



CITY OF LEBANON

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Lebanon Municipal Code Title 16: Development Code

Article Two: Land Use and Land Use Zones

Chapter 16.06: Mixed Use Land Use Zone

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Chapter 6: Mixed-Use Land Use Zone

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Chapter 16.06: Mixed-Use Land Use Zone

16.06.010 BACKGROUND

- A.** This Chapter contains all of the standards for the Mixed-Use Zone (Z-MU). The standards are intended to be applied to all reviews in the Mixed-Use Zone.
- B.** The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Mixed-Use Zone 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).

16.06.020 PURPOSE

- A.** The purpose of the Mixed-Use Zone is to provide lands that possess potential for several types of land use or combinations of different land uses. The intent of this designation is to achieve an environment in which different land uses can co-exist by providing building groupings for privacy, usable and attractive open spaces, and safe circulation, thus promoting the general well being of the residents, businesses, and other occupants. Effective mixed-use zones not only allow the co-location of various types of uses, but they also promote compatible architectural design and connectivity of buildings to streets and paths. Residential mixed-use encourages planners and developers to look beyond the traditional subdivision design and think about new and efficient utilization of land. Such innovative designs can provide residents access to commercial services as well as amenities such as parks, trails, and open spaces, and hence promote community-friendly development¹ that is highly compatible with surrounding uses and promotes a sense of community.
- B.** Mixed Use lands are open to all types of development including residential, commercial, and light (Class I and II Impacts) industrial land uses.
- C.** The Mixed-Use Zone is intended to:
 - 1.** Promote efficient use of land and urban services.
 - 2.** Create a mixture of land uses that encourages employment and housing options in close proximity to one another.
 - 3.** Encourage pedestrian-oriented development in all mixed-use areas.
 - 4.** Provide connections to and appropriate transitions between residential areas and commercial areas.
 - 5.** Promote independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit.

¹ Lebanon's approach to community friendly development includes principles that combine sound local and regional planning techniques with a variety of elements from several different perspectives. Such principles focus on creating a built environment suitable for the needs of a diverse population through a variety of uses scaled for the pedestrian, and capable of accommodating the automobile and mass transit. See Chapter 7 of Lebanon's Comprehensive Plan for additional details.

6. Promote safety in commercial areas, through the around-the-clock presence of people.
7. Provide opportunities for the development of support services and amenities in neighborhoods so as to encourage those who choose to work at home, home occupations and the further decentralization and diversification of the local economy.
8. Encourage reduction in auto use, especially by shortening trips between residences and jobs/services/recreation.
9. Encourage the development of a variety of housing choices.

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

16.06.040 PROCESS FOR REVIEW OF MIXED USE LAND USE APPLICATIONS

A. Mixed Use Land Uses

All applications for development in the Mixed Use Zone for projects that are **not** deemed Major Land Use Actions are subject to:

1. The appropriate review process indicated in **Tables 16.06-2 thru 16.06-6**, 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 noted 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 mixed use zone is deemed a Major Land Use Action according to **Table 16.06-1** 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 16.06-1: Characteristics of Major Land Use Actions in the Mixed Use Zone
(Projects in the Mixed Use Zone Requiring a Planned Development Review)**

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

Characteristics	Residential Uses	Commercial Uses	Industrial Uses	Public and Other Uses	Mixed Uses*
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).					
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	10 or more acres	20 or more acres	10 or more acres	10 or more acres
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).					
Acreage of Project	5 or more acres (in a single site), or Subdivisions of 25 or more lots	5 or more acres	10 or more acres	5 or more acres	5 or more acres
Multi-Year Phasing	Yes	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Yes	Not allowed in Z-MU	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.					

16.06.050 RESIDENTIAL USES ALLOWED IN THE MIXED USE ZONE

Table 16.06-2: Residential Land Uses Allowed in the Mixed Use Zone	
Land Uses (Examples of land uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	Mixed Use Zone (Z-MU)
(See page 8 of Chapter 16.03 for further details and listings regarding Residential Uses)	
Residential Uses with <u>Class I</u> Impacts:	
Single Family (not attached)	OP
Accessory Dwelling	AR
Accessory Structures (with a permitted use) <ul style="list-style-type: none"> • no taller than 25ft. and no larger than 1,000 square feet of building footprint • taller than 25 ft. or larger than 1,000 square feet of building footprint 	OP
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	OP
Manufactured Home	OP
Family Child Care in a Home	OP
Other Residential Uses such as Bed & Breakfasts, Home Occupations	MR
Other Residential Uses such as Hospice	AR
Residential Uses with <u>Class II</u> Impacts:	
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Cottage Cluster (2-4 single family dwellings on one lot)	AR
Zero Lot Line Housing (may include one common wall)	AR
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	AR 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Other Residential Uses such as Nursing and Convalescent Homes, Retirement Center Apartments	AR
Residential Uses with <u>Class III</u> Impacts:	
State Regulated Special Residential Units <ul style="list-style-type: none"> • Group Living Homes (5 or fewer) • Group Facility (6+) 	AR
	CU for 6 or more
Manufactured Home Park	CU
Other Residential uses such as Dormitories, and Houseboats	CU
Key: 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 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

16.06.060 COMMERCIAL USES ALLOWED IN THE MIXED USE ZONE

Table 16.06-3: Commercial Land Uses Allowed in the Mixed Use Zone	
<i>Land Uses</i>	<i>Mixed Use Zone (Z-MU)</i>
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)	
Commercial Uses with <u>Class I</u> Impacts:	
Offices	AR
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	AR
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	AR
Commercial Uses with <u>Class II</u> Impacts:	
Other Commercial Uses such as, Educational, Arts and Training Facilities; Indoor Continuous Activities like Health Clubs, Gyms, Membership Clubs; Exhibition and Meeting Areas; Laundry Drop Off Facilities, Dry Cleaners; Lodges; Medical, Optical and Dental Labs; Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, Books, & Videos, Arts & Crafts, Hair, Tanning, and Personal Care Services	AR
Other Commercial Uses such as, Hotels; Entertainment; Indoor Continuous Activities like Theaters, Bowling Alleys, Skate Rinks, and Game Arcades, Pool Halls, Indoor Firing Ranges; Food & Beverage Sales with drive up facilities; Food Pods, Financial Institutions (with Drive Up Operations); Liquor Stores (OLCC License), Taverns & Bars; Stores (greater than 15,000 sqft) Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants; Laundromats; Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	CU
Commercial Uses with <u>Class III</u> Impacts:	
Parking Lot (when not an accessory use)	AR
Parking Structure	CU
Commercial Uses such as Auto Sales and Services, Commercial Centers, Breweries, Distilleries, and Wineries (less than 5,000 sq ft); Mini-Storage Units, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, and Other Recreational Vehicles, Shopping Mall.	CU
Other Class III Uses	N
Key: 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 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

16.06.070 INDUSTRIAL USES ALLOWED IN THE MIXED USE ZONE

Table 16.06-4: Industrial Land Uses Allowed in the Mixed Use Zone	
(See pages 14-16 of Chapter 16.03 for further details and listings Industrial Uses)	
<i>Land Uses</i>	<i>Mixed Use Zone (Z-MU)</i>
Industrial Uses with <u>Class I</u> Impacts:	
Industrial Uses such as Assembly of Light 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	AR
Other Industrial Uses such as Household Moving and General Freight Storage & Warehouse, Janitorial, Caretaker and Building Maintenance Services; Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores	AR
Industrial Uses with <u>Class II</u> Impacts:	
Industrial uses such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Micro Breweries, Distilleries, and Wineries; 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.	CU
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, 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; Breweries, Distilleries, and Wineries (larger than 5,000 sq ft.	CU
Industrial Uses with <u>Class III</u> Impacts:	
Industrial Uses such as Auto and Truck Salvage and Wrecking; 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 <u>Heavy</u> Machinery, Equipment, Vehicles, Appliances (discharge permits required). Railroad Yards; Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards;	N
Key: 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 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

16.06.080 PUBLIC USES ALLOWED IN THE MIXED USE ZONE

Table 16.06-5: Public (Civic or Institutional) Land Uses Allowed in the Mixed Use Zone

(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)

<i>Use Categories</i>	<i>Mixed Use Zone (Z-MU)</i>
Public Uses with Class I Impacts: City offices and Facilities; Community Development Center; Libraries; and Utility Offices.	AR
Public Uses with Class II Impacts:	
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	CU
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	CU [Recreational Trails: AR if the Projects Implement the City's Adopted Facilities Plans]
Other Public such as Schools	CU
Other Public Uses such as Meeting Facilities or Related Facilities	CU
Other Public Uses such as Daycare, adult or child day care (12 or fewer children). [Does not include Family Daycare {in homes} under ORS 657A.250 (see Table 16.5-2, Residential Land Uses).]	CU
Other Public Uses such as Parks and, Recreation Facilities, Open Space, Pedestrian Amenities, Publicly owned RV Parks	CU [OP for dedicated wetlands and detention facilities; AR if the Projects Implement the City's Adopted Facilities Plans]
Public Uses with Class III Impacts:	
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency	CU
Other Public Uses such as Cemeteries	CU
Other Public Uses such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage)	CU [AR if the Projects Implement the City's Adopted Facilities Plans]
Key: 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 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

16.06.090 OTHER LAND USES ALLOWED IN THE MIXED USE ZONE

Table 16.06-6: Other Land Uses Allowed in the Mixed Use Zone	
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)	
Use Categories	Mixed Use Zone (Z-MU)
Uses with Class I Impacts: NONE	
Other Uses with Class II Impacts such as Wireless Communication Facilities	CU OP for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.
Other Uses with Class III Impacts:	
Armory [e.g., National Guard]	CU
Other Uses such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU [AR if Projects Implement the City's Adopted Facilities Plans]
Other Uses such as Agricultural, including Forestry (see Glossary)	CU
Other Uses such as Mining	[N = No New Mining Permits will be allowed]
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	CU [AR if Projects Implement the City's Adopted Facilities Plans]
Key: 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 16.06-1: Characteristics of Major Land Use Actions Matrix -- Projects in the Mixed Use Zone Requiring a Planned Development Review (Chapter 16.23).	

16.06.100 MIXED USE ZONE DEVELOPMENT STANDARDS

A Development Standards for Mixed Use

The development standards in Table 16.06-7 apply to all uses, structures, buildings, and development, and major remodels, in the Mixed Use Zone (Z-MU).

Table 16.06-7: Development Standards for Mixed Use	
Standard	Z-MU
Lot Sizes	
All Residential Uses	Same as Residential Mixed Density (Z-RM) Requirements
All Other Uses	There shall be no minimum lot size for other uses.
Site Development Requirements	
All Uses	Required yards and other site development standards shall be required as if the use proposed was in the Z-RM, Z-NMU, Z-NCM, Z-CCM, Z-HCM, Z-IND, or Z-PU zone. The placement of the use in a zone with respect to site development requirements shall be made by the Planning Official in consideration of the request.
Clear Vision Area	
All Uses	A clear vision area shall be maintained as provided in Section 12-2.7.4, and a 20 foot triangle at intersections.

B. Utilization of Appropriate Development Standards for the Different Types of Land Use Requests Permissible in the Mixed Use Zone

1. Mixed development lands are open to a variety of development types including residential uses, many commercial uses, light (Class I and II Impacts) industrial uses, and public uses (see Tables 16.06-2 thru 16.06-6).
2. The Mixed Use Zone includes **development** standards applicable for all development in this zone.
3. In addition, the development standards applicable to other types of land uses shall be utilized in setting the conditions of approval:
 - a. For Residential Uses in the Mixed Use Zone, see the standards in Chapter 16.05.
 - b. For Commercial Uses in the Mixed Use Zone, see the standards in Chapter 16.08.
 - c. For Industrial Uses in the Mixed Use Zone, see the standards in Chapter 16.09.
 - d. For Public Uses in the Mixed Use Zone, see the standards in Chapter 16.10.
4. The Conditional Use Review (Chapter 16.21), and/or Review of Planned Developments (Chapter 16.23) may set additional conditions of approval.

C. Expansion of Existing Commercial, Industrial and Public Facilities in the Mixed Use Zone

Additions to existing structures or the construction of new buildings, that do not result in more than a 10% increase in the existing building or improvement square footage, shall be subject to the following requirements:

1. If the establishment of the new use requires a Conditional Use, then the expansion identified in this Section shall be subject to an Administrative Review.
2. If the establishment of the new use requires an Administrative Review, then the expansion identified in this Section shall be subject to a Ministerial Review.
3. This Section does not alter requirements for facilities approved by the Planned Development Process.