

A BILL FOR AN ORDINANCE)
AMENDING ORDINANCE #1773,)
AND DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 8
for 1983

ORDINANCE NO. 1910

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Article 4, Sections 4.010, 4.020, 4.030, 4.110, 4.120, 4.130, 4.210, 4.230, of Lebanon Zoning Ordinance 1773, enacted March 5, 1980, be amended by adoption of Exhibit "A" as attached hereto and made a part of this ordinance.

Section 2. To establish an Administrative Review Procedure by adding Sections 5.500 through Section 5.580 by adoption of Exhibit "B" as attached hereto and made a part of this ordinance.

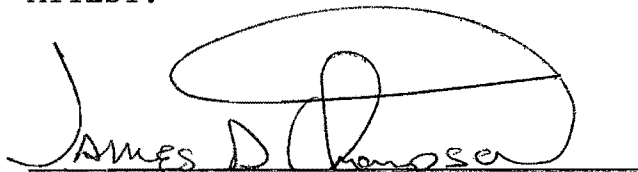
Section 3. That inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by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

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 11th day of May, 1983.



Mayor

ATTEST:



Recorder

ARTICLE 4 USE ZONES

SECTION 4.010 RESIDENTIAL LOW DENSITY ZONE. RL

In a RL zone the following regulations shall apply:

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

- (h) Private non-commercial recreational club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprise.
- (i) Public school, and private school offering curricula similar to public school.
- (j) Public utility facility.
- (k) Agricultural uses subject to the following conditions and limitations.
 - 1. No retail or wholesale business, sales office shall be maintained on the premises.
 - 2. Permitted agricultural uses are limited to orchards, tree farms, tree crops, flower gardening, berry and bush crops, truck gardening, nurseries for raising and sales confined to plant materials and other similar enterprises carried on in the general field of horticulture.
- (l) Planned developments.

SECTION 4.020 RESIDENTIAL MIXED DENSITY ZONE RM

In a RM zone the following regulations shall apply:

- (1) Purpose. To provide areas suitable and desirable for single-family, two-family and multiple-family dwellings with provisions for associated public service uses and planned developments.
- (2) Uses Permitted Outright. In a RM zone the following uses and their accessory uses are permitted outright.
 - (a) Single-family dwellings.
 - (b) Two-family dwellings on corner lots which meet an area requirement of 10,000 square feet (929.03 square meters).
 - (c) Accessory structures and uses which are in keeping with the residential character of the zone.
 - (d) Home occupations which meet the requirements as set forth in Section 5.080.
- (3) Uses Permitted in Accordance with Administrative Review Procedures. Section (5.500)
 - (a) Multiple-family dwelling abutting arterials, collectors, or highways as defined in the Comprehensive Plan and stated in Section 1.040.
 - (b) Lots over 12,000 square feet (1114.84 square meters) incapable of subdivision to City standards may be allowed a density not to exceed 6,000 square feet (557.42 square meters) per dwelling unit based on an approved development plan.

Multiple family complexes of 20 or more units and all mobile home parks shall be reviewed by the full Planning Commission.
 - (c) Two-family dwellings on interior lots which meet an area requirement of 10,000 square feet (929.03 square meters).
 - (d) Professional offices, including real estate, which abut a collector, arterial or highway.

(4) Uses Permitted in Accordance with Site Review Procedures.
Section (5.300)

- (a) Mobile home parks which abut a collector, arterial, or highway when in conformance with Section 6.080.03.
- (b) Multiple family dwellings of up to a maximum of four (4) units on corner lots not located on a collector, arterial, or highway.
- (c) Boarding, lodging, or rooming houses.
- (d) Medical or dental clinic which abut a collector, arterial, or highway.
- (e) Public parking areas.
- (f) Utility substation.

(5) Conditional Uses Permitted. In a RM zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, and after a public hearing has been held.

- (a) Fraternal club or lodge.
- (b) Hospital or nursing home.
- (c) Church.
- (d) Public or private schools or college.
- (e) Governmental structure or use of land including, but not limited to, recreation building, park, playground, fire station, library, or museum.
- (f) Agricultural uses subject to the following conditions and limitations.
 - 1. No retail or wholesale business sales office shall be maintained on the premises.
 - 2. Orchards, tree farms, tree crops, flower gardening, berry and bush crops, truck gardening, nurseries for raising and sales confined to plant materials and other similar enterprises carried on in the general field of horticulture.
- (g) All uses listed conditional uses in the RL zone.

SECTION 4.030 RESIDENTIAL HIGH DENSITY ZONE RH

In a RH zone the following regulations shall apply:

- (1) Purpose. To provide areas suitable and desirable for multiple-family dwellings, with provisions for associated public service uses, in close proximity to the downtown area of the City.
- (2) Uses Permitted Outright. In a RH zone the following uses and their accessory uses are permitted outright.
 - (a) Single family dwellings.
 - (b) Two-family dwellings on corner lots which meet an area requirement of 8,000 square feet (743.22 sq. m).
 - (c) Accessory structures and uses which are in keeping with the residential character of the zone.
 - (d) Home occupations which meet the requirements as set forth in Section 5.080.
- (3) Uses Permitted in Accordance with Administrative Review Procedures. Section (5.500)
 - (a) Multiple family dwellings, other than duplexes on corner lots. Complexes of 20 or more units shall be reviewed by the full Planning Commission.
 - (b) Boarding, lodging or rooming houses.
 - (c) Professional and real estate offices.
- (4) Uses Permitted in Accordance with Site Review Procedures. Section (5.300)
 - (a) Medical or dental clinic.
 - (b) Public parking areas.
- (5) Conditional Uses Permitted. In a RH zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6 and after a public hearing has been held.
 - (a) Fraternal club or lodge.
 - (b) Hospital or nursing home.
 - (c) Church.
 - (d) Public or private schools.

- (e) Utility substations.
- (f) Governmental structure or use of land including, but not limited to, recreation building, park, playground, fire station, library or museum.
- (g) Cemetery.
- (h) Community Center.
- (i) Nursery school, day nursery, kindergarten, or similar facility.
- (j) Planned Developments

SECTION 4.110 NEIGHBORHOOD COMMERCIAL ZONE, CN

In the CN zone the following regulations shall apply:

- (1) Purpose. To enhance the liavability of residential areas by providing for small neighborhood shopping clusters to serve the frequently recurring needs for residents.
- (2) Uses Permitted Outright. None
- (3) Uses Permitted in Accordance with Administrative Review Procedures. Section (5.500)
 - (a) Grocery store, delicatessen, meat market or bakery.
 - (b) Barber shop and beauty shop.
 - (c) Drug, sundry, hobby, gift store.
 - (d) Laundromats.
 - (e) Coffee Shops.
- (4) Uses Permitted in Accordance with Site Review Procedures. Section (5.300)
 - (a) Service Station

SECTION 4.120 CENTRAL BUSINESS COMMERCIAL ZONE CB
In the CB zone the following regulations shall apply:

- (1) Purpose. To preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper.
- (2) Uses Permitted Outright - None.
- (3) Uses Permitted in Accordance with Administrative Review Procedures. Section (5.500)
 - (a) Dwelling units, provided the units are located above any use permitted in the zone.
 - (b) Fraternal club or lodge.
 - (c) Hospital or nursing home.
 - (d) Medical or dental clinic.
 - (e) Parking lots, provided a 5 foot (1.5 m) landscaping strip is placed along street property lines.
 - (f) Retail trade establishments such as food store, drug store, hardware store, furniture store, clothing store, or department store and similar retail stores catering to foot traffic.
 - (g) Business, governmental or professional office and financial institutions.
 - (h) Service commercial and commercial amusement establishments such as hotel, restaurant, tavern, club, lodge, fraternal organization and theater, excluding drive-in restaurants, automobile sales, service and gas stations.
 - (i) Personal and business service such as barber shop, tailoring shop and printing shop.
 - (j) Business or trade schools.
 - (k) Laundry and dry cleaning establishments.
 - (l) Funeral home.
 - (m) Second-hand goods stores.
- (4) Uses Permitted in Accordance with Site Review Procedures. Section (5.300)
 - (a) Motels.

SECTION 4.130 HIGHWAY COMMERCIAL CH

In the CH zone the following regulations shall apply.

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

(4) Uses Permitted in Accordance with Site Review Procedures.
Section (5.300)

(a) Service stations and truck repair facilities.

(5) Conditional Uses Permitted. In the CH zone the following uses and their accessory uses may be permitted subject to the provisions of Article 6, and after a public hearing has been held.

(a) Mobile home park.

SECTION 4.210 LIMITED INDUSTRIAL ZONE ML

In a ML zone the following regulations shall apply:

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

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

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

- (c) Lumber and building materials sales and storage;
 - (d) Restaurants, not to include "drive-in" or "fast foods restaurants".
 - (e) Freight depots and truck terminals;
 - (f) Kennels and animal hospitals with unenclosed run.
- (5) Conditional Uses Permitted. In the ML zone the following uses may be permitted when authorized in accordance with Article 6, and after a public hearing has been held.
- (a) Railroad tracks and facilities necessary to serve other permitted uses;
 - (b) Commercial feed lots and auction yards;
 - (c) Quarry, gravel pit, surface mining, including the crushing, screening or washing of extracted materials. All applications shall be accompanied by a detailed reclamation plan and guarantee that the site will be restored to a natural state.
 - (d) Wrecking yards and junk yards.

SECTION 4.230 GENERAL INDUSTRIAL ZONE MG

In a MG zone the following regulations shall apply:

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

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

(4) Uses Permitted in Accordance with Site Review Procedures.
Section (5.300)

(a) Industrial uses and their accessory uses provided they meet the standards of the State of Oregon Department of Environmental Quality.

(5) Conditional Uses Permitted. In the MG zone the following uses and their accessory uses may be permitted when authorized in accordance with Article 6, and after a public hearing has been held.

(a) Rendering plants and slaughter houses.

(b) Quarry, gravel pit, surface or subsurface mining, including the crushing, screening or washing of extracted materials. All applications shall be accompanied by a detailed reclamation plan and guarantee that the site will be restored to a natural state.

(c) Wrecking yards and junk yards.

(d) Railroad tracks and facilities necessary to serve other permitted uses.

(e) Commercial feed lots and auction yards.

SECTION 5.500 ADMINISTRATIVE REVIEW PROCEDURES

SECTION 5.510 DESCRIPTION AND PURPOSE

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

SECTION 5.520 APPLICATION AND EXCEPTIONS

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

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

SECTION 5.530 INFORMATION TO ACCOMPANY APPLICATION

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

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

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

SECTION 5.540 DECISION ON AN ADMINISTRATIVE REVIEW REQUEST

- (1) In approving a site review application, the Planning Official may impose, in addition to the standards and requirements expressly specified in this ordinance, additional conditions which may be considered necessary to protect the appropriate development, best interest of the surrounding property, neighborhood or the community as a whole. Additional conditions may include:
 - (a) Regulating yard dimensions to protect solar access.
 - (b) Regulating the height of building to protect solar access.
 - (c) Controlling the location and number of vehicle access points.
 - (d) Requiring dedication of additional street right-of-way or increasing the street width.
 - (e) Increasing the number of required off-street parking or off-street loading spaces.
 - (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - (g) Limiting the number, size, location and lighting of signs.
 - (h) Designating sites for open space or outdoor recreation areas.
 - (i) Requiring ongoing maintenance of buildings and grounds, including the provision of an irrigation system.

- (j) Regulating noise, vibration, odors and similar factors which may have a substantial negative effect on the development of the surrounding area of the City as a whole.
- (k) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area 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 administrative review is approved.
- (n) Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services which are directly benefiting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.
- (o) Requiring the staggering of units to avoid a barrack-like effect.
- (p) Requiring the installation of fire and intrusive alarm systems.
- (q) Requiring the dedication or granting of an easement adjacent to any drainage ways.
- (r) Requiring easements over existing or proposed public utilities.
- (s) Requiring the placement of buildings in a manner which would fully utilize the solar potential of the site or protect the solar access of an adjacent site.

SECTION 5.550 PERMITS FOLLOWING ADMINISTRATIVE APPROVAL

- (1) Building permits for all or any portion of an administrative review approval can be issued only on the basis of the approved plan. Any proposed change in the plan as approved shall be submitted to the Planning Official. Major changes or modifications may result in resubmittal as a new administrative review application.

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

SECTION 5.560 TIME LIMIT ON AN APPROVED ADMINISTRATIVE REVIEW REQUEST

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

SECTION 5.570 NOTICE OF APPROVAL

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

SECTION 5.580 APPEAL PROCESS

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

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