

ORDINANCE NO. 5445

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE DEVELOPMENT CODE TEXT TO IMPLEMENT GROWTH MANAGEMENT CONCEPTS FROM THE "GREAT NEIGHBORHOODS" PROJECT, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY. (File No. DC-02-99)

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions; and

WHEREAS, the City is in Periodic Review, a process through which the City is updating its Comprehensive Plan and Development Code in accordance with a work program approved by the State Department of Land Conservation and Development in 1997; and

WHEREAS, the City Council authorized the Great Neighborhoods Project in December, 1997 as the initial step in Periodic Review to gauge the desires of the community; and

WHEREAS, several hundred citizens turned out for five meetings in November 1998 to express many ways to improve the livability of the community; and

WHEREAS, a self-selected Steering Committee met with consultants and city staff from February to June 1999 to transform the land use comments into Development Code concepts; and

WHEREAS, the Planning Commission reviewed those code concepts in work session on August 16, August 23, and September 7, 1999, and then directed staff to prepare specific code language; and

WHEREAS, the Planning Commission conducted public hearings on September 20, September 27, October 4, and November 1, 1999 to receive testimony on the proposed code amendments and deliberated on October 18, October 20, October 27, November 1, and November 29; and

WHEREAS, on December 6, 1999, the Planning Commission recommended approval of proposed amendments, based on findings contained in the staff report and evidence presented at the public hearings for Planning Division Case File No. DC-02-99; and

WHEREAS, on January 5, 2000, the City mailed notice of the City Council public hearing on the proposed amendments to all property owners in the city; and

WHEREAS, the Albany City Council held a public hearing on January 31, 2000 concerning the Development Code text amendments; and

WHEREAS, the Albany City Council reviewed the amendments recommended by the Planning Commission and deliberated on them at public meetings on January 31, February 9, February 14, February 21, February 23, February 28, March 6, March 8, March 15, March 27, and March 29, 2000, and

WHEREAS, the City Council considered and discussed amending the regulations pertaining to double frontage lots as part of their Great Neighborhoods deliberation but decided to defer any changes to these regulations to a subsequent ordinance.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Development Code is hereby amended as shown on the attached Exhibits A, B, C, D, E, F, G, H, I, J, K, and L for the articles listed below:

- (a) DC-02-99 (A): Article 1 (Administration and Procedures) (Exhibit A);
- (b) DC-02-99 (B): Article 2 (Review Criteria) (Exhibit B);
- (c) DC-02-99 (C): Article 3 (Residential Zoning Districts) (Exhibit C);
- (d) DC-02-99 (D): Article 4 (Commercial Zoning Districts) (Exhibit D);
- (e) DC-02-99 (E): Article 5 (Industrial Zoning Districts) (Exhibit E);
- (f) DC-02-99 (F): Article 8 (Formerly Site Plan Review Now Design Standards) (Exhibit F);
- (g) DC-02-99 (G): Article 9 (On-Site Development and Environmental Standards) (Exhibit G);
- (h) DC-02-99 (H): Article 10 (Manufactured Home Development Standards) (Exhibit H);
- (i) DC-02-99 (I): Article 11 (Land Divisions and Planned Developments) (Exhibit I);
- (j) DC-02-99 (J): Article 12 (Public Improvements) (Exhibit J);
- (k) DC-02-99 (K): Article 13 (Sign Code) (Exhibit K), and
- (l) DC-02-99 (L): Article 14 (Central Albany) (Exhibit L).

Section 2. The Findings of Fact contained in the staff report and attached as Exhibit M are hereby adopted in support of this decision.

Section 3. Modified regulations pertaining to double frontage lots, while having been considered as part of the Great Neighborhoods process, are deferred pending further consideration by the City Council.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: April 12, 2000

Approved by Mayor: April 12, 2000

Effective Date: April 12, 2000



Mayor

ATTEST:



City Recorder

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ARTICLE 1 ADMINISTRATION AND PROCEDURES

1.000-1.202 *No changes are proposed to these sections.*

APPLICATION PROCEDURES

[Editor's Note: The following section 1.203 is not being deleted from the Development Code. It is being moved to a new section 1.207 with revisions.]

~~1.203 Application Contents. A land use application shall consist of the following:~~

- ~~(1) Explanation of intent, nature and proposed use of the development, pertinent background information and other information that may have a bearing in determining the action to be taken, including submission of detailed findings where such are required by the provisions of this Code.~~
- ~~(2) Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.~~
- ~~(3) Property description and assessor map parcel number(s).~~
- ~~(4) Additional information required by other sections of this Code because of the type of development proposal or the area involved.~~
- ~~(5) Duplicates of the above information as required by the Director.~~
- ~~(6) Submission of application fees as established by the City Council.~~

1.203 Neighborhood Meeting. The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. City staff will attend the neighborhood meeting in an advisory capacity to answer questions.

The applicant shall hold a neighborhood meeting prior to submittal of the following types of applications:

- (1) Multifamily development that abuts a single-family zoning district.**
- (2) Commercial and industrial development that abuts any residential zoning district.**
- (3) Manufactured home park.**
- (4) Subdivision with more than 10 lots.**
- (5) Any subdivision that is an infill development.**

For other applications that may have a neighborhood impact, the City recommends that the applicant have a neighborhood meeting.

1.207 Application Contents. A land use application shall consist of the following:

- (1) Explanation of intent, nature and proposed use of the development, pertinent background information and other information that may have a bearing in**

- determining the action to be taken, including submission of detailed findings where such are required by the provisions of this Code.
- (2) Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.
 - (3) Property description and assessor map parcel number(s).
 - (4) Additional information required by other sections of this Code because of the type of development proposal or the area involved.
 - (5) Duplicates of the above information as required by the Director.
 - (6) Submission of application fees as established by the City Council.
 - (7) A report documenting the results of any neighborhood meeting. The report shall contain:
 - (a) The dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - (b) The method(s) by which each meeting was publicized;
 - (c) The number of people who attended the meeting or otherwise contacted the applicant;
 - (d) A summary of the concerns, issues, and problems raised by neighbors;
 - (e) A discussion of how the applicant has addressed or intends to address concerns, issues, and problems; and
 - (f) A discussion of any concerns, issues, and problems the applicant is unable or unwilling to address and why.

1.210-1.320 *No changes are proposed to these sections.*

LIMITED LAND USE PROCESS

1.330 Type I-L Procedure.

- (1) The purpose of the Type I-L procedure is to provide for land use review of subdivisions and partitions and applications involving discretionary standards for design or site review of uses permitted outright.
- (2) In making a limited land use decision, the City will follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.
- (3) For limited land use decisions, the City will provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made, except that written notice will be provided to owners of property within 300 feet of property on which applications are received for development of subdivisions, manufactured home parks, and multi-family development. The list will be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site. [Ord. 5338, 1/28/98]
- (4) The notice and procedures used by the City will:
 - (a) Provide a 14-day period for submission of written comments prior to the decision;

- (b) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 - (c) List, by commonly used citation, the applicable criteria for the decision;
 - (d) Set forth the street address or other easily understood geographical reference to the subject property;
 - (e) State the place, date and time that comments are due;
 - (f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - (g) Include the name and phone number of a local government contact person;
 - (h) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (a) of this paragraph. The notice of decision must include an explanation of appeal rights;
 - (i) Briefly summarize the local decision making process for the limited land use decision being made, and
 - (j) Include such other information as the Director deems appropriate.
- (5) **Decisions and Appeals.** ~~At the Director's discretion, a limited land use decision may be referred to the Hearings Board, Planning Commission or the Landmarks Advisory Commission.~~ **Standing to appeal a limited land use decision shall be limited to the applicant and/or any person who has provided written comments pursuant to Section 1.330 or who spoke at the public hearing, if one were held.**
- (a) **For application types for which a neighborhood meeting is not required in Section 1.203, a limited land use decision made by the Director may be appealed to the Land Use Board of Appeals when a person with standing files a Notice of Intent to Appeal with LUBA not later than 21 days after the Director's notice of decision is mailed.**
 - (b) **For application types for which a neighborhood meeting is required in Section 1.203, a limited land use decision by the Director may be appealed to the Planning Commission when a person with standing files a Notice of Appeal with the City not later than 10 days after the Director's notice of decision is mailed.**
 - (c) **At the Director's discretion, a limited land use decision may be referred to the Planning Commission for the local decision.**
 - (d) **A limited land use decision made by the Planning Commission may be appealed to the Land Use Board of Appeals when a person with standing files a Notice of Intent to Appeal with LUBA not later than 21 days after the Planning Commission notice of decision is mailed.**
- ~~(6) A limited land use decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal not later than 21 days after the notice of decision becomes final~~

1.340-1.660 *No changes are proposed to these sections.*

ARTICLE 2 REVIEW CRITERIA

2.010 **Overview.** The Development Code provides a combination of nondiscretionary and discretionary standards for the City to use in evaluating land use proposals for compliance with the use and development requirements of the Code. The nondiscretionary criteria provide the certainty needed in most situations by providing straightforward, clear, and objective standards. Discretionary criteria provide needed flexibility by allowing more subjective standards and objectives, and providing for the modification of regulations in response to specific site conditions. This chapter contains the criteria for evaluation of the following land use applications:

- | | |
|---------------------------------|---------------------------|
| ■ Adjustments | ■ Site Plan Review |
| ■ Comprehensive Plan Amendments | ■ Vacations |
| ■ Conditional Uses | ■ Variances |
| ■ Development Code Amendments | ■ Zoning Map Amendments |
| ■ Nonconforming Situations | |

2.020-2.570 *No changes are proposed to these sections.*

[Editor's Note: The following sections numbered 2.600 to 2.780 are not new provisions. They have been moved from Article 8. There are revisions found in some of these sections.]

SITE PLAN REVIEW

2.600 **Purpose.** **Site Plan Review is intended to promote functional, safe, and attractive developments, which maximize compatibility with surrounding developments and uses and with the natural environment. Site Plan Review mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. Site Plan Review is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.**

2.610 **Levels of Review.** These sections establish three levels of Site Plan Review, with the degree of detail required for submittal and review criteria based on the projected land use impacts. **Option A review is primarily for new development and is subject to the greatest scrutiny. Option B is primarily for review of those projects which are expansions of existing development and which will generally result in fewer impacts on the surrounding area than a new development. Option C review is used when the proposal is for a change in use or another modification to a developed site which will not result in a greater impact on the neighborhood or on public facilities.**

2.620 **Relationship to Other Regulations.** **Approval of a land use application based on review criteria in this Code does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statutes or regulations.**

2.630 **When Site Plan Review is Required.** In general, a Site Plan Review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing development that are not being modified. An exception to this is parking areas, where any proposed change to the parking lot will result in the entire parking area being reviewed. Site Plan Review is required in all of the following instances:

- (1) New development.
- (2) Building expansions of 500 square feet or more, or any expansion that results in a reduction of parking spaces.
- (3) Parking area expansions of 1,000 square feet or more.
- (4) Any development listed in Articles 3, 4, and 5 that specifically requires Site Plan Review.

2.640 **When Site Plan Review is not Required.** Activities and developments listed below are excluded from the requirement for a Site Plan Review land use application but are nevertheless subject to the provisions of the Code where applicable:

- (1) Agricultural uses permitted outright in any zone.
- (2) Detached single family dwellings and two unit dwellings.
- (3) Accessory buildings and building additions of less than 500 square feet which conform to the provisions of this Code and the Uniform Building Code.
- (4) Accessory buildings in residential districts that meet the following standards. (Information must be submitted that shows the standards are met. The information shall be submitted at the time the applicant applies for building permits. The Community Development Director or his/her designee will determine whether the standards are met.)
 - (a) The proposed building does not exceed the height of the tallest building on adjacent property. Height here means the height of the building at its highest point.
 - (b) The square footage of the area enclosed by the foundation of the proposed building does not exceed the square footage of the area enclosed by the foundation of the largest building on adjacent property.
 - (c) The amount of land that will be covered by buildings if the proposed building is constructed does not exceed the applicable lot coverage restrictions of the Development Code.
 - (d) The proposed building meets or exceeds the applicable setback requirements for the primary residential structure listed in the Development Code.
 - (e) The materials that will be used on the proposed building (e.g. siding and roofing), and the color of those materials, are the same as those used on the primary residential structure on the subject property.

- (f) **If the proposed building is located in any of the special purpose districts listed in Articles 6 and 7 of the Development Code, the building must also be reviewed for conformance with the requirements of the applicable district.**

Accessory buildings in floodplain districts are subject to the floodplain regulations of Article 6.

- (5) **Landscaping and routine property maintenance.**
- (6) **Improvement of parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code.**
- (7) **A change internal to a building or other structure or usage of land that does not constitute a change of use as listed in Article 5.**
- (8) **Site Plan Review for a change in use within an existing structure when the following criteria are satisfied:**
- (a) **No structural expansion in excess of 500 feet or additional exterior storage is proposed.**
 - (b) **The use will not create additional adverse affects for abutting properties or the neighborhood (e.g. visual, noise, or air pollution, increased parking requirements, or improvements to public facilities.)**
 - (c) **Any non-conformity with the provisions of this Code has been addressed, including compliance with sign, landscaping, and parking requirements except where restricted by building location or limiting site characteristics.**
- (9) **An emergency measure necessary for the safety or protection of property when authorized by the City Manager with written notice to the City Council.**
- (10) **Any temporary use of land of up to a 30-day duration (such as a promotional event, festival, carnival, or outdoor sale) which conforms with all other requirements of this Code and other applicable City regulations and public health and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.**
- (11) **The establishment, construction, alteration, or maintenance of a public facility authorized by the Public Works Director including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than a six months duration but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.**
- (12) **Excavation and fill for foundations and all other excavation or filling of land involving 50 cubic yards or less which does not adversely affect drainage patterns and is not located within a floodplain or slope area.**

2.650 **Review Criteria.** A site plan approval will be granted if the review body finds that the applicant has met all of the following criteria that are applicable to the proposed development.

- (1) Public facilities can accommodate the proposed development.
- (2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.
- (3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
- (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

2.660 **Conditions of Approval.** The City may attach conditions to the approval of a Site Plan Review application in order to ensure that the proposal will conform to the applicable review criteria.

OPTION A REVIEW

2.670 **Applicability.** This level of review is intended for new development within the City. Any proposal that is not appropriately reviewed under Options B or C will be reviewed under Option A.

2.680 **Procedure.** A Type I-L limited land use procedure is followed for an Option A Site Plan Review with the Director acting as the review body.

2.690 **Application Contents.** An application for Option A Site Plan Review consists of the following:

- (1) A completed application form.
- (2) A mailing list of property owners within 100 feet of the entire contiguous site, except that a mailing list of property owners within 300 feet must be provided when a subdivision, manufactured home park, or multi-family development is proposed. The list will be compiled from the most recent property tax assessment roll. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- (3) One set of conceptual drawings, including floor plans and building elevations.
- (4) A conceptual landscape plan (2 copies) showing the type and location of proposed landscaping and screening.
- (5) A site plan (10 copies) showing the following:

- (a) Assessor's map and tax lot number and lot and block description or other legal description.
- (b) Lot dimensions and total lot area.
- (c) North arrow.
- (d) Location of all existing and proposed structures, including minimum distances from all structures to lot lines.
- (e) Percentage of the lot covered by any and all structures.
- (f) Adjacent zoning designations and adjacent land uses including approximate location of buildings, accesses, streets, sidewalks, curbs, easements, and utilities.
- (g) Locations and dimensions of rights-of-way of all abutting streets (whether public or private) and existing and proposed driveways.
- (h) Size and location of all utilities.
- (i) Locations, dimensions, and nature of any easements.
- (j) Location of any non-access strips.
- (k) Natural drainage patterns (existing contour lines at two-foot intervals if required by Director.)
- (l) Location, size, and capacity of the existing and proposed drainage system including pipe size and slope. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, and capacity of facilities identified in the Drainage Master Plan that would serve the proposed development.
- (m) Proposed cuts and fills of more than two feet and any changes in elevations proposed at property lines.
- (n) Location and species of trees greater than 25 inches in circumference when measured at 4-1/2 feet above mean ground level from the base of the trunk.
- (o) Location and dimensions of delivery and loading areas.
- (p) Location and dimensions of parking and circulation areas.
- (q) Location and dimensions of trash disposal areas.
- (r) Location of proposed signs.

2.700 **Appeals.** An Option A Site Plan Review decision is a limited land use decision and may be appealed in accordance with Section 1.330.

OPTION B REVIEW

2.710 **Applicability.** This level of review is intended for expansion of existing structures or development, which will have a minimal impact on the surrounding area. An Option B Site Plan Review must be filed when the following developmental activities are proposed:

- (1) An addition (exceeding 500 square feet) to an existing structure.
- (2) Parking lot additions of over 1000 square feet.
- (3) A change in occupancy to a more intensive use in an existing building.

- (4) **Reduction in the number of parking spaces. Any development consistent in scope and impact with those listed here may also be reviewed under an Option B review, at the Director's discretion.**

2.720 **Procedure.** A Type I-L limited land use procedure is followed for the Option B Site Plan Review with the Director acting as the review body.

2.730 **Application Contents.** The Director may require any of the information listed for Option A Site Plan Review in Section 2.690. In many cases, not all of this information will be required due to lack of applicability.

2.740 **Appeals.** An Option B Site Plan Review decision is a limited land use decision and may be appealed in accordance with Section 1.330.

OPTION C REVIEW

2.750 **Applicability.** An Option C Site Plan Review is intended for review of development in existing buildings. It is appropriate for the following types of development proposals:

- (1) A change in occupancy to a use which is not more intense in off-site impacts.
- (2) Resurfacing of nonconforming parking lots.
- (3) Other development with similar impacts.

2.760 **Procedure.** A Type I procedure is followed for the Option C Site Plan Review.

2.770 **Application Contents.** An Option C Site Plan Review requires submittal of only the completed application form.

2.780 **Review Criteria.** The following criteria must be met in order for the Director to approve the proposed development.

- (1) Off-street parking is adequate to serve the proposed use.
- (2) The proposed use will not generate more traffic than the previous use.
- (3) The site is in, or can be brought into, compliance with the spirit of the Code regarding landscaping, screening and buffering.
- (4) Any applicable criteria from Section 2.650.

ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

3.010-3.040 *No changes are proposed to these sections.*

3.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. The abbreviations used in the schedule have the following meanings:

- A Use allowed without ~~special conditions or~~ 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.
- C Use permitted conditionally under the provisions of Sections ~~2.170-2.190-2.230-2.260~~.
- PD Use permitted only through Planned Development approval.
- * Use not permitted in the major zoning district indicated.

A number appearing opposite a use in the "special conditions" column indicates that special provisions apply to the use. These conditions are found following the schedule, in Section 3.080.

	USE DESCRIPTIONS	Spec Cond	RS RR	RS 10	RS 6.5	RS 5	RM 5	RM 3	RH
1.210	Duplexes	1,2,3	*	* A	C A	C A	A	A	*
1.220	Primary residence with accessory apartment	4	C A	C A	C A	C A	A	A	*
1.145	Two or more single-family attached (townhouses)	*	*	*	*	A	A	A	*
3.500	Tree Cutting & Firewood Cutting Tree Felling:								
3.510	Removal Felling of 5 or more trees in excess of 10" in diameter larger than 25 inches in circumference (approximately 8 inches in diameter)	10	A S	S	S	S	S	S	S
4.110	Private and public communication towers and antennas over 50 feet in height	16	*	*	*	*	*	*	*

3.060-3.070 *No changes are proposed to these sections.*

SPECIAL CONDITIONS

3.080 General. Where numbers appear in the column "special conditions" in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) In the RS-6.5, RS-5, and **RS-10** Districts, duplexes ~~may only be located~~ **are permitted outright** on corner lots ~~except in Planned Developments~~ **that meet the minimum lot size for duplexes in the zone, and as infill development only on other lots that are at least 1.5 times the single-family minimum lot size in the zone.**
- (2) ~~Duplexes are permitted outright in the RS-6.5, RS-5, and RS-10 Districts on corner lots designated at the time of subdivision approval where all adjacent parcels are under the same ownership.~~ **In the RM-5 and RM-3 Districts, duplexes are permitted outright on any lot.**
- (3) Duplexes and multi-family developments may be divided so that each can be individually owned by doing a land division in conformance with Article 11. The total land area provided for the development as a whole must conform with the requirements of Article 3, Table 1, however, the amount of land on which each unit is located need not be the amount shown in Table 1. For example, the land area for a duplex to be divided in an RS-6.5 zoning district must be 8,000 square feet, but that area need not be split equally between the individual lots (one may be larger than 4,000 square feet and one smaller.)
- (4) Accessory apartments are permitted as additions to or within single family residences when:
 - (a) One residence on the site is owner occupied.
 - (b) The apartment remains incidental to the primary residence in size and appearance.
 - (c) At least three off-street parking spaces are available on the property for use.
 - (d) All required building permits have been obtained.
 - (e) For detached accessory apartments, the parcel on which the apartment will be built meets the minimum lot area requirements for the zoning district in which the lot is located.
- (5)-(9) *No changes are proposed to these subsections.*
- (10) ~~Tree Removal Criteria: The following criteria apply only to parcels or property in contiguous single ownership in excess of 20,000 square feet upon which five or more trees, each in excess of ten inches in diameter, are proposed for removal within one calendar year. The Director shall approve tree cutting in the above instances when it can be demonstrated that:~~
 - ~~(a) Wooded areas associated with natural drainageways and water areas will be maintained to preserve riparian habitat and minimize erosion.~~
 - ~~(b) Wooded areas along ridge lines and hilltops will be retained for their scenic and wildlife value.~~
 - ~~(c) Wooded areas along property lines will be retained to serve as buffers from adjacent properties except with the concurrence of adjacent owners where removal is desired for sunlight or to protect against windfall.~~
 - ~~(d) Large scale clear cuts of developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future city residents.~~
 - ~~(e) If concurrent with a development project application, the proposed removal of trees is the minimum necessary to accomplish the objectives of the development while retaining~~

~~the most trees possible within the intent of the above criteria and Comprehensive Plan policies.~~

- (10) **Site plan review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet. For review criteria, see Section 9.208.**

The following activities are exempt from site plan review:

- (a) **The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.**
- (b) **Felling of any tree that is defined as a nuisance under the Albany Municipal Code.**
- (c) **Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approves the proposed tree felling.**

(11)-(15) *No changes are proposed to these subsections.*

- (16) **Public and Commercial Communication ~~Towers and Transmitters~~ Facilities** Over 50 Feet in Height are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a tower is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Type II land use decision.) **See Section 8.400 for design standards for telecommunications facilities.**

(17)-(18) *No changes are proposed to these subsections.*

3.090-3.180 *No changes are proposed to these sections.*

DEVELOPMENT STANDARDS

- 3.190 **Purpose.** Development standards are intended to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 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-family and multiple family developments.**

TABLE 1

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS*							
SINGLE-FAMILY DISTRICTS				MULTI-FAMILY DISTRICTS			
STANDARD	RR	RS-10	RS-6.5	RS-5	RM-5	RM-3	RM-H
Minimum Lot Size (1)							
Single-family	5 acres	10,000 sf	6,500 sf	5,000 sf	5,000 sf	None	None
Duplexes	N/A	N/A 14,000 sf	8,000 sf	7,000 sf	7,000 sf	3,600 sf	None
2 or more attached single family	N/A	N/A	N/A	3,500 sf/unit	3,500 sf/unit	1,800 sf/unit	N/A
3 or more 1-bedr. Units	N/A	N/A	N/A	N/A	2,400 sf/unit	1,600 sf/unit	None
3 or more 2-bedr. Units	N/A	N/A	N/A	N/A	3,300 sf/unit	1,800 sf/unit	None
Minimum Lot Width	N/A	65 ft	50 ft	40 ft	35 25 ft	None	None
Minimum Lot Depth	N/A	100 ft	80 ft	70 ft	65 ft	None	None
Minimum Open Space	N/A	N/A	N/A	N/A	(13)	(13)	(13)
Min. Landscaped Area	N/A	(2)	(2)	(2)	(3)	(3)	(3)
Minimum Setbacks (4)							
Front	20 ft	20 ft	15 ft	15 ft	15 ft	15 12 ft	15 ft
Interior: single-story	5 ft	5 ft	5 ft	5 ft	10 ft (5)	10 ft (5)	10 ft (6)
Interior: two or more stories	8 ft	8 ft	8 ft	6 ft	10 (15) (5)	10 (15) (5)	10 ft
Garage vehicle entrance (10)	20 ft	20 ft	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)
Maximum Front Setback	N/A	N/A	N/A	N/A	(14)	(14)	(14)
Maximum: Height (8)	30 ft	30 ft	30 ft	30 ft	30 ft	45 ft	75 ft
Building Lot Coverage	20%(11)	50%	60%	60%	60% (9)	70% (9)	85% (9)
Building Separation				(12)	(12)	(12)	(12)

* For residential development standards in Central Albany, see Article 14.

N/A means not applicable.

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area, such as alley access.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to street plus open space.
- (4) Additional setbacks may be required, see Sections 3.080-3.160.
- (5) Except for single family homes or duplexes which must meet the same setbacks as required for RS-5.
- (6) More than 3 stories = 10' plus 3' for each story over 3 per unit requirements.
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.
- (8) See exceptions to height restrictions, Section 3.310.

(9) Lot coverage includes buildings, parking, private streets and drives.

(10) ~~The setback for a garage located on an alley is 5 feet. See Table 2 for garage with alley access.~~

(11) Maximum building lot coverage for parcels 20,000 sf. or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.

(12) The minimum separation between multi-family buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet from two-story or taller buildings.

(13) Ten or more units require open space. See Section 8.220.

(14) See Section 8.240 for standards.

(15) See Section 8.270(1).

3.200-3.210 *No changes are proposed to these sections.*

3.220 Bonus Provisions for Reduction in Standard Lot Size Requirements. The following standards may be applied to development sites resulting in allowed reductions in standard lot size and area per unit requirements as indicated. In no instance shall the combined total of all bonus provisions applied to a development result in an overall reduction of more than 40% in the standard site size or lot area per unit requirements, or result in a density which exceeds the allowed density in the zone. Some bonuses are available for lot design only, with additional bonuses available due to building design or construction.

Relationship to Transportation

- (1) 10% reduction in standard lot sizes when at least 50% of any such lot is located within 200 feet of a designated collector or arterial street and such lot does not have direct access to an arterial.
- (2) For multi-family developments, condominiums, and townhouses; area per unit requirements can be reduced by 10% if the area in question is within 200 feet of a designated arterial.

Design Factors

- (1) Protection of Natural Features. A density bonus of up to 5% can be granted when it is shown that minimal disturbance will be made to existing features. The amount of bonus is related to both the amount of protection and the importance of features on the site.

Energy

- (1) Solar Access Protection. If buildings are sited (either by site design or defining buildable areas) and covenants or other mechanisms are established which protect solar access of south building walls from shading by structures and vegetation, a bonus of up to 10% may be allowed. The amount of bonus depends on the restrictiveness of the covenant and the percentage of units affected. In subdivisions, a covenant or other mechanism which provides and protects solar access for the southerly building area of 80% or more of the lots from 9:30 a.m. to 2:30 p.m. on December 21 shall be given the full 10% bonus. In multiple unit developments, if 80% or more of the units receive this same protection for south facing walls, and south facing glass of those units totals at least 7% of the conditioned area, the full bonus may be allowed. (South facing is defined as being within 25° of true south.)

Moderate-Cost Housing

- (1) Provision of Moderate-Cost Housing. If 50% of the units meet the following performance standards, a density bonus may be permitted as follows:
 - (a) Affordable for persons whose income is 1.2 times the median income for Linn County - 5% density increase.

- (b) For projects affordable for persons whose income is equal to the median income for Linn County - 10% density increase.
- (c) For projects which are affordable for persons whose income is equal to, or less than, .8 times the median income for Linn County - 15% density increase.

Affordable means that the annual mortgage payments, with no more than a 10% down payment required, or the annual rent for a unit equals no more than 28% of the income level for which the density bonus points are being applied. Projects must have a guaranteed sale price, interest, or rental price, and include contractual obligations for continued availability to low- and moderate-income persons.

Alley Access

Lots with alley access may be up to 10% smaller than the minimum lot size for the zone.

SETBACKS

3.230 Setback Measurements. All setbacks shall meet the minimum standards as set forth in Table 1, Development Standards. Setback distances shall be measured perpendicular to all portions of a lot line. In addition to the setbacks in this article, all development must comply with Section 12.180-Clear Vision Area. See also Table 2, Accessory structure Standards, Page 3-20.

TABLE 2

ACCESSORY STRUCTURE STANDARDS	
Structure	Standard
Detached Structure walls <8 feet height	Interior setback = 3 feet
Attached structure	Interior setback = 5 feet
Detached structure walls >8 feet height	Interior setback = 5 feet
Garage with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks = see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences >6 feet high	District setback standard; building permit required.
Outdoor swimming pools	Interior setback = 10 feet
Decks <30 inches off grade no rails, covers	No setback from property line
Decks >30 inches off grade	Interior setback = 5 feet

NOTE: Residential Accessory Structures with walls greater than 11 feet in height require a Conditional Use approval.

3.240-3.340 *No changes are proposed to these sections.*

OFF-STREET PARKING

3.350 Minimum Space Requirements. Off-street parking shall be provided for all residential development in the amounts indicated in Table 3 below. For uses not listed in this Table, see the parking standards of the Commercial or Industrial Districts. All parking lots in residential districts must comply with applicable requirements in Article 9. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up. Compact spaces may make up no more than 40% of the total number of parking spaces.

TABLE 3

RESIDENTIAL DISTRICT PARKING STANDARDS	
Use	Standard
SINGLE FAMILY DWELLINGS	2.0 spaces
MULTIPLE FAMILY DWELLINGS	
Studio and 1-bedroom units	1.0 space per unit, plus 1 visitor space every 4 units
2-bedroom units	1.5 spaces per unit, plus 1 visitor space every 4 units
3- and 4-bedroom units	2.0 2.25 spaces per unit, plus 1 visitor space every 4 units
Quad and quint units	.75 space per unit
Senior citizen apartments	1.0 space per each 2 bedrooms
Student housing	1.0 per each 2 students at capacity
Boarding and rooming houses	1.0 space per 2 occupants at capacity
Group care homes	1.0 space per employee plus 1 space per each 5 beds
Mobile home parks	2.0 spaces per mobile home plus 1 space guest parking per each 5 mobile homes

3.360 *No changes are proposed to this section.*

BUFFERING AND SCREENING

3.370 General. Buffering and screening may be required to offset the impact of development. See Section 9.210. ~~In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix which follows. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by right of way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required. Additional requirements are included in Article 9.~~

This exhibit does not contain the full text of this article.

Deletions shown as ~~strike through~~, additions in **bold**.

[Editor's Note: The following table is not being deleted from the Development Code. It is being moved to section 9.210 with revisions.]

BUFFER MATRIX	PROPOSED USE			
	Detached Dwellings	Attached Dwellings 1-story	Attached Dwellings 2+ stories	Manufactured Home Parks & Subdivisions
Detached Family Dwelling Unit/R-6.5 or RS-5 District	0'	10'	10'	10'S
Attached Dwelling Unit 1-story/RM-5 District	0'	0'	0'	10'S
Attached Dwelling Unit 2+ stories/RM-3 or RM-H District	0'	0'	0'	10'S
Manufactured Home Park or RV Park or Subdivision in any District	10'	10'	10'	0'
Any Arterial Street	10'S	10'S	10'S	10'S
Commercial/Professional Uses or RP, NC, CC, CB, or CH Districts	10'	10'	10'	10'S
Industrial Park District	20'	20'	20'	20'S
Light Industrial District	30'S	30'S	30'S	30'S
Heavy Industrial District	40'S	40'S	40'S	40'S
Any Parking lot with more than 4 spaces	10'S	5'S	5'S	5'S
<i>"S" indicates screening required.</i>				

3.380-3.410 No changes are proposed to these sections.

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ARTICLE 4 COMMERCIAL ZONING DISTRICTS

4.010-4.040 *No changes are proposed to these sections.*

4.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. The abbreviations used in the schedule have the following meanings:

- A Use allowed without ~~special conditions or~~ 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.
- C Use permitted conditionally under the provisions of Sections ~~2.170 - 2.190~~ **2.230 - 2.260.**
- PD Use permitted only through Planned Development approval.
- * Use not permitted in the major zoning district indicated.

A number appearing opposite a use in the "special conditions" column indicates that special provisions apply to the use. These conditions are found following the schedule, in Section 4.080.

USE DESCRIPTIONS	Spec						
	Cond	OP	NC	CC	CH	TS	
2.500 Tree Cutting & Firewood Cutting Tree Felling:							
2.510 Removal Felling of 5 or more trees in excess of 10" in diameter larger than 25 inches in circumference (approximately 8 inches in diameter)	2	S	S	S	S	*	
3.000 ANTENNAS & TOWERS							
3.100 Public & Commercial Communication Towers & Transmitters Over 50 Feet in Height	17	*	*	C	C	*	

4.060-4.075 *No changes are proposed to these sections.*

SPECIAL CONDITIONS

4.080 General. Where number appear in the column "special conditions" in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) *No change is proposed to this subsection.*
- ~~(2) **Tree Removal Criteria:** The following criteria apply only to parcels or property in contiguous single ownership in excess of 20,000 square feet upon which five or more trees, each in~~

~~excess of ten inches in diameter, are proposed for removal within one calendar year. The Director shall approve tree cutting in the above instances when it can be demonstrated that:~~

- ~~(a) Wooded areas associated with natural drainageways and water areas will be maintained to preserve riparian habitat and minimize erosion.~~
 - ~~(b) Wooded areas along ridge lines and hilltops will be retained for their scenic and wildlife value.~~
 - ~~(c) Wooded areas along property lines will be retained to serve as buffers from adjacent properties except with the concurrence of adjacent owners where removal is desired for sunlight or to protect against windfall.~~
 - ~~(d) Large-scale clear cuts of developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future city residents.~~
 - ~~(e) If concurrent with a development project application, the proposed removal of trees is the minimum necessary to accomplish the objectives of the development while retaining the most trees possible within the intent of the above criteria and Comprehensive Plan policies.~~
- (2) **Site plan review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet. For review criteria, see Section 9.208.**

The following activities are exempt from site plan review:

- (a) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.**
 - (b) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.**
 - (c) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approves the proposed tree felling.**
- (3)-(16) *No change is proposed to these subsections.*
- (17) **See Section 8.400 for design standards for telecommunication facilities.**

DEVELOPMENT STANDARDS

- 4.090 **Purpose.** Development standards are intended to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 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. **Design standards for multiple family and commercial development are located in Article 8.**

Commercial District Development Standards				
STANDARD	OP	NC	CC	CH
Minimums				
Lot size	5,000 s.f. (1)	6,000 s.f.	15,000 s.f. (2)	25,000 s.f.
Lot width	40' (1)	60'	100'	125'
Lot depth	80' (1)	80'	150'	200'
Landscaped Area (3)	100%	100%	100%	100%
Open space	(9)	N/A	N/A	N/A
Minimum setbacks				
Front	15'	15'	5'	10'
Interior	5' (4)	(5)	(5)	(5) (6)
Maximum				
Height (8)	30'	30'	50'	No limit
Lot coverage (7)	70%	70%	90%	No limit

N/A means not applicable.

- (1) Standards shown are for business and single family attached uses, minimum standards for single family detached are: 6,000 square foot lot size; 50' lot width; and 80' lot depth.
- (2) Except where joint access and parking is shared with an adjoining property, in which case the combined properties must total at least 15,000 square feet.
- (3) All yards adjacent to streets.
- (4) Single story, 2 or more stories = 8'.
- (5) Yards abutting residential districts and/or uses require 1 foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting commercial or industrial districts, no interior setback is required.
- (6) No setbacks are required for buildings abutting railroad rights-of-way.
- (7) Includes building and parking area coverage.
- (8) Unless in Airport Approach Overlay District.
- (9) **Ten or more multiple family units require open space. See Section 8.220.**

4.100-4.150 *No changes are proposed to these sections.*

4.160 ~~Setbacks for Attached Single Family Dwellings.~~ The interior yard requirements for attached single family dwellings shall be 0 where the units adjoin; however, all other setbacks shall conform to the other requirements of this Code. **The yard requirements for residential uses do not apply where a dwelling is legally located above a commercial use.**

4.170-4.270 *No changes are proposed to these sections.*

BUFFERING AND SCREENING

4.280 **General. Buffering and screening may be required to offset the impact of development. See Section 9.210.** ~~In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix which follows.~~

This exhibit does not contain the full text of this article. Deletions shown as strikethrough, additions in bold.

~~(1) The property owner and/or business owner is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.~~

4.290-4.320 *No changes are proposed to these sections.*

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[Editor's Note: The following table is not being deleted from the Development Code. It is being moved to section 9.210 with revisions.]

BUFFER MATRIX
PROPOSED USE

Abutting Use or Zoning District	Detached Dwellings	Attached Dwellings 1 story	Attached Dwellings 2+ stories	Manufactured Home Parks or Subdivisions	Commercial & Professional Uses	Industrial Park Uses	Light Industrial Use	Heavy Industrial Use	Any Parking Lot with more than 4 spaces
Detached Family Dwelling Unit/RS-6.5 or RS-S District	0'	0'	10'	10' S	10' S	30' S	30' S	40' S	10' S
Dwelling Unit 1-story/RM-S District	0'	0'	10'	10' S	10' S	30' S	30' S	40' S	10' S
Attached Dwelling Unit 2+ stories or RM-3 or RH District	0'	0'	10'	10' S	10' S	30' S	30' S	40' S	10' S
Manufactured Home Park or Subdivision in any District	10'	10'	10'	0'	10' S	30' S	30' S	40' S	10' S
Any Arterial Street	10' S	10' S	10' S	10' S	10'	0'	10'	10'	10'
Commercial/Professional Uses or RP, NC, CG, CB, or CH Districts	10'	10'	10'	10' S	0'	20'	0'	20' S	0'
Industrial Park District	20'	20'	20'	20' S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	30'	0'	0'	0'
Any Parking Lot with more than 4 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'

"S" indicates screening required.

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ARTICLE 5 INDUSTRIAL ZONING DISTRICTS

5.010-5.040 *No changes are proposed to these sections.*

5.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. The abbreviations used in the schedule have the following meanings:

- A Use allowed without ~~special conditions~~ or 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.
- C Use permitted conditionally under the provisions of Sections ~~2.170 - 2.190~~ **2.230 - 2.260.**
- PD Use permitted only through Planned Development approval.
- * Use not permitted in the major zoning district indicated.

A number appearing opposite a use in the "special conditions" column indicates that special provisions apply to the use. These conditions are found following the schedule, in Section 5.080.

USE DESCRIPTIONS	Spec Cond	IP	LI	HI
2.500 Tree Cutting & Firewood Cutting Tree Felling:				
2.510 Removal Felling of 5 or more trees in excess of 10" in diameter larger than 25 inches in circumference (approximately 8 inches in diameter)	2	S	S	S
3.000 ANTENNAS & TOWERS				
3.100 Public & Commercial Communication Towers & Transmitters Over 50 Feet in Height	17	C	C	C

5.060-5.070 *No changes are proposed to these sections.*

SPECIAL CONDITIONS

5.080 General. Where number appear in the column "special conditions" in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) *No change is proposed to this subsection.*

- ~~(2) Tree Removal Criteria: The following criteria apply only to parcels or property in contiguous single ownership in excess of 20,000 square feet upon which five or more trees, each in excess of ten inches in diameter, are proposed for removal within one calendar year. The Director shall approve tree cutting in the above instances when it can be demonstrated that:~~
- ~~(a) Wooded areas associated with natural drainageways and water areas will be maintained to preserve riparian habitat and minimize erosion.~~
 - ~~(b) Wooded areas along ridge lines and hilltops will be retained for their scenic and wildlife value.~~
 - ~~(c) Wooded areas along property lines will be retained to serve as buffers from adjacent properties except with the concurrence of adjacent owners where removal is desired for sunlight or to protect against windfall.~~
 - ~~(d) Large scale clear cuts of developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future city residents.~~
 - ~~(e) If concurrent with a development project application, the proposed removal of trees is the minimum necessary to accomplish the objectives of the development while retaining the most trees possible within the intent of the above criteria and Comprehensive Plan policies.~~
- (2) Site plan review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet. For review criteria, see Section 9.208.**

The following activities are exempt from site plan review:

- (a) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.**
 - (b) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.**
 - (c) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approves the proposed tree felling.**
- (3)-(10) *No changes are proposed to these subsections.*
- (11) See Section 8.400 for design standards for telecommunications facilities.**

DEVELOPMENT STANDARDS

- 5.090 **Purpose.** Development standards are intended to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 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. **Design standards for commercial development are located in Article 8.**

This exhibit does not contain the full text of this article. Deletions shown as ~~striethrough~~, additions in **bold**.

5.100-5.260 *No changes are proposed to these sections.*

BUFFERING AND SCREENING

5.270 **General. Buffering and screening may be required to offset the impact of development. See Section 9.210.** ~~In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix which follows.~~

~~(1) The property owner and/or business owner is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by a right of way, buffering, but not screening, shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.~~

5.280-5.310 *No changes are proposed to these sections.*

This exhibit does not contain the full text of this article.

Deletions shown as ~~strike through~~, additions in **bold**.

[Editor's Note: The following table is not being deleted from the Development Code. It is being moved to section 9.210 with revisions.]

BUFFER MATRIX
PROPOSED USE

Abutting Use or Zoning District	Detached Dwellings	Attached Dwellings 1 story	Attached Dwellings 2+ stories	Manufactured Home Parks or Subdivisions	Commercial & Professional Uses	Industrial Park Uses	Light Industrial Use	Heavy Industrial Use	Any Parking Lot with more than 4 spaces
Detached Family Dwelling Unit/RS-6.5 or RS-5 District	0'	10'	10'	10' S	10' S	30' S	30' S	40' S	10' S
Dwelling Unit 1-story/RM-5 District	0'	0'	10'	10' S	10' S	30' S	30' S	40' S	10' S
Attached Dwelling Unit 2+ stories or RM-3 or RH District	0'	0'	0'	10' S	10' S	30' S	30' S	40' S	10' S
Manufactured Home Park or Subdivision in any District	10'	10'	10'	0'	10' S	30' S	30' S	40' S	10' S
Any Arterial Street	10' S	10' S	10' S	10' S	10'	0'	10'	10'	10'
Commercial/Professional Uses or RP, NC, CC, CB, or CH Districts	10'	10'	10'	10' S	0'	20'	0'	20' S	0'
Industrial Park District	20'	20'	20'	20' S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'
Any Parking Lot with more than 4 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'

"S" indicates screening required.

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ARTICLE 8
~~**SITE PLAN REVIEW**~~
DESIGN STANDARDS

8.000 Overview. The purpose of this Article is to establish additional standards for certain uses. These standards are intended to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and ensure that high quality development is maintained throughout Albany.

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

- Single-Family Homes
- Multiple Family Homes
- Commercial Site Design
- Telecommunications Facilities

[Editor's Note: The following sections numbered 8.010 to 8.070 and 8.090 are not being deleted from the Development Code. They are being moved to Article 2. See Exhibit B for details.]

~~8.010 Overview.~~ This article establishes three levels of Site Plan Review, with the degree of detail required for submittal and review criteria based on the projected land use impacts. Option A review is primarily for new development and is subject to the greatest scrutiny. Option B is primarily for review of those projects which are expansions of existing development and which will generally result in fewer impacts on the surrounding area than a new development. Option C review is used when the proposal is for a change in use or another modification to a developed site which will not result in a greater impact on the neighborhood or on public facilities.

The following is a listing of the main headings in this Article.

- General
- Option A Review
- Option B Review
- Option C Review

Each of the main review headings is followed by applicability statements, procedures, criteria and possible conditions of approval.

~~8.020 Purpose.~~ Site Plan Review is intended to promote functional, safe, and attractive developments which maximize compatibility with surrounding developments and uses and with the natural environment. Site Plan Review mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. Site Plan Review is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.

~~8.030 Relationship to Other Regulations.~~ Approval of a land use application based on review criteria in this Code does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statutes or regulations.

~~8.040~~ ~~When Site Plan Review is Required. In general, a Site Plan Review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing development that are not being modified. An exception to this is parking areas, where any proposed change to the parking lot will result in the entire parking area being reviewed. Site Plan Review is required in all of the following instances:~~

- ~~(1) New development.~~
- ~~(2) Building expansions of 500 square feet or more, or any expansion which results in a reduction of parking spaces.~~
- ~~(3) Parking area expansions of 1,000 square feet or more.~~
- ~~(4) Any development listed in Articles 3, 4, and 5 which specifically requires Site Plan Review.~~

~~8.050~~ ~~When Site Plan Review is Not Required. Activities and developments listed below are excluded from the requirement for a Site Plan Review land use application but are nevertheless subject to the provisions of the Code where applicable:~~

- ~~(1) Agricultural uses permitted outright in Articles 3, 4 and 5.~~
- ~~(2) Detached single family dwellings and two unit dwellings.~~
- ~~(3) Accessory buildings and building additions of less than 500 square feet which conform to the provisions of this Code and the Uniform Building Code.~~
- ~~(4) Accessory buildings in residential districts that meet the following standards. (Information must be submitted that shows the standards are met. The information shall be submitted at the time the applicant applies for building permits. The determination of whether the standards are met will be made by the Community Development Director or his/her designee.)~~
 - ~~a. The proposed building does not exceed the height of the tallest building on adjacent property. Height here means the height of the building at its highest point.~~
 - ~~b. The square footage of the area enclosed by the foundation of the proposed building does not exceed the square footage of the area enclosed by the foundation of the largest building on adjacent property.~~
 - ~~c. The amount of land that will be covered by buildings if the proposed building is constructed does not exceed the applicable lot coverage restrictions of the Development Code.~~
 - ~~d. The proposed building meets or exceeds the applicable setback requirements for the primary residential structure listed in the Development Code.~~
 - ~~e. The materials that will be used on the proposed building (e.g. siding and roofing), and the color of those materials, are the same as those used on the primary residential structure on the subject property.~~
 - ~~f. If the proposed building is located in any of the special purpose districts listed in Articles 6 and 7 of the Development Code, the building must also be reviewed for conformance with the requirements of the applicable district.~~

~~Accessory buildings in floodplain districts are subject to the floodplain regulations of Article 6.~~

- ~~(5) Landscaping and routine property maintenance.~~
 - ~~(6) Improvement of parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code.~~
 - ~~(7) A change internal to a building or other structure or usage of land that does not constitute a change of use as listed in Article 5.~~
 - ~~(8) Site Plan Review for a change in use within an existing structure when the following criteria are satisfied:
 - ~~(a) No structural expansion in excess of 500 feet or additional exterior storage is proposed.~~
 - ~~(b) The use will not create additional adverse affects for abutting properties or the neighborhood (e.g. visual, noise, or air pollution; increased parking requirements, or improvements to public facilities.)~~
 - ~~(c) Any non-conformities with the provisions of this Code have been addressed, including compliance with sign, landscaping, and parking requirements except where restricted by building location or limiting site characteristics.~~~~
 - ~~(9) An emergency measure necessary for the safety or protection of property when authorized by the City Manager with written notice to the City Council.~~
 - ~~(10) Any temporary use of land of up to a 30-day duration (such as a promotional event, festival, carnival, or outdoor sale) which conforms with all other requirements of this Code and other applicable City regulations and public health and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.~~
 - ~~(11) The establishment, construction, alteration, or maintenance of a public facility authorized by the Public Works Director including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than a six months duration but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.~~
 - ~~(12) Excavation and fill for foundations and all other excavation or filling of land involving 50 cubic yard or less which does not adversely affect drainage patterns and is not located within a floodplain or slope area.~~
- ~~8.060 Acceptance of Application. The Director shall review the application for compliance with established application requirements within five (5) working days. If the application is found to be incomplete, the Director shall notify the applicant of the reasons, and he shall advise the applicant of the requirements for an acceptable application.~~
- ~~8.070 Review Criteria. A site plan approval will be granted if the review body finds that the applicant has met all of the following criteria which are applicable to the proposed development.~~
- ~~(1) Public facilities can accommodate the proposed development.~~

- ~~(2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.~~
- ~~(3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.~~
- ~~(4) Parking areas and entrance exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.~~

[Editor's Note: The following Section 8.080 is deleted because the provisions have been moved to new Sections 8.370 and 8.380 or addressed elsewhere in the sections on Commercial Site Design.]

~~8.080 General Design Considerations. In addition to the above criteria, the applicant and review body shall also consider the following design considerations:~~

- ~~(1) Internal pedestrian circulation within new office parks and commercial development shall be provided through clustering of buildings, construction of accessways and walkways.~~
- ~~(2) New retail, office and institutional buildings at or near existing or planned transit stops shall provide for convenient pedestrian access to transit through the measures listed in (a) and (b) below:
 - ~~(a) Walkways shall be provided connecting building entrances and streets adjoining the site;~~
 - ~~(b) Pedestrian connections to adjoining properties shall be provided except where such a connection is impractical. Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential of redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension the adjoining property;~~
 - ~~(c) In addition to paragraphs (a) and (b) above, on sites at major transit stops provide the following:
 - ~~(1) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;~~
 - ~~(2) A reasonable direct pedestrian connection between the transit stop and building entrances on the site;~~
 - ~~(3) A transit passenger landing pad accessible to disabled person;~~
 - ~~(4) An easement or dedication for a passenger shelter if requested by the transit provider; and~~
 - ~~(5) Lighting at the transit stop.~~~~
 - ~~(d) For the purposes of (b) above, "impractical" means where one or more of the following conditions exist:
 - ~~(1) Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonable be provided;~~
 - ~~(2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or~~
 - ~~(3) Where streets or accessways would violate provisions of leases, easement, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection.~~~~~~
- ~~(3) Parking areas have been designed to:~~

- ~~(a) Reduce the amount of paved surface;~~
 - ~~(b) Preserve on-street parking opportunities;~~
 - ~~(c) Screen residential uses from vehicle headlights;~~
 - ~~(d) Soften the impact of parking areas on adjacent public and private spaces through the use of landscaping and screening;~~
 - ~~(e) Promote energy conservation through the use of vegetation to shade and cool parking areas.~~
- ~~(4) On-site lighting is arranged so that light is reflected away from adjoining properties and/or streets.~~
- ~~(5) Any undesirable impacts produced on the site, such as noise, glare, odors, dust or vibrations have been adequately screened from adjacent properties.~~
- ~~(6) The site is protected from any undesirable impacts that are generated on abutting properties.~~
- ~~(7) Unsightly exterior improvements and items such as trash receptacles, exterior vents and mechanical devices have been adequately screened.~~
- ~~(8) Storage areas, trash collection facilities and noise generating equipment are located away from abutting residential districts or development, or sight obscuring fencing has been provided.~~
- ~~(9) Where needed, loading facilities are provided on-site and are of sufficient size and number to adequately handle the delivery or shipping of goods or people. Where possible, loading areas should be designed so that vehicles enter and exit the site in a forward motion.~~
- ~~(10) Other design considerations may be in effect for development proposed in a Special Purpose or Historic District. See Articles 6 and 7.~~

~~8.090 **Conditions of Approval.** The City may attach conditions to the approval of a Site Plan Review application in order to ensure that the proposal will conform to the applicable review criteria.~~

SINGLE-FAMILY HOMES

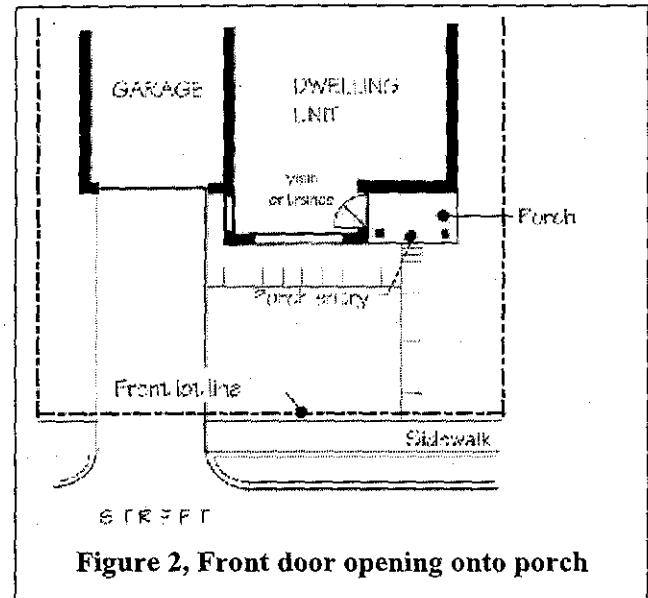
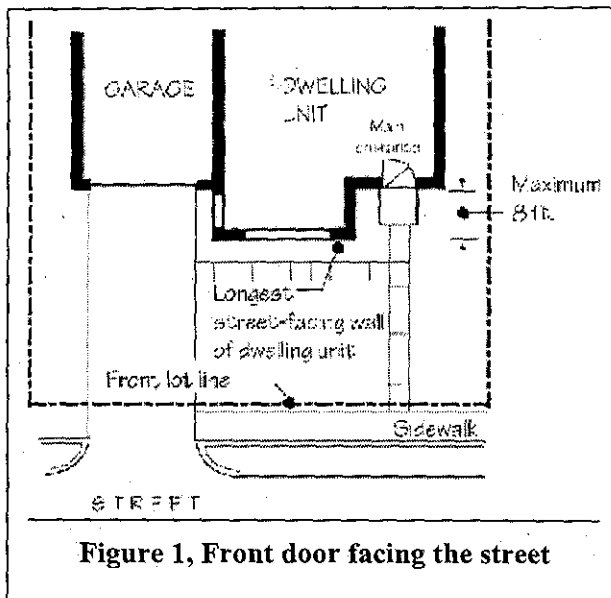
8.100 Purpose. The design standards for single-family homes are intended to create pedestrian-friendly, sociable, safe and attractive neighborhoods through human-scale design. These standards emphasize the functional relationship between the home and the street. Compatibility standards protect the architectural character of existing neighborhoods. These design standards are adaptable to many different architectural styles.

8.110 Applicability. These standards apply to all new houses, manufactured homes, duplexes, and attached houses on individual lots in all zones that allow single-family housing. They do not apply to existing structures, to new additions on existing structures, or to manufactured home parks. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards.

8.120 Relationship to Historic Overlay Districts. For residential property inside the Monteith or Hackleman Historic Overlay Districts, see Article 7 for additional historic review criteria.

8.130 Home Orientation. At least one main entrance of each new home shall:

- (1) Be within eight feet of the longest street-facing wall of the dwelling unit (excluding the garage); and
- (2) Either:
 - (a) Face the street (see Figure 1);
 - (b) Be at an angle of up to 45 degrees from the street; or
 - (c) Open onto a porch (see Figure 2). The porch must:
 - (i) Be at least 25 square feet in area;
 - (ii) Have at least one entrance facing the street; and
 - (iii) Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.



8.133 Street-Facing Windows. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. For a corner lot, only one side of the home must meet this standard.

8.140 Additional Standards for Infill and Redevelopment. These standards apply to every new house, manufactured home, duplex, and attached house sited as infill development. For the purpose of this section, "infill development" means a dwelling that is proposed on land that is zoned for residential use where at least 75 percent of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more

lots. These standards also apply where a home is removed to make way for a new house, manufactured home, duplex, and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots.

- (1) At the time of application for a building permit, the applicant shall submit a vicinity plan showing development on lots that are located within 150 feet on either side of the subject property. The vicinity plan must show footprints of all existing buildings (including garages), the footprint of the proposed development, and the lot lines. The setback of existing homes and garages from the street shall be noted. Building heights of all homes must also be noted.
- (2) Based on the information shown on the vicinity plan, the applicant shall submit a site plan that demonstrates how the proposed home and/or garage or carport complies with all of the following design features:
 - (a) **Home setback.** A home shall be set no more than five feet closer to the street than the closest home, and no more than five feet farther from the street than the farthest home when compared with other homes within 150 feet on either side of the lot.

Figure 3, Existing House Setbacks.
 For this example, three houses (A, B, C) are located within 150' on either side of the lot. Of the three houses, B is closest to the street. The minimum setback is $22-5=17$ feet. House C is the farthest from the street. The maximum setback is $28+5=33$ feet.

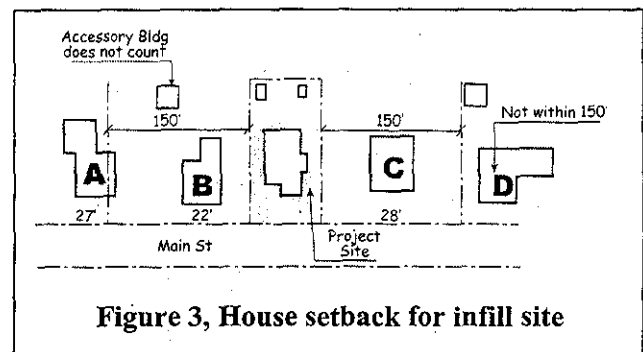


Figure 3, House setback for infill site

- (b) **Garage Setback.**
 - (i) A garage is required-if more than 50% of the homes within 150 feet on either side of the lot have a garage. If more than 50% of the homes have a carport, then a carport or garage is required. If there is a mixture of garages or carports for more than 50% of the homes, then a carport or garage is required. The garage or carport shall be of like materials and color as the home.
 - (ii) The garage or carport may be attached or detached from the dwelling.
 - (iii) The garage or carport shall be set no more than five feet closer to the street than the closest garage or carport, and no more than five feet farther from the street than the farthest home, garage or carport when compared with other homes, garages and carports within 150 feet on either side of the lot.

- (c) **Building Height.** A home shall be no more than one story higher than the lowest home when compared with homes on either side of the subject property.

Figure 4, Existing House Heights.
 For this example, the maximum height is two stories.

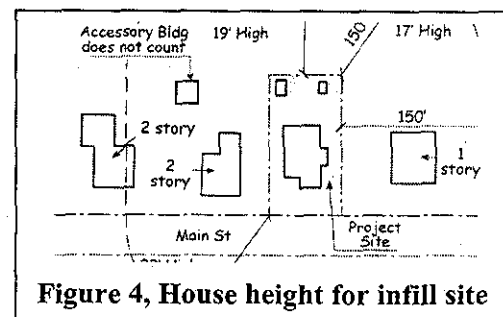


Figure 4, House height for infill site

- (d) **Home Orientation.** The main entrance of each home shall comply with home orientation standards in Section 8.130.
- (e) **Street-Facing Windows.** The street-facing façade of each home shall comply with the window standards in Section 8.133.

MULTIPLE FAMILY HOMES

- 8.200 **Purpose.** These sections are intended to set threshold standards for quality designs in new multiple family development. Good design results from buildings that are visually compatible with one another and adjacent neighborhoods and contribute to a residential district that is attractive, active and safe.
- 8.210 **Relationship to Historic Overlay Districts.** For residential property inside the Monteith or Hackleman Historic Overlay Districts, see Article 7 for additional historic review criteria.
- 8.220 **Recreation and Open Space Areas.** In multi-family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that project open space is an integral part of the overall development design, not merely leftover space. For larger developments there should be a variety of open space activities.
- (1) **Common Open Space.** For projects of 10 or more units, common open space shall be required at a ratio of 0.25 square feet for each 1.0 square feet of living space.
- (a) Areas designated as common open space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet. The open space shall be functional and shall include one or more of the following types of uses:
- swimming pools, spas, and adjacent patios and decks
 - developed and equipped adult recreation areas
 - sport courts (tennis, handball, volleyball, etc.)
 - community centers
 - food and ornamental gardens
 - lawn or hard surface areas in which user amenities such as trees, shrubs, pathways, covered picnic tables, benches, and drinking fountains have been placed
 - natural areas
- (b) Developments shall provide a mix of passive and active recreational uses from the above list if the open space can accommodate more than one use.
- (c) Indoor or covered recreational space may count towards 50 percent of the common open space requirement.
- (d) Not more than 20 percent of the common open space requirement shall be on land with slopes greater than 20 percent.
- (e) **Areas Excluded.** Streets and parking areas, including areas required to satisfy parking lot landscape standards, shall not be applied toward the minimum useable open space

requirement. Required setback areas may be applied toward the minimum useable open space requirement with the exception of active, noise-generating activities.

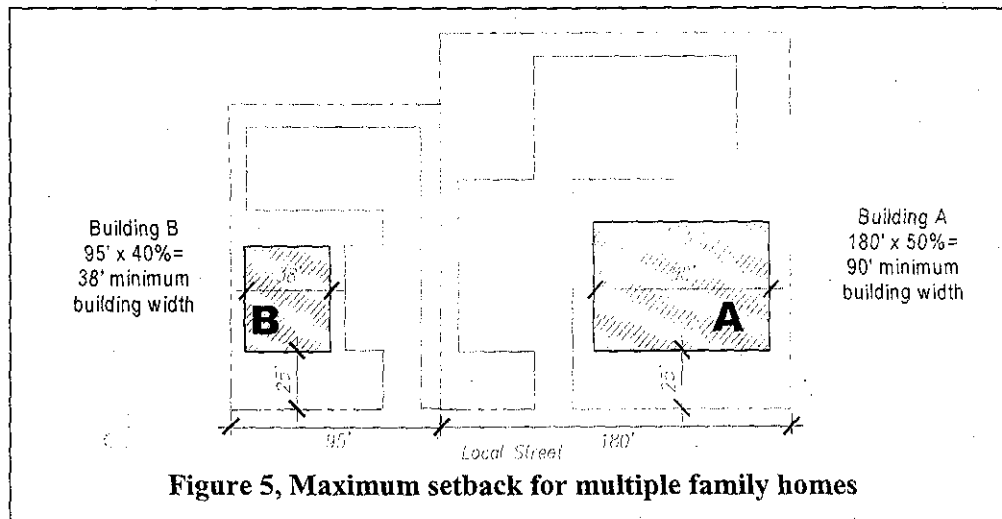
- (f) **Designated on Site Plan.** Areas provided to satisfy the minimum useable open space requirement shall be so designated on the development site plan and shall be reserved as open space. Adult recreation areas shall not be allowed in any required setback and shall be centrally located.
- (g) **Open Space and Recreation Area Credit.** An open space credit, not to exceed 25 percent of the common open space requirements, may be granted if there is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed multiple family development to an improved public park and recreation area or public school playground.
- (2) **Children's Play Areas.** Multiple family developments larger than 10 units (excluding 1-bedroom and studio units) shall designate one or more children's play areas.
 - (a) Children's play areas shall be placed within 300 feet of the units they are intended to serve. More than one play area may be needed in larger developments.
 - (b) No horizontal dimension of a children's play area shall be less than 20 feet.
 - (c) Placement of children's play areas shall not be allowed in any required setback and shall be centrally located.
 - (d) Children's play areas may be part of the common open space area but do not count toward the use requirement as outlined in Section 8.220(1)(a).

8.230 **Private Open Space.** In all newly constructed multiple family developments, private open space shall be provided as follows:

- (1) **Building Orientation.** Buildings shall be oriented so that no private open space or rear entrance faces a public street.
- (2) **At-Grade Dwellings.** Dwellings located at finished grade, or within 5 feet of finished grade, shall provide a minimum of 96 square feet of private open space per unit, with no dimension less than 8 feet. Private open space for at-grade dwellings may be provided within interior courtyards created within a single building or cluster of buildings. Private open space for at-grade dwellings shall be screened from view from public streets.
- (3) **Above-Grade Dwellings.** Dwellings located more than 5 feet from finished grade shall provide a minimum of 80 square feet of private open space per dwelling unit (such as a yard, deck or porch), with no dimension less than 6 feet. Private open space for units located more than 5 feet above grade may be provided individually, as with a balcony or collectively by combining into a larger area that serves multiple units.
- (4) **Access to Private Open Space.** All private open space shall be directly accessible from the dwelling unit through a doorway.
- (5) **Privacy Requirements.** Ground-level private open space shall be physically and visually separated from common open space.

8.240 Maximum Setbacks for Street Orientation.

- (1) On sites with 100 feet or more of frontage on a collector or local public street, at least 50 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line. See Figure 5, Building A.
- (2) On sites with less than 100 feet of frontage on a collector or local public street, at least 40 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line. See Figure 5, Building B.



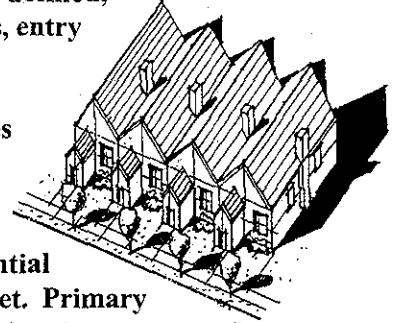
- (3) As used in this standard, “site width” does not include significant natural resources as mapped by the city, delineated wetlands, slopes greater than 20%, recorded easements, required fire lanes and other similar non-buildable areas as determined by the City.

8.250 Functional Design & Building Details. These standards are intended to promote functional design and building details that contribute to a high-quality living environment for residents and enhance compatibility with the neighborhood.

- (1) Building design shall avoid long, flat, uninterrupted walls or roof planes. Changes in wall plane and height, and inclusion of elements such as balconies, porches, arbors, dormers, gables and other human-scale design elements such as landscaping should be used to achieve building articulation.
- (2) Buildings shall be massed so individual units are clearly identifiable from the private or public street that provides access.
- (3) Stairways shall be incorporated into the building design. External stairways, when necessary, should be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture.
- (4) Building facades shall be broken up to give the appearance of a collection of smaller buildings.

8.260 Building Orientation & Entries. These standards are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets.

- (1) As many of the dwelling unit entries as possible shall be oriented to front onto public local residential streets and along the internal street system of larger scale developments. Internal units may face a courtyard or plaza, but not a parking lot. The use of front porches or entry patios and terraces is encouraged.
- (2) Building entries and entries to individual units shall be clearly defined, visible for safety purposes, and easily accessible. Arches, gateways, entry courts, and awnings are encouraged to shelter entries.
- (3) Individual entries are encouraged; the use of long access balconies and/or corridors that are monotonous and impersonal are discouraged.
- (4) The primary entrance(s) of ground floor units of any residential building(s) located within 25 feet of a local street may face the street. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. No off-street parking or circulation shall be located in the area between the front of the building and the street. See Figure 2. The following exceptions to this standard are allowed:
 - On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.
 - For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement.



8.270 Transition to Lower Density Uses. The following design standards shall be incorporated into the design of multiple family housing to create transitions of multiple family developments to nearby, lower density residential development, in order to reduce the impacts of building mass and scale.

- (1) When abutting single-family homes, buildings shall be set back a minimum of one foot for each foot in building height from the property line. Building height is measured from the average grade to the top of the wall facing the property line or to the top of the highest window or door, whichever is higher.
- (2) Smaller scale buildings should be sited in the area immediately adjacent to single-family zoning districts and larger scale buildings sited at the interior of the development or adjacent to other multiple family developments.
- (3) Parking and maneuvering areas, driveways, active recreation areas, loading areas and dumpsters should not be located between multiple family buildings and abutting single family homes.

8.280 Pedestrian Connections. The design of pedestrian circulation systems shall provide clear and identifiable connections within the multiple family development and to adjacent uses and public streets/sidewalks.

- (1) Each multiple family development shall contain an internal pedestrian circulation system that makes clear, easily identifiable and safe connections between individual units and parking and shared open space areas. All pedestrian ways shall comply with the requirements of the Americans with Disabilities Act.

- (2) The pedestrian circulation system shall be designed to provide safe crossings of streets and driveways. Where crossings occur, reflective striping should be used to emphasize the crossing under low light and inclement weather conditions.
- (3) Safe, convenient, and attractive pedestrian connections shall be provided between the multiple family development and adjacent uses such as parks, schools, retail areas, bus stops, and other pedestrian ways. Connections shall be made to all adjacent streets and sidewalks at 200-300 foot intervals.

8.290 Vehicle Circulation System. The design of on-site circulation shall be clearly identifiable, safe, pedestrian friendly and interconnected.

- (1) The internal vehicle circulation system of a multiple family development shall be a continuation of the adjacent public street pattern wherever possible and promote street connectivity. Elements of the public street system that shall be emphasized in the internal circulation system include the block pattern, sidewalks, street trees, on-street parking and planter strips.
- (2) The vehicle circulation system and building pattern shall mimic a traditional local street network and break the development into numerous smaller blocks with all of the public street system elements highlighted above. Private streets are acceptable, unless a public street is needed to extend the public street grid. The connectivity and block length standards in Articles 11 and 12 apply to all public and private streets.
- (3) The streets that form the primary internal circulation system may include parallel parking and accessways to parking bays or courts, but should not be lined with head-in parking spaces.
- (4) Interior roadways shall be designed to slow traffic speeds. This can be achieved by meandering the roadway, keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.

8.300 Parking. The design of multiple family development shall provide attractive street frontages and visual compatibility with neighborhoods by minimizing the placement of parking lots along public streets. See Article 9 for additional parking lot standards.

- (1) Parking lots, carports, and garages shall not be sited between the multiple family buildings and the public local street unless site size and configuration make this impossible. Where available, private access to parking is encouraged.
- (2) Parking areas shall be broken into numerous small parking bays and landscaped to minimize their visual impact. Large, uninterrupted rows of parking are prohibited. Required parking must be located within 100 feet of the building entrance for each unit. The integration of garages into residential buildings is encouraged.

COMMERCIAL SITE DESIGN

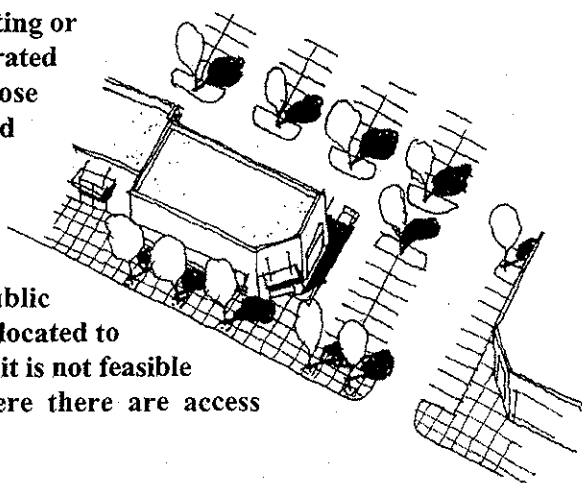
8.310 Purpose. These sections are intended to set threshold standards for quality design in new commercial development. Good design results in buildings that are visually compatible with one another and adjacent neighborhoods and contribute to a commercial district that is attractive, active and safe. These qualities in turn contribute to the creation of commercial districts that facilitate easy pedestrian

movement and a rich mixture of land uses. These standards apply to the design of new commercial development and to the expansion of existing commercial development in any district.

8.320 Relationship to Historic Overlay Districts. For commercial property inside the Downtown Historic Overlay District, see Article 7 for additional historic review criteria.

8.330 Building Orientation. Building orientation and maximum setback standards are established to help create an attractive streetscape and pleasant pedestrian environment.

(1) New commercial buildings shall be oriented to existing or new public streets. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.



(a) On sites smaller than 3 acres, commercial buildings shall be oriented to the public street/sidewalk and off-street parking shall be located to the side or rear of the building(s), except where it is not feasible due to limited or no street frontage or where there are access restrictions.

(b) Buildings on larger sites may be setback from the public street and oriented to traffic aisles on private property, if the on-site circulation system is developed like a public street with pedestrian access, landscape strips and street trees.

(2) At least one major public entrance shall be visible from the abutting public street. Corner entrances may be used to provide orientation to two streets. Customer entrances should be clearly defined, highly visible, using features such as canopies, porticos, arcades, arches, wing walls, and planters.

8.340 General Building Design. New commercial buildings shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable.

(1) Ground floor windows shall be provided along frontages adjacent to sidewalks. The main front elevation(s) of buildings shall provide windows or transparency at the pedestrian level in the following minimum proportions:

District	% Transparency
CH	0%
CC, NC, OP	25%
HD, CB, LE, MS	75%



If there are upper floor windows, they shall continue the vertical and horizontal character of the ground level windows.

- (2) Walls that are visible from a public street shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick stucco, synthetic stucco, textured concrete block, textured concrete, and landscaping.

8.350 Street Connectivity and Internal Circulation. The following standards emphasize the importance of connections and circulation between uses and properties. The standards apply to both public and private streets.

- (1) New commercial buildings may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and to promote connectivity and dispersal of traffic.
- (2) The internal vehicle circulation system of a commercial development shall be a continuation of the adjacent public street pattern wherever possible and promote street connectivity. The vehicle circulation system shall mimic a traditional local street network and break the development into numerous smaller blocks.
- (3) Traffic lanes shall be internal to the site and shall not be located between the building(s) and the sidewalk(s), except as provided in (4) below.
- (4) Where drop off facilities are provided, they shall be designed to meet the requirements of the American with Disabilities Act but still provide for direct pedestrian circulation.
- (5) Internal roadways shall be designed to slow traffic speeds. This can be achieved by keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.

8.360 Pedestrian Amenities. Amenities such as awnings, seating, special paving and planters can have a dramatic affect on the pedestrian environment. Commercial developers should give as much thought to the pedestrian environment as they give to vehicle access, circulation and parking. The standards for pedestrian amenities are related to the scale of the development and also provide the flexibility for the developer to select the most appropriate amenities for the particular site and use.

- (1) All new commercial structures and improvements to existing sites shall provide pedestrian amenities. The number of pedestrian amenities shall comply with the following sliding scale.

<u>Size of Structure or Improvement</u>	<u>Number of Amenities</u>
Less than 5,000 sf	1
5,000 – 10,000 sf	2
10,001 – 50,000 sf	3
More than 50,000 sf	4

- (2) Acceptable pedestrian amenities include the following improvements. No more than two of any item may be used to fulfill the requirement:
 - (a) Sidewalks at least 10 feet wide with ornamental treatments (e.g., brick pavers), or sidewalks which are 50% wider than required by the Code.
 - (b) Benches and public outdoors seating for at least four people.
 - (c) Sidewalk planter(s) enclosing a total of 8 square feet.
 - (d) Pocket parks or decorative gardens (minimum usable area of 300 square feet).

- (e) **Plazas (minimum usable area of 300 square feet).**
 - (f) **Street trees that are 50 percent larger than required by the Code.**
 - (g) **Weather protection (awnings, etc.).**
 - (h) **Other pedestrian amenities that are not listed but are similar in scale and benefit.**
- (3) **Pedestrian amenities shall comply with the following standards:**
- (a) **Amenities shall be located outside the building main entrance, along pedestrian corridors, or near transit stops. Amenities shall be visible and accessible to the general public from an improved public or private street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.**
 - (b) **Amenities are not subject to setback requirements.**
 - (c) **Amenities are consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).**

8.370 Pedestrian Connections.

- (1) **New retail, office and institutional buildings at or near existing or planned transit stops shall provide for convenient pedestrian access to transit.**
- (2) **Walkways shall be provided connecting building entrances and streets adjoining the site.**
- (3) **Pedestrian connections to adjoining properties shall be provided except where such a connection is impractical. Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential of redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension the adjoining property.**

For the purposes of this section, "impractical" means where one or more of the following conditions exist:

- (a) **Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonable be provided;**
 - (b) **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**
 - (c) **Where streets or accessways would violate provisions of leases, easement, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection.**
- (4) **On sites at major transit stops provide the following:**
- (a) **Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection.**

- (b) A reasonable direct pedestrian connection between the transit stop and building entrances on the site.
- (c) A transit passenger landing pad accessible to disabled person.
- (d) An easement or dedication for a passenger shelter if requested by the transit provider.
- (e) Lighting at the transit stop.

8.380 Large Parking Areas. The amount of parking needed for larger commercial development can result in a large expanse of pavement. Landscaping within a parking area shall be incorporated in a manner that is both attractive and easy to maintain, minimizes the visual impact of surface parking, and improves environmental and climatic impacts. In addition to the provisions of Article 9, the following standards apply to commercial development where more than 75 parking spaces are proposed.

- (1) Walkways are necessary for persons who will access the site by walking, biking or transit. A continuous pedestrian walkway at least 7 feet wide shall be provided from the primary frontage sidewalk to the customer entrance for each building. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. The walkways must be designed for access by disabled persons. If the walkway crosses a parking area or vehicle aisle, the standards in subsection (2) below apply.
- (2) For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles and include protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping or parking bumpers. Walkways shall have a minimum width of 7 feet with no car overhang or other obstruction; 9'6" for car overhang on one side; 12 feet for car overhang on both sides. Walkways may cross a vehicle aisle if distinguished by a color, texture or elevation different from the parking and driving areas. Walkways shall not share a vehicle aisle.
- (3) The parking area shall be divided into pods of no more than 50 spaces each with landscape strips, peninsulas, or grade separations to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways.

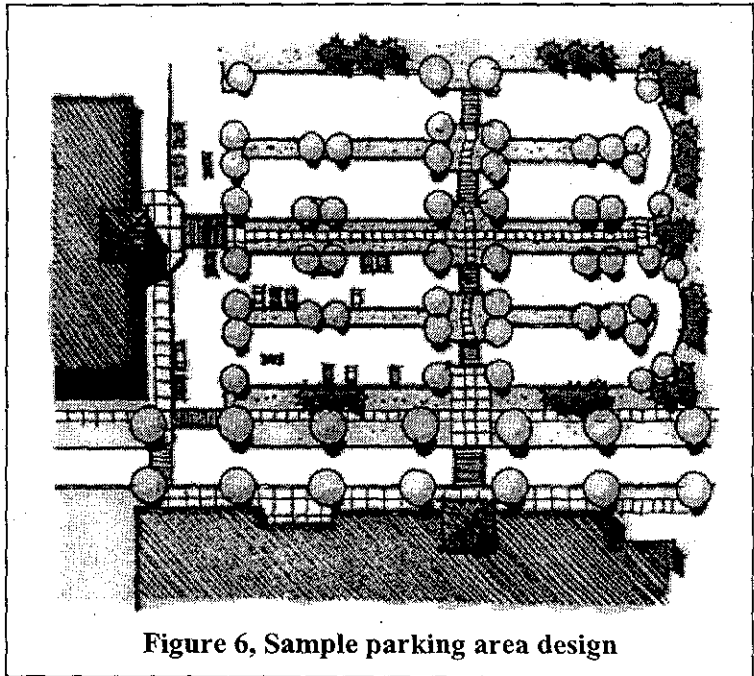


Figure 6, Sample parking area design

- (4) Pods may have access at one or both ends. A pod may be U-shaped with double access at one end.

- (5) Pods shall be separated with physical breaks by providing one or more of the following:
 - (a) Landscape strips between parallel parking rows that are a minimum 5 feet in width with no car overhang and 10 feet in width with a car overhang. When incorporating pedestrian walkways, such strips shall be a minimum of 20 feet in width to accommodate vehicular overhangs, walkways, lights, posts and other appurtenances.
 - (b) Building pads, landscaped pedestrian walkways, interior streets or other site features.
- (6) Landscaping for large parking areas shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.

8.390 **Compatibility Details.** Attention to detail can significantly increase the compatibility of commercial development with adjacent uses. Commercial development shall be designed to comply with the following applicable details and any other details warranted by the local conditions:

- (1) On-site lighting is arranged so that light is reflected away from adjoining properties and/or streets.
- (2) Any undesirable impacts produced on the site, such as noise, glare, odors, dust or vibrations have been adequately screened from adjacent properties.
- (3) The site is protected from any undesirable impacts that are generated on abutting properties.
- (4) Unsightly exterior improvements and items such as trash receptacles, exterior vents and mechanical devices have been adequately screened.
- (5) Storage areas, trash collection facilities and noise generating equipment are located away from public streets, abutting residential districts or development, or sight obscuring fencing has been provided.
- (6) Where needed, loading facilities are provided on-site and are of sufficient size and number to adequately handle the delivery or shipping of goods or people. Where possible, loading areas should be designed so that vehicles enter and exit the site in a forward motion.

TELECOMMUNICATION FACILITIES

8.400 **Telecommunication Facilities.** Every telecommunication facility shall comply with the following standards and applicable standards of the zone.

- (1) No new tower shall be permitted unless the applicant demonstrates that co-location is not feasible on existing towers.
- (2) New towers or facilities 50 feet or more in height must provide for future co-location of other telecommunications providers.
- (3) Monopole construction is preferred over the lattice style.
- (4) The applicant shall consider the following locations as the preferred order of location of a proposed communication facility: a) existing broadcasting or communication facilities; b) public structures such as water reservoirs, utility structures, fire stations, bridges, and other public

- buildings within all zoning districts not utilized primarily for residential uses; c) property zoned Light Industrial, Heavy Industrial, Industrial Park and Heavy Commercial.**
- (5) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - (6) Towers should be located in an area where they are unobtrusive and do not substantially detract from aesthetics or neighborhood character, due to either location, nature of surrounding uses, or to lack of visibility caused by natural growth or other factors.
 - (7) Towers shall not be located between the principle structure and a public street.
 - (8) Tower setbacks shall be at least the height of the tower from public streets.
 - (9) Tower guys and accessory structures shall satisfy the minimum setback requirements of the underlying zoning district. Vegetative screening shall be provided around any accessory building as prescribed by Section 9.250.
 - (10) All towers and associated facilities shall be removed within six months of the cessation of operations at the site unless the Community Development Director approves a time extension. In the event that a tower is not removed within six months, the City may remove the telecommunications facilities and assess the costs of removal against the owner and property.

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ARTICLE 9 ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

9.010 **Overview.** The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. This article contains the following standards:

- Off-Street Parking
- Landscaping
- **Tree Felling**
- Buffering and Screening
- Environmental

9.020-9.200 *No changes are proposed to these sections.*

TREE FELLING

9.205 **Purpose.** Trees of significant size represent a visual and aesthetic resource to the community. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property.

9.206 **Definitions.** For the purposes of the following sections, these definitions apply:

- (1) **Fell:** To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning of trees.
 - (2) **Tree:** A living, standing, woody plant having a trunk circumference of 24 inches or more.
 - (3) **Tree, Circumference:** The circumference of a tree is measured at 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumferences.
- 9.207 **Applicability.** Site plan review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.

The following activities are exempt from site plan review:

- (1) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.
- (2) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
- (3) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approved the proposed tree felling.

9.208 Tree Felling Criteria. The following review criteria replace the site plan review criteria found elsewhere in this code for the purposes of reviewing tree felling. A site plan review for tree felling will be processed as a Type I-L land use decision.

- (1) The Community Development Director or his/her designee shall approve a site plan review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director may require the applicant to provide a Certified Arborist's report.
- (2) For property where a site plan review, conditional use or land division application has been approved or is currently under review, the Community Development Director, City Forester, or his/her designee shall approve a site plan review for tree felling when the applicant demonstrates that all of the following review criteria are met:
 - (a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved site plan review or conditional use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
 - (b) The proposed felling is consistent with State standards, City ordinances, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality, and geological sites.
 - (c) The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic value are preserved.
- (3) For property where tree felling has not been approved as part of a site plan review, conditional use, or land division application, the Community Development Director or his/her designee shall approve a site plan review application for tree felling, if the review criteria above are met, and the following criteria are met:
 - (a) Trees shall be retained in significantly large areas and dense stands so as to ensure against windthrow.
 - (b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
 - (c) Wooded areas associated with natural drainageways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this code.

- (d) **Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.**
 - (e) **Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.**
 - (f) **Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties.**
 - (g) **The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning.**
- (4) **The Director may attach conditions to the approval of the site plan review for tree felling to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling, and may require an improvement assurance to ensure all conditions are met.**
- (5) **Precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees.**
- (a) **Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.**
 - (b) **Prior to and during construction, barriers shall be erected around all protected existing trees with such barriers to be of orange fencing a minimum of four (4) feet in height, secured with metal T-posts, no closer than six (6) feet from the trunk or one-half (½) of the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone.**
 - (c) **During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.**
 - (d) **No damaging attachment, wires, signs or permits may be fastened to any protected tree.**
 - (e) **Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required in subsection (5)(b) above. This may be accomplished by placing metal t-post stakes a maximum of fifty (50) feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.**

- (f) **The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the chart below.**

Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
8-9	5
10-14	10
15-19	12
Over 19	15

BUFFERING AND SCREENING

- 9.210 **General.** In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix ~~which that~~ follows ~~Section 4.280~~. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.

[Editor's Note: The buffer matrix that follows formerly appeared in four articles (Residential, Commercial, Industrial, and Central Albany). By this ordinance, the matrix is moved from those four locations to this one location. The matrix reflects changes resulting from Great Neighborhoods.]

BUFFER MATRIX	PROPOSED USE								
	Detached dwelling	Attached dwelling 1 story	Attached dwelling 2+ stories	Manufactured home park or subdivision	Commercial/professional use	Industrial Park use	Light Industrial use	Heavy Industrial use	Parking lot with more than 4 spaces
Detached family dwelling units in RS-6.5, RS-5, HM Districts	0'	0'	10'	0'	10'S	30'S	30'S	40'S	10'S
Detached unit 1-story in RM-5 District	0'	0'	10'	0'	10'S	30'S	30'S	40'S	10'S
Attached dwelling unit/2+ stories, or RM-3 or RH District	0'	0'	10'	0'	10'S	30'S	30'S	40'S	10'S
Manufactured home park or subdivision in any district	0'	0'	0'	0'	10'S	30'S	30'S	40'S	10'S
Any arterial street (2)	10'S	10'S	10'S	10'S (1)	10'	0'	10'	10'	10'
Commercial or professional uses, or commercial districts (Articles 4, 14)	10	10	10'	10'S	0'	20'	0'	20'S	0'
Industrial Park District	20'	20'	20'	20'S	0'	0'	0'	5'	0'
Lght Industrial District	30'S	30'S	30'S	30'S	0'	20'	0'	0'	0'
Heavy Industrial District	40'S	40'S	40'S	40'S	20'	20'	0'	0'	0'
Any parking lot with more than 4 spaces	10'S	5'S	5'S	5'S	0'	0'	0'	0'	0'

"S" indicates screening required. (1) See Section 10.270(2)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code.

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This exhibit does not contain the full text of this article.

Deletions shown as ~~struckthrough~~, additions in bold.

9.220 Delineation of Area. A buffer consists of an area within a required ~~interior~~ setback adjacent to a property line. It has a depth equal to the amount specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.

9.230-9.250 *No changes are proposed to these sections.*

9.260 Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 6.160 **and by the fence and wall height restrictions of the zone** where applicable.

9.270-9.320 *No changes are proposed to these sections.*

~~9.330 Nuisance Removal. Any tree, shrub, plant, or vegetation (hereafter defined as vegetation) growing in or upon any parking strip, street right-of-way, public place, or on private property which may endanger the security or usefulness of any public street, sewer, or sidewalk, or which in any way may be dangerous to life or property is declared to be a public nuisance. The city may remove or trim such vegetation or may require the property owner to remove or trim any such vegetation in or upon private property or upon a street right-of-way or parking strip abutting upon said owner's property. The failure of the property owner to remove or trim the offending vegetation within thirty days after notice is given to him to do so by the city manager or his authorized representative shall be deemed a violation of this ordinance, and the city manager or his authorized representative may at any time thereafter remove or trim said vegetation and assess the cost against the property. The amount of assessment may be docketed by the city manager in the city lien docket and shall be a lien against the property which can be foreclosed in the same manner as the foreclosure of street assessment liens.~~

9.340-9.430 *No changes are proposed to these sections.*

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ARTICLE 10 MANUFACTURED HOME DEVELOPMENT STANDARDS

10.000 Overview. This article contains the standards of development for manufactured housing placed on individual lots and in manufactured home parks within the City. Manufactured homes provide a wide choice of housing types suitable for a variety of households, lifestyles and income levels. The standards contained in this article are intended to provide a suitable living environment for residents of manufactured homes and establish development standards that will increase compatibility with adjacent land uses. The following is a list of the main headings in this article.

- General Provisions
- Classification of Manufactured Homes
- Placement on Individual Lots
- Manufactured Home Parks
- Temporary Placements
- Recreational Vehicle Parks

GENERAL PROVISIONS

- 10.010 Definitions. For purposes of this article, the definitions of terms used and not defined in Article ~~14-22~~ of this Code are as defined in ORS Chapter 446, **Oregon Administrative Rules Chapter 918, Division 600**, or Oregon Administrative Rules Chapter 333, Division 31 as amended.
- 10.020 Relationship to Other Regulations. Standards for manufactured home developments established by state law or state administrative rule are in addition to the provisions of this article.
- 10.030 Relationship to Deed Restrictions. Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.
- 10.040 Manufactured Housing Construction & Safety Standards Code. All Class "A", "B", and "C" manufactured homes must comply with the minimum construction standards of Title IV of the 1974 Housing and Community Development Act as amended (effective June 15, 1976), and all associated rules, regulations and interpretations of both federal and state authorities.
- 10.050 Foundations/Enclosures/Support Systems. All load bearing foundations, supports, and enclosures shall be installed in conformance with the state regulations and with the manufacturer's installation specifications. ~~Where required, all perimeter foundations shall be constructed in accordance with the Council of American Building Officials (CABO) One and Two Family Dwelling Code.~~ Permitted enclosure materials are concrete, concrete block, or other materials approved by the Building Official.
- 10.060 Attached Structures. All attached structures must be constructed ~~to the Oregon State One and Two Family Dwelling Code~~ **in compliance with building codes adopted by the state of Oregon.**
- ~~10.070 Utilities. All manufactured home parks must provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the Director where underground service would require an exception to local prevalent conditions.~~

CLASSIFICATION OF MANUFACTURED HOMES

10.080 Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into ~~four~~ **three** types, "A," "B," ~~and "C." and "D."~~ These classes are segregated by the size and construction standards under which the home was manufactured. All manufactured homes placed within the city after the effective date of this Code must comply with the placement standards in the Sections that follow.

CLASS "A"

10.090 Class "A" Definition. A Class "A" manufactured home is one ~~which~~ **that** meets the following standards:

- (1) It is multi-sectional and encloses a space of not less than 1,000 square feet.
- (2) It will be placed on a permanent foundation as specified in Section 10.050 or 10.310.
- (3) Wheels, axles, and hitch mechanisms will be removed prior to occupancy.
- (4) Utilities will be connected in accordance with state requirements and the manufacturer's specifications.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and, at the time of placement meets applicable building codes.

10.100 Class "A" Placement. Class "A" manufactured homes are permitted on individual lots in all Residential Districts, except RM-H, if they meet the approval criteria listed in Section 10.180. Class "A" homes are permitted outright in manufactured home parks, and as replacements to existing nonconforming manufactured homes. They are not allowed in any National Register Historic District.

CLASS "B"

10.110 Class "B" Definition. A Class "B" manufactured home is one ~~which~~ **that** meets the following standards:

- (1) It contains more than seven hundred fifty (750) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units).
- (2) It will be placed on a permanent foundation as specified in Section 10.050 or 10.310.
- (3) Wheels, axles, and hitch mechanisms will be removed.
- (4) Utilities will be connected in accordance with manufacturer's specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.

10.120 Class "B" Placement. Class B manufactured homes are permitted on individual lots in the RS-5, RM-5, and RM-3 districts if they meet the approval criteria listed in Section 10.180. Class "B" homes are permitted outright in all manufactured home parks. In addition, they are permitted as replacements to existing nonconforming manufactured homes classified as Class B, ~~or C, or D.~~ They are not allowed in any National Register Historic District.

CLASS "C"

10.130 Class "C" Definition. A Class "C" manufactured home is one ~~which~~ **that** meets the following standards:

- (1) It has more than three hundred twenty (320) square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units).
- (2) It will be placed on a support system in accordance with approved installation standards as specified in Section 10.310.
- (3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 10.310.
- (4) Utilities will be connected in accordance with a manufacturer's specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.

10.140 Class "C" Placement. Class "C" manufactured homes are permitted in all manufactured home parks. These units are also allowed as replacements to existing nonconforming manufactured homes on an individual lot for units classified as Class C ~~or D~~.

CLASS "D"

~~10.150 Class "D" Definition. A Class "D" manufactured home is any residential trailer or mobile home built prior to June 15, 1976, and under ORS Chapter 446 is not defined as a recreational vehicle. It meets the following standards:~~

- ~~(1) It has more than three hundred twenty (320) square feet of occupied space.~~
- ~~(2) It will be placed on a support system in accordance with approved installation standards as specified in Section 10.310.~~
- ~~(3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 10.310.~~
- ~~(4) Utilities will be connected in accordance with a manufacturer's specifications and Oregon Department of Commerce requirements.~~
- ~~(5) The home, at the time of placement, meets applicable building codes.~~

~~10.160 Class "D" Placement. Class "D" manufactured homes are permitted only in manufactured home parks as replacements to exiting Class D units.~~

PLACEMENT ON INDIVIDUAL LOTS

10.170 Manufactured Home Placements. Manufactured homes are permitted on individual parcels or lots outside of manufactured home parks in accordance with the placement standards set forth in Sections 10.100 and 10.120 and all other provisions of the Development Code for site-built dwellings.

- 10.180 Review Criteria. In order to be approved, the manufactured home must be found to have design compatibility with other **single-family** dwellings in the "review area," which is the area within ~~300-150~~ feet of the subject lot or parcel or the nearest five dwellings. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:
- (1) Roofing shall be similar in color, material, and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area. The roof pitch shall be a minimum of nominal 3/12. Manufactured homes placed in RM-5 or RM-3 districts may have a roof pitch of nominal 2/12.
 - (2) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area.
 - (3) ~~A garage of like materials and color of the attached dwelling is required where similar features are predominant in the review area~~ **if more than 50% of the homes in the review area have a garage. If more than 50% of the homes in the review area have a carport, then a carport or garage is required. A carport may be allowed if other dwellings in the review area also have carports or** ~~If there is a mixture of dwellings with or without garages or carports for more than 50% of the homes in the review area, then a carport or garage is required. The garage or carport shall be of like materials and color as the home. The garage or carport may be required to be attached if other dwellings in the review area have attached garages.~~
 - (4) All Class A and Class B manufactured homes outside of manufactured home parks shall be placed on an excavated and back-filled foundation (e.g. pit set) and enclosed with a perimeter enclosure, which must be similar in appearance to foundations or enclosures in the area.
 - (5) **The manufactured home shall comply with the standards of Section 8.130 for home orientation.**
 - (6) **The manufactured home shall comply with the standards of Section 8.140 for infill or redevelopment of existing parcels.**

MANUFACTURED HOME PARKS

GENERAL

- 10.200 Definitions. A manufactured home park is a land-lease residential community. The land is under the same ownership; home sites within the community are leased to individual homeowners.
- 10.205 Applicability. The following standards apply to the design of new manufactured home parks and to the expansion of existing manufactured home parks. These standards are not intended to apply to existing manufactured home parks or to render unlawful any existing manufactured home park.

However, there may be spaces in existing manufactured home parks that were constructed under previous standards where a replacement manufactured home could not now be placed in conformance with these standards. It is not the purpose of these standards to prohibit continued use of those spaces. The applicant may either select a home that could be placed in such a space

in full compliance with these standards, or the applicant could seek relief as allowed by other provisions of this code.

- 10.210 ~~10.190~~ Where Permitted. Manufactured home parks are permitted with Site Plan Review approval in the RS-6.5, RS-5, RM-5 and RM-3 Districts in accordance with the standards of this Article and the standards for site plan approval, Article 8 2. In addition, manufactured home parks may be planned under the provisions for Planned Developments (Article 11) which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities. Manufactured home parks are not permitted in the **HM**, RR, RS-10 and RM-H districts.
- 10.220 ~~10.200~~ Same Standards Apply as for Conventional Development. Except as specified otherwise by this article, the standards for ~~subdividing and~~ developing land within manufactured home parks are the same as for all other developments in accordance with the provisions of this Code.
- 10.230 ~~10.270~~ Improvement Standards. The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted State standards for such or shall conform to the City's Standard Construction Specifications Manual, whichever is more restrictive.
- 10.240 ~~10.210~~ ~~Minimum Area Required~~. All manufactured home parks shall consist of a minimum area of one acre. ~~Smaller parks may be considered through the conditional use process.~~ Minimum Park Size. **The minimum area of the park shall be at least one acre.**
- 10.250 ~~10.220~~ Density. The maximum number of manufactured homes allowed within a manufactured home park shall be computed by dividing the total land area of the park, including private streets and common areas by the minimum lot area per dwelling unit allowed within the subject zone. ~~In addition, the density bonus provisions of Sections 3.200-3.220 may also be applied. However,~~ **The total density shall not exceed 10 units per acre.**
- 10.260 ~~10.250~~ Permitted Uses. A manufactured home parks may contain manufactured homes and accessory structures ~~permitted in Section 10.060,~~ **incidental to the primary use. Accessory uses may include:** community laundry and recreation facilities, ~~and other~~ common buildings for use by park residents only, **a manager's office**, and one residence (**that may be** other than a manufactured home) for the use of a caretaker or a manager responsible for maintaining or operating the property. **Only those manufactured homes that have an insignia of compliance from either the Department of Housing and Urban Development (HUD) or the State of Oregon are permitted in a manufactured home park.**
- 10.270 Compatibility and Park Perimeter Standards. **These standards apply only to spaces on the perimeter of the park.**
- ~~10.320~~ Screening. ~~Manufactured home parks must provide buffering and screening as required by Sections 3.340, 9.240 and 9.250.~~

- (1) **Space Size.** The size of spaces on the perimeter of the park is determined by the use of adjoining land and the zoning district. This standard does not apply to spaces that abut public streets on the perimeter of the park. For purposes of this section, "developed" means that the number of dwelling units per acre exceeds 50% of the maximum density allowed by the zone. For RS-10, 50% of the maximum density is 2 units/acre; for RS-6.5, 4 units per acre; for RS-5, 5 units/acre; for RM-5, 10 units/acre; and for RM-3, 20 units/acre. This definition applies equally to adjoining land that is used for a subdivision, apartment, or manufactured home park. Each side of the manufactured home park is considered separately even though the adjoining land may be zoned alike.
 - (a) If the adjoining land is developed, spaces shall be at least 90 percent of the minimum single-family lot size of the adjoining zoning district. (For example, in the RS-6.5 zoning district, spaces must be 90% of 6,500 square feet.)
 - (b) If the adjoining land is not developed, spaces shall be at least 90 percent of the minimum single-family lot size in the underlying zoning district.
 - (c) A variance to this standard may be appropriate where the adjacent land is protected from development (e.g. floodways, wetlands, steep slopes) and creates a natural buffer area between developable areas.
- (2) **Home Orientation.** Homes on perimeter spaces shall be oriented to the street so the front door faces the street.
- (3) **Perimeters on Public Streets.** These standards apply to spaces abutting public streets on the perimeter of the park.
 - (a) **Setbacks.** Homes and accessory structures shall meet the minimum front yard setback for the underlying zoning district.
 - (b) **Home Orientation.** Homes adjacent to local residential streets shall be oriented to the public street so the front door faces the street.
 - (c) **Screening along collector and arterial streets.** Buffering and screening shall be provided along collector and arterial streets in accordance with Section 9.250. Architectural screening to include sight-obscuring fencing may be used for screening along streets classified as a collector or arterial. Long expanses of fence or wall along streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials. Fencing closer than 15 feet to the public right-of-way shall be subject to the district's restrictions on front yard fencing (4-foot maximum height).

10.280 **Site Development Standards.**

- (1) **Connectivity, Streets and Parking.**
 - (a) **Connectivity.** Streets that are needed to connect to and extend the transportation network shall be public streets. Other streets may be public or private. Walkways are required to make pedestrian connections to park amenities and neighboring developments. Gated residential streets are prohibited. Access locations needed for emergency vehicle access shall be open to the public and not barricaded.

(b) **Streets.** ~~10.260 Park Streets.~~ The minimum surfaced width of the accessway shall be ~~24 feet if there is no parking allowed, 30 feet if parking is allowed on one side only, or 36 feet if parking is allowed on both sides.~~ The first 50 feet of the accessway measured from the public street shall be surfaced to a minimum width of 30 feet and shall be connected to the existing public street according to plans approved by the Director of Public Works. **Either public or private streets may be constructed in manufactured home communities, subject to the connectivity requirements above.**

(i) **Private Streets.** Private streets shall be paved a minimum width of ~~22~~ **20** feet if there is no parking allowed (community/visitor parking is required) or 30 feet if on-street parking is allowed. The layout of private streets shall foster circulation and access throughout the park. Private streets shall meet the standards outlined in Section 12.250.

(ii) **Public Streets.** Public streets shall meet local residential street standards as described in Sections 12.060-12.280.

~~10.230 Access. Manufactured Home Park accesses shall be located on public streets improved to a minimum width of 36 feet to a point intersecting a collector or arterial street.~~

(iii) **Alleys.** The use of alleys and garages located at the back of the property are allowed. **Alleys facilitate the efficient layout of home spaces and parking areas and narrower streets.**

(c) **Block Length.** Block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate space size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves. Blocks along the perimeter of the park may be longer if clustered spaces, small bulb-outs or similar design features break up the block.

(d) **Street Trees.** Street trees shall be provided along all streets, public and private within the park and around the perimeter of the park, in a manner consistent with Article 12. Trees shall be located within the landscape strip of public roads and within 8 feet of the curb on private streets. Street trees may be used towards the landscaping requirements of the individual home spaces and common areas. The developer may incorporate planting medians into street designs.

(e) **Walkways.** ~~10.290 Sidewalks. A minimum of 4-foot wide walkways~~ **A street sidewalk (or an equivalent pedestrian walking system) at least 4 feet in width** shall connect each manufactured home space with common areas, public streets, and play areas. All walkways must be separated, raised or protected from vehicular traffic and provide access for handicapped persons. **The walkway system must connect with neighboring public sidewalk systems.**

A walkway of not less than three feet in width shall be provided from each manufactured home main entrance to the nearest public or private street.

- (i) **Public Sidewalks.** **Setback sidewalks are required along all public streets within parks and on perimeters adjoining a public right-of-way. The sidewalks shall be set back 6 feet and be a minimum of 5 feet wide.**
 - (ii) **Private Sidewalks or Paths.** **The developer may construct walking/biking paths in combination with open space and buffer areas to create a park-like setting and "gathering places" in lieu of sidewalks on private streets. The "path" shall circulate throughout the community, providing pedestrian access throughout the development and access to parks and other amenities.**
- (f) **Parking.** ~~10.400 Parking.~~
- (i) **Home Parking.** ~~Manufactured home parks shall be designed to include two automobile parking spaces for each manufactured home space which may include a garage or carport space and the driveway. Each manufactured home space must provide 2 on-site parking spaces.~~
 - (ii) **Visitor Parking.** ~~In addition, one guest space shall be provided for every 8 manufactured home spaces in a park. If the park streets do not allow on-street parking, visitor parking of one space per 8 units shall be provided in clustered community parking areas so that no home is more than 200 feet from a parking area.~~
 - (iii) **Office and Common Building Parking.** ~~Office and common buildings shall be provided with one space for each 300 square feet of floor area. This requirement may be partially filled by required visitor parking located within 300 feet of the building.~~
- (g) **Lighting.** ~~10.300 Lighting. All accessways and walkways within the park shall be lighted at night to provide a minimum of 0.35 foot candles of illumination. All streets shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.~~
- (h) **Street Identification.** ~~All streets shall be named and identification signs shall be provided according to applicable City requirements. All spaces shall be addressed.~~
- (i) **Entry Signage.** ~~10.330 Signs. One freestanding non-illuminated sign identifying the manufactured home park is allowed at each entrance to the park. Such signs may not exceed 32 square feet and are subject to the clear vision area requirements of Section 6.160.~~
 - (j) **Park Information Sign.** ~~10.340 Information Sign. At each entrance to a manufactured home park, a permanent map layout shall be located on a sign indicating the address or space number of each manufactured home. A permanent map layout of a park is required for parks with more than 30 spaces.~~
- (2) **Common and Recreation Areas.** ~~Common and recreation areas shall be located within the park development. All homes shall be within 600 feet of a common area and children's play area.~~

~~10.280 Recreation Area. (1) A minimum of 200 square feet per manufactured home space of outdoor or indoor recreation area must be provided which may be in one or more locations in the park. At least one recreation area must have minimum dimensions of 50 feet by 100 feet.~~

- (a) **Common Area.** A minimum of 200 square feet of outdoor or indoor recreation or gathering area shall be provided for manufactured home spaces less than 5,000 square feet. Spaces larger than 5,000 square feet shall provide a minimum of 100 square feet of common space per home space. Common areas may be in one or more locations in the park. Recreation and children's play areas may count towards the common area requirement.
- (b) **Recreation Area Standard.** At least one recreation area must ~~have minimum dimensions of 50 feet by 100 feet~~ be a minimum of 5,000 square feet. If the manufactured home park is smaller than 30 spaces, then only 2,500 square feet of recreation area is required.
- (c) **Children's Play Area Standards.** A separate play area must be provided in all manufactured home parks that accommodate children ~~under 14 years of age~~. The play area must be a minimum of 2,500 square feet in area with at least 100 square feet of play area provided for each manufactured home space.
- (d) **Credits.** If the manufactured home park is within 1/2 mile of a public park or public school playground that has similar recreational amenities, the standard in subsection (b) may be reduced by 1/4 if there is a pedestrian connection to the public park.

10.280 Recreation Area

Exceptions:

- (1) ~~Separate play areas are not required if manufactured home parks are restricted as shown on their license to children over the age of 14 years.~~
 - (2) ~~Separate play areas are not required in manufactured home parks which accommodate children under the age of 14 years when the manufactured home lot areas are at least 4,000 square feet in size.~~
- (3) **Park Landscaping.** A landscape plan for the park is required with the site plan application. This plan shall be drawn to scale. The plan will show the location of existing trees, vegetation proposed to be removed, vegetation proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, contour lines indicating any earth sculpting to be used, and other pertinent landscape information.
- All common areas within a manufactured home park -- exclusive of required buffer areas, buildings, and streets -- shall be landscaped and maintained in accordance with the following minimum standards per each 1,000 square feet of open area.
- (a) ~~One tree at least six feet in height.~~ **One 10-foot tree or two trees at least 5 feet in height.**
 - (b) ~~Five shrubs or accent plants.~~ **Three shrubs or perennials.**
 - (c) The remaining area must be landscaped in an attractive ground cover (see Article 9).
 - (d) Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials. Fencing closer than 15 feet to the public right-of-way shall be subject to the zoning district's restrictions on front yard fencing.

- (4) ~~10.360~~ **Storage Areas**. Manufactured home parks may provide outside or covered storage areas for recreational vehicles or other equipment used by park residents provided that such areas are surfaced and drained (**gravel is acceptable**) in accordance with City Standards and provide buffering and screening as required in Section ~~9.080~~ **9.250**.
- (5) ~~10.070~~ **Utilities**. All manufactured home parks shall provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the City Engineer where underground service would require an exception to local prevalent conditions.
- (6) ~~10.350~~ **Fire Hydrants**. If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park must have water supply mains designed to serve fire hydrants. Hydrants must be provided within 500 feet of any space or structure. Each hydrant within the park must be located on a vehicular way and conform in design and capacity to the public hydrants in the city.

10.290 **Manufactured Home Space Requirements.**

- (1) ~~10.370~~ **Manufactured Home Spaces**. Manufactured home spaces shall be indicated on the development plan and each space clearly identified by number. In design of a manufactured home park, it shall be demonstrated that planned spaces can reasonably accommodate a variety of manufactured home types with accessory structures and required setbacks.
 - (a) **Minimum Lot width - 30 feet.**
 - (b) **Minimum Lot depth - 40 feet.**
 - (c) **Maximum Lot Coverage - 60% on perimeter spaces. There is no maximum lot coverage for interior spaces.**
 - (d) **Minimum space size - There is no minimum space size for spaces that do not abut the perimeter of the park.**
- (2) **Home Orientation.**
 - (a) **For perimeter spaces, homes shall be oriented to the street so the front door faces the street. For interior spaces, the front door of each home may face the street of address or open onto a porch that faces the street.**
 - (b) **Spaces should be arranged to avoid uniform placement of homes.**
 - (c) A walkway of not less than three feet in width shall be provided from each manufactured home main entrance to the nearest public or private street.
 - (d) ~~Carports and garages may not be located in the front yard directly between the street and the manufactured home.~~ **Carports and garages must be located so the front door or porch is visible from the street and the carport or garage comprises no more than 50% of the front facade.**
- (3) ~~10.380~~ **Setbacks**. The following **minimum** setbacks shall apply within manufactured home parks:

(a) **Front yard setback** - The distance of a manufactured home or accessory structure from a ~~roadway within the park~~ **private street is a minimum** of 8 feet. Where a public street ~~abuts or runs through a manufactured home park, the homes shall meet the front setback requirement for the zoning district in which the park is located~~ **be at least 10 feet from the front property line.** For spaces located along a public street that abuts the perimeter of the park, see Section 10.270(3)(a).

(b) **Interior setbacks - 3 feet minimum.** ~~Distance of a manufactured home or accessory structure from a space boundary - 3 feet, except where a carport, garage, or storage structure is shared by adjoining spaces in which case the shared facilities may be attached at the space dividing line.~~

(c) Distance between manufactured homes - 10 feet minimum.

(d) Distance from a park building other than an accessory structure - 10 feet minimum.

(e) Distance of a manufactured home or accessory structure from a sidewalk intended for public use shall be a minimum of 5 feet.

(f) A detached accessory structure shall not be located closer than 6 feet to any dwelling or other accessory building on adjacent space without an appropriate fire separation. A double carport or garage may be built which serves two adjacent buildings if appropriate fire separation is provided.

(g) The distance of a manufactured home or accessory structure from an exterior park boundary shall be a minimum of 10 feet.

~~Distance of an accessory structure other than an approved manufactured home accessory structure attachment from a manufactured home - 3 feet.~~

(4) Space Landscaping. ~~10.400 Landscaping.~~ All manufactured home spaces shall be ~~similarly landscaped within six months of manufactured home placement. Such landscaping shall be the responsibility of the park owner unless under terms of the space rental agreement grading and materials are supplied by the park owner and labor is furnished by the renter assumes responsibility for landscaping.~~ **Minimum landscaping acceptable for each front yard is as follows:**

(a) One tree at least six feet in height.

(b) Four one-gallon shrubs, perennials or accent plants.

(c) The remaining area treated with attractive ground cover (e.g. lawn, bark, rock, ivy, and evergreen shrubs.)

(5) **Patio/Deck.** ~~10.410 Patio.~~ Each manufactured home shall be provided with a patio adjacent to the ~~manufactured home, constructed of permanent material, and containing at least 120 square feet with a minimum width of 8 feet in its least dimension.~~ **Each manufactured home shall have a patio or deck constructed of concrete, flagstone, wood, or other equivalent surface materials totaling at least 120 square feet of area and not less than 8 feet wide in any dimension.**

~~10.310 Placement.~~ ~~Manufactured home placement shall be in accordance with state requirements.~~

~~10.240 Perimeter Enclosures. Classes A and B manufactured homes inside of manufactured home parks and Classes C and D manufactured homes must be installed with an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and backup framing shall be weather resistant materials which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be resistant to decay or oxidation. The siding must be installed in accordance with the manufacturer's recommendations or approved equal standards.~~

APPLICATION REQUIREMENTS

~~10.420 Professional Design Team. The applicant for proposed manufactured home park shall certify in writing that a registered architect or professional designer, a landscape architect, and a registered engineer or land surveyor licensed by the State of Oregon have been utilized in the design and development of the project.~~

10.300 ~~10.430~~ Plot Plans Required. The application for a new or expansion of an existing manufactured home park shall be accompanied by ten copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire manufactured home park and should be drawn to a scale not smaller than 1" = 40'. In addition to the **application** requirements of Section 8.120 for **site plan review**, the plan must include the following information:

- (1) The location of adjacent streets and all private right-of-way existing and proposed within 300 feet of the development site.
- (2) A legal survey.
- (3) The boundaries and dimensions of the manufactured home park.
- (4) The **size (in square feet)**, location, dimensions and number of each manufactured home space.
- (5) The name and address of manufactured home park.
- (6) The scale and north point of the plan.
- (7) The location and dimensions of each existing or proposed structure, together with the usage and approximate location of all entrances, height, and gross floor area.
- (8) The location and width of accessways and walkways.
- (9) The extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities, open space, landscaping, fences and walls, and garbage receptacles.
- (10) Architectural drawings and sketches demonstrating the planning and character of the proposed development.
- (11) The total number of manufactured spaces.
- (12) The location of each lighting fixture for lighting manufactured home spaces and grounds.
- (13) The location of recreation areas, buildings, and area of recreation space in square feet.

- (14) The point where the manufactured home park water and sewer system connects with the public system.
- (15) The location of available fire and irrigation hydrants.
- (16) ~~An enlarged plot plan of a typical manufactured home space, showing location of the foundation, patio, storage space, parking, sidewalk, utility connections, and landscaping~~ **A manufactured home shall be drawn on each space to demonstrate how each of the space standards will be met. Dimensions shall be shown for the size of the manufactured home and to demonstrate compliance with the orientation standards.**
- (17) **The location and species of trees that are at least 25 inches in circumference (approximately 8 inches in diameter).**

10.440-10.540 *No changes are proposed to these sections.*

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ARTICLE 11 LAND DIVISIONS AND PLANNED DEVELOPMENTS

11.000-11.080 *No changes are proposed to these sections.*

11.090 Lot and Block Arrangements. In any **single-family** residential land division, lots and blocks shall conform to the following standards in addition to the provisions of Article 3:

- (1) Lot arrangement must be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this Code with the exception of lots designated for Open Space Use.
- (2) Lot dimensions must comply with the minimum standards of this Code. When lots are more than double the minimum area designated by the district, those lots must be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat.
- (3) Double frontage lots shall be avoided except where necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation. When driveway access from arterials is necessary for several adjoining lots, those lots must be served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials. An access control strip shall be placed along all lots abutting arterial streets requiring access onto the lesser class street where possible.
- (4) Side yards of a lot shall run at right angles to the street upon which it faces, except that on a curved street the side property line shall be radial to the curve.
- (5) ~~Blocks shall not exceed 1200 feet in length without street separation and shall not exceed 800 feet without improved pedestrian way separation, except blocks adjacent to arterial streets or unless previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between arterial street intersections is 1800 feet.~~ **Block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves.**

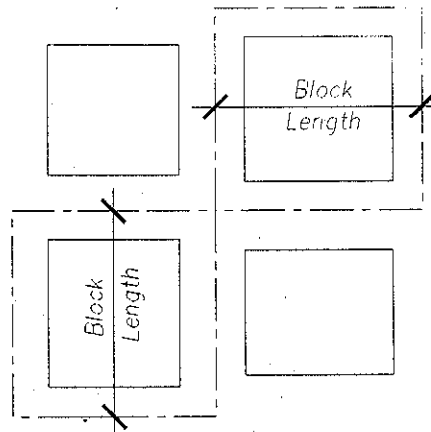


Figure 1, Block Length

- (6) **Off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible.**
- (7) **The recommended minimum distance between arterial street intersections is 1800 feet. In order to provide for adequate street connectivity and respect the needs for access management along arterial streets, the Community Development Director/City Engineer may require either a right-in/right-out public street connection or public accessway connection to the arterial in lieu of a full public street connection. Where a right-in/right-out street connection is provided, turning movements shall be defined and limited by raised medians to preclude inappropriate turning movements.**
- ~~(6)~~(8) **Cul-de-sac lots are limited to five lots or units with access on a cul-de-sac bulb except that additional lots or units may be permitted where one additional off street parking space is created for each unit which has access on a cul-de-sac bulb. The minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius.**
- ~~(7)~~(9) **Flag lots are discouraged and allowed only when absolutely necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street cannot be provided. The minimum width for a flag lot is 22 feet, except where point access is shared by an access and maintenance agreement in which case each lot shall have a minimum width of 12 feet and a combined minimum of 24 feet.**
- ~~(8)~~(10) **At all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than a twenty foot radius of the curb line.**

11.100-11.390 *No changes are proposed to these sections.*

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ARTICLE 12 PUBLIC IMPROVEMENTS

12.000-12.050 *No changes are proposed to these sections.*

STREETS

12.060 General Provisions. No development may occur unless the development has frontage on or approved access to a public street currently open to traffic. A currently non-opened public right-of-way may be opened by improving it to city standards.

Streets shall be interconnected to reduce travel distance, provide multiple travel routes, and promote the use of alternative modes. Street patterns have a long-range effect on land use patterns, greater than parcelization patterns or building location.

Streets (including alleys) within and adjacent to a development shall be improved in accordance with the standards in this Article. In addition, any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this Article.

Where the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district.

12.070 Creation of Streets. Streets are usually created through the approval of a subdivision or partition plat. However, the City Council may also approve the creation of a street by acceptance of a deed. If the creation of a street unintentionally results in a land partition, the owner is not required to apply for partition approval as long as the resulting parcels comply with Code standards.

12.080 Classification of Streets. Arterial and collector streets are ~~indicated on the Master Street Plan in the Comprehensive Plan~~, **designated in the Transportation System Master Plan.**

12.090 Creation of Access Easements. In general, the creation of access easements between property owners is discouraged. However, there are some instances where an access easement is the only viable method of providing access to a developable lot. The review body will approve an access easement where the applicant has demonstrated that all of the following criteria have been met:

- (1) No more than two parcels or uses are to be served by the proposed access easement;
- (2) There is insufficient room for a public right-of-way due to topography, lot configuration, or placement of existing buildings and,
- (3) The City Engineer has determined that there is not a need for a public street in this location.

12.100 Access to Public Streets. With the exceptions noted in Section 1.070, the location and improvement of an access point onto a public street shall be included in the review of a development proposal. In addition, the following specific requirements shall apply to all access points, curb cuts, and driveways:

- (1) Approaches and driveways to City streets and alleys must be paved and constructed in accordance with the Standard Construction Specifications.
- (2) Driveways for single- and two-family dwellings must have a minimum width of **10** ~~12~~ feet, maximum width of **24** ~~30~~ feet (not to exceed the width of the driveway curb cut), and minimum separation of 5 feet. Up to four multi-family units that front on a public street may have separate driveways. The driveways shall meet the same standards as single- and two-family dwellings.

Driveways for all other uses must have widths of 12-16 feet for one-lane (one-way) driveways, 24-32 feet for two-lane driveways, and 36 feet for three-lane driveways. Three-lane driveways must have designated lanes and turning movements. Industrial driveways shall have a width of 24-48 feet. There must be a minimum separation of 22 feet between all driveways except for single- and two-family dwellings. The width of a driveway will be determined by measuring at the curb line and will exclude the transitions that must conform to standards fixed by the City Engineer.

- (3) All driveways must be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following as measured from the nearest curb return radius:

Arterial Street	40 feet
Collector Street	20 feet
Local Street	10 feet

Where streets of different functional classification intersect, the distance required is that of the classification which requires the greatest distance between the access point and the intersection.

- (4) The location, width, and number of accesses to a public street may be limited for developments that are subject to site plan review provisions of this Code. All development that proposes access to an arterial street is subject to site plan review procedures and the design requirements of 12.230.
- (5) Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street. Except as further restricted by this Article, local street access to properties of less than 100 feet of frontage is limited to 2 access lanes per frontage which may be together or separate and properties exceeding 100 feet of frontage are limited to 2 access lanes per each 100 feet of frontage.
- (6) Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan, land division, or other review procedures.
- (7) A common access point at a property line is encouraged and, in some instances, may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.
- (8) With the exception of single-family residential development, approach grades must not exceed 10% slope within 20 feet of a public street. Driveways for single-family residential development shall comply with applicable fire and building codes.

- (9) Access to designated state highways is subject to the provisions of this Article in addition to requirements of the State Highway Division, State Department of Transportation. Where regulations of the City and State may conflict, the more restrictive requirements apply.
- (10) For developments on parcels of contiguous ownership exceeding five acres in size which front on an arterial street or limited access highway, a frontage road may be required in order to provide a single access determined by the review body to be the most appropriate location for safety and convenience.
- (11) Where access is allowed on an arterial street, efforts shall be made to locate the access adjacent to the interior property line where such access could be shared by the adjacent property.

12.110 **Street Location, Width and Grade.** The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.

In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

Street grades must be approved by the City Engineer, who will consider drainage and traffic safety.

12.120 **Rights-of-Way and Roadway Widths.** Unless otherwise indicated on an approved street plan or in Section 12.130, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table. Where a range is indicated, the width shall be determined by the City Engineer. ~~The City will not allow roadway widths less than 32 feet for streets over 1,000 feet in length, or less than 28 feet for streets under 1,000 feet in length, except by planned development. The 28-foot standard is only acceptable where it is determined that parking can be prohibited on one side of the street.~~

Type of Street	Minimum Rights-of-Way Width	Minimum Roadway Width
Arterial	(70-120) feet	(40-70) feet
Collector	(60-80) feet	(36-48) feet
Local*	(40-55/42-56) feet	(28-36/22-32) feet
Radius for turnaround at end of cul-de-sac	(43) feet	(36) feet
Alley	(14-20) feet	(12-20) feet

* Where a street has a right-of-way of less than 60 feet, a seven (7) foot public utility easement must be dedicated on both sides of the right-of-way.

12.122 **Local Residential Streets.** There are two classifications of local streets, based on projections of traffic volumes. The applicant is responsible for demonstrating that each proposed street is designed for the appropriate traffic volume.

- (1) **Minor Local Streets.** The minor local street design is intended to be the predominant street type in residential neighborhoods. A minor local street will have fewer than 1,000 average trips per day (ADT) when all future street connections are made. The standard design is a 30-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 54-foot right-of-way. There is a parallel 7-foot public utility easement dedicated on each side of the street. Parking is allowed on both sides of the street. See Figure 2.

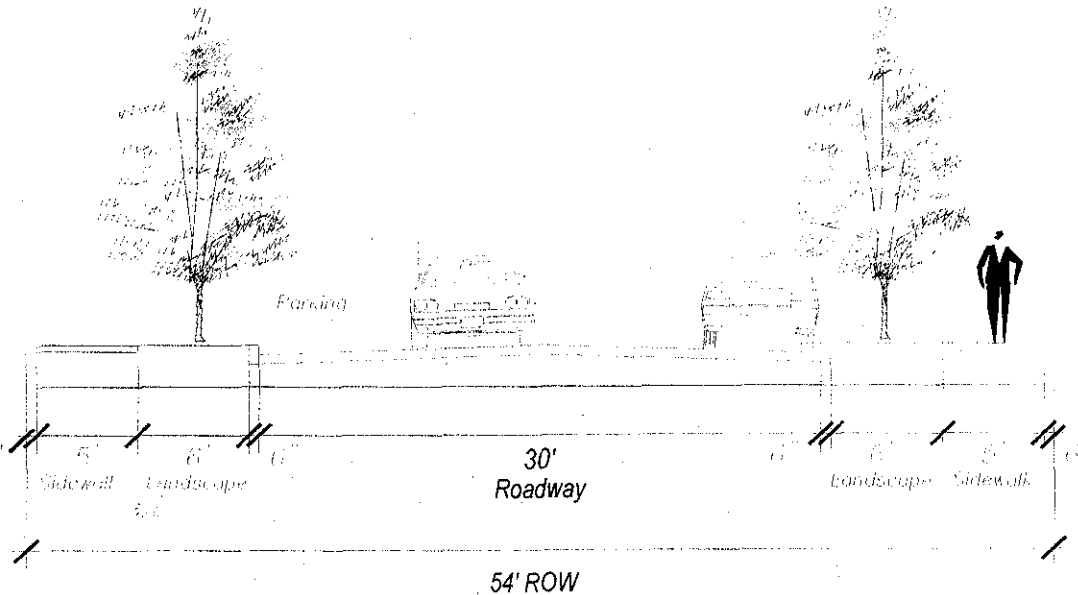


Figure 2: Minor Local Street

- (2) **Optional Design for Minor Local Streets.** In lieu of the standard design in subsection (1), a 28-foot wide paved surface within a 52-foot right-of-way with parking on both sides for minor local streets is allowed when the following performance standards are met:
 - (a) Provisions are made to ensure emergency response vehicles have adequate access to all parcels on the street. A 40-foot long clear area must be provided at a rate of one per two lots along each side of the street. The clear area may be created with parking restrictions created by adjoining driveways or other method approved by the City Engineer.
 - (b) The street will have fewer than 1,000 average trips per day (ADT) when all future street connections are made.
- (3) **Network Local Streets.** A network local street will have greater than 1,000 ADT. The standard design is a 28-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 52-foot right-of-way. There is a parallel 7-foot public utility easement dedicated on each side of the street. Parking is restricted to one side of the street. See Figure 3.

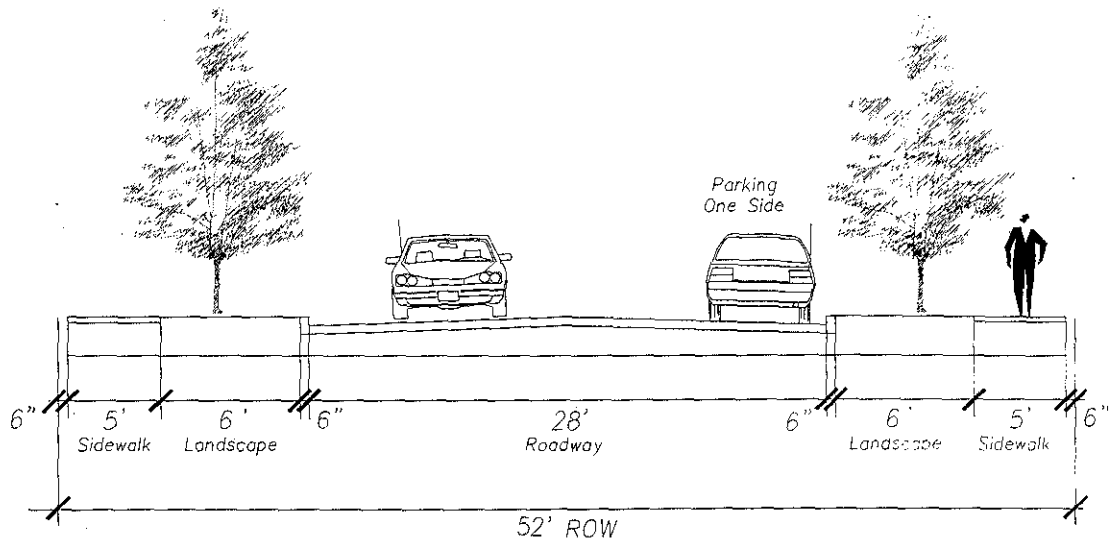


Figure 3: Network Local Street

- (4) **Alley Option.** Use of alleys is encouraged in residential neighborhood design. A narrower minor local street (22-foot paved surface) will be allowed with alley access because the alley will reduce some of the parking and access functions usually found on the frontage street. All private utilities must be located in the alley and no curb cuts will be permitted along the frontage street. The standard 6-foot planter strip and 5-foot setback sidewalks are required along the frontage street. See Figure 4. As an incentive, lots with alley access may be up to 10% smaller than the minimum lot size of the zone. See Table 1, Article 3.

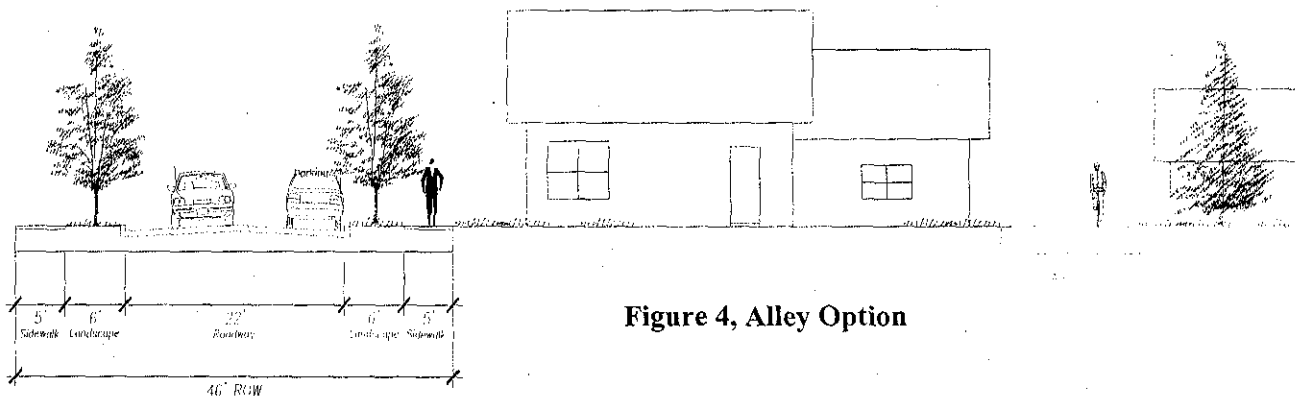


Figure 4, Alley Option

- (5) **Wide Local Street Option.** A wider local street (32-foot paved surface) may be proposed to accommodate on-street parking on both sides of the street. Additional pedestrian amenities, such as bulb outs at intersections and larger street trees, will be required as a condition of the subdivision or planned development approval to offset the wider street section. See Figure 5.

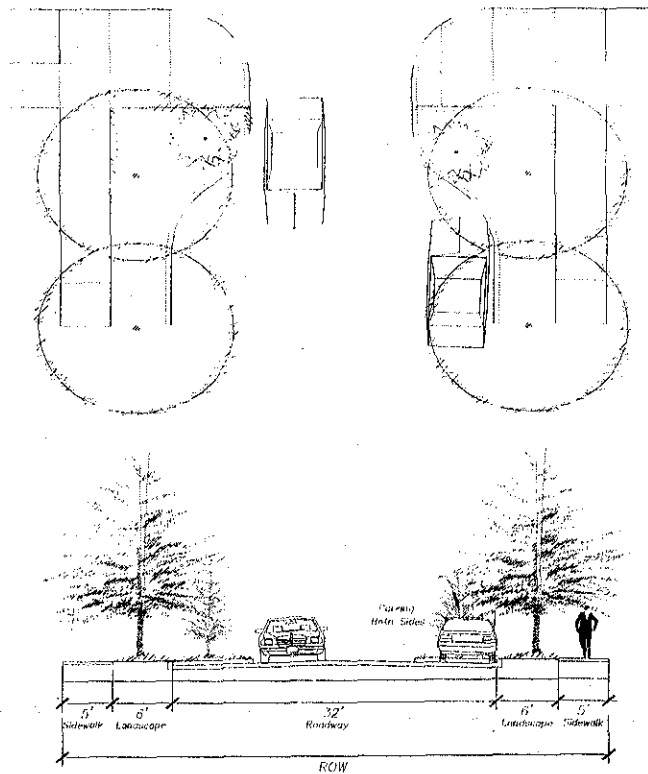


Figure 5: Wide Local Street Option

- (6) **Residential Street Design for Constrained Sites.** There are instances where a development is proposed on land that has natural features that may constrain the standard local street design. Examples of such natural features include floodplains, steep slopes, drainageways, wetlands, riparian corridors, and tree groves. Through the subdivision or Planned Development review process, the City will consider a narrower street section that does not compromise the goals for street design in a great neighborhood. For example, the sidewalks may be placed curbside and parking may be removed from the street in order to narrow the street paving and preserve natural areas. See Figure 6.

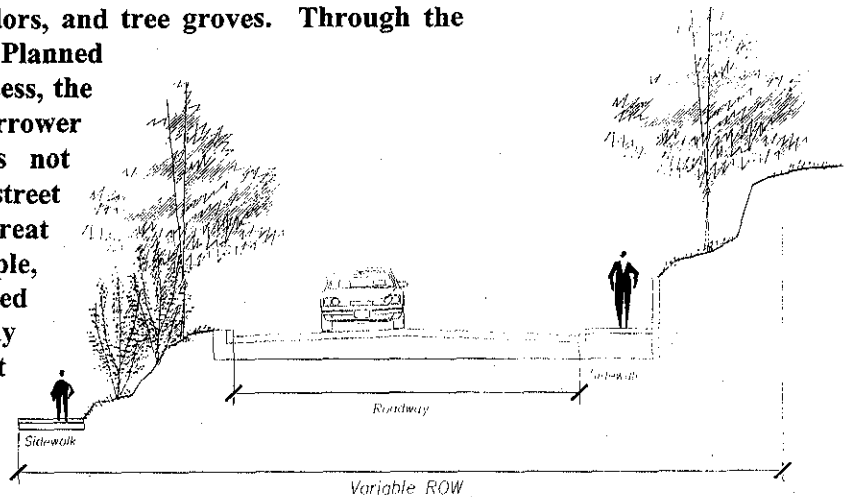


Figure 6: Residential Street Design (Constrained)

SUMMARY OF STREET DESIGN STANDARDS	SINGLE-FAMILY DEVELOPMENT				MULTI-FAMILY DEVELOPMENT
	MINOR Local Streets		NETWORK Local Streets	WIDE OPTION	
Design Elements	Standard Design	Street with Alley Option	Standard Design	Wide Option	Standard Design
Right-of-way	54' ³	42'	52'	56'	56'
Pavement width	30' ³	22'	28'	32'	32'
On-street parking	Both sides	One side	One side	Both sides	Both sides
Bike lanes	No	No	No	No	No
Curb & gutter	Yes	Yes	Yes	Yes	Yes
Sidewalks ¹	5' setback	5' setback	5' setback	5' setback	5' setback
Planter strip	6' planter	6' planter	6' planter	6' planter	6' planter
Examples of "add backs" ²	None	14-20' rear alley with all private utilities	None	Traffic calming, taller street trees	Traffic calming, taller street trees

¹ Curbside sidewalks are allowed on cul-de-sac bulbs. See Section 12.300(2).
² In exchange for building a street that does not meet the standard design, additional design features are required to more than compensate for the loss of one or more design objectives.
³ A 28-foot street in a 52-foot right-of-way is allowed subject to the provisions of Section 12.122(2).

12.130 **Mini-Subdivision Street and Rights-of-Way Standards** The standards listed in this section are intended for use in developing residential infill parcels. The review body will approve variations to the standards listed in Section 12.120 above, when the following criteria are met:

- (1) The property to be divided is less than 2 acres in size and no more than 8 lots will be created or served by the street and
- (2) The proposed land division, as a whole, meets the standards for lot size and configuration for the zoning district and
- (3) Surrounding parcels are developed or are so physically incapable of being developed that combining the proposed land division with adjoining properties in a conventional land division is not feasible.
- (4) The property is not needed for a continuation of the adjacent public street pattern. However, pedestrian connections may be required for the continuation of the pedestrian circulation system.**

The review body may also modify other standards in this Code as indicated below:

<i>Dedication & Maintenance</i>	<i>Paved Width (b) Street/Cul-de-sac</i>	<i>On-Street</i>		<i>Rights-of-Way (c)</i>	
		<i>Curbs</i>	<i>Parking</i>	<i>Sidewalk</i>	<i>Street/Cul-de-sac</i>
Public (a)	22' / 25'(radius)	yes	no	4' (1 side)	30' / 35' (radius)
Public (a)	28' / NA	yes	one side	4' (1 side)	36' / NA

- (a) A 7-foot public utility easement may be required on each side of the right-of-way.
- (b) Maximum street length is 400 feet.
- (c) A "hammerhead" turnaround may be allowed only if no more than four residential lots are created, and the City Engineer determines that no other options exist and no traffic hazards will be created.

12.140 Additional Rights-of-Way. A development project requiring land use approval is required to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120. This provision does not apply to property line adjustments or historic review. While not required to dedicate additional right-of-way, single and two-family dwellings (and related accessory buildings) are subject to being set back from future street rights-of-way as provided in Section 3.270.

12.150 Future Extensions of Streets and Reserve Strips. Where it is necessary to give access to or permit a future division of adjoining land, streets shall be extended to the adjoining tract. A reserve strip across the end of a dedicated street shall be deeded to the City. In addition, a barricade at the end of the street shall be installed and paid for by the property owners. It shall not be removed until authorized by the City Engineer.

12.160 Street Alignment. As far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the centerlines thereof. Arterial and collector streets shall have continuous alignments without offset or staggered intersections. In no case shall the staggering of streets be designed where jogs of less than 300 feet are created as measured from the centerline of any intersection involving an arterial or collector street.

12.170 Intersections. Streets must be laid out so as to intersect as nearly as possible at right angles. Proposed intersection of two streets at an acute angle of less than 75 degrees is not allowed. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. Not more than two streets shall intersect at any one point.

12.180 Clear Vision Area. A clear vision area must be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of 2-8 feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from the established street center line grade.

(1) The preceding provisions do not apply to the following:

- (a) a public utility pole,
- (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
- (c) another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view,
- (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
- (e) an official warning sign or signal,

- (f) the post section of a pole sign when there are no more than two posts and any post is less than 8 inches in diameter, and
 - (g) existing or new buildings within the Central Business District (CBD).
- (2) A clear vision area consists of a triangular area, two sides of which are lot lines or a driveway and a lot line for a distance specified in this section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. See illustration below. The following measurements shall establish the clear vision areas:

<u>Type of Intersection</u>	<u>Measurement Along Each Lot Line or Drive Edge*</u>
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection (60' right-of-way)	30 feet
Uncontrolled Intersection (less than 60' right-of-way)	30 feet
Commercial and Industrial District driveways	20 feet
Residential District driveways	15 feet
Alley (less than 25 feet)	20 feet

** When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.*

12.190 **Cul-de-sacs.** **The street pattern may include cul-de-sacs and bulbs only if connectivity and block length standards have been met.** A cul-de-sac must be as short as possible and is not to exceed 400 feet. A cul-de-sac must terminate with a circular turnaround, except as provided in 12.130 (3)(c). Dead-end streets longer than 400 feet may be approved by the City Engineer if no other means is available for development of the property.

A 10-foot wide lighted concrete bikeway/pedestrian access way shall be dedicated and constructed from the end of each cul-de-sac to the nearest street or property line of adjacent property, except where the cul-de-sac abuts developed property and/or the City Engineer determines there is no need for a connection.

12.200 **Street Abutting New Development.** Sections of existing streets not meeting City standards which directly abut new development shall be constructed to City standards. The City Engineer may approve construction of a partial width street provided the design is determined to be adequate to accommodate needed public facilities, storm drainage runoff, traffic volumes, and traffic loadings. The design of the improvement shall consider the ultimate design of the fully widened street. For purposes of this section, "development" means a land division, new commercial or industrial development, construction of multi-family residential units or a manufactured home or recreational vehicle park.

A future improvement assurance, as described in Section 12.600, may be accepted by the City where the City Engineer determines that the street improvement would not be timely.

12.210 **Slope and Curves.** Slope shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on other streets. Center line radii or curves shall not be less than 600 feet on arterials, 400 feet on collectors, or 200 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, steeper grades and sharper curves may be

approved by the review body. In flat areas, allowance shall be made for finished street grades having a minimum slope of at least 0.5 percent, where possible.

- 12.220 Street Adjacent to Railroad. Wherever a proposed development contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of the railroad right-of-way at a distance suitable for the appropriate use of the land between each street and the railroad. The distance shall be determined with due consideration at each cross street of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way in non-industrial areas.
- 12.230 Access to Arterials. Where a development abuts or contains an existing or proposed arterial street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design requirements may include any of the following:
- (1) A parallel access street along the arterial.
 - (2) Lots of suitable depth abutting the arterial to provide adequate buffering and having frontage along another street.
 - (3) Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial.
 - (4) Other treatment, as determined by the City Engineer, suitable to meet the objectives of this subsection.
- 12.240 Property Monuments. Upon completion of a street improvement and prior to acceptance by the City, all property corners and other monuments disturbed or removed by the project shall be reestablished and protected by an Oregon licensed surveyor retained by the developer.
- 12.250 Private Streets. Unless the review body determines that public streets are needed to provide for circulation and/or access to neighboring properties, private streets are permitted within Planned Unit Developments, Manufactured Home Parks, and singularly owned developments of sufficient size to warrant interior circulation on private streets. Streets classified as arterials or collectors that run through these developments must be public streets. **Local streets needed for connectivity purposes shall be public streets. Gated residential streets are prohibited.** ~~Design standards for private streets shall be established by the City Engineer but shall not exceed the requirements for public streets.~~ **Private streets shall be designed and constructed with a 20-year design life.** Plats for developments containing private streets must show that streets are private and upkeep and maintenance the responsibility of the abutting property owners. The review body may require legal assurances for the construction and continued maintenance of private streets.
- 12.260 Traffic Signals. Where a single development or concurrent group of developments will create a need for a traffic signal at an intersection, such installation may be a condition of development approval.
- 12.270 Railroad Crossings. Where an adjacent development results in a need to install or improve a railroad crossing, such improvement may be a condition of development approval.

- 12.280 Street Signs. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs and installation shall be included in the developer's project costs.

SIDEWALKS

- 12.290 Requirement. All development for which land use applications are required by Section 1.060 must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets if there is an existing sidewalk within 500 feet on the same side of the street.

In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction. This provision shall also apply to local streets ~~which that~~ serve commercial and multi-family development. ~~Except for industrial development on local streets, Sidewalks are required on both sides of all streets. Sidewalks are only required on one side of local streets in industrial zones.~~ If an interim street standard is being constructed which does not include bike lanes or sidewalks, interim bikeways or walkways for pedestrians shall be provided through construction of paved roadway shoulders at least 8 feet in width on arterials and 6 feet on other streets. The provision of sidewalks may be waived where the street serves a use or combination of uses which generate fewer than fifty trips a day (based on ITE standards) and cannot be continued or extended to other properties.

- 12.300 Design, Width, and Location. All sidewalks must be constructed, replaced or repaired in accordance with the Standard Construction Specifications. The required width and location of sidewalks is as follows:

- (1) The required width for a sidewalk on an arterial or collector street is seven (7) feet. This width may be reduced to six (6) feet if the sidewalk is separated from the curb by a landscaped planter strip at least five feet wide. In those instances where there is inadequate right-of-way for additional width and no additional right-of-way can be obtained as a condition of development approval, the sidewalk width may be reduced to five (5) feet. In all cases, any right-of-way remaining outside the sidewalk is to be landscaped and maintained by the adjoining property owner.
- (2) Sidewalks along residential and other local streets must be a minimum of ~~four (4)~~ **five (5)** feet in width. ~~Any remaining portion of the right of way must be landscaped and incorporated into the front yard setback of the adjacent property. However, at the property owner's or developer's option, planter strips of at least four feet in width may be installed adjacent to the curb where sufficient rights-of-way have been provided. A planter strip at least 6 feet wide shall separate the sidewalk from the street. Street trees shall be selected from the list of approved street trees established by the City. Other tree species may be approved if they have similar qualities as those on the list. The planter strip shall be of permeable materials.~~
- (3) In the Central Business District, as defined on the zoning map, sidewalks must be at least ten (10) feet in width and be installed adjacent to the curb.

- (4) Regardless of other provisions contained in this article, any sidewalk project ~~which that~~ is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the City Engineer.
- (5) Where obstructions exist or are proposed (including but not limited to mail boxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, etc.), provisions must be made to maintain a minimum of four feet of unobstructed sidewalk width on local streets, five feet on collector and arterial streets, and six feet in the Central Business District.
- (6) Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner **except where the lot backs onto an arterial**. Planter strips shall be landscaped and maintained in like manner to the front yard setback requirements of Article 9.
- (7) Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.
- (8) Pedestrian accessways not adjacent to a public street shall be a minimum of 10 feet wide.

12.310 Conformance to Street Grades. All sidewalks constructed adjacent to a street must be placed upon the street grade as established at the time of sidewalk construction. If a space is left between the property line and the sidewalk and/or between the sidewalk and the curb, the space shall be filled and surfaced with earth or other approved material level with the sidewalk.

12.320 Timing of Sidewalk Construction. Sidewalk construction may be deferred until the proposed improvement on the property is completed. No occupancy permit shall be issued by the Building Official for a development until the provisions of this Article are satisfied.

The City Engineer may authorize a future improvement assurance (as described in Section 12.600) when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:

- (1) Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time,
- (2) Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk,
- (3) Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street,
- (4) Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible.

12.330-12.690 *No changes are proposed to these sections.*

ARTICLE 13 ALBANY SIGN CODE

13.000-13.110 *No changes are proposed to these sections.*

13.120 **Definitions.** The following definitions are in addition to those of Article 14 ~~which that~~ shall be used in combination for purposes of this article. Where there is duplication, the definitions of this article shall be used.

~~Billboard: An off-premises sign structure containing one or more poster panels for advertising display purposes.~~

~~Poster Panel: The advertising display area of an off-premises sign (billboard) which has an area of not larger than 336 square feet. (Double-wide poster panels are referred to as "Bulletin Displays.")~~

13.210-13.620 *No changes are proposed to these sections.*

~~13.630 **Billboards.** A maximum of forty (40) poster panels on all billboard structures combined shall be allowed within the city limits of Albany. Permits for additional billboard structures shall be allowed according to the date of permit application with the City. Any permit issued for a billboard shall be exercised within six (6) months of the date of issuance. If not, the permit shall be null and void and shall not count as a permit allowed within the maximum number.~~

~~13.632 **District Area.** Billboards shall be allowed only in the CC, CH, LI, and HI Zones on properties adjacent to Interstate 5, Pacific Boulevard (99E) and Santiam Highway (US 20).~~

~~13.633 **Billboard Placement Criteria.**~~

~~(1) A Conditional Use Permit approved under a Type II Procedure shall be required prior to the approval of any new billboard structure. This requirement shall not apply to the maintenance, replacement of poster panel display, or re-construction of any billboard structure of the same dimensions lawfully in existence prior to the effective date of this ordinance. In order to approve a Conditional Use Permit, the reviewing body must find the display complies with this Section and is in accordance with all other provisions of this ordinance, state and federal laws and regulations, and that granting approval would be consistent with the purposes of this ordinance.~~

~~(2) All signs shall be placed a minimum of five hundred (500) feet apart.~~

~~(3) The maximum height of any portion of any sign shall be thirty (30) feet from ground level to the top of the sign.~~

~~(4) There shall be no more than one thousand five hundred (1,500) square feet of area of signs, excluding cutouts, within one-half mile lineal distance measured parallel to the center line of the highway or street.~~

~~(5) The poster panels shall not be larger than three hundred and thirty-six (336) square feet with 20% allowed for cutouts.~~

- ~~(6) The face size of a billboard shall not exceed 48 feet in horizontal length or 14 feet in vertical height.~~
- ~~(7) Bulletin displays shall not exceed six hundred and seventy two (672) square feet.~~
- ~~(8) All billboards shall be installed outside public rights of way, zoning district setback distances, and vision clearance areas.~~
- ~~(9) All structural supports for billboards shall be constructed of steel.~~
- ~~(10) Billboards may be single faced, double faced, or u shaped structures, except that each poster panel in one direction shall be counted separately.~~
- ~~(11) Evidence must be provided showing that applicable state permits have been obtained.~~

13.640-13.816 *No changes are proposed to these sections.*

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ARTICLE 14 CENTRAL ALBANY

14.000-14.050 *No changes are proposed to these sections.*

14.060 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. The abbreviations used in the schedule have the following meanings:

- A Use allowed without ~~special conditions or 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.
- C Use permitted conditionally under the provisions of Sections 2.230 - 2.260.
- PD Use permitted only through Planned Development approval.
- * Use not permitted in the major zoning district indicated.

A number appearing opposite a use in the "special conditions" column indicates that special provisions apply to the use. These conditions are found following the schedule in Section 14.070.

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS													
Item	USE DESCRIPTIONS	Spec											
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES	
2.500	Tree Cutting and Firewood Cutting Tree Felling:												
2.510	Removal Felling of 5 or more trees in excess of 10" in diameter larger than 25 inches in circumference (approximately 8 inches in diameter)	2	S	S	S	S	S	S	S	S	S	S	S
3.000	ANTENNAS & TOWERS												
3.100	Public & Commercial Communication Towers & Transmitters over 50 Feet in Height	14	C	C	*	C	C	C	C	C	*	*	

SPECIAL CONDITIONS

14.070 General. Where numbers appear in the column "special conditions" in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) *No change is proposed to this subsection.*
- (2) ~~Tree Removal Criteria: The following criteria apply only to parcels or property in contiguous single ownership in excess of 20,000 square feet upon which five or more trees, each in excess of ten inches in diameter, are proposed for removal within one calendar year. The Director shall approve tree cutting in the above instances when it can be demonstrated that:~~

- ~~(a) Wooded areas associated with natural drainageways and water areas will be maintained to preserve riparian habitat and minimize erosion.~~
 - ~~(b) Wooded areas along ridge lines and hilltops will be retained for their scenic and wildlife value.~~
 - ~~(c) Wooded areas along property lines will be retained to serve as buffers from adjacent properties except with the concurrence of adjacent owners where removal is desired for sunlight or to protect against windfall.~~
 - ~~(d) Large scale clear cuts of developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future city residents.~~
 - ~~(e) If concurrent with a development project application, the proposed removal of trees is the minimum necessary to accomplish the objectives of the development while retaining the most trees possible within the intent of the above criteria and Comprehensive Plan policies.~~
- (2) **Site plan review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet. For review criteria, see Section 9.208.**

The following activities are exempt from site plan review:

- (a) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.
 - (b) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
 - (c) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approves the proposed tree felling.
- (3)-(13) *No changes are proposed to these subsections.*
- (14) **See Article 8.400 for design standards for telecommunication facilities.**

14.080 *No changes are proposed to this section.*

DEVELOPMENT STANDARDS

- 14.090 Purpose. Development standards are intended to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 1 summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table which address special circumstances and exceptions. **Additional design standards for commercial and multi-family developments are located in Article 8.**

TABLE 1

CENTRAL ALBANY DEVELOPMENT STANDARDS										
STANDARD	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
Minimum Lot Size (sq. ft.): (13)										
single family	N/A	N/A	None	None	N/A	N/A	N/A	N/A	5,000	5,000
duplex	None	N/A	3,600	3,600	N/A	N/A	N/A	N/A		7,000
3 or more 1-bdrm. units	None	None	1,600/u	1,600/u	1,600/u	None	None	1,600/u		2,400/u
3 or more 2-bdrm. (or larger) units	None	None	1,800/u	1,800/u	1,800/u	None	None	1,600/u		3,300/u
All other uses	2,000	2,000	5,000	10,000	6,000	2,000	15,000	15,000	5,000	5,000
Lot Width	20'	20'	None	80'	60'	20'	100'	80'	35'	40'
Lot Depth	50'	50'	None	80'	80'	50'	150'	95'	65'	80'
Landscaped Area(2)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Minimum Open Space	None	None	(12)	(12)	(12)	None	(12)	(12)	N/A	(12)
Maximum Setbacks Front	0'(10)	0'(10)	25'(11)	20'	None	None	20'	20'	None	20'
Minimum Setbacks:										
Front	0'	0'	15'	15'	15'	0'	10'	5'	15'	15'
Interior	(4)	(4)	10'(1)	10'(1)	(4)	(4)	(4)(5)	(4)	10'(1)	5'(3)
Garage Vehicle Entrance (9)	20'	20'	20'(8)	20'(8)	20'(8)	20'	20'	20'	20'(8)	20'
Maximum Height	85'	60'	45'	45'	30'	60'	None	50'	30'	30'
Lot Coverage(6)	100%	(7)	70%	70%	70%	100%	None	90%	60%	70%

N/A means not applicable.

(1) Except for single family homes or duplexes which must have a 5' interior yard for single-story buildings, and an 8' interior yard for two-story buildings.

(2) All yards adjacent to streets.

(3) Single story 2 or more stories = 8'.

(4) Yards abutting residential districts and/or uses requires 1 foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting commercial or industrial districts, no interior setback is required.

(5) No setbacks are required for buildings abutting railroad rights-of-way.

(6) Except for single family homes and duplexes, lot coverage includes building, driveway and parking area coverage.

(7) See ADC 14.120

(8) Garage setback for non-vehicle entrance shall conform with the requirements for interior setbacks.

(9) ~~The setback for a residential garage located on an alley is 5 feet.~~ **For garages with alley access, see Table 2.**

(10) **The maximum setback may be increased with the condition that 100% of the increased setback is used for pedestrian amenities associated with the building use such as patio dining for a restaurant, sidewalk café, plaza, or courtyard. See ADC 8.320(4).**

(11) **For multi-family and commercial developments, no parking or circulation shall be allowed within the front yard between the building with the primary entrance and the adjacent street.**

(12) **Ten or more residential units require open space. See ADC 8.210.**

(13) **Lots with alley access may be up to 10% smaller than the minimum lot size for the zone.**

SETBACKS

14.100 Minimum Standards. All setbacks shall meet the minimum standards as set forth in Table 1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area. The Accessory Structure Standards (Table 2) apply to accessory structures in the MUR and HM districts.

TABLE 2

ACCESSORY STRUCTURE STANDARDS	
STRUCTURE	STANDARD
Detached structure, walls <8 ft. height	Interior setback = 3 feet
Attached structure	Interior setback = 5 feet
Detached structure, walls >8 ft. height	Interior setback = 5 feet
Garage with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks = see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences >6 ft. high	District setback standard; building permit required.
Outdoor swimming pools	Interior setback = 10 feet
Decks <30 in. off grade no rails, covers	No setback from property line
Decks >30 in. off grade	Interior setback = 5 feet

14.110-14.210 *No changes are proposed to these sections.*

14.220 Parking Restrictions in Setback Areas. Required parking and loading spaces shall not be located in a required front or side yard with the following exceptions:

- (1) Driveways providing access to garages and carports for any residential development may be used to fulfill the parking requirements.
- (2) In the ~~CB~~, MUI, ~~MUR~~, ~~MS~~, ~~LE~~, TD, PB, and ES Districts required parking may be permitted in required front and interior yards where the minimum landscaping and buffering requirements have been met.

14.230-14.250 *No changes are proposed to these sections.*

14.260 Parking Standards. Off-street parking and loading shall be provided for all development in the amounts indicated in Tables 3, 4, and 5 below, and shall be developed in accordance with Article 9. When square feet is specified, the area measured shall be the combined floor area of each level of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas. The

number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses. Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080 (7), Joint Use of Parking Facilities.

In the ES, Elm Street Medical District, the amount of parking provided with new development shall be only the uminimum required. No additional off-street parking will be allowed for development in this district.

TABLE 3

RESIDENTIAL DISTRICT (MUR and HM) PARKING STANDARDS	
USE	STANDARD
Single Family Dwelling	2 spaces
Multiple Family Dwellings	
- Studio and 1-Bedroom Units	1.00 space per unit
- 2-Bedroom Units	1.50 spaces per unit
- 3- and 4-Bedroom Units	2.00 spaces per unit
- Quad and Quint Units	.75 space per unit
- Senior Citizen Apartments	1.00 space per each 2 bedrooms
- Student Housing	1.00 per each 2 students at capacity
Boarding and Rooming Houses	1.00 space per 2 occupants at capacity
Group Care Homes	1.00 space per employee, plus 1.00 space per each 5 beds
Manufactured Home Parks	2.00 spaces per manufactured home, plus 1.00 space guest parking per each 5.00 manufactured homes

*Developments within the Downtown Assessment District are not required to provide off-street parking.

14.270-14.280 *No changes are proposed to these sections.*

14.290 General Requirements/Matrix. **Buffering and screening may be required to offset the impact of development. See Section 9.210.** ~~In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix on the next page. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by right of way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.~~

[Editor's Note: The following table is not being deleted from the Development Code. It is being moved to section 9.210 with revisions.]

BUFFER MATRIX PROPOSED USE							
ABUTTING USE OR ZONING DISTRICT	Detached Dwellings	Attached Dwellings 1-story	Attached Dwellings 2+ stories	Manufactured Home Parks or Subdivisions	Commercial and Professional Uses	Light Industrial Use	Any Parking Lot with More Than 4 Spaces
DETACHED FAMILY DWELLING UNITY/RS-6-S OR RS-5 DISTRICT	0'	0'	10'	10'S	10'S	30'S	10'S
DETACHED UNIT 1-STORY/RM-5 DISTRICT	0'	0'	10'	10'S	10'S	30'S	10'S
ATTACHED DWELLING UNIT/2+ STORIES OR RM-3 OR RH DISTRICT	0'	0'	10'	10'S	10'S	30'S	10'S
MANUFACTURED HOME PARK OR SUBDIVISION IN ANY DISTRICT	10'	10'	10'	0'	10'S	30'S	10'S
ANY ARTERIAL STREET	10'S	10'S	10'S	10'S	10'	10'	10'
COMMERCIAL/PROFESSIONAL USES OR RP, NC, CC, OR CH DISTRICTS	10'	10'	10'	10'S	0'	0'	0'
INDUSTRIAL PARK DISTRICT	20'	20'	20'	20'S	0'	0'	0'
LIGHT INDUSTRIAL DISTRICT	30'S	30'S	30'S	30'S	0'	0'	0'
HEAVY INDUSTRIAL DISTRICT	40'S	40'S	40'S	40'S	20'	0'	0'
ANY PARKING LOT WITH MORE THAN 4 SPACES	10'S	5'S	5'S	5'S	0'	0'	0'

14.300-14.580 No changes are proposed to these sections.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
GREAT NEIGHBORHOODS ORDINANCE**

The Albany Development Code contains the following review criteria that must be met for legislative text amendments to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

(1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

FINDINGS OF FACT

- 1.1 State law requires the city to periodically review and update Albany's Comprehensive Plan and Development Code. To begin this process, the City chose the Great Neighborhoods project as a way to involve the people who live and work in Albany more directly in the city's growth and development in the future. City officials wanted to hear how well (or not so well) these regulations are working, especially during the growth spurt we have experienced the past few years. Town meetings held in November 1998 were a listening exercise without an agenda or interruption. People were asked to talk about any livability concern they had, whether it related to land use or something else. People were prompted to think broadly.
- 1.2 Staff compiled the hundreds of comments from the town meetings and organized them by topics. The following themes emerged as the guiding principles for the Great Neighborhoods project:
- **Connectivity** means making connections from new development into the surrounding neighborhood. We design streets, sidewalks, buildings, and landscaping for continuity throughout the community. Each development can be distinctive and still fit into a cohesive urban environment.
 - **Compatibility** refers to overcoming differences so that new development can become part of the existing neighborhood. New development must be capable of orderly, efficient integration and operation with surrounding land uses. This requires an individualized review of design and operating characteristics. Compatibility strikes a harmonious balance between contrast and similarity.
 - **Flexibility** to the neighborhood means having a say in the design of a project early enough to make a difference. Flexibility to the developer means having options that encourage creative and cost-effective building and site design. Flexibility to the community means being responsive to the changing needs of the people.
 - **Street as Public Space** refers to the unique relationship between the street and nearby properties. A street is not just a thoroughfare: it can be a rich environment suitable for many activities. A street that is designed to meet a variety of needs adds life and interesting details to the neighborhood. Property that is open to the street contributes to the life of the community.
 - **Neighborhoods-by-Design** reminds us of the need to apply forethought and purpose to create places that draw people together. Great Neighborhoods do not come about by happenstance, they are designed one place at a time. Details count. Thoughtful design goes a long way toward improving the quality of life for Albany's residents.

- 1.3 To implement the livable neighborhoods recommendations, a number of Development Code amendments are proposed in the following categories: single-family residential development; multi-family residential development, manufactured home park design; commercial development; residential local street design; tree protection, and the development review process. These amendments would revise 13 articles of the code.
- 1.4 The following Comprehensive Plan policies regarding Aesthetics and Urban Design are applicable:

GOAL: Improve Albany's image, livability, appearance, and design quality through aesthetic enhancement.

POLICIES:

1. *Expansion and new development projects shall be designed and landscaped to complement and enhance the appearance of the development site and surrounding area.*
2. *Develop and maintain a sign code to:*
 - a. *Provide equitable and economic methods of business identification.*
 - b. *Reduce signage conflicts.*
 - c. *Promote traffic and pedestrian safety.*
 - d. *Increase the aesthetic appearance of the city.*
4. *Continue to develop and implement aesthetic enhancement programs that will improve Albany's image.*
6. *Preserve and enhance desirable and distinctive neighborhood features that satisfy the following criteria:*
 - a. *Are commonly recognized features by neighborhood residents as desirable and distinctive.*
 - b. *Are features which can be preserved and enhanced without significantly impairing development or redevelopment opportunities in conformance with other Comprehensive Plan and Development Code provisions.*
 - c. *Are features which can be preserved and enhanced through consideration of design alternatives in development and redevelopment projects.*

IMPLEMENTATION METHODS:

4. *Periodically review and, if necessary, update Development Code requirements and other policies and ordinances that address issues of public nuisance and community appearance.*

CONCLUSION

A recurring theme throughout the Great Neighborhoods project has been the need to apply forethought and purpose to the City's design principles. If the appearance of the community is an important value--and the November 1998 town meetings indicated that it is--then the City must take a more active role in governing the appearance of new development in Albany.

(2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

FINDINGS OF FACT

2.1 The following purpose statements are applicable to the proposed Development Code amendments:

a. Administration and Procedures

This Article establishes the framework for the review of land use applications. It explains the processes which the City follows for different types of reviews and how hearings and appeals are conducted. [ADC 1.000]

b. Review Criteria

The Development Code provides a combination of nondiscretionary and discretionary standards for the City to use in evaluating land use proposals for compliance with the use and development requirements of the Code. The nondiscretionary criteria provide the certainty needed in most situations by providing straightforward, clear, and objective standards. Discretionary criteria provide needed flexibility by allowing more subjective standards and objectives, and providing for the modification of regulations in response to specific site conditions. [ADC 2.010]

c. Site Plan Review

Site plan review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. Site plan review mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. Site plan review is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. [ADC 8.020]

d. On-Site Development Standards

The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. This article contains the following standards:

- Off-Street Parking
- Landscaping
- Buffering and Screening
- Environmental [ADC 9.010]

e. Residential Districts

The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. These regulations provide

certainty to property owners, developers and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Article 11. [ADC 3.010]

f. Commercial Districts

The five zones created in this article are intended to provide land for commercial uses. The differences among the zones in the permitted uses and development standards relate to the intensity of commercial development. The OP district encourages commercial development that is compatible with surrounding residential areas. The NC district provides for commercial activities at a neighborhood scale. The CB district addresses the particular characteristics of the downtown area. The CC and CH allow commercial uses which have community or regional markets. The regulations in this article promote uses and development which will enhance the economic viability of specific commercial areas and the city as a whole. Sites within overlay districts are also subject to the provisions in Articles 6 and 7. [ADC 4.010]

g. Industrial Districts

The zones created in this article are intended to provide land within the city for industrial uses. The differences among the zones, in permitted uses and development standards, reflect the existing and potential intensities of industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. Sites within overlay districts are also subject to the provisions in Articles 11. [ADC 5.010]

h. Manufactured Home Development Standards

This article contains the standards of development for manufactured housing placed on individual lots and in manufactured home parks within the City. Manufactured homes provide a wide choice of housing types suitable for a variety of households, lifestyles and income levels. The standards contained in this article are intended to provide a suitable living environment for residents of manufactured homes and establish development standards that will increase compatibility with adjacent land uses. [ADC 10.000]

i. Land Divisions

The most permanent feature of a community is the way land is divided into parcels. This article describes the process of converting raw land into building sites. The primary goals of this design review are to better ensure that natural features have been taken into account; that roads and utilities are properly designed and installed, and that adequate open space has been provided. This article establishes the standards and procedures for property line adjustments, partitions, subdivisions, planned developments, and condominiums. [ADC 11.000]

j. Public Improvements

The provisions in this article for new public improvements are intended to address the City's concerns relative to public health, safety, and welfare. [ADC 12.010]

k. Sign Code

To help implement the Comprehensive Plan, provide equitable methods of business identification, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the City, all by classifying and regulating the location, size, design, type and number of signs and related matters. [ADC 13.110]

I. Central Albany

This article is intended to define the character of the land use districts identified in the Town Center Plan prepared by the City of Albany and consultants Fletcher Farr Ayotte.
[ADC 14.000]

CONCLUSIONS

The purpose of design standards is to establish minimum thresholds for all new development in Albany. A common goal of these standards is to implement the aesthetic and urban design policies of the Comprehensive Plan. The proposed amendments are consistent with the purpose statements for the applicable zoning districts and the design articles of the Development Code.

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