

ORDINANCE BILL NO. 6
for 1980
ORDINANCE NO. 1773

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN THE CITY OF LEBANON, ESTABLISHING ZONES AND GENERAL PROVISIONS AND PROCEDURES FOR THAT PURPOSE AND REPEALING CERTAIN ORDINANCES.

THE PEOPLE OF THE CITY OF LEBANON SO ORDAIN AS FOLLOWS:

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ARTICLE 1 - INTRODUCTORY PROVISIONS

SECTION 1.010 TITLE

This ordinance shall be known as the LEBANON LAND DEVELOPMENT ORDINANCE OF 1980.

SECTION 1.020 PURPOSE

The purpose of this ordinance is to establish standards and procedures for the orderly development of land within the City of Lebanon, to assist in implementing the Lebanon Comprehensive Plan, and to promote the public health , safety and general welfare.

SECTION 1.030 REPEAL

Ordinance No. 1428, 608, 1626, 1640 and 1666 be and the same hereby are repealed.

SECTION 1.040 DEFINITIONS

As used in this ordinance the following words and phases shall mean:

- (1) Construction The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance.
 - (a) TENSE: Words used in the present tense include the future tense.
 - (b) NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.
 - (c) SHALL AND MAY: The word “shall” is mandatory; the word “may” is permissive.
 - (d) GENDER: The masculine shall include the feminine and neuter.
 - (e) HEADINGS: If there is any conflict or inconsistency between the heading of an article, section or paragraph of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
- (2) Abut Contiguous to or immediately join. For example, two lots with a common property line are considered to be abutting.
- (3) Access The way or means by which pedestrians and vehicles enter and leave property.
- (4) Accessory Structure or Accessory Use A structure or use incidental, appropriate and subordinate to the main use of property and located on the same lot as the main use.
- (5) Active Solar Energy System A solar energy system that requires external mechanical power to move the collected heat.
 - (a) Adult Foster Home Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. “Residential Care” and “Provider” shall have that meaning set forth in ORS 443.705.

All homes are required to have a residential manager. All homes must be licensed by the State of Oregon in accordance with ORS Chapter 443.

- (6) Alley A street which affords only a secondary means of access to the property.
- (7) Alter Any change, addition or modification in construction or occupancy.
- (8) Automobile Wrecking Yard An area used for the dismantling, and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked motor vehicles, machinery or trailers, or their parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.
- (9) Building Any structure used or intended for supporting or sheltering any use or occupancy.
- (10) Building or Planning Official An employee of the City of Lebanon appointed by the City Council with duties and authority as designated by the Council including the enforcement of the provisions of this ordinance. The City Administrator or his designated agent.
- (11) City The City of Lebanon, Oregon.
- (12) City Council The City Council of the City of Lebanon, Oregon.
- (13) Club A facility owned or operated for a social, educational, or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.
- (14) Community Center A facility owned and operated by a governmental agency or a non-profit community organization which is open to any resident of the neighborhood in which the facility is located or to any resident of the City or surrounding area, provided that the primary purpose of the facility is for assembly, and provided further that no permanent or temporary commercial eating or drinking facilities shall be operated on the premises.
- (15) Condominiums A type of residential development utilizing zero lot lines, individual ownership of units and common ownership of open space and other facilities and which are regulated in part, by state law (ORS-91.010 - 91.675).
- (16) Day Nursery Any institution, establishment or place, including nursery schools or private kindergartens, in which are commonly received at one time for less than 24 hours per day 6 or more non-resident children under the age 6 years for the purpose of being given care, supervision or training apart from a parent or legal guardian.
- (17) Density, Gross The number of dwelling units per total area of land, excluding public-rights-of-way.
- (18) Density, Net The number of dwelling units per buildable area of land, including land used for public improvements.

- (19) Dwelling, Multi-Family A building or portion thereof designed for occupancy by 3 or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.
- (20) Dwelling, Single-Family A detached building, other than a mobile home or trailer house, designed for and occupied by not more than 1 family.
- (21) Dwelling, Two-Family (duplex) A detached building designed for and occupied by not more than 2 families living independently of each other.
- (22) Dwelling Unit A single unit providing complete independent living facilities, designed for occupancy by 1 family, and including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (23) Family An individual or 2 or more persons related by blood, marriage, legal adoption or legal guardianship living together in 1 dwelling unit using 1 kitchen and providing meals or lodging to not more than 2 additional persons, excluding servants; or a group of not more than 5 unrelated persons living together in 1 dwelling unit using 1 kitchen.
- (24) Fence, Sight-Obscuring A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.
- (25) Floor Area The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the useable area under the vertical projection of the roof or floor above.
- (26) Grade (ground level) The average elevation of the finished ground level at the centers of all walls of a building, except that if a wall is parallel to and within 5 feet (1.52 m.) of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground level.
- (27) Height of Building The vertical distance from grade on the northerly most face of the building to the highest point of the structure.
- (28) Home Occupation A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.
- (29) Junk Yard An area where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, selling, packing or bailing any scrap, waste material, junk or used equipment or machinery of any nature.
- (30) Lot A single parcel or tract of land which, at the time of application for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

- (31) Lot Area The total horizontal area within the lot lines of a lot exclusive of public and private streets and easements of access to other property.
- (32) Lot, Corner A lot abutting on 2 or more streets, other than an alley, at their intersection.
- (33) Lot, Through A lot with frontage on 2 streets which are approximately parallel.
- (34) Lot Line The property line bounding a lot.
- (35) Lot Line, Front The lot line separating the lot from a street other than an alley, and in the case of a corner lot. Either lot line may be designated as the front lot line.
- (36) Lot Line, Rear The lot line which is opposite and most distant from the front lot line.
- (37) Lot Line, Side Any lot line not a front or rear lot line.
- (38) Lot Width The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- (39) Mobile Home A factory-assembled structure constructed so as to be readily movable on streets, that has living, sleeping, cooking, eating and plumbing facilities, is intended for human occupancy; is being used for residential purposes; bears an insignia issued by the Department of Commerce of the State of Oregon, and is not designated as a “recreational vehicle” as defined in the ANSI A119.1-71 Standards, as amended.
- (40) Mobile Home Park A lot upon which 2 or more mobile homes or trailer houses occupied for living or sleeping purposes are located, regardless of whether a charge is made for such accommodation.
- (41) Nonconforming Structure or Lot A lawful existing structure or lot at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.
- (42) Nonconforming Use A lawful existing use at the time this ordinance or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.
- (43) Nursing Home Any home, place or institution which operates and maintains, facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator by blood or marriage.
- (44) Owner Any person, agent, firm or corporation having a legal or equitable interest in the property.

- (45) Parking Space An off-street enclosed or unenclosed surfaced area of not less than 180 square feet (16.72 sq. m.) in size, with minimum dimensions of 19 feet (5.79 m.) by 9 feet (2.74 m.) exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.
- (46) Passive Solar Energy System A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.
- (47) Person 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.
- (48) Planning Commission The Planning Commission of the City of Lebanon, Oregon.
- (49) Professional Office An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.
- (50) Service Station, Automobile A place or station designed and used primarily for the supply of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.
- (51) Shadow Projection The shadow projected by an object on December 21st at 44 degrees north latitude between the hours of 10 A.M. and 2 P.M.
- (52) Sign Any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.
- (53) Site Review Committee A 3-member subcommittee of the Lebanon Planning Commission empowered to review and act upon requests proposed under the Site Review provisions of this ordinance. The Vice-Chairman of the Planning Commission shall serve as the Chairman at this subcommittee.
- (54) Solar Access The availability of sunlight to a main structure or solar collector on a south wall or rooftop between the hours of 10 A.M. and 2 P.M. on December 21st at 44 degrees north latitude that allows for the operation of an active or passive solar energy system.
- (55) Solar Collector A device or combination of devices, structure or part of a device or structure that transforms direct solar energy into chemical, thermal, or electrical energy and that contributes significantly to a structure's energy supply.
- (56) Solar Easement A private or public agreement which protects the solar access of an actual or proposed solar collector or structure or which limits the obstruction of the solar access.

- (57) Solar Energy System Any device, structure, mechanism or series of mechanisms which uses solar radiation as a source for heating, cooling, or electrical energy.
- (58) Street A public right-of-way designed for motor vehicular traffic.
- (59) Structural Alteration 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.
- (60) Structure 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.
- (61) Use The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied and maintained.
- (62) Yard An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
- (63) Yard (front) A yard between side lot lines, measured horizontally at right angles from the front lot line.
- (64) Yard (rear) A yard between side lot lines, measured horizontally at right angles from the rear lot line.
- (65) Yard (side) A yard between the front and rear yard, measured horizontally at right angles from the side lot line.
- (66) Yard (street side) A yard adjacent to a street between the front yard and rear lot line, measured horizontally at right angles from the street side lot line.
- (67) Manufactured Home A single-family dwelling or structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended on August 22, 1981.
- (68) Accessory Dwelling A complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks), off-street parking and lot coverage. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.
- (69) Major Streets (arterials, collectors and highways) The following list will constitute the official listing of collectors, arterials and highways to be utilized with the Lebanon Zoning Ordinance:

Airport Road

“E” Street (from Tenth Street - East)

“F” Street (from Tenth Street - West)

Fifth Street (from Airport Road - North)

Franklin Street

Grant Street (from Main Street - East)

Highway 20 (Main Street)

Milton Street

Oak Street

Park Street/Carolina (That portion of Park Street between Elmore and Carolina, and that portion of Carolina between Park and Main Streets which are part of the one-way Highway 20 system around the downtown area.

River Road

Rose Street (between Eleventh Street and Highway 20)

Russell Lane

Second Street

Seventh Street

South Main Road

Stoltz Hill Road

Tangent Street (Highway 34)

Tenth Street (between Vaughn Lane and Walker Road)

Tenth Street (between “E” Street and “F” Street)

Tenth Street (between Oak Street and Tangent Street)

Twelfth Street (north of Airport Road)

Vaughn Lane

Walker Road

Wheeler Street

Williams Street

ARTICLE 2 - GENERAL PROVISIONS

SECTION 2.010 COMPLIANCE WITH ORDINANCE PROVISIONS

- (1) A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this ordinance permits.
- (2) No lot area, yard, off-street parking area, off-street loading area or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.
- (3) 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 ordinance.

SECTION 2.020 INTERPRETATION

Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

SECTION 2.030 SEVERABILITY

The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 2.040 ADMINISTRATION

The Planning Official shall have the power and duty to enforce the provisions of this ordinance.

SECTION 2.050 AUTHORIZATION OF SIMILAR USES

The Planning Official may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed, of a use specifically listed in another zone. The decision of the Planning Official may be appealed to the Planning Commission using procedures as spelled out in Section 2.060 of this ordinance.

SECTION 2.060 APPEALS

(1) Appeals's of Planning Official's Decision

An appeal from a ruling of the Planning Official regarding a requirement of this ordinance may be made only to the Planning Commission. Any action or ruling of the Planning Official shall become final 15 days after approval or disapproval is given, unless the decision is appealed to the Planning Commission. Written notice of the appeal shall be

filed with the Planning Official. If the appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the Planning Official and shall hold a public hearing on the appeal.

(2) Appeal to City Council

An action or ruling of the Planning Commission may be appealed to the City Council within 15 days after the Planning Commission has rendered its decision, by filing written notice with the City Recorder. If no appeal is filed within the 15 day period, the decision of the Commission shall be final. If an appeal is filed, the Council shall receive a report from the Planning Commission and a public hearing shall be held on the appeal.

SECTION 2.070 FORM OF PETITIONS, APPLICATIONS AND APPEALS

- (1) Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the City.
- (2) 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 ordinance.

SECTION 2.080 FILING FEES

- (1) Filing fees shall be paid at a rate as established in the Lebanon filing fee ordinance.

SECTION 2.090 REMEDIES

- (1) Penalty A person violating a provision of this title shall, upon conviction, be punished by the imposition of a fine of not more than \$500.00. A violation of this title shall be considered a separate offense for each day the violation continues.
- (2) Alternative Remedy In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this ordinance, the structure or land thus in violation shall constitute a nuisance. The city may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
- (3) Procedures
 - (a) Within 10 days after notification of a violation of this ordinance, the Planning Official shall notify the property owner that such a violation exists.

- (b) 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 such shall be made within 60 days.
- (c) If no action has been taken to rectify the violation within the specified time, the Planning Official shall notify the City Attorney of such.
- (d) The City Attorney shall set the date for a hearing with the person violating this ordinance and with the Planning Official to consider whether subsequent legal action should be taken to rectify the violation. If necessary, the City Attorney shall take such legal action as required to insure compliance with this ordinance.

SECTION 2.100 NOTICE OF PUBLIC HEARING

- (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City not less than 3 days nor more than 10 days prior to the date of the hearing.
- (2) A notice of hearing on a conditional use, variance, and amendment to a zoning map shall be mailed to all owners and abutting property owners, including owners of property which would be abutting if there were no intervening streets, for the property for which the conditional use or variance has been requested.
- (3) The notice of hearing shall be mailed at least 10 days prior to the date of the hearing.
- (4) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- (5) 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.

SECTION 2.110 REQUIRING PLANNED DEVELOPMENTS ON LARGE PARCELS

All proposed development of land greater than 2 acres shall be reviewed as a Planned Development utilizing the requirements and procedures outlined in the Planned Development section of this ordinance.

SECTION 2.120 NON-VIOLATION PROVISIONS

- (1) The Planning Official shall not except an application when he knows that approval of the application would cause violation of any other City ordinance.
- (2) No approval of any use permit, administrative review or other land use decision by the Planning Official, Planning Commission or City Council shall be made if that approval would result in violation of any other City ordinance.

ARTICLE 3 - ESTABLISHMENT OF ZONES

SECTION 3.010 CLASSIFICATION OF BASIC ZONES

For the purposes of this ordinance the following basic zones are hereby established:

| <u>BASIC ZONES</u> | <u>ABBREVIATED DESIGNATION</u> |
|-----------------------------|--------------------------------|
| Residential Low Density | RL |
| Residential Mixed Density | RM |
| Residential High Density | RH |
| Neighborhood Commercial | CN |
| Central Business Commercial | CB |
| Highway Commercial | CH |
| Limited Industrial | ML |
| General Industrial | MG |
| Mixed Use | MU |

SECTION 3.020 CLASSIFICATION OF SUB-ZONES

- (1) A sub-zone may be established in combination with a basic zone. The sub-zone shall establish additional requirements, standards and procedures for the use and development of property in the basic zone. In cases of conflict between the standards and requirements of the basic zone and the sub-zone, the standards and requirements of the sub-zone shall apply.
- (2) For the purposes of this ordinance the following sub-zones are hereby established:

| <u>SUB-ZONES</u> | <u>ABBREVIATED DESIGNATION</u> |
|------------------|--------------------------------|
| Aircraft Control | AC |

SECTION 3.030 LOCATION OF ZONES

The boundaries for the zones listed in this ordinance are indicated on the Lebanon 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 reference.

SECTION 3.040 ZONING MAPS

A zoning map or zoning map amendment adopted by Section 3.030 of this ordinance or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

SECTION 3.050 ZONING OF ANNEXED AREAS

All areas annexed to the City shall be placed in a zoning classification in accordance with the adopted Comprehensive Plan. If a zoning designation other than one in accordance with the Comprehensive Plan is requested by an applicant, the zoning requested shall not be granted until the plan is amended to reflect concurrence.

SECTION 3.060 ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

ARTICLE 4 - USE ZONES

SECTION 4.010 RESIDENTIAL LOW DENSITY ZONE (RL)

In a RL zone, the following regulations shall apply:

- (1) Purpose To provide areas suitable and desirable for primarily single-family use with provisions for associated public service uses, planned developments, and limited low density multi-family use under controlled conditions.
- (2) Uses Permitted Outright In an RL zone, the following uses and their accessory uses are permitted outright:
 - (a) Single-family dwelling.
 - (b) Accessory structures and uses which are in keeping with the residential character of the zone.
 - (c) Home occupations which meet the requirements as set forth in Section 5.080.
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500.
 - (a) Lots over 12,000 square feet incapable of subdivision to city standards may be allowed a density not to exceed 6,000 square feet (557.42 sq. m.), per dwelling unit based on an approved development plan.
 - (b) Two-family dwellings which meet an area requirement of 10,000 square feet
 - (c) Adult foster home for up to 2 residents.
 - (d) Accessory dwelling.
- (4) Conditional Uses Permitted In a RL zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, and after a public hearing has been held:
 - (a) Cemetery.
 - (b) Church, non-profit religious or philanthropic institution.
 - (c) Community center.
 - (d) Governmental structure or use of land, including but not limited to recreation building, park, playground, fire station, library or museum.
 - (e) Mobile home subdivision as a planned development.

- (f) Nursery school, day nursery, kindergarten, or similar facility.
 - (g) Private golf course or country club, but excluding golf driving range, miniature golf course or similar facility.
 - (h) Private non-commercial recreational club such as tennis, swimming or archery club, but excluding commercial amusement and recreation enterprise.
 - (i) Public school, and private school offering curricula similar to public school.
 - (j) Public utility facility.
 - (k) Agricultural uses subject to the following conditions and limitations:
 - (1) No retail or wholesale business, sales office shall be maintained on the premises.
 - (2) Permitted agricultural uses are limited to orchards, tree farms, tree crops, flower gardening, berry and bush crops, truck gardening, nurseries for raising and sales confined to plant materials and other similar enterprises carried on in the general field of horticulture.
 - (l) Planned developments.
 - (m) Adult foster home for up to 5 residents.
- (5) Lot Size and Width Except as provided in Article 5 and 6, the minimum lot size and width in a RL zone shall be as follows:
- (a) The minimum lot area shall be 6,000 square feet (557.42 sq. m.) for a single-family dwelling and all other uses permitted in a RL zone, except two-family dwellings shall have a lot area of 10,000 square feet (929.03 sq. m.).
 - (b) The minimum lot width shall be 60 feet (18.28 m.), except for corner lots which shall be 65 feet (19.81 m.).
 - (c) Provided, however, that the Planning Commission may require larger lot area and lot width within proposed subdivisions when determined appropriate for the neighborhood or to maintain compatibility with existing lots in the immediate area.
- (6) Yards Except as provided in Article 5 and 6, in a RL zone yards shall be as follows:
- (a) Front yards shall be a minimum of 15 feet (4.57 m.), except at garages and adjacent to arterials, collectors and highways where the minimum shall be 20 feet (6.09 m.).

- (b) Side yards shall be as follows:
 - (1) One side yard shall be a minimum of 5 feet (1.52 m.) and the total of both side yards shall be a minimum of 15 feet (4.57 m.).
- (c) Street side yards shall be a minimum of 15 feet (4.57 m.).
- (d) Rear yards shall be a minimum of 20 feet (6.09 m.).
- (e) Yards shall be landscaped as provided in Section 5.120.
- (7) Lot Coverage In a RL zone, all buildings shall not occupy more than 40 percent of the lot area. (This includes all accessory buildings)
- (8) Building Height Except as provided in Article 5 and 6, in a RL zone no building shall exceed a height of 25 feet (7.62 m.).
- (9) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.

SECTION 4.020 RESIDENTIAL MIXED DENSITY ZONE (RM)

In a RM zone, the following regulations shall apply:

- (1) Purpose To provide areas suitable and desirable for single-family, two-family and multiple-family dwellings with provisions for associated public service uses and planned developments.

- (2) Uses Permitted Outright In a RM zone the following uses and their accessory uses are permitted outright:
 - (a) Single-family dwellings.

 - (b) Accessory structures and uses which are keeping with the residential character of the zone.

 - (c) Home occupations which meet the requirements as set forth in Section 5.080.

 - (d) Residential home or residential facility.

 - (e) Family day care provider.

 - (f) Adult foster home.

- (1) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Two-family dwellings.

 - (b) Multiple-family dwelling complex less than 20 units.

 - (c) Condominium complex less than 20 units.

 - (d) Lots over 10,000 square feet (930 sq. m.) incapable of subdivision to city standards may be allowed a density not to exceed 5,000 square feet (465 sq. m.) per dwelling unit based on an approved development plan.

 - (e) Professional offices, including real estate, which abut a collector, arterial or highway.

 - (f) Accessory dwelling.

 - (g) Medical or dental clinic which abut a collector, arterial or highway.

 - (h) Public parking areas.

 - (i) Utility substation.

- (4) Conditional Uses Permitted In a RM zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, and after a public hearing has been held.
- (a) Manufactured dwelling parks that conform with Section 6.080.03.
 - (b) Zero lot line dwellings.
 - (c) Multiple-family dwellings with 20 or more units.
 - (d) Condominium complex with 20 or more units.
 - (e) Conversions of an existing single-family dwelling into two-family, condominium, or multi-family dwellings.
 - (f) Boarding, lodging or rooming houses.
 - (g) Fraternal club or lodge.
 - (h) Hospital or nursing home.
 - (i) Religious assembly.
 - (j) Day nursery.
 - (k) Public or private schools or college.
 - (l) Community center.
 - (m) Governmental structure or use of land including , but not limited to, recreation building, park, playground, fire station, or museum.
 - (n) Harvest of forest products.
 - (o) All other uses not listed above and listed as conditional uses in the RL zone.
- (5) Lot Size and Width Except as provided in Article 5 and 6, the minimum lot size and width in a RM zone shall be as follows:
- (a) The minimum lot area shall be 5,000 square feet (465 sq. m.) for interior single-family dwelling lots and 6,000 square feet (557.42 sq. m.) for corner lots.
 - (b) The minimum lot area shall be 9,000 square feet (836 sq. m.) for two-family dwellings.
 - (c) The minimum lot area shall be 11,000 square feet (1,022 sq. m.) for condominiums and multiple-family dwellings.

- (d) The minimum lot width shall be 50 feet (15.25 m.) for single-family dwelling lots except for corner lots which shall be 60 feet (18.25 sq. m.).
- (e) The minimum lot width shall be 70 feet (21.34 m) for condominiums, two-family and multi-family dwellings.

(6) Minimum Site Areas and Density Bonuses for Multi-Family Dwellings

- (a) The minimum site area per dwelling unit shall be as described in Table 4-1 for all multiple-family dwellings and condominiums as defined in Section 1.040.
- (b) **Private Outdoor Space Density Bonus - 5%.** Minimum required site areas per dwelling unit (Table 4-1) may be reduced by five percent where multiple-family developments include decks, patios, balconies or similar private outdoor space (not located in a required yard) with a minimum dimension of 10 feet (3.05 m.) and a minimum area of 150 square feet (45.72 m.) for each unit proposed. Each space must be designed to be private for the exclusive use of occupants of one dwelling unit. This density bonus will be determined based on the actual number of units with a qualifying private outdoor space.
- (c) **On-Site Recreation Density Bonus - 5%.** Minimum required site areas per dwelling unit (Table 4-1) may be reduced by five percent where multiple-family developments include improved recreational areas and equipment comprising a minimum total area of 900 square feet (83.61 sq. m.) for each multiple-family dwelling site and 25 square feet (2.3 sq. m.) per dwelling unit, which ever is greater. Recreation improvements and equipment may include children's play equipment, indoor or outdoor sport courts, swimming pools, furnished "rec rooms" or similar amenities available to all residents of the development without additional special fees. Provision of qualifying recreation amenities is a permanent long-term commitment for the life of the development.
- (d) **Affordable Housing Density Bonus - 10%.** The number of permitted dwelling units allowed by the minimum site area requirements may be increased by ten percent provided that half of these additional units are available at no cost to qualifying households for a minimum of five years. The no cost units must be similar in the floor area and number of bedrooms to the other half number of units and may be provided off-site. The developer is required to enter into a legally enforceable, assignable contract with a local, regional and/or state housing agency who will assume all responsibility for identifying, placing and managing the qualifying household. In the circumstance of off-site units, the developer will provide agency determined equivalent rent payments and the agency will assume all other responsibilities.
- (e) The maximum site area reduction shall be twenty percent of all combined density bonuses.

- (f) Site area reduction bonuses are subject to approval by the Planning Official and/or Planning Commission. Developments qualifying for the above density bonuses must comply with all other applicable development and improvement standards and codes required by the City of Lebanon and the requirements of this zone including setbacks, parking, open space, etc.

(g) **TABLE 4-1
SITE AREA PER DWELLING UNIT**

| <u>Unit Type</u> | <u>Minimum Standard</u> | <u>With 10% Density Bonus</u> | <u>With 15% Density Bonus</u> | <u>With 20% Density Bonus</u> |
|------------------|-------------------------|-------------------------------|-------------------------------|-------------------------------|
| Studio | 1,100 sq. ft. | 1,000 sq. ft. | 940 sq. ft. | 884 sq. ft. |
| One Bedroom | 1,550 sq. ft. | 1,400 sq. ft. | 1,320 sq. ft. | 1,244 sq. ft. |
| Two Bedroom | 2,000 sq. ft. | 1,800 sq. ft. | 1,700 sq. ft. | 1,604 sq. ft. |
| Three Bedroom | 2,425 sq. ft. | 2,180 sq. ft. | 2,060 sq. ft. | 1,940 sq. ft. |
| Four or More | 2,750 sq. ft. | 2,480 sq. ft. | 2,340 sq. ft. | 2,204 sq. ft. |

- (7) Yards Except as provided in Articles 5 and 6, in an RM zone the yard requirements shall be as follows:

- (a) Front Yards:

- (1) Front yards shall be a minimum of 10 feet (3.05 m.) except at garages and adjacent to arterials, collectors and highways where the minimum shall be 20 feet (6.09 m.) except as identified in Section 5.110.
- (2) For corner lots, where the street side yard is 10 feet (3.05 m.), the minimum front yard setback shall be 15 feet (4.57 m.). Where the street side yard is 15 feet or more, the front yard setback shall be a minimum of 10 feet. The development of all corner lots is subject to the clear zone requirements of Section 5.030.

- (b) Side yards shall be a minimum of 5 feet (1.52 m.) for all dwellings, except zero lot line dwellings which are allowed a zero setback along one property line.

- (c) Street side yards shall be a minimum of 15 feet (4.57 m.) where the front setback is less than 15 feet (4.57 m.); where the front yard setback is 15 (4.57 m.) feet or more, the minimum street side yard shall be 10 feet (3.05 m.).

- (d) Rear yards shall be a minimum of 20 feet (6.09 m.) for dwellings and a minimum of 10 feet (3.05 m.) for all other uses except as allowed in Section 5.010(2).

- (e) All garage doors and vehicle access openings shall be setback at least 20 feet (6.09 m.) from the closest adjacent property line.

- (f) Yards shall be landscaped as provided in Section 5.120.

- (8) Lot Coverage In a RM zone all buildings shall not occupy more than 60 percent of the lot area.
- (9) Open Space In a RM zone, multiple-family dwellings shall be provided with open space at the rate indicated in Table 4-2. The open space shall be designed and dedicated for active use by residents of the development. Such open space shall not occupy a required yard or parking area, driveway, storage, or similar area, must be usable year round, and must provide a minimum dimension of 10 feet (3.05 m.). Qualifying open space does not include storm water detention basin areas, identified wetland areas, or private outdoor space {as described in Section 4.020(6)(b)}.

TABLE 4-2

| <u>Number of Dwelling Units</u> | <u>Minimum Required Open Space</u> |
|---------------------------------|--|
| 1-10 | 300 square feet per unit |
| 11-16 | 225 square feet for each unit after the first 10 units |
| 17+ | 150 square feet for each unit after the first 16 units |

- (10) Building Height Except as provided in Article 5 and 6, in a RM zone no building shall exceed three stories or a height of 40 feet (12.2 m.). Any structure taller than 30 feet or two stories shall be reviewed by the Planning Commission as a Conditional Use.
- (11) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030 requiring a 20 foot (6.09 m.) clear vision triangle at intersections.

SECTION 4.030 RESIDENTIAL HIGH DENSITY ZONE (RH)

In a RH zone the following regulations shall apply:

- (1) Purpose To provide areas suitable and desirable for multi-family dwellings, with provisions for associated public service uses, in close proximity to the downtown area of the city.

- (2) Uses Permitted Outright In a RH zone the following uses and their accessory uses are permitted outright:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Accessory structures and uses which are in keeping with the residential character of the zone.
 - (d) Home occupations which meet the requirements as set forth in Section 5.080.
 - (e) Residential home or residential facility.
 - (f) Family day care provider.
 - (g) Adult foster home.

- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Multiple-family dwelling complex less than 20 units.
 - (b) Condominium complex less than 20 units.
 - (c) Professional and real estate offices.
 - (d) Accessory dwelling.
 - (e) Medical or dental clinic.
 - (f) Public parking areas.

- (4) Conditional Uses Permitted In a RH zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6 and after a public hearing has been held:
 - (a) Multiple-family dwellings with 20 or more units.
 - (b) Zero lot line dwellings.

- (c) Condominiums with over 20 units.
 - (d) Conversions of an existing single-family dwelling into two-family, condominium, or multiple-family dwellings.
 - (e) Boarding, lodging or rooming houses.
 - (f) Fraternal club or lodge.
 - (g) Hospital, nursing home, or residential facility.
 - (h) Religious assembly.
 - (i) Public or private school.
 - (j) Utility substations.
 - (k) Governmental structure or use of land including, but not limited to, recreation building, park, playground, fire station, library or museum.
 - (l) Cemetery.
 - (m) Community center.
 - (n) Day nursery.
 - (o) Planned developments.
- (5) Lot Size and Width Except as provided in Article 5 and 6, the minimum lot size and width in a RH zone shall be as follows:
- (a) The minimum lot area shall be 5,000 square feet (464.5 sq. m.) for interior single-family dwelling lots and 6,000 square feet (557.42 sq. m.) for corner lots.
 - (b) The minimum lot area shall be 9,000 square feet (836.1 sq. m.) for two-family dwellings.
 - (c) The minimum lot area shall be 11,000 square feet (1,022 sq. m.) for condominiums and multiple family dwellings.
 - (d) The minimum lot width shall be 50 feet (15.24 m.) for single-family dwelling lots, except for corner lots which shall be 60 feet (18.28 m.).
 - (e) The minimum lot with shall be 70 feet (21.37 m.) for two-family dwellings, condominiums and multi-family dwellings.

(6) Minimum Site Areas and Density Bonuses for Multi-Family Dwellings

- (a) The minimum site area per dwelling unit shall be as described in Table 4-3 for all multiple-family dwellings.
- (b) **Private Outdoor Space Density Bonus - 5%.** Minimum required site areas per dwelling unit (Table 4-3) may be reduced by 5 percent where multiple-family developments include decks, patios, balconies or similar private outdoor space (not located in a required yard) with a minimum dimension of 10 feet (3.05 m.) and a minimum area of 150 square feet (45.72 m.) for each unit proposed. Each space must be designed to be private for the exclusive use of occupants of one dwelling unit. This density bonus will be determined based on the actual number of units with a qualifying private outdoor space.
- (c) **On-Site Recreation Density Bonus - 5%.** Minimum required site areas per dwelling unit (Table 4-3) may be reduced by 5 percent where multiple-family developments include improved recreational areas and equipment comprising a minimum total area of 900 square feet (83.6 sq. m.) for each multiple-family dwelling site and 25 square feet per dwelling unit, which ever is greater. Recreation improvements and equipment may include children's play equipment, indoor or outdoor sport courts, swimming pools, furnished "rec rooms" or similar amenities available to all residents of the development without additional special fees. Provision of qualifying recreation amenities is a permanent long-term commitment for the life of the development.
- (d) **Affordable Housing Density Bonus - 10%.** The number of permitted dwelling units allowed by the minimum site area requirements may be increased by 10 percent provided that half of these additional units are available at no cost to qualifying households for a minimum of 5 years. The no cost units must be similar in the floor area and number of bedrooms to the other half number of units and may be provided off-site. The developer is required to enter into a legally enforceable, assignable contract with a local, regional and/or state housing agency who will assume all responsibility for identifying, placing and managing the qualifying household. In the circumstance of off-site units, the developer will provide agency determined equivalent rent payments and the agency will assume all other responsibilities.
- (e) The maximum site area reduction shall be 20 percent for all combined density bonuses.
- (f) Site area reduction density bonuses are subject to approval by the Planning Official and/or Planning Commission. Developments qualifying for the above density bonuses must comply with all other development and improvement standards and codes required by the City of Lebanon and the requirements of this zone including setbacks, parking, etc.

(g)

TABLE 4-3

SITE AREA PER DWELLING UNIT

| <u>Unit Type</u> | <u>Minimum Standard</u> | <u>With 10% Density Bonus</u> | <u>With 15% Density Bonus</u> | <u>With 20% Density Bonus</u> |
|------------------|-------------------------|-------------------------------|-------------------------------|-------------------------------|
| Studio | 1100 sq. ft. | 1000 sq. ft. | 940 sq. ft. | 884 sq. ft. |
| One Bedroom | 1550 sq. ft. | 1400 sq. ft. | 1320 sq. ft. | 1244 sq. ft. |
| Two Bedroom | 2000 sq. ft. | 1800 sq. ft. | 1700 sq. ft. | 1604 sq. ft. |
| Three Bedroom | 2425 sq. ft. | 2180 sq. ft. | 2060 sq. ft. | 1940 sq. ft. |
| Four or More | 2750 sq. ft. | 2480 sq. ft. | 2340 sq. ft. | 2204 sq. ft. |

(7) Yards Except as provided in Article 5 and 6, in a RH zone the yard requirements shall be as follows:

(a) Front Yards:

- (1) Front yards shall be a minimum of 10 feet (3.05 m.) except at garages and adjacent to arterials, collectors and highways where the minimum shall be 20 feet (6.09 m.) except as identified in Section 5.110.
- (2) For corner lots, where the street side yard is 10 feet (3.05 m.), the minimum front yard setback shall be 15 feet (4.57 m.). Where the street side yard is 15 feet or more, the front yard setback shall be a minimum of 10 feet. The development of all corner lots is subject to the clear zone requirements of Section 5.030.

(b) Side yards shall be a minimum of 5 feet (1.52 m.) for all dwellings, except zero lot line dwellings which are allowed a zero setback along one property line.

(c) Street side yards shall be a minimum of 15 feet (4.57 m.) where the front setback is less than 15 feet (4.57 m.); where the front yard setback is 15 feet or more, the minimum street side yard shall be 10 feet (3.05 m.).

(d) Rear yards shall be a minimum of 20 feet (6.09 m.) for dwellings, and a minimum of 10 feet (3.05 m.) for all other uses except as allowed in Section 5.010(2).

(e) All garage doors and vehicle access openings shall be setback at least 20 feet (6.09 m.) from the closest adjacent property line.

(f) Yards shall be landscaped as provided in Section 5.120.

(8) Building Height Except as provided in Article 5 and 6, in a RH zone, no building shall exceed three stories or a height of 40 feet (12.2 m.). Any structure taller than 30 feet or 2 stories shall be reviewed by the Planning Commission as a Conditional Use.

(9) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030.

- (10) Lot Coverage In a RH zone, all buildings shall not occupy more than 60 percent of the lot area.
- (11) Open Space In a RH zone, multiple-family dwellings and condominiums shall be provided with open space at the rate indicated in Table 4-4. The open space shall be designed and dedicated for active use by residents of the development. Such open space shall not occupy a required yard or parking area, driveway, storage or similar area, must be useable year round, and must provide a minimum dimension of 10 feet (3.05 m.). Qualifying open space does not include storm water detention basin areas, identified wetland areas, or private outdoor space {as described in Section 4.030(6)(b)}.

TABLE 4-4

| Number of Dwelling Units | Minimum Required Open Space |
|--------------------------|--|
| 1-10 | 300 sq. ft. per unit |
| 11-16 | 225 sq. ft. for each unit after the first 10 units |
| 17+ | 150 sq. ft. for each unit after the first 16 units |

SECTION 4.110 NEIGHBORHOOD COMMERCIAL ZONE, CN

In the CN zone, the following regulations shall apply:

- (1) Purpose To enhance the livability of residential areas by providing for small neighborhood shopping clusters to serve the frequent recurring needs for residents.
- (2) Uses Permitted Outright None.
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Grocery store, delicatessen, meat market or bakery.
 - (b) Barber shop and beauty shop.
 - (c) Drug, sundry, hobby and gift store.
 - (d) Laundromats.
 - (e) Coffee shops.
- (4) Uses Permitted in Accordance with Site Review Procedures Section 5.300
 - (a) Service station.
- (5) Yards Except as provided in Article 5 and 6, in a CN zone yards shall be as follows:
 - (a) Front yards and street side yards shall be a minimum of 10 feet (3.05 m.).
 - (b) Front yards or street side yards abutting a residential zone shall be 20 feet (6.09 m.).
 - (c) Side yards abutting a residential zone shall be 10 feet (3.05 m.).
 - (d) Rear yards abutting a residential zone shall be 20 feet (6.09 m.).
 - (e) Yards shall be landscaped as provided in Section 5.120.
- (6) Building Height Except as provided in Articles 5 and 6, in a CN zone no building shall exceed a height of 25 feet (7.62 m.).
- (7) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030; A 20 foot (6.09 m.) triangle at intersections.

SECTION 4.120 CENTRAL BUSINESS COMMERCIAL ZONE (CB)

In the CB zone the following regulations shall apply:

- (1) Purpose To preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper.
- (2) Uses Permitted Outright None.
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Dwelling units, provided the units are located above any uses permitted in the zone.
 - (b) Fraternal club or lodge.
 - (c) Hospital or nursing home.
 - (d) Medical or dental clinic.
 - (e) Parking lots, provided a 5 foot (1.5 m.) landscape strip is placed along street property lines.
 - (f) Retail trade establishments such as food store, drug store, hardware store, furniture store, clothing store, or department store and similar retail stores catering to foot traffic.
 - (g) Business, governmental or professional office and financial institutions.
 - (h) Service commercial and commercial amusement establishments such as *motel*, hotel, restaurant, tavern, club, lodge, fraternal organization and theater, excluding drive-in restaurants, automobile sales, service and gas stations.
 - (i) Personal and business service such as barber shop, tailoring shop and printing shop.
 - (j) Business or trade schools.
 - (k) Laundry and dry cleaning establishments.
 - (l) Funeral home.
 - (m) Second-hand goods stores.

- (4) Uses Permitted in Accordance with Site Review Procedures Section 5.300
- (a) Motels.
 - (b) All uses listed in the Highway Commercial (CH) zone that are not included in 4.120(3)(a-m) above.
 - (c) Transportation and transit-related facilities.
- (5) Limitations on Use Except as provided in Articles 5 and 6 all business, service, repair, processing, storage, or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows and display of merchandise along the outside wall of the building not more than 3 feet (0.91 m.) from the wall and where not located on a public sidewalk or right-of-way.
- (6) Yards Except as provided in Articles 5 and 6, in a CB zone no yards are required except as follows:
- (a) Front yards or street side yards abutting a residential zone shall be 20 feet (6.09 m.).
 - (b) Side yards abutting a residential zone shall be 10 feet (3.05 m.).
 - (c) Rear yards abutting a residential zone shall be 20 feet (6.09 m.).
 - (d) Where yards are required, 1 foot (0.30 m.) may be added for each foot by which the height of a building exceeds 45 feet (13.72 m.).
 - (e) Yards shall be landscaped as provided in Section 5.120.
- (7) Building Height Except as provided for in Articles 5 and 6, in a CB zone no building shall exceed a height of 75 feet (22.86 m.).
- (8) Clear Vision Area A clear vision area shall be provided with the same requirements as in Section 5.030 except for the following:
- (a) No clear vision area is required at intersections with alleys.
 - (b) The clear vision triangle dimensions shall be 7 feet (2.13 m.) rather than 20 feet (6.09 m.) as required in all other zones.

SECTION 4.130 HIGHWAY COMMERCIAL (CH)

In the CH zone the following regulations shall apply:

- (1) Purpose To provide areas suitable and desirable for a wide range of auto-oriented commercial and business uses in compact clusters adjacent to major thoroughfares.
- (2) Uses Permitted Outright None.
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Auction house.
 - (b) Automobile, boat, trailer, or truck rental and sales.
 - (c) Automobile repair garage.
 - (d) Automobile, truck or vehicles service station.
 - (e) Business or trade school.
 - (f) Dairy products processing plant with retail sales.
 - (g) Farming or logging materials, implements or machinery sales and service.
 - (h) Laundry or dry cleaning distribution station.
 - (i) Mobile home sales.
 - (j.) Monument sales.
 - (k) Retail building materials, lumber supply and hardware sales.
 - (l) Second hand goods store.
 - (m) Professional offices.
 - (n) Drive-in restaurant.
 - (o) Grocery and retail sales of convenience items.
 - (p) Hotels, motels, motor hotels and tourist courts.
 - (q) Animal hospital with enclosed boarding areas for convalescent use.
 - (r) Funeral homes.

- (s) Permanent site built “mini” storage warehouses.
 - (t) All uses listed in the CB zone under “uses permitted” in accordance with site review procedures.
- (4) Uses Permitted in Accordance with Site Review Procedures Section 5.300
- (a) Service stations and truck repair facilities.
- (5) Conditional Uses Permitted In the CH zone the following uses and their accessory uses may be permitted subject to the provisions of Article 6, and after a public hearing has been held.
- (a) Mobile home park.
 - (b) Non-site built “mini” storage warehouses.
- (6) Limitation on Use Except as provided in Article 5 and 6, all businesses, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:
- (a) Off-street parking or loading.
 - (b) Drive-in windows.
 - (c) Nursery plants, shrubs or trees.
 - (d) Displays of new or used automobiles, trailers, trucks, boats or other mobile equipment.
- (7) Yards Except as provided in Article 5 and 6, in a CH zone yards shall be as follows:
- (a) Front yards and street side yards shall be a minimum of 10 feet (3.05 m.).
 - (b) Front yards or street side yards abutting a residential zone shall be 20 feet (6.09 m.).
 - (c) Side yards abutting a residential zone shall be 20 feet (6.09 m.).
 - (d) Rear yards abutting a residential zone shall be 20 feet (6.09 m.).
 - (e) Yards shall be landscaped as provided in Section 5.120.
- (8) Building Height Except as provided in Article 5 and 6, in a CH zone no building shall exceed a height of 45 feet (13.72 m.).
- (9) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.

SECTION 4.210 LIMITED INDUSTRIAL ZONE (ML)

In a ML zone the following regulations shall apply:

- (1) Purpose To provide areas suitable for limited manufacturing which will help support the economic base of the community and surrounding area, and to provide areas suitable for limited manufacturing, warehousing and similar activities which have a minimal effect on the surrounding areas of the community.
- (2) Uses Permitted Outright None.
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Use involving limited manufacturing, compounding, processing, packaging, treatment or storage which complies with the limitations provided herein.
 - (b) General warehouses.
 - (c) Research laboratories.
 - (d) Storage buildings, including “mini” storage.
 - (e) Wholesale business salesrooms distributor outlet.
 - (f) Painting, plumbing, heating, electrical, metal or wood working shops, storage or repairs.
 - (g) Offices
 - (h) Radio and television transmitter.
 - (i) Service stations and truck repair facilities.
 - (j) Dwelling for caretaker or watchman employed on the premises and trailers for temporary offices (6 months).

Any uses involving more than 2-1/2 acres shall be reviewed by the full Planning Commission.

- (4) Uses Permitted in Accordance with Site Review Procedures Section 5.300
 - (a) Feed and seed warehouses and retail outlets.
 - (b) Implement and equipment sales, service and storage.
 - (c) Lumber and building materials sales and storage.

- (d) Restaurants, not to include “drive-in” or “fast foods restaurants”.
 - (e) Freight depots and truck terminals.
 - (f) Kennels and animal hospitals with unenclosed run.
- (5) Conditional Uses Permitted In the ML zone the following uses may be permitted when authorized in accordance with Article 6, and after public hearing has been held.
- (a) Railroad tracks and facilities necessary to serve other permitted uses.
 - (b) Commercial feed lots and auction yards.
 - (c) Quarry, gravel pit, surface mining, including the crushing, screening or washing of extracted materials. All applications shall be accompanied by a detailed reclamation plan and guarantee that the site will be restored to a natural state.
 - (d) Wrecking yards and junk yards.
- (6) Limitations on Use Except as provided in Article 5 and 6, the following limitations shall apply:
- (a) All service, repair, fabrication or processing shall be conducted wholly within an enclosed building unless otherwise specified by the Planning Commission.
 - (b) Open storage of materials or products may be allowed when natural or artificial screening can be provided to obscure from view at eye-level from the property line. Such storage shall not be permitted in required yards.
 - (c) Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for termination of a conditional use.
 - (d) All 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.
- (7) Yards Except as provided in Article 5 and 6, in a ML zone yards shall be as follows:
- (a) Front yards and street side yards shall be 20 feet (6.09 m.) unless otherwise specified by the Planning Commission.

- (b) Other yards shall be a minimum of 20 feet (6.09 m.) Where the lot abuts a residential zone.
 - (c) Yards shall be landscaped as provided in Section 5.120.
- (8) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.
- (9) Lot Coverage In a ML zone a building shall not occupy more than 50 percent of the lot area.

SECTION 4.230 GENERAL INDUSTRIAL ZONE (MG)

In a MG zone the following regulations shall apply:

- (1) Purpose To provide areas suitable for general manufacturing and related activities which are potentially incompatible with most other uses and characteristically distant or buffered from residential areas.
- (2) Uses Permitted Outright None.
- (3) Uses Permitted in Accordance with Administrative Review Procedures Section 5.500
 - (a) Uses involving limited manufacturing, compounding, processing, packaging, treatment or storage which complies with the limitations provided herein.
 - (b) General warehouses.
 - (c) Research laboratories.
 - (d) Storage buildings, including “mini” storage.
 - (e) Wholesale business salesrooms distributor outlet.
 - (f) Painting, plumbing, heating, electrical, metal or wood working shops, storage or repairs.
 - (g) Offices.
 - (h) Radio and television transmitter.
 - (i) Service stations and truck repair facilities.
 - (j) Dwelling and caretaker or watchman employed on the premises and trailers for temporary offices (6 months).
 - (k) Feed and seed warehouses and retail outlets.
 - (l) Implement and equipment sales, service and storage.
 - (m) Lumber and building materials sales and storage.
 - (n) Restaurants, not to include “drive-in” or “fast foods restaurants”.
 - (o) Freight depots and truck terminals.
 - (p) Kennels and animal hospitals with unenclosed run.

Any uses involving more than 2-1/2 acres shall be reviewed by the full Planning Commission.

- (4) Uses Permitted in Accordance with Site Review Procedures Section 5.300
 - (a) Industrial uses and their accessory uses provided they meet the standards of the State of Oregon Department of Environmental Quality.
- (5) Conditional Uses Permitted In the MG zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 6, and after a public hearing has been held.
 - (a) Rendering plants and slaughter houses.
 - (b) Quarry , gravel pit, surface or subsurface mining, including the crushing, screening or washing of extracted materials. All applications shall be accompanied by a detailed reclamation plan and guarantee that the site will be restored to a natural state.
 - (c) Wrecking yards and junk yards.
 - (d) Railroad tracks and facilities necessary to serve other permitted uses.
 - (e) Commercial feed lots and auction yards.
- (6) Limitation on Use All conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and 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.
- (7) Yards Except as provided in Articles 5 and 6, in a MG zone yards shall be as follows:
 - (a) Front yards and street side yards shall be 20 feet (6.09 m.) unless otherwise specified by the Planning Commission.
 - (b) Other yards shall be a minimum of 30 feet (9.14 m.) where the lot abuts a residential zone.
 - (c) Yards shall be landscaped as provided in Section 5.120.
- (8) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.

SECTION 4.310 MIXED USE ZONE (MU)

In a MU zone the following regulations shall apply:

- (1) Purpose The purpose of a MU zone is to recognize areas that possess potential for several types of land use (residential, commercial, industrial) or combinations of different land uses. It is further intended to achieve an environment in which different land uses can co-exist by providing building groupings for privacy, usable and attractive open spaces, safe circulation and the general well being of the inhabitants.

- (2) Outright Permitted Uses None.

- (3) Conditional Uses Permitted In the MU zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 6 or Section 5.300, whichever is applicable. There are no outright permitted uses in this zone.
 - (a) Single-family and two family dwellings.

 - (b) Accessory buildings and uses which are in keeping with the residential character of the zone in accordance with Article 4.030.

 - (c) Triplex.

 - (d) Church.

 - (e) Governmental structure of land use including but not limited to a public park, playground, recreation building, fire station, library or museum.

 - (f) Public or private school or college, including business or trade school.

 - (g) Multiple-family dwellings (four-plex or larger).

 - (h) Boarding, lodging or rooming house.

 - (i) Hospital or nursing home.

 - (j) Medical or dental clinic

 - (k) Retail trade establishment such as food store, drug store, hardware store, furniture store, clothing store or department stores and similar retail stores catering to foot traffic.

 - (l) Business, governmental or professional office and financial institutions.

 - (m) Service commercial and commercial amusement establishment such as hotel, motel, motor hotel, tourist court, restaurant, tavern, club, lodge, fraternal organization, theater and drive-in restaurants.

- (n) Personal and business service such as barber shop, tailoring shop and printing shop.
- (o) Public parking areas. Parking lots, provided that a 5 foot (1.5 m.) landscape strip is placed along front property lines.
- (p) Agricultural uses subject to the conditions and limitations provided herein.
 - (1) No retail or wholesale business sales office shall be maintained on the premises.
 - (2) Orchards, tree farms, tree crops, flower gardening, berry and bush crops, truck gardening, nurseries for raising and sales confined to plant materials and other similar enterprises carried on in the general field of horticulture.
- (q) Mobile home park.
- (r) Mobile home sales.
- (s) Automobile, boat, trailer or truck rental sales, automobile and truck repair facilities, automobile truck or vehicles service station.
- (t) Laundry or dry cleaning establishment including auto laundry, self service laundry, laundry or dry cleaning distribution station.
- (u) Funeral home.
- (v) Monument sales.
- (w) Dairy products processing plant and retail sales.
- (x) Farming or logging materials, implements or machinery sales and service.
- (y) Retail building materials, lumber supply and hardware sales and storage.
- (z) Second-hand goods store.
- (aa) Auction house.
- (ab) Animal hospital with enclosed boarding areas for convalescent use.
- (ac) Feed and seed warehouses and retail outlets.
- (ad) Freight depots and truck terminals.
- (ae) General warehouses.

- (af) Research laboratories.
- (ag) Storage building for household goods.
- (ah) Wholesale business salesrooms distributor outlet.
- (ai) Radio and television transmitter.
- (aj) Utility substation.
- (ak) Dwelling for caretaker or watchman employed on the premises and trailers for temporary offices (6 months).

(4) Lot Sizes

(a) Lot sizes for residential land uses shall be as required in Sections 4.010 and 4.020.

(b) **There shall be no minimum lot size for other uses.**

(5) Yard Requirements Yards shall be required as if the use proposed was in the RL, RM, CN, CB, CH, ML or MG zone. The placement of the use in a zone with respect to yard requirements shall be by the Planning Official.

(6) Clear Vision Area A clear vision area shall be maintained as provided in Section 5.030. A 20 foot (6.09 m.) triangle at intersections.

SECTION 4.311 PROCEDURES FOR PRELIMINARY APPROVAL IN THE MU ZONE

The applicant shall submit at least 5 copies of a preliminary development plan to the Planning Commission for approval of the project in principle. The plan shall be submitted to the Planning Official at least 30 days prior to the Planning Commission meeting at which time the proposal shall be first discussed. The proposal shall consist of a preliminary plan in schematic fashion with considerations given to the following elements:

(1) Elements of the Plan

- (a) Vicinity map showing location of streets and lots in the area within 300 feet (91.4 m.) of the proposed development.
- (b) Existing land use.
- (c) Vehicular and pedestrian access, circulation and parking pattern. Status of street ownership.
- (d) Parks, playgrounds and open space.
- (e) Existing natural features such as trees, streams and topography.
- (f) Proposed method for provision of water supply for domestic and fire flow purposes.

(2) Planning Commission Review of Preliminary Development Plan

- (a) The Planning Commission shall review the preliminary development plan and program and may either grant preliminary approval in principle, with or without modifications or denial. Such action shall be based upon the following:
 - (1) The Lebanon Comprehensive Plan.
 - (2) The standards of this ordinance and other regulations.
 - (3) The suitability of the proposed development in relation to the physical characteristics of the area and the development characteristics of the neighborhood.
- (b) Approval in principle of the preliminary development plan and program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationship and shall not be construed to endorse the precise location of uses nor engineering feasibility.
- (c) Review of the preliminary development plan and program shall be held at a regular Planning Commission meeting and requires a public hearing.

- (d) Upon approval of the preliminary development plan by the Planning Commission of a proposed use in the MU zone, the Planning Commission shall specify whether the final development plans are to be reviewed by the Site Review Committee or the full Planning Commission.

The guidelines of the site review procedure (Section 5.300-5.380) would govern when final plans are reviewed by the Site Review Committee and the conditional use procedures Section 6.010-6.070) would govern when reviewed again by the full Planning Commission.

SECTION 4.410 PLANNED DEVELOPMENT

SECTION 4.411 PURPOSE OF THE PLANNED DEVELOPMENT

The purpose of the Planned Development is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The PD is intended to be used to encourage the application of new techniques and new technology, such as solar energy, development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economics in land development, maintenance, street systems and utility net works while providing building groupings for privacy, useable and attractive open spaces, safe circulation and the general well being of the inhabitants.

SECTION 4.412 ESTABLISHMENT OF A PD IN COMBINATION WITH A BASIC ZONE

A PD may be established in combination with any basic zone. In cases of conflict between standards of the basic zone and the PD, the standards of the PD shall apply.

SECTION 4.413 PROCEDURE FOR PRELIMINARY APPROVAL

The applicant shall submit at least 10 copies of a preliminary development plan to the Planning Commission for approval of the project in principle. The plan shall be submitted to the Planning Official at least 30 days prior to the Planning Commission meeting at which time the proposal shall be first discussed. The proposal shall consist of the preliminary plan in schematic fashion and a written program with consideration given to the following elements:

- (1) Elements of the Plan
 - (a) Vicinity map showing location of streets and lots in the area within 300 feet (91.44 m.) of the proposed development.
 - (b) Existing land uses.
 - (c) Proposed land uses including housing unit densities (number of units per acre, type of residence and number of bedrooms by type of residence).
 - (d) Building types and approximate bulk.

- (e) Vehicular and pedestrian access, circulation, and parking pattern. Status of street ownership.
- (f) Parks, playgrounds and open spaces.
- (g) Existing natural features such as trees, streams and topography.
- (h) Landscaping, screening and fencing proposals.
- (i) Proposed method of solid waste disposal.
- (j) Proposed method for provisions of water supply and sewage disposal.
- (k) Proposed method for the handling of surface water drainage.
- (l) Proposed grading patterns.
- (m) Street and open space lighting proposals.
- (n) A shadow projection, if the developer is taking advantage of the solar density bonus.

(2) Elements of the Program

- (a) Proposed ownership patterns.
- (b) Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.
- (c) Commercial facilities such as shopping, community facilities such as schools or parks.
- (d) Time table of the development, to include expected starting dates, projection of completion time and project phasing, if anticipated.
- (e) Method of public improvements financing, if any.
- (f) The proposal shall be prepared by two or more persons with professional qualifications in such design related fields as Architecture, Landscape Architecture, Urban Planning and Civil Engineering.

(3) Planning Commission Review of Preliminary Development Plan

- (a) The Planning Commission shall review the Preliminary Development Plan and Program and may recommend and may recommend either preliminary approval in principle, with or without modifications or denial. Such action shall be based upon the Lebanon Comprehensive Plan, the standards of this ordinance and other regulations.

- (b) Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility. The Planning Commission may require the submission of other information than that specified for submittal as part of the General Development Plan and Program.
- (c) Informal review of the Preliminary Development Plan and Program shall be held at a regular Planning Commission meeting and requires a public hearing.
- (d) The Planning Commission shall review and may recommend expansion, additions or modifications in the proposed design team for the preparation of the General Development Plan and Program.
- (e) The Planning Commission shall determine the extent of an environmental assessment to be included in the General Development Plan and Program.

SECTION 4.414 GENERAL DEVELOPMENT PLAN AND PROGRAM

- (1) After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall have a General Development Plan and Program prepared by the professional design team.
- (2) Ten copies of the General Development Plan and Program shall be submitted to the Building and Planning Official at least 30 days prior to the date of the public hearing.
- (3) Upon receipt of the General Development Plan and Program the Planning Commission shall hold a public hearing where the applicant shall present his General Development Plan and Program.
- (4) The General Development Plan and Program shall contain the following elements:
 - (a) Plan Elements
 - (1) General Development Plan in conformance with the approved preliminary plan.
 - (2) Existing and proposed contour map of the site to a scale commensurate with the size of the development.
 - (3) Location, widths and names of all existing or platted streets or other public ways, railroad and utility right-of-way, parks, or other public open spaces and land uses within 300 feet (91.44 m.) of the development.
 - (4) Existing sewers, water mains and other underground facilities within and adjacent to the development.

- (5) Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.
- (6) Proposed system for the handling of storm drainage.
- (7) A preliminary subdivision plan if the property is proposed to be subdivided.
- (8) A land use plan indicating the uses planned for the development.
- (9) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.
- (10) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
- (11) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
- (12) Location and dimensions of bikeways, pedestrian walkways, malls, trails or easements.
- (13) Location, arrangement, number and dimensions of automobile garages and parking spaces, width or aisles, bays or angle of parking.
- (14) Location, arrangement and dimensions of truck loading and unloading spaces, if any.
- (15) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- (16) A preliminary tree planting and landscaping plan. All existing trees over 6 inches (.15 m.) in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- (17) The approximate location, height, materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (18) The stages, if any, of development construction. Such stages shall be clearly marked on the General Development Plan.
- (19) A shadow projection, if the developer is taking advantage of the solar density bonus.

- (b) Program Elements:
- (1) Narrative statement of the basic purposes of the planned development.
 - (2) A completed environmental assessment if required by the Planning Commission.
 - (3) Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
 - (4) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
 - (5) Drafts of appropriate restrictive covenants, including those regarding the maintenance of vegetation to protect the development's solar access and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any dedications of development rights.
 - (6) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.
 - (7) A statement regarding the proposed energy impacts and noise impacts of the development.

SECTION 4.415 ACTION AND FINDINGS BY PLANNING COMMISSION

- (1) Planning Commission Action The Planning Commission, after public hearing on the General Development Plan and Program, shall either approve the application, with or without modifications and conditions, or deny it.

A decision for approval of a PD shall be based on the following findings:

- (a) That the proposed development is in substantial conformance with the Lebanon Comprehensive Plan.
- (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan program.
- (c) That the proposed development, or a unit thereof, can be substantially completed within 1 year of the final approval.

- (d) That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the planned area.
 - (e) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residents either within or outside the planned area.
 - (f) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.
- (2) Conditions for Approval The Planning Commission may require conditions for approval which may include, but are not limited to the following:
- (a) Increasing the required setbacks.
 - (b) Limiting the height of buildings.
 - (c) Controlling the location and number of vehicular access points.
 - (d) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.
 - (e) Requiring additional improvements for utilities or storm drainage facilities.
 - (f) Increasing the number of parking spaces and improving design standards for parking areas.
 - (g) Limiting the number, size, location, and lighting of signs.
 - (h) Designating sites for open space and recreation.
 - (i) Requiring additional view obscuring screening or fencing.
 - (j) Establishing any special time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
 - (k) Requiring a special contractual agreement with the City to assure development of streets, sidewalks, drainage facilities, utilities, and other improvements to standards which are acceptable to the City.

- (l) Requiring the placement of building and roadways in such a manner that;
 - (1) Would provide for utilization of the solar potential of the site and protect the solar access of adjacent sites, and
 - (2) Would buffer and minimize any adverse noise impacts.
- (3) Any condition specified shall be placed on the official design plan and signed by the owners. Where applicable the requirements may be made part of any existing or future deed as a covenant.

SECTION 4.416 FINAL PLAN AND PROGRAM

- (1) Following approval of the PD by the Planning Commission, the applicant shall prepare a Final Plan and Program which shall be submitted to the Planning Official to check for compliance with the approved General Development Plan and Program.
- (2) If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Commission Chairman and recorded by the applicant in the office of the City Recorder as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Program. Also included are copies of deeds and covenants to protect the development's solar access, if the developer has taken advantage of the solar density bonus.
- (3) The procedures set forth in the Lebanon Land Division Ordinance shall be followed if the property is to be divided or streets are to be dedicated unless exceptions have been formally granted by the Planning Commission.
- (4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.
- (5) Final copies of all approved articles governing operation and maintenance shall be placed on file with the City Recorder's office prior to the issuance of any building permit.
- (6) After any area has been approved as a PD, all building permits shall only be issued on the basis of the Final Plan and Program as recorded in the office of the City Recorder.

SECTION 4.417 DEVELOPMENT STANDARDS

- (1) Minimum Site Size A PD shall not be established on less than (2) acres unless the Planning Commission finds less area suitable by virtue of its unique character, but at no time shall a Planned Development be considered on less than one acre.
- (2) Compatibility with Neighborhood
 - (a) The plans and programs shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities and fencing to insure compatibility with the Lebanon Comprehensive Plan.

- (b) Periphery yards of a PD shall be at least as deep as those required by the yard regulations of the underlying zone unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.
- (3) Lot Coverage and Building Height Lot coverage and building height shall be no greater than for the underlying zone unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.
- (4) Open Space Open space in a PD means the land area to be used for scenic or open recreational purposes within the development.
 - (a) Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.
 - (b) Open space shall be adequate for the recreational and leisure use of the population occupying the planned unit development and designed to enhance the present and future value of the development.
 - (c) To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
 - (d) In order to assure that open space will be permanent, dedication of development rights to the city for other than open space use may be required.
 - (e) Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provision for maintenance of open space shall be approved as to form by the City Attorney.
- (5) Subdivision Lot Sizes Minimum area, width, depth and frontage requirements for subdivision lots in a PD may be less than the minimum specified in the basic zone if in accordance with the approved General Development Plan and Program and the density standards of this section.

SECTION 4.418 STAGING

- (1) The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.
- (2) The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

SECTION 4.419 PERMITTED USES IN RESIDENTIAL ZONES COMBINED WITH A PD

The following uses and their accessory uses are permitted in a PD which has been combined with a residential zone.

- (1) Residential use of land.
- (2) Related community service and commercial uses are designed to serve the development of which they are a part, when approved by the Planning Commission. Such community service uses may also be designed to serve the adjacent area if considered desirable upon review of the overall proposal.

SECTION 4.420 DEVELOPER'S PERFORMANCE GUARANTEE

- (1) A developer may be required to file one of the following to assure his full and faithful performance in completion of the approved plan:
 - (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 - (b) In lieu of said bonds:
 - (1) The land divider may deposit with the City Recorder cash money in an amount fixed by the City Engineer.
 - (2) A personal bond co-signed by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
 - (3) Certification by a bank or other reputable lending institution, that money is being held to cover the cost of the improvements and incidental expenses, said money to be released only upon the written authorization of the Associate Civil Engineer or Community Development Director;

and a copy of the Performance and Payment Bond between the land divider and his contractor of an amount sufficient to cover the cost of the improvements and incidental expenses.
- (2) If the developer fails to carry out the project as approved and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursements. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

SECTION 4.421 PROPOSED CHANGES IN APPROVED PLANS

- (1) Major Changes Major changes in the General Development Plan and Program after it has been adopted shall be considered as a new petition and shall be made in accordance with the procedures specified herein.
- (2) Minor Changes Minor changes in an approved General Development Plan and Program may be approved by the Building and Planning Official provided that such changes:
 - (a) Do not change the character of the development or the population density.
 - (b) Do not change the boundaries of the PD.
 - (c) Do not change any use, such as residential to commercial.
 - (d) Do not change the location or amount of land devoted to a specific land use.
 - (e) Do not relax dimensional standards or other specific requirements established by the Planning Commission or City Council as a condition of approval.

SECTION 4.422 EXPIRATION

- (1) If substantial construction or development has not taken place within two (2) years from the date of final approval by the Planning Commission of the General Development Plan and Program, the PD approval shall become void. However, the applicant may be granted additional time, not to exceed one (1) year, by the Planning Commission. Additional time shall only be granted after receiving a written request by the applicant and review of the request at a regular Planning Commission meeting.
- (2) Upon abandonment of a particular Planned Development, or if its development has not been substantially completed within the time specified in the General Development Plan and Program, it may be determined by the Planning Commission that the granting of approval be nullified and the rezone repealed, and further use of the property and structures thereon shall be in accordance with the existing basic zone, unless a request to extend the time limit is approved.

SECTION 4.510 AIRCRAFT CONTROL SUB-ZONE "AC"

In an AC sub-zone the following regulations shall apply:

- (1) Purpose The Aircraft Control Sub-zone establishes a zone in those areas where the airport has some influence. The main purpose of this zone is to minimize the hazards related to aircraft landing facilities with regards to both height restrictions and noise issues.
- (2) Establishment of the Aircraft Control Sub-Zone Boundary The boundary of the Aircraft Control Sub-zone shall be as shown in Figure 1 of this Ordinance. This is a general boundary, the outer edges which relate to a 55 LDN noise contour as projected by the

Oregon State Aeronautics Division for the year 2000 for propeller aircraft. Within, and in addition to this noise contour is a height restriction also established by the state agency.

(3) Limitations on Use In addition to the requirements of the primary zone, the following limitations shall apply:

(a) Height Limitations:

In an AC Sub-zone all structures or trees shall meet all applicable standards of the Oregon State Board of Aeronautics, the Federal Aviation Administration and any other public agency having appropriate regulatory jurisdiction. Prior to approval of a use, the Planning Commission shall require evidence that the proposed activity meets all applicable requirements.

Notwithstanding any other provisions of this ordinance, no use may be made of land within any AC Sub-zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

(b) Noise Sensitive Limitations:

(1) Noise sensitive uses and places of assembly are discouraged from locating in the AC Sub-zone (churches, hospitals, schools, residences, auditoriums, etc.).

(2) All noise sensitive uses, as listed above, shall be insulated in a manner to reduce impacts from airport noise.

(3) All developments shall be designed in such a manner to reduce adverse impacts from noise.

(4) Sellers of property shall provide purchasers with a disclosure statement informing them of the location of the airport and possible adverse impacts from noise.

(5) The owner of lands proposed to be developed shall grant to the State of Oregon a covenant not to sue that will: protect the State of Oregon from all future claims for physical trespass and airspace intrusion due to airport activities within accepted airport procedures as set forth by the federal government and State of Oregon: and protect the State of Oregon from all future claims for interference with the use of land due to noise up to 65 Ldn.

(1) Procedures The procedure for reviewing any development within the AC-Sub-zone is as follows:

- (a) Any development proposal within the AC-Sub-zone shall be reviewed by either the full Planning Commission or Site Review Committee depending on the action requested, and shall include this review as part of the normal review process.
- (b) The applicant shall supply the following information at time of application, in addition to other required materials:
 - (1) Substantial proof that the proposed use is not in violation of any easements as established by the Oregon State Aeronautics Division.
 - (2) Substantial proof that the proposed use is designed and will be built in such a manner as to minimize noise impacts.
- (c) The City of Lebanon shall relay all pertinent information to the Oregon State Aeronautics Division and request comment as to the suitability of the proposed development.
- (d) All information shall then be utilized by either the Site Review Committee or Planning Commission when making a decision.

5. General Height Restrictions Generally, the height restrictions relate to an “approach surface” off both ends of the runway and a “transitional surface” located to both sides of the runway.

“Approach Surface” The surface longitudinally centered on the extended runway centerline and extending upward and outward from each end of the runway. The slope of the height restriction in this area is 20:1. For every 20 feet one goes away from the ends of the runway the height limitation is increased by 1 foot.

“Transitional Surface” The surface that extends upward and outward at right angles to the runway centerline. This surface extends at a slope of 7:1 from the sides of the primary surface. The side of the primary surface is located 125 feet from the centerline of the runway.

Figure 2 gives a general view of the “approach surface” and “transitional surface” adjacent to the airport.

SECTION 4.610 INDUSTRIAL OPPORTUNITY OVERLAY ZONE IO

In an IO Overlay Zone the following regulations shall apply:

- (1) Purpose The Industrial Opportunity Overlay Zone is intended to encourage industrial and economic development but allow that development to take place with less than full urban services, provided that certain conditions or circumstances are present.

- (2) Establishment of an Industrial Opportunity Overlay Zone An Industrial Opportunity Overlay Zone may be established in any industrial zone on any parcel meeting the following criteria:
 - (a) The site is at least 2 acres.

 - (b) Urban services, sewer, water, storm drainage and improved streets are not available at the site or within 100 feet.

 - (c) Proposed industrial uses conform with the industrial zone in which they are intended.

- (3) Procedures for Approval
 - (a) An Industrial Opportunity Overlay Zone may be granted by the Planning Commission following a public hearing. Applications shall be made on forms provided by the City Planning Department and shall be submitted along with 10 copies of necessary supplementary data at least 30 days prior to the hearing.

 - (b) Sufficient data to facilitate a thorough review shall be included with the application. Such data shall include, but is not limited to, site boundary, proposed building and parking areas, signing, lighting and landscaping. The application shall also include operational details on utility service proposed.

 - (c) The Planning Commission shall review the request and may grant approval with or without modifications or conditions or it may deny the request, subject to adoption of findings of fact.

- (4) Development Standards Setback, lot coverage, building heights and permitted uses of the underlying zone shall be maintained as required.
 - (a) Public Improvements:

All on-site or off-site public improvements shall be made in accordance with established City Standards. The applicant may elect to reduce the standards, i.e., septic system vs. public sewer, well vs. public water, etc., but as such these improvements will be private and will not be publicly maintained.

 - (b) Non-Public Improvements:

Such, non-public improvements such as drives, parking, landscaping, etc. may be built to a reduced standard following approval by the Planning Commission.

(c) Development Adjacent to Public Facilities:

Where development is adjacent to or along the path of a public improvement, the project will either make the improvement concurrent with development or agree not to remonstrate at a future time when improvements are made. These improvements include street, water, sewer and storm drain extensions.

SECTION 4.710 RIPARIAN PROTECTION SUB-ZONE RP

In an RP sub-zone the following restrictions shall apply:

- (1) Purpose The primary purposes for the creation of the Riparian Protection Sub-Zone along the South Santiam River, Oak Creek, and Cheadle Lake corridors are to: maintain and enhance water quality; prevent property damage during floods and storms; limit development activity in designated riparian corridors; protect native plant species; maintain and enhance fish and wildlife habitats; and conserve scenic and recreational values of riparian areas.

- (2) Establishment of the Riparian Corridor Sub-zone Boundary The riparian protection sub-zone consist of two component areas: the area within the channel banks, and the protective overlay zone. Areas developed prior to adoption of this section of the Lebanon Zoning Ordinance (Municipal Code) are acknowledged as pre-existing conditions and are allowed to be maintained in their status at the time of adoption of this section. For the purposes of this section, development means buildings and any other development requiring a building permit, or any alteration of the sub-zone by grading or construction of an impervious surface, including paved or gravel parking areas.

The two components of the riparian protection sub-zone are defined as:

- a. The area within the channel limits of a water feature (from top of one bank to top of the opposite bank) identified in (b) of this subsection. For a given stream, river, or channel the top of bank is the same as the “bankfull stage.” The “bankfull stage” is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland.

- b. The overlay zones measured horizontally upland from the top of bank are as follows:

MINIMUM OVERLAY ZONE FROM TOP OF BANK
(In Cubic Feet Per Second (CFS))

| <u>Stream Flow (CFS)</u> | <u>Overlay Zone</u> | <u>Water Body</u> |
|--------------------------|---------------------|-------------------------|
| 1,000 CFS or more | 75 feet | South Santiam River |
| Less than 1,000 CFS | 50 feet | Oak Creek, Cheadle Lake |

- c. The provisions of the riparian protection sub-zone do not exempt person or property from state or federal laws that regulate protected lands, water, wetland, or habitat areas. In addition to the restrictions and requirements of this Section, all proposed development activities within any jurisdictional wetland are also subject to state and federal agency standards and approval.

(3) Limitations on Use In addition to the requirements of the primary zone, the following limitations and exceptions shall apply:

a. Removal of Vegetation:

- 1. The removal of vegetation from the RP sub-zone is prohibited, except for the following uses after Planning Official approval:
 - A. Replacement of vegetation with native riparian species as is necessary for restoration activities;
 - B. Removal of non-native vegetation and replacement with native plant species; and
 - C. For the development of water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation.
 - D. Removal of emergent in-channel vegetation which has the potential to cause flooding.
 - E. Removal of excess debris deposited by a flood event.
 - F. Removal of trees demonstrated to be a potential hazard to property or human life.
 - G. In-channel erosion or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers or an other state or federal regulatory agency.

b. Building, Paving, and Grading Activities:

- 1. Within RP sub-zone, the placement of structures or impervious surfaces, including grading and the placement of fill, is prohibited except as is stated below. Exceptions to the RP sub-zone restrictions may be made for the following uses, providing they are designed and constructed to minimize adverse impacts to the riparian area:
 - A. Replacement of existing structures with structures located on the original building footprint which do not disturb additional riparian surface area;

- B. Streets, roads, and paths which are included in the City's facility plans or are deemed necessary by the City of Lebanon; and
- C. Water-related and water-dependent uses, including the drainage facilities, water and sewer utilities, flood control projects, and drainage pumps.
- D. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities.
- E. In-channel erosion or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers or an other state or federal regulatory agency.

c. Land Partitions and Property Line Adjustments

Property boundary amendments which would result in parcels that cannot be developed in conformance with Riparian Protection Sub-Zone regulations are not permitted.

d. Site Maintenance

The limitations imposed by this section do not preclude the routine maintenance of existing site improvements including lawns, natural and planted vegetation and landscaping, and structures. Maintenance trimming of existing trees shall be kept at a minimum and under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions.

e. Hazardous Tree Removals

Hazardous trees are those that pose an obvious and immediate health, safety, or welfare threat to persons or property. Hazardous tree removal, except in emergency circumstances, is required to be reviewed by city staff. Any trees removed are required to be replaced by like native species or alternate approved native species.

(4) Procedures The procedure for reviewing any development within the RP sub-zone is as follows:

- a. Any development or vegetation removal proposal within the RP sub-zone shall be submitted to the Planning Official. Depending on the action requested the Planning Official will provide an administrative decision or forward the proposal to the Planning Commission for a decision.
- b. The applicant shall be responsible for the preparation of a professional quality map showing the precise location of the top-of-bank, 100-year flood elevation, wetland edge (if present), riparian setback, significant vegetation, site improvements or other relevant primary features. The specific features to be indicated on the map will differ according to application type, and therefore the specific information to be

provided by the applicant will be identified by the Planning Official.

c. At the time of application the Planning Official may request that the applicant submit supplemental information, which may include the following:

1. Grading Site Plan: The grading plan shall include information on terrain, drainage, location of proposed and existing structures, and finished elevations.
2. Vegetation Report: This report shall consist of a survey of existing native vegetation and proposed alterations. Where the removal of native vegetation is proposed, measures for re-vegetation and enhancement with native plant species will be included. The City shall have and maintain a list of native vegetation species.

- (5) Hardship Variances For any existing lot or parcel demonstrated to have been rendered not buildable by application of this ordinance and/or when a riparian corridor sub-zone map error has been verified, the property owner may apply for a hardship variance for waiver of land development restrictions and prohibitions found under subsection (3) of this section. A decision regarding hardship variances will follow the procedures and standards of Article 8 (Variances) of this ordinance.
- (6) Restoration and Enhancement Exceptions: Permanent alteration of the riparian area by placement of structures or impervious surfaces may be permitted upon demonstration that equal or better protection for the remaining on-site Riparian Protection Sub-Zone area will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures. In no case shall such alterations occupy more than 50% of the width of the riparian area measured from the upland edge of the corridor.
- (7) Appeals Planning Official and Planning Commission decisions can be appealed the procedures described in Section 2.060 of this Ordinance (Municipal Code 17.64).
- (8) Enforcement: This ordinance shall be enforced in accordance with the procedures cited in the Lebanon Municipal Code Section 17.68 (ENFORCEMENT).

ARTICLE 5 SUPPLEMENTARY PROVISIONS

SECTION 5.010 GENERAL PROVISIONS REGARDING ACCESSORY USES

An accessory use 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:

- (1) Fences, walls and hedges may be allowed as follows:
 - (a) Fences, walls, and hedges may be allowed up to a maximum of 30" in height when situated in the area between the front or street side property line and the normal building setback line.
 - (b) Fences, walls, or hedges of up to 6 feet in height may be located in any other yard or property line except as described above in (a-1).
 - (c) Fences, walls, and hedges other than as noted in (a) and (b) above may be granted at the discretion of the Planning Official when it can be demonstrated that the following circumstances are applicable.
 1. On or off-site conditions are such that a detrimental hardship will result from not allowing discretionary relief.
 2. The request is the only or best way in which the hardship can be alleviated.
 3. The request will not cause detrimental harm to the community or neighboring property.
 4. The request will not cause a safety, nor vision clearance hazard nor block existing or potential solar access.

A decision of the Planning Official shall be final unless appealed to the Planning Commission as described in Section 2.060 (1) of this Ordinance.

- (2) An accessory structure of up to 500 square feet in a residential zone may be built to within five feet of a side or rear lot line provided that:
 - (a) The structure does not interfere with the solar access of the abutting property (ies). An applicant proposing an accessory structure that falls within the required side or rear setbacks of the zone must provide a shadow projection to demonstrate that solar access on abutting properties will not be effected.
 - (b) The structure is a minimum of 50 feet from the street abutting the front yard, 20 feet from the street abutting the street side yard, and 6 feet from the main building, with the exception of solar apparatus needed for the operation of an active solar energy system.
- (3) An accessory structure shall be detached from all other buildings by at least 6 feet, with

the exception of solar apparatus needed for the operation of an active solar energy system.

- (4) The front of a garage shall be located a minimum of 20 feet (6.09 meters) from the front and street side property lines in a residential zone.
- (5) Boats, trailers, detached campers, motorized dwellings and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling provided that storage shall not be permitted in a front or street side yard.

SECTION 5.020 ACCESS

Every lot shall abut a street other than an alley, for a minimum width of 20 feet (6.09 meters) or as described below except where the Planning Commission has approved an easement for access or where the easement existed prior to the adoption of this ordinance.

- (1) Single Family Dwelling - A lot containing a single family dwelling, must abut a street for a minimum width of 14 feet including a minimum 12-foot wide driveway.
- (2) Two Adjacent Single Family Dwellings - Two adjacent lots, each containing a single family dwelling, must abut a street for a minimum of 24 feet (minimum of 12 feet for each lot) which may include a shared 12-foot wide driveway serving both dwellings. Perpetual reciprocating access easements and maintenance agreements for the driveway are required.
- (3) Three or Four Single Family Lots - Up to a maximum of four single family dwelling lots may be served by a minimum 30-foot wide access easement with a minimum 24-foot wide two-way driveway. All buildings must be set back at least 5 feet from the access easement. Perpetual reciprocating access easements and maintenance agreements for all lots proposed to use the driveway are required.

SECTION 5.030 CLEAR VISION AREAS

In all zones a clear vision area shall be maintained on the corners of all property at the intersections of two streets or a street and a railroad.

- (1) 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 nonintersecting 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.
- (2) A clear-vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 2-1/2 feet (0.76 meters) 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 8 feet (2.44 meters) above grade.

- (3) The following measurements shall establish a clear vision area: The minimum distance shall be 20 feet (6.09 meters) or at intersections, including an alley, 10 feet (3.05 meters). When the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet (7.62 meters). Dimensions for clear vision areas in a CB zone shall be specified in Section 4.120.

SECTION 5.040 DISTANCE FROM PROPERTY LINE

In commercial or industrial zones where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 feet (0.91 meters) from the property line.

SECTION 5.050 SETBACKS FOR AUTOMOBILE SERVICE STATIONS

In a zone where automobile service stations are permitted, free standing gasoline pumps and pump stands may occupy a required front or street side yard, provided they are a minimum of 15 feet (4.57 meters) from the property line.

SECTION 5.060 USE OF RESIDENTIAL STRUCTURES IN COMMERCIAL ZONE

In commercial zones, pre-existing residential structures may be occupied by uses permitted in the zone provided the structure meets minimum building and safety standards as outlined in the building code and provided further that the Planning Official approves a development plan for vehicular access, parking, landscaping, signing, and exterior lighting.

SECTION 5.065 MANUFACTURED HOME PLACEMENT STANDARDS

The following standards apply to the placement of manufactured homes on individual lots in residential zones outside of mobile home parks and manufactured home subdivisions. All manufactured homes on individual lots in residential zones shall:

- (1) be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet;
- (2) have a backfill style foundation or skirting of pressure treated wood, masonry or continuous concrete footing wall construction complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918, such that the manufactured home is located not more than 12 inches above finished grade;
- (3) have a roof with a nominal pitch of 3 feet in height for each 12 feet in width;
- (4) not have bare metal siding or roofing;

- (5) be certified by the manufacturer to have exterior thermal envelopes meeting the performance standards specified by state law for single family dwellings constructed under the state building code;
- (6) have a garage or carport with exterior materials matching the residential unit;
- (7) be subject to all other applicable Zoning Ordinance and Municipal Code requirements that apply to single-family dwellings in residential zones.

SECTION 5.070 EXTERIOR LIGHTING

Exterior lighting shall be located in such a manner so as not to face directly, shine, or reflect glare onto an adjacent residential district or use.

SECTION 5.080 GENERAL PROVISIONS REGARDING HOME OCCUPATIONS

A home occupation, when conducted in a residential zone, shall be subject to the following standards:

- (1) The home occupation shall be secondary to the main use of the dwelling as a residence.
- (2) All aspects of the home occupation shall be contained and conducted within a completely enclosed building.
- (3) 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 (46.45 sq. m.) of floor area.
- (4) No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alterations shall not distract from the outward appearance of the property as a residential use.
- (5) No persons other than a maximum of two (2) members of the immediate family residing within the dwelling shall be engaged in the home occupation.
- (6) No window display and no sample commodities displayed outside the dwelling shall be allowed.
- (7) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.
- (8) No parking of customers vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. A maximum of two customers vehicles shall be permitted at one time.

- (9) No sign shall be permitted except for a single name plate not to exceed 1-1/2 square feet (0.14 sq. m.) In area.

SECTION 5.090 GENERAL PROVISIONS REGARDING SIGNS

- (1) No person shall place or maintain any sign, advertisement, flag, banner, or other contrivance except as follows:
- (a) Intermittent flashing signs, sandwich board signs and billboards are prohibited in all zones. The exception is intermittent flashing time and temperature signs which may be erected in a commercial zone.
 - (b) Free standing signs shall not be permitted to exceed 25 feet (7.62 meters) in height measured from the top of the curb, or if no curb then from the street centerline elevation. A minimum of 100 feet shall be maintained between free standing signs.
 - (c) Signs attached to a building shall not exceed the building height by more than 15 feet (4.57 m.) and in no case exceed the zone height limitation.
 - (d) Signs hung over the sidewalks at right angles to the street may extend to the curb line. The bottom of the signs shall not be less than 9 feet (2.74 m.) above the sidewalk level.
 - (e) Signs shall not extend farther than 4 feet (1.22 m.) out from the property line.
 - (f) Signs shall not be hung from a post, or posts, until approved by the Building Official as being of sufficient strength and embedded in the ground, and shall be located inside the property line.
 - (g) Signs located in residential zones shall be unlit except for indirect lighting such as the use of flood lights designed to illuminate only the proposed sign.
- (2) Any sign not securely fastened to a post, building or marquee to which it is attached or which is not erected or maintained in accordance with the provisions of this ordinance shall be subject to condemnation by the Building Official. The Building Official shall give written notice to the building owner or other party responsible for the sign or property. Signs not properly secured or removed within 48 hours following notice may be ordered removed by the Building Official at the owner's expense.

SECTION 5.100 EXCEPTIONS TO LOT SIZE REQUIREMENTS

If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the Linn County Assessor at the time of passage of this ordinance has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot area per dwelling unit requirement of the zone.

SECTION 5.110 EXCEPTIONS TO YARD REQUIREMENTS

The following exceptions to the yard requirements are authorized for a lot in any zone:

- (1) In a residential zone, the minimum front yard setback for a part of the building may be modified by NOT more than 2 feet (61 m.), provided the average front yard depth shall not be less than the standard of the zone. Garages, carports, and setbacks adjacent to highways, arterials, and collectors shall not be reduced below 20 feet (6.09 m.), and setbacks for garages and carports shall not be used when calculating figures with regards to the exceptions as allowed in this section.
- (2) In order to protect arterial and collector streets and to permit the eventual widening of these streets, every yard abutting a portion of a street hereinafter named shall be increased over the required yard dimension specified in the zone so that the minimum distance from the center line of the right-of-way to the front of any structure shall be as listed below in residential zones. Other zones allowing for a lesser setback than required in a residential zone may reduce the required setback of the Section by the difference between the required setback in the residential zone and the zone in which the building is to be located.

| <u>Street Name</u> | <u>Setback from Center line of R.O.W</u> |
|--|--|
| South Main Street | 55' (16.76 m.) Garages 60' (18.28 m.) |
| Oak Street | 55' (16.76 m.) Garages 60' (18.28 m.) |
| Tangent Street | 55' (16.76 m.) Garages 60' (18.28 m.) |
| Airport Road | 55' (16.76 m.) Garages 60' (18.28 m.) |
| Vaughn Lane | 45' (13.72 m.) Garages 50' (15.24 m.) |
| Airway Road, between Oak Street/Airport Road | 45' (13.72 m.) Garages 50' (15.24 m.) |
| Twelfth Street, between Vine/Tangent Streets | 45' (13.72 m.) Garages 50' (15.24 m.) |
| Seventh Street, between Tangent/Grant Streets and between Oak/D Streets | 45' (13.72 m.) Garages 50' (15.24 m.) |
| Franklin Street, between Oak Street/Santiam Canal | 45' (13.72 m.) Garages 50' (15.24 m.) |
| Milton Street, between Highway 20/Franklin Street | 45' (13.72 m.) Garages 50' (15.24 m.) |
| Walker Road, between Stoltz Hill/S. Main Roads | 45' (13.72 m.) Garages 50' (15.24 m.) |

SECTION 5.120 LANDSCAPING

All yards and parking areas shall be landscaped in accordance with the following requirements:

- (1) General Provisions

- (a) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner.
- (b) Site plans, except for single family homes, indicating landscape improvements shall be included with the plans submitted to the Planning Official or Planning Commission for approval. Issuance of a building permit includes these required improvements which shall be completed before issuance of a certificate of occupancy.
- (c) Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible.

(2) Yards and Open Space

- (a) All required yards and the entire open space of all multi-family dwelling sites exclusive of walks, drives, parking areas and buildings shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area.
- (b) Landscaping in front and street side yards shall include trees at a rate not less than one tree for each 30 feet (9.14 m.), of street frontage or a fraction thereof. Trees shall be a minimum 6 feet (1.83 m.), in height. Single family homes shall be exempt from this requirement.
- (c) All other site areas and unused property shall be maintained in a suitable ground cover or kept in a clean weed free manner.

(3) Parking Areas

- (a) Parking lots shall be screened from abutting land uses by a combination of fences, walls, and landscaping adequate to provide privacy and separation for the abutting land use.
- (b) Parking lots shall have landscaped islands and trees at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface. The trees shall be provided at a ratio of one tree per each 10 parking spaces. Such trees shall be a minimum of 6 feet (1.83 m.) In height.
- (c) A minimum of 3 percent of the space given to vehicular circulation such as driveways, driveway easements, or open parking areas shall be in landscaping and trees which shall be evenly distributed throughout, and long rows of parking spaces shall be interrupted by a landscape break. The minimum dimension of the landscape including the boundary edge shall be 3 feet (0.91 m.), and the landscaping shall be protected from vehicular damage by a curb or wheel guard.
- (d) Where parking areas project into required yards, the remaining yard shall be

landscaped to provide screening of the parking area.

(4) Service Facilities

Garbage collection areas, service facilities, and air conditioning facilities located outside the building shall be appropriately screened and landscaped.

SECTION 5.130 EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

Vertical projections such as chimneys, spires, domes, elevator shaft housing, tower aerials, flag poles, solar system apparatus and similar objects not used for human occupancy shall not exceed the building height by more than 10 feet providing that the abutting properties' solar access will not be impaired. The applicant proposing the vertical projection shall be required to submit a shadow projection demonstrating that solar access will be protected. Vertical projections which cast a shadow of less than 3 feet in width and are less than 10 feet in height do not require a shadow projection.

SECTION 5.140 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 30 inches (0.76 m.), into required yard.

SECTION 5.150 SOLAR ENERGY USE

The use of solar energy systems, both active and passive, including solar collectors, storage facilities, and other necessary components for space heating and cooling, swimming pool heating, and water heating is a permitted use in accordance with the provisions of each zone.

SECTION 5.200 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 (off-street parking does not include street parking or parking in a public lot).

(1) Design and improvement requirements for parking lots:

- (a) All parking areas and driveway approaches shall be surfaced with 2 inches asphaltic concrete or 4 inches Portland Cement Concrete over approved base or other materials approved by the City Engineer. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain storm water over the sidewalk or onto any abutting property.
- (b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked.
- (c) Parking areas for other than single-family and two-family dwellings shall be served by a

service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Planning Official. Two-way driveways shall have a minimum width of 20 feet (6.09 m.), and a maximum width of 30 feet (9.144 m.). One way driveways shall have a minimum width of 12 feet (3.66 m.), and a maximum width of 16 feet (4.88 m.).

- (d) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over adjacent property or public right-of-way. The area beyond the curb or bumper guard shall be paved, or covered with evergreen ground cover.
 - (e) Service driveways 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 pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated. No driveways shall be located closer than 100 feet (30.48 m.), from an intersection curb return, unless approved by the City Engineer.
 - (f) All off-street parking areas within or abutting residential districts shall be provided with a sight-obscuring fence, wall or hedge as approved by the Planning Official to minimize disturbances to adjacent residents. The minimum height for this fence, wall or hedge shall be four feet (1.22 m.).
 - (g) All off-street parking areas within or abutting residential districts shall be provided with a 5 foot (1.52 m.) landscaped buffer in addition to the fence, hedge, or wall as required above.
 - (h) Artificial lighting which may be provided shall be so deflected so as not to shine or create glare in any residential zone, any adjacent dwellings, or the street right-of-way.
- (2) Location Standards for Parking Lots:
- (a) Off-street parking shall be provided on the development site for all RL, RM, RH, CN, CH, ML and MG zones. Off-street parking spaces for the CB zone shall be located not further than 400 feet (121.92 m.) from the building or use they are required to serve.
 - (b) 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.
- (3) Required parking spaces shall be available for the parking of operable motor vehicles for 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 the business or for repair or servicing.
- (4) The provisions 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 space. 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 ordinance.

- (5) 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 ordinance to begin to maintain such altered use until the required increase in off-street parking is provided.
- (6) 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.
- (7) Owners of two or more uses, structures or parcels of land may agree to use the same parking spaces jointly when the hours of operation do not overlap, provided substantial proof is presented to the Planning Official pertaining to the cooperative use of the parking facilities.
- (8) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany a request for a building permit.
- (9) Parking lots shall be provided with landscaping as provided in Section 5.120 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.
- (10) Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building primary to the use but shall exclude any space within a building used for off-street parking, loading, or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season.

| <u>Use</u> | <u>Space Requirement</u> | |
|--|---|-----------------|
| (1) Residential: | | |
| (a) One/two family dwellings/condominium | Two spaces per dwelling unit. | |
| (b) Multiple family dwellings | Studio | 1.25 space/unit |
| | 1 Bedroom | 1.75 space/unit |
| | 2 Bedroom | 2.25 space/unit |
| | 3 Bedroom | 3.25 space/unit |
| | 4 or more | 3.75 space/unit |
| (c) Rooming or boarding house | Spaces equal to 80 percent of the number of | |

- guest accommodations plus one additional space for the owner or manager.
- (2) Commercial Residential:
- (a) Hotel 1 space per 2 guest rooms plus 1 space per 2 employees.
 - (b) Motel 1 space per guest room or suite plus 1 additional space for the owner or manager.
- (3) Institutional:
- (a) Welfare or correctional institution 1 space per 6 beds for patients or inmates.
 - (b) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged 1 space per 4 beds for patients or residents.
 - (c) Hospital 1-1/2 space per bed.
- (4) Place of Public Assembly:
- (a) Church 1 space per 6 seats or 8 feet of bench length in the main auditorium, or 1 space for each 35 sq. ft. (3.23 sq. m.) of floor area of main auditorium not containing fixed seats.
 - (b) Library, reading room 1 space per 400 sq. ft. (37.16 sq. m.) Of floor area plus 1 space per 2 employees.
 - (c) Pre-school, nursery, kindergarten 2 spaces per teacher.
 - (d) Elementary or junior high school 1 space per classroom plus 1 space per administrative employee or 1 space per four seats or 8 ft. (2.44 m.) of bench length in the auditorium or assembly room, whichever is greater.
 - (e) High school, college commercial school for adults 1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 ft. (2.44 m.) of bench length in the main auditorium, whichever is greater.
 - (f) Other public assembly or meeting rooms 1 space per 6 seats or 8 ft. (2.44 m.) Of bench

- length, or 1 space for each 35 sq. ft. (3.25 sq. m.) of floor area for assembly room not containing fixed seats.
- (5) Commercial Amusement:
- (a) Stadium, arena, theater 1 space per 4 seats or 8 feet (2.44 m.) of bench length.
 - (b) Bowling alley 5 spaces per alley plus 1 space per two employees.
 - (c) Dance hall, skating 1 space per 100 sq. ft. (9.29 sq. m.) of floor area plus 1 space per 2 employees.
- (6) Commercial:
- (a) Retail store except as provided in sub-section b of this sub-section 1 space per 200 sq. ft. (18.58 sq. m.) of floor area designated for retail sales.
 - (b) Service or repair shop or retail store handling exclusively bulky merchandise, such as automobiles and furniture 1 space per 600 sq. ft. (55.75 sq. m.) of floor area.
 - (c) Bank, office (except medical and dental) 1 space per 300 sq. ft. (27.87 sq. m.) of floor area.
 - (d) Medical and dental clinic 1 space per 300 sq. ft. (27.87 sq. m.) of floor area plus 1 space per 2 employees.
 - (e) Eating or drinking establishment 1 space per 100 sq. ft. (9.25 sq. m.) of floor area.
 - (f) Mortuaries 1 space per 6 seats or 8 ft. (2.44 m.) of bench length in chapels.
- (7) Industrial:
- (a) Storage warehouse, manufacturing establishment, rail or trucking freight terminal. 1 space per employee.
 - (b) Wholesale establishment. 1 space per employee plus 1 space per 700 sq. ft. (65.03 sq. m.) of patron serving area.
- (8) Unspecified Uses Any use not specifically listed in this section shall have a parking

requirement determined by the Planning Official, based on the parking space requirements for comparable uses listed in this section. The decision of the Planning Official may be appealed to the Planning Commission, using procedures as spelled out in this ordinance.

SECTION 5.300 SITE REVIEW PROCEDURES

SECTION 5.310 DESCRIPTION AND PURPOSE

The purpose of this Article is to assure that proposed development of land is in conformance with applicable land use requirements, and is designed in a manner to provide the highest level of Architectural Design and Environmental Quality, and which will not be detrimental to the public health, safety and general welfare or to adjacent properties.

SECTION 5.320 APPLICATION AND EXCEPTIONS

(1) The Site Review Committee or Planning Commission must approve a site plan for each new building, structure, open land use or addition to an existing development prior to issuance of a building permit in all instances where site plan review is requested or required. The Site Review

Committee or Planning Commission must also approve any change in use of a use listed as "Permitted in accordance with Site Review Procedures".

(a) The Planning Official may also require a site plan review in the following cases:

(1) The site is traversed by a natural drainageway.

(2) The site is located in the Aircraft (AC) Sub-zone.

(3) The site is located in a natural hazard area.

(4) The site is an undersized lot.

(b) The Planning Official shall require a site plan review in the following cases:

(1) When the site is an identified historic site (including demolition permits).

(2) The site is located on a hillside area having a slope of greater than 15 percent.

(2) The requirement for approval of a site plan does not apply in the following cases:

- (a) Temporary use of land not to exceed ten days.
- (b) Development for which a site plan is subject to approval under a zone change, planned unit development, variance or conditional use permit.

SECTION 5.330 REVIEW PROCEDURES

- (1) The applicant for site plan approval shall file an application with the City on a form provided by the Planning Division.
- (2) The application shall then be referred to the Site Review Committee for appropriate action. Within 30 days following the filing of the application, the Site Review Committee shall either approve the application, approve it with conditions, or refer it to the full Planning Commission for a decision.
 - (a) If a request is referred to the full Planning Commission it shall be heard within 45 days. The Planning Commission may either approve the request, approve it with conditions or deny it. Approval or denial shall be based upon the Lebanon Comprehensive Plan, and the provisions of this ordinance.
 - (b) An appeal of a site review decision shall constitute a referral to the full Planning Commission. Appeals must be made within 15 days of the Site Review Committee meeting at which the request was heard.
- (3) Within 7 days after a decision has been rendered with reference to a site review application, the Planning Official shall provide the applicant with written notice of the decision of the Site Review Committee.

SECTION 5.340 INFORMATION TO ACCOMPANY APPLICATION

The application for site plan approval shall be accompanied by a site plan showing the following:

- (a) Lot lines and dimensions;
- (b) Location of existing and proposed buildings or improvements;
- (c) Height of structure;
- (d) Off-street parking lot design, including ingress and egress points and proper drainage;
- (e) Street right-of-way line;
- (f) Setbacks;
- (g) Exterior lighting and signs;
- (h) Fencing, landscaping and underground irrigation system;

- (i) Shadow projections, if so required;
- (j) Any other data necessary to indicate the proposed development..

SECTION 5.350 APPROVAL OF A SITE REVIEW REQUEST

Uses listed in this ordinance as requiring a site review may be permitted, altered or enlarged when in conformance with the Lebanon Comprehensive Plan and upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Section 5.300 to 3.370 of this ordinance.

In approving a site review application, the Site Review Committee or Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which they consider necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole. These conditions may include the following:

- (a) Regulating yard dimensions to protect solar access.
- (b) Regulating the height of building to protect solar access.
- (c) Controlling the location and number of vehicle access points.
- (d) Requiring dedication of additional street right-of-way or increasing the street width.
- (e) Increasing the number of required off-street parking or off-street loading spaces.
- (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (g) Limiting the number, size, location and lighting of signs.
- (h) Designating sites for open space or outdoor recreation areas.
- (i) Requiring ongoing maintenance of buildings and grounds, including the provision of an irrigation system.
- (j) Regulating noise, vibration, odors and similar factors which may have a substantial negative effect on the development of the surrounding area of the City as a whole.
- (k) 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.
- (l) Regulating time periods for the conduct of certain activities.
- (m) Setting a time limit for which the conditional use is approved.

- (n) Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services which are directly benefitting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefitting the proposed development.
- (o) Requiring the staggering of units to avoid a barrack-like effect.
- (p) Requiring the installation of fire and intrusive alarm systems.
- (q) Requiring the dedication or granting of an easement adjacent to any drainage ways.
- (r) Requiring easements over existing or proposed public utilities.
- (s) Requiring the placement of buildings in a manner which would fully utilize the solar potential of the site or protect the solar access of an adjacent site.

In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as requiring a site review, a change in use, or in lot area or an alteration or enlargement of a structure shall conform with the requirements for site review.

SECTION 5.360 BUILDING PERMITS FOR APPROVED SITE REVIEW REQUESTS

Building permits for all or any portion of a site review application shall be issued only on the basis of the approved plan. Any proposed change in the approved plan shall be submitted as a new application for site review.

No building permit may be issued until the applicant has signed a form stating that they are aware of any and all conditions placed upon the proposed development.

SECTION 5.370 TIME LIMIT ON AN APPROVED SITE REVIEW PROPOSAL

Authorization of a specific site plan shall be void 1 year after the date of approval unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the Site Review Committee may extend authorization for an additional period not to exceed 1 year.

SECTION 5.400 REGULATING DEVELOPMENT ON STEEP SLOPES

- (a) Development shall be prohibited on slopes of greater than 30 percent except when it can be found by the Planning Commission that no adverse impacts will be caused by the proposed development.
- (b) All proposed development on hillsides with a slope of greater than 30 percent shall be accompanied by a detailed site specific report prepared by a geologist registered in the State of Oregon. This report shall address the physical nature of the site, the impacts of the proposed development and its suitability as presented.

SECTION 5.500 ADMINISTRATIVE REVIEW PROCEDURES

SECTION 5.510 DESCRIPTION AND PURPOSE

The purpose of this section is to assure that proposed development of land is in conformance with applicable land use requirements of this ordinance, the Comprehensive Plan and other applicable codes and ordinances of the City of Lebanon.

SECTION 5.520 APPLICATION AND EXCEPTIONS

The Planning Official or his designee shall approve a site plan for each new building, open land use or enlargement or expansion of an existing use prior to issuance of a building permit in all instances where administrative review is required by this ordinance or when charged to do so by the Planning Commission.

The Planning Official may at his discretion refer a request for administrative review to the Planning Commission for a decision. If such a referral is made, the request shall be scheduled on the next available Planning Commission agenda providing that both time and space on the agenda allow.

SECTION 5.530 INFORMATION TO ACCOMPANY APPLICATION

The application for administrative review shall be accompanied by the following:

- (1) A fee as authorized by the Lebanon City Council.
- (2) A complete application form as approved by the Planning official.
- (3) A site plan of sufficient detail to facilitate a complete and thorough evaluation, including but not limited to the following:
 - (a) Lot lines and dimensions;
 - (b) Location of existing and proposed buildings or improvements;
 - (c) Height of structure(s);
 - (d) Off-street parking lot design and points for ingress and egress;
 - (e) Street right-of-way;
 - (f) Setbacks;
 - (g) Exterior lighting;
 - (h) Sign size and location;
 - (i) Fencing, landscaping;

- (j) Shadow projections, if required by the Planning Official;
- (k) Design or method for disposing of storm and waste water;
- (l) Any other data necessary to indicate the proposed development.

SECTION 5.540 DECISION OF AN ADMINISTRATIVE REVIEW REQUEST

- (1) In approving a site review application, the Planning Official may impose, in addition to the standards and requirements expressly specified in this ordinance, additional conditions which may be considered necessary to protect the appropriate development, best interest of the surrounding property, neighborhood or the community as a whole. Additional conditions may include:
 - (a) Regulating yard dimensions to protect solar access.
 - (b) Regulating the height of building to protect solar access.
 - (c) Controlling the location and number of vehicle access points.
 - (d) Requiring dedication of additional street right-of-way or increasing the street width.
 - (e) Increasing the number of required off-street parking or off-street loading spaces.
 - (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - (g) Limiting the number, size, location and lighting of signs.
 - (h) Designating sites for open space or outdoor recreation areas.
 - (i) Requiring ongoing maintenance of buildings and grounds, including the provision of an irrigation system.
 - (j) Regulating noise, vibration, odors and similar factors which may have a substantial negative effect on the development of the surrounding area of the City as a whole.
 - (k) 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 to protect adjacent or nearby property.
 - (l) Regulating time periods for the conduct of certain activities.
 - (m) Setting a time limit for which the administrative review is approved.
 - (n) Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services which are directly benefitting the proposed development or, requiring participation in an improvement district to insure

provision of basic services, parks or streets and sidewalks directly benefitting the proposed development.

- (o) Requiring the staggering of units to avoid a barrack-like effect.
- (p) Requiring the installation of fire and intrusive alarm systems.
- (q) Requiring the dedication or granting of an easement adjacent to any drainage ways.
- (r) Requiring easements over existing or proposed public utilities.
- (s) Requiring the placement of buildings in a manner which would fully utilize the solar potential of the site or protect the solar access of an adjacent site.

SECTION 5.550 PERMITS FOLLOWING ADMINISTRATIVE APPROVAL

- (1) Building permits for all or any portion of an administrative review approval can be issued only on the basis of the approved plan. Any proposed change in the plan as approved shall be submitted to the Planning Official. Major changes or modifications may result in resubmittal as a new administrative review application.
- (2) No building permit may be issued until the applicant has signed a form stating that they are aware of any and all conditions placed upon the proposed development.

SECTION 5.560 TIME LIMIT ON AN APPROVED ADMINISTRATIVE REVIEW REQUEST

Authorization of a specific site plan shall be void one (1) year following the date of final approval. If significant construction has not commenced by the end of one year, the approval shall be considered void and any construction or development shall require a submittal of a new application. The one year term may be extended for an additional year following written request for an extension.

SECTION 5.570 NOTICE OF APPROVAL

The Planning Official shall notify the applicant within seven (7) days following approval. Such approval shall include any conditions attached to the approval. In the event of a denial, the Planning Official shall notify the applicant of the reasons for the denial.

SECTION 5.580 APPEAL PROCESS

In the event of a denial of an administrative review application, the applicant may file an appeal with the Planning Official. Such appeal shall be in writing and state the reasons why the appeal is justified. The appeal shall be filed within fifteen (15) calendar days from the date of the Planning Official's decision.

The Planning Commission shall schedule the appeal as a public hearing and hold such a hearing within 30 days from the date the appeal is filed. The burden of proof shall be borne by the applicant in the appeal hearing. The Planning Commission may grant the appeal, grant with conditions or deny the appeal request.

ARTICLE 6 CONDITIONAL USES

SECTION 6.010 PURPOSE OF CONDITIONAL USE PROCEDURE

A conditional use is a use of land or a structure which is normally appropriate in the district where it is permitted, but due to the specifics of that use could cause a potential nuisance, health, or safety problem. It is the intent of this Article 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.

SECTION 6.020 AUTHORIZATION TO GRANT OR DENY A CONDITIONAL USE PERMIT

Conditional uses listed in this Ordinance may be permitted, altered, or enlarged when in conformance with the Lebanon Comprehensive Plan, and upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Sections 6.010 to 6.080 of this Ordinance.

- (1) In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.
- (2) If an application is denied, the action must be based on reasons related to the appropriate development and best interests of the surrounding property, the neighborhood, and the City as a whole; considering such items as the bulk, coverage, or density of proposed development, the availability of public utilities and facilities, the generation of traffic, environmental quality impacts, and health, safety, or general welfare concern.
- (3) In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole. These conditions may include the following:
 - (a) Regulating yard dimensions to protect solar access.
 - (b) Regulating the height of buildings to protect solar access.
 - (c) Controlling the location and number of vehicle access points.
 - (d) Requiring dedication of additional street right-of-way or increasing the street width.
 - (e) Increasing the number of required off-street parking or off-street loading spaces.
 - (f) Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 - (g) Limiting the number, size, location, and lighting of signs.

- (h) Designating sites for open space or outdoor recreation areas.
- (l) Requiring ongoing maintenance of buildings and grounds, including the provision of an irrigation system.
- (j) 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.
- (k) 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.
- (l) Regulating time periods for the conduct of certain activities.
- (m) Setting a time limit for which the conditional use is approved.
- (n) Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities, and other basic services which are directly benefitting the proposed development, or requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefitting the proposed development.
- (o) Requiring the staggering of units to avoid a barrack-like effect.
- (p) Requiring the installation of fire and intrusive alarm systems.
- (q) Requiring the dedication or granting of an easement adjacent to any drainage ways.
- (r) Requiring easements over existing or proposed public utilities.
- (s) Requiring the placement of buildings in a manner which would fully utilize the solar potential of the site or protect the solar access of an adjacent site.
- (4) In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a conditional use, a change in use or lot area, or an alteration or enlargement of a structure shall conform with the requirements for conditional use.
- (5) The Planning Commission may require that an applicant for a conditional use enter into a contractual agreement with the City to assure that the applicant will provide his share of the development costs for streets, curbs, gutters, sidewalks, and water, sewer, and drainage facilities to City standards.

SECTION 6.030 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:

- (1) A property owner may initiate a request for a conditional use by filing an application, plans, and other supplementary data as listed in Section 5.340 with the Planning

Official, using forms prescribed pursuant to Section 2.070. A filing fee in accordance with the provisions of Section 2.080 shall accompany an application for a conditional use.

- (2) Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon in accordance with the provisions of Section 2.100.
- (3) Within seven days after a decision has been rendered with reference to a conditional use application, the Planning Official shall provide the applicant with written notice of the decision of the Planning Commission.

SECTION 6.040 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 Planning Commission. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use.

SECTION 6.050 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. However, upon written request, the Planning Commission may extend authorization for an additional period not to exceed one year.

SECTION 6.060 TERMINATION OF A CONDITIONAL USE

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

- (1) Approval of the conditional use was obtained by fraud or misrepresentation.
- (2) The use of which approval was granted has ceased to exist.
- (3) The use does not meet the conditions specifically established for it at the time of approval of the application.
- (4) The use is in violation of any provision of this Ordinance or of any other applicable statute, ordinance, or regulation.

SECTION 6.065 MODIFICATION OF AN APPROVED CONDITIONAL USE

A modification of an approved conditional use may be authorized by the Planning Official under the following circumstances:

- (1) The requested modification will not change or affect any of the existing conditions of

approval; and

- (2) The requested modification will not result in any additional impact on adjacent properties; and
- (3) The requested modification will not have an adverse impact on any condition, issue, or concern which was taken into consideration by the Planning Commission in making its decision; and
- (4) The requested modification will not result in an increase of more than 15 percent in floor area or operating conditions; and
- (5) The requested modification will comply with all standards of the zone in which it is located, this Ordinance, and other applicable statute, ordinance, or regulation.

The Planning Official may, at his discretion, refer a request for a modification of an approved Conditional Use to the Planning Commission for a decision.

SECTION 6.070 LIMITATION

No request for a conditional use shall be considered by the Planning Commission within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if in the opinion of the Planning Commission, new evidence of a change of circumstances warrants it.

SECTION 6.080 STANDARDS GOVERNING CONDITIONAL USES

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

- (1) Requirements for front, rear, side, and street side yards for conditional uses may be increased by one foot (0.35 m.) for each foot by which the building height exceeds that specified for the district.
- (2) Standards for governmental structures or uses of land for public utility facilities such as electric substation or transformer, public or community domestic water supply reservoir, public or community sewage disposal plant or pumping station, radio or television tower or transmitter, telephone exchange, school bus garage, shop and storage yard, or similar governmental or utility structure or use of land shall be:
 - (a) In a residential zone, all equipment and material storage shall be within an enclosed building.
 - (b) Workshops and offices shall not be permitted in a residential zone.
 - (c) Public utility facilities and storage areas shall be screened and provided with landscaping.

- (d) 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.
- (e) Sewage treatment plants and similar uses shall not be permitted in a residential zone.
- (3) A mobile home park may be permitted provided it meets the requirements of Chapter 446, Oregon Revised Statutes and the standards of the Oregon State Board of Health. In addition, the following minimum standards shall apply:
 - (a) Minimum size of mobile home park: 5 acres (2.02 h.).
 - (b) Minimum average size of mobile home space: 4,000 square feet (371.61 sq. m.).
 - (c) Minimum average width of mobile home space: 40 feet (12.18 m.).
 - (d) Minimum average length of mobile home space: 70 feet (21.34 m.).
 - (e) Minimum distance between a mobile home and public street right-of-way: 15 feet (4.57 m.).
 - (f) Minimum distance between mobile home and all other exterior property lines: 15 feet (4.57 m.).
 - (g) Minimum distance between mobile home: 15 feet (4.57 m.).
 - (h) Minimum distance between mobile homes and interior access roads: 10 feet (3.05 m.).
 - (i) Each access road connecting with a City street shall have a surface width of at least 30 feet (9.14 m.), and all other access roads within the mobile home park shall have a minimum surface width of 24 feet (7.32 m.). All access roads and parking areas shall be surfaced with permanent surfacing to City standards and shall be well drained. Hard surfaced walkways not less than 3 feet (0.91 m.) wide shall be required to connect mobile home lots with community and service buildings. All access roads and walkways shall be well lighted.
 - (j) All areas not used for mobile home lots, motor vehicle parking, traffic circulation, or community or service buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition.
 - (k) Developed outdoor recreation areas shall be provided and maintained. These areas shall contain a minimum of 2,500 square feet (232.26 sq. m.), or 200 square feet (18.58 sq. m.) per mobile home lot, whichever requirement is the greater.
 - (l) Screening shall be provided on each side of a mobile home park which is adjacent to or across a street or alley from an area which is located in a residential zone. The screening shall consist of a continuous fence supplemented with landscape planting or

a continuous wall, evergreen hedge, or combination thereof so as to effectively screen the mobile home park from view. All screening shall be maintained in good condition.

- (m) All mobile home spaces shall be provided with electrical, sewer, and water connections complying with all applicable City and State codes and ordinances.
- (n) Structures located in any mobile home space shall be limited to a storage building, ramada, or carport. These may be combined as one structure. Structural additions to the mobile home shall be limited to an awning, patio cover, or cabana adjacent to the mobile home. The mobile home shall not support any building in any manner.
- (o) One permanent storage building with a minimum floor area of 32 square feet (2.97 sq. m.) and a maximum floor area of 100 square feet (9.29 sq. m.) shall be provided for each mobile home lot.
- (4) Standards for mobile home use where approved for caretaker or watchman employed on the premises of a nonresidential use:
 - (a) The mobile home shall be occupied only by a member or members of the immediate family of the person(s) owning, managing or taking care of the principal use on the property. A permit shall be issued only to the person(s) applying and shall not be transferrable through change of ownership or usage of the property.
 - (b) Only one mobile home may be situated upon a particular piece of property.
 - (c) The mobile home shall be placed on the property so as to effectively screen it from view from adjacent properties and the street right-of-way. Suitable screening or landscaping may be required to assist in effectively screening the mobile home from view,
 - (d) The mobile home shall be separated by at least 16 feet (4.88 m.) from all other buildings on the property.
 - (e) Setbacks on the mobile home from all property lines shall be the same as for the zone in which the mobile home is located or 10 feet (3.05 m.), whichever is greater.
 - (f) The mobile home shall be constructed to the State of Oregon Mobile Home Standards, enacted on July 1, 1972, or any future amendment thereto or, more precisely, the ANSI-A119.9 Code, promulgated in 1971 and adopted by the State of Oregon along with Oregon's Structural Standards for Mobile Homes, and have the Oregon Insignia of Compliance.
 - (g) The mobile home shall be a minimum of 12 feet (3.66 m.) in width and 40 feet 912.19 m.) in length.
 - (h) The mobile home shall be provided with a kitchen having a sink with hot and cold running water, and at least one bathroom equipped with a water closet, lavatory, and bathtub or shower.

- (i) All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the mobile home with public water and sewer lines shall comply with the standards of the City of Lebanon.
- (j) The wheels and tongue or hitch shall be removed from the mobile home.
- (i) The mobile home shall be placed on and securely anchored to permanent continuous concrete or concrete block foundation, or to a 4 inch (0.10 m.) concrete slab under the entire mobile home unit with concrete block supports. Stabilizing devices to sustain all horizontal and vertical loads shall be provided. Stabilizing devices shall be so designed and installed as to prevent drag and uplift torque due to a 15 pound per square foot wind load, and be capable of transmitting these loads from the mobile home to the foundation.
- (l) Unless placed upon a continuous permanent foundation, the mobile home shall be completely enclosed with a continuous concrete wall or skirting which shall consist of nondecaying, noncorroding material extending to the ground or to an impervious surface.
- (m) Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:
 - (1) The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet (0.14 sq. m.) each 25 linear feet (7.62 m.) of exterior wall.
 - (2) Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.
 - (3) All foundation areas shall be provided with a 16 inch (0.41 m.) by 25 inch (0.64 m.) access way and shall be secured against entry.
- (n) No additions or accessory buildings shall be permitted in conjunction with a mobile home except as follows:
 - (1) One carport not to exceed 500 square feet (46.45 m.) in area.
 - (2) One covered or uncovered patio not to exceed 300 square feet (27.87 sq. m.) in area.
 - (3) One storage building not to exceed 100 square feet (9.29 sq. m.) in area, and which shall be attached to and made a part of a carport or patio, and which shall be included as a part of the maximum area provided for the carport or patio.

- (o) If the mobile home is removed from its permanent foundation, the owner of the property shall agree in writing to remove the foundation and all additions to the mobile home, and permanently disconnect and secure all utilities. The agreement shall authorize the City to perform the work and place a lien against the property for all costs incurred if the work is not completed within 30 days from the date on which the mobile home is moved from its foundation. This condition shall not apply in the event that the original foundation as modified is utilized by another approved mobile home within 30 days of the original unit's removal.
- (p) Off-street parking requirements for the mobile home shall be the same as for a single-family dwelling.
- (5) Standards for day nursery, kindergarten, nursery school, or similar facility:
 - (a) At least 75 square feet (6.97 m.) of outdoor play area per child shall be provided.
 - (b) The outdoor play area shall be adequately fenced in order to provide for the safety of the children at the facility.
 - (c) A structure other than a private residence shall be used if more than 15 children are to be enrolled or cared for at the facility. In this case, the required play area shall be sufficiently buffered from abutting residential property to minimize noise problems.
 - (d) The facility shall be readily accessible for the fire and other emergency vehicles.
 - (e) The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.
- (6) Standards for auto wrecking yard or junk yard:
 - (a) The auto wrecking yard or junk yard shall be fully enclosed by a sight-obscuring fence or wall free of advertising, maintained in good condition, and not less than 6 feet (1.83 m.) nor more than 8 feet (2.48 m.) in height. No materials or equipment shall be stored in such a manner that they exceed the height of the fence.
 - (b) 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.
 - (c) 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.
 - (d) When the auto wrecking yard or junk yard is located within 400 feet (121.92 m.) of a residential or commercial zone or a state highway, view obscuring landscape screening shall also be provided. The screening shall consist of a continuous fence or wall supplemented with landscape planting and an evergreen hedge 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 6 feet (1.83 m.) in height.

ARTICLE 7 NONCONFORMING USES

SECTION 7.010 INTENT

It is the intent of the nonconforming use sections of this Ordinance to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this Ordinance to continue under conditions specified herein. However, alteration or expansion of these non-conforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the City as a whole, are not permitted as outlined in Sections 7.010 to 7.090 of this Ordinance.

SECTION 7.020 CONTINUATION OF A NONCONFORMING USE

1. Subject to the provisions of Sections 7.010 to 7.090, a nonconforming use of a structure or a nonconforming use may be continued and maintained , but shall not be altered or extended except as provided herein.
2. 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 this Ordinance is not an extension of a nonconforming use.
3. In any industrial or commercial zone, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not exceed the yard, lot coverage, and building height requirements of the RL Zone.

SECTION 7.030 NONCONFORMING STRUCTURE

1. 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 from the standards of this Ordinance.
2. Notwithstanding the provisions of Section 7.040, a nonconforming structure reasonably capable of use only for a nonconforming industrial or commercial use may be re-established, changed, altered, or expanded upon as a Conditional Use.

SECTION 7.040 DISCONTINUANCE OF A NONCONFORMING USE

1. If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.
2. If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.

SECTION 7.050 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.

SECTION 7.060 DESTRUCTION OF A NONCONFORMING USE OR STRUCTURE

If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed by any cause, a future structure or use on the site shall be either in accordance with the provisions of the zone in which the property is located, or the property owner may apply for a conditional use permit to continue with the existing use or to replace the structure in its present location.

SECTION 7.070 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.

SECTION 7.080 COMPLETION OF STRUCTURE

Nothing contained in this Ordinance 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 this Ordinance, 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.

SECTION 7.090 NONCONFORMING MOBILE HOME

Notwithstanding the provisions of Section 7.060, a mobile home, as defined in Section 1.040 of this Ordinance, which is a lawfully pre-existing use, may be repaired, altered, or replaced provided that its use has not been discontinued for a period of one year. Any mobile home repair, alteration, or replacement shall comply with state and local building code requirements, shall conform with the standards of the zone where possible, and shall not under any circumstances deviate further from the standards of the zone and this Ordinance.

ARTICLE 8 VARIANCES

SECTION 8.010 PURPOSE

Because of the impossibility of foreseeing and providing for all circumstances and conditions which may effect individual properties or uses the variance provision is created thus making it possible to adjust the provisions of this Ordinance, to special and unusual cases without defeating the general purposes and intent of the ordinance.

SECTION 8.020 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific property or use, strict application of the ordinance 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 Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this Ordinance.

SECTION 8.030 CIRCUMSTANCES FOR GRANTING A VARIANCE

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

- (1) Special or unusual circumstances apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity regarding the physical nature of the property.
- (2) The variance would not be materially detrimental to the public health, safety and welfare or to the purposes of this Ordinance, or to the property in the same zone or vicinity in which the property is located , or otherwise conflict with the objectives of the City plan or policy.
- (3) The variance requested is the minimum variance which would alleviate the hardship.

SECTION 8.040 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION

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

- (1) A property owner may initiate a request for a variance by filing an application with the Building and Planning Official, using forms prescribed pursuant to Section 2.080. A filing fee in accordance with the provisions of Section 2.090 shall accompany an application for a variance. The applicant shall submit evidence that the circumstance for granting a variance as outlined in Section 8.030 apply to the variance request.
- (2) Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon in accordance with the provisions of Section 2.100.

- (3) The Commission may prescribe the terms and conditions upon which a variance may be granted and set a time limit for the duration of such variance and may require guarantees in such form as it may deem proper under the circumstances to ensure that the purposes for which said variance is granted will be fulfilled and that the conditions of the variance will be met.
- (4) Within seven (7) days after a decision has been rendered with reference to a variance application, the Building and Planning Official shall provide the applicant with written notice of the decision of the Planning Commission.

SECTION 8.050 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 Planning Commission. Any proposed change in the approved plan shall be submitted to the 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 Section 2.070 has passed.

SECTION 8.060 TIME LIMIT ON AN APPROVED VARIANCE APPLICATION

Authorization of a variance shall be void one (1) 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 (1) year.

SECTION 8.070 TERMINATION OF A VARIANCE

A variance may be revoked or modified by the Planning Commission after public hearing, on any one or more of the following grounds:

- (1) Approval of the variance was obtained by fraud or misrepresentation.
- (2) The use for which approval was granted has ceased to exist.
- (3) The use does not meet the conditions specifically established for it at the time of approval of the application.
- (4) The variance is in violation of any other applicable statute, ordinance or regulation.

SECTION 8.080 LIMITATION

No request for a variance shall be considered by the Planning Commission within the one-year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

ARTICLE 9 AMENDMENTS

SECTION 9.010 AUTHORIZATION TO INITIATE AMENDMENTS

An amendment to the text of this Ordinance 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 Planning Official using forms prescribed pursuant to Section 2.070. A filing fee in accordance with the provisions of Section 2.080 shall accompany an application by a property owner for an amendment.

SECTION 9.020 PUBLIC HEARINGS ON AMENDMENTS

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

- (1) Notice of public hearing shall be as specified in Section 2.100.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed.
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provision of Section 2.100
- (5) All public hearing procedures shall be in accordance with the City procedures for the conduct of hearings before the Planning Commission and the City Council.
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

SECTION 9.030 RECORD OF AMENDMENTS

The City Recorder shall maintain records of amendments to the text and zoning map of this Ordinance.

SECTION 9.040 LIMITATION

No application of a property owner for an amendment to the text of this Ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence of a change of

circumstances warrants it.
ARTICLE 10 EFFECTIVE DATE

Section 10.010 EFFECTIVE DATE

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 5th day of March, 1980.

_____ Mayor

ATTEST:

City Recorder

APPENDIX A
(Effective October 9, 1999)

| Activity | Fee for Original Submittal | Resubmittal Fee |
|--|--|------------------------|
| Administrative Review | \$250 | \$150 |
| Amendment to Subdivision Ordinance | \$1,500 | \$500 |
| Annexation (<5 acres) | \$1,200 | n/a |
| Annexation (>5 acres) | \$1,450 | n/a |
| Appeal | \$250 | n/a |
| Comprehensive Plan Change | \$1,200 | \$350 |
| Conditional Use Permit | \$500 | \$150 |
| Land Partition | \$300 | n/a |
| Planned Development (Preliminary) | \$1,500 | n/a |
| Planned Development (General) | Res.: \$1,000 + \$10/unit; Non-res: \$1,000 + \$5/100 sq. ft. | |
| Property Line Adjustment | \$150 | \$50 |
| Property Line Consolidation | 0 | 0 |
| Public Improvement Permit | Schedule A | n/a |
| Right-of-Way Permit | Schedule B | n/a |
| Sign Review | \$50 + \$1 sq. ft. | 0 |
| Site Plan Review | <1 ac. = \$300; >1ac. = \$500 | |
| Subdivision Final Plat | \$1,000 + \$25/Lot | n/a |
| Subdivision Tentative Plan | \$1,000 + \$10/lot | n/a |
| Subdivision Tentative Plat | \$300 | n/a |
| Temporary Use Permit | \$250/Year | n/a |
| Vacation | \$700 | n/a |
| Variance | \$500 | n/a |
| Zone Change Map | \$1,500 | \$750 |
| Zone Change Text* | \$1,500 | |
| *Additional Fee for Planning Action Requiring Measure 56 Mailing | \$2,500 | |

General information is included in the Appendix to help with the utilization and understanding of this Zoning Ordinance.

- 3) Maximum Allowed Densities.
- 4) Parking Standards.
- 5) Plot Plan Example.
- 6) Filing Fee Ordinance.

FEE SCHEDULE FOR PUBLIC IMPROVEMENT PERMITS

Public Improvement Permit fees reimburse the city for two major work components: 1). Plan review and 2). Construction inspection.

Fee Schedule:

For drawing review and application: A fixed fee of \$100.00 plus 0.6% of construction cost estimate.

For construction of public facilities: A fixed fee of \$100.00, plus

- 1). 4% of the project cost up to \$25,000, plus
- 2). 3% of the project cost from \$25,001 to \$50,000, plus
- 3). 2.5% of the project cost above \$50,000.
- 4). For sanitary sewer and storm drain lines, an additional \$1.50 per lineal foot shall also be charged for each television inspection performed (construction, warranty and re-inspection).

**FEE SCHEDULE FOR
RIGHT-OF-WAY PERMITS**

BASIC RIGHT-OF-WAY ENCROACHMENT FEE: \$40.00

SURCHARGES:

Hard surface street cuts \$0.50/sq. ft.; \$30.00 minimum

Curb cuts \$1.50/lin. ft.; \$20.00 minimum

Connection to sanitary sewer system:

4 inch lateral \$30.00

6 inch lateral-use public improvement construction
fee schedule; with a minimum fee of \$100.00

Connection to city storm drainage system:

Up to 4 inch lateral \$20.00

6 inch to 8 inch lateral \$40.00

Over 8 inch lateral \$60.00