

## **Title 18**

### **Zoning**

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## Chapter 18.05

### Introductory Provisions

Sections:

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#### 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:

<b>Zone</b>	<b>Abbreviated Designation</b>
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.

F. Lighting. Lighting from commercial uses in a C zone shall not be cast into or illuminate adjacent residential zones.

G. Sign Location. In a C zone, signs shall be set back at least 10 feet from any adjoining residential zone and shall not be moving or intermittently flashing and shall not exceed a display surface area of 25 square feet on each side.

H. Lot Coverage. In a C zone, buildings shall not occupy more than 80 percent of the lot area.

I. Boundary Fences. Fencing will be allowed inside of a boundary planting screen and where it is necessary to protect property of the activity concerned or to protect the public from a dangerous condition with the following provision: No fence shall be constructed in the required setback from public rights-of-way.

J. Vehicular Access. Vehicular access to streets, roads and highways from uses in the C zone shall be limited to access points approved by the city planning commission and/or city council. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 4.030, 1997. Amended during 2006 recodification.]

#### **18.20.040 Limited industrial zone, LI.**

The following regulations shall apply in a LI zone:

A. Purpose. The purpose of the LI zone is to provide areas suitable and desirable for commercial and industrial uses related to repair, storage and the sale of bulky materials and equipment; provided, that said uses are not potentially injurious to public health and safety in surrounding areas due to characteristics such as excessive noise, dust, smoke, odor, glare or fumes.

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

1. Antique shop, second hand store.
2. Automobile, boat, truck or trailer sales, service, rental or repair establishment.
3. Cabinet or similar woodworking shop.
4. Contractor's office and storage facility.
5. Feed or seed store.
6. Heavy equipment, implement or machinery sales, service, rental, storage or repair.
7. Lumber, building materials sales or storage.
8. Machine, welding, sheet metal or similar metal working shop.

9. Tire sales or repair shop.
10. Truck terminal, freight depot, warehouse or wholesale establishment.
11. Veterinarian office, animal hospital.
12. Signs, subject to the provisions of LMC 18.30.150.

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

1. A dwelling or manufactured home for a caretaker or guard working on the property, subject to the provisions of LMC 18.30.120.
2. Governmental structure or use of land.
3. Public utility facility.
4. Kennel.
5. Outdoor recreational uses such as a park, picnic area, campground, golf course or similar facility.

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

1. Rear yard, side yard and side yard of a corner lot adjoining a residential zone shall be a minimum of 25 feet.
2. Front yards shall be a minimum of 25 feet. An additional one foot of front yard shall be required for each additional foot of building height above 50 feet.

E. Site Plan Review. Permitted and conditional uses in the LI zone are subject to the site plan review procedure as outlined in Chapter 18.35 LMC. [Ord. P10-21 § 4.040, 1997.]

#### **18.20.050 General industrial zone, GI.**

The following regulations shall apply in a GI zone:

A. Purpose. The purpose of the GI zone is to provide areas suitable and desirable for all types of industrial activity; provided, that sufficient standards are utilized to minimize possible hazards related to air or water pollution, fire or explosion hazard or the excessive emission of noise, dust, smoke, odor, glare or fumes.

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

1. A use permitted outright in the LI zone.
2. Signs, subject to the provisions of LMC 18.30.150.

C. Conditional Uses Permitted. The following uses and their accessory uses may be permitted subject to the provisions of Chapter 18.25 LMC and to the site plan review standards outlined in Chapter 18.35 LMC:

1. A use listed as a conditional use in the LI zone.
2. A use involving manufacture, research, repair, assembly, processing, fabricating, wholesaling, storage or transportation except the following uses which are prohibited:
  - a. Cement, lime or similar products manufacture.
  - b. Explosives storage or manufacture.
  - c. Petroleum products manufacture or refining.
  - d. Smelting or refining of metallic ore.
  - e. Extraction and processing of rock, sand, gravel or other similar material.
  - f. Solid waste disposal transfer facility.
  - g. Other uses similar to the uses listed in this section which possess characteristics injurious to the public health and safety due to emission of smoke, dust, odor, refuse, fumes, vibration, glare or similar hazard.

D. Limitation on Use. Uses permitted outright involving manufacture and all conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use applications or building permits, evidence shall be submitted to the city indicating that the proposed activity has been approved by all appropriate regulatory agencies.

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

1. Rear yard, side yard and side yard of a corner lot adjoining a residential zone shall be a minimum of 25 feet.
2. Front yards shall be a minimum of 25 feet. An additional one foot of front yard shall be required for each additional foot of building height above 50 feet.

F. Site Plan Review. Permitted and conditional uses in the GI zone are subject to the site plan review procedures as outlined in Chapter 18.35 LMC. [Ord. P10-21 § 4.050, 1997.]

### **18.20.060 Open land/public zone, OLP.**

In an OLP zone, the following regulations shall apply:

A. Purpose. The purpose of the OLP zone is to: (1) protect areas that are not suitable for intensive development due to environmental limitations; (2) acknowledge areas where public and quasi-public facilities and uses are located including governmental and educational facilities; and (3) provide for the development of particular uses consistent with the capabilities of the area.

B. Uses Permitted Outright. In an OLP zone, no development shall be permitted outright.

C. Conditional Uses Permitted. The following uses and their accessory uses may be permitted subject to the provisions of Chapter 18.25 LMC:

1. Outdoor recreational use such as a park, picnic area, campground, golf course or other similar facility.
2. Church.
3. Cemetery.
4. Community center.
5. Governmental structure or use of land.
6. Public utility facility.
7. Public or private school offering curricula similar to a public school.
8. Nursery school, day nursery, kindergarten or similar facility.
9. Extraction and processing of rock, sand, gravel or other similar material.
10. Signs, subject to the provisions of LMC 18.30.150.

D. Lot Size. The minimum lot size, width and depth in the OLP zone shall, except as provided in LMC 18.30.070, be as follows:

1. The minimum lot area shall be 16,000 square feet for all uses permitted in the OLP zone.
2. The minimum lot width at the front building line shall be 100 feet.
3. The minimum lot depth shall be 100 feet.

E. Yards. Yards in an OLP 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 20 feet.
2. Each interior lot side yard shall be a minimum of five feet. In the case of a corner lot, the side yard adjoining a street shall be a minimum of 15 feet.

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

F. Height of Buildings. In an OLP zone, no building shall exceed a height of 50 feet measured from grade except as provided in LMC 18.30.060.

G. Transfer of Ownership.

1. Whenever an OLP zone or part of an OLP zone is transferred to private ownership for a different use, such transferred area shall revert to a zone specified by the Lyons planning commission and city council and the Lyons comprehensive plan shall be amended to reflect that change.

2. Whenever any privately owned land is acquired by a governmental body for public use, the land so acquired shall automatically be zoned OLP and the city zoning map and comprehensive plan amended accordingly. [Ord. P10-21 § 4.060, 1997.]

## Chapter 18.25

### Conditional Uses

#### Sections:

- 18.25.010 Purpose of conditional use procedure.
- 18.25.020 Authorization to grant or deny a conditional use permit.
- 18.25.030 Procedure for taking action on a conditional use application.
- 18.25.040 Building permits for an approved conditional use.
- 18.25.050 Time limit on an approved conditional use application.
- 18.25.060 Termination of a conditional use.
- 18.25.070 Limitation on reconsideration.
- 18.25.080 Standards governing conditional uses.

#### **18.25.010 Purpose of conditional use procedure.**

A conditional use is a use of land or a structure which is normally appropriate, desirable or necessary in a zone where it is permitted, but which, by virtue of a feature of that use, could create a problem within the area such as excessive height or bulk, congestion, a potential nuisance or a health or safety hazard. It is the intent of this chapter to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood and the city are safeguarded. [Ord. P10-21 § 5.010, 1997.]

#### **18.25.020 Authorization to grant or deny a conditional use permit.**

Conditional uses listed in this title may be permitted, altered or enlarged upon by authorization of the planning commission in accordance with the standards and procedures set forth in this chapter.

A. In taking action on a conditional use permit application, the city planning commission may either approve or deny the application.

B. The decision to approve or deny a conditional use shall be based on the following criteria:

1. The location, size, design and operating characteristics of the proposed development are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. This

criteria does not apply to a manufactured dwelling park.

2. The proposed development site has the physical characteristics needed to support the use considering factors such as potential drainage problems and access to a public street.

3. The proposed development will not unduly affect the capacity of current public facilities, including streets and utility systems.

4. The proposed development is consistent with the goals and policies in the comprehensive plan.

C. In approving a conditional use permit application, the city planning commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which the city planning commission considers necessary to protect the appropriate development and best interests of the surrounding property, the neighborhood and the city as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size, lot width or yard dimensions.

2. Limiting the height of buildings.

3. Controlling the location and number of vehicle access points.

4. Increasing the street width.

5. Increasing the number of required off-street parking or off-street loading spaces.

6. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

7. Limiting the number, size, location and lighting of signs.

8. Designating sites for open space or outdoor recreation areas.

9. Regulating noise, vibration, odors and similar factors which may have a substantial negative effect on the development of the surrounding area or the city as a whole.

10. Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening or recreation areas in order to enhance the area and to protect adjacent or nearby property.

11. Regulating time periods for the conduct of certain activities.

12. Setting a time limit for which the conditional use is approved.

13. The standards for manufactured dwelling parks expressly specified in LMC 18.25.080(B) cannot be exceeded in taking action on a conditional use application for a manufactured dwelling park.

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, a change in use or in lot area or an alteration or enlargement of a structure shall conform with the requirements for conditional use. [Ord. P10-21 § 5.020, 1997.]

#### **18.25.030 Procedure for taking action on a conditional use application.**

The procedure for taking action on an application for a conditional use shall be as follows:

A. A property owner may initiate a request for a conditional use by filing an application with the city recorder, using forms prescribed pursuant to LMC 18.55.020. A filing fee shall accompany an application for a conditional use. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council.

B. Before the city planning commission may act on a conditional use application, it shall hold a public hearing thereon in accordance with the provisions of LMC 18.55.030.

C. Within seven days after a decision has been rendered with reference to a conditional use application, the city shall provide the applicant with written notice of the decision of the city planning commission. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 5.030, 1997. Amended during 2006 recodification.]

#### **18.25.040 Building permits for an approved conditional use.**

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan for the conditional use as approved by the city planning commission. Any proposed change in the approved plan shall be submitted to the city planning commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified under LMC 18.55.010 has passed. [Ord. P10-21 § 5.040, 1997.]

**18.25.050 Time limit on an approved conditional use application.**

Authorization of a conditional use shall be void one year after the date of approval of a conditional use application or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place or unless a use not involving construction has been initiated in some substantial manner. However, upon written request, the city planning commission may extend authorization for an additional period not to exceed one year. [Ord. P10-21 § 5.050, 1997.]

**18.25.060 Termination of a conditional use.**

A conditional use may be revoked or modified by the city planning commission, after public hearing, on any one or more of the following grounds:

A. Approval of the conditional use was obtained by fraud or misrepresentation.

B. The use for which approval was granted has ceased to exist.

C. The use does not meet the conditions specifically established for it at the time of approval of the application.

D. The use is in violation of any provision of this title or any other applicable statute, ordinance or regulation. [Ord. P10-21 § 5.060, 1997.]

**18.25.070 Limitation on reconsideration.**

Following the denial of any request for a conditional use permit, the city planning commission shall not consider another request for the same conditional use unless the city planning commission finds that new evidence of a change in circumstances warrants a new hearing. [Ord. P10-21 § 5.070, 1997.]

**18.25.080 Standards governing conditional uses.**

In addition to the standards for the zone in which the conditional use is located and the other standards of this title, conditional uses shall meet the following standards:

A. Standards for Governmental Structures or Uses of Land for Public Utility Facilities. Standards for electrical substation or transformer, public or community domestic water supply reservoir, public or community sewage disposal plant or pumping station, radio or television tower or trans-

mitter, telephone exchange, school bus garage, shop or storage yard or similar governmental or utility structure or use of land shall be as follows:

1. In a residential zone, all equipment and material storage shall be within an enclosed building.

2. Public utility facilities and storage areas shall be screened and provided with landscaping.

3. The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

4. Sewage treatment plants and similar uses shall not be permitted in a residential zone.

B. Standards for a Manufactured Dwelling Park. A manufactured dwelling park may be permitted as a conditional use in residential zones, provided it meets the requirements of ORS Chapter 446 and the standards of the Oregon State Board of Health. In addition, the following minimum standards shall apply:

1. The minimum size of a manufactured dwelling park shall be five acres.

2. The minimum size of a manufactured dwelling space shall be one-half acre.

3. Each manufactured dwelling and accessory building or structure shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway and at least five feet from other park property boundaries.

4. A manufactured dwelling shall not be located closer than 20 feet from all community and service buildings, closer than 10 feet from all interior access roads and closer than three feet from a sidewalk.

5. The transportation mechanisms, including wheels, axles, hitch and any other parts which protrude from the perimeter of the manufactured dwelling shall be removed from all manufactured dwellings. The manufactured dwelling shall either be perimeter blocked or skirted with noncorroding material which is continuous around the manufactured dwelling. Ventilation shall be provided through the perimeter blocking or skirting in accordance with state requirements.

6. Manufactured dwellings shall not be located such that any part of the living space would project over a sidewalk or roadway.

7. Each access road connecting with a city street shall have a surface width of at least 30 feet

and all other access roads within the manufactured dwelling park shall have a minimum surface width of 24 feet.

8. Primary access into the manufactured dwelling park shall be designed to cause minimum interference with traffic movement. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.

9. All access roads and parking areas shall be surfaced with permanent surfacing to city standards and shall be well drained.

10. All intersections should be designated to be as close to 90-degree angles as possible to allow for maximum visibility.

11. Hard surfaced walkways not less than three feet wide shall be required to connect manufactured dwelling spaces with community and service buildings and to facilitate pedestrian travel through the park.

12. Each manufactured dwelling lot shall have a minimum access approach of 14 feet to a manufactured dwelling park street.

13. Each manufactured dwelling lot shall be designed to include two automobile parking spaces.

14. Each manufactured dwelling shall be provided with electrical, sewer and water connections complying with all applicable city and state codes and ordinances.

15. All electrical and communications utilities provided shall be installed underground.

16. Any private water distribution and storage system serving a manufactured dwelling park shall be capable of supplying a minimum of 150 gallons per day per manufactured dwelling lot, without exhausting the source of supply.

17. Access to a manufactured dwelling for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each manufactured dwelling. Fire hydrant line sizes shall be such that 500 gallons per minute can be delivered to a manufactured dwelling lot.

18. A separate play area shall be provided in all manufactured dwelling parks that accommodate children under 14 years of age. Such play area shall not be less than 2,500 square feet in an area with at least 100 square feet of play area provided for each manufactured dwelling lot.

19. Recreation areas shall be appropriately developed and maintained. Play areas adjacent to a

parking lot, road, railroad, river or similar hazard shall be fenced on the side parallel to such hazard with a minimum three-foot high fence.

20. Each manufactured dwelling stand shall be provided with a patio adjacent to the manufactured dwelling and constructed of concrete, asphalt, flagstone, wood or other hard, smooth surface totaling at least 150 square feet, with its least dimensions not less than five feet.

21. Accessory structures located in any manufactured dwelling space shall be limited to a storage building and a carport. These may be combined as one structure. Structural additions to the manufactured dwelling shall be limited to an awning patio cover or cabana adjacent to the manufactured dwelling.

22. One permanent storage building with a minimum floor area of 32 square feet shall be provided for each manufactured dwelling space. These may be located at the manufactured dwelling space or clustered as community storage areas.

23. Streets and walkways designed for general use of manufactured dwelling residents shall be lighted during hours of darkness. Lighting shall be provided by the conditional use applicant. At the option of the city, the lights may be operated and controlled in the same manner as street lights within the city. Otherwise the lighting shall be maintained by the applicant. The lighting so provided shall provide uniform illumination of at least one foot candle power maintained throughout the manufactured dwelling park.

24. All areas not used for manufactured dwelling spaces, motor vehicle parking, traffic circulation or community or service buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition.

25. Screening shall be provided on those sides of a manufactured dwelling that are adjacent to or across a street from any other land area located in a residential zone. The screening shall effectively screen the manufactured dwelling park from view and shall consist of a continuous fence, evergreen hedge or combination thereof. All screening shall be maintained in good condition.

C. Standards for a Day Nursery, Kindergarten, Nursery School, Private School or Similar Facility. Any day nursery, kindergarten, nursery school, private school or similar facility shall meet the following requirements:

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 (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. Accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or sec-

ond story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 900 square feet.

**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. No additional off-street parking spaces are required for an accessory dwelling unit.

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 nonconforming 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. P10-67-2020 § 1, 2020; 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. Manufac-

ured 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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C. Garage or Carport. The manufactured home shall have either a garage or carport with exterior materials which are similar in color, material and appearance to that used on the manufactured home. The garage or carport shall be completed within 90 days of occupancy of the manufactured home, 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 manufactured home. If a carport is to be placed on the property it must contain a minimum of 384 cubic feet of enclosed storage space (12 feet by four feet by eight feet). The requirements of this subsection do not apply to a manufactured home being constructed to replace another single-family dwelling or mobile home on the lot.

D. The manufactured home shall conform to the lot size and width, yard, lot coverage, and building height requirements of the zone in which it is to be located.

E. Size. The manufactured home must be multi-sectional and enclose at least 1,000 square feet.

F. Hauling Mechanisms. The transportation mechanisms, including wheels, axles, hitch and any other parts which protrude from the perimeter of the manufactured home, shall be removed.

G. Foundation. The manufactured home shall be placed on continuous concrete footings. The footings shall comply with all requirements of state and federal law.

H. Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof, or material approved by the building codes agency that is painted or finished identical to the manufactured home. The perimeter enclosure shall comply with skirting and ventilation requirements of OAR 918-505-050 and 918-505-060, including provisions for access openings and ventilation.

I. The home shall sit so that no more than 16 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 16-inch limitation will not apply.

J. Performance Standards. Insulation for the manufactured home must meet the state requirements in effect for the year in which constructed. In

addition, the city may impose any development standard, architectural requirement or minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject. The applicant will be required to provide the city with the manufacturer's certification of the thermal performance of the manufactured home.

K. Utilities. All utilities shall be connected to the manufactured home in accordance with state requirements. All plumbing fixtures shall be connected in compliance with OAR 918-505-080. All utility connections shall be completed and approved prior to occupancy of the manufactured home.

L. The manufactured home shall be provided with gutters and down spouts to direct storm water away from the placement site.

M. Roof. The manufactured home shall have a composition asphalt, fiberglass, shake, tile or complimentary colored nonglare metal roof with a minimum pitch of three feet in height for each 12 feet in width.

N. At the time of installation, the manufactured home shall be in good repair and free of structural, electrical, mechanical and plumbing defects.

O. Prior to the location or relocation of any manufactured home, the owner or his authorized representative shall receive a placement permit from the city. The placement permit shall indicate that the manufactured home and its location conform with this title. A filing fee shall accompany an application for a manufactured home placement permit. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council. Upon approval of the placement permit, the homeowner is authorized to proceed to place the manufactured home on the lot.

Each application for placement permit shall be accompanied by:

1. A plot plan showing the proposed location of the manufactured home on the lot and including the exterior dimensions of the home, setbacks from all property lines and septic tank or sewer and water line locations.

2. Information indicating the dimensions of the livable area within the manufactured home and the materials and design of the roof, foundation support system and perimeter crawl space enclosure.

3. An agreement signed by the homeowner or his authorized agent pledging full compliance with this title.

4. The placement permit shall remain in effect for 180 days after the date of approval by the city. If the manufactured home has not been placed on the property by the end of the 180-day period, the homeowner may ask for an extension of the permit for one additional 180-day time period. If the manufactured home is not placed on the property during the authorized time period, the placement permit shall be automatically canceled.

P. Manufactured homes are also required to have manufactured home placement permits indicating that they will be installed in accordance with the provisions of OAR Chapter 918, Divisions 500, 510, 515 and 520, Manufactured Dwelling Administrative Rules.

Q. The manufactured home 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.

1. The occupant will have a limit of 60 days from the date of completion to remove all debris associated with the installation of the manufactured home from the property. If the occupant fails to remove the debris within 60 days, the city may dispose of the debris as deemed necessary. The occupant will be responsible for reimbursement of all actual costs of removal incurred by the city.

R. If the manufactured home is removed from its permanent supports, the owner of the property shall agree, in writing, to remove the supports, the manufactured home, and all additions thereto from the property, and to permanently disconnect and secure all utilities. This agreement shall authorize the city to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 30 days from the date the manufactured home is removed from its supports.

This condition shall not apply in the event that a placement permit for a replacement manufactured home has been approved by the city within 30 days of the removal of the original home. The replacement manufactured home shall conform in all respects with the provisions of this title.

S. Exceptions to these provisions may be approved by the planning commission if the applicant for the manufactured home can provide suffi-

cient evidence that complying with any provision will result in a severe financial hardship, or circumstances are such that the applicant is unable to comply with any provision. Applications for exceptions must be approved prior to the issuance of any installation permits. [Ord. P10-21 § 6.100, 1997.]

### **18.30.130 Temporary hardship manufactured dwellings.**

A. Purpose. The purpose of this section is to provide for the temporary placement of a manufactured dwelling under verified circumstances related to either a medical hardship or advanced age of a resident of the property which requires the provision of supervised care and assistance on a continuing basis, and to assure the temporary nature and continuing validity of the manufactured dwelling placement as a second dwelling on the property to meet the hardship circumstances.

B. Procedure for Approval of a Temporary Hardship Manufactured Dwelling.

1. An applicant for a temporary hardship manufactured dwelling shall apply to the planning commission for review of the proposal to place the manufactured home on a lot. At the time of application, the applicant shall provide the necessary information to meet the requirements and standards for placement of the temporary hardship manufactured dwelling. The application shall include a site plan showing where the manufactured dwelling will be placed on the lot and the distances between it and the principal dwelling on the lot and all property lines.

2. The planning commission shall review the application for the temporary hardship manufactured dwelling at a public meeting. The planning commission meeting shall be held within 35 days of the date of application. The planning commission decision shall be made within 35 days of the date of the initial public meeting. The planning commission shall either approve or deny the application and may establish conditions of approval.

3. Notice of the planning commission public meeting shall be mailed to all owners of property which abut the lot where the temporary hardship manufactured dwelling is to be placed.

4. The decision of the planning commission may be appealed to the city council as provided for in LMC 18.55.010. The council shall then hold a public hearing on the appeal. The hearing notice

shall be mailed to abutting property owners. The council hearing shall be held within 35 days of the date of the appeal. The city council shall make a decision on the appeal within 35 days of the closure of the public hearing.

C. Standards and Requirements for Temporary Hardship Manufactured Dwellings. A manufactured home may be temporarily placed on a lot in hardship circumstances when the following standards and requirements are met:

1. A licensed Oregon physician has certified that a medical hardship exists and the afflicted person requires daily supervision and care; or the person to be cared for has provided documentation of being 70 years of age or older.

2. The temporary hardship manufactured dwelling is placed on the same lot as the principal dwelling.

3. The person with the hardship will occupy the temporary hardship manufactured dwelling and the person(s) providing the care and assistance will occupy the principal dwelling on the lot.

4. The person(s) providing care for the person(s) with the hardship agree in writing to remove the temporary hardship manufactured dwelling within 90 days after the hardship condition no longer applies to the manufactured dwelling.

5. The manufactured dwelling placement complies with all applicable zoning ordinance provisions or the appropriate variances have been obtained.

6. An additional plumbing hookup to the existing sewage disposal system on the property shall be required. The hookup shall comply with the Oregon State Plumbing Code.

D. Biannual Review. Each permit for the placement of a temporary hardship manufactured dwelling shall be reviewed on a biannual basis by the planning commission. At the time of review each permit holder shall be required to verify in writing that all of the circumstances which applied at the time of initial approval are still in effect.

E. Removal of Temporary Hardship Manufactured Dwelling. The manufactured dwelling shall be removed from the property within 90 days of the time the temporary hardship no longer exists. All utility hookups to serve the manufactured dwelling shall either be removed or disconnected so that they are no longer visible within 90 days of the time the temporary hardship no longer exists.

F. Temporary Hardship Permit Not Transferable. This permit is not transferable to other persons or property. [Ord. P10-21 § 6.105, 1997.]

#### **18.30.140 Multiple-family dwellings.**

Multiple-family dwellings are permitted outright in the MFR, multiple-family residential zone and conditionally in the SFR, single-family residential zone. Multiple-family dwellings in these zones shall meet the following requirements:

A. A minimum of 20 percent of the lot shall be developed and maintained as open space and outdoor recreation area.

B. Open space shall not include roads, driveways, parking or loading areas. Special and/or natural features of the land shall be retained to the extent practicable. Landscaping may include ground cover, trees, shrubs and other plantings.

C. All facilities or equipment provided in conjunction with open space or a developed recreation area shall be maintained in good condition so as not to endanger the safety of any potential users.

D. Accessory facilities such as garbage collection areas and public utility and air conditioning facilities located on the property but not attached to a building shall be appropriately screened and landscaped.

E. All multiple-family dwellings which are constructed adjacent to established industrial areas shall provide adequate buffering (landscaping, fencing, berm) to sufficiently reduce any negative impacts that may result from the adjacent industry. [Ord. P10-21 § 6.110, 1997.]

#### **18.30.150 Signs.**

Signs and signing are permitted as follows:

A. General Provisions.

1. Signs (other than time or temperature signs) which are flashing, blinking or fluctuating or signs which are moving or have any visible moving part shall not be allowed without prior approval of the planning commission. Each request which does not conform to the requirements of this section shall be considered on a case-by-case basis.

2. No sign, regardless of setback requirements, may project over the public right-of-way.

3. Upon approval of the city planning commission, signs not over 24 square feet in area may be permitted for public, charitable or religious institutions when they are located on the premises

of these institutions. Such signs are not permitted to be projecting or at a point extending over the public right-of-way.

B. Residential Zones. All signs in the SFR, single-family residential zone, and the MFR, multiple-family residential zone, shall conform to the following:

1. Each dwelling unit may display one non-illuminated name plate not exceeding one and one-half square feet in size, indicating the name of the occupant or the occupant's approved home occupation.

2. Buildings other than dwelling units or home occupations may display one sign not exceeding 12 square feet in size. Signs may be illuminated internally or externally, providing no light is cast upon adjacent residential property.

3. One sign which pertains to the sale or rent of property may be displayed. It shall not exceed six square feet in size and shall not be illuminated.

4. One sign may be displayed on a tract of land or subdivision regarding the sale or development of the land. It shall not exceed 18 square feet and shall not be illuminated.

5. No sign shall be located within six feet of a property line abutting the right-of-way of a public street.

C. Commercial and Industrial Zones. All signs in the C, commercial zone and the LI, limited industrial zone and the GI, general industrial zone shall conform to the following standards:

1. Primary signs for individual establishments shall be wall signs with a maximum allowable sign area of 150 square feet.

2. One detached sign identifying a shopping center is permitted in addition to the signs permitted in subsection (C)(1) of this section. The sign may contain individual names of businesses or advertise products and services. If a detached sign is to be used, the permitted square footage for an establishment from subsection (C)(1) of this section shall be reduced by the individual establishment's share of the square footage of the detached sign.

3. Individual establishments not situated as a shopping center are permitted one detached sign in addition to signs permitted in subsection (C)(1) of this section. The sign may project the business name and advertise the major produce or service provided. If the individual establishment elects to

use a detached sign, then its allowance of subsection (C)(1) of this section shall be reduced by the square footage of the detached sign.

4. Wall signs may project no more than 18 inches from the wall to which they are attached. Wall signs located on an alley frontage may not project from the face of a building below a clearance of 15 feet.

5. Wall signs may be placed on the face of an awning or canopy. [Ord. G1-2010 §§ 1 – 4; Ord. P10-21 § 6.120, 1997.]

#### **18.30.155 Consideration of standards.**

If, based upon findings of fact, the governing body determines that the signage requirements as listed in LMC 18.30.150 are inadequate or inappropriate to address the specific needs of a project, the governing body reserves the right to modify said requirements. [Ord. G1-2010 § 5.]

#### **18.30.160 Off-street parking requirements.**

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure, there shall be provided and maintained off-street parking areas in conformance with the provisions of this section:

A. Design and Improvement Requirements for Parking Lots.

1. Areas used for standing and maneuvering of vehicles shall be hard-sealed surfaced and maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks or onto adjoining property.

2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five nor more than six feet in height except where vision clearance is required.

3. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line or by a bumper rail.

4. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.

5. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.

6. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.

7. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and serve the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.

8. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points 20 feet from their intersection.

9. Lighting of the parking area shall be deflected from any residential zone.

**B. Location Standards for Parking Lots.**

1. Off-street parking spaces for dwellings shall be located on the same lot as the dwelling. Off-street parking spaces for all other uses shall be located not further than 500 feet from the building or use they are required to serve.

2. In residential zones, off-street parking areas shall not be located in a required front or street side yard, except that driveways may be used for off-street parking for single-family and two-family dwellings.

C. Required parking spaces shall be available for the parking of operable motor vehicles of residents, customers, patrons and employees only and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting a business.

D. The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking spaces. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this title.

E. Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this title to begin or to maintain such an altered use until the required increase in off-street parking is provided, unless otherwise approved by the city planning commission.

F. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

G. Owners of two or more uses, structures or parcels of land may be permitted to use the same parking spaces jointly when the hours of operation do not overlap, provided substantial proof is presented to the city planning commission pertaining to the cooperative use of the parking facilities.

H. A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled shall accompany a request for a building permit.

I. In commercial or residential zones, parking lots which exceed 50 spaces shall be provided with landscaping and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control and to improve the appearance of the parking lot.

J. Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as whole spaces. When square feet are specified, the area measured shall exclude any space within a building used for off-street parking or loading.

USE	PARKING SPACE REQUIREMENT
1. Single-family dwelling	Two spaces per unit.
2. Multi-family dwelling	Three spaces per every two units.
3. Manufactured dwelling	Two spaces per unit.
4. Commercial uses	One space for every 300 square feet of gross building area.
5. Industrial uses	One space for every 600 square feet of gross building area.

USE	PARKING SPACE REQUIREMENT
6. Public or quasi-public uses	One space for every 300 square feet of gross building area.

K. Completion Time for Parking Lots. Required parking spaces shall be improved and available for use by the time the use served by the parking is ready for occupancy. An extension of time may be granted by the city recorder providing a performance bond or its equivalent is posted equaling the cost to complete the improvements as estimated by the building official. In the event the improvements are not completed within one year’s time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the city. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 6.130, 1997. Amended during 2006 recodification.]

**18.30.170 Off-street loading requirements.**

A. A commercial or industrial building erected on a lot or increased in size shall provide a minimum of one off-street loading space for a floor area of 10,000 square feet or less. One additional off-street loading space shall be provided for each additional 20,000 square feet of floor area or major fraction thereof.

B. Each loading space shall be not less than 35 feet in length, 10 feet in width and 14 feet in height.

C. Any school having a capacity greater than 25 students shall provide a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children. [Ord. P10-21 § 6.140, 1997.]

**18.30.175 Consideration of standards.**

If, based upon findings of fact, the governing body determines that the off-street parking and/or loading requirements as listed in LMC 18.30.160 and 18.30.170 are inadequate or inappropriate to address the specific needs of a development, the governing body reserves the right to modify said requirements. [Ord. G2-2008, 2008.]

**18.30.180 Scenic and historic sites.**

All development proposed adjacent to or at any site designated as scenic or historic in the Lyons

comprehensive plan shall be subject to review by the city planning commission. The purpose of this review shall be to evaluate the inherent value of the scenic or historic site and establish development standards to maintain the integrity of these sites when the city planning commission determines that it is in the community’s best interest to do so. [Ord. P10-21 § 6.150, 1997.]

**18.30.190 Other site considerations.**

Any development in areas indicated in the Lyons comprehensive plan of 1980 or this title as having development limitations shall be subject to the following requirements: Development in areas with severe surface drainage characteristics shall be provided with adequate drainage facilities, development in areas with slope in excess of 15 percent shall be such that the slope may be adequately maintained and development in wooded areas and areas of riparian vegetation be retained where feasible. The Linn County building official shall determine that the requirements of this title have been met. [Ord. P10-21 § 6.160, 1997.]

**18.30.200 Yard requirements for land adjoining a perennial stream or river.**

All development proposed on land adjoining a perennial stream or waterway shall have a minimum yard setback from the normal low water level of 50 feet. The purpose of this setback is to minimize potential impact on riparian vegetation and wildlife habitat. [Ord. P10-21 § 6.170, 1997.]

## Chapter 18.35

### Site Plan Review

#### Sections:

- 18.35.010 Site plan review.
- 18.35.020 Types of activities subject to site plan review.
- 18.35.030 Contents of site plan.
- 18.35.040 Criteria for approval of applications for site plan review.
- 18.35.050 Conditions of approval.
- 18.35.060 Process for review and action on a site plan review.
- 18.35.070 Standards applicable to site plan review applications.

#### **18.35.010 Site plan review.**

This chapter provides procedures and standards for those uses subject to site plan review. [Ord. P10-21 § 6.500, 1997.]

#### **18.35.020 Types of activities subject to site plan review.**

The following activities in conjunction with uses subject to site plan review shall follow the standards and procedures of this chapter:

- A. The establishment of a new use on a lot which is either vacant or used for a purpose not subject to site plan review purposes on property which has an area of 20,000 square feet or more.
- B. The construction of a building on an existing industrial site when that building has a floor area of 1,200 square feet or more.
- C. The expansion of a building on an existing industrial site when the floor area of the expansion is 1,200 square feet or more. [Ord. P10-21 § 6.510, 1997.]

#### **18.35.030 Contents of site plan.**

The site plan to be submitted to the city for review shall contain the following information:

- A. Locations, dimensions, and setbacks from property lines, of all proposed buildings and of existing buildings proposed to remain on the site.
- B. Location, surfacing and width of all driveways and internal access roads, and the location and surfacing of off-street parking and loading areas. Number of parking spaces and a design plan for parking and circulation areas.

- C. Lot dimensions and total lot area.
- D. Location, dimensions, and purposes of all easements.
- E. Proposed locations for all utility lines.
- F. Proposals for the handling of drainage.
- G. Location and specific purpose of all areas to be set aside for open space and recreation.
- H. Plan for buffering, screening, fencing and landscaping.
- I. Proposal for exterior lighting.
- J. Proposal for the location, size, materials, and method of illumination of all signs. [Ord. P10-21 § 6.520, 1997.]

#### **18.35.040 Criteria for approval of applications for site plan review.**

The site plan shall be approved when all of the criteria listed below have been met:

- A. Vehicular access to and from the site is adequate to serve the use and will not result in traffic related problems on the street network in the immediate surrounding area.
- B. Off-street parking areas are suitable in terms of size and location to serve the proposed use.
- C. The size, design, and operating characteristics of the intended use are reasonably compatible with surrounding development.
- D. The utilities and drainage facilities intended to serve the proposed use are adequate to accommodate the proposed use and reasonably compatible with the surrounding area.
- E. The proposed buffering, screening, fencing and landscaping are adequate to assure compatibility with the surrounding area. [Ord. P10-21 § 6.530, 1997.]

#### **18.35.050 Conditions of approval.**

In taking action on a site plan review, the following conditions of approval may be imposed:

- A. Increasing the required lot size, lot width, or setbacks from all property lines.
- B. Limiting the height, size, or location of a building or other structure.
- C. Controlling the location, number and size of vehicle access points.
- D. Increasing the number of off-street parking and loading spaces, and changing the location of parking and loading areas.
- E. Requiring fencing, screening, or landscaping to protect adjacent or nearby properties.

F. Limiting the number, size, location and lighting of signs.

G. Expanding or limiting the use of exterior lighting.

H. Providing or upgrading internal improvements such as utilities, drainage improvements, streets, curbs, gutters, and walkways.

I. Other conditions similar to the above which are consistent with this title, other city ordinances, and the policies of the comprehensive plan.

J. The city may require that the applicant for a site plan review furnish the city with a performance bond or similar contractual arrangement of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure that the site plan is completed according to the plans as approved by the city. [Ord. P10-21 § 6.540, 1997.]

#### **18.35.060 Process for review and action on a site plan review.**

A. Application. Two copies of an application and site plan for a use requiring site plan review shall be submitted to the city recorder. A filing fee shall accompany an application for a site plan review. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council. The city shall not accept the application until the city recorder determines that it is complete.

B. Planning Commission Review and Action. After acceptance of the plan review application, it shall be reviewed and acted upon by the planning commission. The commission shall consider the site plan review application at a public meeting to be held within 35 days of application acceptance. The commission shall take action on the application within 35 days of the initial public meeting.

C. Notice. Notice of the planning commission meeting to consider the site plan review application shall be mailed to owners of all property located within 300 feet of the property for which the site plan review pertains.

D. Appeals. The planning commission decision on a site plan review may be appealed to the city council in accordance with the provisions of LMC 18.55.030. All appeals shall require public hearings to be conducted in accordance with the requirements of LMC 18.55.040. The city council hearing shall take place within 35 days of the date of appeal. The city council decision shall be made within 35 days of the date when the public hearing

is closed. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 6.550, 1997. Amended during 2006 recodification.]

#### **18.35.070 Standards applicable to site plan review applications.**

A. Buffer. A buffer shall be provided on each side of a property which abuts a lot which is within a SFR or MFR zone. The buffer shall be a minimum of five feet in width. The buffer shall contain a continuous fence or wall a minimum of five feet in height, supplemented with landscape planting, so as to effectively screen the property from adjoining residential properties. Buffers may not be used for buildings, parking or driveways, unless there is no other suitable location for a driveway. Buffers may be used for landscaping, sidewalks, paths or utility placement.

B. Boundary Fences.

1. Fencing will be allowed inside of a boundary planting screen; where it is necessary to protect the uses or activities covered by the application; and where it is necessary to protect the public from a dangerous condition.

2. Fences shall be maintained in a condition of reasonable repair and shall not have noticeable leaning, broken supports, missing sections, or be replaced or supplemented with weeds or noxious vegetation.

C. Landscaping. A minimum of 20 percent of the property within 25 feet of the SFR or MFR zone shall be completely and permanently landscaped. The landscaping shall be continually maintained in an attractive manner.

D. Parking.

1. Off-street parking shall be provided in compliance with the standards of LMC 18.30.160.

2. Off-street parking areas shall be set back a minimum of 15 feet from lot lines abutting a public street and 10 feet from a lot in the SFR or MFR zone.

E. Access Driveways. A driveway with direct access onto a public street shall meet the following requirements:

1. Driveways providing direct access onto Lyons-Mill City Drive shall meet the standards of the Linn County road department.

2. Driveways providing direct access onto State Highway 226 shall meet the standards of the Oregon Department of Transportation.

3. Driveways providing direct access onto city streets shall meet the street design standards as adopted by the city of Lyons.

F. Lighting. Lighting shall not be cast into or illuminate lots in adjacent SFR or MFR zones.

G. Standards Applicable to the GI Zone.

1. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

2. All servicing, processing and storage on property abutting or facing the SFR or MFR zones shall be wholly within an enclosed building or screened from view from the residential zone by a permanently maintained sight-obscuring fence or dense evergreen landscape buffer at least six feet in height. [Ord. P10-21 § 6.560, 1997.]

## Chapter 18.40

### Nonconforming Uses

Sections:

- 18.40.010 Intent.
- 18.40.020 Continuation of a nonconforming use.
- 18.40.030 Nonconforming structure.
- 18.40.040 Discontinuance of a nonconforming use.
- 18.40.050 Change of a nonconforming use.
- 18.40.060 Destruction of a nonconforming use.
- 18.40.070 Repairs and maintenance.
- 18.40.080 Completion of structure.

#### **18.40.010 Intent.**

It is the intent of the nonconforming use sections of this title to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this title to continue under conditions specified herein. However, alteration or expansion of these nonconforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the city as a whole are not permitted except as outlined in this chapter. [Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.010, 1997.]

#### **18.40.020 Continuation of a nonconforming use.**

A. A nonconforming use of a structure or a nonconforming use may be continued and maintained but shall not be altered or extended unless it meets the standards of this chapter.

B. The extension of a nonconforming use to a portion of a structure which was arranged or designed for such use at the time of passage of the ordinance codified in this title, or an amendment to this title which makes the use nonconforming, is not an extension of a nonconforming use.

C. In the C, LI and GI zones, a pre-existing dwelling may be altered or expanded; provided, that the alteration or expansion shall not exceed the height of building and lot coverage requirements of the SFR zone; and further provided, that the alteration or expansion shall not be reduced below the yard requirements of the SFR zone. An alteration or expansion of a pre-existing dwelling which does not meet the lot size or width requirements of the SFR zone shall be permitted as long as Linn

County Environmental Health Program requirements for subsurface sewage disposal systems are met. [Ord. G1-2006 § 30, 2006; Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.020, 1997.]

**18.40.030 Nonconforming structure.**

A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standard may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this title. A structure which is nonconforming as to lot size or lot width may be altered or extended as long as the alteration or extension meets the requirements of the Linn County environmental health program for subsurface sewage disposal systems. [Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.030, 1997.]

**18.40.040 Discontinuance of a nonconforming use.**

A. Except as provided for in subsection (C) of this section, if a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.

B. If a nonconforming use not involving a structure is discontinued from active use for a period of six months, further use of the property shall be for a conforming use.

C. A pre-existing dwelling in the C, LI and GI zones may continue to be used for residential purposes regardless of whether it has been discontinued from active use for a period of one year. Extension of the time period of more than one year may be granted by the city council under circumstances of personal or economic hardship on the part of the property owner. [Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.040, 1997.]

**18.40.050 Change of a nonconforming use.**

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located. [Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.050, 1997.]

**18.40.060 Destruction of a nonconforming use.**

A. If a nonconforming structure or a structure containing a nonconforming use is destroyed or damaged by fire, casualty or natural disaster, it

may be restored, provided the restoration shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. Extension of the one-year time period may be granted by the city council under circumstances of personal or economic hardship on the part of the property owner.

B. If a nonconforming dwelling in the C, LI or GI zone is damaged, demolished or destroyed by any cause, it may be replaced or restored as a dwelling, provided the replacement or restoration shall be commenced within a period of one year and shall meet the yard, lot coverage, and building height requirements of the SFR zone. Extension of the one-year time period may be granted by the city council under circumstances of personal or economic hardship on the part of the property owner. The replacement dwelling need not meet the lot size and lot width requirements of the SFR zone but it shall meet the subsurface sewage disposal requirements of the Linn County environmental health program. [Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.060, 1997.]

**18.40.070 Repairs and maintenance.**

Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring or plumbing, provided the building is not increased in cubic content or floor area. [Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.070, 1997.]

**18.40.080 Completion of structure.**

Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of the ordinance codified in this title, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the permit is issued. Extension of the one-year time period may be granted by the city council under circumstances of personal or economic hardship on the part of the property owner. [Ord. P10-55 § 1, 1999; Ord. P10-21 § 7.080, 1997.]

## Chapter 18.45

### Variances

#### Sections:

- 18.45.010 Authorization to grant or deny variances.
- 18.45.020 Circumstances for granting a variance.
- 18.45.030 Procedure for taking action on a variance application.
- 18.45.040 Building permits for an approved variance.
- 18.45.050 Time limit on an approved variance application.
- 18.45.060 Termination of a variance.
- 18.45.070 Limitation on reconsideration.

#### **18.45.010 Authorization to grant or deny variances.**

The city planning commission may authorize variances from the requirements of this title where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of this title would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the city planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this title. [Ord. P10-21 § 8.010, 1997.]

#### **18.45.020 Circumstances for granting a variance.**

A variance may be granted only in the event that all of the following circumstances exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property, since enactment of the ordinance codified in this title, have had no control.

B. The variance is necessary for the preservation of the same property right as possessed by owners of other property in the same zone and vicinity.

C. The variance would not be materially detrimental to the purposes of this title or to property in the same zone or vicinity in which the property is located and is consistent with the policies and guidelines of the adopted comprehensive plan and state planning goals.

D. The variance requested is the minimum variance which would alleviate the hardship. [Ord. P10-21 § 8.020, 1997.]

#### **18.45.030 Procedure for taking action on a variance application.**

The procedure for taking action on an application for a variance shall be as follows:

A. A property owner may initiate a request for a variance by filing an application with the city recorder. A filing fee shall accompany an application for a variance. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council. The applicant shall submit evidence that the circumstances for granting a variance as outlined in LMC 18.45.020 apply to the variance request.

B. Before the planning commission may act on a variance application, it shall hold a public hearing thereon in accordance with the provisions of LMC 18.55.030.

C. Within seven days after a decision has been rendered with reference to a variance application, the planning commission chairman shall provide the applicant with notice of the decision of the planning commission. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 8.030, 1997. Amended during 2006 recodification.]

#### **18.45.040 Building permits for an approved variance.**

Building permits for all or any portion of an application involving an approved variance shall be issued only on the basis of the plan for the variance as approved by the city planning commission. Any proposed change in the approved plan shall be submitted to the city planning commission as a new application for a variance. Building permits involving an approved variance shall not be issued until the appeal period, as specified under LMC 18.55.020, has passed. [Ord. P10-21 § 8.040, 1997.]

**18.45.050 Time limit on an approved variance application.**

Authorization of a variance shall be void one year after the date of approval of a variance application or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the planning commission may extend authorization for an additional period not to exceed one year. [Ord. P10-21 § 8.050, 1997.]

**18.45.060 Termination of a variance.**

A variance may be revoked or modified by the city planning commission after public hearing on any one or more of the following grounds:

A. Approval of the variance was obtained by fraud or misrepresentation.

B. The use for which approval was granted has ceased to exist.

C. The use does not meet the conditions specifically established for it at the time of approval of the application.

D. The variance is in violation of any other applicable statute, ordinance or regulation. [Ord. P10-21 § 8.060, 1997.]

**18.45.070 Limitation on reconsideration.**

Following the denial of any request for a variance, the city planning commission shall not consider another request for the same variance unless the city planning commission finds that new evidence of a change in circumstances warrants a new hearing. [Ord. P10-21 § 8.070, 1997.]

**Chapter 18.50****Amendments**

## Sections:

18.50.010 Authorization to initiate amendments.

18.50.020 Public hearings on amendments.

18.50.030 Record of amendments.

18.50.040 Limitation on reconsideration.

**18.50.010 Authorization to initiate amendments.**

An amendment to the text of this title or to a zoning map may be initiated by the city council, the city planning commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the city recorder. A filing fee shall accompany an application by a property owner for an amendment. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council. Any request for a revision to the zoning text or map shall be based on the applicable policies of the comprehensive plan of the city of Lyons. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 9.010, 1997. Amended during 2006 recodification.]

**18.50.020 Public hearings on amendments.**

All requests for amendment to the text or zoning map of this title shall comply with the following public hearing procedures:

A. The city planning commission shall conduct a public meeting concerning the proposed amendment.

B. The city planning commission shall, within 40 days after the initial meeting date, recommend to the city council approval, disapproval or modification of the proposed amendment.

C. After receiving the recommendation of the city planning commission, the city council shall hold a public hearing on the proposed amendment.

D. Within seven days after a decision has been rendered with reference to an amendment, the applicant shall be provided with written notice of the decision. This procedure shall apply to the recommendations made by the city planning commission and to final action made by the city council. [Ord. P10-21 § 9.020, 1997.]

**18.50.030 Record of amendments.**

The city recorder shall maintain records of amendments to the text and zoning map of this title. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 9.030, 1997. Amended during 2006 recodification.]

**18.50.040 Limitation on reconsideration.**

Following the denial by the city council of any zoning ordinance text or map amendment, the city council and city planning commission shall not consider another request for the same amendment unless the city planning commission and city council finds that new evidence of a change in circumstances warrants a new hearing. [Ord. P10-21 § 9.040, 1997.]

**Chapter 18.55****Administrative Provisions**

## Sections:

- 18.55.010 Appeals.
- 18.55.020 Form of petitions, applications and appeals.
- 18.55.030 Notice of public hearing.
- 18.55.040 Public hearing notice and procedure.
- 18.55.050 Consolidation of procedures.
- 18.55.060 Time period for decision making.
- 18.55.070 Enforcement and penalty.

**18.55.010 Appeals.**

A. An appeal from a ruling of the city recorder regarding a requirement of this title may be made to the city planning commission. Any action or ruling by the city recorder shall become final 10 days after approval or disapproval is given unless the decision is appealed to the city planning commission. Written notice of the appeal shall be filed with the city recorder. A filing fee shall accompany an application for an appeal. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council. If an appeal is filed, the city planning commission shall receive a report and recommendation thereon from the city recorder and shall hold a public hearing on the appeal.

B. An action or ruling of the planning commission pursuant to this title may be appealed to the city council within 10 days after the planning commission has rendered its decision. If the appeal is not filed within the 10-day period, the decision of the planning commission shall be final. Written notice of the appeal shall be filed with the city recorder. A filing fee shall accompany an application for an appeal. The filing fee shall be in accordance with a fee schedule adopted by ordinance of the city council. If the appeal is filed, the city council shall receive a report and recommendation thereon from the planning commission and shall hold a public hearing on the appeal.

C. Stay of Proceedings. When an appeal is filed it shall stay all proceedings by all parties in connection with the matter from which appeal is taken until all determination of such appeal is made by the council. [Ord. G2-2015 § 1, 2015; Ord. P10-21 § 10.010, 1997. Amended during 2006 recodification.]

**18.55.020 Form of petitions, applications and appeals.**

A. Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the city.

B. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this title.

C. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within five days of the date of submittal and the applicant shall have 30 days to submit the missing information. The application shall be deemed complete when the missing information is received and accepted by the city. [Ord. P10-21 § 10.020, 1997.]

**18.55.030 Notice of public hearing.**

A. Each notice of hearing authorized by this title shall be published in a newspaper of general circulation in the city at least 10 days prior to the date of the hearing.

B. A notice of hearing on a conditional use or an amendment to a zoning map shall be mailed to all owners of property located within not less than 500 feet, exclusive of street areas, from the exterior boundaries of the property for which the conditional use or zoning map amendment has been requested.

C. A notice of hearing on a variance shall be mailed to all owners of property located within not less than 300 feet from the exterior boundaries of the property for which the variance has been requested.

D. For the purpose of mailing notices of public hearing, the applicant shall provide the list of property owners of record to the city.

E. The notice of hearing shall be mailed at least 10 days prior to the date of hearing.

F. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

G. The notice provisions of this section shall not restrict the giving of notice by other means including mail, the posting of property or the use of radio. [Ord. P10-21 § 10.030, 1997.]

**18.55.040 Public hearing notice and procedure.**

A. The notice of public hearing provided to the applicant and to owners of property entitled to receive notice shall:

1. Explain the nature of the hearing and the proposed use or uses which could be authorized.

2. List the applicable criteria from this title and the comprehensive plan that apply to the application.

3. Set forth the street address or other geographical reference to the subject property.

4. State the date, time, and location of the hearing.

5. State that failure of an issue to be raised in a hearing, either in person or by letter, or failure to provide sufficient specificity to afford the decision making body an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals based on that issue.

6. Include the name and telephone number of the city staff person who can provide additional information.

7. State that the application and all documents and evidence are available for inspection at City Hall at no cost, at least seven days prior to the hearing, and that these materials will be provided at a reasonable cost.

8. Include an explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

B. At the commencement of a public hearing, a statement shall be made to those in attendance that:

1. Lists the applicable criteria.

2. States that testimony and evidence must be directed toward the criteria which applies to the decision.

3. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties involved in the case an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

C. All documents or evidence relied upon by the applicant shall be submitted to the city and be

made available to the public at the time the mailed notice of the public hearing is provided.

D. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the 120-day time limit as specified in LMC 18.55.060.

E. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the 120-day time limit as specified in LMC 18.55.060.

F. When the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

G. Failure of a property owner to receive notice of a public hearing shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was given.

H. An issue which may be the basis for an appeal to the State Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the city council or planning commission and the parties an adequate opportunity to respond to each issue. [Ord. P10-21 § 10.031, 1997.]

#### **18.55.050 Consolidation of procedures.**

A. Except as provided in subsection (B) of this section, decisions on land use actions which involve more than one application shall be handled under a consolidated review procedure in which:

1. All applications shall be decided on in one proceeding.

2. If any of the applications require city council action, the council shall take final action on all of the applications.

B. Plan map amendments are not subject to the 120-day decision making period prescribed by state law; therefore, the city shall not be required to consolidate a plan map amendment and a zone change or other permit applications requested unless the applicant requests the proceedings be

consolidated and signs a waiver of the 120-day time limit.

C. If the proceedings are consolidated:

1. The notice of public hearing shall identify each action to be taken;

2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions; and

3. Separate action shall be taken on each application. [Ord. P10-21 § 10.032, 1997.]

#### **18.55.060 Time period for decision making.**

The city shall take final action on an application for a development permit or a zone change, including the resolution of all appeals, within 120 days after the application is deemed complete, except:

A. The period may be extended for a reasonable length of time at the request of the applicant.

B. The 120-day time limit only applies to a decision wholly within the authority and control of the city.

C. The 120-day time limit does not apply to an amendment to Lyons' zoning ordinance or zoning map if an amendment to the comprehensive plan map or text is also required.

D. The 120-day time limit does not apply to applications governed by ORS 443.540. [Ord. P10-21 § 10.035, 1997.]

#### **18.55.070 Enforcement and penalty.**

A. A violation of this title shall be enforced pursuant to Chapter 1.25 LMC.

B. Preliminary Enforcement Procedure.

1. Within 10 days after notification of an alleged violation of this title, the city recorder shall notify the property owner that such a violation exists.

2. Where the violation does not involve a structure, action to rectify such shall be made within 30 days. Where the violation involves a structure, action to rectify shall be made within 60 days. Notwithstanding the foregoing, in the event that, in the course of an investigation of a violation, the city recorder deems that a situation is imminently dangerous to the health and/or welfare of a person or persons, or which may represent a fire or safety hazard to persons or property which could cause imminent danger to such person or property, the city recorder may, at his or her discretion, reduce the time allowed for rectifying the violation

to such time as the city recorder deems reasonable under the circumstances.

3. If no action has been taken to rectify the violation within the specified time, the city recorder shall notify the city council of such.

4. The city council shall set the date for a hearing with the person violating this title and with the city recorder to consider whether subsequent legal action should be taken to rectify the violation. If subsequent legal action is to be taken, it shall be accomplished pursuant to Chapter 1.25 LMC. [Ord. G2-2015 § 1, 2015; Ord. 05-12 § 1, 2002; Ord. P10-21 § 10.040, 1997. Amended during 2006 recodification.]