

ARTICLE 4

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

4.010 Overview. The zones created in this article are intended to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. The regulations in this article promote uses and development that will enhance the economic viability of specific commercial and industrial areas and the city as a whole. Development may also be subject to the provisions in Article 8, Design Standards, Article 9, On-Site Development and Environmental Standards, and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions in Article 6, Natural Resource Districts, and Article 7, Historic Overlay Districts. [Ord. 5555, 2/7/03; Ord. 6042, 7/12/24]

The following list is a summary of the topics covered in this article:

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards
- Airport Approach Overlay District

ZONING DISTRICTS

4.020 Establishment of Commercial and Industrial Zoning Districts. In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following commercial and industrial zoning districts are created:

- (13) OP – OFFICE PROFESSIONAL DISTRICT. The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.
- (14) NC – NEIGHBORHOOD COMMERCIAL DISTRICT. The NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.
- (15) CC – COMMUNITY COMMERCIAL DISTRICT. The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.
- (16) RC – REGIONAL COMMERCIAL DISTRICT. The RC district is intended primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses and is typically appropriate for developments that require large sites near Interstate 5. Design guidelines, building location and front-yard landscaping will provide an enhanced community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be appropriate in all locations.

- (17) TD – TRANSIT DISTRICT. The TD district is intended primarily for regional transit facilities and related uses. This district is suitable as a major office employment center because of easy access to mass transit. Mixed-use development including a multi-modal transportation facility, a park-and-ride facility, and office space should be developed within this district.
- (18) EMP – EMPLOYMENT DISTRICT. The EMP district is intended primarily for a range of office uses, limited manufacturing, and high-tech/research activities and uses. Uses in this district complement or support more intensive industrial activities and uses while also providing a transition between industrial areas and general commercial or residential areas. The limited industrial and manufacturing activity allowed in the EMP district is intended to minimize hazardous impacts from heavier industrial uses while also providing a buffer between other industrial areas and nearby residential or commercial uses. [Ord. 6010, 7/1/23]
- (7) IP – INDUSTRIAL PARK DISTRICT. The IP district is intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses.
- (8) LI – LIGHT INDUSTRIAL DISTRICT. The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.
- (9) HI – HEAVY INDUSTRIAL DISTRICT. The HI district is intended primarily for industrial uses and support activities that are potentially incompatible with most other uses and which are characterized by large amounts of traffic, extensive shipping of goods, outside storage or stockpiling of raw materials, by-products, or finished goods, and a controlled but higher level of noise and/or pollution. This district is located away from residential areas and has easy access to highways and perhaps to rail. [Ord. 5555, 2/7/03]

4.030 Special Purpose Districts. Special purpose districts are overlay districts that may be combined with a major zoning district. The regulations of a special purpose district are supplementary to the regulations of the underlying major zoning district. The regulations of a special purpose district and the major zoning district shall both apply to any site that has both designations. Where the regulations and permitted uses of a major zoning district conflict with those of a special purpose district, the more restrictive standards shall apply. The special purpose districts and the additional regulations that apply in such districts are summarized below:

<u>Special Purpose District</u>	<u>Applicable Articles</u>
Floodplain	Article 6
Wetlands	Article 6
Willamette Greenway	Article 6
Airport Approach	Article 4
Hillside Development	Article 6
Historic Overlay	Article 7

[Ord. 5555, 2/7/03; Ord. 6024, 12/29/23]

4.035 Relationship to State, Federal and Other Local Regulations. In addition to the regulations of this Code, each use, activity, or operation in the City of Albany must comply with applicable state and federal standards. Other local regulations include those in Articles 4, 6, and 7 Special Purpose Districts, and those of the Building Division and Fire Department. [Ord. 5555, 2/7/03; Ord. 6024, 12/29/23]

SCHEDULE OF PERMITTED USES

4.040 Interpretation. Each use category in the schedule of permitted uses is described in Article 22, Use Categories and Definitions. Article 22 classifies land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. In addition to the clarification in Article 22, the following provisions shall be used to interpret the schedule of permitted uses found in this Article: [Ord. 5555, 2/7/03]

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the city. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan review, the entire development shall be reviewed utilizing the Conditional Use criteria if concurrent approval of all uses is sought. [Ord. 5947, 1/1/21]
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
 - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105,

OR

 - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

4.050 Schedule of Permitted Uses. The specific uses listed in the following schedule (Table 4.050-1) are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings: [Ord. 5947, 1/1/21]

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|------|---|
| Y | Yes; use allowed without review procedures but may be subject to special conditions. |
| S | Use permitted that requires a site plan approval prior to the development or occupancy of the site or building. |
| CU | Use considered conditionally through the Type III procedure under the provisions of Sections 2.230-2.260. |
| CUII | Uses considered conditionally through the Type II procedure under the provisions of Sections 2.230-2.260. [Ord. 5742, 7/14/10] |
| PD | Use permitted only through Planned Development approval. |
| N | No; use not allowed in the zoning district indicated. |
| X/X | Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use. |

A number opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions are found following the schedule, in Section 4.060.

[Ord. 5555, 2/7/03]

**TABLE 4.050-1
SCHEDULE OF PERMITTED USES**

Commercial, Office and Industrial Zoning Districts										
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	EMP	IP	LI	HI
INDUSTRIAL USE CATEGORIES										
Contractors and Industrial Services		N	N	S-1	N	S-1	S-1	S-1	S-1	S
Manufacturing and Production	2	S/CU	N	S/CU-3	N	S/CU	S/CU-26	S/CU	S/CU	S
Small-scale Manufacturing	2	S/CU	N	S/CU	S/CU	S/CU	S/CU-26	S/CU	S/CU	S/CU
Railroad Yard		N	N	N	N	S	N	N	S	S
Warehousing and Distribution		N	N	N	N	N	CU	CU	S	S
Waste and Recycling Related	4	N	N	CU	N	N	N	N	S/CU	S/CU
Wholesale Sales		N	N	N	N	N	S-5	S-5	S	N
COMMERCIAL USE CATEGORIES										
Adult Entertainment		N	N	S-6	N	N	N	N	CU-6	N
Entertainment and Recreation: Indoor Outdoor	7	N N	N N	S-7 S	S-7 S	S N	S/CU-7 N	S/CU-7 N	CUII-7/ CU-7, 11 N-7	CU-7 CU
Offices: Traditional Industrial		S S	S N	S S	S N	S N	S S	CUII-8 S-8	N S-9	N S
Parking		N	N	S	S	S	S	S	S	S
Recreational Vehicle Park		N	N	CU	N	S	N	N	S	N
Restaurants, no drive-thru w/ drive-thru or mostly delivery	25	CUII N	S CU-10	S S	S S	S N	S CU	S CU	N N	N N
Retail Sales and Service		S-11	S-11	S	S	S	S-11	S-11	S/CU/N -11	N
Self-Serve Storage	12	N	N	S	S	N	N	CU	S	S-13
Taverns, Bars, Brewpubs, Nightclubs	25	CUII	CUII	S	S	S	CU	CUII	CUII	CUII
Vehicle Repair		N	N	S	S	N	N	N	S	N
Vehicle Service, Quick gas/oil/wash		N	N	S	S	N	N	CU	N-14	N
INSTITUTIONAL USE CATEGORIES										
Basic Utilities		CU	CU	CU	CU	CU	CU	S	S	S
Community Services		S/CU-15	S/CU-15	S	S	S	S/CU-15	S/CU-15	S	N
Daycare Facility		CU	CU	S	N	N	S	S	CU	N
Educational Institutions	16	N	N	CU	N	CU	S/CU	S/CU	S/CU	N
Hospitals		CU	N	N	N	N	CU	CU	CU	N
Jails and Detention Facilities		N	N	N	N	N	N	N	CU	N
Parks, Open Areas and Cemeteries	17	CU	CU	CU	N	CU	CU	CU	CU	N
Religious Institutions	16	CU	CU	S	N	N	CU	CU	CU	N
RESIDENTIAL USE CATEGORIES										
Assisted Living Facility		CU	CU	CU	N	N	N	N	N	N
Home Businesses (See 3.090-3.180 to determine if CU.)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Residential Care or Treatment Facility		S	S	S	N	N	N	N	N	N
Single Dwelling Unit	20, 27	Y-19	S-19	N	N	N	N	N	N	N
Middle Housing	20, 28	CU-19	S-19/N	N	N	N	N	N	N	N
Multiple-Dwelling Unit	27, 28	CU-29	N-29	N-29	N-29	N	N	N	N	N
Units Above or Attached to a Business	27, 28	S-29	S-29	S-29	CU	S	S	S	S	N
Residential Accessory Buildings	21	Y/S	Y/S	N	N	N	N	N	N	N

Commercial, Office and Industrial Zoning Districts										
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	EMP	IP	LI	HI
OTHER USE CATEGORIES										
Agriculture (on Vacant Land)	22	N	N	N	Y	N	Y	Y	Y	Y
Satellite Dish, Other Antennas, & Communication Facilities <50 ft.	23	Y	Y	Y	Y	Y	Y	Y	Y	Y
Communication Facilities >= 50 ft.	23	N	N	CU	S	CU	CU	CU	S	Y
Kennels	24	N	N	N	CU	N	N	N	S	N
Non-Residential Accessory Buildings		S-18	Y	Y	Y	Y	Y	Y	Y	Y
Passenger Terminals		N	N	S	CU	S	CU	CU	CU	N
Rail And Utility Corridors		CU	CU	CU	CU	S	CU	CU	S	S

Y = Yes, allowed, no Site Plan Review required

N = No, not allowed

CU = Conditional Use review, Type III procedure

S = Site Plan Review required

CUH = Conditional Use review, Type II procedure

[Ord. 5555, 2/7/03; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10, Ord. 5767, 12/7/11; Ord. 5832, 4/9/14, Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24]

SPECIAL CONDITIONS

4.060 General. Where numbers appear in the “Special Conditions” column or in a particular cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) Contractors and Industrial Services in the CC, TD, IP, EMP, and LI zones.
 - (a) Limited Uses. Salvage or wrecking operations are prohibited in the CC, TD, IP, EMP, and LI zones. See Section 4.290 for outside storage standards.
 - (b) Prohibited Uses in EMP. The following Contractors and Industrial Services uses are prohibited in the EMP zone: salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; overnight or long-term equipment storage; heavy truck servicing and repair; tire retreading or recapping; and solid fuel yards.
- (2) Manufacturing and Production. The environmental performance standards of Article 9 may limit the placement of certain uses in some districts. If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval.
- (3) Manufacturing in the CC zone. Manufacturing uses in CC must have a retail storefront and sell their products to the public on site.
- (4) Waste and Recycling Related Uses in the CC, LI, and HI zones.
 - (a) Limited uses in CC. Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a Conditional Use review.
 - (b) Limited uses in LI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Site Plan Review. Salvage yards, junkyards, and refuse transfer stations are not permitted. All other material and recycling operations are considered through a Conditional Use review.
 - (c) Limited uses in HI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan Review. Salvage yards, junkyards, sanitary landfills, and refuse transfer stations require a Conditional Use review.
- (5) Wholesale Sales in the IP and EMP zone. This use is allowed in IP and EMP only if all operations and storage are conducted entirely within enclosed buildings.

- (6) Adult Entertainment. Where allowed, Adult Entertainment uses shall meet the following standards:
- (a) An adult entertainment use shall not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
 - (b) An adult entertainment use shall not be established or expanded within 300 feet of any other adult entertainment use.
 - (c) An adult entertainment use shall not be established or expanded within 300 feet of the property line of a church, school, or public park.
 - (d) Exceptions to the above may be considered by the Major Variance procedures.
- (7) Indoor Entertainment and Recreation in the CC, RC, IP, EMP, LI and HI zones.
- (a) Limited uses in CC. Indoor firing ranges or gun clubs, coliseums, and stadiums are not permitted.
 - (b) Limited uses in RC. Indoor firing ranges or gun clubs are not permitted.
 - (c) Limited uses in IP and EMP. Exercise and health clubs or gyms are permitted through Site Plan Review. Convention centers, coliseums and stadiums are considered through a Conditional Use Type III review. All other indoor entertainment uses are not permitted.
 - (d) Limited uses in LI. Indoor firing ranges or gun clubs, pool halls, paint gun facilities, cheerleading, tumbling, gymnastics, fairgrounds, coliseums and stadiums are considered through a Conditional Use Type II review. Exercise and health clubs or gyms are considered through a Conditional Use Type III review and must meet the additional criteria in Special Condition (11)(b). All other indoor entertainment uses are not permitted.
 - (e) Limited uses in HI. Indoor firing ranges or gun clubs, pool halls, paint gun facilities, motor racetrack, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.
- (8) Offices in the IP zone. Traditional Offices intended to serve customers on site are considered through the Conditional Use Type II review. Industrial Offices are permitted through Site Plan Review. See Article 22 for Office examples.
- (9) Offices in the LI zone. Traditional Offices intended to serve customers on site are not allowed. Industrial Offices are permitted through Site Plan Review. See Article 22 for Office examples.
- (10) Restaurants in the NC zone. Drive-through restaurants are allowed in NC provided there are no more than two drive-through windows, and there is no speaker service (for ordering).
- (11) Retail Sales and Services in the OP, NC, EMP, IP and LI zones.
- (a) Limited uses in OP, NC, EMP, and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum business footprint, except for businesses located within buildings in the OP and NC zones constructed prior to February 7, 2003, there is no business footprint limit. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.
 - (b) Retail Sales and Service Uses in Existing Buildings in the LI zone. To encourage the reuse of buildings constructed prior to April 9, 2014, in the LI zone, Repair-Oriented Retail Sales and Service uses as described in Section 22.140 will be permitted through Site Plan Review. Personal Service-Oriented uses and Sales and Service-Oriented Retail Sales uses as described in Section 22.140 may be permitted through a Conditional Use review. Retail Sales and Service uses permitted in accordance with this subsection are subject to the following additional review criteria:
 - i. The street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan; and
 - ii. The development will not alter the existing building or site in a way that would discourage or preclude its later conversion back to an industrial use; and

iii. The new commercial user shall acknowledge that industrial uses have a right to operate free from the new use complaining about externalities typical of industrial uses.

- (12) Self-Serve Storage. These facilities are subject to the following standards:
- (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
 - (b) The maximum storage unit size is 1,000 square feet.
 - (c) All outdoor lighting shall be shielded to prevent glare and reflection on adjacent properties.
 - (d) Repair of autos, boats, motors, and furniture and the storage of flammable materials are prohibited on the premises, and rental contracts shall so specify.
- (13) Self-Serve Storage in the HI zone. Self-Serve storage units are allowed in HI only on sites less than 3 acres.
- (14) Truck Stops/Fuel Sales in the LI zone. This use is classified as Contractors and Industrial Services, rather than Vehicle Service, Quick.
- (15) Community Service Uses. Community Service uses that may have significant off-site impacts, such as public swimming pools, public safety facilities, and homeless shelters, may be considered through the Conditional Use process. Applications for emergency shelters sited under ORS 197.782 and ORS 197.783 are not a land use decision.
- (16) Educational and Religious Institutions.
- (a) Vocational or trade schools in EMP, IP, LI and HI are allowed through Site Plan Review. All other educational and religious institutions are reviewed as a Conditional Use.
 - (b) The Conditional Use approval for educational and religious institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.
- Any expansion to an existing educational or religious institution shall be reviewed through the Conditional Use Type II process. Expansion of a school or church includes addition of building area, increase in parking lot coverage, or expansion of athletic facilities.
- Note: There are special setbacks for educational institutions in 4.210 and loading standards in 4.260(2).
- (17) Park Development. Park activity subject to Conditional Use review includes major development; expansions of activities and development in parks that currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities in existing improved parks.
- (18) Non-Residential Accessory Buildings over 750 square feet in the OP zone and over 2,000 square feet in all other zones except HI require Site Plan Review.
- (19) Single-Dwelling Units and Middle Housing.
- (a) In the OP zone, single-dwelling units are allowed outright. Middle housing requires a Conditional Use review. One accessory dwelling unit (ADU) may be allowed per legally established single-dwelling unit, called the “primary residence”. The ADU shall comply with the standards for ADUs in ADC 5.070 (15).

- (b) In the NC zone, single-dwelling units, individual SRO dwellings, duplexes, and townhouses require Site Plan Review. All other middle housing is prohibited. One accessory dwelling unit (ADU) may be allowed per legally established single-dwelling detached residence, called the “primary residence”. The ADU shall comply with the standards for ADUs in ADC 5.070(15).
- (20) Single-Dwelling Units and Townhouses. See Section 4.075. New single-dwelling units and townhouses are not permitted unless allowed in the zoning district.
 - (21) Residential Accessory Buildings, excluding Accessory Dwelling Units, are permitted outright with residential uses if they meet the following conditions:
 - (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than 12 feet tall.
 - (b) All other residential accessory buildings require a Site Plan Review.
 - (22) Agriculture. All agricultural uses established before January 8, 2003, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. The raising of livestock as a new use is not permitted. Regulations governing the keeping of animals/livestock are found in the Albany Municipal Code Title 6.
 - (23) Communication Facility Placement Standards. Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground or over 15 feet above a rooftop are not permitted in front yard setbacks and must meet the standards in Section 8.500.

Placement of antennas, satellite dish antennas, and monopoles less than 50 feet tall when measured from the ground; or when located on a rooftop, within 15 feet of a rooftop, is permitted outright in all districts subject to the following standards:

 - (a) Antennas or antenna supports. Satellite dishes and monopoles shall not be located within any front yard setback area or within any required landscape buffer yard.
 - (b) Dish antennas larger than three feet in diameter and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
 - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
 - (d) Antennas satellite dishes, monopoles and other communication structures less than 50 feet in height when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above may be considered by Conditional Use review, Type II process.
 - (e) See Section 8.500 for additional design standards for all telecommunications facilities.
 - (24) Kennels adjacent to residential districts are restricted to sites containing a minimum of two acres. This restriction does not apply to care and boarding provided indoors by veterinary hospitals.
 - (25) Hours of Operation. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.
 - (26) Manufacturing Production and Small-Scale Manufacturing in the EMP zone.
 - (a) Uses that require state or federal air quality discharge permits are prohibited.
 - (27) One SRO development with no less than four and no more than six SRO units is permitted outright per property zoned to allow for single dwelling units. SRO development is also permitted through Site Plan Review as a multiple dwelling unit development, but each individual SRO unit is considered 0.5 dwelling units when calculating density. Accessory Dwelling Units are not permitted with SRO developments.
 - (28) Housing. Affordable housing and conversion of buildings or portion of buildings in commercial use to housing will be permitted through Site Plan Review when the following standards are met.
 - (a) Affordable housing as defined in (b) is permitted on property zoned for commercial uses, religious assembly, or public lands OR is owned by one of the following:

- i. A local, state, or special government body, as defined in ORS Chapter 174; or
 - ii. A nonprofit corporation that is organized as a religious corporation or is organized as a public benefit corporation whose primary purpose is the development of affordable housing; or
 - iii. A housing authority as defined in ORS 456.005; or
 - iv. A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.
- (b) As used in this section, “affordable housing” means residential dwellings that are subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 for a duration of no less than 30 years and meet either i, ii, or iii below.
- i. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income (AMI); or
 - ii. All units on the property are made available to rent or own to households with incomes with a collective average of 60 percent or less of the AMI; or
 - iii. A manufactured dwelling park that serves only households with incomes of 120 percent or less of the AMI.
- (c) A building or portion of a building in commercial use may be converted to a residential use.
- (d) The residential uses described in (a) through (c) above are permitted on property zoned EMP, IP or LI only if the property is:
- i. Publicly owned; and
 - ii. Adjacent to lands zoned for residential uses or schools.
- (e) The above provisions do not apply on lands zoned HI or where:
- i. The development cannot be adequately served by water, sewer, storm water drainage or streets; or
 - ii. The property contains a slope of 25 percent or greater; or
 - iii. The property is within a 100-year floodplain; or
 - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land, or natural areas, but not including open spaces or historic resources.
- (f) Height Bonus. An affordable housing development proposal that meets the standards in this special condition and is located outside of a National Register historic district, will be granted the following height bonuses as applicable.

Maximum Zone Heights:	Height Increase Allowance
Less than 50 feet	Up to 12 feet
50 feet to 75 feet	Up to 24 feet
More than 75 feet or None	Up to 36 feet

- (29) Commercial Land for Affordable Housing. Per ORS 197A.460, affordable housing development subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 is permitted through Site Plan Review in the OP, NC, CC and RC zones when the following standards are met.
- (a) Each unit is affordable to a household with income less than or equal to 60 percent of the area median income (AMI) as defined in ORS 456.270; or
 - (b) Mixed use structures with ground floor commercial units. all residential units are made affordable to moderate income households with incomes between 80 and 120 percent of the AMI, as defined in ORS 456.270.
 - (c) Affordable housing per this section is only permitted on land that has been in the city’s Urban Growth Boundary for at least 15 years and does not apply on vacant land or on lands where the city determines:
 - i. The development cannot be adequately served by water, sewer, storm water drainage or streets;
 - ii. The property contains a slope of 25 percent or greater;

- iii. The property is within a 100-year floodplain; or
 - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: Natural disasters and hazards; or Natural resources, including air, water, land or natural areas, but not including open spaces.
- [Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5923, 2/8/19; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6018, 6/30/23; Ord. 6042, 7/12/24]

SPECIAL STATUS FOR SINGLE DWELLING RESIDENCES

4.075 Existing Uses Granted Special Status (Allowed) in the Commercial and Industrial Districts. Notwithstanding the restrictions of any other section of the Albany Development Code (ADC), all legally established single dwelling detached, and townhouse dwellings built before January 1, 2002, on commercial or industrially zoned properties shall be deemed conforming to the base zoning district. If any building on these properties is damaged or destroyed by fire or other causes beyond the control of the owner, it may be rebuilt to the same size (in square feet) as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-dwelling detached or townhouse residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Article 4.

[Ord. 5789, 10/10/12; Ord. 5555, 2/7/03; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

DEVELOPMENT STANDARDS

4.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, and improve the general living environment and economic life of a development. Table 4.090-1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-dwelling, middle housing, and multiple-dwelling developments.

[Ord. 5445, 4/12/00, Ord. 5555, 2/7/03; Ord. 5742, 7/14/10, Ord. 5768, 12/7/11; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6018, 6/30/23]

TABLE 4.090-1

Commercial and Industrial District Development Standards									
STANDARD	OP	NC	CC	RC	TD	EMP	IP	LI	HI
MINIMUMS									
Lot size (sq. ft.)(1)	None	None(2)	None	None	None	None	3 acres(4)	None	None
Lot width	None	None	None	None	None	None	None	None	None
Lot depth	None	None	None	None	None	None	None	None	None
Front setback	10'	10'	10'	10'	10'	15'(11)	15'(11)	15'(11)	15'
Interior setbacks -abutting non-res ¹	5'	None	None	None	None	15'(6)	15'(6)	None	None
Interior setbacks - abutting residential district	10'(5)	10'(5)	10'(5)	10' (5)(6)	10' (5)(6)	30'(11)	30'(11)	40'(11)	50'
MAXIMUMS									
Building Size	None(10)	None(10)	100,000 (13)	None	None	None	None(10)	None	None
Lot size (sq. ft.)	None	30,000(2)	None	None	None	None	None	None	None
Height (8)	30'	30'	50'	None	None	50'(12)	50'(12)	None	None
Lot Coverage (7)	70%	80%	90%	90%	None	80%	80%	None	None
Landscaped Area (3)	100%	100%	100%	100%	100%	100%	100%	100%	100%
Open Space	(9)	(9)	(9)	N/A	N/A	N/A	N/A	N/A	N/A

N/A means not applicable.

- (1) The minimum lot size for residential units is 1,600 sq. ft. per unit. No minimum lot size is required for non-residential development. [Ord. 5947, 1/1/21]
- (2) New NC zones may be no more than 30,000 sq. ft. of contiguous land. [Ord. 5947, 1/1/21]
- (3) All yards adjacent to streets. Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas. [Ord. 5842, 1/1/15]
- (4) The minimum lot size for supporting commercial uses may be smaller than 3 acres.
- (5) Structures on property abutting residential districts and/or uses require 1 foot of setback for each foot of finished wall height with a minimum setback of 10 feet.
- (6) No setbacks are required for buildings abutting railroad rights-of-way.
- (7) Lot coverage for single dwelling detached and middle housing development shall only include the area of the lot covered by buildings or structures. [Ord. 5768, 12/7/11; Ord. 5968, 1/14/22]
- (8) Unless in Airport Approach Overlay District. See Sections 4.400 to 4.440.
- (9) Ten or more multiple-dwelling units require common open space. See Section 8.220.
- (10) The maximum business footprint for supporting commercial uses allowed in IP is 5,000 square feet. The maximum business footprint for convenience-oriented and personal service-oriented retail uses in NC and OP is 5,000 square feet. Convenience-oriented and personal service-oriented retail uses in buildings constructed prior to February 7, 2003, in the NC and OP districts are exempt from the maximum business footprint. [Ord. 5742, 7/14/10; Ord. 5923, 2/8/19]
- (11) When adjacent to or across the street from residentially zoned land, the setback shall be 1 foot for each foot of building height over 30 ft. Buildings may increase in height (“step” up) as the setback increases. For example, at the minimum setback in LI, a building may be 30 feet tall but may increase in height up to 50 feet when set back 50 feet from the property line.
- (12) Higher structures permitted by Conditional Use approval.
- (13) The maximum building size may be exceeded for non-commercial and non-office uses when the building is multi-story.
[Table and footnotes amended by Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5742, 7/14/10; Ord. 5768, 12/7/11; Ord. 5842, 1/1/15; Ord. 5923, 2/8/19; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23]

SETBACKS

- 4.100 Minimum Standards. All setbacks must meet the minimum standards in Table 4.090-1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area. For residential accessory structures, see also Article 3, Table 3.230-1, Accessory Structure Standards. [Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]
- 4.110 Measurements. Setback distances must be measured perpendicular to all portions of a property line. [Ord. 5555, 2/7/03]
- 4.130 Setback Alternative in Developed Areas. When an addition or new development is proposed in an area containing the same types of uses that were developed to a previous setback standard, the Director or review body may approve setbacks that are the same as those for the existing buildings on the site for additions, or the same as those for buildings on abutting parcels for new development. In such instances, the Type I procedure will be used to process requests, and approval will be based upon the following criteria:
- (1) The area between buildings is sufficient for adequate property maintenance and rear yard access.
 - (2) If there are primary structures on both abutting lots with front setbacks less than the required setback, the proposed front setback for a structure is not less than the average of the abutting structures.
 - (3) If only one abutting property contains a primary structure, the proposed front setback is no less than the setback of the abutting structure on that property.
 - (4) A driveway extending at least 20 feet from the street right-of-way must precede on-site parking spaces or parking structures.

- (5) For detached dwellings, no wall of a dwelling unit may be closer than 10 feet to a window of another dwelling unit.
- (6) All other provisions of this Code must be met.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10]

4.140 General Exceptions to Setback Requirements. The following may project into required setbacks, provided that they conform to the conditions and limitations indicated:

- (1) Depressed Areas. In any zoning district, open-work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls may be located in required setbacks, provided that the devices are not more than 3-1/2 feet tall.
- (2) Projecting Building Features. The following may project into the required front setback up to 5 feet and into the required interior setbacks up to 2 feet:
 - (a) Awnings, eaves, buttresses, architectural appendages (such as, but not limited to, bay windows, planters, cantilevered stairways).
 - (b) Chimneys and fireplaces provided they do not exceed 8 feet in width.
 - (c) Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height: structures 30 inches or less are not subject to setback provisions).
 - (d) Projecting signs must conform to applicable ordinance requirements. See Article 13, Sign Code.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10]

4.150 Zero Lot Line. Any residential dwelling or residential accessory building may be located on the interior property line when:

- (1) There are no openings or windows in the wall abutting the property line. Additionally, a setback and maintenance easement must be recorded on the abutting property deed or plat. The width of the easement shall be six feet or the width of the required setback of the abutting property, whichever is less. If the abutting property is not subject to an interior setback, then no maintenance agreement is required. This easement shall be written so it is not revocable without City approval.

OR

- (2) Two or more dwelling units are attached at the property line and are approved for such in accordance with other provisions of this Code.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21]

4.160 Interior Setbacks for Attached Dwellings. The interior setback requirement for townhouses is zero where the units adjoin; however, all other setbacks must conform to the requirements of this Code. The setback requirements for residential uses do not apply to a dwelling legally located above a commercial use.

[Ord. 5445, 4/12/00; Ord. 5968, 1/14/22]

4.170 Setbacks and Fencing for Swimming Pools. Swimming pools must conform to the setback regulations for main buildings, except that outdoor swimming pools must be set back at least 10 feet from all interior lot lines. Also, all swimming pools must be fenced or equipped with electric alarm systems that prevent entry or alarm upon entry. Required pool fencing must be at least four feet tall and have a self-locking gate that closes automatically.

4.180 Setbacks for Properties Abutting Future Street Rights-of-Way. Where the adopted Comprehensive Plan and future street plans include widening or connecting existing streets, or establishing new streets, the placement of all buildings and the establishment of all required setbacks must be in relation to the proposed street right-of-way boundaries. Also, no building may be erected on a lot that abuts a proposed street right-of-way unless the lot will have the width and depth needed to complete the street width plus the width and depth of the setbacks required on the lot.

[Ord. 5742, 7/14/10]

4.200 Special Noise Corridor Setbacks. Residential developments adjacent to the following listed streets and highways must maintain the setbacks listed from the designated right-of-way in addition to the required setbacks for the zoning district:

<u>Street/Highway</u>	<u>Additional Setback</u>
Interstate 5	50 feet
Pacific Boulevard (Hwy. 99E)	25 feet
Santiam Highway (Hwy. 20)	25 feet
Waverly Drive (S. of Santiam Hwy.)	10 feet
Geary Street (Pacific to Grand Prairie)	10 feet
Queen Avenue	10 feet

In reviewing development proposals, the review body may require additional noise-mitigating features such as berms, landscaping, fences, or walls within the above-described setback areas.

4.210 Special Setbacks for Religious Institutions, Public and Semi-Public Buildings. Any new construction of a Religious Institution or Public or Semi-Public building, as defined in Article 22, must be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. Stockpiling or storing materials or equipment is not permitted in the required front or interior setbacks. All other setbacks of the district where the property is located apply.

[Ord. 5555, 2/7/03; Ord. 6024, 12/29/23]

4.220 Parking Restrictions in Setback Areas. Parking and loading spaces must not be located in a required front or interior setback, except:

- (1) Paved driveways provided for single-dwelling unit detached, duplex, triplex, fourplex, cottage cluster, and townhouse residences.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6018, 6/30/23]

HEIGHT

4.230 Height Standards. See Table 4.090-1 for height restrictions. [Ord. 5555, 2/7/03; Ord. 5947, 1/1/21]

4.240 Height Exceptions.

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this article, provided that no roof structure, feature, or any other device above the prescribed height limit may be allowed or used for the purpose of providing additional floor space.

- (2) Religious Institutions and Public and Semi-Public Buildings. In zoning districts where churches and certain public and semi-public buildings require Conditional Use approval, the height restrictions may be waived as a part of the Conditional Use proceedings, provided that a request for such has been noted in the public hearing notice. [Ord. 5555, 2/7/03]

[4.250 and 4.260 OFF-STREET PARKING AND LOADING REQUIREMENTS moved to Article 9 per Ord 5832, 4/9/14 and Ord. 6018, 6/30/23]

LANDSCAPING

4.270 General. Developments must comply with the site landscaping standards in Article 9 before occupancy or in accordance with Section 9.140. [Ord. 5742, 7/14/10]

BUFFERING AND SCREENING

4.280 General. Buffering and screening may be required in addition to the minimum landscaping to offset the impact of development. See Sections 9.210 through 9.270.

[Ord. 5445, 4/12/00, Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21]

OUTSIDE STORAGE

4.290 General.

- (1) In the NC, OP, TD, EMP, and IP zoning districts, outside storage or display of materials, junk, parts, or merchandise is not permitted, except for automobile sales (where allowed). [Ord. 6010, 7/1/23]
- (3) In the PB and CC zones, outside storage is allowed if screened from the public rights-of-way with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This provision excludes automobile and plant sales. Display of goods is not permitted.
- (4) In the RC zone:
 - (a) Exterior display of goods is permitted except in the required front setback or buffer yard. Display is limited to a sample of goods offered for sale by the establishment. Display areas may not be used for storage. Display areas may not expand beyond 25 percent of the primary street frontage and must be designated on the site plan. Display areas adjacent to residential districts or uses must be set back at least 10 feet and must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material.
 - (b) Exterior storage is permitted in interior yards, except in required buffer yards and setbacks. Storage areas adjacent to residential districts or uses must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge were a building.
[Ord. 5742, 7/14/10]
- (5) In the LI and HI zones, outside storage is permitted in interior yards outside of the required setback. Outside storage is allowed in front yards outside the front setback provided that it is enclosed with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge was a building.
[Ord. 5742, 7/14/10]
- (6) Where outside storage is permitted.
 - (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet above the elevation of the storage area.
 - (b) Outside storage over six feet tall must be screened in accordance with 9.250.
[Ord. 5555, 2/7/03; Ord. 5886, 1/6/17]

4.300 Screening of Refuse Containers. The following standards apply to all development, except for refuse containers or disposal areas serving four or fewer dwellings. Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window.
[Ord. 5968, 1/14/22]

[4.310 to 4.320 Fence standards moved to Article 9, Ord. 5751, 3/9/11.]

AIRPORT APPROACH

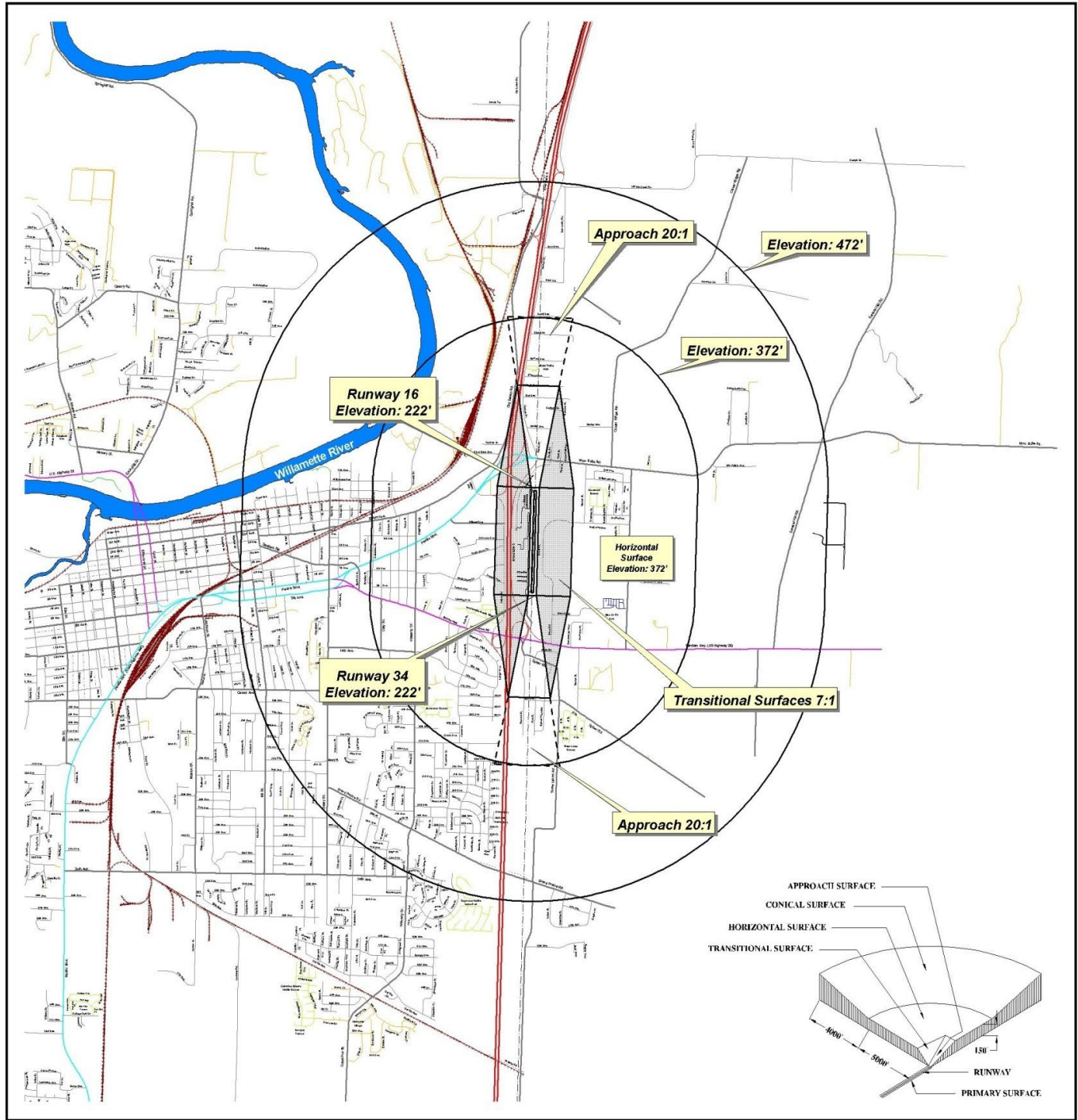
- 4.400 Purpose. The Airport Approach district is intended to protect the public from excessive noise and air traffic from possible hazards on landing or takeoff.
- 4.410 Applicability. The regulations below apply to those areas indicated on Figures 4.410-1 and 4.410-2.
[Ord. 5947, 1/1/21]
- 4.420 Height Restrictions. No structure, mast, antenna, or wire shall be erected, altered, or maintained, and no tree shall be allowed to grow to a height in excess of the height limit established within each of the following described zones (which are also graphically represented in Figure 4.410-1) and in the adopted Albany Municipal Airport Master Plan:
[Ord. 5947, 1/1/21; Ord. 5966, 11/12/21]

- (1) Visual Approach Area. Slopes 20 feet outward for each foot upward beginning at the ends of the primary surface (200 feet from the end of the pavement) and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (2) Transitional Areas. Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation, which is 222 feet above mean sea level using the National Geodetic Vertical Datum of 1929 (equivalent to 225.38 feet using the North American Datum of 1988, NAVD 88). In addition, there are height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. [Ord. 5966, 11/12/21]
- (3) Horizontal Area. One hundred fifty (150) feet above the airport elevation. [Ord. 5966, 11/12/21]
- (4) Conical Area. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

4.430 Other Interference Prohibited. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft.

4.440 Noise Construction Standards. Within the designated airport noise contours indicated in Figure 4.410-2, the following regulations shall apply: [Ord. 5947, 1/1/21]

- (1) In the 55 to 60 Day-Night Sound Level (ldn) area, a declaration of anticipated noise levels shall be attached to any land use application and recording of such declaration may be required for approval on each parcel within such area.
- (2) Development of “noise sensitive property” (e.g., residentially zoned areas, group quarters used for sleeping, motels, hotels, schools, churches, hospitals, libraries) within the 55 to 60 ldn area and above shall be subject to the provisions of Site Plan Review outlined in Article 2 and may be required to include additional sound buffering features within the development as a condition of approval.



Albany Municipal Airport Approach and Clear Zone Plan



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information we provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field-verify the information contained within our records.

Geographic Information Services 917-7676
Planning Division 917-7550

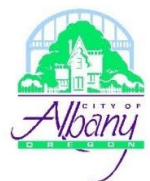
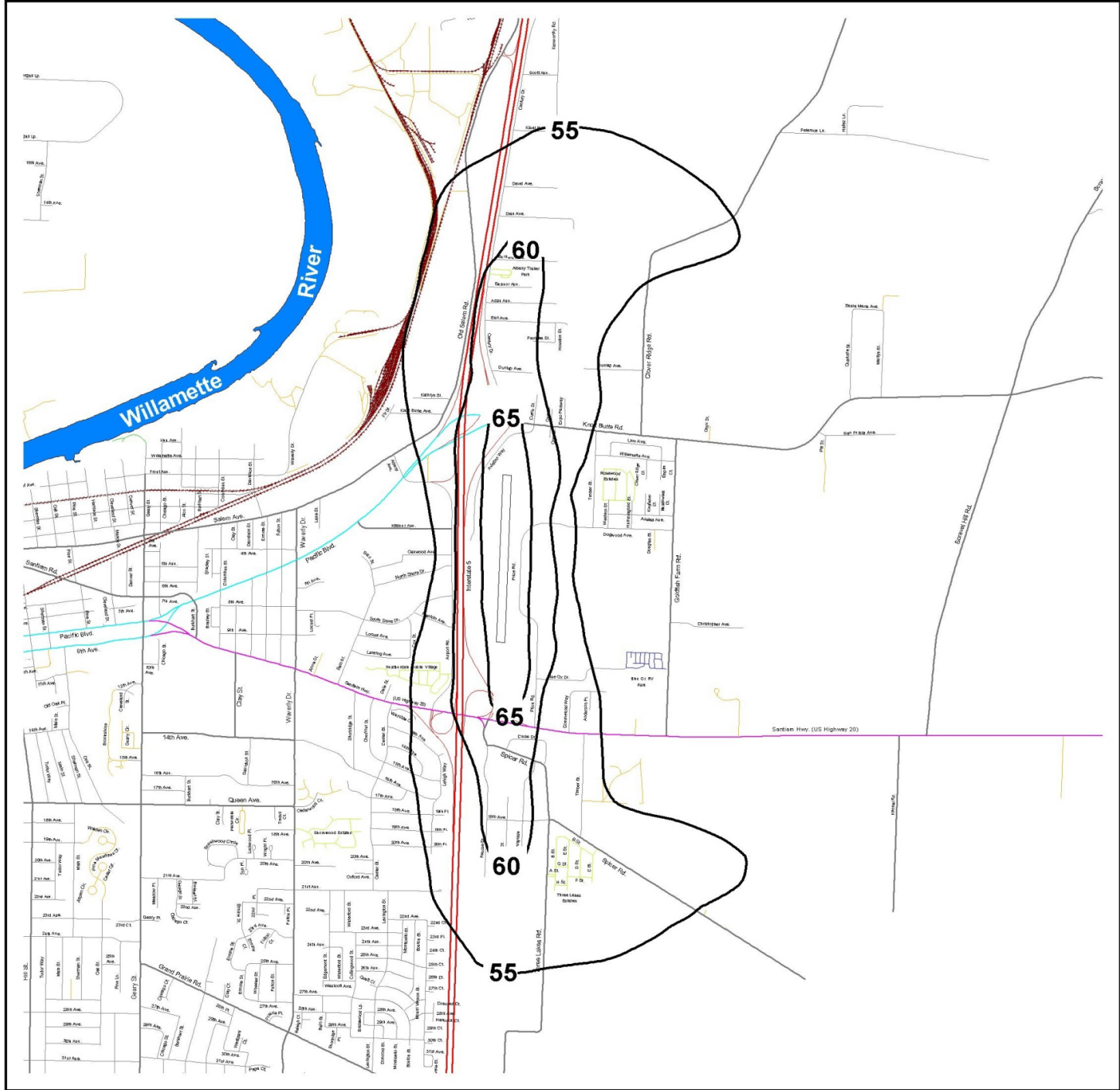


FIGURE 4.410-2: Albany Projected year 2000 Ldn Contours [Ord. 5947, 1/01/21]



Projected Year 2000 Ldn (Day and Night Sound Level)



Projected Year 2000 Loudness Contours
 Loudness Contour
 Runway



Geographic Information Services 917-7676
Planning Division 917-7550

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