

A BILL FOR AN ORDINANCE AMENDING THE)
ZONING ORDINANCE NO. 1428, AND)
DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 18
for 1977
ORDINANCE NO. 1640

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

Section 1. Pursuant to Article 8 of Ordinance No. 1428 (compiled as 10-9), and as initiated by the City Council, by the Planning Commission, and upon compliance with the requisites of said Article 8, the following sections and sub-sections of Ordinance No. 1428 (compiled as 10-9: 3.020, 3.030, 3.110, 3.120, 3.210, 3.310, 3.410, 3.510, 3.610, and Article 5 are amended to read as set forth below:

(1) Section 3.030 Lot Size. In the R-S zone the minimum lot size shall be as follows:

1. Minimum lot area shall be 6,000 square feet of land area.
2. Minimum lot width at the front setback line shall be 60 feet.

Provided, however, that the Planning Commission may require larger lot areas and lot width within proposed subdivisions when determined appropriate for the neighborhood or to maintain compatibility with existing lots in the immediate area.

(2) Section 3.110 Principal Permitted Uses. In the R-M Zone the following building and uses are permitted:

1. Single-Family and two family dwellings.
2. Accessory buildings and uses which are in keeping with the residential character of the zone in accord with Article 4.030.
3. Triplex

(3) Section 3.020 Conditional Uses Permitted. In the R-S Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 5 of this ordinance.

Uses Permitted Without Public Hearing:

1. Duplexes on interior lots that meet an area requirement of at least 10,000 square feet based on an approved development plan.
2. Lots over 12,000 square feet incapable of subdivision to city standards may be allowed a density not to exceed 6,000 square feet per dwelling unit based on an approved development plan.

Uses Requiring Public Hearing:

1. Church
 2. Governmental structure of 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. Agricultural uses subject to the conditions and limitations provided herein.
 - a. No retail or wholesale business sales office shall be maintained on the premises.
 - b. 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.
- (4) Section 3.120 Conditional Uses Permitted. In the R-M zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 5 of this ordinance.

Uses Permitted Without Public Hearing:

1. A conditional use permitted in an R-S zone not requiring public hearing.
2. Multiple family dwellings (Four Plex or larger).

Uses Requiring Public Hearing:

1. Boarding, lodging or rooming house.
2. Fraternal club or lodge.
3. Hospital or nursing home.
4. Medical or dental clinic.
5. Mobile home park.
6. Public Parking areas.
7. Real Estate offices.

- (5) Section 3.210 Conditional Uses Permitted. In the C-G Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 5 of this ordinance.

Uses Permitted Without Public Hearing:

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.

Uses Requiring Public Hearing:

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

(6) Section 3.310 Conditional Uses Permitted. In the C-H Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 5 of this ordinance.

Uses Permitted Without Public Hearing:

1. Auction house.
2. Automobile, boat, trailer or truck rental and sales.
3. Automobile repair garage.
4. Automobile, truck or vehicles 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.
17. Hotels, Motels, Motor Hotels, Tourist Courts.

Uses Requiring Public Hearing:

1. Animal hospital with enclosed boarding areas for convalescent use.
 2. Mobile home park.
 3. Service stations and truck repair facilities.
- (7) Section 3.410 Conditional Uses Permitted. In the C-N Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 5 of this ordinance.

Uses Permitted Without Public Hearing:

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.

Uses Requiring Public Hearing:

1. Service station.
- (8) Section 3.510 Conditional Uses Permitted. In the M-L Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 5 of this ordinance.

Uses Permitted Without Public Hearing:

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.

Uses Requiring Public Hearing:

1. Commercial feed lots and auction yards.
2. Quarry, gravel pit, surface or subsurface mining; including the crushing; screening or washing of 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.

- (9) Section 3.610 Conditional Uses Permitted. In the M-G Zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 5 of this ordinance.

Uses Permitted Without Public Hearing:

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.

Uses Requiring Public Hearing:

1. Commercial feed lots and auction yards.

Article 5 CONDITIONAL USES

Section 5.010 Purpose of Conditional Use Procedure.

A conditional use is a use of land or 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 5.020 Authorization to Grant or Deny a Conditional Use Permit.

Conditional uses listed in this ordinance may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Sections 5.010 to 5.080 of this ordinance.

- (1) In taking action on a conditional use permit application not requiring a public hearing, a site review committee may either approve or deny the application. The site review committee to be made up of three members, one of which is the Vice-Chairman of the Planning Commission to serve a Chairman of the sub-committee. The other two members shall be appointed by the Chairman of the Planning Commission and serve at his pleasure. Each member shall have an alternate to act in the absence of that member. The alternate for the Vice-Chairman shall be the Chairman of the Planning Commission.. The alternate for the other two members may be any other Commission member.
- (2) The site review committee by a majority vote may refer any use permit to the full Planning Commission without taking any action, or may approve or deny the request.
- (3) In taking action on a conditional use permit requiring a public hearing, or a conditional use permit not requiring a public hearing that has been either forwarded or appealed to the Commission, the Planning Commission may either approve or deny the application. Anyone appealing a decision of the site review committee shall first be appealed to the Planning Commission. Then, if still not satisfied with the decision of the Planning Commission appeal to the City Council. An appeal of the site review committee shall be made within fifteen (15) days of the hearing date.
- (4) If an application is denied, by either the site review committee or Planning Commission, the action must be based on reasons related to the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole, considering such items as the bulk, coverage, or

density of the proposed development, the availability of public utilities and facilities, the generation of traffic, environmental quality impacts, and health, safety or general welfare concern.

- (5) In approving a conditional use permit 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 the site review committee 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, but are not limited to, the following:
- a. Regulating the required lot size, lot width, or yard dimensions.
 - b. Regulating the height of buildings.
 - 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.
 - 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.
- (6) In the case of the 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 or enlargement of a structure shall conform with the requirements for conditional use.
 - (7) The Planning Commission or site review committee may require that the applicant for a conditional use furnish the City with a performance bond or similar contractual arrangement of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.
 - (8) The Planning Commission or site review committee 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 5.030 Procedure For Taking Action On a Conditional Use Application.
A 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 with the Building and Planning Official, using forms prescribed pursuant to Section 9.030. A filing fee in accordance with the provisions of Section 9.040 shall accompany an application for a conditional use.
- (2) Before the Planning Commission may act on a conditional use application, it may hold a public hearing. Notice of the public hearing shall be by at least 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 Building and Planning Official shall give written notice by mail of the hearing to property owners and abutting property owners, including owners of property which would be abutting if there were no intervening streets, for the lot or land parcel on which the conditional use 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 conditional use.

- (3) Within seven (7) days after a decision has been rendered with reference to a conditional use application, the Building and Planning Official shall provide the applicant with written notice of the decision of the Planning Commission.

Section 5.040 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 site review committee or Planning Commission. Any proposed change in the approved plan shall be submitted to the site review committee or Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified under Section 5.020 has passed.

Section 5.050 Time Limit On An Approved Conditional Use Application.

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

Section 5.060 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 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 use is in violation of any provision of this ordinance or of any other applicable statute, ordinance, or regulation.

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 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 5.080 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 (1) foot 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.
 - 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) Standards for home occupations:
 - a. The home occupation shall be secondary to the main use of the dwelling as a residence.
 - b. All aspects of the home occupation shall be contained and conducted within a completely enclosed building.
 - c. The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25 per cent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupations shall not utilize over 500 square feet of floor area.
 - d. 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 alteration shall not detract from the outward appearance of the property as a residential use.

- e. No person other than a maximum of two (2) members of the immediate family residing within the dwelling shall be engaged in the home occupation.
- f. No window display and no sample commodities displayed outside the dwelling shall be allowed.
- g. 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.
- h. 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 (2) customers vehicles shall be permitted at one time.
- i. No signs shall be permitted except for a single name plate not to exceed 1 1/2 square feet in area.

(4) Standards for day nursery, kindergarten, nursery school, or similar facility:

- a. At least 75 square feet 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 fire and other emergency vehicles.
- e. The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

(5) 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 nor more than eight (8) feet 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 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 six (6) feet in height.

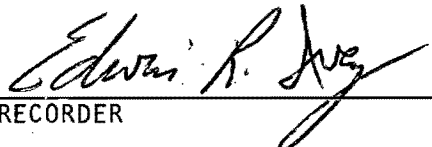
Section 2. That Ordinance #1602 and Sections 3.230, 3.320, 3.420 3.520, 3.620 and Article 5 of Ordinance #1428 are hereby repealed.

Section 3. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 25th day of May, 1977.


MAYOR

ATTEST:


RECORDER