "MOBILE HOME PARK" AND TO ADD A DEFINITION FOR "PREFABRICATED DWELLING;" AMENDING CHAPTER 17.16 (SINGLE FAMILY RESIDENTIAL (R-1) ZONE), AND CHAPTER 17.18 (VACATION RENTAL (VR) ZONE) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AMENDING CHAPTER 17.20 (MULTI-FAMILY RESIDENTIAL (R-M) ZONE) TO ALLOW PREFABRICATED DWELLINGS UNDER CERTAIN CIRCUMSTANCES, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH TINY HOUSES ARE PERMITTED USES IN THAT ZONE, AND TO ALLOW ACCESSORY DWELLING UNITS IN THAT ZONE; AMENDING CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES); SECTION 17.80.040 (STANDARDS FOR MOBILE OR MANUFACTURED HOME PARKS, RECREATIONAL VEHICLE PARKS, AND TINY HOUSE DEVELOPMENTS) TO CLARIFY REFERENCES TO MANUFACTURED HOME PARKS; AND SECTION 17.80.110 (ACCESSORY DWELLING UNIT STANDARDS) TO ALLOW SLIGHTLY LARGER ACCESSORY DWELLING UNITS AND TO EXEMPT THEM FROM LOT COVERAGE LIMITATIONS.

*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **bold underlined**.*

The City Council finds:

- A. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and
- B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on _____, 2024; and
- D. The Planning Commission, on July 16, 2024, held a public hearing and considered the amendments contained within this ordinance. On _____, 2024 the

1 Planning Commission voted to transmit the amendments to the City Council with
2 a recommendation that the ordinance be adopted; and

3 E. The City Council conducted the public hearing on _____, 2024 closed the
4 hearing, closed the record, and deliberated on the proposed amendments on
5 _____, 2024; and

6 F. All persons were given an opportunity to provide written and/or oral testimony
7 on the proposed ordinance amendments.
8

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

10 **SECTION 1.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
11 revise the definition of "cottage" as follows:

12 "Cottage" means a detached ~~single-unit~~ dwelling unit that is part of a cottage housing
13 development and that contains ~~1,000~~ **1,250** square feet or less of gross floor area.
14

15 **SECTION 2.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
16 revise the definition of "cottage cluster" as follows:

17 "Cottage cluster" means a group of four to 12 cottages, arranged around a common open
18 space. **Cottage clusters that meet the definition of "manufactured dwelling park" or**
19 **"mobile home park" may be subject to additional requirements, pursuant to ORS 446.003**
20 **through 446.140.**
21

22 **SECTION 3.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
23 revise the definition of "detached single-unit dwelling" as follows:

24 "Detached single-unit dwelling" means a single dwelling unit that is not attached to any other
25 dwelling unit by any means, has no roof, wall, or floor in common with any other dwelling unit,
26 and is on its own lot or parcel. **Detached single-unit dwellings may be constructed off site,**
27 **e.g., prefabricated dwellings and manufactured homes.**
28

29 **SECTION 4.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
30 revise the definition of "manufactured dwelling park" as follows:
31

32 "Manufactured dwelling park" means any place where four or more manufactured dwellings or
33 prefabricated **dwellings structures**, that are relocatable and more than eight and one-half feet
34 wide, are located within 500 feet of one another on a lot, tract, or parcel of land under the same
35 ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease
36 to any person for a charge or fee paid or to be paid for the rental or lease space or keep space
37 for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or
38 use of facilities or to offer space free in connection with securing the trade or patronage of such
39 person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision

1 being rented or leased for occupancy by no more than one manufactured dwelling per lot if the
2 subdivision was approved by the local government unit having jurisdiction under an ordinance
3 adopted pursuant to ORS [92.010](#) to [92.192](#).

4 **SECTION 5.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
5 revise the definition of “mobile home park” as follows:

6
7 “Mobile home park” means any place where four or more manufactured dwellings **or**
8 **prefabricated dwellings** are located within 500 feet of one another on a lot, tract, or parcel of
9 land under the same ownership, the primary purpose of which is to rent space or keep space for
10 rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to
11 offer space free in connection with securing the trade or patronage of such person. “Mobile
12 home park” does not include a lot or lots located within a subdivision being rented or leased for
13 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved
14 by the municipality unit having jurisdiction under an ordinance adopted pursuant to
15 ORS [92.010](#) to [92.192](#).

16 **SECTION 6.** Chapter 17.08. (*Definitions*), Section 17.08.020 (*Definitions*), is hereby amended to
17 add a definition of “prefabricated dwelling” as follows:

18
19 **“Prefabricated dwelling” means a building or subassembly that is designed for residential**
20 **occupancy and that has been in whole or substantial part manufactured or assembled**
21 **using closed construction at an off-site location to be wholly or partially assembled on-**
22 **site, but does not mean a manufactured dwelling or a small home as defined in section 2,**
23 **chapter 401, Oregon Laws 2019.**

24 **SECTION 7.** Chapter 17.16 (*Single-unit residential (R1) Zone*), Section 17.16.020 (*Permitted Uses*),
25 Subsection 17.18.020.A.12 is hereby amended to read as follows:

26 12. Mobile **home parks** or manufactured **home dwelling** parks subject to the provisions of
27 LCMC [17.80.040](#).

28 **SECTION 8.** Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.020 (*Permitted Uses*),
29 Subsection 17.18.020.O is hereby amended to read as follows:

30 O. Mobile **home parks** or manufactured **home dwelling** parks subject to the provisions of
31 LCMC [17.80.040](#).

32 **SECTION 9.** Chapter 17.20 (*Multiple-unit residential (RM) Zone*), Section 17.20.020 (*Permitted*
33 *Uses*), is hereby amended to read as follows:

34 **17.20.020 Permitted uses.**

35 A. Attached single-unit dwellings;

36 B. Attached single-unit dwellings developments;

- 1 C. Detached single-unit dwelling, including manufactured home, **prefabricated dwelling, and tiny**
2 **house**, if located on a lawfully created lot with an area of 10,000 square feet or less that existed on
3 September 9, 2020, and if developed under the standards set forth for single-unit dwellings within
4 the R1 zone;
- 5 D. Detached single-unit dwelling, including manufactured home, if existing on or if a building permit
6 was applied for before September 9, 2020, and remains valid, and if developed under the standards
7 set forth for single-unit dwellings within the R1 zone;
- 8 E. Community or market gardens not larger than 12,500 square feet, subject to the provisions of
9 LCMC [17.80.080](#);
- 10 F. Cottage housing developments, subject to the provisions of LCMC [17.80.120](#);
- 11 G. Duplexes;
- 12 H. Multi-unit dwellings;
- 13 I. Residential facilities;
- 14 J. Residential homes;
- 15 K. Structures used temporarily on the site and only during construction of a permitted or conditional
16 use for which a building permit has been issued, but not exceeding six months;
- 17 L. Tiny house developments, subject to the provisions of LCMC [17.80.040](#)(C);
- 18 M. Transportation uses;
- 19 N. **Tiny house**;
- 20 O. Single-room occupancy with as many units and/or structures, or combination thereof, per lot or
21 parcel to meet the minimum density requirement in LCMC [17.20.050](#). There is no maximum to the
22 number of units per structure.
- 23 P. Emergency shelters, subject to LCMC [17.80.220](#) and as defined in LCMC [17.08.010](#).

24 **SECTION 10.** Chapter 17.20 (*Multiple-unit residential (RM) Zone*), Section 17.20.030 (*Accessory*
25 *Uses*), is hereby amended to read as follows:

- 26 A. Animals and gardens, subject to the provisions of LCMC [17.80.080](#);
- 27 B. Bed and breakfast accommodations, subject to the provisions of LCMC [17.80.060](#);
- 28 C. Home occupations, subject to the provisions of LCMC [17.52.010](#)(E);
- 29 D. Offices incidental to and necessary for the operation of the allowed primary use;

1 E. Off-street parking areas directly related to the allowed primary use, subject to the provisions
2 of Chapters [17.55](#) and [17.56](#) LCMC;

3 F. Other accessory uses, accessory buildings, or accessory structures customarily related to or
4 associated with the primary use;

5 G. *Repealed by Ord. 2023-24*;

6 H. Family child care home;

7 I. Special event as accessory to a conditional use allowed in the zone, provided the allowed
8 conditional use has conditional use approval;

9 **J. Accessory dwelling units, subject to the provisions of LCMC [17.80.110](#).**

10 **SECTION 11.** Chapter 17.80 (*Provisions applying to special uses*), Section 17.80.110 (*Accessory*
11 *dwelling unit standards*), Subsection B (*Standards*), is hereby amended to read as follows:

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

13 1. Type. Accessory dwelling units may be a portion of the principal dwelling unit, attached
14 to a garage, or a separate, freestanding unit. The principal dwelling unit must be a single-
15 family dwelling if someone wishes to add an accessory dwelling unit.

16 2. Floor Area. Accessory dwelling units shall not exceed ~~750~~ **800** square feet of floor area
17 or 50 percent of the floor area of the principal dwelling unit, whichever is less, ~~provided,~~
18 **however, that accessory dwelling units that result from the conversion of a level or**
19 **floor (e.g., basement, attic, or second story) of the principal dwelling may occupy the**
20 **entire level or floor, even if the floor area of the accessory dwelling unit would be**
21 **more than 800-900 square feet.**

22 3. One Unit. A lot or parcel may have a maximum of one accessory dwelling unit.

23 4. Exempt from Density Limits. Accessory dwelling units are exempt from the density
24 standards of the zoning districts in which they are located.

25 5. Unity of Ownership. An accessory dwelling unit shall not in any way be segregated in
26 ownership from the principal dwelling unit.

27 6. *Repealed by Ord. 2023-26.*

28 7. Short-Term Rental. Neither the accessory dwelling unit nor the principal dwelling unit
29 may be used as a short-term rental.

1 8. Sewer Connection. Both the principal dwelling unit and the accessory dwelling unit
2 must be connected to the city sewer system. Neither the accessory dwelling unit nor the
3 principal dwelling unit may use a septic system.

4 **9. Exempt from Maximum Lot Coverage. Accessory dwelling units are exempt from**
5 **the maximum building coverage standards of the R1, R1-RE, VR, and RM zones.**

6 **SECTION 12.** Chapter 17.80 (*Provisions applying to special uses*), Subsection 17.80.040.A
7 (*Standards for mobile or manufactured home parks, recreational vehicle parks, and tiny house*
8 *developments*) is hereby amended to read as follows:

9 17.80.040 Standards for mobile **home parks** or manufactured **home dwelling** parks,
10 recreational vehicle parks, and tiny house developments.

11 A. Mobile **Home Park** or Manufactured **Home Dwelling** Park Standards.

12 1. All mobile **home parks** or manufactured **home dwelling** parks shall comply with state
13 statutes. ORS [197.493](#) allows the siting of RVs occupied as dwellings in a mobile **home**
14 **park** or manufactured **home dwelling** park that is lawfully connected to utilities.

15 2. If space for a mobile **home** or manufactured **home dwelling** in the park is located more
16 than 500 feet from a public fire hydrant, the mobile **home park** or manufactured **home**
17 **dwelling** park shall install and maintain hydrants so that no mobile **home** or
18 manufactured **home dwelling** within the mobile **home park** or manufactured **home**
19 **dwelling** park shall be more than 500 feet from a hydrant when the park is fully occupied.
20 Each hydrant shall be adjacent to a vehicular way within the mobile **home park**
21 or manufactured **home dwelling** park and shall conform in design and capacity to the
22 public hydrant standards in the city.

23 3. Except at driveway accesses, a sight-obscuring fence at least five but no more than six
24 feet in height shall be located 10 feet back from the outer boundary of the mobile **home**
25 **park** or manufactured **home dwelling** park. The mobile **home park** or manufactured
26 **home dwelling** park shall be landscaped in accordance with Chapter [17.55](#) LCMC and
27 reviewed as part of development review pursuant to LCMC [17.77.070](#).

28 4. Storage space (for boats, campers, etc.) shall be provided within the mobile **home park**
29 or manufactured **home dwelling** park at the rate of one 10-foot by 20-foot space in size
30 for every four mobile **homes** or manufactured **homes dwellings** within the park's
31 designed maximum capacity. Adequate maneuvering room shall be provided.

32 5. *Repealed by Ord. 2023-26.*

33 6. Every mobile **home park** or manufactured **home dwelling** park must have a resident
34 manager. The resident manager shall maintain a permanent residence within the mobile

1 **home park** or manufactured **home dwelling** park and shall be either the owner or
2 owner's authorized agent charged for the care and control of the mobile **home park**
3 or manufactured **home dwelling** park. The owner of the mobile **home park**
4 or manufactured **home dwelling** park shall notify the director of the name of the original
5 resident manager and all changes thereto within 14 days after any change takes place.

6 **7. Every mobile home park or manufactured dwelling park is subject to development**
7 **review in LCMC 17.77.070.**

8 **SECTION 13. Findings Adopted.** The findings contained in the Whereas Clauses of this
9 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial
10 evidence in the whole record of this legislative proceeding are incorporated into this section by
11 reference as if fully set forth herein, and are adopted in support of this legislative action.
12

13 **SECTION 14. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
14 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
15 validity of the remaining sections, subsections, paragraphs and clauses.
16

17 **SECTION 15. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
18 takes effect 30 days after the date of its adoption.
19

20 **SECTION 16. Codification.** Provisions of this Ordinance shall be incorporated in the City of
21 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
22 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
23 re-lettered, provided that any Whereas clauses and boilerplate provisions need not be codified
24 and the City Recorder is authorized to correct any cross-references and any typographical errors.
25

26 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
27 9.2 of the City of Lincoln City Charter on the ___ day of ____, 2024 (First Reading and Second
28 Reading).
29

30 PASSED AND ADOPTED by the City Council of the City of Lincoln City this ____ day of
31 _____, 2024.
32

33 _____
34 SUSAN WAHLKE, MAYOR

35 ATTEST:
36

37 _____
38 JAMIE YOUNG, CITY RECORDER
39

40 APPROVED AS TO FORM:
41
42 _____