

ORDINANCE 1080B

AN ORDINANCE TO AMEND LINCOLN MUNICIPAL CODE CHAPTER 18.37 –
SECOND DWELLING RESIDENTIAL UNITS AND RELATED ARTICLES OF TITLE 18 –
ZONING TO COMPLY WITH STATE LAWS REGARDING ACCESSORY DWELLING UNITS
(ADU) AND JUNIOR ACCESSORY DWELLING UNITS (JADU) IN THE CITY OF LINCOLN;
AND FINDING THE ORDINANCE IS STATUTORILY EXEMPT FROM
ENVIRONMENTAL REVIEW UNDER CEQA

WHEREAS, the City of Lincoln (City) is mandated by the State of California to maintain an adequate and proper General Plan;

WHEREAS, the City of Lincoln's City Council adopted the General Plan 2050 on March 25, 2008;

WHEREAS, many policies, programs, and implementation measures of the General Plan are implemented through the Lincoln Municipal Code such as Title 18 – Zoning Ordinance;

WHEREAS, Title 18, Chapter 18.92 of the Zoning Ordinance provides for the review and recommendation by the City's Planning Commission on all proposed amendments to the Zoning Ordinance text;

WHEREAS, state law makes clear that nonconforming ordinances are void and that the state standards specified in Government Code Section 65852.2 and 65852.22 shall be enforced until such time a jurisdiction adopts its own ordinance in accordance with state law. In order to preserve local preferences, such as maximum floor area, architectural style, and other development standards, Chapter 18.37 and related Articles of Title 18 of the City of Lincoln Municipal Code require amendments to comply with state law;

WHEREAS, the Planning Commission of the City of Lincoln held a public workshop on April 17, 2024 to discuss the proposed amendments as they relate to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). The workshop was a platform for staff to solicit feedback from the Planning Commission;

WHEREAS, the Planning Commission of the City of Lincoln held a public hearing on May 15, 2024 to discuss the proposed amendments as they relate to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). The Planning Commission recommended the draft ordinance be revised to include: "...the square footage in excess of the 750 square feet" instead of the "shall be charged proportionately..." language that was there before. After careful deliberation, the Planning Commission voted 6-0-0-1 to approve the Resolution 2024-13 recommending the City Council adopt the proposed amendments;

WHEREAS, the City duly noticed and held a public hearing for the City Council to consider the proposed ADU Ordinance and consider the proposed CEQA Exemption on June 27, 2024; and

WHEREAS, Council conducted a public hearing on this matter on July 9, 2024.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LINCOLN does ordain as follows:

Section 1. The City Council hereby incorporates by reference the recitals set forth above.

Section 2. This Ordinance is statutorily exempt from California Environmental Quality Act ("CEQA"), pursuant to Section 21080.17 of the Public Resource Code. The proposed adoption of the ordinance is exempt from CEQA consistent with Section 15282(h) (Other Statutory Exemptions) of the CEQA Guidelines, because there is no possibility it will have a significant effect on the environment. As such, the adoption of the ordinance will implement CA Gov. Code Section 65852.2 (ADU) State Law and 65852.22 (JADU) State Law within the incorporated area of the City of Lincoln.

Section 3. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 4. Within fifteen days of passage of this Ordinance, the City Clerk shall cause the full text of the Ordinance, with the names of those City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger. In lieu of publishing the full text of the Ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the Ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the Ordinance. The publication of a summary of the Ordinance in lieu of the full text of the Ordinance is authorized only where the requirements of Government Code § 36933(c)(1) are met.

Section 5. Amendment. The code amendments are represented in strikeout (removed) / underline (added). Lincoln Municipal Code Chapter 18.37 – *Second Dwelling Residential Units* and related Articles of *Title 18 – Zoning* are hereby amended as follows:

Section 5.1.

The Title 18 – Zoning Ordinance, Chapter 18.37 amendments:

A. Amend "Chapter 18.37 – *Second Dwelling Residential Units*" as set forth below:

CHAPTER 18.37 ~~SECOND DWELLING RESIDENTIAL UNITS~~ ACCESSORY DWELLING UNITS (ADU)

B. Add section “18.37.008 – Purpose” as set forth below:

18.37.008 - Purpose.

This section is intended to implement the provisions of California Government Code Sections 65852.2 (ADUs) and 65852.22 (JADUs), in case of ambiguity, shall be interpreted to be consistent with such provisions. ADUs are allowed in areas where residential uses are allowed to contribute to the following City of Lincoln Housing Element goals.

- Goal 1: Accommodate new housing to meet the needs of present and future Lincoln residents at all income levels.
- Goal 3: Address special housing needs in Lincoln.
- Goal 4: Promote equal housing opportunities.

C. Add section “18.37.009 – Definitions” as set forth below:

18.37.009 – Definitions.

(1) “Accessory Dwelling Unit” (ADU) is a dwelling unit that is accessory to the primary residence and has complete independent living facilities for one or more persons. ADUs can be:

- Detached: separate from the primary structure
- Attached: attached to the primary structure
- Converted existing space: conversion of an attached garage, bedroom, storage area, accessory structure, etc.

(2) “Junior Accessory Dwelling Unit” (JADU) is a unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling.

(3) “Multifamily dwelling” means a structure containing two or more attached primary dwelling units on a single lot, not including ADUs or JADUs. Multiple detached single-family dwellings on the same lot are not a multifamily dwelling.

(4) “Single-family dwelling” means a structure containing no more than one primary dwelling unit, not including ADUs or JADUs.

D. Amend section “18.37.010 – Permitted use” as set forth below:

18.37.010 – Permitted use.

An second dwelling unit ADU, as defined by California Government Code section 65852.2(i)(4), and a JADU are is permitted on any lot located within any low density

~~residential district or zone~~ where residential uses are permitted by-right or by conditional use provided a permit is obtained in accordance with the provisions of this chapter.

E. Amend section “18.37.020 – Zones” as set forth below:

18.37.020 – Administrative review.

- (1) Applications for ADUs and JADUs pursuant to this section shall be processed ministerially as part of a building permit, without discretionary review or a hearing within 60 days from the date the City receives a complete application if there is an existing single-family or multifamily dwelling on the lot.
- (2) If the application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the application for the ADU or the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

~~18.37.020 Zones.~~

~~A second dwelling unit is permitted on any lot located within any low-density residential district or zone subject to the standards prescribed in this chapter.~~

F. Amend section “18.37.030 – Requirements for a second dwelling unit” as set forth below:

18.37.030 – Requirements for a second dwelling unit General requirements.

~~A second dwelling unit may be permitted only if all of the following conditions are met:~~

- (1) Siting.
 - a. An ADU shall be sited as follows:
 - i. Within a proposed or existing single-family dwelling or an accessory structure to a single-family dwelling.
 - ii. Within an existing multifamily dwelling, including attached garages, storage areas or similar uses, or an accessory structure.
 - iii. Detached from, but located on the same lot as, a proposed or existing single-family dwelling, or an existing multifamily dwelling.

- iv. Attached to a proposed or existing single-family dwelling. A breezeway does not constitute an extension of the primary dwelling because a breezeway does not create a shared common wall between the two individual buildings.
 - b. An ADU located within a multi-family dwelling structure may only be located within a portion of the structure not used as livable space, including, but not limited to, a storage room, boiler room, passageway, attic, basement, or garage, provided that each unit shall comply with state building standards for dwellings.
 - c. A JADU shall be located entirely within a proposed or existing single-family dwelling structure.
- (2) Density. ADUs or JADUs shall not be counted toward the allowable density provided by the General Plan or Zoning.
- (3) Number of Units. There must be no more than one existing single-family dwelling on the lot for which an application under this chapter is submitted; The maximum number of ADUs or JADUs permitted on each lot is provided by Table 18.37.030-1: Maximum Number of ADUs/JADUs Per Lot.

Table 18.37.030-1: Maximum Number of ADUs/JADUs Per Lot		
<u>Lot Type</u>	<u>Number of ADUs</u>	<u>Number of JADUs</u>
<u>Existing or proposed single-family residence</u>	<u>One</u>	<u>One</u>
<u>Existing multi-family dwelling</u>	<ul style="list-style-type: none">• <u>Detached ADUs: Two</u>• <u>Attached ADUs: Maximum of 25% of the number of units in the multi-family dwelling.¹</u>	<u>None</u>
<u>Existing single-family and multi-family residence on same lot</u>	<u>Owner may elect to develop the lot under the allowances provided for either single-family residences or multi-family residences, but not both.²</u>	
<u>NOTES</u>		
<u>(1) Fractional units shall be rounded down, and at least one ADU shall be allowed in each multifamily dwelling structure.</u>		
<u>(2) The owner's election shall be noted on any development permit issued by the City and in the deed restriction required by subsection (7), and all future development of ADUs and JADUs be bound by such election.</u>		

- (4) Non-Conforming Properties. Prior to construction of an ADU, the City may or may not require correction of a nonconforming zoning condition. ~~No zoning code or No~~

building code violation may exist on the lot on which the ~~second-unit~~ ADU is to be located;

~~(4) The utility service for the proposed second dwelling unit must be serviced through the existing single-family service;~~

~~(5) The existing unit must be owner occupied. The property owner shall enter into a restrictive covenant which shall be recorded against the property. The covenant shall require that one of the two units be owner occupied and prohibit rental of both the primary and secondary dwelling units at the same time. The covenant shall further require that the city be notified of the sale of the property upon the close of escrow;~~ Owner occupancy for JADUs. The property owner must reside in any single-family residence that includes a JADU. The owner may reside in either the JADU or the remaining portion of the single-family residence. However, owner-occupancy is not required if the owner is a government agency, land trust, or housing organization.

~~(6) The second dwelling unit is not intended for sale and may be rented; provided that the existing dwelling unit is owner occupied;~~ Sale and Rental of Units

a. Except as provided in Government Code Section 65852.26, ADUs and JADUs may not be sold or otherwise conveyed separately from the primary residence.

b. An ADU or JADU may not be rented for less than 31 consecutive days.

~~(7) Deed Restriction. Approval for a JADU or ADU (if applicable) will be conditioned on the recordation of a deed restriction, which shall run with the land, and will be recorded by the City on the property where the unit is, or will be, located. The covenant shall be approved by the City Attorney and the Community Development Director. The property owner shall bear the cost of recording the deed restriction. The deed restriction shall include the following:~~

a. For JADUs:

i. A prohibition on the sale of the unit separate from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers.

ii. A restriction on the size and attributes of the unit that conforms to Government Code Section 65852.22, including the owner-occupancy requirement pursuant to subsection 18.37.030(5).

b. For ADUs:

i. A statement of the election made under subsection 18.37.030(3), if any. If no election has been made, then no deed restriction is required.

- (8) ~~The second dwelling unit is either attached to the existing dwelling, or located within the living area of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling; Living Facilities.~~
- a. ADUs shall include complete independent living facility for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a kitchen and bathroom.
 - b. JADUs shall include living facilities. This includes permanent provisions for living, sleeping, eating, and cooking (i.e. efficiency kitchen), as defined in Government Code Section 65852.22(a). JADUs may include a separate bathroom or may share it with the primary residence.
- (9) ~~Construction of the unit complies with the applicable local building code requirements for detached dwellings, as appropriate. Construction shall conform to design review, fees, charges and any other zoning requirements generally applicable to residential construction in the zone in which the property is located. Separate Entrances. JADUs and ADUs located within or attached to a primary residence shall include a separate entrance from that of the primary residence. No passageway shall be required in conjunction with the construction of an ADU as defined by Government Code Section 65852.2(j).~~

G. Amend section "18.37.040 – Size" as set forth below:

18.37.040 – Size.

~~The maximum size of an attached unit shall not exceed 30 percent of the existing living area of the primary residence or 640 square feet. The maximum size of a detached unit shall not exceed 640 square feet. "Living area" as used in this chapter, means the interior habitable area of a dwelling unit, including basements and habitable attics, but not including garages or any accessory structures. The maximum number of bedrooms shall not exceed two.~~

18.37.0540 – Findings for approval of a second dwelling unit Public facilities.

~~In addition to other required findings, the following finding must be made to approve the second unit: all public services, including water, fire flow, and public sewer can be provided and the unit will not have an adverse impact on the delivery of such services.~~

New ADUs or JADUs are prohibited if the City Engineer determines the area has insufficient water or sewer service.

- a. New ADU or JADU built concurrently with primary dwelling:

- i. The City will require connection fees or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- b. Existing primary dwelling:
 - i. Attached ADU/JADU - The City will not require separate utility connection or connection fees.
 - ii. Detached ADUs - The City may require a new or separate utility connection directly between the ADU and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

H. Amend section “18.37.060 – Development standards” as set forth below:

18.37.0650 – Development standards.

(1) ADUs and JADUs shall comply with the development standards in Table 18.37.050-1: Development Standards for ADUs and JADUs. All second dwelling units must comply with the setback, lot coverage and building separation standards within the zone that are applicable to the primary structure. The subject parcel must be of conformance with the standards prescribed for the parcel size, lot width, lot depth and lawful public access. Any parcel that does not conform to such requirements shall not be granted approval for a second dwelling unit.

Table 18.37.050-1: Development Standards for ADUs and JADUs		
Standard	ADU	JADU
Maximum Size (floor area) ^[1]	<ul style="list-style-type: none">All ADUs may be up to 1,000 square feet in size.An ADU may be up to 1,200 square feet in size if the ADU is less than 50% of the size of the primary dwelling.	500 square feet

<u>Setback - Front</u> ^[2]	<u>Same as required for primary residence</u>	=
<u>Setback - Side/Rear</u> ^[2]	<u>4 ft.</u> ^[3]	=
<u>Maximum Height</u> ^[4]	<ul style="list-style-type: none"> • <u>New detached structure: up to 16 ft. from ground level</u> • <u>18 feet in height when located within ½ mile walking distance to a major public transit stop or the property already has a multifamily dwelling two stories high.</u> • <u>Addition to an existing structure: An ADU may be built on top of a one-story detached garage or other one-story detached accessory structure in any zone where ADUs are allowed, but may not exceed the maximum building height for a primary residence allowed in the zone or 25 feet, whichever is lower. Not to exceed two stories.</u> 	=
<u>Minimum Lot Size</u>	<u>None</u>	<u>None</u>

NOTES

^[1] Including an attached garage, attached exterior storage space, or other structure that is attached to the primary dwelling, but not including the floor area of an ADU or JADU that is within or attached to the primary dwelling.

^[2] No setback is required for the conversion of an existing accessory structure to an ADU or JADU; or for a replacement structure in the same location and/or footprint.

^[3] For the conversion and/or expansion of an existing accessory structure to an ADU, the side and rear setback requirement for the expansion may be less than 4 ft. if the proposed setback protects health and fire safety; provided, that the expansion is no more than 150 square feet beyond the physical dimensions of the existing accessory structure and solely for the entrance and exit from the ADU. If the expansion is greater than 150 square feet or for a purpose other than facilitating entrance to and exit from the ADU, then the 4-ft. side and rear set back will apply.

^[4] This maximum height requirement only applies to new construction. This requirement does not apply if an ADU or JADU is within an existing structure.

- (2) Except as provided in Table 18.37.050-1, ADUs and JADUs shall comply with all building and development standards applicable to the primary residence on the same lot, including maximum lot coverage requirements, subject to 18.37.050(3) below.

- (3) If other development standards (such as lot coverage or open space) would prevent the approval of an ADU that is at least 800 square feet and 16 feet high, then the applicant is permitted an ADU that is up to 800 square feet and 16 feet high.
 - (4) ADUs shall not be required to provide fire sprinklers if they are not required for the primary dwelling unit.
 - (5) Approval of an ADU or JADU shall not be contingent on the correction of nonconforming conditions on the subject property.
 - (6) ADUs and JADUs must comply with the Building Code, Fire Code, Health and Safety Codes, and noise insulation standards applicable at the time the building permit for the ADU or JADU is issued.
 - (7) Utility connections shall be established in accordance with *Title 13 – Public Services* of the Lincoln Municipal Code. The City shall not require a separate utility connection between an ADU or JADU and the utility, or impose a related connection fee or capacity charge, for units located entirely within a primary dwelling, unless the ADU or JADU was constructed with a new single-family home.
 - (8) If a manufactured home is used as an ADU, it shall comply with the standards of this section.
- I. Amend section “18.37.070 – Height regulation” as set forth below:
- 18.37.070 Height regulation.**
- ~~The height of a second unit shall not exceed one story, except that a second story structure may be approved provided, it is determined the structure is not out of character with the neighborhood and the existing structure.~~
- J. Amend section “18.37.0860 – Parking requirement” as set forth below:
- (1) ~~One additional paved off-street parking space shall be required for each second dwelling bedroom ADU. The parking spaces for the existing primary structure and/or the second dwelling unit shall not be located within any required setback area. The second dwelling unit parking shall be in addition to the required minimum of two off-street parking spaces for a single-family unit. No additional off-street parking spaces are required for an ADU or JADU.~~
- K. Amend section “18.37.090 – Architectural style” as set forth below:
- 18.37.0970 – Architectural style.**

~~The second dwelling unit must be of the same architectural type, style, material and texture of the existing primary structure; and subordinate in bulk and relationship to the main residence.~~

The following architectural style standards apply to ADUs:

(1) Exterior Finish Materials. The exterior materials must meet one of the following:

- a. The exterior finish material must be the same in type, size and placement as the exterior finish material of the primary structure; or
- b. Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.

(2) Roof Pitch. The pitch of the roof with the highest ridgeline must meet one of the following:

- a. The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of the primary structure; or
- b. The pitch of the roof with the highest ridgeline must be at least 6/12.

(3) Trim. The trim must meet one of the following:

- a. The trim must be the same in type, size, and location as the trim used on the primary structure; or
- b. The trim around all windows and doors must be at least 3 ½ inches wide.

(4) Windows. The windows on all street facing facades must meet one of the following:

- a. The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or
- b. Each window must be square or vertical – at least as tall as it is wide.

(5) Eaves. The eaves must meet one of the following:

- a. The eaves must project from the building walls the same distance as the eaves on the primary structure;
- b. The eaves must project from the building walls at least 1 foot on all elevations; or
- c. If the primary structure has no eaves, no eaves are required.

- L. Amend section “18.37.100 – Fees, exactions requirements” as set forth below:

18.37.4080 – Fees, exactions requirements.

(1) For the purpose of the assessment of all fees and exactions consistent with this code, construction of an ~~second dwelling unit~~ ADU shall be considered separate from that of the existing single-family dwelling on the lot, and the payment of fees and exactions for such ADU ~~second unit~~ shall be in addition to those which may have been paid for the existing single-family dwelling except if the ADU meets the following criteria:

- a. Traffic impact mitigation fees and public facility fees shall not be imposed upon the development of an ADU less than 750 square feet.
- b. Traffic impact mitigation fees and public facility fees charged for an ADU of 750 square feet or more, the square footage in excess of the 750 square feet shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- c. The city council may, by policy, provide for fee modifications, waivers or deferments.

- M. Amend section “18.37.110 – Inspection authority” as set forth below:

18.37.44090 – Inspection authority.

A permit for ~~second dwelling units~~ ADUs and JADUs issued pursuant to this chapter shall be conditioned upon, and the applicant must agree to allow inspections of the site and proof of compliance with this chapter, and the requirements imposed in the granting of the permit, and other city codes, resolutions and ordinances.

- N. Amend section “18.37.120 – Existing second unit” as set forth below:

18.37.1200 – Existing ~~second unit~~ ADU or JADU.

This chapter shall in no way validate any existing illegal ~~second dwelling unit~~ ADU or JADU.

Section 5.2. The Title 18 – Zoning Ordinance, Chapter 18.12 amendments:

- A. Amend section “18.12.010 – Permitted uses” as set forth below:

18.12.010 – Permitted uses.

Uses permitted in the R-1 district are as follows:

- (1) Single-family dwellings;
- (2) Accessory buildings as regulated by Section 18.36.050;
- (3) Home occupations as regulated by Chapter 18.62;
- (4) Accessory uses are regulated by Section 18.36.060;
- (5) ADUs as regulated by Chapter 18.37;

~~(5 6)~~ Transitional housing, defined in Health and Safety Code section 50675.2(h) as: buildings configured as rental housing developments, but operated under program requirements that call for termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months;

~~(6 7)~~ Supportive housing, defined in Health and Safety Code section 50675.14(b)(2) as: housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community;

~~(7 8)~~ Manufactured Home. In accordance with Government Code section 65852.3 (Local Manufactured Homes Zoning);

~~(8 9)~~ Signs as permitted by Title 16.

Section 5.3. The Title 18 – Zoning Ordinance, Chapter 18.14 amendments:

A. Amend section “18.14.010 – Permitted uses” as set forth below:

18.14.010 – Permitted uses.

Uses permitted in the R-2 district are as follows:

- (1) Single-family dwellings, subject to the regulations in Chapter 18.12;
- (2) Duplexes;
- (3) Triplexes;
- (4) Accessory buildings as regulated by Section 18.36.050;
- (5) Accessory uses are regulated by Section 18.36.060;

(6) ADUs as regulated by Chapter 18.37;

(~~6~~ 7) Transitional housing, defined in Health and Safety Code section 50675.2(h) as: buildings configured as rental housing developments, but operated under program requirements that call for termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months;

(~~7~~ 8) Supportive housing, defined in Health and Safety Code section 50675.14(b)(2) as: housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community;

(~~8~~ 9) Signs as permitted by Title 16.

Section 5.4. The Title 18 – Zoning Ordinance, Chapter 18.16 amendments:

A. Amend section “18.16.010 – Permitted uses” as set forth below:

Uses permitted in the R-3 district are as follows:

(1) Apartments;

(2) Single-family dwellings, subject to the regulations of Chapter 18.12, duplexes and triplexes, subject to the regulation in Chapter 18.14;

(3) Accessory buildings, subject to regulations in Section 18.36.050;

(4) Accessory uses, subject to regulations in Section 18.36.060;

(5) ADU as regulated by Chapter 18.37;

(~~5~~ 6) Transitional housing, defined as buildings configured as rental housing developments, but operated under program requirements that call for termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months;

(~~6~~ 7) Supportive housing, defined as housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community;

(~~7~~ 8) Mobile home park, manufactured housing community, as defined in the California Health and Safety Code section 18210.7 and section 18214, any area or tract of land where two or

more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobile homes, or recreational vehicles used for human habitation;

(~~8~~ 9) Boardinghouses, defined as: a structure in a residential zone wherein three or more individual rooms or suites of rooms with shared facilities such as kitchen, laundry, and bathrooms are rented or leased by the week, month, or year on a separate basis and one or more meals per day are provided to persons residing therein for compensation;

(~~9~~ 10) Group home, defined as: a facility which provides 24-hour care and supervision to children, provides services specified by the state of California Health and Human Service Agency, Department of Social Services to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home;

(~~10~~ 11) Signs as permitted by Title 16.

B. Amend section “18.16.100 – Performance standards for townhouses, rowhouses, and condominiums” as set forth below:

(2) The building shall be located between zero to 12.5 feet from the front property line, zero to ten feet from the street side property line, zero to ten feet from the interior side property line. No setback is required from the rear property line for the main building. A garage or ~~secondary~~ ADU shall be set back a minimum of four feet from an alley. Different setback requirements may be considered due to public utility easements or other design factors when it is determined that such variations will result in a superior product.

(7) Shared and/or phased parking solutions are encouraged. There shall be a minimum of two covered parking spaces per main unit and one parking space per ~~secondary residential~~ ADU. The ~~second residential~~ ADU space does not need to be covered and is subject to the standards set out in Section 18.37.060.

(9) Garages may have two stories. Interior stairwells are encouraged. Allowable uses for the second story of a garage are: ~~second dwelling residential unit~~ ADU, bonus room, home occupation, storage, or play room.

(10) ADUs must comply with the requirements set out in Chapter 18.37. ~~Second dwelling residential units shall not be subject to the requirements set out in Chapter 18.37 and instead shall conform to the following requirements:~~

a. ~~A second residential unit shall be subject to the payment of the appropriate building and impact fees;~~

- ~~b. The second dwelling unit is not intended for sale and may be rented; provided that the primary existing dwelling unit is owner occupied. The property owner shall enter into a restrictive covenant which shall be recorded against the property. The covenant shall require that one of the two units be owner-occupied and prohibit rental of both the primary and secondary units at the same time. The covenant shall further require that the city be notified of the sale of the property upon the close of escrow;~~
- ~~c. No zoning code or building code violation exists on the lot on which the second unit is to be located;~~
- ~~d. Construction of the unit complies with the applicable local building code requirements for attached or detached dwellings, as appropriate;~~
- ~~e. The second dwelling unit must be of the same architectural type, style, material and texture as the existing primary structure; and subordinate in bulk and relationship to the main residence; and~~
- ~~f. A second dwelling unit allowed pursuant to this section shall be conditioned upon, and the applicant must agree to allow inspections of the site and proof of compliance with this section, and other city codes, resolutions, and ordinances.~~

Section 5.5. The Title 18 – Zoning Ordinance, Chapter 18.18 amendments:

A. Amend section “18.18.010 – Permitted uses” as set forth below:

Uses permitted in the R-E district are as follows:

- (1) One single-family residential dwelling;
- (2) Golf course;
- (3) Country club;
- (4) Light agricultural uses on more than ten acres;
- (5) The keeping and/or raising of household pets for personal use only;
- (6) Accessory structures and uses located on the same site with and necessary for the operation of a permitted use;
- (7) ADUs as regulated by Chapter 18.37;
- (7 8) Signs as permitted by Title 16.

Section 5.6. The Title 18 – Zoning Ordinance, Chapter 18.20 amendments:

A. Amend section “18.20.010 – Permitted uses” as set forth below:

Uses permitted in the B-P district shall be as follows:

- (1) Business and professional offices;
- (2) Personal service establishments entirely within a building;
- (3) Financial institutions (banks, title companies, savings and loan companies);
- (4) Accessory buildings, subject to regulations in Section 18.36.050;
- (5) Accessory uses, subject to regulations in Section 18.36.060;
- (6) ADUs as regulated by Chapter 18.37, only when a single-family dwelling exists on the lot or the single-family dwelling is proposed under 18.20.020 – Conditional uses;
- (~~6~~ 7) Other uses which, in the opinion of the planning commission has determined are of the same general character as those listed in this section and will not be obnoxious to abutting properties or detrimental to the area in which located;
- (~~7~~ 8) Signs as permitted by Title 16.

Section 5.7. The Title 18 – Zoning Ordinance, Chapter 18.22 amendments:

A. Amend section “18.22.010 – Permitted uses” as set forth below:

Uses permitted in the C district are as follows:

- (1) Shopping center or mall;
- (2) Nursery, florist;
- (3) Quick-food establishment;
- (4) Newspaper stand;
- (5) Other collection facilities;
- (6) ADUs as regulated by Chapter 18.37, only when a multi-family dwelling structure exists on the lot or the multi-family dwelling structure is proposed under 18.22.030 – Conditional uses;
- (~~6~~ 7) Other uses which the planning commission has determined are of the same general character as those listed in this section and will not be obnoxious to abutting properties or detrimental to the area in which located;

(7 8) Signs as permitted by Title 16.

Section 5.8. The Title 18 – Zoning Ordinance, Chapter 18.29 amendments:

A. Amend section “18.29.010 – Permitted uses” as set forth below:

The following uses are permitted in the (A-D) agricultural district:

(1) One single-family residence and accessory buildings;

(2) ADUs as regulated by Chapter 18.37;

(2 3) Agricultural corps and open field grazing;

(3 4) Livestock, poultry and small animals provided:

- a. Any building, pen, cage aviary, animal run or area used to contain, house, confine or feed such animals or fowl shall not be located closer than 75 feet to any boundary property line of the premises, or any building containing a dwelling unit on the same premises,
- b. Any open-air storage of hay, straw, shavings or similar organic materials shall maintain a distance of not less than 35 feet from any boundary property line, and a distance of not less than 45 feet from any building containing a dwelling unit or accessory living quarters on the same premises;

(4 5) Greenhouses, when incidental to agricultural uses on premises;

(5 6) Marketing of products on the premises, provided:

- a. Only one stand shall be permitted on the premises and such stand shall contain not more than 500 square feet of floor area, and shall not be located in any required yard or open space on the premises;

(6 7) Pasturing and grazing;

(7 8) Public stables and riding academies provided:

- a. Any stable or barn shall not be located closer than 75 feet to any boundary property line, or to any building containing a dwelling unit on the same premises,
- b. Any corrals, exercise yards or rings shall maintain a distance of not less than 45 feet from any building containing a dwelling unit on the same premises,

- c. Any open-air storage of hay, straw, shavings or similar materials shall maintain a distance of not less than 35 feet from any boundary property line, and a distance of not less than 45 feet from any building containing a dwelling unit or accessory living quarters on the same premises.

(8 9) Signs as permitted by Title 16.


INTRODUCED at a regular meeting of the City Council of the City of Lincoln held on July 9, 2024.

PASSED AND ADOPTED this 23rd day of July, 2024.

AYES: COUNCILMEMBERS: Joiner, Brown, Lauritsen, Karelskint


NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS: Andreatta



Dan Karleskint, Mayor

ATTEST:



Gwen Scanlon, City Clerk