



**CITY OF LEBANON**  
*It's easier from here.*

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

**Article Two: Land Use and Land Use Zones**

**Chapter 16.08: Commercial Land Use Zones**

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# Chapter 16.08: Commercial Land Use Zones

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## **Chapter 16.08: Commercial Land Use Zones**

### **16.08.010 BACKGROUND**

- A.** This Chapter contains all of the standards for the Neighborhood Commercial Zone (Z-NCM), Central Business Commercial Zone (Z-CCM), and Highway Commercial Zone (Z-HCM). The standards are intended to be applied to all reviews in the Commercial Zones. For a more detailed listing of Commercial Land Uses, please see Section 16.03.040 in Chapter 16.03, and Chapter 16.32 (Glossary and Definitions).
- B.** The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Commercial Use Zones subject to the provisions of Chapter 16.22 and any other applicable requirements in this Code (e.g., Community Development Standards, chapters 16.12 – 16.19).

### **16.08.020 PURPOSE**

#### **A. Central Business and Highway Commercial Zones**

Commercial districts are centers of business and civic life. This Chapter describes the three commercial districts that are designed to accommodate the range of commercial land uses in the community. The Central Business Commercial Zone (Z-CCM) is focused on “downtown” area, or the commercial and civic the core of the community (generally that area south of Rose Street, north of Oak Street, primarily east of or adjacent to 4<sup>th</sup> Street, and primarily west of or adjacent to Park Street). The Highway Commercial Zone (Z-HCM) regulations apply to those commercial areas outside of the central business area, generally located along or in close proximity to arterial streets. These commercial zones are intended to:

1. 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. Promote efficient use of land and urban services.
3. Create a mixture of land uses that encourages employment and housing options in close proximity to one another.
4. Provide formal and informal community gathering places and opportunities for social activities.
5. Provide connections and appropriate transitions between residential areas and commercial areas;
6. Encourage and nurture pedestrian oriented shopping and activity in the Downtown (Central Business Commercial Zone), and accommodate automobile dependent uses, as well as pedestrian oriented uses, with appropriate standards in the Highway Commercial Zone.
7. Provide for visitor accommodations and tourist amenities.
8. Encourage full utilization of Downtown infrastructure (including parking) and other amenities.

## **B. Neighborhood Commercial Zone**

1. The Neighborhood Commercial Zone (Z-NCM) is the third Commercial Zone. It is intended to enhance the livability of residential areas by providing for small neighborhood shopping clusters to serve the frequent recurring needs of neighborhood residents.
2. The Comprehensive Plan Map does not currently designate any unannexed areas as earmarked for Neighborhood Commercial development. However, it is also intended by the Comprehensive Plan that the Neighborhood Commercial Zone “. . . is for small neighborhood shopping clusters in any residential zone.”
3. Establishing a Z-NCM designation in an existing residential zone is a conditionally permitted activity. In this case, amending the zoning designation to establish Z-NCM zoning on such a property would require a Zoning Map Amendment, but would **NOT** necessitate a Comprehensive Plan Map Amendment as such a use (Z-NCM) is permitted in any residential area according to the Comprehensive Plan. (See Table 4-2 on page 5 of Chapter 4 in the City of Lebanon 2004 Comprehensive Plan.)

### **16.08.030 INTRODUCTION**

#### **A. Impact Classifications**

1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Please see Section 16.03.010.E of Chapter 16.03 (pages 2 and 3) for the details of this impact classification system.

#### **B. Key to Procedures, Standards, and Conditions of Approval**

1. **Outright Permitted Uses with Site Review and Building Permit:** “**OP**” means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review:** “**MR**” approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review:** “**AR**” means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20).
4. **Permitted with Conditional Use Approval:** “**CU**” means the use is permitted with a Conditional Use approval (Chapter 16.21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.21 – 16.24 (Article Four).

**6. Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.

**7. Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an “N” designation means the use is not permitted.

**a. Existing Uses.** The “Not Permitted” (“N”) designation is not retroactive and does not impact existing uses.

**b. of this type are allowed on a No New Uses.** The “Not Permitted” (“N”) designation indicates that no new uses property to which this designation applies.

## **16.08.040 PROCESS FOR REVIEW OF COMMERCIAL ZONE LAND USE APPLICATIONS**

### ***A. Commercial Zone Land Use Reviews***

All applications for development in Commercial Land Use Zones for projects that are **not** deemed Major Land Use Actions are subject to:

1. The appropriate review process indicated in **Tables 16.08-2 thru 16.08-6**, and

2. May also be subject to:

**a.** Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).

**b.** The standards and review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures,

**c.** Applicable Overlay Zones (Chapter 16.11) may set additional conditions of approval.

### ***B. Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus Requiring Planned Development Reviews***

1. For purposes of this chapter, if a proposed development in a commercial use zone is deemed a Major Land Use Action according to **Table 16.08-1** on the following page, it shall be processed as a Planned Development.

2. See Chapter 16.23 for the details of the process for *Planned Development Reviews*.

**Table 16.08-1: Characteristics of Major Land Use Actions in a Commercial Land Use Zone  
(Projects in a Commercial Zone Requiring a Planned Development Review)**

Note: Acreage refers to the size of the area being developed, not the total lot or parcel size.

Characteristics	Residential Uses	Commercial Uses	Industrial Uses	Public and Other Uses	Mixed Uses *
<b>If the project's acreage exceeds the thresholds below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	20 or more acres	20 or more acres	10 or more acres	5 or more acres
<b>If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).</b>					
Acreage of Project, and/or Size of Project	Subdivisions of 25 or more lots	10 or more acres	10 or more acres	5 or more acres	2 or more acres
Multi-Year Phasing	Yes	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Yes	Not allowed in Commercial Zones	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes	Yes	Yes	Yes

**\* MIXED-USE DEVELOPMENT:** Mixed use development is the co-location of various types of uses within a single building, complex or site. For example, Mixed Use Development could include residential with commercial, or with public or institutional uses, or multi-family with single family dwellings). Mixed Use Development could be "vertical" (e.g., housing above ground floor commercial), and/or "horizontal" (housing in one or more buildings, and commercial or other uses in other buildings on a site, or multi-family dwellings and single family dwellings on a site), or both vertical and horizontal mixed use on a mixed use site.

## 16.08.050 RESIDENTIAL USES ALLOWED IN THE COMMERCIAL ZONES

Table 16.08-2: Residential Land Uses Allowed in Commercial Zones			
<b>Land Uses</b> (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	<b>Neighborhood Commercial Zone (Z-NCM)</b>	<b>Central Business Commercial Zone (Z-CCM)</b>	<b>Highway Commercial Zone (Z-HCM)</b>
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)			
<b>Residential Uses with <u>Class I</u> Impacts:</b>			
Single Family (not attached)	<b>N</b>		
Accessory Dwelling			
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> <li>• no taller than 25ft. and no larger than 1,000 square feet of building footprint</li> <li>• taller than 25 ft. or larger than 1,000 square feet of building footprint</li> </ul>			
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot			
Manufactured Home			
Other Residential such as Hospice			
Other Residential Uses such as Bed & Breakfasts, Home Occupations	<b>MR</b> New Residential Use is allowed above ground floor Commercial only		
<b>Residential Uses with <u>Class II</u> Impacts:</b>			
Cottage Cluster (2-4 single family dwellings on one lot) Zero Lot Line Housing (may include one common wall)	<b>N</b>		
Town House/Rowhouse (2 or more common-wall single family dwellings or units)	<b>AR</b> New Residential Use is allowed above ground floor Commercial only		
Single Apartment, Two Unit Apartment & Multifamily Apartments (3 or more units), Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities			
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	<b>CU</b>	<b>CU</b>	<b>CU</b>
<b>Residential Uses with <u>Class III</u> Impacts:</b>			
State Regulated Special Residential Units <ul style="list-style-type: none"> <li>• Group Living Homes (5 or fewer)</li> <li>• Group Facility (6 +)</li> </ul>	<b>AR</b> New Residential Use is allowed above ground floor Commercial only		
Manufactured Home Park	<b>N</b>	<b>N</b>	<b>N</b>
Other Residential uses such as Dormitories, and Houseboats	<b>CU</b>	<b>CU</b>	<b>CU</b>
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			

## 16.08.060 COMMERCIAL USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-3: Commercial Land Uses Allowed in Commercial Zones</b>			
<i>Land Uses</i>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)			
<b>Commercial Uses with <u>Class I</u> Impacts:</b>			
Offices	<b>AR</b>	<b>OP</b>	<b>OP</b>
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	<b>AR</b>	<b>MR</b>	<b>MR</b>
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	<b>AR</b>	<b>MR</b>	<b>MR</b>
<b>Commercial Uses with <u>Class II</u> Impacts:</b>			
Other Commercial Uses such as Educational, Arts and Training Facilities, Entertainment, Indoor Continuous Activities like Theaters, Health Clubs, Gyms, Membership Clubs, Bowling Alleys, Skate Rinks, and Game Arcades; Pool Halls, Indoor Firing Ranges; Exhibition and Meeting Areas, Food & Beverage Sales with drive up facilities, Financial Institutions (with Drive Up Operations), Hotels, Laundry Drop Off Facilities, Liquor Stores (OLCC License), Food Pods, Lodges; Medical, Optical and Dental Labs, Stores Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants Commercial Uses such as Stores (greater than 15,000 square feet) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Hair, Tanning, and Personal Care Services, Laundromats, and Self-Serve Storage Facilities.	<b>N</b>	<b>AR</b>	<b>AR</b>
Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	<b>CU</b> (Assure pedestrian oriented access with vehicular access subordinated)		<b>AR</b>
<b>Commercial Uses with <u>Class III</u> Impacts:</b>			
Parking Lot (when not an accessory use)	<b>N</b>	<b>AR</b>	<b>AR</b>
Breweries without food service (5,000 square feet or less)	<b>N</b>	<b>AR</b>	<b>AR</b>
Other Commercial Uses such as Auto Sales and Services, Commercial Centers; Breweries, Distilleries, and Wineries; Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, and Shopping Mall.	<b>N</b>	<b>N</b>	<b>AR</b>
Recreational Vehicle (RV) Parks	<b>N</b>	<b>N</b>	<b>N</b>
Other Class III Commercial Uses	<b>N</b>	<b>N</b>	<b>CU</b>
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			



## 16.08.070 INDUSTRIAL USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-4: Industrial Land Uses Allowed in Commercial Zones</b>			
(See pages 14-16 of Chapter 16.03 for further details and listings Industrial Uses)			
<i>Land Uses</i>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
<b>Industrial Uses with <u>Class I</u> Impacts:</b>			
Industrial Uses <b>such as</b> Assembly of <u>Light</u> Machinery, Equipment, Appliances, and Other Electrical Items, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing	<b>N</b>	<b>CU</b>	<b>AR</b>
Other Industrial Uses <b>such as</b> Household Moving and General Freight Storage & Warehouse, Janitorial and Building Maintenance Services; Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores.	<b>N</b>	<b>N</b>	<b>CU</b>
<b>Industrial Uses with <u>Class II</u> Impacts:</b>			
Industrial Uses such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers.	<b>N</b>	When Fully Enclosed: <b>CU</b>  When Not Fully Enclosed: <b>N</b>	<b>CU</b>
Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required] Production of Prefabricated Structures, Including Mobile / Manufactured / Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Caretaker Facilities, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies.	<b>N</b>	<b>N</b>	<b>CU</b>
<b>Industrial Uses with <u>Class III</u> Impacts:</b>			
Industrial Uses such as Auto and Truck Salvage and Wrecking; Breweries, Distilleries, and Wineries (greater than 5,000 sq ft); Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of Heavy Machinery, Equipment, Vehicles, Appliances (discharge permits required); Railroad Yards Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards	<b>N</b>	<b>N</b>	<b>N</b>
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			

## 16.08.080 PUBLIC USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-5: Public (Civic or Institutional) Land Uses Allowed in Commercial Zones</b>			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
<b>Use Categories</b>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
<b>Public Uses with <u>Class I</u> Impacts:</b>			
Public Uses such as City offices and Facilities; Community Development Center; and Utility Offices.	<b>N</b>	<b>AR</b>	<b>AR</b>
<b>Public Uses with <u>Class II</u> Impacts:</b>			
Public Uses such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities Municipal Courts; Museums, Nursery Schools, Preschools Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities.	<b>N</b>	<b>CU</b>	<b>AR</b>
Other Public Uses such as Boat Launching Areas, Botanical Gardens, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails, Surplus Food Distribution Centers; Transit Centers, Water Towers and Reservoirs.	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Schools	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Meeting Facilities or Related Facilities	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Daycare, adult or child day care (12 or fewer children); does not include Family Daycare under ORS 657A.250	<b>N</b>	<b>OP</b>	<b>OP</b>
Other Public Uses such as Parks and, Recreation Facilities, Open Space, and Pedestrian Amenities.	<b>N</b>	<b>CU</b>	<b>CU</b>
	[AR if Projects Implement the City's Adopted Facilities Plans]		
<b>Public Uses with <u>Class III</u> Impacts:</b>			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency	<b>N</b>	<b>CU</b>	<b>CU</b>
Other Public Uses such as Cemeteries	<b>N</b>	<b>N</b>	<b>CU</b>
Other Public Uses such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage)	<b>N</b>	<b>N</b>	<b>CU</b>
	[AR if Projects Implement the City's Adopted Facilities Plans]		
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			

## 16.08.090 OTHER LAND USES ALLOWED IN THE COMMERCIAL ZONES

<b>Table 16.08-6: Other Land Uses Allowed in Commercial Zones</b>			
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)			
<b>Use Categories</b>	<b>Z-NCM</b>	<b>Z-CCM</b>	<b>Z-HCM</b>
Uses with <b>Class I</b> Impacts: <b>NONE</b>	<del>X</del>	<del>X</del>	<del>X</del>
Other Uses with <b>Class II</b> Impacts such as Wireless Communication Facilities	<b>N</b>	<b>CU</b>	<b>CU</b>
	<b>OP</b> for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.		
<b>Other Uses with Class III Impacts:</b>			
Armory [ e.g., National Guard]	<b>N</b>	<b>N</b>	<b>N</b>
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	<b>MR</b>	<b>MR</b>	<b>MR</b>
Other Uses such as Agricultural, including Forestry (see Glossary)	<b>N</b>	<b>N</b>	<b>N</b>
Other Uses such as Mining	<b>[N = No New Mining Permits will be allowed]</b>		
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City's Transportation System Plan])	<b>CU</b> <b>[AR if Projects are Implementations of City's Adopted Facilities Plans]</b>		
<b>Key:</b> OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.08-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Commercial Zone Requiring a Planned Development Review (Chapter 16.23).			

## 16.08.100 SPECIAL DEVELOPMENT STANDARDS FOR COMMERCIAL LAND USES

### A. Lot and Building Characteristics

The development standards in **Table 16.08-7** apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

<b>Table 16.08-7: Development Standards for Commercial Uses</b>			
<b>Standard</b>	<b>Neighborhood Commercial Zone (Z-NCM)</b>	<b>Central Business Commercial Zone (Z-CCM)</b>	<b>Highway Commercial Zone (Z-HCM)</b>
<b>Lot and Building Characteristics</b>			
Maximum Lot Area (square feet)	Not Applicable	Not Applicable	Not Applicable
Minimum Lot Area (square feet)	No Standard		
Minimum Lot Size (Width/length)	No Standard		
Maximum Building/Structure Height	25 ft.	75 ft.	45 ft.
Fences, Retaining/Garden Walls	Same requirements as in Z-RM		
Lot Coverage -- Maximum Building Coverage (Foundation plane as % of site area)	60%	100%	100% (less setback areas) [Note: Underground Parking is allowed]
<b>Minimum Landscape Area (% site area)</b> -- Landscape area may include plant areas and some non-plant or hardscape areas.	The required front yard and street yards.		
<b>Yards:</b>			
(a) Front yards and street* side yards shall be a minimum of:	10 feet	0 feet	10 feet
(b) Front yards or street side yards <u>abutting a residential zone</u> shall be:	10 feet	10 feet	20 feet
(c) Side yards <u>abutting a residential zone</u> shall be:	10 feet.	10 feet	20 feet
(d) Rear yards <u>abutting a residential zone</u> shall be:	20 feet	20 feet	20 feet
* As noted in Table 16.13-1, Alleys in <b>Commercial Areas (Z-CCM and Z-HCM)</b> have no required setback, unless abutting a residential zone.			

## **B. Drive-Through Service and Walk-Up Windows**

Where permitted by the Development Code, the following standards shall apply for drive-through service and walk-up windows:

### **1. Drive-Through Service:**

- a. Circulation.** The overall circulation plan for a site shall not cause traffic congestion on surrounding streets and shall minimize potential nuisances to nearby residential property caused by vehicles and use of the order board.
- b. Access and Window Location.** Wherever feasible, drive-through lanes shall be accessed from the rear of a site, and run along the interior side property line.
- c. Vehicle Stacking.** All drive through lanes shall provide a minimum of 80-feet of stacking as measured from the drive-up window to the entrance of the drive-through lane.
- d. Setbacks.** Where a drive-through lane will be located between a building and a roadway, a minimum 10-foot, landscaped setback shall be required from the roadway right-of-way to the drive-through lane.
- e. Screening.** The drive-through lane shall be screened by a combination of plantings, berms, and/or low retaining walls at least four-feet in height.
- f. Operation.** Specific design and operational conditions may be imposed with approval of the drive-through facility. These may include, but are not limited to, additional vehicle stacking, increase in screening height, regulating the hours of operation and other measures, to reduce potential impacts on surrounding properties.

### **2. Walk-Up Window:**

- a. Circulation.** The service window shall be so located as not to interfere with pedestrian traffic along the adjacent sidewalk and vehicle traffic entering or exiting the site or adjacent properties.
  - b. Setback.** There shall be a minimum 2-foot setback between a service window and an adjacent property boundary.
  - c. Surfacing.** The area where patrons place orders and receive ordered items shall be surfaced in concrete, brick, stone or other suitable surface material.
  - d. Noise.** The use of a loudspeaker shall be prohibited.
  - e. Operation.** Specific design and operational conditions may be imposed with approval of the walk-up facility. These may include, but are not limited to, regulating the hours of operation, screening or buffering and other measures to reduce potential impacts on surrounding properties.
- 3.** Automated teller machines, kiosks, and similar apparatus are exempt from these regulations provided their location does not interfere with pedestrian and vehicle access.

### **C. Sidewalk Café Tables**

Sidewalk café tables provide the opportunity for restaurants and cafes in the Central Business Commercial (Z-CCM) Zone to use the sidewalk immediately adjacent to their business for the purpose of providing outdoor seating. Such use shall be in conformance with the provisions set forth in the City of Lebanon Municipal Code.

### **D. Limitations on Use**

- 1. Highway Commercial Zone (Z-HCM).** Unless specifically allowed or otherwise modified by other provisions of this Code, the following regulations regarding outdoor displays shall apply.
  - a.** All business, service, repair, processing, storage, or merchandise display shall be conducted wholly within an enclosed building, except for the following: off-street parking or loading; drive-in or walk-up windows; displays or nursery plants, shrubs or trees and associated nursery supplies such as irrigation equipment; displays of new or used automobiles, trailers, trucks, motorcycles, bicycles, agricultural machinery, boats or other mobile equipment; and, displays of lumber and building materials as part of a permitted retail activity.
  - b.** Other retail activities not identified in item “a.” above may display merchandise under one of the following options.
    - i.** Items are only displayed during regular business hours and then removed or stored indoors during non-business hours.
    - ii.** Items may be continuously displayed provided the display area occupies no more than 10% of the building square footage of the subject business.
  - c.** Outdoor display of merchandise identified in items “a.” and “b.” above shall continuously be subject to the following limitations.
    - i.** Shall be prohibited in required parking, driveway and vehicle maneuvering areas.
    - ii.** Shall be prohibited in all landscaped areas, including landscaped parking areas.
    - iii.** Shall not interfere with pedestrian access to the building or to adjacent buildings.
    - iv.** Shall not violate clear vision provisions at all intersections.
    - v.** Shall not violate any fire, life and safety access requirements.
    - vi.** Shall not violate building code requirements.

### **E. Food Pod Regulations**

- 1. Purpose.** The purpose of these regulations is to establish criteria for the placement of Food Pods in the City of Lebanon. Food Pods provide the community a wider choice of eating and drinking options. Food Pods shall comply with all applicable City, County and State standards.

## 2. Definitions.

**Food Preparation Unit.** A Food Preparation Unit is a facility for the preparation of food for consumption by patrons from a mobile kitchen source such as a food truck, food cart, trailer, or similar facility. Food Preparation Unit is also inclusive of any kitchen facility operated from a permanent or temporary structure within a Food Pod. A Food Preparation Unit is not inclusive of brick and mortar restaurants operated outside of a Food Pod.

**Food Pod.** A legal site and/or address with more than one Food Preparation Unit operating on the site. For reference, Food Pod may also be referred to as a Pod throughout this code.

## 3. Site Design. Site Design Standards for Food Pods:

- a. Food Preparation Units, designated walkways, and paths of travel for Food Preparation Unit maneuvering throughout the site shall be located on a paved or concrete surface. Food Pod amenities, except for restroom facilities, may be located on a gravel or landscaped surface.
- b. Food Preparation Units shall not occupy pedestrian walkways or required landscaping. Transactions between customer and the Food Preparation Unit within the Pod shall not occur on any public right-of-way, or access to public right-of-way.
- c. Food Pods shall not obstruct bicycle or vehicle parking required for the operation of the Pod, or for any existing use operating on the same property.
- d. Food Preparation Units and/or objects associated with the Units shall not occupy fire lanes or other emergency vehicle access areas.
- e. Front yard setbacks for Food Pods shall adhere to the front and street-side setbacks within the zone which the Pod is operating, but under no circumstances shall the setback be less than 5 feet. Rear and/or side yard setbacks for Food Preparation Units and amenities shall be the same as the zone which it is located.
- f. Units shall not be located or oriented in a way that requires customers to queue in a driveway.
- g. Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables or similar materials.
- h. Where more than one Unit is located on a site, Units shall be separated by a minimum of six (6) feet, unless a more restrictive regulation from a local or state agency, including the Lebanon Fire District is required.
- i. Food Preparation Units and amenities shall not be located in the designated Vision Clearance Areas.
- j. Fences shall be constructed in compliance with Chapter 16.15 of the Lebanon Development Code.

## 4. Standards for amenities within a Food Pod:

- a. All Food Pods which provide seating for customers shall have restrooms available. Restrooms must have handwashing facilities with hot and cold running water, soap, and hand drying materials or devices. Restrooms must either be on-site, on an adjacent parcel, or within a 0.025 mile walk from the Pod site, with a signed agreement to allow Pod clientele to utilize the restroom facilities. On-site restrooms

shall be screened from view of the public right-of-way and abutting residentially zoned properties.

- b. Required restrooms shall be available during Pod operating hours.
- c. All Food Preparation Units and customer amenities within a Pod shall be served by a minimum five (5) foot wide hard surfaced, ADA compliant, walkway.
- d. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right-of-way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.
- e. Storage structures accessory to Food Preparation Units shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way. Setbacks for the accessory structures in the side and rear yards shall meet the minimum standards for accessory structures within the zone which the Pod is operating.
- f. Structures used to provide shelter to customers may be membrane structures such as tents or canopies or permanent structures.
  - i. Structures providing shelter and/or cover to patrons shall not exceed the following standards without Adjustment or Variance approval:
    - 1. Cover 200 square feet or less in area.
    - 2. Have a maximum of 50 percent of the structure enclosed with walls or sides. Membrane structures may be fully enclosed.
    - 3. Are 15 feet in height or less, as measured to the highest point.
  - ii. Structures shall comply with all local and state agency regulations, including but not limited to Lebanon Fire District, and Building regulations, and obtain all necessary permits and inspections prior to use of structure.

**5. Individual Food Preparation Unit Design Standards.** All Food Units operating within a Pod shall be subject to the design standards listed below:

- a. Units shall enclose or screen from view of the right-of-way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, or other accessory items.
- b. Food Units shall not be missing siding or roofing.
- c. Food Units shall be kept in good repair and maintained in a safe and clean condition.
- d. Food Units shall maintain all required licenses and comply with all appropriate State and/or local agency regulations, including but not limited to, the Lebanon Fire District, and Linn County Health.
- e. If provided, cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.
- f. Food Units shall not exceed 15 feet in height without Adjustment or Variance approval.

**6. Utilities.**

- a. Wastewater shall be addressed in one of the following two ways:
  - i. Units shall connect to the sanitary sewer consistent with applicable state plumbing codes and will include an approved grease interceptor for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.



- ii. Units shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any Units are located on-site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited.
- b. Potable water shall be addressed in one of the following two ways:
  - i. Units shall connect to a permanent water source in conformance with applicable state plumbing codes.
  - ii. Units shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's Food Sanitation Rules.
- c. Units and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual Units. Generators are prohibited in Pods.
- d. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

**7. Parking.** Food Pods must provide a minimum of two (2) parking space per approved mobile food preparation unit, when the food cart pod is located in a zone that is subject to parking requirements as stipulated in Chapter 16.14 of the Lebanon Development Code.

**8. Signage.**

- a. Signage on individual Units shall be limited to signs on the face of the Unit.
- b. Freestanding menu boards may be utilized by each individual Unit within the Pod. The freestanding menu boards shall be located directly adjacent to the Unit's ordering window.
- c. Signage for the Pod site are subject to provisions of Chapter 16.18 of the Lebanon Development Code.

**9. Lighting.** Food Pods shall have lighting to ensure safe environment for customers and employees that complies with the following:

- a. At minimum, areas to be occupied by customers shall be illuminated when Units operate during hours of darkness.
- b. No direct light source shall be visible from the property line.
- c. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.

**10. Food Pod and Unit Licensing.**

- a. All Food Preparation Units operating within the Food Pod must first obtain all required local, county, state and other regulatory agency approval, including the Lebanon Fire District, prior to operating within the Pod. It is the responsibility of the Food Pod operator to ensure all Units operating within the Pod have obtained the appropriate licensure prior to the placement of the Unit within the Pod.