

SUPPLEMENT DIRECTIONS

LYONS MUNICIPAL CODE

Supplement No. 7 – July 2019

Updated by: _____
Dated: _____

New, reprinted pages included with this supplement are listed by title and page number in the right-hand column below. The left-hand column lists obsolete material that should be removed from the code. Follow the instruction columns in sequence: remove and replace pages as necessary.

When completed, insert these directions in a convenient place near the front of the code book. For future reference, the person making these changes may also date and initial this page.

This supplement includes revisions to the code through Ordinance P10-65-2019, passed May 28, 2019.

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Chapter 18.05

Introductory Provisions

Sections:

18.05.010 Title.

18.05.020 Purpose.

18.05.030 Definitions.

18.05.010 Title.

This title shall be known as the “Lyons Zoning Ordinance of 1980.” [Ord. P10-21 § 1.010, 1997.]

18.05.020 Purpose.

The purpose of this title is to promote the public health, safety and general welfare and to assist in the implementation of the Lyons comprehensive plan and applicable statewide planning goals and guidelines and applicable federal regulations. [Ord. P10-21 § 1.020, 1997.]

18.05.030 Definitions.

As used in this title, the following words and phrases shall mean:

“Accessory dwelling” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

“Accessory structure” or “accessory use” means a structure or use incidental, appropriate and subordinate to the main use of property and located on the same lot as the main use.

“Adjoining” means touching or bounding at a point or line. In the case of lots, tracts or parcels of land, it refers to those joined by a common boundary line or point.

“Alley” means a street that affords only a secondary means of access to property.

“Building” means a structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

“Building line” means a line on a plat or map indicating the limit beyond which buildings or other structures may not be erected.

“City” means the city of Lyons, Oregon.

“City council” means the city council of Lyons, Oregon.

“City planning commission” means the planning commission of Lyons, Oregon.

“Comprehensive plan” means a plan adopted by the city planning commission and city council as a guide for the development of the city, including modification or refinements which may be made from time to time.

“Day care facility” means a facility that provides day care to children, including a day nursery, nursery school group or similar unit operating under any name, but not including: (A) a facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day; (B) a facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion; (C) a facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; (D) a facility operated by a school district, political subdivision of this state or a governmental agency; (E) a residential facility licensed under ORS 443.400 through 443.455.

“Development” means a building or mining operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, including partitions and subdivisions and creating or terminating a right of access.

“Dwelling, multiple-family” means a building containing two or more dwelling units.

“Dwelling, single-family” means a detached building containing one dwelling unit.

“Dwelling unit” means one or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purpose of this title, a mobile home is not a dwelling unit.

“Family” means a group of individuals living together within a dwelling unit.

“Family day care provider” means a day care provider who regularly provides day care in the family living quarters of the provider’s home to fewer than 13 children, including children of the provider, regardless of full- or part-time status.

“Fence, sight-obscuring” means a fence or ever-green planting arranged in such a way as to obstruct vision.

“Floor area” means the area included in the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts.

“Garage, private” means an accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

“Garage, public” means a building other than a private garage used for the care, repair and/or servicing of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

“Grade (ground level)” means the average of the finished ground level at the center of all walls of the building. In case walls are parallel to and within five feet of a sidewalk, the above ground level should be measured at the sidewalk.

“Height of building” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

“Home occupation” means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged; provided, that:

1. The residence character of the building is maintained;
2. The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25 percent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area;
3. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy peaceful occupancy of their homes.

“Hospital” means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

“Kennel” means a lot or building in which four or more dogs, cats or animals at least four months of age are kept commercially for board, propagation, training or sale.

“Lot” means a unit of land created by a subdivision of land. Requirements of this title affecting lots shall also affect parcels in the same zone.

“Lot area” means the total horizontal area within the lot lines of a lot.

“Lot, corner” means a lot abutting on two intersecting streets other than an alley; provided, that the streets do not intersect at an angle greater than 135 degrees.

“Lot depth” means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

“Lot, interior” means a lot other than a corner lot.

“Lot line” means the property line bounding a lot.

“Lot line, front” means the lot line separating the lot from a street other than an alley and in the case of a corner lot, the shortest lot line along a street other than an alley.

“Lot line, rear” means the lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line not a front or rear lot line.

“Lot width” means the average horizontal distance between the side lot lines.

Manufactured Dwelling. A “manufactured dwelling” is either a mobile home or a manufactured home.

“Manufactured dwelling park” means a lot upon which four or more manufactured dwellings occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

“Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal and state manufactured housing construction and safety standards regulations in effect at the time of construction. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Home Construction and Safety Standards Act of 1974 as those standards are or may be amended.

“Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed

between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Motel (hotel, rooming house)” means a building or group of buildings used for transient residential purposes, containing units for rent.

“Nonconforming structure or lot” means a lawful existing structure or lot at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.

“Nonconforming use” means a lawful existing use at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.

“Nursing home” means any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator by blood or marriage. This shall also include a hospice.

“Owner” means any person or agent listed with the Linn County assessor as having ownership of subject real property or, where there is a recorded land sales contract in force, the purchaser thereunder.

“Parcel” means a unit of land created by a partitioning of land.

Parcel Area. See “Lot area.”

Parcel, Corner. See “Lot, corner.”

Parcel Depth. See “Lot depth.”

Parcel, Interior. See “Lot, interior.”

Parcel Line. See “Lot line.”

Parcel Line, Front. See “Lot line, front.”

Parcel Line, Rear. See “Lot line, rear.”

Parcel Line, Side. See “Lot line, side.”

Parcel Width. See “Lot width.”

“Parking space” means a rectangular area not less than 20 feet long and eight and one-half feet wide, permanently reserved for the temporary storage of an automobile and connected with a street, alley, or driveway which affords ingress and egress for automobiles.

“Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate,

branch of government or any group or combination acting as a unit.

“Recorder” means the city recorder of Lyons, Oregon.

“Residential facility” means a facility licensed under ORS 443.400 through 443.455 for 11 or fewer unrelated physically or mentally handicapped persons or elderly persons and not to exceed two staff persons who need not be related to each other or to any other facility resident.

“Residential home” means a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.

“Service station, automobile” means a place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

“Sign” means a presentation or representation, other than a house number that, by words, letters, figures, designs, pictures or colors is publicly displayed and gives notice relative to a person, business, article or merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the surface upon which the presentation or representation is displayed. Each display surface of a sign shall be considered a sign.

“Street” means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and includes the terms “road,” “highway,” “avenue,” or similar designations.

1. “Alley” means a street through the middle of a block which gives access to the rear of lots and provides secondary access to properties.

2. “Arterial, local” means a street intended to carry traffic to and from major traffic generators; to carry traffic to and from major residential section of the community; to carry traffic to and from major outlying rural areas; to supplement the state highway system; to be used primarily for through traffic; and to provide for longer trips at higher speeds than other elements of the local street system. Arterials shall be wide enough to accommodate two traffic lanes, a center turn lane, and two bikeways.

3. "Bikeway" means a six-foot portion of a street right-of-way developed for bicycle traffic.

4. "Collector" means a street intended to carry traffic between minor streets and the arterial system; to function as primary traffic carriers within a neighborhood; and to provide for intermediate trip lengths with moderate to low traffic volume.

5. "Cul-de-sac" means a short street with one end open to traffic and the other terminated with a vehicle turnaround.

6. "Half street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

7. "Industrial street" means a street used primarily for heavy industrial traffic.

8. "Local residential street" or "minor street" means a street intended to provide access to abutting properties but which provides for short trip length with very low traffic volume and low speed.

9. "Residential access easement" is an easement of vehicular access to property intended for residential use to be used only when it is not feasible to provide access to the property on a publicly owned street other than an alley. A residential access easement shall be granted only as a variance to both the subdivision ordinance and the zoning ordinance. Residential access easements shall comply with the standards as outlined in the adopted city of Lyons street development standards.

10. "Turn lane" is a dedicated traffic lane used at intersections to direct traffic for right and left turns. Center turn lanes separate traffic lanes in opposing directions and are designated for left turns only.

11. "Turnpike street" is a public street which has been paved for the handling of vehicular traffic, but which does not have curbs, sidewalks or storm drain facilities.

"Structural alteration" means any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

"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.

"Use" means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied and maintained.

"Vision clearance area" means a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersection have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

"Yard" means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this title.

"Yard, front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

"Yard, rear" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

"Yard, side" means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a main building.

"Zoning official" means an employee of the city of Lyons charged by the city council with the authority and duties to enforce the provisions of this title. [Ord. P10-65-2019 § 2, 2019; Ord. G2-2015 § 1, 2015; Ord. G4-2007, 2007; Ord. G1-2006 § 31, 2006; Ord. P10-21 § 1.030, 1997. Amended during 2006 recodification.]

Chapter 18.10**General Provisions**

Sections:

- 18.10.010 Consistency with comprehensive plan and laws.
 18.10.020 Compliance with ordinance provisions.
 18.10.030 Interpretation.

18.10.010 Consistency with comprehensive plan and laws.

Actions initiated under this title shall be consistent with the adopted comprehensive plan of the city of Lyons and all applicable state and federal laws and regulations as the plan, laws and regulations may now or hereafter provide. [Ord. P10-21 § 2.010, 1997.]

18.10.020 Compliance with ordinance provisions.

A. A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this title permits.

B. No lot area, yard, off-street parking area, off-street loading area or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.

C. No lot area, yard, off-street parking area, off-street loading area, or other open space shall be used as the required lot area, yard, off-street parking area, off-street loading area or other open space of another use, except as provided for in this title. [Ord. P10-21 § 2.020, 1997.]

18.10.030 Interpretation.

Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other ordinance, the provisions which are more restrictive shall govern. [Ord. P10-21 § 2.030, 1997.]

Chapter 18.15**Establishment of Zones**

Sections:

- 18.15.010 Classification of zones.
 18.15.020 Location of zones.
 18.15.030 Zoning of annexed areas.
 18.15.040 Zone boundaries.

18.15.010 Classification of zones.

For the purpose of this title, the following zones are hereby established:

Zone	Abbreviated Designation
Residential, Single-Family	SFR
Residential, Multiple-Family	MFR
Commercial	C
Industrial, Limited	LI
Industrial, General	GI
Open Land/Public	OLP

[Ord. P10-21 § 3.010, 1997.]

18.15.020 Location of zones.

The boundaries for the zones listed in this title are indicated on the city of Lyons zoning map of 1980 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by ordinance. [Ord. P10-21 § 3.020, 1997.]

18.15.030 Zoning of annexed areas.

All areas annexed to the city shall be placed in a zone that is consistent with the Lyons comprehensive plan designation. The city planning commission shall submit an appropriate zoning recommendation to the city council for their consideration. In the event that no Lyons comprehensive plan designation exists, the land area shall be placed in the residential, single-family zone (SFR) until an appropriate plan designation and zone can be established. [Ord. P10-21 § 3.030, 1997.]

18.15.040 Zone boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of streets other than alleys or railroad right-of-way, or such lines extended. [Ord. P10-21 § 3.040, 1997.]

Chapter 18.20**Use Zones**

Sections:

- 18.20.010 Residential, single-family zone, SFR.
- 18.20.020 Residential, multiple-family zone, MFR.
- 18.20.030 Commercial zone, C.
- 18.20.040 Limited industrial zone, LI.
- 18.20.050 General industrial zone, GI.
- 18.20.060 Open land/public zone, OLP.

18.20.010 Residential, single-family zone, SFR.

The following regulations shall apply in a SFR zone:

A. Purpose. The purpose of the SFR zone is to provide areas suitable and desirable for single-family dwelling units and associated public services. The SFR zone is most appropriate in areas which have developed or will develop with single-family homes.

B. Uses Permitted Outright. In a SFR zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling.
2. Residential home.
3. Family day care provider.
4. Manufactured home, subject to the provisions of LMC 18.30.120.
5. Home occupations.
6. Signs, subject to the provisions of LMC 18.30.150.
7. Temporary use of a recreation vehicle as a dwelling while a permanent single-family dwelling or manufactured home is being constructed on the lot, subject to the provisions of LMC 18.30.020.
8. Accessory dwellings, subject to requirements in LMC 18.30.045.

C. Conditional Uses Permitted. In a SFR zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 18.25 LMC and any other applicable provisions.

1. Church.
2. Cemetery.
3. Golf course and other open land recreational uses but excluding intensive commercial amusement uses such as “pitch and putt” golf

course, driving range, automobile race track or amusement park.

4. Governmental structure or land use including but not limited to a public park, playground, recreation building, fire station, library or museum.

5. Community building.

6. Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home or residential facility.

7. Manufactured dwelling park.

8. Kindergarten, day care facility or similar facility.

9. Radio or television transmitter or tower.

10. School: primary, elementary, junior high or senior high.

11. Public utility facility.

12. Professional offices.

13. Residential planned unit developments.

D. Lot Size. In a SFR zone, the minimum lot area shall be one-half acre for a single-family dwelling, for a manufactured home, and for other uses permitted outright or conditional uses permitted, except as provided in LMC 18.30.070.

E. Yards. Yards in a SFR zone shall be as follows, except as provided in LMC 18.30.010(C), 18.30.080 and 18.30.200:

1. The front yard shall be a minimum of 25 feet in depth.

2. Each interior lot side yard shall be a minimum of five feet in depth, unless two structures share a common wall on the side lot lines of both adjoining lots. In the case of a corner lot, the side yard adjoining a street shall be a minimum of 15 feet in depth.

3. The rear yard shall be a minimum of 20 feet in depth.

F. Height of Building. In a SFR zone, no building shall exceed a height of 35 feet measured from grade, except as provided in LMC 18.30.060.

G. Lot Coverage. All buildings shall not exceed 25 percent of the lot area in a SFR zone. [Ord. P10-65-2019 § 3, 2019; Ord. P10-21 § 4.010, 1997.]

18.20.020 Residential, multiple-family zone, MFR.

The following regulations shall apply in a MFR zone:

A. Purpose. The purpose of the MFR zone is to provide areas suitable and desirable for single-fam-

ily and multiple-family dwelling units and associated public services.

B. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in a MFR zone:

1. Single-family dwelling.

2. Residential homes.

3. Family day care provider.

4. Manufactured home, subject to the provisions of LMC 18.30.120.

5. Home occupations.

6. Multiple-family dwelling subject to the provisions of LMC 18.30.140.

7. Signs, subject to the provisions of LMC 18.30.150.

8. Temporary use of a recreation vehicle as a dwelling while a permanent single-family dwelling or manufactured home is being constructed on the lot, subject to the provisions of LMC 18.30.020.

9. Accessory dwellings, subject to requirements in LMC 18.30.045.

C. Conditional Uses Permitted. Subject to the requirements of Chapter 18.25 LMC, the permitted conditional uses are those permitted in the SFR zone, except for those listed as permitted outright.

D. Lot Size. In a MFR zone, the minimum lot area shall be as follows, except as provided in LMC 18.30.070:

1. The minimum lot area shall be one-half acre per dwelling unit for a multiple-family dwelling unit.

2. The minimum lot area shall be one-half acre for a single-family dwelling, a manufactured home, and for other uses permitted outright and conditional uses permitted in a MFR zone.

E. Yards. Except as provided in LMC 18.30.010(C), 18.30.080 and 18.30.200, the yard requirements in a MFR zone shall be the same as those that apply to the SFR zone, except that for multiple-family dwellings, the distance between buildings shall be 16 feet or one foot for each foot of building height, whichever is greater.

F. Height of Buildings. No building shall exceed a height of 35 feet measured from grade in a MFR zone, except as provided in LMC 18.30.060.

G. Lot Coverage. Buildings shall not cover more than 30 percent of the lot area in a MFR zone. [Ord. P10-65-2019 § 4, 2019; Ord. P10-21 § 4.020, 1997.]

18.20.030 Commercial zone, C.

The following regulations shall apply in a commercial zone:

A. Purpose. The purpose of the C zone is to provide areas suitable and desirable for all types of commercial development intended to meet the business needs of area residents and highway travelers.

B. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the C zone:

1. A commercial enterprise which may be classified as belonging to one of the following use groups:

a. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store.

b. Automobile, boat, truck or trailer sales, service, rental or repair establishment provided any repair activity shall be conducted entirely within an enclosed building.

c. Personal or business service establishment, tailor shop or locksmith.

d. Repair shop for the type of goods offered for sale in a retail trade establishment permitted in a C zone such as shoe repair shop, small appliance shop, television repair shop or watch repair shop.

e. Eating or drinking establishment such as restaurant, tavern or cocktail lounge.

f. Office, business or professional.

g. Financial institution such as a bank.

h. Indoor commercial amusement enterprise such as a bowling alley, theater or pool hall.

The city recorder shall determine whether a specific use is appropriate to the particular use group permitted in the C zone. The city recorder shall either approve, disapprove or refer the proposed use to the city planning commission for a decision. A decision of either the city recorder or the city planning commission may be appealed using the procedures specified in LMC 18.55.020.

2. Club, lodge or fraternal organization.

3. Parking lot.

4. Bus depot or taxi stand.

5. Newspaper or print shop.

6. Signs, subject to the provisions of LMC 18.30.150.

C. Conditional Uses Permitted. In a C zone, the following uses and their accessory uses may be

permitted subject to the provisions of Chapter 18.25 LMC.

1. Church, nonprofit religious or philanthropic institution.

2. Community center.

3. Governmental structure or use of land.

4. Public utility facility.

5. The following uses, provided all sales, service, display, storage or repair shall take place entirely within an enclosed building or a fenced area:

a. Veterinarian office, animal hospital.

b. Cabinet or similar woodworking shop.

c. Cold storage plant, ice processing plant.

d. Feed, seed store.

e. Heavy equipment, implement machinery sales, service, rental, display, storage and repair.

f. Lumber, building materials sales and storage.

g. Machine, welding, sheet metal or similar metal working shop.

h. Plumbing, heating, electrical or paint contractor's storage, sales or repair shop.

i. Tire sales, repair shop.

j. Truck terminal, freight depot, warehouse or wholesale establishment provided there is no storage of explosive or flammable materials.

6. Single-family and multiple-family dwellings, residential homes, residential facilities, family day care providers and day care facilities subject to the lot size and width, yard, lot coverage and building height requirements of the MFR zone. Manufactured homes are permitted on individual lots subject to conditions in LMC 18.30.120. Multiple-family dwellings are permitted subject to the conditions in LMC 18.30.140.

D. Yards. Except as provided in LMC 18.30.010(C), 18.30.080 and 18.30.200, the yards shall be as follows in a C zone:

1. The front yard and a side yard of a corner lot adjoining a residential zone shall be a minimum of 25 feet.

2. A side yard and a rear yard adjoining a residential zone shall be a minimum of 25 feet.

3. All other yards shall be allowed a zero foot setback.

E. Height of Buildings. In a C zone no building shall exceed a height of 50 feet, except as provided in LMC 18.30.060.

1. At least 75 square feet of outdoor play area shall be provided by the activity per enrolled child.

2. The outdoor play area shall be fenced with a cyclone type fence at least six feet in height in order to provide for the children's safety.

3. No dwelling unit shall be used if more than eight children are to be enrolled or cared for at the facility.

4. The facility shall be readily accessible to fire and other emergency vehicles.

5. The facility shall meet all applicable state licensing requirements and provide proof to the city planning commission that these requirements shall be met.

D. Standards for Auto Wrecking or Junk Yard.

1. The auto wrecking yard or junk yard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition and not less than six feet nor more than eight feet in height. No materials or equipment shall be stored in such a manner that they exceed the height of the fence.

2. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business.

3. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall take place either within an enclosed building or within the fenced area. All truck loading and unloading shall take place within the fenced area.

4. When the auto wrecking yard or junk yard is located within 400 feet of a residential or commercial zone or a state highway, view-obscuring screening shall be provided. The screening shall consist of a continuous wall, evergreen hedge or combination thereof so as to effectively screen the auto wrecking yard or junk yard from view. The screening shall be maintained in good condition and shall be not less than six feet in height. [Ord. G1-2006 § 32, 2006; Ord. P10-21 § 5.080, 1997.]

Chapter 18.30

Supplementary Provisions

Sections:

- 18.30.010 General provisions regarding accessory uses.
- 18.30.020 Temporary use of a recreation vehicle as a dwelling while a permanent residence is being constructed.
- 18.30.030 Authorization of similar uses.
- 18.30.040 Single-family dwelling standards.
- 18.30.045 Accessory dwelling standards.
- 18.30.050 Projections from buildings.
- 18.30.060 Exceptions to building height limitations.
- 18.30.070 General exception to lot size requirements.
- 18.30.080 Exceptions to yard requirements.
- 18.30.090 Access.
- 18.30.100 Vision clearance area.
- 18.30.110 Setbacks for automobile service stations.
- 18.30.120 Manufactured home on individual lots.
- 18.30.130 Temporary hardship manufactured dwellings.
- 18.30.140 Multiple-family dwellings.
- 18.30.150 Signs.
- 18.30.155 Consideration of standards.
- 18.30.160 Off-street parking requirements.
- 18.30.170 Off-street loading requirements.
- 18.30.175 Consideration of standards.
- 18.30.180 Scenic and historic sites.
- 18.30.190 Other site considerations.
- 18.30.200 Yard requirements for land adjoining a perennial stream or river.

18.30.010 General provisions regarding accessory uses.

Accessory uses shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation except as specified in this section. Accessory uses shall comply with the following standards:

A. Fences, hedges or walls may be located within required yards, except at the intersection of the edge of a driveway and property line in which a 15-foot clear vision area shall be maintained as

described in LMC 18.30.100. Elsewhere, fences, hedges and walls shall not exceed six feet in height in residential and commercial zones and eight feet in height in industrial zones.

B. A greenhouse or hothouse may be maintained accessory to a dwelling. No sales shall be made from a greenhouse or hothouse maintained as an accessory use in a residential zone unless it is operating as a home occupation.

C. Regardless of the side yard requirements of the zone, in a residential zone a side or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a street other than an alley, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.

D. Accessory structures, other than garages, shall be detached from all other buildings by at least eight feet.

E. A garage shall be located a minimum of 25 feet from the front property line, 10 feet from the street side property line and five feet from the interior property line.

F. Residential yard, lot size and lot coverage standards affecting a single-family dwelling permitted in an industrial zone as a caretaker or night watchman residence, if attached to the industrial establishment, may be waived by the city planning commission.

G. Boats, trailers, detached campers, motorized dwellings and similar recreation equipment may be stored on a lot as an accessory use to a dwelling; provided, that:

1. Storage shall not be permitted on the street right-of-way; and

2. Storage shall not be permitted in a front or street side yard.

H. Temporary Occupancy of Recreation Vehicle or Other Mobile Residence.

1. Except as provided for in subsection (H)(2) of this section, and in LMC 18.30.020, a recreational vehicle, trailer, camper or other mobile residence may be used for sleeping or housekeeping purposes only under one of the following circumstances:

a. It is located within an approved recreation vehicle park.

b. It is located on the premises of a private residence and shall be occupied for a period of not

more than 14 consecutive days within any 28-day period.

c. It is located within the street right-of-way and shall be occupied for a period of not more than 96 consecutive hours within any 14-day period.

2. The city council may approve a temporary use permit for the location of a recreation vehicle, camper, trailer, or other mobile residence on the premises of a private residence under the following circumstances:

a. An application for a temporary use permit for a residence shall be filed with the city recorder at least 10 days prior to the city council meeting at which the request shall be considered. A filing fee shall accompany an application for a temporary use permit for a residence. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council.

b. The temporary residence shall be for a period of not more than 90 consecutive days and shall be located on the property to alleviate a temporary housing hardship which cannot otherwise be satisfied within a recreation vehicle park. If the hardship has not been alleviated the city council may renew the temporary use permit for an additional 90-day period.

c. The temporary housing hardship shall be related to either a verified medical circumstance or a verified problem resulting from fire or other disaster.

d. Conditions may be imposed which the city council deems appropriate to maintain the public health and safety and the overall appearance of the neighborhood. [Ord. G2-2015 § 1, 2015; Ord. G1-2006 § 28, 2006; Ord. P10-21 § 6.010, 1997. Amended during 2006 recodification.]

18.30.020 Temporary use of a recreation vehicle as a dwelling while a permanent residence is being constructed.

A recreation vehicle may be placed on a lot while a single-family dwelling or a manufactured home is being constructed or placed on the site, subject to the provisions of this section.

A. An application for the temporary use of a recreation vehicle as a dwelling while a permanent residence is being constructed shall be filed with the city recorder at the time of a request for a build-

ing permit or manufactured home placement permit for the permanent residence, or at a subsequent date. A filing fee shall accompany an application for the temporary use. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council. Action to approve or deny the application shall be made by the city recorder and notification of such decision shall be submitted to the city council.

B. The initial permit for temporary occupancy for the recreation vehicle shall remain in effect for no longer than six months. If the permanent dwelling or manufactured home has not been completed within the six-month time period, the city council may consider a request for an extension of the time period for an additional period, not to exceed six months. Not more than two time extensions may be granted.

C. At the end of the time period for the temporary occupancy of the recreation vehicle, the temporary occupancy shall cease and evidence of discontinued use of the recreation vehicle shall be provided to the city. All utility hookups shall be terminated. The recreation vehicle shall either be removed from the site, or it may be stored on the property as an accessory use in accordance with the provisions of LMC 18.30.010.

D. A recreation vehicle which is used as a temporary residence in accordance with this section shall have a minimum usable floor area of 124 square feet and be self-contained. Current license and registration must be maintained on the recreation vehicle.

E. If the recreation vehicle is to be replaced on the property by another recreation vehicle, the replacement recreation vehicle shall be reviewed and approved by the city council prior to placement. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 6.015, 1997. Amended during 2006 recodification.]

18.30.030 Authorization of similar uses.

The city planning commission may rule that a use not specifically listed in the allowed uses of a zone may be included as a permitted use if the use is of the same general type and is similar to the allowed uses within that zone. However, this section does not authorize the inclusion in a zone (a use specifically listed, or of the same general type of use not specifically listed) of a use which is

specified in another zone. (For example: A request to build a bank in an area zoned for a school when there is already a zone which allows banks.) [Ord. G1-2006 § 29, 2006; Ord. P10-21 § 6.020, 1997.]

18.30.040 Single-family dwelling standards.

A. A new single-family dwelling shall have a minimum floor area of 1,000 square feet.

B. The single-family dwelling shall not be occupied until all provisions of this title have been met and until the zoning official certifies that it complies with all city and state requirements.

C. Each new single-family dwelling shall have either a garage or carport located on the same lot with the single-family dwelling. If a carport is to be placed on the lot it must contain a minimum of 384 cubic feet of enclosed storage space (12 feet by four feet by eight feet). The garage or carport shall be completed within 90 days of occupancy of the single-family dwelling, except that one time period, not to exceed 90 days, may be granted by the Lyons city council, upon submittal of a request by the owner of the single-family dwelling. The requirements of this subsection do not apply to a single-family dwelling being constructed to replace another single-family dwelling or manufactured home on the lot. [Ord. P10-21 § 6.025, 1997.]

18.30.045 Accessory dwelling standards.

An accessory dwelling shall conform to all of the following standards:

A. One Accessory Dwelling Unit per Site. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The accessory dwelling unit may be either:

1. A detached building; or
2. Located in a portion of an attached accessory structure (e.g., above a garage or in a workshop); or
3. A unit attached to or interior to the primary dwelling and located on the same floor as the main living area of the primary dwelling (e.g., an addition to or the conversion of a portion of the primary dwelling).

B. Floor Area of the Accessory Dwelling.

1. A detached accessory dwelling shall not exceed 900 square feet of floor area.
2. An attached or interior accessory dwelling shall not exceed 900 square feet of floor area. An

attached or interior accessory dwelling shall be located on the same floor level as the main living area of the primary dwelling.

C. Other Development Standards.

1. **Basic Zoning Requirements.** An accessory dwelling shall meet all other development standards (e.g., height, setbacks, lot coverage, architectural design standards, etc.) for building in the zoning district.

2. **Other Development Requirements.** The accessory dwelling shall comply with all of the following standards:

a. One additional off-street parking space is required for the accessory dwelling.

b. The on-site sewage disposal system must have adequate capacity to serve both the primary dwelling and the accessory dwelling unit and the proposed accessory dwelling unit is located so it does not impact the septic drain field. The applicant shall provide a written certification from the Linn County environmental health department that the proposal complies with on-site disposal system requirements.

c. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed; provided, that the conversion does not increase the nonconformity.

d. A recreational vehicle (RV) may not be used as an accessory dwelling.

e. The temporary placement of a manufactured home as an accessory dwelling to allow for care of a resident due to a medical hardship or for elder care is permitted subject to the provisions of LMC 18.30.130. [Ord. P10-65-2019 § 5, 2019.]

18.30.050 Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards. [Ord. P10-21 § 6.030, 1997.]

18.30.060 Exceptions to building height limitations.

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy shall not exceed the building height

limitations of this title by more than 10 feet. [Ord. P10-21 § 6.040, 1997.]

18.30.070 General exception to lot size requirements.

A. If, at the time of passage of the ordinance codified in this title, a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimensions which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone and providing the following circumstances are met:

1. If the lot size or width is smaller than the minimum required for the zone, residential use shall be limited to a single-family residence.

2. All lots shall be adequate in size and width to accommodate a subsurface sewage disposal system which meets the requirements of the Linn County environmental health program.

B. The minimum lot size shall be increased above the minimums established by this title, when it is determined by the Linn County environmental health program that additional area is needed to accommodate a subsurface sewage disposal system. [Ord. P10-55 § 2, 1999; Ord. P10-21 § 6.050, 1997.]

18.30.080 Exceptions to yard requirements.

The following exception to the front yard requirement is authorized for a lot in any zone: If there are dwellings on both adjoining lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the adjoining dwellings. If there is a dwelling on one adjoining lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the adjoining lot and the required front yard depth. [Ord. P10-21 § 6.060, 1997.]

18.30.090 Access.

Each lot shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet. In residentially designated areas, a variance to this standard may be granted where there is no feasible means of providing access on a publicly owned street. If a residential vehicular access easement is

approved and implemented to provide access to the property, the city of Lyons street development standards shall be utilized in the design and installation of said access easement. [Ord. G4-2007, 2007; Ord. P10-21 § 6.070, 1997.]

18.30.100 Vision clearance area.

In all zones except the C zone, a vision clearance area shall be maintained on the corners of all property at the intersections of two streets or a street and a railroad.

A. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. Where the lot lines have rounded corners, the lot lines shall be extended in a straight line to a point of intersection and so measured.

B. A clear vision area shall contain no plantings, fences, walls, structures or temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight feet above grade. [Ord. P10-21 § 6.080, 1997.]

18.30.110 Setbacks for automobile service stations.

Where automobile service stations are permitted, freestanding gasoline pumps and pump islands may occupy a required front or street side yard provided they are a minimum of 15 feet from the property line. [Ord. P10-21 § 6.090, 1997.]

18.30.120 Manufactured home on individual lots.

Manufactured homes are permitted outright on individual lots in the SFR, single-family residential zone, and in the MFR, multiple-family residential zone. Manufactured homes are permitted conditionally in the C, commercial zone and when used by a caretaker or a guard in the LI, limited industrial and GI, general industrial zones. Manufactured homes on individual lots in any zone are subject to the following requirements:

A. The manufactured home and any manufactured home accessory buildings and structures shall be constructed and maintained in conformance with state and federal safety and construction standards as administered by the state of Oregon, applicable at the time of placement of the manufactured home. The manufactured home shall bear the Oregon “Insignia of Compliance” as provided for by state law.

B. Except for a structure which conforms to the state definition of a manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage or carport constructed to the standards of the Oregon State Structural Specialty Code. No attached extension shall exceed a height of 14 feet, or the roof line of the manufactured home, whichever is greater.

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P10-41	6/5/1990	Amends Ord. P10-21, zoning (Superseded)
P10-42	6/5/1990	Amends comprehensive plan (Superseded)
P10-43	4/13/1992	Amends Ord. P10-5, zoning (Repealed by G1-2006)
P10-44	9/13/1993	Amends Ord. P10-21, zoning (Repealed by P10-21 (1997))
P10-45	2/14/1994	Land use fees; repeals Ord. P10-18 (Repealed by P10-47)
P10-46	8/28/1995	Land use fees (Repealed by P10-47)
P10-47	5/13/1996	Land use fees; repeals Ords. P10-45 and P10-46 (Repealed by P10-50)
P10-48	6/25/1996	Annexation (Appendix A)
P10-49	7/22/1996	Annexation (Appendix A)
P10-50	10/8/1996	Land use fees; repeals Ord. P10-47 (Repealed by P10-61)
P10-51	3/11/1997	Rezone (Appendix A)
P10-52	4/7/1998	Alley vacation (Appendix A)
P10-53	12/15/1998	Rezone (Appendix A)
P10-54	3/21/2000	Cutting and excavation of streets (12.10)
P10-55	7/20/1999	Amends Ord. P10-21, zoning (18.30, 18.40)
P10-56	3/21/2000	Driveway approaches (12.05)
P10-57	7/17/2001	Rezone (Appendix A)
P10-58	11/6/2001	Annexation (Appendix A)
P10-59	12/4/2001	Annexation (Appendix A)
P10-60	12/4/2001	Rezone (Appendix A)
P10-61	4/22/2002	Land use fees; repeals Ords. P10-47 and P10-50 (15.05)
P10-62	8/6/2002	Comprehensive plan amendment procedure (19.05)
P10-63	6/3/2003	Adopts comprehensive plan (19.10)
P10-64	4/27/2004	Right-of-way dedication (Appendix A)
P1-2010	7/27/2010	Amends Ord. P10-40 and Ch. 15.10, flood damage prevention (15.10)
P10-65-2019	5/28/2019	Adds § 18.30.045; amends §§ 18.05.030, 18.20.010 and 18.20.020, accessory dwellings (18.05, 18.20, 18.30)

F11 Series

F11-1	5/5/1959	Grants franchise to Pacific Power and Light Company (Repealed by F11-3)
F11-2	8/5/1959	Contract for street lighting (Repealed by F11-12)
F11-3	11/14/1978	Grants franchise to Pacific Power and Light Company; repeals Ord. F11-1 (Repealed by F11-12)
F11-4	12/4/1984	Extends and renews franchise to Santiam Sanitary Service (Repealed by F11-15)
F11-5	5/3/1983	Grants franchise to Northwest Natural Gas Company (Repealed by G1-2007)
F11-6	9/1/1987	Grants franchise to People's Telephone Company (Repealed by G1-2007)
F11-7		Grants franchise to Santiam Cable Vision (Repealed by F11-8)
F11-8	6/5/1984	Establishes rates for cable antenna service (Repealed by G1-2007)
F11-9	9/1/1986	Grants franchise to Santiam Cable Vision; repeals Ord. F11-7 (Repealed)
F11-10	11/16/1990	Grants franchise to People's Telephone Company (Repealed by G1-2007)
F11-11	4/24/1991	Grants franchise to Northland Cable Properties Eight Limited Partnership (Repealed by G1-2007)
F11-12	10/20/1998	Grants franchise to Pacificorp; repeals Ord. F11-3 (Special)
F11-13	2/19/2002	Grants franchise to Uvision (Special)
F11-14	4/22/2003	Grants franchise to Northwest Natural Gas Company (Special)
F11-15	10/21/2003	Grants franchise to Santiam Sanitary Service; repeals Ord. F11-4 (Special)
F11-13b	6/27/2017	Extends franchise to WaveDivision VII; amends Ord. F11-13 (Special)
F11-2018	9/25/2018	Grants franchise to PacifiCorp (Special)

R Series

R-1	2/3/1966	Regulates running of dogs at large (Repealed by O5-2)
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Ordinance Table

R-3 12/10/1959 Regulates burning of refuse (Repealed by G1-2007)

PP7 Series

PP7-1 1/6/1960 Creates a police department (Repealed by G1-2007)

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 adopted 10.05.020
 title 10.05.010

Trailer sales, service, rental, repair *See Zoning*

Truck sales, service, rental, repair *See Zoning*

Truck terminal *See Zoning*

– V –

Variance *See Subdivisions; Zoning*

Vehicles *See Traffic*

Veterinarian office *See Zoning*

– W –

Warehouse *See Zoning*

Watch repair shop *See Zoning*

Wholesale establishment *See Zoning*

– Z –

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street 18.05.030
structural alteration 18.05.030
structure 18.05.030
turn lane 18.05.030
turnpike street 18.05.030
use 18.05.030
vision clearance area 18.05.030
yard 18.05.030
zoning official 18.05.030
Driving range
MFR zone 18.20.020
SFR zone 18.20.010
Drug store
C zone 18.20.030
Eating, drinking establishment
C zone 18.20.030
Electrical storage, sales, repair shop
C zone 18.20.030

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