



# CITY OF LEBANON

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## **Lebanon Municipal Code Title 16: Development Code**

### **Article Three: Community Development and Use Standards**

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# Chapter 16.19: Other Community Development and Use Standards

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## **Chapter 16.19: Other Community Development and Use Standards**

### **16.19.010 GENERAL PROVISIONS REGARDING ACCESSORY USES**

An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. The standards for accessory dwellings are found in Chapter 16.05. Accessory structures shall not be used for human habitation or prohibited accessory uses except as specified in this section. Accessory uses shall comply with the following standards:

- A.** An accessory structure is not to be used for human habitation.
- B.** An accessory structure and use are subordinate to the primary use. Accessory structures and uses are not permitted without an established primary structure and use (e.g., a dwelling in a residential zone). Accessory structures and uses are subject to the development standards of the zone in which they are located (Chapters 16.05 – 16.10).
- C.** Placement and construction of an accessory structure shall comply with all applicable building standards and site development standards.
- D.** Garages (detached) are accessory structures.
- E.** Boats, trailers, detached campers, motorized dwellings, recreational vehicles (RVs), and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling provided that storage is not permitted in a front or street side yard, and further provided that street access is approved, and the vehicles are stored on an approved improved surface.

### **16.19.020 DISTANCE FROM PROPERTY LINE**

In commercial or industrial zones where a side or rear yard is not required and a structure is not to be erected at the property line, an accessory use shall be set back at least 3 feet from the property line.

### **16.19.030 USE OF RESIDENTIAL STRUCTURES IN COMMERCIAL AND INDUSTRIAL ZONES**

In commercial and industrial zones, pre-existing residential structures may be occupied by uses permitted in the zone provided the structure meets minimum building and safety standards as outlined in the applicable building code, fire and life safety codes, and provided further that required planning applications have been submitted and approved, including a development plan for vehicular, pedestrian and ADA access, parking, as well as landscaping, signing, and exterior lighting if applicable.

### **16.19.040 MANUFACTURED HOME PLACEMENT STANDARDS**

The following standards apply to the placement of manufactured homes on individual lots in residential zones outside of mobile home parks and manufactured home subdivisions, except for those areas (neighborhoods) where they are inconsistent with established, historical or other identifiable architectural residential construction patterns. All manufactured homes on individual lots in residential zones shall:

- A.** Be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet.
- B.** Unless located within a designated flood hazard area, have backfill style foundations or skirting of pressure treated wood, masonry or continuous concrete footing wall construction complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, such that the manufactured home is located not more than 12 inches above original overall lot grade.
- C.** Have a roof with a nominal pitch of 3 feet in height for each 12 feet in width.
- D.** Not have bare metal siding or roofing, the siding shall be painted, and roofing and siding shall be in good serviceable condition without portions missing, damaged, cracked or otherwise defective.
- E.** Be certified by the manufacturer to have exterior thermal envelopes meeting the performance standards specified by state law for single family dwellings constructed under the state building code.
- F.** Have a garage or carport with exterior materials matching the residential unit.
- G.** Be subject to all other applicable Zoning Ordinance and Municipal Code requirements that apply to single-family dwellings in residential zones.

### **16.19.050 EXTERIOR LIGHTING**

Exterior lighting shall be designed, constructed, located, shielded, and directed in such a manner so as to not face directly, shine, reflect, or glare onto an adjacent residences, streets, and other land uses (i.e., lumens should not exceed 0.1 at all property lines). Also see Airport Overlay Zones (in Chapter 16.11) for additional lighting standards for that zone.

### **16.19.060 GENERAL PROVISIONS REGARDING HOME OCCUPATIONS**

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

- 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 percent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area.

- 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 alterations shall not detract from the outward appearance of the property as a residential use.
- E. No persons other than those residing within the dwelling shall be engaged in the home occupation.
- F. No window display and no sample commodities displayed outside the dwelling are 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 customers' vehicles shall be permitted at one time.
- I. No sign shall be permitted except for a single name plate not to exceed six (6) square feet in area, located inside the dwelling or flat against the exterior of the building (see Chapter 16.18, Table 16.18.040-2, Subsection 9).
- J. See Table 16.05-2 (Chapter 16.05) for review and permitting requirements.

**16.19.070 EXCEPTIONS TO YARD REQUIREMENTS ON ARTERIAL AND COLLECTOR STREETS**

In order to protect arterial and collector streets and to permit the eventual widening of these streets, every yard abutting a portion of a street hereinafter named shall be increased over the required yard dimension specified in the zone so that the minimum distance from the center line of the right-of-way to the front of any structure shall be as listed below in residential zones. Other zones allowing for a lesser setback than required in a residential zone may reduce the required setback of the Section by the difference between the required setback in the residential zone and the zone in which the building is to be located.

<b>Table 16.19.070-1: Exceptions to Yard Requirements on Arterial and Collector Streets</b>	
<u>Street Name</u>	<u>Setback from Center Line of R.O.W</u>
Airport Road	55' and Garages 60'
Vaughn Lane	45' and Garages 50'
Airway Road, between Oak Street/Airport Road	45' and Garages 50'
Twelfth Street, between Vine/Tangent Streets	45' and Garages 50'
Seventh Street, between Tangent/Grant Streets to Airport Road	45' and Garages 50'
Franklin Street, between Oak Street/Russell Drive	45' and Garages 50'
Milton Street, between Highway 19/Franklin Street	45' and Garages 50'
Walker Road, between Stoltz Hill/South Main Road	45' and Garages 50'
Lebanon Parkway as described in the 2007 Lebanon TSP	80' and Garages 85'

## **16.19.080 EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS**

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

## **16.19.090 PROJECTIONS FROM BUILDINGS**

### ***A. Front Yard Projections***

The following features, when not more than one story high, may project into the front yard setback area, provided the projection shall be no closer than 10 feet from the property line: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.

### ***B. Side Yard Projections***

1. Cornices, eaves, gutters and fire escapes may project into a required side yard not more than one-third of the width of the side yard, with a maximum projection of four-feet.
2. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than 1.5 feet into a required side yard, provided the chimneys and flues shall not exceed 6 feet in width.
3. Uncovered decks and patios attached to the main building, and no more than 3-feet in height when measured directly beneath the outside edge of the deck or patio, may be extended to the side yard property line.

### ***C. Rear Yard Projections***

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 1.5 feet into a required rear yard, provided the chimneys and flues shall not exceed 6 feet in width.
2. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard, provided it is set back at least 6 feet from any property line.
3. The following features, when not more than one story high, may project into the rear yard setback area: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.
4. No permitted projection into a required rear yard shall extend within 10-feet of the center line of an alley or within 5-feet of a rear lot line if no alley exists.

## **16.19.100 SOLAR ENERGY USE**

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

## **16.19.110 TEMPORARY USES**

### **A. Purpose**

The purpose of these regulations is to provide standards for the establishment of temporary businesses and similar uses within the City.

### **B. Permitted Uses**

Where allowed, the following temporary uses shall be permitted subject to the following limitations and requirements:

#### **1. Tree and Fireworks**

Christmas tree or fireworks sales are permitted subject to the following:

- a. The sales shall be limited to Commercial zones, except that sales may occur on those properties containing public or semi-public uses, such as schools or churches, regardless of the underlying zone.
- b. Unless otherwise exempted by provisions in this Section, the sales activity shall be subject to provisions in Chapter 16.08 of this Code.

#### **2. Commercial Activities**

Amusement and recreational services and retail sales and services are permitted in all Commercial zones, subject to the following:

- a. The business may be operated from a vehicle, temporary structure or a vacant building.
- b. The activity is located on the same lot for no more than 90 days in any calendar year.
- c. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements.
- d. The use does not block driveways, driveway entrances or parking aisles.
- e. The activity conforms to all signage requirements in Chapter 18 of this Code.
- f. The activity conforms to all setback requirements applicable to the lot and zone.
- g. The operator of a temporary use shall provide the required information, pay the applicable fee, obtain and display the required temporary business permit.
- h. The operator of a temporary use shall obtain all permits required by other agencies including those required for food handling and sales, and the sale of fireworks.
- i. Temporary uses located within Residential zones shall not operate beyond 9:00 PM.

### **3. Temporary Construction Facilities**

Mobile offices, temporary power equipment and temporary structures used by personnel and to store equipment during construction, provided the structures are located on the construction site and not used as dwellings. There is no restriction as to the zoning.

### **4. Yard Sales and Auctions**

Yard sales or auctions in any zone, provided there are not more than four sales in a calendar year, with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. This Section does not limit the number of times, or duration, that public agencies may conduct sales or auctions regard agency land, equipment, supplies or other materials.

### **5. Additional Permitted Temporary Uses**

The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival and set forth reasonable types of uses, appropriate zones for such uses, and any time restrictions the Council finds necessary to protect the health, safety and welfare of the public.

## ***C. Temporary Use Permit***

### **1. Permit Required**

With the exception of temporary construction facilities, yard sales and auctions, each temporary use allowed under this Section of the Code shall be required to obtain a permit from City Hall to operate within the City.

### **2. Procedure**

#### **a. Requests**

- (1) Requests for a Temporary Use shall be made in writing to the Planning Official.
- (2) Decisions on Temporary Use requests shall be made utilizing a Ministerial Review process (see Section 16.20.030 in Chapter 16.20 of this Code).
- (3) Applicants may request that their Ministerial Review be heard by the Planning Commission.
- (4) Mailed notices shall include summary of Temporary Use ruling.

#### **b. Decision to Approve a Temporary Use**

- (1) The Planning Official shall have the authority to Decisions on Temporary Use requests using the Ministerial Review process, or
- (2) Refer the Ministerial Review request to the Planning Commission for its interpretation in a public hearing.
- (3) The review process, either by the Planning Official or on referral to the Planning Commission, shall follow all the applicable provisions of Chapter 16.20 of this Code.

#### **c. Appeal**

A decision by the Planning Official may be appealed to the Planning Commission.

### **3. Application Requirements**

A request for a temporary use permit shall submit the following information:

- a. A signed statement from the property owner or lessee of the primary use on said property: (1) granting permission for the property to be used by the permit applicant, (2) copy of a property deed, ground lease or similar evidence of ownership for subject property, (3) specifying the day(s) for which permission is granted, (4) containing the name, mailing address and telephone number of the owner or lessee, and (5) acknowledging responsibility to ensure all litter, trash and materials on the property associated with the temporary use are removed within two days after the temporary use ceases.
- b. A signed statement from the permit applicant: (1) specifying the permit applicant's name, permanent home or business address (not P.O. Box), home or business telephone number, (2) specifying the type of use proposed by the applicant, (3) attaching proof that any applicable state or federal licenses or other requirements to engage in the temporary use proposed by the applicant have been granted by the appropriate governmental agencies, (4) acknowledging responsibility to ensure that all litter, trash and materials on the property associated with the temporary use are removed within two days after the temporary use ceases.
- c. Each application shall be accompanied by a site plan to demonstrate compliance with these provisions. The site plan shall be to an approximate scale, preferably on an 8½" x 11" sheet of paper. The site plan shall include the following: (1) locations of all existing structures, (2) proposed location of temporary use, (3) parking spaces and aisles within the parking lot, (4) driveways, and (5) streets.

### **4. Decision Criteria**

The decision criteria are established in this Section of the Code in conjunction with any applicable criteria from the land use zone in which the temporary use is proposed.

### **5. Issuance of Permit**

After approval by the Decision Making Authority, the permit shall be issued by the City, upon payment of the applicable fee, and evidence the intended use conforms to the applicable requirements set forth in this Section of the Code.

### **6. Length of Operation**

In determining the length of operation of a temporary use, the use will be deemed continuous from the first day that the permit was issued. The use will be deemed discontinued upon cessation of the temporary use, restoration of the premises as set forth herein, and surrender of the permit to the City, whichever occurs last. The applicant may apply and be granted approval up to six months in advance of the effective issuance of the permit.

### **7. Revocation**

The temporary business permit may be revoked in the event that the operating business does not conform to the requirements specified in this Section of the Code, or if any of the information in the above noted application is false.