

AN ORDINANCE REGULATING THE USE OF LAND)
AND STRUCTURES IN THE CITY OF LEBANON)
ESTABLISHING ZONES FOR THAT PURPOSE, AND)
DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 2
for 1972

ORDINANCE NO. 1428

THE PEOPLE OF THE CITY OF LEBANON, OREGON, ORDAIN AS FOLLOWS:

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Section 1.010. Title. This Ordinance shall be known as the "Lebanon Zoning Ordinance."

Section 1.020. Purpose. The purpose of this Ordinance is to encourage appropriate and orderly physical development in the city through standards for provision of adequate open space for light and air, desired levels of population density, workable relationships of land uses to the transportation system, effective community facilities, assurance of opportunities for effective utilization of land, and to promote in other ways public health, safety, convenience, and general welfare.

Section 1.030. Definitions. As used in this Ordinance:

"access" means the way or means by which pedestrians and vehicles enter and leave property;

"accessory structure" or "accessory use" means a structure or use incidental and subordinate to the main use of the property and located on the same lot as the main use;

"alley" means a public way which affords a secondary means of access to property;

"building" means a structure, but not a mobile home, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection to the ground.

"building, community" means a publicly owned and operated facility used for meetings, recreation or education;

"building height" means the vertical distance from the grade to the highest point of the coping on a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof;

"city" means the City of Lebanon;

"clinic, veterinary" means a business establishment in which medical services are rendered to small domestic pets;

"dwelling, multiple-family" means a detached building containing two or more dwelling units;

"dwelling, single-family" means a detached building containing one dwelling unit and designed for occupancy by one family only;

"dwelling unit" means one or more rooms designed for occupancy by one family and having no more than one cooking facility;

"family" means an individual or two or more persons related by blood, marriage, adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen;

"floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the center lines of walls separating two buildings, but not including attic space providing headroom of less than seven feet, or basement if the floor above is less than six feet above grade;

"frontage" means all the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street, or if the street is dead ended then all of the property abutting on one side between a street intersection and the dead end of the street;

"grade (ground level)" means the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk elevation opposite the center of the wall shall constitute the ground elevation;

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

"home occupation" means a lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling, in connection with which there is no person employed other than a member of the family residing on the premises;

"hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing services on a continuous basis;

"hotel" means a building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation and in which no provision is made for cooking in individual rooms or suites of rooms;

"junk yard" means any property where any person is engaged in breaking up, dismantling, sorting, distributing, buying, or selling of any scrap, waste material or discarded materials;

"kennel" means a lot or building in which four or more dogs, cats, or animals at least four months of age are kept commercially for board, propagation, training or sale;

"lot" means a portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or a use and related accessory uses, together with such yards as are required under the provisions of this ordinance, having not less than the minimum area, dimensions, and off-street parking spaces required by this ordinance for a lot in the zone in which land is situated and having its principal frontage upon a street or such other means of access permitted in accordance with the provisions of this ordinance.

"lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements of access to other property;

"lot, corner" means a lot abutting on two or more streets, at their intersection;

"lot depth" means the average horizontal distance between the front lot line and the rear lot line;

"lot, interior" means a lot other than a corner lot;

"lot line" means the property line bounding a lot;

"lot line, front" means the property line separating the lot from the street; in the case of a corner lot, the shortest property line is along a street;

"lot line, rear" means the property line which is opposite and most distant from the front lot line; in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and a maximum distance from the front lot line;

"lot line, side" means any property line that is not a front or rear lot line;

"lot line, through" means a lot with frontage on two streets which are approximately parallel;

"lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line;

"mobile home" means a vehicular or portable structure which is constructed for movement on the public highways; which is designed for use as a residence but which has not been demonstrated to conform to the requirements of the building code for other residences.

"mobile home park" means any privately owned place where ten or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership;

"motel" means a building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accomodation of transient automobile travelers;

"nonconforming lot" means a parcel of land which legally existed as a lot on the effective date of this ordinance;

"nonconforming structure or use" means a lawful structure or use existing at the time this ordinance or any amendment thereto becomes effective and not conforming to the requirements of the zone in which it is located;

"owner" includes an authorized agent of the owner;

"parking space" means an enclosed or unenclosed surfaced area of not less than 20 feet by 9 feet in size, 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;

"person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit;

"planning commission" means the planning commission of the City of Lebanon, Oregon;

"service station, automobile" means a building designed primarily for the supplying of motor fuel, oil, lubrication, and accessories to motor vehicles, but excluding major repair and overhauling;

"sign" means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business;

"sign, advertising" means a sign which directs attention to or identifies a business, product, activity or entertainment, conducted, sold or offered off the premises where such sign is located;

"sign, business" means a sign which directs attention to or identifies a business, profession, service, product, activity, or entertainment, conducted, sold or offered upon the premises where such sign is located;

"story" means that portion of a building included between the upper surface of any floor and the upper floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished flood level directly above a basement or cellar is more than six feet above a grade, each basement or cellar shall be considered a story;

"street" means an officially approved public thoroughfare or right of way dedicated, deeded or condemned, which has been approved by the Planning Commission and accepted by the City Council for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare;

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

"structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure;

"use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained;

"wrecking yard, automobile" means any property where two or more motor vehicles not in running condition and currently unlicensed, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered, or stored in the open and are not to be restored to operation;

"yard" means an open space on a lot other than a required off-street parking space which unobstructed from the ground upward except as otherwise provided in this regulation;

"yard, front" means a yard between side lot lines measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building;

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

"yard, side" means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear lot line.

ARTICLE 2. BASIC PROVISIONS

Section 2.010. Compliance with Ordinance Provisions. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

Section 2.020. Interpretation. The provisions of this ordinance shall be held to the minimum requirements fulfilling its objectives. Where conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other ordinance, resolution, or regulation of the city, the provisions which are more restrictive shall govern.

Section 2.030. Severability. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 2.040. Classification of Zones. For the purpose of this ordinance the following zones are hereby established in the city:

<u>Zone</u>	<u>Abbreviated Designation</u>
Single-Family Residential	R-S
Multiple-Family Residential	R-M
General Commercial	C-G
Highway Commercial	C-H
Neighborhood Commercial	C-N
Light Industrial	M-L
Heavy Industrial	M-H
Planned Development	PD

Section 2.050. Location of Zones. The boundaries of the zones listed in this ordinance are indicated on the Lebanon Zoning Map dated:

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which is/are hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 2.060. Zoning Maps. A zoning map or zoning map amendment adopted by Section 2.050 of this ordinance or by an amendment to this section shall be prepared by authority of the city planning commission or be a modification by the city council of a map or amendment so prepared. The map or map amendment shall be dated with the date of its approval by the planning commission or 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 without charge in the office of the city recorder as long as this ordinance remains in effect.

Section 2.070. Zoning of Annexed Areas. All unzoned areas annexed to the city shall be in the Single-Family Residential Zone (R-S), unless otherwise recommended by the planning commission and ordered by the city council.

Section 2.080. Zone Boundaries. Unless otherwise specified, zone boundaries are section or subdivision lines, lot lines, or the center line of streets, alleys, railroad right of ways, or such lines extended.

Section 2.090. Repeal. Ordinance No. 659 and all amendments thereto are hereby repealed, with the provision that violations of these ordinances and all amendments thereto shall remain violations to the extent that matters in violation do not conform to the provisions of this ordinance.

ARTICLE 3. USE ZONES

Single-Family Residential Zone R-S

Section 3.000. Purpose. The Single-Family Residential Zone is intended to provide for low density residential use. A stable and healthful environment, suitable for family life and supplied with the full range of urban services for single-family detached dwellings is the primary purpose of this zone.

Section 3.010. Principal Permitted Uses. In the R-S Zone the following uses are permitted:

1. Single-family dwelling;

2. Accessory buildings and uses which are in keeping with the residential character of the zone in accord with Article 4.030:

- a. garages, carports, patios and swimming pools
- b. home occupations

Section 3.020. Conditional Uses Permitted. In R-S Zone the following uses and their accessory uses are permitted when authorized in accordance with Article 5 of this ordinance: *maybe*

1. Church;

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

3. Public or private school or college;

4. Utility substation;

5. Duplexes

delete → ~~6. Mobile home parks;~~

Section 3.030. Lot Size. In an R-S Zone the lot size shall be as follows:

1. The minimum lot area shall be 8,000 square feet.

2. The minimum lot width at the front building line shall be 80 feet.

Section 3.040. Yard Requirements. In an R-S Zone the yards shall be as follows:

1. The front yard shall be a minimum of 20 feet;

2. One side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of 15 feet, except that for corner lots a side yard abutting a street shall be a minimum of 15 feet;

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

Section 3.050 Height of Buildings. In an R-S Zone no building shall exceed a height of 25 feet.

Section 3.060. Parking. Two off-street parking spaces shall be furnished for each dwelling in an area other than the front yard.

Section 3.070. Signs In accordance with Section 4.030.

Multiple-Family Residential Zone R-M

Section 3.100 Purpose. The Multiple-Family Residential Zone is intended to provide adequate space for multiple-family housing and create a stable and healthful environment for living in more densely populated areas. The density and height allowed in this zone shall be governed by sub-designations 1, 2, and 3, as set forth in Section 3.140.

Section 3.110. Principal Permitted Uses. In the R-M Zone the following buildings and uses are permitted:

1. A principal permitted use in the R-S Zone;

2. Multiple-family dwellings.

Section 3.120. Conditional Uses Permitted. In an R-M zone the following uses and their accessory uses ~~are~~ permitted when authorized in accordance with Article 5 of this ordinance: *may be*

1. A conditional use permitted in an R-S Zone;
2. Boarding, lodging or rooming house;
3. Fraternal club or lodge;
4. Hospital or nursing home;
5. Medical or dental clinic;
6. Mobile home park;
7. Public parking areas.

8. Real Estate Offices

Section 3.130. Lot Size. In an R-M Zone the lot size shall be as follows:

1. The minimum lot area shall be ~~7,500~~ ^{8,000} square feet;
2. The minimum lot width at the front building line shall be ~~80~~ ⁶⁵ feet.

Section 3.140. Minimum Site Area Per Dwelling Unit. The minimum site area related to the number of stories in the structure shall be as prescribed in the following table:

<u>Sub-Designation</u>	<u>Height</u>	<u>Density</u>
(1)	<i>two or less</i> One story <i>or less</i>	2000 square feet per dwelling unit
(2)	Two stories	1500 square feet per dwelling unit
(3)	Three or more stories	1250 square feet per dwelling unit

Section 3.150. Yard Requirements. In an R-M Zone, yards shall be as follows:

1. The front yard shall be a minimum of ~~15~~ ²⁰ feet;
2. The side yard shall be a minimum of five feet. For a corner lot the side yard abutting a street shall be a minimum of 15 feet;
3. The rear yard shall be a minimum of 10 feet.
4. All yards shall be landscaped in accord with Section 4.140 to a depth of 15 feet for a front or side yard abutting a street. Other yards shall have a suitable landscape barrier.

Section 3.160. Height of Buildings. In the R-M Zone, Sub-designations 1 and 2, no building shall exceed a height of 45 feet.

Section 3.170. Open Space. In an R-M Zone, buildings shall be provided with usable open space at the rate of 300 ~~feet~~ ^{feet} per dwelling unit. Such space shall not occupy a required front yard or parking area and must provide a minimum dimension of ten feet.

Section 3.180. Parking. Off-street parking shall be provided in accordance with Article 4 and shall not occupy a front yard.

General Commercial Zone C-G

Section 3.200. Purpose. The General Commercial Zone is intended to preserve and enhance the area within which the primary concentration of retail sales and business will serve the pedestrian shoppers. This zone will serve as the commercial core of the community. It is the intent of this zone to promote parking on joint lots through parking districts.

Section 3.210. Principal Permitted Uses. In the C-G Zone the following buildings and uses are permitted:

1. Dwelling units, provided the units are located above any use permitted in Sections 3.210 - 3.230;
2. A use permitted conditionally in an R-M Zone, but not including residential use involving a mobile home park;
3. 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;
4. Business, governmental or professional office and financial institutions;
5. Service commercial and commercial amusement establishment such as hotel, restaurant, tavern, club, lodge, fraternal organization and theater, excluding drive-in restaurants, automotive sales, service and gas stations;
6. Personal and business service such as barber shop, tailoring shop and printing shop;
7. Parking lots provided that a 3' landscape strip is placed along front property lines.

Section 3.220. Limitations on Use. Except as authorized in accordance with the requirements of Section 3.230, 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 three (3) feet from the wall and where not located on a public sidewalk or right-of-way.

Section 3.230. Conditional Uses Permitted. In a C-G Zone the following uses and their accessory uses ~~are~~ permitted when authorized in accordance with the requirements of Article 5: *may be*

1. A use listed in Section 3.210 but not wholly enclosed within a building;
2. Laundry, dry-cleaning establishment, funeral homes and motels.

Section 3.240. Yard Requirements. Except as provided in Section 5.060, in the C-G Zone no yards are required except as follows:

1. When the front yard of a C-G Zone abuts a residential zone the front yard and the street side yard, requirements shall be 20' and landscaped in accordance with Section 4.140.
2. There shall be a minimum side yard of 10 feet where a C-G Zone abuts a residential zone, which shall be landscaped or screened in accordance with Section 4.140
3. There shall be a minimum rear yard of 20 feet where a C-G Zone abuts a residential zone, except where there is an alley, which shall be landscaped in accordance with Section 4.140.
4. Where yards are required, one foot shall be added to each yard for each foot by which the height of a building exceeds 45 feet.

Section 3.250. Height of Buildings. In a C-G Zone no building shall exceed a height of 75 feet.

Section 3.260. Lot Coverage. In a C-G Zone building may occupy 100% of the lot area, provided the conditions of Section 3.240 are met.

Highway Commercial Zone C-H

Section 3.300. Purpose. The Highway Commercial Zone is established to create, preserve and enhance areas with a wide range of services in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares.

Section 3.310. Principal Permitted Uses. In the C-H Zone the following buildings and uses are permitted:

1. Auction house;
2. Automobile, boat, trailer or truck rental and sales;
3. Automobile repair garage;
4. Automobile, truck or vehicle service station;
5. Business or trade school;
6. Dairy products processing plant with retail sales;
7. Farming or logging materials, implements or machinery sales and service;
8. Laundry or dry cleaning distribution station;
9. Laundry or dry cleaning shop including auto laundry, self-service laundry only;
10. Mobile home sales;
11. Monument sales;
12. Retail building materials, lumber supply and hardware sales;
13. Second-hand goods store;
14. Professional offices;
15. Drive-in restaurant;
16. Grocery and retail sale of convenience items.

Section 3.320. Conditional Uses.

1. Animal hospital with enclosed boarding areas for convalescent use;
2. Mobile home park;
3. Service stations and truck repair facilities.

Section 3.330. Limitations on Use. In a C-H Zone, except for dwellings, the following conditions and limitations shall apply:

1. For expansion of existing buildings and for new construction, a development plan shall be submitted to the commission for their approval. Such plan shall show the locations of all existing and proposed buildings and structures, parking areas and access points, lighting, signs, landscaping, and such other data as may have a bearing on the adjacent properties.

2. The commission may impose the following conditions before a building permit will be issued for the proposed development:

- a. Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential;
- b. Require the dedication of additional street right of way where an officially adopted plan indicates need for increased width or where the nature of the proposed development warrants increased street width.

3. All business, 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.

4. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;

5. The use shall not be objectionable in relationship to the surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

Section 3.340. Yards.

1. The front yard shall be a minimum of 10 feet or in the case where front yards are adjacent to residential zones, such yard shall be 20' and landscaped in accordance with Section 4.140. On through lots front yards shall be required on both streets;

2. The side yard shall be a minimum of 10 feet where a C-H Zone abuts a residential zone and shall be landscaped or screened in accordance with Section 4.140. On **corner side** lots the street side yard shall be 20 feet;

3. The rear yard abutting a residential zone shall be a minimum of 20 feet, and shall be landscaped or screened in accordance with Section 4.140.

Section 3.350. Off-Street Parking. Off-street parking shall be provided in accordance with Section 4.020.

Neighborhood Commercial Zone C-N

Section 3.400. Purpose. The Neighborhood Commercial Zone is established to create and preserve and enhance the livability of residential areas by serving frequently recurring needs in convenient locations, typically appropriate to small shopping clusters located within or adjoining residential neighborhoods.

Section 3.410. Principal Permitted Uses. In the C-N Zone the following uses with floor areas of less than 2,000 square feet are permitted:

1. Grocery store, delicatessen, meat market or bakery;
2. Barber shop and beauty shop;
3. Drug, sundry, hobby, gift store;
4. Laundromats;
5. Coffee shops.

Section 3.420. Conditional Uses.

1. Service station

Section 3.430. Standards. All standards shall conform to the C-H Zone.

Light Industrial Zone M-L

Section 3.500. Purpose. The Light Industrial Zone is established to create, preserve and enhance areas containing light manufacturing, warehousing and related establishments with limited external effect on the surrounding community.

Section 3.510. Principal Permitted Uses. In the M-L Zone the following buildings and uses are permitted:

1. Use involving any manufacturing, compounding, processing, packaging, treatment or storage which complies with the performance standards provided therein;
2. Feed and seed warehouses and retail outlets;
3. Freight depots and truck terminals;
4. General warehouses;
5. Implement and equipment sales, service and storage;
6. Lumber and building materials sales and storage;
7. Offices;
8. Radio and television transmitter;
9. Railroad tracks and facilities necessary to serve other permitted uses;
10. Research laboratories;
11. Storage building for household goods;
12. Wholesale business salesrooms distributor outlet;
13. Other uses similar to the above and not specifically listed under the M-L zone, and other industrial uses, provided that the use conforms to the performance standards provided herein.

Section 3.520. Conditional Uses Permitted. In an M-L Zone the following uses and their accessory uses are permitted when authorized in accordance with Article 6 of this ordinance: maybe

1. Commercial feed lots and auction yards;
2. Quarry, gravel pit, surface or subsurface mining; including the crushing; screening or washing or extracted materials;
3. Service stations and truck repair facilities;
4. Dwelling for caretaker or watchmen employed on the premises and trailers for temporary offices (6 months);
5. Wrecking yards and junk yards;
6. Kennels and animal hospitals with unenclosed runs.

Section 3.530. Yards. In an M-L Zone the yards shall be as follows:

1. The yard along a street other than an alley shall be a minimum of 20 feet, unless otherwise specified by the Planning Commission;
2. The size of other yards shall be a minimum of 30 feet, where the lot abuts an R Zone.
3. Fencing will be allowed inside of boundary planting screen and where it is necessary to protect property of the industry concerned or to protect the public from a dangerous condition with the following provision: No fence shall be constructed in the required setback from public right of ways;
4. Yards shall be landscaped in accordance with Section 4.140;

Section 3.540. Performance Standards. In an M-L Zone no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

1. Noise.

a. All noise shall be muffled so as not to be objectionable due to intermittance, beat frequency, or shrillness, and as measured at any property line, shall not exceed the following intensity in relation to sound frequency:

<u>Octave Band</u> Frequency in cycles per second	<u>Maximum Permitted Sound Level Decibels</u>	
	Hours	
	<u>10 p.m. - 7 a.m.</u>	<u>7 a.m. - 10 p.m.</u>
0 to 74	69	74
75 to 149	54	59
150 to 299	47	52
300 to 599	41	46
600 to 1,199	37	42
1,200 to 2,399	34	39
2,400 to 4,799	31	36
4,800 and above	28	33

b. Such sound levels shall be measured with a sound level meter and an octave band analyzer approved by the city. Specifications of the American Standards Association shall serve as the basis of the city approval.

c. Noise making devices which are maintained and utilized solely to serve as warning devices are excluded from these regulations.

d. Noise created by highway vehicles, trains and aircraft is excluded from these regulations.

2. Vibration. No vibration other than that caused by highway vehicles, trains, and aircrafts shall be permitted which is discernible without instruments at the property line of the use concerned.
3. Smoke and Particulate Matter. It is the intent of this section to provide standard which, regardless of the intensification of industrial activity will avoid creation of nuisance conditions and will maintain area standards under which the particle fallout rate will not exceed 20 tons per square mile per month; suspended particulate matter will not exceed 100 micrograms per cubic meter of air; and lime dust, as CaO, will not exceed 20 micrograms per cubic meter of air.
 - a. To accomplish this the distance of pollutants from any source within the industrial park shall not exceed the following limits:
 - (1) Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringleman Smoke Chart as published by the U. S. Bureau of Mines, except that smoke of a density not darker than No. 2 of the Ringlemen Chart may be emitted for not more than three minutes in any hour.
 - (2) Lime dust, as CaO, measured at the property line of the activity creating such dust shall not exceed 20 micrograms per cubic meter of air.
 - (3) Total particulate matter measured at all stacks shall not be in excess of 30 grams per hour per acre of land devoted to the operation.
 - b. All measurements of air pollution shall be by the procedures and with equipment approved by the State Sanitary Authority or equivalent and acceptable methods of measurement approved by the city.
4. Odors. The emission of odorous gases or matter in such quantities as to be readily detachable at any point beyond the property line of the use creating such odors is prohibited.
5. Heat and Glare. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent residential zones.
6. Insects and Rodents. All materials including wastes which are edible or attractive to rodents or insects shall be stored outdoors only in closed containers and all grounds shall be maintained in a manner which will not attract or aid the propagation of rodents or create a health hazard.
7. Boundary Fences. Fencing will be allowed inside of boundary planting screens where it is necessary to protect property of the industry concerned or to protect the public from a dangerous condition with the following provision: No fence shall be constructed in the required setback from public right of ways.

Section 3.550. Lot Coverage. In an M-L Zone a building shall not occupy more than 50 per cent of the lot area.

Section 3.560. Materials and Equipment Storage. The open storage of materials is permitted only under the following conditions:

1. The storage of materials and equipment shall be confined to locations where screening of a natural or artificial material can be provided to obscure from eye-level view at a height of six feet at the property lines. Such storage shall not be permitted in a required front yard.

Section 3.570. Off-Street Parking and Loading. In an M-L Zone off-street parking and loading is permitted in a yard except a required side or rear yard abutting an R zone. Off-street parking shall be provided in accordance with Section 4.010.

General Industrial Zone M-G

Section 3.600. Purpose. The General Industrial Zone is established to preserve and enhance areas containing manufacturing and related activities which are potentially incompatible with most other uses and characteristically distant from residential areas.

Section 3.610. Principle Permitted Uses.

1. Uses permitted in the M-L Zone;
2. Industrial uses and their accessory uses provided they meet the standards of the State of Oregon Department of Environmental Quality;
3. Truck repair facilities.

Section 3.620. Conditional Uses Permitted.

1. Commercial feed lots and auction yards;
2. Quarry, gravel pit, mining and the screening and crushing of extracted materials;
3. Dwelling for caretaker or watchmen employed on the premises;
4. Trailers for temporary offices (6 months);
5. Wrecking yards and junk yards;
6. Service stations;
7. Rendering plants and slaughter houses.

Section 3.630. Yards. In the M-G Zone a side or rear yard which abuts an R zone shall be a minimum of 30 feet and landscaped in accordance with Section 4.140. Front yards shall be a minimum of 20 feet.

Section 3.640. Performance Standards.

1. The uses in the zone shall conform to the standards established by the State of Oregon Department of Environmental Quality for noise, odor, smoke and particulate matter.
2. Heat and Glare. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent residential zones.
3. Insects and Rodents. All materials including wastes which are edible or attractive to rodents or insects shall be stored outdoors only in closed containers and all grounds shall be maintained in a manner which will not attract or aid the propagation of rodents or insects or create a health hazard.

Section 3.650. Vehicular Access.

1. Access points to an industrial site from a public street, road or highway shall be limited and so located as to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas, and must be recommended by the planning commission and approved by the city council.
2. Where possible within industrial districts, access to the public road shall be made to serve more than one industrial site.

Section 3.660. Storage. Material and equipment storage shall be permitted only in a side or rear yard and must be screened adequately from adjoining roads and streets.

Section 3.670. Off-Street Parking and Loading. In an M-G Zone off-street parking or loading is permitted in a yard except a required side or rear yard abutting an R zone. Off-street parking shall be provided in accordance with Section 4.010.

Planned Development Zone PD

Section 3.700. Purpose. The purpose of "planned development" is to permit the application of new technology and greater freedom of design in land development than may otherwise be possible under a strict interpretation of the provisions of this ordinance. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurances it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the development plan for the area.

Section 3.710. Standards. The following standards shall govern the application of planned development:

1. Planned development may include any uses permitted in any zone, except uses permitted only in the M-G Zone. Standards governing lot size, yards, off-street parking or other requirements shall be guided by the standards of the zone that most nearly portrays the intent of the use of the property as shown on the comprehensive plan of the city.
2. Planned development shall be at least one acre.
3. Performance bonds may be required to insure that a planned development proposal is completed as submitted within the time limit agreed on by the developer and the planning commission.

Section 3.720. Procedures. In addition to complying with the provisions of Article 8, the following procedures shall be followed when a planned development proposal is submitted for consideration:

1. An applicant shall submit at least 10 copies of a preliminary plan to the secretary of the planning commission for study at least 14 days prior to the meeting at which it will be discussed. The preliminary plan shall include the following information:
 - a. Proposed land use, building locations and housing unit densities.
 - b. Proposed circulation pattern indicating the status of street ownership;
 - c. Proposed grading and drainage pattern.
 - d. Proposed method of water supply and sewage disposal.
 - e. Relation of the proposed planned development to the surrounding area and the comprehensive plan of the city.

2. Prior to consideration of the plan by the planning commission, the secretary of the planning commission shall distribute copies of the preliminary plan to the city surveyor, sanitarian, engineer and planner for study and comment.
3. The planning commission shall consider the preliminary plan at a meeting with the appropriate governmental officials. In considering the plan, the planning commission shall seek to determine that:
 - a. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard regulation requirements.
 - b. Resulting development will not be inconsistent with the comprehensive plan or zoning objectives of the city.
 - c. The area around the development can be planned to be in substantial harmony with the proposed plan.
 - d. The plan can be completed within a reasonable period of time.
 - e. The streets are adequate for the anticipated traffic and the development will not overload the streets outside the planned area.
 - f. Proposed sanitary, utility and drainage facilities are adequate for the population densities.
4. If, in the opinion of the planning commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section and Article 8. If the planning commission finds to the contrary, it may be recommended the application be denied or return the plan to the applicant for revision.
5. In addition to the requirements of this section, the commission may attach conditions it finds are necessary to carry out the purpose of this ordinance.
6. Building permits in a planned development shall be issued on the basis of the approved plan. Any changes in the approved plan shall be submitted to the planning commission for processing as an amendment to this regulation.
7. An approved planned development shall be identified on the zoning map with the symbol "PD" in addition to the existing zone.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

Section 4.010. General Provisions Regarding Off-Street Parking and Loading Areas. Off-street parking and loading areas, when provided, shall meet the following requirements:

1. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks
2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance to residents.
3. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or any adjacent dwelling.

4. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
5. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering will be required within a street other than an alley, and if located within a side or rear yard, a 4' ornamental wood fence or masonry wall shall be placed along such property lines, unless an integral part of a parking area on the adjoining lot.
6. Driveways to off-street parking areas shall be designed, located and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Driveways shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by driveways. Driveways to drive-in business establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley.
7. 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 an adjacent property or street;
8. In residential zones off-street parking or loading areas shall not be located in a required front yard.
9. Automobile parking areas shall be used solely for temporary parking of passenger vehicles and shall not be used for repair or servicing.

Section 4.020. Off-Street Parking and Loading Requirements. Off-street parking shall be provided on the development site for all R-S, R-M, C-H, C-N, M-L and M-G zones. In all other zones the required parking not on the development site shall be provided within 400 feet through a parking district or suitable other means. At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone other than a C-G zone, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirement, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. 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. Fractional space requirements shall be counted as a whole space.

<u>Use</u>	<u>Standard</u>
<u>1. Residential</u>	
a. One and two family dwellings:	Two spaces per dwelling unit.
b. Residential use containing three or more dwelling units:	One and one-half spaces per dwelling unit.
c. Rooming or boarding house:	Spaces equal to 80 per cent of the number of guest accommodations plus one additional space for the owner or manager.
<u>2. Commercial Residential</u>	
a. Hotel:	One space per two guest rooms plus one space per two employes.
b. Motel:	One space per guest room or suite plus one additional space for the owner or manager.

Use - (Cont'd)

Standard (Cont'd)

3. Institutional

a. Welfare or correctional institution:

One space per six beds for patients or inmates.

b. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged:

One space per four beds for patients or residents.

c. Hospital:

One and one-half spacer per bed.

4. Place of public assembly

a. Church:

One space per six seats or eight feet of bench length in the main auditorium, or one space for each 35 feet of floor area of main auditorium not containing fixed seats.

b. Library, reading room:

One space per 400 square feet of floor area plus one space per two employes .

c. Pre-school nursery kindergarten:

Two spaces per teacher.

d. Elementary or junior high school:

One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.

e. High School, college commercial school for adults:

One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.

f. Other auditorium, meeting room:

One space per six seats or eight feet of bench length, or one space for each 35 square feet of floor area for assembly room not containing fixed seats.

5. Commercial amusement

a. Stadium, arena, theater:

One space per four seats or eight feet of bench length.

b. Bowling alley:

Five spaces per alley plus one space per two employes.

c. Dance hall, skating:

One space per 100 square feet of floor area plus one space per two employes.

6. Commercial

a. Retail store except as provided in subsection b. of this subsection:

One space per 200 square feet of floor area designated for retail sales.

Commercial (Cont'd)

- b. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture: One space per 600 square feet of floor area.
- c. Bank, office (except medical and dental): One space per 300 square feet of floor area.
- d. Medical and dental clinic: One space per 300 square feet of floor area plus one space per two employes.
- e. Eating or drinking establishment: One space per 100 square feet of floor area.
- f. Mortuaries: One space per six seats or eight of bench length in chapels.

7. Industrial

- a. Storage warehouse, manufacturing establishment, rail or trucking freight terminal: One space per employee.
- b. Wholesale establishment: One space per employee plus one space per 700 square feet of patron serving area.

Section 4.030. General Provisions Regarding Signs and Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

1. Sight-obscuring fences, when located in a required front yard or in a vision clearance area, shall not exceed two and one-half feet in height, measured from the curb elevation.
2. Accessory buildings shall not exceed a height of 24 feet.
3. A mobile home, marine craft, camper or camping vehicle may not be stored in the front yard of a residence constructed after the effective date of this ordinance.
4. A home occupation when conducted as an accessory use to a dwelling in a residential zone shall be subject to the following limitations:
 - a. No exterior display shall be permitted.
 - b. In the R-S and R-M zones name plates only shall be permitted and cannot exceed 1-1/2 square feet in area, with direct lighting.
 - c. No exterior storage of materials shall be permitted.
 - d. There shall be no other exterior indication of the home occupation or variation from the residential character of the principle building.

Section 4.040. General Exception to Lot Size Requirements. If a lot or the aggregate of the contiguous lots held in a single ownership and recorded in the office of the recorder of Linn County at the time of the 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 lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, and providing if there is an area deficiency, residential use shall be limited to the number of dwelling units consistent with the density requirement of the zone.

Section 4.050. General Exceptions to Yard Requirements.

1. Subject to the requirements of subsection (2) of this section, the following exceptions to the front yard requirement for a dwelling are authorized for a lot in any zone:
 - a. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings;
 - b. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth of one-half way between the front yard depth of the abutting lot and the required front yard depth.
2. To afford better light, air and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the location of structures compatible with the need for the eventual widening of streets, a yard shall be provided abutting the streets and portions of streets hereinafter named which shall be greater than the required yard dimension specified in the zone. The minimum distance from the center line to the front of any structure shall be listed below, plus the required yards specified in the zone

<u>Street Name</u>	<u>Setback from Center Line</u>
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3. In a zone where automobile service stations are permitted, freestanding gasoline pumps and pump islands, identification signs, and lighting standards may occupy a required main or street side yard, provided they are not less than 15 feet from the street line. In any zone gasoline pumps and pump islands shall not be closer than 10 feet to a street right-of-way line.
4. Residential accessory structures not exceeding 500 sq. feet in area, located at least 50 feet from the front lot line and at least 6 feet from the main building may have a side and rear yard setback of 5 feet.

Section 4.060. General Exceptions to Structure Height Limitations. The following types of structures or structural parts are not subject to the height limitations of this ordinance: chimneys, cupolas, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, water towers, elevator shafts, and other similar projections.

Section 4.070. Height Exceptions for Public Buildings. Public, semi-public or public service buildings, hospitals, educational institutions or schools may be erected to a height not to exceed 60 feet and churches or temples may be erected to a height not exceeding 75 feet, when permitted in a zone with lower height regulations provided the required yards are increased one foot for each foot of additional building height above height regulations for the zone.

Section 4.080. Projections from Buildings. Cornices, eaves, canopies, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamentations, and other similar architectural features may project not more than 30 inches into a required yard or into required open space as established by coverage standards, or three feet from a property line whichever is the lesser.

Section 4.090. Access. Every lot shall abut a street, other than an alley, for a width of at least 25 feet, except that lots which do not abut a street may be approved by the planning commission when the following conditions exist:

1. When the planning commission has approved the creation of an easement for access to a lot according to the provisions now or hereafter established in the subdivision regulations.
2. When a parcel of land is an isolated ownership where not more than two lots can be developed, or where the access is by an easement which has been created prior to the adoption of this section, and in each of said instances where city water and sewer services are available or can be developed to serve the area.

Section 4.100. Vision Clearance. In all zones the minimum vision clearance shall be 15' at a street intersection and ~~10' at an alley intersection.~~ *15'*

Section 4.110. Vision Clearance Area. The vision clearance area shall contain no plantings, fences, walls, structures or temporary or permanent obstructions exceeding 2.5 feet in height measured from the top of the curb, or if no curb then from the street center elevation, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above grade.

Section 4.120. Location of Front Property Line. In determining the depth of a front yard, the front property line shall not be located closer than 25 feet to the center line of a street, excepting streets of less than 50 feet in width dedicated to public use on a subdivision plat approved by the commission subsequent to the date of adoption of this ordinance.

Section 4.130. Authorization of Similar Uses. The planning commission may rule that a use, not specifically named as an allowed use in a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed use.

Section 4.140. Landscaping and Screening. All properties in the C-G, C-H, C-N, M-L and M-G zones shall be landscaped in accordance with the following requirements:

1. Yards abutting a residential zone shall be landscaped and shall provide and maintain a dense evergreen landscape buffer which attains a mature height of at least seven feet or be provided with a six foot view-obscuring wood fence or masonry wall or such other screening measures as may be prescribed by the planning commission.
2. Front yards adjacent to streets shall be landscaped routinely.
3. Other yards and unused property shall be maintained in suitable ground cover or kept in a clean and weed-free manner.

ARTICLE 5. CONDITIONAL USES

Section 5.010. Authorization to Grant or Deny Conditional Uses. Conditional uses listed in this Ordinance may be permitted, enlarged or altered upon recommendation of the Planning Commission and authorization by the City Council in accordance with the standards and procedures set forth in Sections 5.010 to 5.040. Nothing contained herein shall be deemed to require the Planning Commission to grant a Conditional Use Permit.

1. In permitting a conditional use or the modification of a conditional use 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 best interests of the surrounding area or the city as a whole. These conditions may include:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location, and lighting of signs.
 - g. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open spaces.
2. 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 in lot area or an alteration of structure shall conform with the requirements for conditional use.

Section 5.020. 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. In a residential zone, yard requirements for conditional uses shall be one and one-half (1-1/2) times the minimum requirements of the zone plus one-half (1/2) foot for each foot by which the building height exceeds 25 feet.
2. A conditional use in a residential zone may exceed the height limitation of the zone in which it is located but shall not exceed a height of 50 feet.
3. In a residential zone all equipment and material storage for a conditional use shall be within an enclosed building.
4. Standards for public utility uses including radio and television transmitter, electric substation or transformer, domestic water supply reservoir or pumping station, community sewage disposal plant or pumping station, telephone exchange and similar facilities.
 - a. Public utility shops shall not be permitted in residential or commercial zones.
 - b. Public utility uses shall be fenced and provided with landscaping.
 - c. The minimum lot size for a public utility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

Section 5.030. Application for a Conditional Use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application and fee with the city recorder. The planning commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

Section 5.040. Public Hearing on a Conditional Use. Before the planning commission may act on a request for a conditional use it shall hold a public hearing.

Section 5.050. Notification of Action. Within five days after a decision has been rendered with reference to a request for a conditional use, the secretary of the planning commission shall provide the applicant with written notice of the decision of the commission.

Section 5.060. Time Limit on a Permit for a Conditional Use. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place, however, the planning commission may recommend to the council an authorization for an additional period not to exceed one year on request.

Section 5.070. Limitation. No request for a conditional use 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 consent to a new hearing, if in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

ARTICLE 6. NONCONFORMING USES AND STRUCTURES

Section 6.010. Continuation of a Nonconforming Use or Structure. Subject to the provisions of Sections 6.020 to 6.060, a nonconforming structure or use may be continued and maintained, but shall not be altered or extended except as hereafter provided. A nonconforming structure and/or a structure devoted to a nonconforming use at the time of the passage of this Ordinance, may not, during the life time of the building, be reconstructed or structurally altered or repaired in an amount or to an extent exceeding in aggregate cost 50% of the value of the building on March 21, 1972, unless the use be changed to a conforming use or the structure be changed to a conforming structure. 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.

1. If a nonconforming use is discontinued from active use for a period of one 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 months further use of the property shall be for a conforming use.

Section 6.040. 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 and, after change, it shall not be changed back again to any nonconforming use.

Section 6.050. Destruction of Nonconforming Structure. If a nonconforming structure is damaged to an extent less than 60% of its true value then such a structure shall be replaced and use resumed within one year, or conform to the regulations of the zone in which it is located. If such a structure is damaged to an extent greater than 60% of its true value, any reconstruction or replacement must be done in a manner to conform to the regulations of the zone in which it is located. The value of the structure for purposes of this section shall be as listed by the assessor for the current year adjusted to true cash value.

Section 6.060. 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 issued and construction has commenced prior to the adoption of this ordinance, except that if the designated use will be nonconforming it shall, for the purpose of Section 6.030, be a discontinued use if not in operation within two years of the date of issuance of the building permit.

ARTICLE 7. BOARD OF APPEALS

Section 7.010. Establishment of the Board of Appeals. The planning commission shall constitute the board of appeals. The board shall adopt rules of procedure and shall keep records of all applications and actions thereon which will be a public record.

Section 7.020. Authorization to Grant or Deny Relief from the Decision of the Building Inspector. The board shall hear and decide appeals where it is alleged that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector in carrying out or enforcement of any provision of this ordinance.

Section 7.030. Application for Appeal. Appeals to the board may be taken by a person aggrieved or by an official or department of the governing body of the city affected by a decision of the building inspector. The appeal shall be filed with the secretary of the board within 15 days following receipt of written notification of the decision of the building inspector. The board may request such drawings or material as is considered essential to the understanding of the case. A notice of appeal shall be filed with the building inspector who shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

Section 7.040. Notice of Public Hearing on an Appeal. Within 45 days after filing, the board shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city, and not less than 10 days prior to the date of the hearing; the city recorder shall give written notice by mail of the hearing to owners of property within 100 feet of the lot or parcel of land on which the appeal is made, using for this purpose the names and addresses of owners as shown on the records of the county assessor. Failure of a person to receive the notice, shall not invalidate any proceedings in connection with the appeal.

Section 7.050. Action of the Board of Appeals. The board shall make its findings and recommendations in writing within 45 days after the hearing on the appeal. The city recorder shall notify the appellant in writing of the board's action five days after the board has rendered its decision.

Section 7.060. Authorization to Grant or Deny Variances. The board of appeals 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 piece of property, the literal interpretation of this ordinance would cause an undue and particular hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the city may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

Section 7.070. Conditions for Granting a Variance. No variance shall be granted unless it can be shown that all of the following conditions exist:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant and substantially the same as is possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purpose of this ordinance, be injurious to property in the zone and vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.

4. The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

Section 7.080. Application for Variance. A request for a variance may be initiated by a property owner or his authorized agent by filing an application and fee with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The board of appeals may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

Section 7.090. Notice of Public Hearing on a Variance. Within 45 days after filing an application for a variance, the board shall hold a public hearing on the request. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city, not less than four days nor more than 10 days prior to the date of the hearing, the city recorder shall give written notice by mail of the hearing to owners of property within 100 feet of the lot or land parcel on which the variance is requested, using for this purpose the names and addresses of owners as shown upon the records of the county assessor. Failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed variance.

Section 7.100. Action of the Board of Appeals. The board shall make its findings and recommendations in writing 40 days after the hearing on the proposed variance. The city recorder shall notify the applicant, in writing, of the board's action within five days after the board has rendered its decision. The board may attach conditions to an authorized variance which it feels are necessary to protect the public interest and carry out the purpose of this ordinance.

Section 7.110. Time Limit on Approval of a Variance. Authorization of a variance shall be void after six months unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional six months on request to the board.

ARTICLE 8. AMENDMENTS TO THE ZONING ORDINANCE

Section 8.010. Authorization to Initiate Amendments. Amendments shall be in primary accord with the city's General Plan. An amendment to the text or to the zoning map of this ordinance may be initiated by the city council, by the planning commission, or by application of a property owner or his authorized agent. The planning commission shall, within 40 days after a hearing, recommend to the council approval, disapproval, or modification of the proposed amendment.

Section 8.020. Application and Fee. An application and fee for amendment by a property owner or his authorized agent shall be filed with the city recorder. The application shall be made on forms provided by the city, accompanied by a site plan drawn to scale showing the property involved and adjacent land.

Section 8.030. Public Hearing on Amendment. Before taking final action on a proposed amendment the planning commission shall hold a public hearing thereon. ~~After receipt of the report on the amendment from the planning commission the council shall hold a public hearing on the amendment.~~

1. Notice of hearing. Notice of time and place of the public hearing before the planning commission and of the purpose of the proposed amendment shall be given by the city recorder in the following manner:
 - a. If an amendment to the text of this ordinance or a change in the zoning map of an area of 10 acres or more is proposed, the notice shall be by three publications in a newspaper of general

a. (cont'd)

circulation in the city once a week for three consecutive weeks prior to the date of hearing. For an amendment to the zoning map written notice shall also be mailed, not less than 10 days prior to the date of the hearing, to all owners of property abutting the parcel to be changed, using for this purpose the names and addresses of all the owners as shown upon the records of the county assessor. Where all property is under the same ownership, owners of property abutting that of the same ownership shall be notified.

b. If an amendment to the zoning map of an area of less than 10 acres is proposed, the notice shall be by one publication in a newspaper of general circulation in the city not less than three days nor more than 10 days prior to the date of hearing and by mailing written notices, not less than 10 days prior to the date of hearing, to owners of property within the area enclosed by lines parallel to and 300 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown on the records of the county assessor. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section.

c. Failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.

2. Recess of hearing. The planning commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose the

3. Public hearing held by Council. After receipt of a Planning Commission report approving the amendment or modification thereof, the Council shall hold a public hearing on the proposal.

4. Notice of the hearing. to be held by the Council on the proposed amendment to the Zoning Ordinance shall be given as provided in ORS 227.260.

Section 8.040. Approval of Amendment to Zoning Map. In granting an amendment to the zoning map, upon application by a property owner or his authorized agent, the council may require the dedication of additional street right of way where an officially adopted street plan indicates need for increased width where the nature of the proposed development warrants increased street width, and the council may require permanent screen strips or other devices to minimize conflict with residential land use.

Section 8.050. Record of Amendments. The signed copy of each amendment to the text and map of this ordinance shall be maintained on file in the office of the city recorder. A record of such amendments shall be maintained in a form convenient for the use of the public.

Section 8.060. Limitation. No request 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 consent to a new hearing, if in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

ARTICLE 9. ADMINISTRATION, ENFORCEMENT, AND INTERPRETATION

Section 9.010. Enforcement. The building inspector shall have the power and duty to enforce the provisions of this ordinance. An appeal from the ruling of the building inspector shall be made to the board of appeals.

Section 9.020. Appeal to City Council. An action or ruling of the planning commission or board of appeals authorized by this ordinance may be appealed to the city council within 15 days after the planning commission or board of appeals has rendered its decision by filing written notice with the city recorder. If no appeal is taken within the 15-day period, the decision of the commission or board of appeals shall be final. If an appeal is filed, the council shall receive a report and recommendation from the planning commission or board of appeals and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city not less than three days nor more than 10 days prior to the date of the hearing. The council shall give its decision within 15 days after the date of the hearing, and the council's decision shall be final.

Section 9.030. Form of Petitions, Applications and Appeals.

1. Petitions, applications and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the city in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Where plans must be submitted, the plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets.


Section 9.040. Filing Fees. The following fees shall be paid to the city treasurer upon filing of an application. Such fees shall not be refundable:

1. Conditional use permit: \$15.00
2. Variance: \$15.00
3. Amendment proposed by property owner: \$15.00

Section 9.050. Penalty. A person violating a provision of this ordinance shall, upon conviction thereof, be punished by imprisonment in the city jail for a period not to exceed 100 days or by a fine of not more than \$200 or both. A person violating a provision of this ordinance shall be deemed guilty of a separate offense for each day during which the violation continues.

Section 9.060. Emergency. Whereas, the city council of the city of Lebanon considers it necessary that the foregoing ordinance is enacted for the protection of the peace, health and safety of the residents of the city of Lebanon, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the city council and its approval by the mayor.

Passed by the Council and approved by the Mayor this 21st day of March, 1972


Larry M. Christiansen
Mayor

ATTEST:


Zella M. Lawrence
Assistant Recorder