

ORDINANCE NO 5555

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP, BY AMENDING THE DEVELOPMENT CODE TEXT AND THE ZONING MAP AS PART OF PERIODIC REVIEW AND ADOPTING FINDINGS. (FILES DC-01-02 AND ZC -01-02)

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

WHEREAS, the City is in Periodic Review, a process through which the City is updating its Comprehensive Plan, Plan Map, Development Code and Zoning Map 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 several hundred citizens turned out for five meetings in November 1998 to express many ways to improve the livability of the community; and

WHEREAS, the Balanced Development Patterns Project in the winter of 2000 and spring of 2001 was the next step in Periodic Review to look at land use relationships and identify areas for future employment, commercial and housing growth; and

WHEREAS, the Planning Commission reviewed the proposed Development Code text and Zoning Map amendments in work sessions, and then directed staff to prepare specific changes to the text and map, and

WHEREAS, on May 22, 2002, the City mailed a "Measure 56" notice of the Planning Commission and City Council public hearings on the proposed Comprehensive Plan, Development Code and Zoning Map amendments to all commercial and industrial property owners in the city; and

WHEREAS, on June 3, 2002, the Planning Commission held a public hearing on the proposed amendments and then recommended approval based on findings contained in the staff report and evidence presented at the public hearings; and

WHEREAS, the Albany City Council held public hearings on June 17, 2002, and November 13, 2002, concerning the proposed amendments to the commercial and industrial zoning districts; and

WHEREAS, the Albany City Council reviewed the amendments recommended by the Planning Commission and the testimony presented at the public hearings and deliberated on them in work sessions and at the December 11, 2002, City Council meeting.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Development Code text is hereby amended as shown in the attached Exhibits A, B, C, D, E, F, G, and H for the sections listed below

Exhibit A: Article 2, Review Criteria

Exhibit B: Article 3, Residential Zoning Districts (relocates the HM, Hackleman Monteith, zone from original Article 14)

- Exhibit C: Article 4, Commercial and Industrial Zoning Districts (includes previous Article 5, Industrial Zoning Districts)
- Exhibit D: Article 5, Mixed Use Village Center Zoning Districts (includes previous Article 14, Central Albany)
- Exhibit E: Article 8, Design Standards
- Exhibit F: Article 9, On-Site Development and Environmental Standards
- Exhibit G: Article 13, Sign Code
- Exhibit H: Article 22, Use Categories and Definitions

These exhibits, upon adoption of this Ordinance, shall supercede the corresponding sections of the Development Code. Language shown in the exhibits as having been struck is removed from the Development Code and language shown in bold is added to the existing text.

Section 2: The Albany Zoning Map is hereby amended as shown on the attached Zoning Map (Exhibit I).

This exhibit, upon the adoption of this ordinance, shall supercede the previous zoning of the properties that have been rezoned. Properties proposed for rezoning are shown with a hatch mark over the new zoning designation.

Section 3: The Findings and Conclusions contained in the staff report and attached as Exhibit J are hereby adopted in support of this decision.

Passed by Council: January 8, 2003

Approved by Mayor: January 8, 2003

Effective Date: February 7, 2003

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## ARTICLE 2 REVIEW CRITERIA

*No changes are proposed to 2.010 to 2.290 and 2.600 to 2.780 at this time*

### NONCONFORMING SITUATIONS

*No changes are proposed to 2.300 to 2.310 at this time.*

2.320 Types of Nonconforming Situations. A lot of record may be nonconforming because it does not meet the dimensional or area standards currently required in a particular zoning district. A specific site may be nonconforming because it contains either a nonconforming use, an allowed residential use that exceeds the allowed density, a nonconforming development, or a combination of these. [Ord. 5338, 1/28/98]

2.325 Certain Residential Uses Granted Special Status. Special status has been granted to existing single-family dwellings in commercial, office and industrial zones. Special status has been granted for two or more units constructed prior to November 20, 1996, in the Hackleman Monteith zoning district. Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), these properties shall be deemed to be conforming with the base zoning district. See Sections 3.060, 4.075 and 5.080.

*No changes are proposed to 2.320 to 2.560 at this time.*

### ZONING MAP AMENDMENTS

*Staff Comments: The Annexation Zoning Matrix needs to be updated in order to be consistent with the proposed Comprehensive Plan land use designation changes. Staff is proposing to replace the current matrix in this Article with the matrix proposed in the Comprehensive Plan.*

2.570 Zoning. Upon annexation, the zoning of annexed property shall be **compatible with the Comprehensive Plan designation** as provided on the annexation zoning matrix. **The particular zoning district will be determined in an Annexation Agreement between the City and the property owner.** Zoning other than shown on the matrix requires approval of a **Comprehensive Plan map and/or zoning map amendment.**

### ANNEXATION ZONING MATRIX

If the Comprehensive Plan ~~designation is~~ \_\_\_\_\_ The Zoning designation shall be:

Urban Residential Reserve	_____	Linn County	RS-6.5 Single Family
Low Density Residential	_____	RS-6.5	Single Family
Medium Density Residential	_____	RS-6.5	Single Family
High Density Residential	_____	RS-6.5	Single Family
Light Commercial	_____	OP	Office Professional
General Commercial	_____	CC	Community Commercial
Central Business District	_____	CB	Central Business District
Industrial Park	_____	IP	Industrial Park
Light Industrial	_____	LI	Light Industrial
Heavy Industrial	_____	HI	Heavy Industrial

~~Intensive Development Sector~~ — ~~RS-6.5 Single Family~~  
~~Public Facilities~~ — ~~RS-6.5 Single Family~~  
~~Open Space~~ — ~~OS Open Space~~

<b>Plan Designation</b>	<b>Compatible Zoning Districts</b>
<b>Light Industrial</b>	<b>Industrial Park (IP), Light Industrial (LI), Transit District (TD)</b>
<b>Heavy Industrial</b>	<b>Light Industrial (LI), Heavy Industrial (HI)</b>
<b>General Commercial</b>	<b>Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Office Professional (OP)</b>
<b>Light Commercial</b>	<b>Neighborhood Commercial (NC), Office Professional (OP)</b>
<b>Village Center</b>	<b>Historic Downtown (HD), Central Business (CB), Lyon-Ellsworth (LE), Pacific Boulevard (PB), Elm Street (ES), Main Street (MS), Waterfront (WF), Residential Limited Multiple Family (RM-5), Mixed Use Residential (MUR), Office Professional (OP), Community Commercial (CC)</b>
<b>High Density Residential</b>	<b>Residential Multiple Family (RM-3), Waterfront (WF), Office Professional (OP), Neighborhood Commercial (NC)</b>
<b>Medium Density Residential</b>	<b>Residential Single Family (RS-5), Residential Limited Multiple Family (RM-5), Mixed Use Residential (MUR), Waterfront (WF), Office Professional (OP), Neighborhood Commercial (NC)</b>
<b>Low Density Residential</b>	<b>Residential Single Family (RS-10, RS-6.5, RS-5), Hackleman-Monteith (HM), Residential Reserve (RR), Office Professional (OP), Neighborhood Commercial (NC)</b>
<b>Urban Residential Reserve</b>	<b>Residential Single Family (RS-10, RS-6.5, RS-5), Urban Residential Reserve (RR), Residential Multiple Family (RM-3), Residential Limited Multiple Family (RM-5), Mixed Use Residential (MUR), Neighborhood Commercial (NC), Office Professional (OP)</b>
<b>Public and Semi-Public</b>	<b>All zones</b>
<b>Open Space</b>	<b>Open Space (OS)</b>

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ARTICLE 3  
RESIDENTIAL ZONING DISTRICTS

*Staff Comment: The HM, Hackleman Monteith, zone is being relocated to this article from Article 14. The HM language is shown in bold even though the text is not new. No other changes are proposed to residential zoning districts at this time. No changes are proposed to 3.010 to 3 020 (1) through (7).*

ZONING DISTRICTS

3.020 Establishment of Residential Zoning Districts. In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following residential zoning districts are established:

- (8) **HM--HACKLEMAN-MONTEITH DISTRICT.** The HM district is intended primarily to preserve the existing single-family residential character of the Hackleman and Monteith Historic Districts. Conversion of single-family residential structures to other uses, including multi-family residential, is not allowed. Accessory apartments are allowed.

The intent of the HM district is to preserve existing single-family residences for that use, but not make existing multi-family development non-conforming. Existing multi-family developments within the HM district that were constructed for that purpose will remain conforming uses, as will other duplex and multi-family developments. A list of these specific existing developments is included in Section 14.080. The duplex and multi-family developments on this list are allowed uses, and are not subject to the restrictions that would otherwise apply if they were non-conforming uses. The requirements of any applicable overlay district do apply.

*Staff Comments: No changes are proposed to 3.035 to 3.040.*

SCHEDULE OF PERMITTED USES

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 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 3.080

Summary of Major Headings in the Schedule.

1.0 Residential	6.0 Parking Lots
2.0 Accessory Buildings and Uses	7 0 Public and Semi-Public Uses
3 0 Agriculture and Natural Resources	8.0 Recreation, Entertainment, Public Assembly
4.0 Antennas and Towers	9.0 Storage and Warehousing
5.0 Educational and Religious	[Ord. 5445, 4/12/00]

**RESIDENTIAL ZONING DISTRICTS**

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6 5	HM	RS 5	RM 5	RM 3	RH
1.000	RESIDENTIAL									
1 100	Single Family Residences:									
1.110	Single family detached, one dwelling per lot		A	A	A	<del>A</del>	A	A	A	*
1 120	Single family detached, more than one dwelling per lot [Ord. 5338, 1/28/98]	17	*	PD	PD	S	P D	S	S	*
1.130	Two units attached at common wall property line	1,2,3	*	C	C	*	S	S	S	*
1.140	Multiple single family attached units (condominiums)		*	PD	PD	*	S	S	S	S
1 145	Two or more single-family attached (townhouses) [Ord.5445, 4/12/00]	*	*	*	*	*	A	A	A	*
1.150	Conversion of multiple family to single family attached (Condominiums)		*	C	C	C	C	C	C	C
1.160	Manufactured homes on individual lots-except for lots located within the National Register Historic Districts or residential land adjacent to a historic landmark. [Ord. 5446, 5/10/00]		A	A	A	A	A	A	A	*
1.170	Manufactured home parks and subdivisions (See Article 10)		*	*	S	*	S	S	S	*
1.180	Home occupations (See Article 3)		A	A	A	A	A	A	A	A
1.200	Two-family Residences:									
1.210	Duplexes [Ord. 5445, 4/12/00]	1,2, 3	*	A	A	*	A	A	A	*
1.220	Primary residence with accessory apartment	4	A	A	A	<del>A</del>	A	A	A	*
1.300	Multiple Family Residences: 18 [Ord. 5338, 1/28/98]									
1.310	Located within Willamette River Greenway Boundary		*	*	*	*	*	C	C	C
1.320	Quad or quint apartment dwellings		*	*	*	*	*	S	S	*
1.330	All other multiple family dwellings		*	*	*	*	*	S	S	S
1 340	Conversion of multiple family to single family on individual lots	3								

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
1 400	Overnight Recreational Vehicle Parks (See Article 10)	5	*	*	*	*	*	C	C	*
1.500	Homes & Institutions Providing Special Services, Treatment, or Supervision:									
1.510	Group care home		A	A	A	A	A	A	A	A
1.520	Hospital		*	*	*	*	*	C	C	*
1.530	Child care home	6	A	A	A	A	A	A	A	S
1.540	Child care institution		C	C	C	C	C	C	S	S
1.600	Miscellaneous Rooms for Rent:									
1.610	Rooming houses, boarding houses		*	*	*	C	*	S	S	*
1.620	Bed & breakfast	7	C	C	C	C	C	C	S	*
1.700	Temporary Residence in Conjunction with New Construction, Emergency Repair, or Night Watchman Use	8	S	S	S	S	S	S	S	S
2.000	ACCESSORY BUILDINGS AND USES	9								
2.110	Accessory buildings, garages, carports meeting the standards in Special Condition 9. [Ord. 5281, 3/26/97]	9	A	A	A	A	A	A	A	A
2.120	Detached accessory buildings, garages, carports totaling less than 750 sq. ft. & having walls not greater than 11' in height.		A	A	A	A	A	A	A	A
2.130	Accessory buildings, garages, carports not meeting the standards in Special Condition 9. [Ord. 5281, 3/26/97]	9	S	S	S	S	S	S	S	S
2.200	Non-Residential Accessory Buildings and Uses	9	S	*	*	*	*	*	*	*
3.000	AGRICULTURE & NATURAL RESOURCES									
3.100	Crop Production Generally		A	A	A	*	A	A	A	*
3 200	On-site Retail Sales of Site-produced Seasonal Goods Exceeding 30 Days Duration		A	S	C	*	C	C	C	*
3.300	Plant Nurseries and Greenhouses		S	S	S	*	S	S	S	*
3.400	Temporary Staging Areas for Public Works Construction Projects in Excess of 6 Months Duration		C	C	C	*	C	C	C	*

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
3.500	Tree Felling: [Ord. 5445, 4/12/00]									
3.510	Felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) [Ord. 5445, 4/12/00]	10	S	S	S	S	S	S	S	S
3.600	Raising of Animals, Livestock (subject also to Albany Municipal Code Section 6.10)		A	A	A	*	A	A	A	*
3.700	Kennels	11	S	C	C	*	C	C	*	*
3.800	Animal Arenas, Commercial Stables, Equestrian Center		S	C	C	*	*	*	*	*
3.900	Development Within a Wetland as Designated on Plate 6 of the Comprehensive Plan		C	C	C	C	C	C	C	C
4.000	ANTENNAS & TOWERS									
4.100	Antennas, Regardless of Size, Owned & Operated by FCC Licenses Member of Amateur Radio Service		A	A	A	*	A	A	A	A
4.110	Private and public communication towers and antennas over 50 feet in height [Ord. 5281, 3/26/97]	16	*	*	*	A	*	*	*	*
4.200	Satellite Dish & All Other Antennas	12	A	A	A	A	A	A	A	A
5.000	EDUCATIONAL AND RELIGIOUS									
5.100	Private or Public Schools:									
5.110	Primary, elementary, & secondary school (includes associated grounds, facilities & administrative offices)	13	C	C	C	C	C	C	C	*
5.120	Colleges, universities, community colleges (including associated facilities like dorms, offices, athletic fields, stadiums, research facilities, etc.)		C	C	C	C	C	C	C	*
5.200	Churches, Synagogues, & Temples (includes associated structures for religious personnel, accessory uses like day nurseries; excludes elementary/secondary schools that require other permits)	13	C	C	C	C	C	C	C	*



	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6 5	HM	RS 5	RM 5	RM 3	RH
6 000	<b>PARKING LOTS</b>									
6.100	Vehicle & Equipment Parking not Incidental or Accessory to Another Use Located on the Same Property:									
6.120	Commercial parking, garages, pay lots		*	*	*	*	*	*	*	C
6.130	Off-site parking lots for commercial, education, religious, & institutional uses		*	*	*	*	*	C	C	*
6.200	All Other On-Site Parking Lots for Approved Uses		C	C	C	S	S	S	S	S
7.000	<b>PUBLIC &amp; SEMI-PUBLIC USES</b>		C	C	C	C	S	S	S	S
7.100	Emergency Services (e.g. police & fire stations, ambulance & rescue services)		C	C	C	C	C	C	C	*
7.200	Alleys, Streets, Highways, Bridges, Sidewalks, Bikepaths, & Related Transportation Facilities Subject Only to Special District Regulations of Article 11.		A	A	A	A	A	A	A	A
7.300	Utility Facilities:									
7.310	Neighborhood utilities including pump stations, electric substations less than 5,000 sq. ft. & all local utility lines		A	A	A	A	A	A	A	*
7.320	Regional/community utilities including treatment plants, storage facilities, regional transmission facilities, overhead power lines requiring tower support structures, etc.		C	C	C	C	C	C	C	*
7.400	Cemeteries, Crematoriums, & Mausoleums		S	S	S	C	S	S	S	*
8.000	<b>RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY</b>		S	S	S		S	S	S	*
8.100	Activities Conducted Primarily within Structures:									
8.110	Indoor racquet sports clubs; spas; athletic, exercise, & health clubs; and similar facilities not constructed as part of planned residential development [Ord. 5446, 5/10/00]		C	C	C	C	C	C	C	*
8.120	Youth clubs, senior centers, community centers [Ord. 5446, 5/10/00]		C	C	C	C	C	C	C	C
8.200	Activities Conducted Primarily Outside Enclosed Buildings									

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
210	Outdoor recreational facilities (e.g. golf & country clubs, driving ranges, swimming or tennis clubs, not constructed as part of planned residential development, equestrian trails.)		C	C	C	*	C	S	S	*
8.220	Public parks & recreational facilities located therein	14	C	C	C	*	C	C	C	*
8.230	Fairgrounds		C	C	C	*	C	C	*	*
9.000	<b>STORAGE &amp; WAREHOUSING</b>									
9.100	Warehousing or Storage of Goods Not Including Sale or Use of Those Goods on the Same Property Where They are Stored Except as Accessory Use Activity:									
9.110	Mini-warehouses	15	*	*	*	*	*	S	S	*

**SPECIAL STATUS**

**3.060 Existing Residential Uses Granted Special Status in the HM, Hackleman Monteith, District**

Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), properties listed below shall be deemed to be conforming with the base HM zoning district. If any building on these properties is substantially destroyed, as defined in ADC Section 2.340(4), it can be rebuilt to the same density as existed on the property at the time ADC Article 14 was first adopted on May 22, 1996, but will be subject to the regulations of any applicable overlay zone.

If any of the listed buildings are converted to single-family use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of this article. The special status granted here will be lost if it is determined that the use that existed at the time the zone was created was not then lawfully in existence.

The intent is that each and every legally established duplex and multi-family development, in areas previously zoned RM-3, RM-5, and OP only, that exists in the HM district at the time of adoption of Article 14 be listed here. Should an existing use not be listed here, the property owner may have the property listed upon showing that the use was legally established at the time of adoption of Article 14. Satisfactory evidence must be provided by the property owner or applicant to document that the use existed. Such evidence may consist of building permits, utility hookups, tax records, or telephone directory listings, for example.

- (1) 837/838/829/827 11th Avenue SW: 1-story fourplex
- (2) 1015 5th Avenue SW: two 2-story buildings: east building, 12 units; west building, 6 units
- (3) 640 7th Avenue SW/707 Vine Street SW: 1-story duplex
- (4) 628 Ferry Street SW: 2-story 10-unit apartment complex
- (5) 707/719 Washington Street SW: 1-story duplex
- (6) 908 Ferry Street SW: 1-story 12-unit apartment building

- (7) 928 Ferry Street SW: 7 units in house
- (8) 926/978 Ferry Street SW and 405/407 11th Avenue SW: 7 units
- (9) 827/829/837/838 11th Avenue SW: 1-story fourplex
- (10) 1030 11th Avenue SW: duplex
- (11) 625/635 Vine Street SW: duplex
- (12) 1241/1245 Vine Street SW: duplex
- (13) 505 3rd Avenue SE: 2-story fourplex
- (14) 526 3rd Avenue SE: 2-story fourplex
- (15) 627 3rd Avenue SE: 2-story, 6 units
- (16) 527 4th Avenue SE: 2-story duplex
- (17) 538 4th Avenue SE: 2-story duplex
- (18) 140 4th Avenue SE: 2-story duplex
- (19) 306 Baker Street SE: 2-story 8 units
- (20) 434 Baker Street SE: 2-story duplex
- (21) 140 5th Avenue SE: 2-story duplex
- (22) 208 5th Avenue SE: 2-story 8 units
- (23) 238/225/311 5th Avenue SE: 2-story, 3 units
- (24) 317 5th Avenue SE, A and B: 2-story duplex
- (25) 404 5th Avenue SE: two-story triplex
- (26) 505/526/540/423 5th Avenue SE: 2-story, 4 units
- (27) 423/425 and 614/616 5th Avenue SE: two 2-story each 2 units = 4 units
- (28) 637 5th Avenue SE: 2-story, 3 units
- (29) 540 6th Avenue SE: 2-1/2 story, 5 units
- (30) 509/519 and 521/524 6th Avenue SE: two 1-story buildings, 4 units
- (31) 625 Jefferson Street SE, A and B: 2-story, 2 units
- (32) 697 Jefferson Street SE: two-story, 6 units
- (33) 826/828 and 726/728 3rd Avenue SE: 2 one-story duplexes
- (34) 807A/807B and 805/805-1/2 3rd Avenue SW two 1-story duplexes
- (35) 728 4th Avenue SE: 2-story, 2 units
- (36) 420/422 4th Avenue SE: 1-story duplex
- (37) 617/619 Lafayette Street SE: 1-story duplex
- (38) 589 A/B/C Lafayette Street SE: 1-story triplex
- (39) 730 5th Avenue SE: 2-story triplex
- (40) 315 Montgomery Street SE: triplex
- (41) 513 7th Avenue SE: 1-story duplex

**(42) 430 6th Avenue SW: two-story, 12 units**

*No changes are proposed to 3.060 to 3.070 at this time.*

**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:

- (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. [Ord. 5338, 1/28/98]
  - (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. [Ord. 5338, 1/28/98]
  
- (7) In the HM, RS-6.5, RS-5 and RM-5 residential districts, Bed and Breakfast facilities shall:
  - (a) Be owner occupied.
  - (b) Be limited to a maximum of four guest bedrooms.
  - (c) Except for driveway spaces, not contain guest parking facilities in the front yard setback area or within 10 feet of any interior residential lot line.
  - (d) Provide at least one off-street parking space for each rental room
  
- (9) Beyond the standards provided herein for establishment of accessory buildings and uses, the definitions of "Accessory Building" and "Accessory Use" in Section 1 070 and Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed activity. See also Table 2 for Accessory Structure Standards.

Accessory buildings in residential districts that meet the following standards are not subject to Site Plan Review. They will be processed as Type I staff decisions. 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. [Ord. 5281, 3/26/97]

- (17) Where more than one single family residence is located on a lot of record in an RR, RS-10, RS-6.5, **HM**, or RS-5 zoning district, the lot may be split even if it does not meet the required minimum lot area and dimensional standards for the zoning district, if required setbacks and lot coverage can be met. [Ord. 5338, 1/28/98]

*No changes are proposed to 3.090 to 3.180.*

### **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. [Ord. 5445, 4/12/00]

**TABLE 1**

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

(11) Maximum 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)

[Table and footnotes amended by Ord 5281, 3/26/97, Ord 5338, 1/28/98, Ord 5445, 4/12/00]

*Staff Comment: No changes are proposed to Sections 3.200 to the end of Article 3*

## ARTICLE 4 COMMERCIAL & INDUSTRIAL ZONING DISTRICTS

*Staff Comment: The existing Article 5, Industrial Zoning Districts, is being folded into this Article. The current Article 5 will be deleted.*

4.010 Overview The ~~five~~ zones created in this article are intended to provide land for commercial, **office and industrial** uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. ~~The OP district encourages commercial development that is compatible with surrounding residential areas. The NC district provides for commercial activities at a neighborhood scale. The CC and CH allow commercial uses which have community or regional markets.~~ The regulations in this article promote uses **and development** ~~which~~ that will enhance the economic viability of specific commercial **and industrial** areas and the city as a whole. **Development may also be subject to the provisions in Article 8, Design Standards, Article 9, On-Site Development and Environmental Standards, and Article 12, Public Improvements.** Sites within overlay districts are also subject to the provisions in Article 6, **Special Purpose Districts**, and **Article 7, Historic Overlay Districts.**

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

### ZONING DISTRICTS

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

- (1) OP -- OFFICE PROFESSIONAL DISTRICT The OP district is intended ~~primarily for~~ **to provide a vertical or horizontal mixing of residential land uses with** of professional offices, **personal services, live-work, residential and limited** related ~~limited~~ commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses **and the desired character of the neighborhood.** ~~Such a district~~ **OP** is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.
- (2) NC -- NEIGHBORHOOD COMMERCIAL DISTRICT. The NC district is intended primarily for small areas of retail establishments serving nearby residents' **frequent** needs in convenient locations. The NC District is typically appropriate ~~to~~ **for** small clusters or service centers located **at intersections** within residential neighborhoods. **Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts.** Generally, uses located within NC Districts should have as their primary market area the population within a one-half-mile radius
- (3) CC -- COMMUNITY COMMERCIAL DISTRICT. The CC district **recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways.** **Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop.** **Sound and visual buffers should be used to mitigate impacts on**

~~nearby residential areas. is intended primarily for developments which have a wide range of retail sales and service establishments. The CC district is typically appropriate to large commercial clusters near intersections or along major thoroughfares.~~

(4) **RC -- REGIONAL COMMERCIAL DISTRICT.** The RC district is intended primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for developments that require large sites near Interstate 5. Design guidelines, building location and front-yard landscaping will provide an enhanced community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be appropriate in all locations.

~~(4) CH -- HEAVY COMMERCIAL DISTRICT. The CH district is intended primarily for areas where a mixture of commercial and light industrial activities which may have extensive outside storage, truck traffic and/or noise characteristics can occur. This district is most appropriate in outlying areas or in areas intended to be compatible with or a buffer to heavier industrial uses.~~

~~(5) The TS -- TOURIST SERVICES DISTRICT. The TS district is intended primarily for those businesses serving the tourist traffic along the I-5 corridor. The TS district may be applied to the Pacific Highway/I-5 interchange and the Santiam Highway/I-5 interchange. This zoning designation is appropriate for automobile fueling stations, food establishments, lodging and other related tourist services.~~

(5) **TD -- TRANSIT DISTRICT.** The TD district is intended primarily for regional transit facilities and related uses. This district is suitable as a major office employment center because of easy access to mass transit. Mixed-use development including a multi-modal transportation facility, a park-and-ride facility, and office space should be developed within this district.

(6) **IP -- INDUSTRIAL PARK DISTRICT.** The IP district is intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses.

(7) **LI -- LIGHT INDUSTRIAL DISTRICT.** The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.

(8) **HI -- HEAVY INDUSTRIAL DISTRICT.** The HI district is intended primarily for industrial uses and support activities that are potentially incompatible with most other uses and which are characterized by large amounts of traffic, extensive shipping of goods, outside storage or stockpiling of raw materials, by-products, or finished goods, and a controlled but higher level of noise and/or pollution. This district is located away from residential areas and has easy access to highways and perhaps to rail.

4.025 ~~Establishment of the OPEN SPACE DISTRICT. OS -- OPEN SPACE DISTRICT is intended for the establishment, continuation, and preservation of agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural areas, and other uses that do not involve the construction of structures other than~~



~~minor facilities that might be required to conduct the principal use. Uses that are allowed in the OS district are listed following the Schedule of Permitted Uses and do not appear in the Schedule (Staff Comment. The Open Space district is located elsewhere in the Code.)~~

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

<u>Special Purpose District</u>	<u>Additional Sections- Applicable Articles</u>
Floodplain	<del>Article 6 Sections 11.010-11.060</del>
Wetlands	<del>Article 6 Sections 11.210-11.230</del>
Willamette Greenway	<del>Article 6 Sections 11.110-11.150</del>
Airport Approach	<del>Article 6 Section 11.500</del>
<b>Hillside Development</b>	<b>Article 6</b>
<b>Historic Overlay</b>	<b>Article 7</b>

4.035 Relationship to State, Federal and Other Local Regulations. **In addition to the regulations of this Code, each use, activity, or operation in the City of Albany must comply with applicable state and federal standards. Other local regulations include those in Article 6, Special Purpose Districts, and those of the Building Division and Fire Department.**

### SCHEDULE OF PERMITTED USES

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

- (1) The schedule of permitted uses cannot anticipate all uses ~~which~~**that** may be located within the city. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan review, the entire development shall be reviewed utilizing the conditional use criteria if concurrent approval of all uses is sought.
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses.
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.070, OR
  - (b) When a property ~~which~~**that** has been unoccupied for more than one year and is non-conforming

under the provisions of Article 2 is proposed to be occupied.

4.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. **A description of each use category is in Article 22, Use Categories and Definitions.** The abbreviations used in the schedule have the following meanings.

- YA **Yes;** ~~Use-use~~ allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building
- CU Use **considered** ~~permitted~~-conditionally under the provisions of Sections 2 230-2.260.
- PD Use permitted only through Planned Development approval.
- \*N **No;** ~~Use-use~~ not ~~permitted~~-**allowed** in the ~~major~~-zoning district indicated.

**X/X Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use.**

A number opposite a use in the "special conditions" column indicates that special provisions apply to the use **in all zones**. **A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s).** The conditions are found following the schedule, in Section 4.080060.

Summary of Major Headings in the Schedule. The following is a list of the major use headings contained in the Schedule of Permitted Uses.

<del>Accessory Uses and Buildings</del>	<del>Public Uses</del>
<del>Agriculture and Natural Resources</del>	<del>Recreation and Entertainment</del>
<del>Antennas and Towers</del>	<del>Recycling, Salvage, Junk Yards</del>
<del>Assembly and Manufacturing</del>	<del>Residential</del>
<del>Eating and Drinking Establishments</del>	<del>Sales and Service of Goods and Equipment</del>
<del>Educational and Religious</del>	<del>Storage and Warehousing</del>
<del>Offices, Professional</del>	<del>Transportation</del>
<del>Parking Lots</del>	<del>[Ord. 5445, 4/12/00]</del>

## SCHEDULE OF PERMITTED USES

Commercial, Office and Industrial Uses									
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
<b>INDUSTRIAL</b>									
Contractors and Industrial Services		N	N	S-1	N	S-1	S-1	S-1	S
Manufacturing and Production	2	S/CU	N	S/CU-3	N	S/CU	S/CU	S/CU	S
Railroad Yard		N	N	N	N	S	N	S	S
Warehousing and Distribution		N	N	N	N	N	CU	S	S
Waste and Recycling Related	4	N	N	CU	N	N	N	S/CU	S/CU
Wholesale Sales		N	N	N	N	N	S-5	S	N
<b>COMMERCIAL</b>									
Adult Entertainment		N	N	S-6	N	N	N	CU-6	N
Entertainment and Recreation									
-Indoor		N	N	S-7	S-7	S	CU-7	CU-7	CU-7
-Outdoor		N	N	S	S	N	N	CU	CU
Offices		S	S	S	S	S	S-8	S-9	N
Parking		N	N	S	S	S	S	S	S
Restaurants, no drive-thru w/ drive-thru or mostly delivery		CU N	S CU-10	S S	S S	S N	S CU	N N	N N
Retail Sales and Service		S-11	S-11	S	S	S	S-11	N	N
Self-Serve Storage	12	N	N	S	S	N	CU	S	S-13
Vehicle Repair		N	N	S	S	N	N	S	N
Vehicle Service, Quick-gas/oil/wash		N	N	S	S	N	CU	N-14	N
<b>INSTITUTIONAL</b>									
Basic Utilities		CU	CU	CU	CU	CU	S	S	S
Community Services	15	S/CU	S/CU	S/CU	S/CU	S/CU	CU	CU	N
Daycare		CU	CU	S	N	N	S	CU	N
Educational Institutions	16, 17	N	N	CU	N	CU	CU	CU	N
Hospitals		CU	N	N	N	N	CU	CU	N
Jails and Detention Facilities		N	N	N	N	N	N	CU	N
Parks, Open Areas and Cemeteries	17	CU	CU	CU	N	CU	CU	CU	N
Religious Institutions	16	CU	CU	S	N	N	CU	CU	N
<b>RESIDENTIAL</b>									
Group or Residential Care Facilities	18	Y/S	Y/S	S	N	N	N	N	N
Assisted Living		CU	CU	CU	N	N	N	N	N
Single and Two Family Homes	20	Y/CU- 19	S	N	N	N	N	N	N
Live Work		S	S	N	N	S	S	S	N
Three or More Units		CU	N	N	N	N	N	N	N
Units Above a Business		S	S	S	CU	S	S	S	N
Residential Accessory Buildings	21	Y/S	Y/S	N	N	N	N	N	N
<b>OTHER CATEGORIES</b>									
Agriculture (on Vacant Land)	22	N	N	N	Y S	N	Y	Y	Y
Communication Facilities >= 50 ft.	23	N	N	CU	CU	CU	CU	S	Y
Kennels	24	N	N	N	CU	N	N	S	N
Passenger Terminals		N	N	S	CU	S	CU	CU	N
Rail And Utility Corridors		CU	CU	CU	CU	S	CU	S	S

Y = Yes, allowed, no Site Plan review required

N = No, not allowed

CU = Conditional Use review required

S = Site Plan review required

**SPECIAL CONDITIONS**

~~4.0604-080~~ **General.** Where numbers appear in the ~~matrix-Schedule~~ of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) **Contractors and Industrial Services in the CC, TD, IP and LI zones.**
  - (a) **Limited Uses.** Salvage or wrecking operations are prohibited in the CC, TD, IP and LI zones. See Section 4.290 for outside storage standards.
- (2) **Manufacturing and Production** The environmental performance standards of ~~Section 9.400 to 9.490~~ **Article 9** may limit the placement of certain uses in some districts. **If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval.** ~~by application of additional criteria not specified in this schedule.~~
- (3) **Manufacturing in the CC zone.** Manufacturing uses in CC must have a retail storefront and sell their products to the public on site.
- (4) **Waste and Recycling Related Uses in the CC, LI and HI zones.**
  - (a) **Limited uses in CC.** Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a Conditional Use review.
  - (b) **Limited uses in LI.** Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Site Plan review. Salvage yards, junkyards and refuse transfer stations are not permitted. All other material and recycling operations are considered through a Conditional Use review.
  - (c) **Limited uses in HI.** Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan review. Salvage yards, junkyards, sanitary landfills and refuse transfer stations require a Conditional Use review.
- (5) **Wholesale Sales in the IP zone.** This use is allowed in IP only if all operations and storage are conducted entirely within enclosed buildings.
- (6) ~~(7)~~ **Adult Entertainment.** Where allowed, Adult Entertainment uses shall meet the following standards:
  - (a) An adult entertainment use shall not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
  - (b) An adult entertainment use shall not be established or expanded within 300 feet of any other adult entertainment use.
  - (c) An adult entertainment use shall not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - (d) Exceptions to the above may be considered by the Variance procedures.
- (7) **Indoor Entertainment and Recreation in the CC, IP, LI and HI zones.**
  - (a) **Limited uses in CC.** Indoor firing ranges or gun clubs, coliseums, and stadiums are not permitted.
  - (b) **Limited uses in RC.** Indoor firing ranges or gun clubs are not permitted.
  - (c) **Limited uses in IP.** Exercise and health clubs or gyms are permitted through Site Plan review. Convention centers, coliseums and stadiums are considered through a Conditional

## SPECIAL CONDITIONS

~~4.0604.080~~ General. Where numbers appear in the ~~matrix-Schedule~~ of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) Contractors and Industrial Services in the CC, TD, IP and LI zones.
  - (a) Limited Uses. Salvage or wrecking operations are prohibited in the CC, TD, IP and LI zones. See Section 4.290 for outside storage standards.
- (2) Manufacturing and Production. The environmental performance standards of ~~Section 9.400 to 9.490~~-Article 9 may limit the placement of certain uses in some districts. **If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval.** ~~by application of additional criteria not specified in this schedule-~~
- (3) Manufacturing in the CC zone. Manufacturing uses in CC must have a retail storefront and sell their products to the public on site.
- (4) Waste and Recycling Related Uses in the CC, LI and HI zones.
  - (a) Limited uses in CC. Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a Conditional Use review.
  - (b) Limited uses in LI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Site Plan review. Salvage yards, junkyards and refuse transfer stations are not permitted. All other material and recycling operations are considered through a Conditional Use review.
  - (c) Limited uses in HI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan review. Salvage yards, junkyards, sanitary landfills and refuse transfer stations require a Conditional Use review.
- (5) Wholesale Sales in the IP zone. This use is allowed in IP only if all operations and storage are conducted entirely within enclosed buildings.
- (6) ~~(7)~~ Adult Entertainment. Where allowed, Adult Entertainment uses shall meet the following standards:
  - (a) An adult entertainment use shall not be established or expanded within 300 feet of the district boundary line of any residential zoning district
  - (b) An adult entertainment use shall not be established or expanded within 300 feet of any other adult entertainment use.
  - (c) An adult entertainment use shall not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - (d) Exceptions to the above may be considered by the Variance procedures.
- (7) Indoor Entertainment and Recreation in the CC, IP, LI and HI zones.
  - (a) Limited uses in CC. Indoor firing ranges or gun clubs, coliseums, and stadiums are not permitted.
  - (b) Limited uses in RC. Indoor firing ranges or gun clubs are not permitted.
  - (c) Limited uses in IP. Exercise and health clubs or gyms are permitted through Site Plan review. Convention centers, coliseums and stadiums are considered through a Conditional

**Use review. All other indoor entertainment uses are not permitted.**

- (d) **Limited uses in LI.** Indoor firing ranges or gun clubs, pool halls, paint gun, fairgrounds, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.
- (e) **Limited uses in HI.** Indoor firing ranges or gun clubs, pool halls, paint gun, motor racetrack, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.
- (8) **Offices in the IP zone.** Offices intended to serve customers on site are considered through the Conditional Use review. Offices with limited customer traffic are permitted through Site Plan review. See Article 22 for Office examples.
- (9) **Offices in the LI zone.** Offices intended to serve customers on site are not allowed. Offices with limited customer traffic are permitted through Site Plan review. See Article 22 for Office examples.
- (10) **Restaurants in the NC zone.** Drive-through restaurants are allowed in NC provided there are no more than two drive-through windows, and there is no speaker service (for ordering).
- (11) **Retail Sales and Services in the OP, NC and IP zones.**
  - (a) **Limited uses in OP, NC and IP.** The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum building footprint. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.
- (12) ~~(16)~~ **Self-Serve Storage.** These facilities ~~Mini-warehouses~~ are subject to the following standards
  - (a) The minimum driveway width between buildings ~~shall be~~ is 20 feet for one-way drives and 24 feet for two-way drives.
  - (b) The maximum storage unit size ~~shall be~~ is 1,000 square feet
  - (c) All outdoor lighting shall be shielded to prevent glare and reflection on adjacent properties
  - (d) Repair of autos, boats, motors and furniture; and the storage of flammable materials ~~shall are~~ ~~be~~ prohibited on the premises, and rental contracts shall so specify.
- (13) **Self-Serve Storage in the HI zone.** Self-Serve storage units are allowed in HI only on sites less than 3 acres.
- (14) **Truck Stops/Fuel Sales in the LI zone.** This use is classified as Contractors and Industrial Services, rather than Vehicle Service, Quick.
- (15) **Community Service Uses.** Community Service uses that may have significant off-site impacts, such as public swimming pools, public safety facilities and homeless shelters, may be considered through the Conditional Use process.
- (16) ~~(6)~~ **Educational and Religious Institutions.** The Conditional Use approval for educational and religious institutions includes the following secondary uses: educational activities, sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities ~~where that~~ constitute the use (excluding parking and travel to and from the site) take place on the site and ~~there is no~~ external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.

Any expansion must be reviewed through the conditional use process. Expansion of a school or church includes addition of building area, increase in parking lot coverage, or expansion of athletic facilities.

An educational institution having a capacity greater than twenty-five students must have a driveway designed for continuous forward flow of passenger vehicles for the purpose of safely loading and unloading children.

- (17) ~~(8) Public Park Development~~. ~~Park activity subject to conditional-Conditional Use review includes major development; expansions of activities and development within parks which-that currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use-Use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks~~
- (18) Group or Residential Care Facilities. Group care homes or “residential homes” (as defined in ORS) that include five or fewer residents are permitted outright in any zone that allows single-family residences. (This is indicated by a Y in the schedule.) Group or Residential Care Facilities (6 or more residents) require a Site Plan review.
- (19) Single and Two Family Homes in the OP zone. Single-family residences are allowed outright. Attached single-family units are allowed through the Planned Development process. Two-family residences require a Conditional Use review. See Special Condition 21 for accessory apartments.
- (20) Existing Single Family Homes. Single-family homes built before December 11, 2002, in any commercial or industrial zone may remain as a permitted use without being nonconforming. New single-family homes are not permitted unless allowed in the zoning district. See Section 4.075. Single-family includes attached units, one unit per lot.
- (21) Residential Accessory Buildings are permitted outright with residential uses if they meet the following conditions:
- (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls no more than eleven feet in height.
  - (b) Attached accessory buildings, garages or carports are less than 1,000 square feet.
  - (c) All other residential district accessory buildings, garages or carports require a site plan review.
- (22) Agriculture. All agricultural uses established before January 8, 2003, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. The raising of livestock as a new use is not permitted.
- (23) ~~(4) Antenna Communication Tower and Pole Placement Standards~~. Where allowed, **Communication Towers and Poles over 50 feet in height when measured from the ground are not permitted in front yard setbacks and must meet the standards in Section 8.400.**

~~The pPlacement of antennas, satellite dish antennas, and structures monopoles, including satellite dish antenna less than 50 feet in height when measured from the ground; or when located on a rooftop, within 15 feet of a rooftop, shall be-is permitted outright in all districts subject to the following standards:~~

- (a) ~~No antenna~~ **Antennas** or antenna supports shall **not** be located within any front yard setback area or within any required landscape buffer yard.

- (b) Dish antennas **larger than three feet in diameter, and** located within ten feet of a residential lot line or ~~located so as to be visible from a public street shall be screened up to a height with a of six-foot feet with a solid screen fence, wall, hedge, or other landscaping.~~
  - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
  - (d) Antennas **less than 50 feet in height and** not in conformance with the above may be considered by Conditional Use ~~Permit~~-review.
  - (e) See Section 8.400 for additional design standards for all telecommunications facilities. [Ord. 5445, 4/12/00]
- (24) ~~(3)~~ Kennels adjacent to residential districts are restricted to sites containing a minimum of two acres. This restriction does not apply to indoor veterinary hospital kennels.

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spec Cond	OP	NG	CC	CH	TS
1.000	<del>ACCESSORY BUILDINGS AND USES</del>						
1.100	<del>Within Residential Districts:</del>						
1.110	<del>Accessory buildings, garages, carports attached to the dwelling &amp; totaling less than 1,000 sq. ft.</del>	±	-A	*	*	*	*
1.120	<del>Detached accessory buildings, garages, carports totaling less than 750 sq. ft &amp; having walls not greater than 11' in height.</del>		-A	*	*	*	*
1.130	<del>All other residential district accessory buildings, garages and carports.</del>		-C	*	*	*	*
1.200	<del>Non-Residential Accessory Buildings and Uses</del>	±	-A	-A	A	A	-A
2.000	<del>AGRICULTURAL &amp; NATURAL RESOURCES</del>						
2.100	<del>Crop Production Generally</del>		-A	-A	A	A	-A
2.200	<del>On-site Retail Sales of Site-produced Seasonal Goods Exceeding 30 days duration</del>		-C	-S	S	S	*
2.300	<del>Plant Nurseries and Greenhouses</del>		-C	-C	C	S	*
2.310	<del>Bulk bales of landscape construction materials &amp; rock products</del>		*	*	C	C	*
2.400	<del>Mining, quarrying, Oil and Gas Extraction &amp; Asphalt-Concrete Batch Plants Including On-site Sales of Products</del>		*	*	*	C	*
2.410	<del>Temporary staging areas for Public Works construction projects in excess of 6 months duration</del>		-C	-S	S	S	*
2.500	<del>Tree Felling: [Ord. 5445, 4/12/00]</del>						
2.510	<del>Felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter)</del>	-2	-S	-S	S	S	*



*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spec Cond	OP	NG	CC	CH	TS
	[Ord. 5445, 4/12/00]						
2.520	Commercial firewood sales lots		-*	*	S	S	*
2.600	Development Within a Wetland as Designated on Plate 6 of the Comprehensive Plan		-C	-C	C	C	*
2.700	Services & Enterprises Related to Animals:						

2.710	Raising of Animals, Livestock (subject also to Albany Municipal Code Section 6.10)		-A	-A	A	A	*
2.720	Kennels	3	-*	*	*	C	
2.730	Animal Arenas, Commercial Stables, Equestrian Center		-*	*	*	S	*
2.740	Veterinarians, animal hospitals		-C	-C	S	S	*
3.000	ANTENNAS & TOWERS						
3.100	Public & Commercial Communication Towers & Transmitters Over 50 Feet in Height [Ord. 5445, 4/12/00]	17	-*	*	C	C	*
3.200	Antennas, Regardless of Size, Owned & Operated by FCC Licensed Member of Amateur Radio Service		-A	-A	A	A	*
3.300	Satellite Dish & All Other Antennas	4	-A	-A	A	A	A
4.000	ASSEMBLING, PROCESSING, ANALYZING, MANUFACTURING, PACKAGING, CREATING, TREATING, & RENOVATING GOODS, MERCHANDISE, FOOD, PRODUCTS & EQUIPMENT						
4.100	Operations & Related Storage Conducted Entirely Within Enclosed Buildings (except shipping & loading):						
4.110	Majority of dollar volume of business done with walk-in trade	5	-*	*	S	S	*
4.120	Majority of dollar volume of business not done with walk-in trade	5	-*	*	C	C	*
4.200	Operations Conducted Partially or Wholly Outside of Enclosed Buildings (including storage)	5	-*	*	*	C	*
5.000	EATING & DRINKING ESTABLISHMENTS						
5.100	No Substantial Carry Out or Delivery Service & No Drive In Service		-C	-S	S	S	*
5.200	Delicatessen, Bake Shop, & Sales of Other Prepared Food Products Where Substantial Consumption is Expected to Occur Off Premises and not Involving Drive Up or Delivery Service		-C	-S	S	S	*

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spee Cond	OP	NG	CC	CH	TS
5.300	<del>Food Establishments With Drive Up Windows</del>		-*	-*	S	S	S
5.400	<del>All Other Restaurants &amp; Eating Establishments</del>		-*	C	S	S	S
5.500	<del>Taverns, Bars, Nightclubs</del>		-*	-*	S	S	-*
6.000	<del>EDUCATIONAL AND RELIGIOUS</del>						
6.100	<del>Private or Public Schools:</del>						
6.110	<del>Primary, elementary, &amp; secondary school (includes associated grounds, facilities &amp; administrative offices)</del>	G	C	-*	C	-*	-*
6.120	<del>Trade or vocational schools</del>		C	-*	S	S	-*
6.130	<del>Colleges, universities, community colleges (including associated facilities like dorms, offices, athletic fields, stadiums, research facilities)</del>		C	C	C	-*	-*
6.200	<del>Churches, Synagogues, &amp; Temples (includes associated grounds, facilities &amp; administrative offices)</del>	G	C	C	S	S	-*
6.300	<del>Art Studios, Galleries, &amp; Centers, Fine Arts Conservatories, Music Schools, Dance Studios, &amp; Similar Cultural Uses (includes associated educational &amp; instructional activities)</del>		S	S	S	S	-*
6.400	<del>Libraries, Museums</del>		S	S	S	S	-*
6.500	<del>Fraternal Clubs &amp; Lodges, Union Halls</del>		-*	-*	S	S	-*
7.000	<del>OFFICES, SERVICES, &amp; RESEARCH NOT PRIMARILY RELATED TO ON-SITE RETAIL SALES OR MANUFACTURE OF GOODS OR MERCHANDISE</del>						
7.100	<del>Offices Intended to Attract &amp; Serve Customers or Clients on Premises (e.g. attorneys, physicians, counselors, financial institutions, insurance, travel agents, investment services, advertising agencies, real estate, mortuaries)</del>		S	S	S	S	-*
7.200	<del>Offices with Limited Customer or Client Traffic (e.g. corporate offices, newspaper, radio, &amp; television offices &amp; studios, engineers, answering or dispatch service)</del>		S	-*	S	S	-*
8.000	<del>PARKING LOTS</del>						

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spee Cond	OP	NC	CC	CH	TS
8.100	Vehicle & Equipment Parking not Incidental or Accessory to Another Use Located on the Same Property:						
8.110	Overnight or long-term vehicle or equipment storage lots (e.g. RV storage, contractor equipment storage)		-*	-*	*	S	-*
8.120	Commercial parking, garages, pay lots		-C	-C	S	S	-*
8.130	Off-site parking lots for commercial, education, religious, & institutional uses		-C	-C	S	S	-*
8.200	All Other On-Site Parking Lots for Approved Uses						
9.000	<b>PUBLIC &amp; SEMI-PUBLIC USES</b>						
9.100	Emergency Services (e.g. police & fire stations, ambulance & rescue services)		-C	-C	S	S	-*
9.200	Government Offices		-C	-*	S	S	-*
9.300	Alleys, Streets, Highways, Bridges, Sidewalks, Bikepaths, & Related Transportation Facilities Subject Only to Special District Regulations of Article 11		-A	-A	A	A	-A
9.400	Utility Facilities:						
9.410	Neighborhood utilities including pump stations, electric substations less than 5,000 sq. ft & all local utility lines		-A	-A	A	A	-*
9.420	Regional/community utilities including treatment plants, major power generation, major storage facilities, regional transmission facilities, major overhead power lines requiring tower support structures		-C	-C	C	C	-C
9.500	Cemeteries, Crematoriums, & Mausoleums		-*	-*	*	C	-*
10.000	<b>RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY</b>						
10.100	Activities Conducted Primarily within Structures:						
10.110	Bowling alleys, skating rinks, pool halls		-*	-*	S	S	-*
10.120	Indoor racquet sports clubs; spas; athletic, exercise, & health clubs; and similar facilities not constructed as part of planned residential development		-C	-C	S	S	-*
10.130	Youth clubs, senior centers, community centers		-C	-C	S	S	-*
10.140	Theaters		-*	-*	S	S	-*

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spec Cond	OP	NC	CC	CH	TS
10.150	Adult entertainment	7	-*	-*	S	S	-*
10.160	Games, amusements, arcades		-*	-*	S	S	-*
10.170	Coliseums, stadiums		-*	-*	C	C	-*
10.180	Indoor gun clubs		-*	-*	C	C	-*
10.190	Convention Center		-*	-*	S	S	-*
10.200	Activities Conducted Primarily Outside Enclosed Buildings:						
10.210	Outdoor recreational facilities (e.g. golf & country clubs, driving ranges, swimming or tennis clubs, etc. not constructed as part of planned residential development; equestrian trails)		-C	-C	C	C	-*
10.220	Miniature golf, skateboard parks, water slides, & similar uses		-*	-C	C	C	-*
10.230	Motor race tracks		-*	-*	*	C	-*
10.240	Drive in movie theaters		-*	-*	*	C	-*
10.250	Fairgrounds		-*	-*	C	S	-S
10.260	Public Parks and recreational facilities located therein	8	-C	-C	C	C	*
11.000	<b>RECYCLING, SALVAGE, JUNKYARDS</b>						
11.100	Recycling Centers:						
11.110	Processing & sorting operations conducted entirely within enclosed structures & containing a total building area of less than 5,000 sq. ft.		-*	-*	C	S	-*
11.120	All other material recycling operations excluding metal salvage yards & junkyards		-*	-*	*	C	-*
11.130	Refuse transfer stations		-*	-*	*	C	-*
12.000	<b>RESIDENTIAL</b>						
12.100	Single Family Residences:						
12.110	Single family detached, one dwelling per lot		-A	-S	*	*	-*
12.120	Single family detached, more than one dwelling per lot		-C	-*	*	*	-*
12.130	Two units attached at common wall property line	9, 10	-C	-*	*	*	-*

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spee Cond	OP	NG	CC	CH	TS
12.140	<del>Multiple single family attached units</del>		<del>PD</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>
12.150	Conversion of multiple family to single family attached (condominiums)	11	-S	-S	-S	*	*
12.160	Manufactured homes (See Article 10)		-C	*	*	*	*
12.170	Manufactured home parks and subdivisions (See Article 10)		*	*	*	*	*
12.180	<del>Single family attached to business use</del>		<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>*</del>
12.190	Home occupations (See Article 3)		-A	-A	A	A	*
12.220	Two Family Residences:						
12.210	Duplexes	9, 10	-C	*	*	*	*
12.220	Primary residence with accessory apartment	12	-C	-S	*	*	*
12.230	Two family residence located above first floor of business use		-C	-S	S	S	*
12.300	Multiple Family Residences:						
12.310	Located within Willamette River Greenway Boundary		-C	*	*	*	*
12.320	Located above first floor of business use		PD	-S	S	*	*
12.330	Quad or quint apartment dwellings		PD	*	*	*	*
12.340	All other multiple family dwellings		PD	*	*	*	*
12.400	Overnight Recreational Vehicle Parks (See Article 10)		*	*	C	S	-S
12.500	Homes & Institutions Providing Special Services, Treatment, or Supervision:						
12.510	Group care home		-A	-S	A	A	*
12.520	Hospital		-C	-C	S	S	*
12.530	Child care home	13	-A	-A	A	A	*
12.540	Child care institution		-C	-C	S	C	*
12.550	Jails & detention facilities		*	*	C	S	*
12.600	Miscellaneous Rooms for Rent Situations:						
12.610	Rooming houses, boarding houses		*	*	S	*	*

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spec Cond	OP	NG	CC	CH	TS
12.620	Bed & breakfast home		-C	-*	-S	*	*
12.630	Hotels & motels		-*	-*	-S	-S	-S
12.700	Temporary Residence in Conjunction with New Construction, Emergency Repair, or Night Watchman Use	14	-S	-S	-S	-S	-S
13.000	<del>SALES, RENTAL &amp; SERVICING OF GOODS, MERCHANDISE &amp; EQUIPMENT</del>						
13.100	<del>Automotive, Marine, Trucks, RV's, Agricultural Machinery:</del>						
13.110	Sales & rentals, including servicing		-*	-*	-S	-S	-*
13.120	Parts & accessories sales which may include installation services		-*	-*	-S	-S	-*
13.130	Service, minor repair, & detail shops		-*	-*	-S	-S	-S
13.140	Paint & body work & major repair (e.g. frame straightening, engine rebuilding)		-*	-*	-S	-S	-*
13.150	Automobile oriented fuel sales with or without accessory service bays or accessory convenience sales		-*	-C	-S	-S	-S
13.160	Car washes		-*	-C	-S	-S	-*
13.170	Truck fuel sales, truck servicing, overnight trucking facilities & related services		-*	-*	-C	-S	-*
13.200	<del>High Volume Traffic Generation Uses Conducted Within Enclosed Buildings:</del>						
13.210	Retail sales serving frequent neighborhood needs (e.g. grocery, small hardware & garden supply, pharmacies, video rentals, stationery, flowers, etc.)	15	-C	-S	-S	-S	-*
13.220	Other retail sales		-*	-C	-S	-S	-*
13.230	Miscellaneous rental merchandise & equipment		-*	-C	-S	-S	-*
13.240	Servicing of goods, merchandise, equipment (e.g. laundromats, small appliance repair, shoe repair, tailoring)		-*	-S	-S	-S	-*
13.250	Personal services (e.g. barber & beauty shops, therapeutic massage, tanning salons)		-S	-S	-S	-S	-*

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spee Cond	OP	NG	CC	CH	TS
13.260	Wholesale sales		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.300	<del>Low Volume Traffic Generation Uses Conducted Within Enclosed Buildings:</del>						
13.310	Retail sales (e.g. furniture, appliance, floor covering, building supplies, industrial supplies)		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.320	Miscellaneous equipment, appliances, & furniture rental		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.330	Servicing of appliances, furniture, lawn & garden, industrial, mechanical, heating & cooling, & other bulky equipment or merchandise		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.340	Services offered primarily off site (e.g. janitorial, contractors, carpet cleaning, catering, landscaping, utility services)		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.350	Wholesale sales		<del>—</del> *	<del>—</del> *	C	S	<del>—</del> *
13.400	<del>High Volume Traffic Generation Uses Involving Storage or Display Outside Fully Enclosed Building:</del>						
13.410	Retail sales (e.g. lawn & garden variety stores with regularly maintained outdoor sales, building supplies)		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.420	Servicing merchandise & equipment		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.430	Wholesale sales		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.500	<del>Low Volume Traffic Generation Uses Involving Storage or Display Outside Fully Enclosed Building:</del>						
13.510	Retail sales & related services		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.520	Miscellaneous goods & equipment rental		<del>—</del> *	<del>—</del> *	S	S	<del>—</del> *
13.530	On-site servicing of appliances, furniture, lawn & garden, heating & cooling, industrial, mechanical & other bulky equipment or merchandise		<del>—</del> *	<del>—</del> *	C	S	<del>—</del> *
13.540	Services offered primarily off site. (See 13.340)		<del>—</del> *	<del>—</del> *	C	S	<del>—</del> *
13.550	Wholesale sales		<del>—</del> *	<del>—</del> *	C	S	<del>—</del> *
14.000	<del>STORAGE &amp; WAREHOUSING</del>						

*The Schedule of Permitted Uses is proposed to be replaced with the new schedule on Page 4-5.*

	USE DESCRIPTIONS	Spee Cond	OP	NC	CC	CH	TS
14.100	<del>Warehousing or Storage of Goods Not Including Sale or use of These Goods on the Same Property Where They are Stored Except as Accessory Use Activity</del>						
14.110	<del>All storage within completely enclosed structures</del>		—*	—*	—*	S	—*
14.120	<del>Outside storage or combination of inside &amp; outside storage</del>		—*	—*	—*	€	—*
14.130	<del>Mini-warehouses/self-service storage facilities intended for domestic storage</del>	16	—*	—*	€	S	—*
15.000	TRANSPORTATION						
15.100	Bus Stations		—*	—*	€	S	—*
15.200	Train Stations		—*	—*	S	S	—*
15.300	Taxi Business		—*	—*	S	S	—*
15.400	Trucking		—*	—*	—*	S	—*
15.500	Railroad Switching Yard & Major Loading & Unloading Facilities		—*	—*	—*	S	—*
15.600	Heliport		—€	—*	€	€	—*

*Staff Comment: The remaining special conditions have been incorporated into other parts of the Code (for example, tree felling is in Article 9) or are no longer needed.*

**SPECIAL CONDITIONS**

(1) ~~Beyond the standards provided herein for establishment of accessory buildings and uses, the definitions of “Accessory Building” and “Accessory Use” in Section 1.070(2) and Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed building to any proposed activity. See also Table 2, Article 3, for Accessory Structure Standards.~~

(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. [Ord. 5445, 4/12/00]~~



- ~~(9) In the OP District, duplexes must be located on corner lots except in Planned Developments.~~
- ~~(10) Duplexes are permitted outright in the OP District on corner lots designated at the time of subdivision approval where all adjacent parcels are under the same ownership.~~
- ~~(11) Multiple family dwellings may be converted to unit ownership through Site Plan Review.~~
- ~~(13) "Child Care Home" includes daytime care of less than thirteen children including the children of the provider. These homes may require a license by the State of Oregon Children's Services Division.~~
- ~~(14) Temporary residences are limited to one year in duration except for night watchman.~~
- ~~(15) The only retail uses allowed in the OP district are those which primarily serve the clients of the professional offices, e.g. pharmacies, eye glass shops, and flower shops.~~

### **SPECIAL STATUS FOR SINGLE FAMILY RESIDENCES**

4.075 Existing Uses Granted Special Status (Allowed) in the Commercial, Office and Industrial Districts. Notwithstanding the restrictions of any other section of the Albany Development Code (ADC), **all single-family residential dwellings built before January 1, 2002, on commercial or industrially zoned properties listed below shall be deemed to be are considered as conforming with the base commercial district.** If any building on these properties is substantially destroyed, as defined in ADC 2.340(4), ~~it can may~~ be rebuilt to the same density-size as existed ~~on the property at the time when the use was added in this section it was destroyed,~~ subject to the regulations of any applicable overlay district. ~~If any of the listed buildings are an existing single-family residence is converted to a permitted commercial, office or industrial use, the special status granted here is rescinded, and the use of the property shall must thereafter conform to the requirements of Article 4. The special status granted here shall be lost if it is determined that the use which existed at the time it was added to this Section was not then lawfully in existence.~~

- ~~(1) 1024 9th Avenue SE, single family residence~~
- ~~(2) 1028 9th Avenue SE, single family residence~~

*Staff Comments: The Open Space District uses is proposed to be deleted from this Article because it is located elsewhere in the Code.*

### **OPEN SPACE DISTRICT USES**

~~4.060 Uses Allowed Outright. The following uses are permitted outright in the OS district:~~

- ~~—— (1) Crop production generally.~~
- ~~(3) Alleys, streets, highways, bridges, sidewalks, bikepaths, and related transportation facilities, subject only to the Special District regulations of Article 11.~~
- ~~—— (3) Neighborhood utilities, including pump stations, electric substations less than 5,000 square feet and all local utility lines.~~
- ~~—— (4) Raising of animals and livestock, subject also to Albany Municipal Code Section 6-10.~~
- ~~—— (5) One single family dwelling on a legally created lot that existed prior to July 1, 1991, and where the floodplain standards of Section 11.010 can be met. No additional land divisions will be approved.~~

4.070 ~~Uses Permitted Conditionally~~ The following uses are permitted conditionally under Section 2.170:

- ~~(1) Detached residential accessory buildings, garages and carports.~~
- ~~(2) Non-residential accessory buildings and uses.~~
- ~~(3) On-site retail sales of site-produced seasonal goods exceeding 30 days duration.~~
- ~~(4) Plant nurseries and greenhouses.~~
- ~~(5) Mining, quarrying, oil and gas extraction and asphalt-concrete batch plants including on-site sales of products.~~
- ~~(6) Temporary staging areas for Public Works construction projects in excess of 6 months duration.~~
- ~~(7) Removal of 5 or more trees in excess of 10 inches in diameter (see special condition 2.)~~
- ~~(8) Development within a wetland as designated on Plate 6 of the Comprehensive Plan.~~
- ~~(9) Outdoor recreational facilities (e.g. golf and country clubs, driving ranges, swimming or tennis clubs, equestrian trails, etc. not constructed as a part of planned residential development).~~
- ~~(10) Public parks and recreational facilities located in a public park. See special condition 14, Article 3.~~
- ~~(11) Fairgrounds.~~
- ~~(12) On-site parking lots for approved uses (parking lots not listed as permitted in other categories.)~~
- ~~(13) Regional/community utilities including treatment plants, major power generation, major storage facilities, regional transmission facilities, major overhead power lines requiring tower support structures, etc.~~

### DEVELOPMENT STANDARDS

4.090 Purpose. Development standards are intended to promote site planning and design ~~which that~~ consider the natural environment;; maintain the required dimensional standards while promoting energy conservation, ~~needed~~-privacy, ~~and~~ 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~~-**following** the table, which address special circumstances and exceptions. Design standards for multiple-family and commercial development ~~and zones~~ are located in Article 8. **Industrial uses in commercial, office or mixed-use zoning districts must also meet the design standards for commercial and office development.** [Ord. 5445, 4/12/00]

**TABLE 1**

<b>Commercial &amp; Industrial District Development Standards</b>									
<b>STANDARD</b>	<b>OP</b>	<b>NC</b>	<b>CC</b>	<b>RC</b>	<b>CH</b>	<b>TD</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>
<b>MINIMUMS</b>									
Lot size (sq ft)	<del>5,000 s.f.</del> <b>(1)</b>	<del>6,000 s.f.</del> <b>(1)(2)</b>	<del>15,000 s.f.</del> <b>None</b>	<b>None</b>	<b>25,000 s.f.</b>	<b>None</b>	<b>3 acres(4)</b>	<b>None</b>	<b>None</b>
Lot width	<del>40'(1)</del> <b>None</b>	<del>60'</del> <b>None</b>	<del>100'</del> <b>None</b>	<b>None</b>	<b>125'</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
Lot depth	<del>80'(1)</del> <b>None</b>	<del>80'</del> <b>None</b>	<del>150'</del> <b>None</b>	<b>None</b>	<b>200'</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
Front setback	<del>15'-10'</del>	<del>15'-10'</del>	<del>5'-10'</del>	<b>10'</b>	<b>40'</b>	<b>10'</b>	<b>15' (11)</b>	<b>15' (11)</b>	<b>15'</b>
Interior setbacks - abutting non-res'l	<b>5' (4)</b>	<b>None</b>	<b>None</b>	<b>None</b>	<del>(6)</del>	<b>None</b>	<b>15' (6)</b>	<b>None</b>	<b>None</b>
Interior setbacks-abutting res'l district	<b>(5)</b>	<b>(5)</b>	<b>(5)</b>	<b>(5)(6)</b>	<del>(5)</del>	<b>(5)(6)</b>	<b>30'(11)</b>	<b>40'(11)</b>	<b>50'</b>
<b>MAXIMUMS</b>									
Lot size (sq. ft.)	<b>None</b>	<b>30,000(2)</b>	<b>None</b>	<b>None</b>	<b>N/A</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
Height (8)	<b>30'</b>	<b>30'</b>	<b>50'</b>	<b>None</b>	<del>No limit</del>	<b>None</b>	<b>50' (12)</b>	<b>None</b>	<b>None</b>
Lot Coverage (7)	<b>70%</b>	<del>70</del> <b>80%</b>	<b>90%</b>	<b>90%</b>	<del>No limit</del>	<b>None</b>	<b>80%</b>	<b>None</b>	<b>None</b>
Landscaped Area (3)	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<del>100%</del>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Open Space	<b>(9)</b>	<del>N/A(9)</del>	<del>N/A(9)</del>	<b>N/A</b>	<del>N/A</del>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

N/A means not applicable.

- (1) ~~The minimum lot size for residential units is 1,600 s.f. per unit. No minimum lot size is required for non-residential development. 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) ~~New NC zones may be no more than 30,000 s.f. of contiguous land. 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'. The minimum lot size for supporting commercial uses may be smaller than 3 acres.~~
  - (5) Yards abutting residential districts and/or uses require 1 foot of setback for each foot of finished wall height with a minimum setback of 10 feet. ~~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, access, and sidewalk~~ area coverage
  - (8) Unless in Airport Approach Overlay District
  - (9) Ten or more multiple-family units require open space. See Section 8.220
  - (10) ~~The maximum business footprint for supporting commercial uses in IP (retail and personal or professional services) is 5,000 square feet.~~
  - (11) ~~Based on height, a minimum of 30-35 ft. and When adjacent to or across the street from residentially zoned land, the setback shall be 1 foot for every 1 foot of building height over 30 ft, not to exceed 50 ft. Building height may increase in height ("step" up) as the setback increases. For example, at the minimum setback, a building may be 30 feet tall, but may increase in height up to 50 feet when set back 50 feet from the property line.~~
  - (12) Higher structures permitted by Conditional Use approval
- [Table and footnotes amended by Ord 5445, 4/12/00]

**SETBACKS**

- 4.100 Minimum Standards. All setbacks ~~shall~~**must** meet the minimum standards ~~as set forth in Table 1 or 2, Development Standards.~~ In addition to the setbacks in this Article, all development must comply with Section ~~6-160~~**12.180**, Clear Vision Area. See also ~~Table 2, Article 3, Table 2,~~ Accessory Structure Standards.
- 4.110 Measurements. Setback distances ~~shall~~**must** be measured perpendicular to all portions of a lot ~~property~~ line.

4.130 Setback Alternate in Developed Areas. When an addition or new development is proposed ~~to be located~~ in an area containing the same types of uses ~~that were~~ ~~which have been~~ developed to a previous setback standard, the Director or review body may approve setbacks ~~which that~~ are the same as those for the existing buildings on the site for additions, or the same as those for buildings on ~~adjoining-abutting~~ parcels for new development. In such instances, the Type I procedure ~~shall~~ **will** be used to process requests, and approval ~~shall~~ **will** be based upon the following criteria.

- (1) The ~~amount of~~ area between buildings is sufficient ~~to provide for~~ adequate property maintenance and rear yard access
- (2) If there are non-accessory structures on both abutting lots with front yards ~~of less than the~~ depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting structures
- (3) If there is a non-accessory structure on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth ~~one-half-way~~ between the depth of the abutting front yard and the required front yard depth.
- (4) A driveway extending not less than 20 feet from the street right-of-way must precede on-site parking spaces or structures.
- (5) **For detached dwellings, No** wall of one dwelling unit ~~is~~ **may be** closer than 10 feet ~~from~~ to a window of another dwelling unit
- (6) All other provisions of this Code must be met.

4 140 General Exceptions to Setback Requirements The following ~~intrusions~~ may project into required yards, provided that they **conform to the** conditions and limitations indicated: ~~are adhered to~~

- (1) Depressed Areas. In any **zoning** district, open-work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls, may be located in required yards, provided that ~~such the~~ devices are not more than 3-1/2 feet ~~in height~~ **tall**.
- (2) Projecting Building Features. The following ~~building features~~ may project into the required front yard ~~no more than up to~~ five feet and into the required interior yards ~~no more than up to~~ two feet:
  - (a) Awnings, eaves, buttresses, architectural appendages (~~examples such as, but not limited to, bay windows, planters, cantilevered stairways~~).
  - (b) Chimneys and fireplaces, provided they do not exceed eight feet in width.
  - (c) Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height: structures ~~under 30 or less~~ inches ~~or less~~ are not subject to setback provisions).
  - (d) **Projecting Ssigns must conforming** to applicable ordinance requirements. **See Article 13, Sign Code.**

4 150 Zero Lot Line. Any residential ~~structure~~ **dwelling** or accessory building may be located on the property line ~~wherre~~:

- (1) There are no openings or windows in the ~~lot line~~ wall **abutting the property line**. Additionally, a 10-foot setback and maintenance easement must be recorded on the adjoining property deed or plat. This easement **shall be written so it** is not revocable without City approval.

or OR

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

4.160 Setbacks for Dwellings. The interior yard requirements for attached single-family dwellings ~~shall be~~ **is** 0 where the units adjoin, however, all other setbacks ~~shall~~ **must** conform to the other requirements of this Code. The yard requirements for residential uses do not apply ~~where to~~ a dwelling ~~is~~ legally located above a commercial use. [Ord. 5445, 4/12/00]

4.170 Setbacks and Fencing for Swimming Pools. Swimming pools ~~shall~~ **must** conform to the setback regulations for main buildings, except that outdoor swimming pools ~~shall~~ **must** be set back ~~not less than~~ **at least** 10 feet from all interior lot lines. Also, all swimming pools ~~shall~~ **must** be fenced or equipped with electric alarm systems ~~in such a manner as to that~~ prevent **entry** or alarm upon entry. Required pool fencing must be ~~at least minimum~~ **of** four feet ~~in height tall~~ and ~~be equipped with~~ **have** a self-locking gate ~~which that~~ closes automatically.

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

4.190 Special Willamette River Setback ~~&~~ and Height Restrictions Except for water-related and water-dependent uses (see definitions, Article 22), all construction must be located outside the floodway line as defined for a 100-year storm. Development structure heights and setbacks south of the Willamette River ~~shall~~ **may** not extend above a plane ~~which that~~ begins at the floodway line and extends directly south. The angle of this plane ~~shall~~ **will** be as follows:

- (1) For ~~riverwater~~-oriented uses, the angle ~~shall~~ **will** be 30°.
- (2) For non- ~~riverwater~~-oriented uses, the angle ~~shall~~ **will** be 15°.

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

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

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

4.210 Special Setbacks for Schools, Churches ~~Educational and Religious Institutions~~, Public and Semi-Public Buildings. Any new construction of a school, church, or public or semi-public building ~~shall~~ **must** be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. ~~No required front or interior yard of the lot on which such building or use is located may be used for~~ **stockpiling or storage** of materials or equipment is

**not permitted in the required front or interior setbacks.** All other setbacks of the district ~~with~~ **where** the property is located ~~continue to apply~~.

4.220 Parking Restrictions in Setback Areas. Required parking and loading spaces ~~shall~~**may** not be located in a required front or side ~~yard~~**setback**, ~~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 all industrial and commercial zones, required parking may be permitted in required front and interior yards where the minimum landscaping and buffering requirements have been met.~~

**HEIGHT**

4.230 Height Standards. See Table 1 for **commercial zone** height restrictions and **Table 2 for industrial zone height restrictions.**

4.240 Height Exceptions.

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this article, provided that no roof structure, feature, or any other device above the prescribed height limit ~~shall~~**may** be allowed or used for the purpose of providing additional floor space.
- (2) Churches Religious Institutions and Public and Semi-Public Buildings. In **zoning** districts where churches and certain public and semi-public buildings require Conditional Use approval, the height restrictions may be waived as a part of the Conditional Use proceedings, provided that a request for such has been noted in the public hearing notice

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

4.250 Parking Standards. Off-street parking and loading ~~shall~~**must** be provided for all development in the amounts indicated in Table 2 and ~~shall~~**must** be developed in accordance with Article 9. ~~When square feet is specified, the area measured be is 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 9.080-7.080 (7), Joint Use of Parking Facilities.~~

**TABLE 2  
PARKING REQUIREMENTS FOR COMMERCIAL & INDUSTRIAL USES**

USE	SPACES REQUIRED
Air, rail and motor freight terminals	Subject to site plan review
Animal hospitals and clinics	1 per 400 sq ft GFA
Banks and financial institutions	1 per 200 sq ft on first floor plus 1 per 600 sq ft above first floor

USE	SPACES REQUIRED
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Bowling alleys	4 per lane
Building materials sales	1 per 500 sq ft. GFA
<del>Central Business District retail trade (excluding members of downtown off-street parking assessment district)</del>	1 per 3 employees plus 1 per 400 sq ft sales area
Churches and other places of religious assembly	1 per 6 seats or 12 feet of bench length (1)
Commercial recreation and assembly	Subject to site plan review
Drive-in restaurants	1 per 50 sq ft GFA
Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Funeral houses	1 per 4 seats or 8 feet of bench length
Furniture, machine and office equipment sales	1 per 500 sq ft GFA plus 1 per 3 employees
Golf courses (including clubhouses and accessory uses)	Subject to site plan review
Greenhouses and nurseries	2 per employee
High schools, colleges and universities	Subject to site plan review
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
<del>Industrial uses</del>	<del>See Section 5-120</del>
Laundries and cleaners	1 per 300 sq ft GFA
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 sq ft GFA
Manufacturing, production or processing <del>storage and wholesale types</del>	1 per 2 employees plus 1 per company vehicle <del>See Section 5.240 [Ord 5338, 1/28/98]</del>
Medical and dental clinics	1 per 200 sq ft GFA
Meeting rooms, private clubs and lodges	1 per 100 sq ft GFA plus 1 per 200 sq ft GFA (2)
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Motor vehicle repair and service stations	1 per each 2 employees plus 2 per each service stall
Offices all business and professional	1 per 300 sq ft GFA
Philanthropic, charitable and nonprofit institutions (excluding churches)	1 per 2 employees plus 1 per 500 sq ft GFA
Radio and television stations and studios	1 per 2 employees plus 1 per 300 sq ft over 2,000 sq ft GFA
Rail and bus passenger terminals	5 plus 1 per 100 sq ft waiting area

USE	SPACES REQUIRED
Residential uses	Off-street parking not required
Sales and rental of motor vehicles, trailers, mobile homes, boats, modular houses	2 per employee
Shopping centers, food, drugs, hardware, variety and department stores	1 per 200 sq ft sales floor area
Sit-down and carry-out restaurants, taverns, bars and nightclubs	1 per 100 sq ft GFA
Skating rinks	1 per 200 sq ft GFA
Specialty shops and other retail stores (under 6,000 sq ft)	1 per 300 sq ft GFA plus 1 per 3 employees
Stadiums, grandstands, coliseums, auditoriums and theaters	1 per 4 seating capacity (3)
Swimming pools, for pool only	10 plus 1 per 150 sq ft pool surface area
<b>Testing, repairing, cleaning, servicing of materials, goods or products and warehousing and wholesale</b>	<b>1 per 2 employees plus 1 per 300 sq ft of patron serving area, plus 1 per company vehicle</b>
<b>Warehousing and wholesale</b>	<b>1 per 2 employees plus 1 per 300 sq ft of patron serving area plus 1 per company vehicle</b>
<b>Wrecking yards and junkyards</b>	<b>1 per employee plus 1 per 10,000 sq ft lot area</b>

- (1) On-street parking within 500 feet of the building, except in residential areas, may be used toward fulfilling this requirement.
- (2) On-street parking in non-residential areas within 800 feet of the main assembly room or building may be used toward fulfilling this requirement.
- (3) On-street parking in non-residential areas within 1,000 feet of the main assembly room or building may be used toward fulfilling this requirement.

4.260 Loading Standards. ~~All necessary~~ Loading spaces for commercial buildings and uses shall be off the street, and shall be provided in addition to the required parking spaces, and shall meet the following requirements:

- (1) Vehicles in the berths shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (2) A school having a capacity greater than twenty-five students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (3) The minimum area required for commercial loading spaces is as follows:
  - (a) 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  - (b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
  - (c) 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- (4) The required loading area shall not be less than ten feet ~~in width~~ **wide** by twenty-five feet ~~in length~~ **long** and shall have an unobstructed height of fourteen feet.
- (5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (6) Loading areas shall be subject to the same provisions as parking areas relative to plan



New text is identified by bold type. Text proposed to be deleted is identified in ~~strike through~~. EXHIBIT C  
information, setbacks, buffering/screening requirements, and lighting.

## LANDSCAPING

4.270 General. ~~All yards~~ **The required front and interior setback yards adjacent to a street** (see Table 1), exclusive of accessways and other permitted intrusions, ~~are required to~~ **must** be landscaped prior to ~~before~~ occupancy or ~~within one year of building occupancy~~ in accordance with Section 9.190. ~~7.011.~~ **The** ~~M~~minimum landscaping acceptable per 1000 square feet of required setback yard areas in all commercial **and industrial zones shall be as follows:**

~~(1) One (1) tree at least six feet in height.~~

~~(2)~~ **(1)** Five ~~(5)~~ five-gallon or eight ~~(8)~~ one-gallon shrubs, trees, **perennials**, or accent plants.

~~(3)~~ **(2)** The remaining area treated with ~~suitable~~ living ground cover, lawn, or ~~decorative treatment~~ of bark, rock, or other attractive ground cover.

**In addition, one tree at least six feet in height is required for every 30 feet of street frontage.**

**For parking lot landscaping requirements, see Article 9.**

## BUFFERING AND SCREENING

4.280 General. Buffering and screening may be required to offset the impact of development. See Sections ~~9.120~~ **9.280 through 9.325.** [Ord. 5445, 4/12/00]

## OUTSIDE STORAGE

4.290 General.

(1) ~~In the NC, OP, TD and IP any Commercial zoning districts, outside storage or display of materials, junk, parts, or merchandise shall not be~~ **is not permitted, except for automobile sales (where allowed).** ~~within required front yards or buffer areas.~~

(2) **In the PB and CC zones, outside storage is allowed if screened from the public rights-of-way with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This provision excludes automobile and plant sales. Display of goods is not permitted.**

(3) **In the RC zone:**

~~a.~~ **(a)** ~~Open storage~~ Exterior display of goods is permitted **except in the required front yard setback or buffer yard. Display is limited to a sample of goods offered for sale by the establishment. Display areas may not be used for storage. Display areas may not expand beyond 25 percent of the primary street frontage and must be designated on the site plan.** ~~not listed in (1) above.~~ Display areas adjacent to residential districts or uses must be set back at least 10 feet and must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material.

~~b.~~ **(b)** Exterior storage is permitted in interior yards, but is excluded from required buffer yards and minimum required setback areas. Storage areas adjacent to residential districts or uses must be screened from view with ~~enclosed with~~ a sight-obscuring fence, wall, ~~or~~ hedge, or a berm, any or all of which must be constructed of non-combustible material. This enclosure ~~shall~~ **must** be located on the property at the

required setback line as if the berm, fence, wall, or hedge ~~were~~ **was** a building.

- (4) In the LI and HI zones, except for required setback areas, outside storage is permitted in interior yards. Outside storage is allowed in front yards (excluding the front setback), provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm, any or all of which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge was a building.
- (5) Where outside storage is permitted,
  - (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet in height above the elevation of the storage area.
  - (b) ~~Open~~ **Outside** storage over six feet in height must be screened by landscaping in accordance with 9.320 (1).

General:

- ~~(6) In any Commercial district, outside storage or display of materials, junk, parts, or merchandise shall not be permitted within required front yards or buffer areas.~~
- ~~(2) Open storage is permitted in yards not listed in (1) above, provided that such storage is enclosed with a sight-obscuring fence, wall, or hedge, or a berm, any or all of which must be constructed of non-combustible material. This enclosure shall be located on the property at the required setback line as if the berm, fence, wall, or hedge were a building.~~
  - ~~(a) Materials and equipment stored as permitted in this subsection shall be no more than 14 feet in height above the elevation of the storage area.~~
  - ~~(b) Open storage over six feet in height shall be screened by landscaping.~~

4.300 Screening of Refuse Containers. The following standards apply to all development, except for one- and two-family dwellings. Any refuse container or disposal area ~~which~~ **that** would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, ~~shall~~ **must** be screened from view by placement of a sight-obscuring fence, wall, or hedge a ~~minimum of at least 6 feet in height~~ **tall**. All refuse materials ~~shall~~ **must** be contained within the screened area. ~~No refuse disposal areas container shall may not be located in required setbacks or buffer yards and must be placed within at least 15 feet from of any dwelling window.~~

## FENCES FOR COMMERCIAL AND INDUSTRIAL USES

4.310 **Commercial and industrial establishments that elect to construct a fence not required under the provisions of this Code shall meet the following standards. Where screening is required of the development, the fence shall meet the provisions of (4) below and Section 9.250. Fences for residential uses, see Sections 3.400 to 3.410.**

Materials Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows:

- (1) Barbed wire is permitted atop a six foot (6') chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet. Barbed wire only fences and concertina wire are prohibited except as allowed in subsection (2).
- (2) Concertina wire may be used around correctional institutions and high security areas provided that the fences are posted at least at 15-foot intervals with clearly visible warnings of the

hazard.

- (a) Except as specified in the provisions of subsections (1) and (2) above, concertina wire, barbed wire, or upturned barbed selvage existing at the time of the passage of this ordinance that is between six and seven feet above grade in the commercial districts shall be considered a legal non-conforming use, provided that the barbed wire or upturned barbed selvage does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way.
- (3) Fences are limited to the height and locational standards listed below:
  - (a) Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard planting area and outside of any vision clearance area
  - (b) Fences more than six (6) feet in height require Building Permits
- (4) Wherever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions:
  - (a) Opacity. In order to be "sight-obscuring," fences and walls will be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall Hedges will be of an evergreen species ~~which~~**that** will meet and maintain year-round the same standard within three (3) years of planting.
  - (b) Height Fences and walls will be a minimum of six feet in height Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height and health when planted.
  - (c) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met.

4.320 Standards Every fence, whether or not approved as a result of Site Plan Review, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

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**ARTICLE 14 5**  
**CENTRAL ALBANY MIXED USE VILLAGE CENTER ZONING DISTRICTS**

*Staff Comment: Article 14, Central Albany, is being moved and renamed to Article 5, Mixed Use Village Center Zoning Districts. The article includes the existing mixed-use zones in the Central Albany area and Village Center zones. All zoning districts in this Article are compatible with the new Village Center Comprehensive Plan designation. The current Article 14, Central Albany, would then be empty and would be deleted.*

~~145.000~~ **Purpose.** 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, of Albany's mixed-use zoning districts. The mixed-use zones implement the concepts identified in the Balanced Development Patterns Project (2001) and the Town Center Plan (Central Albany Land Use and Transportation Study, CALUTS, 1996). These zoning districts are compatible with the Village Center Comprehensive Plan designation applied in the Central Albany area, North Albany, east of Interstate 5 on Knox Butte Road, and south of Oak Creek near Highway 99E (Pacific Boulevard). The mixed-use zones may be applied outside of the Village Center plan designation.

~~14.010~~ **Applicability.** The regulations below apply to those areas shown on Figure 14-1.

~~145.020~~ **Overview.** The mixed-use Village Center zoning districts are the center of neighborhood and commercial activity, providing a horizontal or vertical mix of retail and residential uses to serve nearby neighborhoods. Other uses may include offices, community and personal services, and live work units. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to the adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center. The Village Center zones differ in permitted uses, development standards, and design based on the unique objectives of each center. Design standards may be adopted to define the unique architectural and streetscape features of each Village Center. Medium-density residential development that provides a mix of housing choices is located adjacent to the Village Center commercial zone. The ten zoning districts described in this article are intended to implement the land use districts identified in the Town Center Plan. The differences among the zones in permitted uses and development standards relate to the urban design objectives and concepts described in the Town Center Plan. The districts can be divided into two categories, one primarily residential and the other primarily commercial in character. The HM and MUR zones are intended to be primarily residential zones, with some commercial uses allowed in the MUR zone to provide a mixed use environment both horizontally and vertically. The other zones are primarily commercial in character, but, in some cases, allow high density residential development. The MUI zone is intended to allow existing light industrial uses to continue, but to facilitate a transition to a mixed use residential zone.

Development may also be subject to the provisions in Article 8, Design Standards; Article 9, On-Site Development and Environmental Standards; and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions in Article 6, Special Purpose Districts, and Article 7, Historic Overlay Districts.

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

145.030 Establishment of Village Center Central Albany Zoning Districts. In order to implement the mixed-use and livability concepts in the Town Center and Albany Comprehensive Plans, the following zoning districts are created:

- (1) HD--HISTORIC DOWNTOWN DISTRICT. The HD district is intended primarily for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, night life and specialty shops. High-density residential infill **on upper floors** is encouraged, as is the continued presence of the government center and supporting uses
- (2) CB--DOWNTOWN CENTRAL BUSINESS DISTRICT. The CB district is intended primarily for retail and services that support Historic Downtown businesses and residents. Mixed uses are encouraged both horizontally and vertically. High-density residential infill, **especially on upper floors**, and office employment are both encouraged.
- (3) MUR--MIXED USE RESIDENTIAL DISTRICT. The MUR district is intended primarily to create a residential district with a mixture of neighborhood commercial uses allowed to meet daily needs of area residents. Water and open space oriented high-density residential uses are encouraged
- (4) ~~WF--WATERFRONT MUI--MIXED USE LIGHT INDUSTRIAL DISTRICT~~. The ~~MUI~~ **WF** district is intended to **allow** the properties along the Willamette River to transition to **medium- or high-density residential uses while** ~~but at the same time~~ preserving the viability of existing light industrial businesses in this area. Both residential and light industrial uses are allowed in this zoning district, and regulations are provided to facilitate compatibility.
- (5) ~~(6)~~ LE--LYON-ELLSWORTH DISTRICT. The LE district is intended primarily as a location for development that serves the Historic Downtown district and Downtown Central Business District. This district is the most desirable location in the Central Albany area for parking structures with ground-floor commercial uses ~~and screened surface parking lots~~.
- (6) ~~(5)~~ MS--MAIN STREET DISTRICT. The MS district is intended primarily as an ~~industrial park/research and development~~ employment center with supporting commercial and retail services for residents and employees in the area. Retail, restaurant or night uses that impact surrounding residences are discouraged.
- (7) ~~(4)~~ ES--ELM STREET DISTRICT. The ES district is intended primarily to provide **enough** land for Albany General Hospital and associated medical uses **while maintaining compatibility with adjacent residences in scale and design. Light commercial and personal services are encouraged to serve the nearby residents.** Removal of existing residences and landscapes is discouraged. **New parking facilities should be underground or completely screened.** Only the amount of parking that is necessary should be allowed for uses in this district, to minimize the amount of land ~~used-consumed~~ by parking.
- (8) PB--PACIFIC BOULEVARD DISTRICT. The PB district is intended as an auto-oriented commercial area **along Pacific Boulevard in the Central Albany area**. Design guidelines **and front-yard** landscaping will **provide a coordinated look** and enhance **the community image along this major corridor** as it develops or redevelops. Sound and visual buffers should be used to protect nearby residential areas.

*Staff Comment: The TD, Transit District, zone is moving from Article 14 to Article 4 with the other commercial and industrial districts.*

- ~~(7) TD--TRANSIT DISTRICT. The TD district is intended primarily for regional transit facilities and related uses. This district is suitable as a major office employment center because of easy access to mass transit. Mixed use development including a multi-modal transportation facility, a park and ride facility, and office space should be developed within this district.~~

**(9) MUC--MIXED-USE COMMERCIAL DISTRICT. (Reserved)**

~~(9) HM HACKLEMAN MONTEITH DISTRICT. The HM district is intended primarily to preserve the existing single family residential character of the Hackleman and Monteith Historic Districts. Conversion of single family residential structures to other uses, including multi family residential, is not allowed. Accessory apartments are allowed.~~

~~The intent of the HM district is to preserve existing single family residences for that use, but not make existing multi family development non conforming. Existing multi family developments within the HM district that were constructed for that purpose will remain conforming uses, as will other duplex and multi family developments. A list of these specific existing developments is included in Section 14.080. The duplex and multi family developments on this list are allowed uses, and are not subject to the restrictions that would otherwise would apply if they were non conforming uses. The requirements of any applicable overlay district do apply.~~

*Staff Comment: The HM, Hackleman Monteith, zone was created through the Town Center Plan and is a residential zone. HM is proposed to move to Article 3, Residential Zoning Districts, to be housed with the other residential zones.*

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

<u>Special Purpose District</u>	<u>Additional Sections Applicable Articles</u>
Floodplain	<del>Article 6 Sections 6.070 – 6.16</del>
Wetlands	<del>Article 6 Sections 6.270 – 6.300</del>
Willamette Greenway	<del>Article 6 Sections 6.310 – 6.370</del>
<b>Airport Approach</b>	<b>Article 6</b>
<b>Hillside Development</b>	<b>Article 6</b>
Historic Overlay	<del>Article 7 Sections 7.000 – 7.350</del>

**5.45 Relationship to State, Federal and Other Local Regulations.** In addition to the regulations of this Code, each use, activity, or operation in the City of Albany must comply with applicable state and federal standards. Other local regulations include those in Article 6, Special Purpose Districts, and those of the Building Division and Fire Department.

**SCHEDULE OF PERMITTED USES**

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

- (1) The schedule of permitted uses cannot anticipate all uses ~~which~~ **that** may be located within the city. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a conditional use

where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.

- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan Review, the entire development shall be reviewed utilizing the conditional use criteria if concurrent approval of all uses is sought
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.070, OR
  - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

544.060 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. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings:

- AY Yes; ~~U~~ use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building
- CU Use considered conditionally under the provisions of Sections 2.230 - 2.260.
- PD Use permitted only through Planned Development approval.
- N\* No; ~~U~~ use is not permitted in the major zoning district indicated.
  
- X/X Some zones have two abbreviations (ex. Y/CU) for a use category. Refer to the special condition to determine what review process is required based on the details of the use.

A number appearing opposite a use in the "special conditions" column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). These conditions are found following the schedule in Section 5.070.

~~Summary of Major Headings in the Schedule~~. The following is a list of the major use headings contained in the Schedule of Permitted Uses.

- |   |  |
|---|--|
| <del>1.0 Accessory Buildings and Uses</del>       | <del>9.0 Public and Semi Public Uses</del>                 |
| <del>2.0 Agriculture and Natural Resources</del>  | <del>10.0 Recreation, Entertainment, Public Assembly</del> |
| <del>3.0 Antennas and Towers</del>                | <del>11.0 Recycling, Salvage, Junkyards</del>              |
| <del>4.0 Assembly and Manufacturing</del>         | <del>12.0 Residential</del>                                |
| <del>5.0 Eating and Drinking Establishments</del> | <del>13.0 Sales, Rental and Servicing of Goods</del>       |
| <del>6.0 Educational and Religious</del>          | <del>14.0 Storage and Warehousing</del>                    |
| <del>7.0 Offices, Services</del>                  | <del>15.0 Transportation</del>                             |
| <del>8.0 Parking Lots [Ord. 5445, 4/12/00]</del>  |  |

*Staff Comment: The old Schedule of Permitted Uses is located after the new one-page Schedule and the Special Conditions.*

**SCHEDULE OF PERMITTED USES**

<b>Mixed-Use Village Center Uses</b>									
<b>Use Categories (See Article 22 for use category descriptions.)</b>	<b>Spec. Cond.</b>	<b>WF</b>	<b>HD</b>	<b>CB</b>	<b>LE</b>	<b>PB</b>	<b>MS</b>	<b>ES</b>	<b>MUR</b>
<b>INDUSTRIAL</b>									
Contractors and Industrial Services	1	S	N	S	S	S	N	N	N
Manufacturing and Production	2	S/CU	S/CU	S/CU	S/CU	N	N	N	N
Warehousing and Distribution		CU-3	N	N	N	N	N	N	N
Waste and Recycling		CU-4	N	N	N	N	N	N	N
Wholesale Sales		N	N	CU	N	N	N	N	N
<b>COMMERCIAL</b>									
Adult Entertainment	5	N	S	S	N	N	N	N	N
Entertainment and Recreation									
Indoor		CU-6	S	S	S	S-6	S-6	S-6	CU
Outdoor		CU-7	N	CU-7	N	S	N	N	N
Offices		S	S	S	S	S	S	S	S
Parking		S-8	CU	CU	S	S	S	CU-8	CU
Restaurants, no drive-thru		S	S	S	S	S	S	S	S
with drive-thru or mostly delivery		N	N	N	S	S	N	N	N
Retail Sales and Service		CU-9	S	S	S	S	S-10	S-10	S-10
Self-Serve Storage	11	CU	N	N	N	N	N	N	N
Vehicle Repair		CU	N	CU	N	S	N	N	N
Vehicle Service, Quick (gas/oil/wash)		S	N	N	N	S	S	S	N
<b>INSTITUTIONAL</b>									
Basic Utilities	12	CU	CU	CU	CU	CU	CU	CU	CU
Community Services	13	CU	S	S	S	S	S	S	CU
Daycare		S	S	S	N	CU	S	S	S
Educational Institutions	14	CU	CU	CU	CU	N	CU	CU	CU
Hospitals		CU	CU	S	S	CU	N	CU	CU
Jails & Detention Facilities		N	N	N	N	N	N	N	N
Parks, Open Areas and Cemeteries	15	CU	CU	CU	CU	CU	CU	CU	CU
Religious Institutions	14	CU	CU	S	S	CU	CU	CU	CU
<b>RESIDENTIAL</b>									
Group or Residential Care Facilities	16	Y/S	Y/S	Y/S	Y/S	N	Y/S	Y/S	Y/S
Assisted Living		CU	CU	CU	CU	CU	CU	CU	CU
Single and Two Family Homes	17	S-18	N	CU-18	N	N	N	CU-18	Y
Live Work		S	S	S	S	N	S	S	S
Three or More Units	19	S	N	CU	S	N	CU	CU	S
Units Above Business		S	S	S	S	S	S	S	S
Residential Accessory Buildings	20	Y/S	Y/CU	Y/CU	CU	N	S/CU	Y/CU	Y/S
<b>OTHER CATEGORIES</b>									
Agriculture (on Vacant Land)	21	N	N	N	N	N	N	N	N
Communication Towers & Poles >= 50 ft.	22	N	N	CU-23	CU-23	CU-23	N	CU-23	N
Kennels	24	N	N	N	N	N	N	N	N
Passenger Terminals		N	CU	CU	CU	S	CU	N	N
Rail And Utility Corridors		CU	N	CU	CU	CU	CU	CU	N

Y = Yes allowed, no Site Plan review required

N = No, not allowed

CU = Conditional Use review required

S = Site Plan review required



## SPECIAL CONDITIONS

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

- (1) **Contractors and Industrial Service Uses in the WF, CB, LE and PB zones.**
  - (a) **Prohibited Uses.** Salvage or wrecking operations. See Section 5.360 for outside storage standards by zone.
- (2) ~~(5)~~ **Manufacturing.** The environmental performance standards of Section 9.400 to 9.490 **Article 9** may further limit the placement of certain uses in some districts. **Developments on sites located within 300 feet of residentially zoned land may require a Conditional Use approval.** ~~by application of additional criteria not specified in this schedule.~~
- (3) **Warehousing and Distribution in the WF zone.**
  - (a) **Outside Storage.** Operations and related storage (except shipping and loading) must be conducted entirely within enclosed buildings.
- (4) **Waste and Recycling Related Uses in the WF zone.**
  - (a) **Limited Uses.** The only waste and recycling related uses allowed in the WF zone are transfer stations, excluding sheet and scrap metal and hazardous waste recycling or collection.
  - (b) **Outside Storage.** Operations and related storage must be conducted entirely within enclosed buildings.
- (5) ~~(8)~~ **Adult Entertainment.**
  - (a) An adult entertainment use **or store** may not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
  - (b) An adult entertainment use may not be established or expanded within 300 feet of any other adult entertainment use.
  - (c) An adult entertainment use may not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - (d) Exceptions to the above may be considered by the Variance procedures.
- (6) **Indoor Entertainment and Recreation in the WF, PB, MS, and ES zones.**
  - (a) **Conditional Uses in WF.** The following indoor entertainment and recreation uses require a Conditional Use approval in WF: convention centers, bowling alleys, skating rinks, pool halls, games, amusements, arcades and similar uses.
  - (b) **Prohibited Uses in WF and PB.** The following indoor entertainment and recreation uses are prohibited in WF and PB: movie theaters, indoor firing ranges, paint gun, coliseums, stadiums and similar facilities.
  - (c) **Limited Uses in MS and ES.** Only the following indoor entertainment and recreation uses are allowed in MS and ES: athletic or exercise facilities, bowling alleys, skating rinks, pool halls, games, amusements, arcades and uses with similar impacts. All other indoor entertainment and recreation uses are prohibited.
- (7) **Outdoor Entertainment and Recreation in the WF and CB zones.**
  - (a) **Conditional Uses in WF and CB.** The following outdoor entertainment and recreation uses are allowed with a Conditional Use approval: tennis courts, miniature golf, skateboard parks and similar uses.

- (8) **Parking in the WF and ES zones.**
- (a) **Limited Uses.** Parking facilities are limited to parking structures.
- (9) **Retail Sales and Service in the WF zone.** All retail uses in the WF zone require a Conditional Use approval.
- (a) **Limited Uses.** The only retail uses allowed in the WF zone are: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; rental and repair-oriented services limited to small appliance repair, shoe repair, tailoring and miscellaneous furniture, apparel and appliance rental. All other retail uses are prohibited.
- (10) **Retail Sales and Service in the MS, ES, and MUR zones.**
- (a) **Limited Uses in MS, ES and MUR.** The following retail uses are permitted: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. All other retail uses are prohibited. See Article 22 for descriptions of convenience-oriented and personal service-oriented commercial uses.
- (11) **Self-Serve Storage.** These facilities are subject to the following standards (*Staff Comment: these are not new; they come from Article 4*):
- (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
- (b) The maximum storage unit size is 1,000 square feet.
- (c) All outdoor lighting shall be shielded to prevent glare and reflection on adjacent properties.
- (d) Repair of autos, boats, motors and furniture and storage of flammable materials are prohibited on the premises, and rental contracts shall so specify.
- (12) **Basic Utilities.** In all mixed-use village center zones, new regional/community utilities including treatment plants, major power generation and storage facilities, major overhead power lines requiring tower support structures, and utilities with potential visual or off-site impacts are prohibited. All other Basic Utilities are considered through the Conditional Use review.
- (13) **Community Service Uses.** Community Service uses that may have significant off-site impacts, such as public swimming pools, public safety facilities and homeless shelters, may be considered through the Conditional Use process.
- (14) ~~(6)~~ **Conditional Use Approval for schools and churches Religious and Educational Institutions** includes the following secondary uses educational activities; sports and other recreational activities; religious activities; political activities, meals programs, before- and after-school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.

Expansion of an **educational or religious institution** ~~schools or churches~~ includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities Any expansion must be reviewed through the conditional use process

An **educational institution** ~~schools~~ having a capacity greater than twenty-five students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

- (15) ~~(9)~~ Public park development activity subject to conditional use review includes major development; expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks.
- (16) **Group or Residential Care Facilities.** Group care homes or “residential homes” (as defined in ORS) that include five or fewer residents are permitted outright in any zone that allows single-family residences outright. (This is indicated by a Y in the schedule.) Residential group care facilities (6 or more residents) require a Site Plan review.
- (17) **Existing Single Family Homes.** Single-family homes built before December 11, 2002, may remain as a permitted use in any zone without being nonconforming. See Section 5.080.
- ~~(10)~~ **Accessory Apartments.** One accessory apartment is permitted as an addition to or within a single-family residence when, hereafter called the “primary residence,” or in an existing detached accessory structure built before February 1, 1998, that is located on one lot or contiguous lots under one ownership, and that results in no more than two units per lot. Accessory apartments are intended to be incidental and subordinate to the primary residence and must meet the following regulations:
- (a) One of the residences is owner-occupied.
  - (b) The size of an accessory apartment may not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 800 square feet, whichever is less. ~~The apartment remains incidental to the primary residence in size and appearance-~~
  - (c) ~~For detached accessory apartments, the parcel on which the apartment will be built meets~~ **The size of the property meets** the minimum single-family lot area requirements for the zoning district in which the lot is located.
  - (d) The front door of an accessory apartment may not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the apartment front door is set back at least five feet from the front facade of the primary residence.
  - (e) At least two off-street parking spaces are provided on the property to serve the two residences.
  - (f) Exterior additions must substantially match the existing materials, colors and finish of the primary structure.
  - (g) The property owner must obtain all required building permits and go through historic review if on the Local Historic Inventory.
- (18) **Single and Two Family Homes in the WF, CB and ES zones.**
- (a) **Limited Uses.** New single-family and two-family homes are limited to attached units (one unit per lot or condominiums), and duplexes (two units per lot).
- (20) **Residential in CB, MS and ES.** Dwelling units at the street level are discouraged unless located behind a retail, service or office storefront.

**(21) Residential Accessory Buildings.**

Accessory buildings are permitted outright in MUR, WF, HD, CB and ES, and with Site Plan review in MS, if they meet the following conditions:

- (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven feet in height.
- (b) Attached accessory buildings, garages or carports are less than 1,000 square feet.

Accessory buildings are considered through a Conditional Use review in LE if they meet the following condition:

- (c) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven feet in height.

All other residential accessory buildings, garages or carports require a Site Plan review in RM-5, MUR, WF and ES, and are considered through a Conditional Use review in HD, CB and MS. (This is indicated by the use of a "/" in the matrix. For example, "Y/S" means accessory uses that don't meet the standards above require a Site Plan review.)

Accessory buildings in the National Register Historic Districts require historic review. See Article 7 for review process and criteria.

For accessory apartments, see Special Condition 17.

- (22) Agriculture.** All agricultural uses in existence before December 11, 2002, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land.

- (23) Communication Tower and Pole Placement Standards.** The placement of antennas, satellite dishes and monopoles less than 50 feet in height when measured from the ground or within 15 feet of a roof top is permitted outright in all districts subject to the following standards and those found in Section 8.400:

- (a) No antennas, antenna supports, satellite dishes ~~and or~~ monopoles shall be located within any front yard setback area or within any required landscape buffer yard.
- (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or ~~located so as to be visible from a public street,~~ shall be screened up to a height of ~~with a six-foot feet with a solid screen fence, wall, hedge, or other landscaping.~~
- (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
- (d) Towers are not permitted.
- (e) Antennas, satellite dishes, monopoles and other communication structures less than 50 feet in height, not in conformance with the above, may be considered through a Conditional Use review.

~~(14) See Section 8.400 for additional design standards for all telecommunications facilities. [Ord. 5445, 4/12/00]~~

- (24) In CB, LE, PB and ES,** communication towers and poles at least 50 feet in height when measured from the ground or over 15 feet above a rooftop, may be considered through a Conditional Use review. No communication structure is allowed in any front yard setback.

- (25) Kennels.** Kennels do not include indoor veterinary hospital kennels.

*Staff Comments: The table below is the current Schedule of Permitted Uses found in Article 14. It is proposed to be replaced with the Mixed-Use Village Center Zones Table on page 5-5.*

**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec																				
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES										
1.000	<del>ACCESSORY BUILDINGS AND USES</del>																					
1.100	<del>Residential Accessory Buildings:</del>																					
1.110	Accessory buildings, garages, carports attached to the dwelling & totaling less than 1,000 sq.	-1	A	A	A	A	S	C	*	*	A	A										
1.120	Detached accessory buildings, garages, carports totaling less than 750 sq. ft. & having walls not greater than 11' in height		A	A	A	A	S	*	*	*	A	A										
1.130	All other residential district accessory buildings, garages and carports		C	C	S	S	C	C	*	*	S	C										
1.200	<del>Non-Residential Accessory Buildings and Uses</del>	-1	A	A	C	A	A	A	A	A	*	A										
2.000	<del>AGRICULTURAL &amp; NATURAL RESOURCES</del>																					
2.100	<del>Crop Production Generally</del>		*	*	A	A	*	*	*	*	*	*										
2.200	<del>On-site Retail Sales of Seasonal Goods Exceeding 30 Days Duration</del>		*	*	C	S	*	*	*	*	*	*										
2.300	<del>Plant Nurseries and Greenhouses</del>		*	*	*	S	C	*	*	C	*	*										
2.310	<del>Bulk sales of landscape construction materials &amp; rock products</del>		*	*	*	S	*	*	*	C	*	*										
2.400	<del>Mining, Quarrying, Oil and Gas Extraction &amp; Asphalt concrete Batch Plants Including On-site Sales of Products</del>		*	*	*	C	*	*	*	*	*	*										
2.500	<del>Tree Felling:</del>																					
2.510	Felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) [Ord. 5445, 4/12/00]	-2	S	S	S	S	S	S	S	S	S	S										
2.520	Commercial firewood sales lots		*	*	*	S	*	*	S	S	*	*										
2.600	Development Within a Wetland		C	C	C	C	C	C	C	C	C	C										
2.700	<del>Services &amp; Enterprises Related to Animals:</del>																					
2.710	Raising of animals, livestock (subject also to Albany Municipal Code Section 6.10)		*	*	*	A	*	*	*	*	*	*										

*Staff Comments: The table below is the current Schedule of Permitted Uses found in Article 14. It is proposed to be replaced with the Mixed-Use Village Center Zones Table on page 5-5.*

**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
2-720	Kennels	-3	*	*	*	S	*	*	*	*	*	*
2.730	Animal arenas, commercial stables, equestrian center		*	*	*	C	*	*	*	*	*	*
2.740	Veterinarians, animal hospitals		S	S	*	S	S	S	S	S	*	C
3.000	<b>ANTENNAS &amp; TOWERS</b>											
3.100	Public & Commercial Communication Towers & Transmitters over 50 Feet in Height [Ord. 5445, 4/12/00]	14	C	C	*	C	C	C	C	C	*	*
3.200	Antennas, Regardless of Size, Owned & Operated by FCC licensed Member of Amateur Radio Service		A	A	A	A	A	A	A	A	A	A
3.300	Satellite Dish & All Other Antennas	-4	A	A	A	A	A	A	A	A	A	A
4.000	<b>ASSEMBLING, PROCESSING, ANALYZING, MANUFACTURING, PACKAGING, CREATING, TREATING, &amp; RENOVATING GOODS, MERCHANDISE, FOOD, PRODUCTS &amp; EQUIPMENT</b>											
4.100	Operations & Related Storage Conducted Entirely Within Enclosed Buildings (Except Shipping & Loading).											
4.110	Majority of dollar volume of business done with walk-in trade	-5	S	S	*	S	S	S	S	S	*	*
4.120	Majority of dollar volume of business not done with walk-in trade	-5	C	C	*	S	S	C	C	C	*	*
4.200	Operations Conducted Partially or Wholly Outside of Enclosed Buildings (Including Storage)	-5	*	C	*	S	*	*	C	*	*	*
5.000	<b>EATING &amp; DRINKING ESTABLISHMENTS</b>											
5.100	No Carry-out or Delivery Service & No Drive-in Service		S	S	S	S	S	S	S	S	*	C
5.200	Delicatessen, Bake Shop, & Sales of Other Prepared Food Products Where Most Consumption Is Expected to Occur Off-premises		S	S	*	S	S	S	S	S	*	*
5.300	Food establishments with drive-up windows [Ord. 5338, 1/28/98]		*	*	*	S	*	S	*	S	*	*
5.400	All other restaurants & eating establishments		S	S	C	S	C	S	S	C	*	C

*Staff Comments: The table below is the current Schedule of Permitted Uses found in Article 14. It is proposed to be replaced with the Mixed-Use Village Center Zones Table on page 5-5.*

**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
5.500	Taverns, bars, nightclubs		S	S	C	S	C	S	S	C	*	*
5.600	Brew/pub		S	S	S	S	C	C	C	*	*	*
6.000	<del>EDUCATIONAL AND RELIGIOUS</del>											
6.100	<del>Private or public schools:</del>											
6.110	Primary, elementary, & secondary school (includes associated grounds, facilities & administrative offices)	-6	C	C	C	*	C	C	*	C	C	C
6.120	Trade or vocational schools		S	S	C	S	S	S	S	S	*	C
6.130	Colleges, universities, community colleges (including associated facilities like dorms, offices, athletic fields, stadiums, research facilities)		C	C	C	C	C	C	S	C	C	C
6.200	Churches, synagogues, & temples (includes associated grounds, facilities & administrative offices)	-6	S	S	C	C	C	S	S	S	C	C
6.300	Art studios, galleries, & centers, fine arts conservatories, music schools, dance studios, & similar cultural uses (includes associated educational & instructional activities)		S	S	C	C	S	S	S	C	*	*
6.400	Libraries, museums		S	S	S	C	S	S	S	C	*	C
6.500	Fraternal clubs & lodges, union halls		S	S	C	S	S	S	S	S	*	*
7.000	<del>OFFICES, SERVICES, &amp; RESEARCH NOT PRIMARILY RELATED TO ON-SITE RETAIL SALES OR MANUFACTURE OF GOODS OR MERCHANDISE</del>											
7.100	Offices intended to attract & serve customers or clients on premises (e.g. attorneys, physicians, counselors, financial institutions, insurance, travel agents, investment services, advertising agencies, real estate, mortuaries)		S	S	S	C	S	S	S	S	*	S
7.200	Offices with limited customer or client traffic (e.g. corporate offices, newspaper, radio, & television offices & studios, engineers, answering or dispatch service)		S	S	*	S	S	S	S	S	*	S
8.000	<del>PARKING LOTS</del>											
8.100	Vehicle & equipment parking not incidental or accessory to another use											

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**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
	located on the same property:											
8.110	Overnight or long-term vehicle or equipment storage lots (e.g., RV storage, contractor equipment storage)		*	*	*	S	*	*	S	*	*	*
8.120	Commercial parking, garages, pay lots		C	C	C	S	C	S	S	S	*	*
8.130	Off-site parking lots for commercial, education, religious & institutional uses		C	C	C	S	C	S	S	S	*	*
8.200	All other on-site parking lots for approved uses	-7	S	S	S	S	S	S	S	S	S	S
9.000	<b>PUBLIC &amp; SEMI-PUBLIC USES</b>											
9.100	Emergency services (e.g., police & fire stations, ambulance & rescue services)		S	S	C	S	C	S	S	S	C	C
9.200	Government offices		S	S	*	C	S	S	S	S	*	C
9.300	Alleys, streets, highways, bridges, sidewalks, bikepaths, & related transportation facilities subject only to special district regulations of Article 11		A	A	A	A	A	A	A	A	A	A
9.400	Utility Facilities:											
9.410	Neighborhood utilities including pump stations, electric substations less than 5,000 sq. ft. & all local utility lines		A	A	A	A	A	A	A	A	A	A
9.420	Regional/community utilities including treatment plants, major power generation, major storage facilities, regional transmission facilities, major overhead power lines requiring tower support structures		*	C	C	S	C	C	C	C	C	C
9.430	Temporary staging areas for public works construction projects in excess of 6 months duration		C	C	C	S	S	C	S	S	*	C
9.500	Cemeteries, crematoriums, & mausoleums		*	*	*	C	*	C	*	C	C	*
10.000	<b>RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY</b>											
10.100	Activities Conducted Primarily within Structures:											
10.110	Bowling alleys, skating rinks, pool halls		S	S	*	C	S	S	S	S	*	*
10.120	Indoor racquet sports clubs, spas, athletic, exercise, & health clubs; and similar		S	S	C	S	S	S	S	S	C	*



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**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec												
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES		
	facilities not constructed as part of planned residential development. [Ord. 5446, 5/10/00]													
10.130	Youth clubs, senior centers, community centers. [Ord. 5446, 5/10/00]		S	S	C	C	S	S	S	S	C	C		
10.140	Theaters		S	S	*	*	S	S	S	*	*	*		
10.150	Adult entertainment	<del>8</del>	S	S	*	C	S	*	*	*	*	*		
10.160	Games, amusements, arcades		S	S	*	*	S	S	S	S	*	*		
10.170	Coliseums, stadiums		C	C	*	C	C	C	C	C	*	*		
10.180	Indoor gun clubs		*	*	*	C	C	*	C	C	*	*		
10.190	Convention center		S	S	*	C	S	S	S	S	*	*		
10.200	Activities Conducted Primarily Outside Enclosed Buildings:													
10.210	Outdoor recreational facilities (e.g., golf & country clubs, driving ranges, swimming or tennis clubs, etc., not constructed as part of planned residential development, equestrian trails)		*	C	S	C	*	*	*	*	*	*		
10.220	Miniature golf, skateboard parks, water slides, & similar uses		*	*	S	C	*	*	*	*	*	*		
10.230	Motor race tracks		*	*	*	*	*	*	*	*	*	*		
10.240	Drive in movie theaters		*	*	*	*	*	*	*	*	*	*		
10.250	Fairgrounds		*	*	*	C	*	*	*	C	*	*		
10.260	Public parks and recreational facilities located therein	<del>9</del>	C	C	C	C	C	C	C	C	C	C		
11.000	RECYCLING, SALVAGE, JUNKYARDS													
11.100	Recycling Centers:													
11.110	Processing & sorting operations conducted entirely within enclosed structures & containing a total building area of less than 5,000 sq. ft.		*	*	*	S	*	*	*	C	*	*		
11.120	All other material recycling operations excluding metal salvage yards & junkyards		*	*	*	C	*	*	*	*	*	*		
11.130	Refuse transfer stations		*	*	*	C	*	*	*	*	*	*		



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**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
	Services, Treatment, or Supervision:											
12.510	Group care home		A	A	A	C	S	A	A	A	A	A
12.520	Hospital		C	S	C	*	*	S	S	S	*	C
12.530	Child care home	11	A	A	A	A	A	A	A	A	A	A
12.540	Child care institution		S	S	S	C	C	S	C	S	C	C
12.550	Jails & detention facilities		C	C	*	C	*	C	*	C	*	*
12.600	Miscellaneous rooms for rent situations:											
12.610	Rooming houses, boarding houses		S	S	S	C	S	S	S	S	C	C
12.620	Bed & breakfast home	12	S	S	S	C	S	S	S	S	C	S
12.630	Hotels & motels		S	S	*	C	S	S	S	S	*	C
12.640	Temporary residence in conjunction with new construction, emergency repair, or night watchman use	13	S	S	S	S	S	S	S	S	S	S
13.000	<b>SALES, RENTAL &amp; SERVICING OF GOODS, MERCHANDISE &amp; EQUIPMENT</b>											
13.100	Automotive, Marine, Trucks, RV's, Agricultural Machinery:											
13.110	Sales & rentals, including servicing		S	S	*	C	S	S	*	S	*	*
13.120	Parts & accessories sales which may include installation services		S	S	*	S	S	S	*	S	*	*
13.130	Service, minor repair, & detail shops		S	S	*	S	S	S	*	S	*	*
13.140	Paint & body work & major repair (e.g., frame straightening, engine rebuilding)		*	*	*	S	*	*	*	S	*	*
13.150	Automobile oriented fuel sales with or without accessory service bays or accessory convenience sales		*	*	*	S	*	*	*	S	*	*
13.160	Car washes		*	*	*	S	*	*	*	S	*	*
13.170	Truck fuel sales, truck servicing, overnight trucking facilities & related services		*	*	*	S	*	*	*	C	*	*
13.200	High Volume Traffic Generation Uses Conducted Within Enclosed Buildings-											
13.210	Retail sales serving frequent neighborhood needs (e.g., grocery, small hardware & garden supply, pharmacies, video rentals,		S	S	S	C	S	S	S	S	*	S

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**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
	stationery, flowers, etc.)											
13.220	Other retail sales		S	S	*	C	C	S	S	*	*	*
13.230	Miscellaneous rental merchandise & equipment		S	S	*	S	S	S	S	S	*	*
13.240	Servicing of goods, merchandise, equipment (e.g. laundromats, small appliance repair, shoe repair, tailoring)		S	S	*	S	S	S	S	S	*	S
13.250	Personal services (e.g. barber & beauty shops, therapeutic massage, tanning salons)		S	S	S	S	S	S	S	S	*	S
13.260	Wholesale sales		S	S	*	S	S	S	S	S	*	*
13.300	Low Volume Traffic Generation Uses Conducted Within Enclosed Buildings:											
13.310	Retail sales (e.g. furniture, appliance, floor covering, building supplies, industrial supplies)		C	S	*	C	S	S	S	S	*	*
13.320	Miscellaneous equipment, appliances, & furniture rental		*	S	*	S	S	S	S	S	*	*
13.330	Servicing of appliances, furniture, lawn & garden, industrial, mechanical, heating & cooling, & other bulky equipment or merchandise		*	S	*	S	S	S	S	S	*	*
13.340	Services offered primarily off-site (e.g. janitorial, contractors, carpet cleaning, catering, landscaping, utility services)		S	S	*	S	S	S	S	S	*	*
13.350	Wholesale sales		C	C	*	S	S	C	S	S	*	*
13.400	High Volume Traffic Generation Uses Involving Storage or Display Outside Fully Enclosed Building:											
13.410	Retail sales (e.g. lawn & garden variety stores with regularly maintained outdoor sales, building supplies)		C	C	*	C	S	C	S	S	*	*
13.420	Servicing merchandise & equipment		C	C	*	S	S	C	S	S	*	*
13.430	Wholesale sales		S	S	*	S	S	C	S	S	*	*
13.500	Low Volume Traffic Generation Uses Involving Storage or Display Outside Fully Enclosed Building:											

*Staff Comments: The table below is the current Schedule of Permitted Uses found in Article 14. It is proposed to be replaced with the Mixed-Use Village Center Zones Table on page 5-5.*

**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
13.510	Retail sales & related services		€	€	*	€	*	*	*	S	*	*
13.520	Miscellaneous goods & equipment rental		€	€	*	S	*	*	*	S	*	*
13.530	On-site servicing of appliances, furniture, lawn & garden, heating & cooling, industrial, mechanical & other bulky equipment or merchandise		*	*	*	S	€	*	*	€	*	*
13.540	Services offered primarily off-site (see 13.340)		*	*	*	S	*	*	*	€	*	*
13.550	Wholesale sales		€	€	*	S	€	*	*	€	*	*
14.000	<b>STORAGE &amp; WAREHOUSING</b>											
14.100	<del>Warehousing or Storage of Goods Not Including Sale or Use of Those Goods on the Same Property Where They are Stored Except as Accessory Use Activity:</del>											
14.110	All storage within completely enclosed structures		€	€	*	S	*	*	*	*	*	*
14.120	Outside storage or combination of inside & outside storage		*	*	*	S	*	*	*	*	*	*
14.130	Mini-warehouses/self-service storage facilities intended for domestic storage		*	*	*	S	*	*	*	*	*	*
15.000	<b>TRANSPORTATION</b>											
15.100	Bus stations		S	S	*	S	€	S	S	€	*	*
15.200	Train stations		S	S	S	S	S	S	S	S	*	*
15.300	Taxi business		S	S	*	S	S	S	S	S	*	*
15.400	Trucking		*	*	*	S	*	*	S	*	*	*

*Staff Comment: The remaining special conditions have been incorporated into other parts of the Code (for example, tree felling is in Article 9) or are no longer needed.*

**SPECIAL CONDITIONS**

14.070

- (1) ~~Beyond the standards provided herein for establishment of accessory buildings and uses, the definitions of "Accessory Building" and "Accessory Use" in Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed building or activity. See also Table 2 for Accessory Structure Standards.~~
- (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. [Ord. 5445, 4/12/00]~~
- ~~(3) Kennels are not allowed in the Central Albany area.~~
- ~~(7) Site Plan Review is not required for parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code.~~
- ~~(12) Bed and Breakfast. In the MUR zone, Bed and Breakfast facilities shall:~~
- ~~(a) Be owner-occupied.~~
  - ~~(b) Be limited to a maximum of four guest bedrooms.~~
  - ~~(c) Except for driveway spaces, not contain guest parking facilities in the front yard setback area or within 10 feet of any interior residential lot line.~~
  - ~~(d) Provide at least one off-street parking space for each rental room.~~

## SPECIAL STATUS

### ~~5.080~~ 14.080 Existing Uses Granted Special Status (Allowed) in the Haekleman Monteith

**Single Family Homes**. Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), **all single-family residential units built before January 1, 2002, properties listed below** shall be deemed to be conforming with the base Haekleman Monteith (HM) zoning district. If any building on these properties is substantially destroyed, as defined in ADC Section 2 340(4), it ~~can~~ **may** be rebuilt to the same density, **size and setbacks** as existed on the property at the time ~~ADC Article 14 was adopted~~ **it was destroyed**, but will be subject to the regulations of any applicable overlay zone. If any ~~of the listed buildings are converted to~~ **single-family dwelling is converted to non-residential** use, the special status granted here is rescinded, and the use of the property shall thereafter conform to the requirements of Article ~~145~~. The special status granted herein shall be lost if it is determined that the use which existed **on May 22, 1996 (date the Central Albany districts were first created)** at the time of adoption of Article ~~14~~ was not then lawfully in existence.

*Staff Comment: The following text is being relocated to Article 3 with the HM zone.*

~~It is the intent that each and every legally established duplex and multi-family development, in areas previously zoned RM 3, RM 5, and OP only, that exists in the proposed HM district at the time of adoption of Article 14 be listed here. Should an existing use not be listed here the property owner may have the property listed upon showing that the use was legally established at the time of adoption of Article 14. Satisfactory evidence must be provided by the property owner or applicant to document that the use existed. Such evidence, for example, may consist of building permits, utility hookups, tax records, or telephone directory listings.~~

- ~~(1) 837/838/829/827 11th Avenue SW: 1-story fourplex~~
- ~~(2) 1015 5th Avenue SW: two 2-story buildings: east building, 12 units, west building, 6 units~~
- ~~(3) 640 7th Avenue SW/707 Vine Street SW: 1-story duplex~~
- ~~(4) 628 Ferry Street SW: 2-story 10-unit apartment complex~~

- (5) ~~707/719 Washington SW: 1-story duplex~~
- (6) ~~908 Ferry Street SW: 1-story 12-unit apartment building~~
- (7) ~~928 Ferry Street SW: 7 units in house~~
- (8) ~~926/978 Ferry Street SW and 405/407 11th Avenue SW: 7 units~~
- (9) ~~827/829/837/838 11th Avenue SW: 1-story fourplex~~
- (10) ~~1030 11th Avenue SW: duplex~~
- (11) ~~625/635 Vine Street SW: duplex~~
- (12) ~~1241/1245 Vine Street SW: duplex~~
- (13) ~~505 3rd Avenue SE: 2-story fourplex~~
- (14) ~~526 3rd Avenue SE: 2-story fourplex~~
- (15) ~~627 3rd Avenue SE: 2-story, 6 units~~
- (16) ~~527 4th Avenue SE: 2-story duplex~~
- (17) ~~538 4th Avenue SE: 2-story duplex~~
- (18) ~~140 4th Avenue SE: 2-story duplex~~
- (19) ~~306 Baker Street SE: 2-story 8 units~~
- (20) ~~434 Baker Street SE: 2-story duplex~~
- (21) ~~140 5th Avenue SE: 2-story duplex~~
- (22) ~~208 5th Avenue SE: 2-story 8 units~~
- (23) ~~238/225/311 5th Avenue SE: 2-story, 3 units~~
- (24) ~~317 5th Avenue SE, A and B: 2-story duplex~~
- (25) ~~404 5th Avenue SE: two-story triplex~~
- (26) ~~505/526/540/423 5th Avenue SE: 2-story, 4 units~~
- (27) ~~423/425 and 614/616 5th Avenue SE: two 2-story each 2 units = 4 units~~
- (28) ~~637 5th Avenue SE: 2-story, 3 units~~
- (29) ~~540 6th Avenue SE: 2 1/2 story, 5 units~~
- (30) ~~509/519 and 521/524 6th Avenue SE: two 1-story buildings, 4 units~~
- (31) ~~625 Jefferson Street SE, A and B: 2-story, 2 units~~
- (32) ~~697 Jefferson Street SE: two-story, 6 units~~
- (33) ~~826/828 and 726/728 3rd Avenue SE: 2 one-story duplexes~~
- (34) ~~807A/807B and 805/805 1/2 3rd Avenue two 1-story duplexes~~
- (35) ~~728 4th Avenue SE: 2-story, 2 units~~
- (36) ~~420/422 4th Avenue SE: 1-story duplex~~
- (37) ~~617/619 Lafayette Street SE: 1-story duplex~~
- (38) ~~589 A/B/C Lafayette Street SE: 1-story triplex~~
- (39) ~~730 5th Avenue SE: 2-story triplex~~
- (40) ~~315 Montgomery Street SE: triplex~~
- (41) ~~606 6th Avenue SE: triplex~~

**HOME OCCUPATION STANDARDS**

**5.085** Home Occupations. See Article 3, Residential Zoning Districts, Sections 3.090 to 3.180, for home occupation standards.

**DEVELOPMENT STANDARDS**

514.090 Purpose. Development standards are intended to promote site planning and design ~~which that~~ consider the natural environment; maintain the required dimensional standards while promoting energy conservation, needed privacy, and 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 following~~ the table, which address special circumstances and exceptions. Additional design standards for commercial and multi-family developments are located in Article 8 [Ord. 5445, 4/12/00]

**TABLE 1**

**MIXED-USE VILLAGE CENTER DEVELOPMENT STANDARDS**

STANDARD	MU WF	HD	CB	LE	PB	MS	HM	ES	MUR
Min Lot Size (sq ft).(3)	None	N/A	N/A	N/A	N/A	N/A	5,000	5,000	None
Single-family (s-f)	<b>1,600(16)</b>	<b>None</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>None</b>		<b>None</b>	<b>None</b>
Attached s-f, per lot	3,600	None	N/A	N/A	N/A	N/A		7,000	3,600
Two-family	1,600/u(16)	None	None	None	1,600/u	1,600/u		3,300/u	1,600/u
3 or more 1-bdrm.	1,800/u(16)	None	None	None	1,600/u	1,800/u		3,300/u	1,800/u
3 or more 2+bdrm.									
All other uses	10,000	2,000	2,000	2,000	15,000	6,000	5,000	5,000	10,000
Max. Business Footprint (sq. ft.) (17)	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>25,000 (13)</b>	<b>10,000 (13)</b>		<b>10,000 (13)</b>	<b>10,000</b>
Lot Width, min	<del>80'</del> <b>None</b>	20'	20'	20'	<del>80'</del> <b>None</b>	<del>60'</del> <b>None</b>	35'	<del>40'</del> <b>None</b>	None
Lot Depth, min	<del>80'</del> <b>None</b>	50'	50'	50'	<del>95'</del> <b>None</b>	<del>80'</del> <b>None</b>	65'	<del>80'</del> <b>None</b>	None
Landscaped Area (2)	100%	100%	100%	100%	100%	100%		100%	100%
Min Open Space	(12)	None	None	None	(12)	(12)	N/A	(12)	N/A
Maximum Front Setbacks (10)	20'(11)	0'	0'	None	20'	10'	<b>None</b>	10'	20'
Minimum Setbacks Front (5) (14)	45'	0'	0'	0'	5'	45'	45'	45'	15'
Interior (5) (14)	<del>405'</del> (1)	(4)	(4)	(4)	(4)	(1) (4)	<del>40'</del> (4)	5'(34)	10'(1)
Garage Entrance (9)	20'(8)	20'	20'	20'	20'	20'(8)	20'(8)	20'	20'
Height, max	<del>45'</del> <b>50'</b>	85'	60'	60'	<del>30'</del> <b>50'</b>	50'	30'	<del>30'</del> <b>50'</b>	45'
Lot Coverage, max (6)	<del>70</del> <b>80%</b>	100%	(7)	100%	<del>70</del> <b>80%</b>	90%	60%	<del>70</del> <b>80%</b>	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. See 5.150 and 5.160 for zero lot line options.~~
- (2) All yards adjacent to streets
- (3) ~~Single-story 2 or more stores = 8'~~ Lots with alley access may be up to 10% smaller than the minimum lot size for the zone [Ord 5338, 1/28/98; Ord. 5445, 4/12/00]
- (4) ~~Commercial or office buildings~~ 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
- (5) No setbacks are required for buildings abutting railroad rights-of-way
- (6) ~~Except for single family homes and duplexes,~~ Lot coverage includes building and parking area coverage
- (7) See ADC 5 120
- (8) Garage setback for non-vehicle entrance must conform with the requirements for interior setbacks
- (9) 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 will 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) **Excluding grocery stores, which may be up to 60,000 square feet.**
- (14) **Properties adjacent to the Willamette River, see also the Willamette Greenway standards in 5.200 and ADC 6.310.**
- (15) **Except for residential development, which has a maximum setback of 25 feet. See Section 8.240 for residential design standards.**
- (16) **No minimum lot size for structures on the Local Historic Inventory.**
- (17) **In shopping centers with multiple tenants, "business" refers to each individually leasable space. "Footprint" refers to the amount of area covered by the first floor. Businesses may build on additional floors.**

**SETBACKS**

514.100 Minimum Standards. **Primary structures** ~~All setbacks shall~~ **must** meet the minimum setback 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 **residential** accessory structures in the MUR, ~~and HM WF, MS, and ES~~ districts.

**TABLE 2  
ACCESSORY STRUCTURE STANDARDS**

<b>STRUCTURE</b>	<b>SETBACK STANDARD</b>
Detached, walls less than or equal to 8 ft height	Interior setback = 3 feet
Detached, walls greater than 8 ft height	Interior setback = 5 feet
Attached structure	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 less than 6 ft high	District setback standard, building permit required
Outdoor swimming pools	Interior setback = 10 feet
Decks less than 30 in. off grade, no rails, covers	No setback from property line
Decks greater than or equal to 30 in off grade	Interior setback = 5 feet

[Ord. 5445, 4/12/00]

514.110 Measurements. Setback distances must be measured perpendicular to all portions of a lot line.

514.120 Minimum Floor Area Ratio Required in CB District. **All new development w**Within the Central Business District **shall have at least one square foot of building floor area for each square foot of buildable lot area except:** ~~there shall be a minimum of one square foot of building floor area (which may include landscaped area but not parking areas for the purposes of this section only) for each square foot of buildable lot area for all new developments except the following:~~

- (1) Expansions to existing buildings.
- (2) Public parking and open space uses.
- (3) Development within the Willamette River Greenway ~~Boundary.~~

514.130 Alternative Setbacks for Additions in Developed Areas When an addition is proposed ~~to be made on~~ to a building in an area containing the same type of uses that have been developed to a previous setback standard, the Director or review body may approve setbacks which are the same as those for the existing buildings on the site for additions, or the same as those for buildings on adjoining parcels for new development. (See Section 8.140 for new infill development.) Approval of an alternative setback request ~~shall~~**will** be based upon the following criteria:

- (1) Additions to the front of a dwelling. The front yard setback of the dwelling does not exceed the average of the setbacks for the same uses on the abutting properties.
- (2) Addition of a garage or carport. The front yard setback for a garage or carport meets the current front yard setback standard, and the driveway to it ~~shall be~~ **is** paved
- (3) Additions to the side or rear of a dwelling. The existing structure does not encroach any further into the setback.
- (4) No wall of one dwelling unit is closer than 10 feet ~~from to~~ a window of another dwelling unit.
- (5) All other provisions of this Code must be met. [Ord. 5446, 5/10/00]

514.140 General Exceptions to Setback Requirements. The following ~~intrusions~~**intrusions** may project into required yards, provided that they **conform to the** conditions and limitations indicated ~~are adhered to~~

- (1) Depressed Areas. In any district, open-work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls may be located in required yards, provided that ~~such~~**the** devices are not more than 3 1/2 feet ~~in height~~**tall**.
- (2) Projecting Building Features. The following ~~building features~~**building features** may project into the required front yard no more than five feet and into the required interior yards no more than two feet.
  - (a) Awnings, eaves, buttresses, architectural appendages (~~examples~~**examples** such as, but not limited to, bay windows, planters, cantilevered stairways.)
  - (b) Chimneys and fireplaces, provided they do not exceed eight feet in width.
  - (c) Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height: structures ~~under~~**30 inches or less** are not subject to setback provisions)
  - (d) Signs conforming to applicable ordinance requirements.

514.150 Zero Lot Line. Any residential ~~structure~~**dwelling unit** or accessory building may be located on the property line ~~whenever~~:

- (1) There are no openings or windows in the lot line wall. Additionally, a 10-foot setback and maintenance easement must be recorded on the adjoining property deed or plat. This easement is not revocable without City approval.

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

514.160 Setbacks for Attached Single-Family Dwellings. The interior yard requirement for attached single-family dwellings ~~shall be~~ **is** zero where the units adjoin; however, all other setbacks ~~shall~~**must** conform to the ~~other~~ requirements of this Code

514.170 Special setback for Development Adjacent to Waterways. Development ~~occurring~~**occurring** adjacent to the following ~~listed~~**listed** waterways ~~shall~~**must** maintain the setbacks from the centerline of the waterway ~~listed~~**listed** ~~instead~~ **lieu** of the ~~applicable~~**applicable** required setback for the ~~z~~**Z**oning ~~d~~**D**istrict:

Waterway  
Calapooia River

Setback  
100 feet

- 514.180 Setback and Fencing for Swimming Pools. Swimming pools ~~shall~~**must** conform to the setback regulations for main buildings, except that outdoor swimming pools ~~shall~~**must** be set back ~~not less than~~ **at least** 10 feet from all interior lot lines. Also, all swimming pools ~~shall~~**must** be fenced or equipped with electric alarm systems ~~in such a manner as to that~~ prevent **entry** or alarm upon entry. Required pool fencing ~~shall~~**must** be **at least** ~~minimum~~ **four** feet ~~in height~~ **tall** and be ~~equipped with~~ **have** a self-locking gate, ~~which that~~ closes automatically
- 514.190 Setbacks for Properties Abutting Future Street Rights-of-Way. Where the adopted Comprehensive Plan and future Street Plans include ~~the~~ widening or connecting ~~of~~ existing streets, or the ~~establishment~~ ~~of~~ new streets, the placement of all buildings and the establishment of all required yards ~~shall~~**must** be in relation to the proposed street right-of-way boundaries. Also, no building ~~shall~~**may** be ~~erected~~ **built** on a lot ~~which that~~ abuts a proposed street right-of-way unless the lot will ~~contain~~ **have** the width and depth needed to complete the street width plus the width and depth of the yards required on the lot.
- 514.200 Special Willamette River Setback and Height Restrictions. Except for water-related and water-dependent uses (see definitions, Article 22), all construction must be located outside the floodway line as defined for a 100-year storm. Development structure heights and setbacks south of the Willamette River shall not extend above a plane that begins at the floodway line and extends directly south. The angle of this plane shall be as follows:
- (1) For river-oriented uses, the angle shall be 30 degrees.
  - (2) For nonriver-oriented uses, the angle shall be 15 degrees.
- 514.210 Special Setbacks for Schools, Churches, Public and Semi-Public Buildings Any new construction of a school, church, or public or semi-public building ~~shall~~**must** be set back at least 25 feet from any property line ~~adjoining or directly across public right of way from~~ **abutting** any residential district. No required front or interior yard of the lot on which such building or use is located ~~shall~~**may** be used for stockpiling or ~~storage~~ ~~of~~ materials or equipment. All other setbacks of the district ~~within where~~ the property is located continue to apply
- 514.220 Parking Restrictions in Setback Areas. Required parking and loading spaces ~~shall~~**may** not be located in a required front or side yard, ~~with the following exceptions except:~~
- (1) Driveways providing access to garages and carports for any residential development may be used to fulfill the parking requirements
  - (2) In the ~~MUI-WF, TD,~~ PB, and ES districts, required parking may be permitted in required front and interior yards ~~where behind~~ the minimum landscaping and buffering requirements ~~have been met.~~ [Ord. 5445, 4/12/00]
- 514.230 Dwellings Located Above Commercial Uses. The yard requirements for residential uses do not apply where a dwelling is legally located above a commercial use.

## HEIGHT

514.240 Height Standards. See Table 1 for height restrictions.

514.250 Height Exceptions.

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers,

flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this article, provided that no roof structure, feature, or any other device above the prescribed height limit ~~shall~~**may** be allowed or used for the purpose of providing additional floor space. **Antennas may exceed the minimum building height but must meet the standards outlined in 5.070(19). Towers must meet the standards in 8.400.**

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

**OFF-STREET PARKING AND LOADING STANDARDS**

514.260 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~~ **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.

Developments within the Downtown **Parking** Assessment District are not required to provide off-street parking. See the Downtown **Parking** Assessment District map at the end of this article. In the ES, Elm Street Medical District, the amount of parking provided with new development shall be only the minimum required No additional off-street parking will be allowed for development in this district.

**Site Plan review is not required for parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code.**

**TABLE 3  
RESIDENTIAL DISTRICT (~~MUR and HM~~) PARKING STANDARDS**

USE	STANDARD
Single Family Dwelling	2 spaces
Multiple Family Dwellings - Studio and 1-Bedroom Units - 2-Bedroom Units - 3- and 4-Bedroom Units - Quad and Quint Units - Senior Citizen Apartments - Student Housing	1 00 space per unit 1 50 spaces per unit 2 00 spaces per unit 75 space per unit 1 00 space per each 2 bedrooms 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

**TABLE 4**  
**COMMERCIAL DISTRICT (CB, MS, ES, LE, PB, TD) NON-RESIDENTIAL PARKING SPACE REQUIREMENTS**

USE	SPACES REQUIRED
Air, rail and motor freight terminals	Subject to site plan review
Animal hospitals and clinics	1 per 400 sq ft GFA
Banks and financial institutions	1 per 200 sq ft on first floor plus 1 per 600 sq ft above first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Bowling alleys	4 per lane
Building materials sales	1 per 500 sq ft. GFA
Central Albany Area Business District retail trade (excluding <del>properties within the members of Downtown off-street parking assessment District</del> )	1 per 3 employees plus 1 per 400 sq ft sales area
Churches and other places of religious assembly	1 per 6 seats or 12 feet of bench length (1)
Commercial recreation and assembly	Subject to site plan review
Drive-in restaurants	1 per 50 sq ft GFA
Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Funeral houses	1 per 4 seats or 8 feet of bench length
Furniture, machine and office equipment sales	1 per 500 sq ft GFA plus 1 per 3 employees
Golf courses (including clubhouses and accessory uses)	Subject to site plan review
Greenhouses and nurseries	2 per employee
High schools, colleges and universities	Subject to site plan review
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Industrial uses	See Section 5-120
Laundries and cleaners	1 per 300 sq ft GFA
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 sq ft GFA
Manufacturing, production or processing storage and wholesale types	1 per 2 employees plus 1 per company vehicle See Section 5-240 [Ord 5338, 1/28/98]
Medical and dental clinics	1 per 200 sq ft GFA
Meeting rooms, private clubs and lodges	1 per 100 sq ft GFA plus 1 per 200 sq ft GFA (2)
Motels and hotels	1 per rental unit plus additional as required for accessory uses

<b>USE</b>	<b>SPACES REQUIRED</b>
Motor vehicle repair and service stations	1 per each 2 employees plus 2 per each service stall
Offices all business and professional	1 per 300 sq ft GFA
Philanthropic, charitable and nonprofit institutions (excluding churches)	1 per 2 employees plus 1 per 500 sq ft GFA
Radio and television stations and studios	1 per 2 employees plus 1 per 300 sq ft over 2,000 sq ft GFA
Rail and bus passenger terminals	5 plus 1 per 100 sq ft waiting area
Residential uses	Off-street parking not required
Sales and rental of motor vehicles, trailers, mobile homes, boats, modular houses	2 per employee
Shopping centers, food, drugs, hardware, variety and department stores	1 per 200 sq ft sales floor area
Sit-down and carry-out restaurants, taverns, bars and nightclubs	1 per 100 sq ft GFA
Skating rinks	1 per 200 sq ft GFA
Specialty shops and other retail stores (under 6,000 sq ft)	1 per 300 sq ft GFA plus 1 per 3 employees
Stadiums, grandstands, coliseums, auditoriums and theaters	1 per 4 seating capacity (3)
Swimming pools, for pool only	10 plus 1 per 150 sq ft pool surface area
Testing, repairing, cleaning, servicing of materials, goods or products and warehousing and wholesale	1 per 2 employees plus 1 per 300 sq ft of patron serving area, plus 1 per company vehicle

- (1) On-street parking within 500 feet of the building, except in residential areas, may be used toward fulfilling this requirement
- (2) On-street parking in non-residential areas within 800 feet of the main assembly room or building may be used toward fulfilling this requirement.
- (3) On-street parking in non-residential areas within 1,000 feet of the main assembly room or building may be used toward fulfilling this requirement.

*Staff Comment: Table 5 is now folded into Table 4.*

**TABLE 5  
LIGHT INDUSTRIAL (MUD) DISTRICT PARKING SPACE REQUIREMENTS**

<b>USE</b>	<b>SPACES REQUIRED</b>
Air, rail and motor freight terminals	Subject to site plan review
Building material sales	1 per 500 sq ft GFA
Commercial uses	See Article 14, Table 4
Production or processing of materials, goods or products	1 per 2 employees plus 1 per company vehicle
Testing, repairing, cleaning, servicing of materials, goods or products	1 per 2 employees plus 1 per 300 sq ft of patron serving area plus 1 per company vehicle
Warehousing and wholesale	1 per 2 employees plus 1 per 300 sq ft of patron serving area plus 1 per company vehicle

[Ord 5338, 1/28/98]	
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514.270 Loading Standards. ~~All necessary~~ Loading spaces for commercial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- (1) Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (2) A school having a capacity greater than 25 students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (3) The minimum area required for commercial loading spaces is as follows:
  - (a) 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  - (b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
  - (c) 750 square feet for buildings in excess of 50,000 square feet of gross floor area
- (4) The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.
- (5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (6) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

## LANDSCAPING

514.280 ~~General Residential.~~ **General Residential.** All required yards adjacent to a street (see Table 1), exclusive of accessways and other permitted intrusions, ~~are required to~~ **must** be landscaped ~~prior to~~ **before** occupancy ~~or within one year of building occupancy~~ in accordance with Section 9.190. Minimum landscaping acceptable per 1000 square feet of required yard area ~~for residential properties~~ **in all Central Albany zones shall be as follows:**

- (1) One ~~(1)~~ tree at least six feet in height.
- (2) Five ~~(5)~~ five-gallon or eight ~~(8)~~ one-gallon shrubs, trees, or accent plants.
- (3) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

5.285 **Commercial, Office and Industrial.** All required setbacks adjacent to a street (exclusive of accessways and other permitted intrusions) ~~must be landscaped before issuance of an occupancy permit in accordance with Section 9.190. Minimum landscaping acceptable per 1000 square feet of required yards area in all Central Albany zones shall be as follows;~~ **to be located in required front setback areas for all commercial, office and industrial development, is:**

- (12) Five five-gallon or eight one-gallon shrubs, trees, **perennials** or accent plants.
- (23) The remaining area treated with living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

**Trees are also required in the following amount:**

- (31) One tree at least six feet in height **per 30 feet of road frontage, to be located in the required front yard areas.**

## BUFFERING AND SCREENING

**5.290** ~~14.290~~ General. Buffering and screening may be required, to offset the impact of development  
See Sections 9.280 through 9.325 for requirements. [Ord. 5445, 4/12/00]

~~14.300~~ 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.

~~14.310~~ Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways and landscaping. No buildings, accessways or parking areas are allowed in a buffer area except where an accessway has been approved by the City.

~~14.320~~ Buffering. The minimum improvements within a buffer area consist of the following:

(1) ~~At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director where it can be demonstrated that such trees would conflict with other purposes of this Code (e.g. solar access).~~

(2) ~~At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area.~~

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

~~14.330~~ Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above:

(1) ~~One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, or~~

(2) ~~A minimum of a five-foot fence or masonry wall constructed to provide a uniform sight-obscuring screen, or~~

(3) ~~An earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer at least six feet in height within two years of installation.~~

~~14.340~~ Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 12.180(2) where applicable.

~~14.350~~ Landscape Plan. In lieu of these standards a detailed landscape plan, which provides the same degree of desired buffering utilizing alternative designs, may be submitted for approval.

## OUTSIDE STORAGE

**514.360** General.

(1) In the HD, CB, LE, MS, ES and WF ~~any Commercial~~ districts, outside storage or display of materials, junk, parts, or merchandise is not permitted within required front yards or **required** buffer areas, **except for automobile sales, where allowed**.

(2) In the HD, CB, LE, MS, ES, ~~TD, PB,~~ and WF districts, open storage is permitted in yards not listed in (1) above, provided that such storage is enclosed with a sight-obscuring fence, wall,



~~or~~-hedge, or a-~~berm, any or all of~~ which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge ~~was were~~-a building.

- (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet in height above the elevation of the storage area.
- (b) Open storage over six feet in height must be screened by landscaping

514.370 Screening of Refuse Containers. The following standards apply to all development, except for one and two family dwellings. Any refuse container or disposal area ~~which that~~ would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, ~~shall~~-**must** be screened from view by placement of a sight obscuring fence, wall, or hedge a ~~minimum of at least 6 feet height tall~~. ~~All~~-**Refuse disposal areas materials may not be located in required setback areas or buffer yards and shall**-**must** be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window

## FENCES

### ~~HM~~-MUR DISTRICT

514.380 Materials. Fences and walls ~~shall~~-**must** not be constructed of or contain any material ~~which that~~ will do bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric and barbed wire fences are not permitted except those intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City may remain. [Ord. 5446, 5/10/00]

514.390 Standards. Every fence ~~shall~~-**must** be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, non-uniform height, and overgrowth of weeds or vines.

- (1) Fences ~~shall~~-**must** not exceed 6 feet in height in interior yards, 4 feet in height in front yards and 2 feet in the vision clearance areas (see Section 12.180). Exception a single-family use that shares an interior property line with a multiple family use or zone may have a fence up to 8 feet in height along that property line.
- (2) Corner lots, which by definition have two front yards, may have a fence of up to 6 feet in height in the front yard adjacent to the street ~~which that~~ does not contain the dwelling's main door entrance when one of the following conditions is met:
  - (a) If the adjoining street is improved with sidewalks, the fence is located a minimum of three feet from the sidewalk.
  - (b) If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located 10 feet from the face of the curb.
  - (c) If the adjoining street is unimproved, the fence is no closer than 3 feet from the property line.
- (3) Fences more than 6 feet in height require a building permit prior to construction. Except where a taller fence is permitted at the lot line (see subsection (1) above), fences more than 6 feet in height ~~shall~~ **must** meet building setback requirements.
- (4) In no instance shall a fence extend beyond the property line.
- (5) All fencing ~~shall~~ **must** comply with the requirements of the clear vision area (Section 12 180) for streets and driveways.

- (6) Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. [Ord. 5446, 5/10/00]

**HD, CB, MS, LE, TD, PB, ES, ~~MU~~ WF DISTRICTS**

544.400 Materials. Fences and walls ~~shall~~**must** not be constructed of or contain any material ~~which~~**that** will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows:

- (1) Barbed wire is permitted atop a six foot (6') chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet. Barbed wire only fences and concertina wire are prohibited except as allowed in subsection (2).
- (2) Concertina wire may be used atop a six foot (6') chain link fence around correctional institutions and high security areas provided that the fences are posted at least at 15-foot intervals with clearly visible warnings of the hazard.
  - (a) Except as specified in the provisions of subsections (1) and (2) above, concertina wire, barbed wire, or upturned barbed salvage existing at the time of the passage of this ordinance that is between six and seven feet above grade is considered a legal non-conforming use, provided that the barbed wire or upturned barbed salvage does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way.
- (3) Fences are limited to the height and locational standards listed below:
  - (a) Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard planting area and outside of any vision clearance area. In no instance may a fence exceed eight (8) feet in height.
  - (b) Fences more than six (6) feet in height require Building Permits.
- (4) Wherever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions:
  - (a) Opacity. In order to be "sight-obscuring," fences and walls will be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges will be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting.
  - (b) Height. Fences and walls will be a minimum of six feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height and health when planted.
  - (c) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met

544.410 Standards Every fence, whether or not approved as a result of Site Plan Review, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

*Staff Comments: The environmental regulations are in Article 9. To avoid duplication, this environmental section is proposed to be deleted. The Article 9 content is being revised slightly through this process.*

~~14.500 Relationship to State and Federal Regulations. In addition to the regulations of this Code each use, activity, or operation within the City of Albany shall comply with the applicable state and federal standards pertaining to noise, odor, and discharge of matter into the atmosphere, ground, sewer system, or stream.~~

~~14.510 Relationship to Other Local Regulations. Other local regulations of an environmental nature include those in Article 6 on Special Purpose Districts (i.e., floodplain, wetlands, hillsides, Willamette Greenway) and those of the Fire Department and Building Division.~~

~~Evidence of Compliance. Prior to approval of a development application, the Director may require submission of evidence demonstrating compliance with State, Federal and local environmental regulations and receipt of necessary permits.~~

~~14.520 Responsibility. Compliance with State, Federal and local environmental regulations is the continuing obligation of the property owner and operator.~~

~~14.530 Noise. The following restrictions are in addition to the State Department of Environmental Quality (DEQ) standards for purposes of City noise regulation:~~

~~(1) For purposes of measuring permitted sound levels from noise generating sources under the provisions of DEQ rules, any point where a noise sensitive building could be constructed under the provisions of this Code shall apply as if such point contained a noise sensitive building.~~

~~(2) Within the MUI District, each property or building under separate ownership from a noise generating source shall be considered a noise sensitive property under the provision of DEQ rules with the exception that the allowable noise levels shall be increased by 5db.~~

~~14.540 Visible Emissions. Within any of the zoning districts in the Central Albany area, there shall be no use, operation, or activity which results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line.~~

~~14.550 Vibration. No vibration other than that caused by highway vehicles, trains, and aircraft shall be permitted in any given district which is discernible without instruments at the property line of the use concerned.~~

~~14.560 Odors. The emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.~~

~~14.570 Glare and Heat. No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source.~~

~~14.580 Insects and Rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.~~

WATER AVE

**PARKING**

1ST AVE

2ND AVE

3RD AVE

4TH AVE

5TH AVE

WASHINGTON ST

FERRY ST

BROADALBIN ST

ELLSWORTH ST

LYON ST

BAKER ST

MONTGOMERY ST

RAILROAD ST

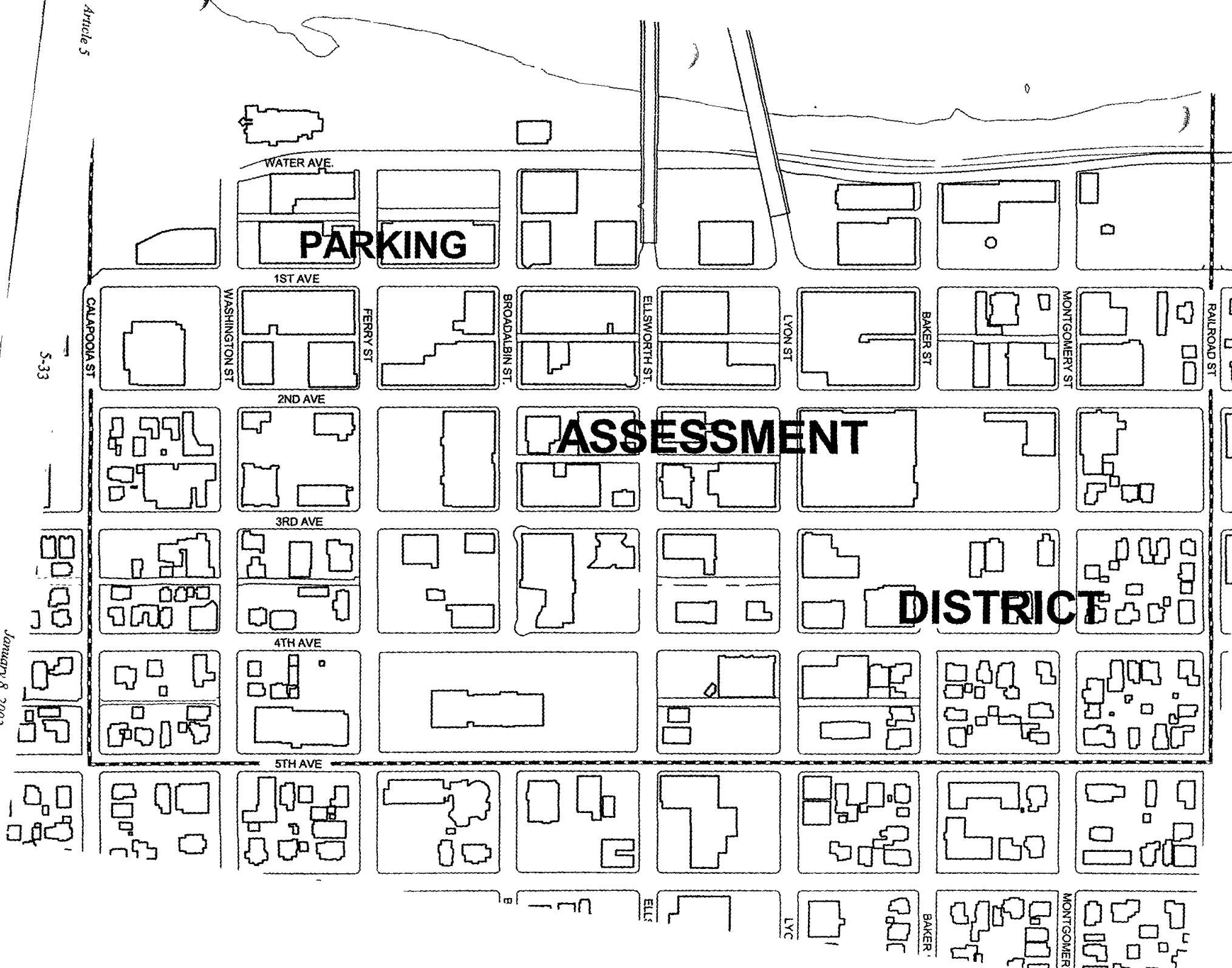
**ASSESSMENT**

**DISTRICT**

5-33

CALAPOOIA ST

January 8, 2003



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*Staff Comment: The content of Article 5, Industrial Zoning Districts, is being folded into Article 4, Commercial and Industrial Zoning Districts.*

## ARTICLE 5 INDUSTRIAL ZONING DISTRICTS

5.010 Overview. 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.

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

Zoning Districts  
Schedule of Permitted Uses  
Development Standards

### ZONING DISTRICTS

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

- (1) IP -- INDUSTRIAL PARK DISTRICT is intended primarily for industrial uses and support activities which are characterized by large setbacks, attractive building architecture, large landscape park-like areas, and the absence of objectionable external effects. The district is designed for industrial parks containing offices together with clean, non-polluting industries.
- (2) LI -- LIGHT INDUSTRIAL DISTRICT is intended primarily for a wide range of manufacturing, warehousing, processing, and related establishments which have a limited impact on surrounding properties.
- (3) HI -- HEAVY INDUSTRIAL DISTRICT is intended primarily for industrial uses and support activities which are potentially compatible with most other uses and which are characterized by large amounts of traffic, extensive shipping of goods, outside storage or stockpiling of raw materials, by-products, or finished goods, and a controlled but higher level of noise and/or pollution.

5.025 Establishment of the Open Space District. The OS -- OPEN SPACE DISTRICT is intended for the establishment, continuation, and preservation of agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural areas, and other uses that do not involve the construction of structures other than minor facilities that might be required to conduct the principal use. Uses that are allowed in the OS district are listed following the Schedule of Permitted Uses and do not appear in the Schedule.

5.030 Establishment of Special Purpose Districts. Special purpose districts are overlay districts which may be combined with a major zoning district. The regulations of a special purpose district are supplementary to the regulations of the underlying major zoning district. The regulations of a special purpose district and the major zoning district shall all apply to any site which has both

districts and the additional regulations which apply in such districts are summarized below:

<u>Special Purpose District</u>	<u>Additional Sections Applicable</u>
Floodplain	Sections 11.010 - 11.060
Wetlands	Sections 11.210
Willamette Greenway	Sections 11.110 - 11.150
Airport Approach	Sections 11.500

### SCHEDULE OF PERMITTED USES

5.040 Interpretation. The following provisions shall be used to interpret the schedule of permitted uses found in this Article:

- (1) The schedule of permitted uses cannot anticipate all uses which may be located within the city. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a conditional use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to conditional use approval and the balance is subject only to Site Plan Review, the entire development shall be reviewed utilizing the conditional use criteria if concurrent approval of all uses is sought.
- (3) A change in the use of a property is subject to review as specified by the schedule of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.070, or
  - (b) When a property which has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

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 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/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 5.080.

Summary of Major Headings in the Schedule. The following is a list of the major use headings contained in the Schedule of Permitted Uses.

Accessory Uses and Buildings  
Agriculture and Natural Resources  
Antennas and Towers  
Assembly and Manufacturing  
Eating and Drinking Establishments  
Educational and Religious  
Offices, Professional  
Parking Lots

Public Uses  
Recreation and Entertainment  
Recycling, Salvage, Junkyards  
Residential  
Sales and Service of Goods and Equipment  
Storage and Warehousing  
Transportation  
[Ord. 5445, 4/12/00]



	USE DESCRIPTIONS	Spec Cond	IP	LI	HI
1.000	ACCESSORY BUILDINGS & USES				
1.200	Non-Residential Accessory Buildings and Uses	1	A	A	
2.000	AGRICULTURE & NATURAL RESOURCES				
2.100	Crop Production Generally		A	A	A
2.200	On-site Retail Sales of Site-produced Seasonal Goods Exceeding 30 days Duration			S	S
2.300	Plant Nurseries and Greenhouses		S	S	S
2.310	Bulk sales of landscape construction materials & rock products		*	S	S
2.400	Mining, Quarrying, Oil and Gas Extraction & Asphalt-Concrete Batch Plants Including On-site Sales of Products		*	C	S
2.410	Temporary staging areas for Public Works construction projects in excess of 6 months duration		S	S	S
2.500	Tree Felling: [Ord. 5445, 4/12/01]				
2.510	Felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter)	2	S	S	S
2.520	Commercial firewood sales lots		*	S	S
2.600	Development Within a Wetland as Designated on Plate 6 of the Comprehensive Plan		C	C	C
2.700	Services & Enterprises Related to Animals:				
2.710	Raising of Animals, Livestock (subject also to Albany Municipal Code Section 6.10)		A	A	A
2.720	Livestock Feedlots, Slaughter Houses, Tanneries & Animal Auction Yards		*	*	C
2.730	Kennels	3	*	S	S
2.740	Animal Arenas, Commercial Stables, Equestrian Center	3	*	C	C

	USE DESCRIPTIONS	Spec Cond	IP	LI	HI
2.750	Veterinarians, animal hospitals		C	S	S
3.000	ANTENNAS & TOWERS				
3.100	Public & Commercial Communication Towers & Transmitters Over 50 Feet in Height [Ord. 5445, 4/12/00]	11	C	C	C
3.200	Antennas, Regardless of Size, Owned & Operated by FCC Licenses Member of Amateur Radio Service		A	A	A
3.300	Satellite Dish & All Other Antennas	4	A	A	A
4.000	ASSEMBLING, PROCESSING, ANALYZING, MANUFACTURING, PACKAGING, CREATING, TREATING, & RENOVATING GOODS, MERCHANDISE, FOOD, PRODUCTS & EQUIPMENT				
4.100	Operations & Related Storage Conducted Entirely within Enclosed Buildings (except shipping & loading):				
4.110	Majority of dollar volume of business done with walk-in trade	5	C	S	S
4.120	Majority of dollar volume of business not done with walk-in trade	5	S	S	S
4.200	Operations Conducted Partially or Wholly Outside of Enclosed Buildings (including storage)	5	*	S	S
5.000	EATING & DRINKING ESTABLISHMENTS				
5.100	No Substantial Carry-Out or Delivery Service & no Drive-In Service		S	S	S
5.200	Delicatessen, Bake Shop, & Sales of Other Prepared Food Products Where Substantial Consumption is Expected to Occur Off-Premises and not Involving Drive-Up or Delivery Service		S	S	S
5.300	Food Establishments with Drive-Up Windows		C	S	S
5.400	All Other Restaurants & Eating Establishments		S	S	S

	USE DESCRIPTIONS	Spec Cond	IP	LI	H
5.500	Taverns, Bars, Nightclubs		*	S	S
6.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES				
6.100	Public or Private Schools:				
6.120	Trade or vocational schools		S	S	S
6.130	Colleges, universities, community colleges (including associated facilities like dorms, offices, athletic fields, stadiums, research facilities)		C	C	*
6.200	Churches, Synagogues, & Temples (including associated grounds, facilities, and administrative offices)	6	C	C	*
6.300	Libraries, Museums		C	C	C
6.400	Fraternal Clubs & Lodges, Union Halls		*	S	S
7.000	OFFICES, SERVICES, & RESEARCH NOT PRIMARILY RELATED TO ON-SITE RETAIL SALES OR MANUFACTURE OF GOODS OR MERCHANDISE		*	S	S
7.100	Offices Intended to Attract & Serve Customers or Clients on Premises (e.g. attorneys, physicians, counselors, financial institutions, insurance, travel agents, investment services, advertising agencies, real estate, mortuaries)		C	C	C
7.200	Offices with Limited Customer or Client Traffic (e.g. corporate offices, newspaper, radio, & television offices & studios, engineers, answering or dispatch service)		S	S	S
8.000	PARKING LOTS				
8.100	Vehicle & Equipment Parking not Incidental or Accessory to Another Use Located on the Same Property:				
8.110	Overnight or long-term vehicle or equipment storage lots (e.g. RV storage, contractor equipment storage)		*	S	S

	USE DESCRIPTIONS	Spec Cond	IP	LI	
8.120	Commercial parking, garages, pay lots		S	S	S
8.130	Off-site parking lots for commercial, education, religious, & institutional uses		S		S
8.200	All Other On-Site Parking Lots for Approved Uses			S	S
8.300	PUBLIC & SEMI-PUBLIC USES				
8.400	Alleys, Streets, Highways, Bridges, Sidewalks, Bikepaths, & Related Transportation Facilities Subject Only to Special District Regulations of Article 1		A	A	A
8.500	Emergency Services (e.g. police & fire stations, ambulance & rescue services)		S	S	S
8.600	Government Offices		C	C	C
8.700	Utility Facilities:				
8.710	Neighborhood utilities including pump stations, electric substations less than 5,000 sq. ft & all local utility lines		A	A	A
8.720	Regional/community utilities including treatment plants, major power generation, major storage facilities, regional transmission facilities, major overhead power lines requiring tower support structures		S	S	S
8.800	Cemeteries, Crematoriums, & Mausoleums		*	C	*
9.000	RESIDENTIAL				
9.100	Single family attached to business use		S	S	S
9.110	Home Occupations (See Article 3)		A	A	A
9.200	Multiple Family Residences:				
9.210	Located within Willamette River Greenway Boundary		*	PD	PD
9.220	Located above first floor of business use		PD	*	*

	USE DESCRIPTIONS	Spec Cond	IP	LI	HI
9.230	Overnight Recreational Vehicle Parks (See Article 12)		*	S	
9.300	Homes & Institutions Providing Special Services, Treatment, or Supervision:				
9.310	Group care home		C	C	*
9.330	Hospital		C	C	*
9.340	Child care institution		C	C	C
9.350	Jails & detention facilities		*	S	S
9.400	Miscellaneous Rooms for Rent Situations:				
9.410	Hotels & motels		*	C	*
9.500	Temporary Residence in Conjunction with new Construction, Emergency Repair, or Night Watchman Use		S	S	S
10.000	RECREATION & AMUSEMENT, ENTERTAINMENT, PUBLIC ASSEMBLY				
10.100	Activities Conducted Primarily within Structures:				
10.110	Bowling alleys, skating rinks, pool halls		*	C	C
10.120	Indoor racquet sports clubs; spas; athletic, exercise, & health clubs; and similar facilities not constructed as part of planned residential development		C	S	S
10.130	Adult entertainment	7	*	C	C
10.140	Coliseums, stadiums		C	C	C
10.150	Indoor gun clubs		*	C	C
10.160	Convention Center		C	C	*
10.200	Activities Conducted Primarily Outside Enclosed Buildings:				

	USE DESCRIPTIONS	Spec Cond	IP	LI	HI
10.210	Outdoor recreational facilities (e.g. golf & country clubs, driving ranges, swimming or tennis clubs, etc. not constructed as part of planned residential development, equestrian trails)		C	C	C
10.220	Miniature golf, skateboard parks, water slides, & similar uses		*	C	*
10.230	Motor race tracks		*	*	C
10.240	Fairgrounds		*	C	*
10.250	Public Parks and Recreational Facilities located therein	8	C	C	C
11.000	SALES, RENTAL & SERVICE OF GOODS, MERCHANDISE EQUIPMENT				
11.100	Automotive, Marine, Truck, RV's, Agricultural Machinery:				
11.100	Sales & rentals, including servicing	9	C	C	C
11.120	Parts & accessories sales which may include installation service	9	*	S	S
11.130	Service, minor repair, & detail shops		*	S	S
11.140	Paint & body work & major repair (e.g. frame straightening, engine rebuilding)		*	S	S
11.150	Automobile oriented fuel sales with or without accessory service bays or accessory convenience sales		C	S	S
11.160	Car washes		C	S	S
11.170	Truck fuel sales, truck servicing, overnight trucking facilities & related services		*	S	S
11.200	High Volume Traffic Generation Uses Conducted Within Enclosed Buildings:				
11.210	Retail sales other than those serving frequently recurring neighborhood needs		S	C	*
11.220	Miscellaneous rental merchandise & equipment		C	S	S

	USE DESCRIPTIONS	Spec Cond	IP	LI	HI
11.230	Servicing of goods, merchandise, equipment (e.g. laundromats, small appliance repair, shoe repair, tailoring)		S	S	
11.240	Personal services (e.g. barber & beauty shops, therapeutic massage, tanning salons)		S	S	S
11.250	Wholesale sales		C	S	S
11.300	Low Volume Traffic Generation Uses Conducted Within Enclosed Buildings:				
11.310	Retail sales (e.g. furniture, appliance, floor covering, building supplies, industrial supplies)		*	C	*
11.320	Miscellaneous equipment, appliances, & furniture rental		*	S	C
11.330	Servicing of appliances, furniture, lawn & garden, industrial, mechanical, heating & cooling, & other bulky equipment or merchandise		*	S	S
11.340	Services offered primarily off-site (e.g. janitorial, contractors, carpet cleaning, catering, landscaping, utility services)		C	S	S
11.350	Wholesale sales		C	S	S
11.400	High Volume Traffic Generation Uses Involving Storage or Display Outside Fully Enclosed Building:				
11.420	Servicing merchandise & equipment		S	S	S
11.430	Wholesale sales		*	S	S
11.500	Low Volume Traffic Generation Uses Involving Storage or Display Outside Fully Enclosed Building:				
11.510	Retail sales & related services		*	C	*
11.520	Miscellaneous goods & equipment rental		*	S	S

	USE DESCRIPTIONS	Spec Cond	IP	LI	HI
11.530	On-site servicing of appliances, furniture, lawn & garden, heating & cooling, industrial, mechanical, & other bulky equipment or merchandise		*	S	S
11.540	Services offered primarily off-site (See 11.340)		*	S	S
11.550	Wholesale sales		*		S
12.000	RECYCLING, SALVAGE, JUNKYARDS				
12.100	Recycling Centers:				
12.110	Processing & sorting operations conducted entirely within enclosed structures & containing a total building area of less than 5,000 sq. ft.		*	S	S
12.120	All other material recycling operations excluding metal salvage yards & junkyards		*	C	S
12.130	Salvage yards & junkyards		*	*	C
12.140	Sanitary landfills		*	*	C
12.150	Refuse transfer stations		*	C	C
13.000	STORAGE & WAREHOUSE				
13.100	Warehousing or Storage of Goods Not Including Sale or Use of Those Goods on the Same Property Where They are Stored Except as Accessory Use Activity:				
13.110	All storage within completely enclosed structures		C	S	S
13.120	Outside storage or combination of inside & outside storage		*	S	S
13.130	Mini-warehouses/self-service storage facilities intended for domestic storage	10	C	S	S
14.000	TRANSPORTATION				
14.100	Bus Stations		*	S	*
14.200	Train Stations		*	S	S



	USE DESCRIPTIONS	Spec Cond	IP	LI	HI
14.300	Taxi Business		*	S	*
14.400	Trucking Yard		*	S	S
14.500	Railroad Switching Yard & Major Loading & Unloading Facilities		*	S	S
14.600	Airport		*	C	C
14.700	Harbor		C	C	C

## OPEN SPACE DISTRICT USES

- 5.060 Uses Allowed Outright. The following uses are permitted outright in the OS district:
- (1) Crop production generally.
  - (2) Alleys, streets, highways, bridges, sidewalks, bikepaths, and related transportation facilities, subject only to the Special District regulations of Article 11.
  - (3) Neighborhood utilities, including pump stations, electric substations less than 5,000 square feet and all local utility lines.
  - (4) Raising of animals and livestock, subject also to Albany Municipal Code Section 6.10.
  - (5) One single family dwelling on a legally created lot that existed prior to July 1, 1991, and where the floodplain standards of Section 11.04 can be met. No additional land divisions will be approved.
- 5.070 Uses Permitted Conditionally. The following uses are permitted conditionally under Section 2.170:
- (1) Detached residential accessory buildings, garages and carports.
  - (2) Non-residential accessory buildings and uses.
  - (3) On-site retail sales of site-produced seasonal goods exceeding 30 days duration.
  - (4) Plant nurseries and greenhouses.
  - (5) Mining, quarrying, oil and gas extraction and asphalt-concrete batch plants including on-site sales of products.
  - (6) Temporary staging areas for Public Works construction projects in excess of 6 months duration.
  - (7) Removal of two or more trees in excess of 10 inches in diameter (see special condition 2.)
  - (8) Development within a wetland as designated on Plate 6 of the Comprehensive Plan.
  - (9) Outdoor recreational facilities (e.g. golf and country clubs, driving ranges, swimming or tennis clubs, equestrian trails, etc. not constructed as a part of planned residential development).
  - (10) Public parks and recreational facilities located in a public park. See special condition 14, Article 3.
  - (11) Fairgrounds.

(12) On-site parking lots for approved uses (parking lots not listed as permitted other categories.)

(13) Regional/community utilities including treatment plants, major power generation, major storage facilities, regional transmission facilities, major overhead power lines requiring tower support structures, etc.

## SPECIAL CONDITIONS

5.080 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) Beyond the standards provided herein for establishment of accessory buildings and uses, the definitions of "Accessory Building" and "Accessory Use" in Article 1.070(2) and Article 14 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed building to any proposed activity. See also Table 2, Article 3, for Accessory Structure Standards.
- (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 10,000 square feet. For review criteria, see Section 9.208.

The following activities are exempt from site plan review:

- (a) The action of any City officer 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. [Ord. 5445, 4/12/00]
- (3) Kennels adjacent to residential districts shall be restricted to sites containing a minimum of two (2) acres. This restriction does not apply to indoor veterinary hospital kennels.
  - (4) Antenna Placement Standards. The placement of antenna structures, including satellite dish antenna shall be permitted outright in all districts subject to the following standards:
    - (a) No antenna or antenna supports shall be located within any front yard setback area or within any required landscape buffer yard.
    - (b) Within residential districts: 1) antennas shall not extend higher than fifteen feet above the peak of the roof; 2) dish antennas exceeding 12 feet in diameter shall not be permitted; 3) dish antennas exceeding 36 inches in diameter shall not be roof mounted; and 4) dish antennas shall not exceed 15 feet in height from surrounding grade to the highest point of the structure or dish.
    - (c) Dish antenna located within ten feet of a residential lot line or located so as to be visible from a public street shall be screened up to a height of six feet with a solid screen fence, wall, hedge, or other landscaping.

- (d) Antenna used to display sign messages shall conform to all district sign regulations in addition to the above.
- (e) Antenna not in conformance with the above may be considered by Conditional Use Permit review.
- (5) The environmental performance standards of Section 7.055 may further limit the placement of certain uses in some districts by application of additional criteria not specified in this schedule.
- (6) Conditional use approval for churches includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before and after school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities which constitute the use (excluding parking and travel to and from the site) take place on the site and there is no external noise audible or light visible between 10:30 p.m. and 8:00 a.m.

Expansion of a church includes addition of building area, increase in parking lot coverage, or expansion of athletic facilities. Any expansion must be reviewed through the conditional use process.

- (7) Adult Entertainment.
  - (a) An adult entertainment use shall not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
  - (b) An adult entertainment use shall not be established or expanded within 300 feet of any other adult entertainment use.
  - (c) An adult entertainment use shall not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - (d) Exceptions to the above may be considered by the Variance procedures.
- (8) Public park development activities subject to conditional use review includes major development; expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks.
- (9) In the IP district, this use is permitted only when the parcel has a minimum of 200 feet of frontage on Pacific Boulevard.
- (10) Mini-warehouses are subject to the following standards:
  - (a) The minimum driveway width between buildings shall be 20 feet for one-way drives and 24 feet for two-way drives.
  - (b) The maximum storage unit size shall be 1,000 square feet.
  - (c) All outdoor lighting shall be shielded to prevent reflection on adjacent properties.
  - (d) Repair of autos, boats, motors and furniture, and the storage of flammable materials shall be prohibited on the premises and rental contracts shall so specify.

(11) See Section 8.400 for design standards for telecommunications facilities. [Ord. 5445, 4/12/00]

### 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. [Ord. 5445, 4/12/00]

TABLE 1

INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS			
STANDARD	IP	LI	HI
<b>Minimum:</b>			
Lot Size	5 AC (1)	10,000 sq ft	20,000 sq ft
Lot Width	300'	80'	100'
Lot Depth	300'	80'	100'
<b>Minimum Setbacks:</b>			
Front	30'-50' (4)	15'	15'
Interior Abutting Residential District (2)	35'	30'	30'
Interior Abutting Non-Residential District (2)	30'	0	0
<b>Maximum:</b>			
Height	50' (3)	No Limit	No Limit
Lot Coverage	70%	No Limit	No Limit

(1) Except Planned Development

(2) No back area required for buildings abutting railroad rights-of-way

(3) Higher structures permitted by Conditional Use approval.

(4) Based on height, a minimum of 30 feet and 1 foot for every 1 foot of building height over 30 feet, not to exceed 5-feet.

## SETBACKS

5.100 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 6.160, Clear Vision Area. See also Table 2, Article 3, for Accessory Structure Standards.

5.110 Measurements. Setback distances shall be measured perpendicular to all portions of a lot line.

5.120 Setback Alternate in Developed Areas. When an addition or new development is proposed to be located in an area containing the same type of uses which have been developed to a previous setback standard, the Director or review body may approve setbacks which are the same as those for the existing buildings on the site or additions, or the same as those for buildings on adjoining parcels for new development. In such instances, the Type I procedure shall be used to process requests and approval shall be based upon the following criteria:

- (1) The amount of area between buildings is sufficient to provide adequate property maintenance and rear yard access.
- (2) If there are non-accessory structures on both abutting lots with front yards of less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting structure.
- (3) If there is a non-accessory structure on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth one-half way between the depth of the abutting front yard and the required front yard depth.
- (4) A driveway extending not less than 20 feet from the street right-of-way must precede on-site parking spaces or structures.
- (5) No wall of one dwelling unit is closer than 10 feet from a window of another dwelling unit.
- (6) All other provisions of this Code must be met.

5.130 General Exceptions to Setback Requirements. The following intrusions may project into required yards provided that the conditions and limitations indicated are adhered to:

- (1) Depressed Areas. In any district, open work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls, may be located in required yards, provided that such devices are not more than 3-1/2 feet in height.
- (2) Projecting Building Features. The following building features may project into the

required front yard no more than five feet and into the required interior yards no more than two feet:

- (a) Awnings, eaves, buttresses, architectural appendages (examples such as, but not limited to, bay windows, planters, cantilevered stairways.)
- (b) Chimneys and fireplaces, provided they do not exceed eight feet in width.
- (c) Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height; structures under 30 inches are not subject to setback provisions).
- (d) Signs conforming to applicable ordinance requirements.

5.140 Zero Lot Line. Any residential structure or accessory building may be located on the property line where:

- (1) There are no openings or windows in the lot line wall. Additionally, a 10-foot setback and maintenance easement must be recorded on the adjoining property deed or plat. This easement is not revocable without City approval.  
or
- (2) 2 or more units are attached at the property line and are approved for such in accordance with other provisions of this Code.

5.150 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.

5.160 Setback and Fencing for Swimming Pools. Swimming pools shall conform to the setback regulations for main buildings except that outdoor swimming pools shall be set back not less than 10 feet from all interior lot lines. Also, all swimming pools shall be fenced or equipped with electric alarm system in such a manner as to prevent or alarm upon entry. Required pool fencing must be a minimum of four feet in height and be equipped with a self-locking gate which closes automatically.

5.170 Setbacks for Properties Abutting Future Street Rights-of-Way. Where the adopted Comprehensive Plan and future Street Plans include the widening or connecting of existing streets, or the establishment of new streets, the placement of all buildings and the establishment of all required yards shall be in relation to the proposed street right-of-way boundaries. Also, no building shall be erected on a lot which abuts a proposed street right-of-way unless the lot will contain the width and depth needed to complete the street width plus the width and depth of the yards required on the lot.

5.180 Special Willamette River Setback & Height Restrictions. Except for water-related and water-dependent uses (see definitions Article 22), all construction must be located outside the floodway line as defined for a 100-year storm. Development structure heights and setbacks south of the Willamette River shall not extend above a plane which begins at the floodway line and extends directly south. The angle of this plane shall be as follows:

- (1) For river-oriented uses, the angle shall be 30°.
- (2) For non river-oriented uses, the angle shall be 15°.

5.190 Special Noise Corridor Setbacks. Residential developments adjacent to the following listed streets and highways shall maintain the setbacks listed from the designated right-of-way in addition to the required setbacks for the Zoning District:

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

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

5.200 Special Setbacks for Schools, Churches, Public and Semi-Public Buildings. Any new construction of a school, church, or public or semi-public building shall be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. No required front or interior yard of the lot on which such building or use is located shall be used for stockpiling or storage of materials or equipment. All other setbacks of the district within the property is located continue to apply.

5.210 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 all industrial and commercial zones, required parking may be permitted in required front and interior yards where the minimum landscaping and buffering requirements have been met.

## HEIGHT

5.220 Height Standards. See Table 1 for height restrictions.

5.230 Height Exceptions.

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this Article provided that no roof structure, feature, or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space.
- (2) Churches and Public and Semi-Public Buildings. In districts where churches and certain public and semi-public buildings require Conditional Use approval, the height restrictions may be waived as a part of the Conditional Use proceedings provided that



a request for such has been noted in the public hearing notice

## OFF-STREET PARKING AND LOADING

5.240 Parking Standards. Off-street parking and loading shall be provided for all development in the amounts indicated in Table 2 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.

5.250 Loading Standards. All necessary loading spaces for industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- (1) Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (2) The minimum area required for industrial loading spaces is as follows:
  - (a) 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  - (b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
  - (c) 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- (3) The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.
- (4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (5) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

TABLE 2

INDUSTRIAL DISTRICT PARKING SPACE REQUIREMENTS

USE	SPACES REQUIRED
Air, rail, and motor freight terminals	Subject to site plan review
Building material sales	1 per 500 sq ft G.F.A.
Commercial uses	See Table 2, Article 4
Production or processing of materials, goods or products	2 per 3 employees on maximum shift plus 1 per company vehicle maintained or stored on site.
Testing, repairing, cleaning, servicing of materials, goods or products	1 per 2 employees plus 1 per company vehicle
Warehousing and wholesale	1 per 2 employees plus 1 per 300 sq ft of patron serving area plus 1 per company vehicle
Wrecking yards and junk yards	1 per employee plus 1 per 10,000 sq ft lot area

## LANDSCAPING

5.260 General. All front yards exclusive of accessways and other permitted intrusions are required to be landscaped within one year of building occupancy in accordance with Section 9.2011. Minimum landscaping acceptable per 1,000 square feet of required yard area in all Industrial Districts shall be as follows:

- (1) Two trees at least six feet in height.
- (2) Five (5) five-gallon or eight (8) one-gallon shrubs, trees, or potted plants
- (3) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- (4) Where the yards adjacent to a street of industrial zoned properties are across a right-of-way from other industrial or commercial zoned property, only 30% of such yard area must be landscaped.

## BUFFERING AND SCREENING

5.270 General. Buffering and screening may be required to offset the impact of development. See Section 9.210.

## OUTSIDE STORAGE

5.280 General.

- (1) In any Industrial District, outside storage or display of materials, junk, parts, or merchandise shall not be permitted within required front yards or buffer areas.
- (2) Open storage is permitted in yards not listed in (1) above, provided that such storage is enclosed with a sight-obscuring fence, wall, or hedge, or a berm, any or all of which must be constructed of non-combustible material. This enclosure shall be located on the property at the required setback line as if the berm, fence, wall, or hedge were a building.
  - (a) Materials and equipment stored as permitted in this subsection shall be no more than 14 feet in height above the elevation of the storage area.
  - (b) Open storage over six feet in height shall be screened by landscaping.

5.290 Screening of Refuse Containers. The following standards apply to all development, except for one and two family dwellings. Any refuse container or disposal area which would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight obscuring fence, wall or hedge a minimum of

6 feet in height. All refuse materials shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window.

## FENCES

5.300 Materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows:

- (1) Barbed wire is permitted atop a six-foot (6') chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet. Barbed wire fences and concertina wire are prohibited except as allowed in subsection (2).
- (2) Concertina wire may be used around correctional institutions and high security areas provided that the fences are posted at least at 15-foot intervals with clearly visible warnings of the hazard.
  - (a) Except as specified in the provisions of subsections (1) and (2) above, concertina wire, barbed wire, or upturned barbed selva existing at the time of the passage of this ordinance that is between six and seven feet above grade in the industrial districts shall be considered a legal non-conforming use, provided that the barbed wire or upturned barbed selva does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way.
- (3) Fences are limited to the height and locational standards:
  - (a) Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard planting area and outside of any vision clearance area.
  - (b) Fences more than six (6) feet in height require Building Permits.
- (4) Wherever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions:
  - (a) Opacity. In order to be "sight-obscuring," fences and walls will be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges will be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting.
  - (b) Height. Fences and walls will be a minimum of six feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height and health when planted.
  - (c) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met.

5.310 Standards. Every fence, whether or not approved as a result of Site Plan Review, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

## ARTICLE 8 DESIGN STANDARDS

*No changes are proposed to Sections 8.000 to 8.330 at this time.*

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 **except when not feasible, 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%
RC, CC, NC, OP,	25%
MS, LE, PB, ES, MUR, WF	50%
HD, CB, <del>LE</del> , MS	75%



**The minimum window and door requirements are measured between 2 and 8 feet from the ground. Only the glass portion of doors may be used in the calculation.**

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.

*No changes are proposed to sections 8.350 to 8.390 at this time.*

## ARTICLE 9 ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

*Staff Comments: No changes are proposed to 9.100 to 9.390 at this time.*

### ENVIRONMENTAL

- 9.400 **Purpose.** These regulations are designed to protect all uses in all zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards or nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.
- 9.405 **Exemptions.** The off-site impact standards do not apply to machinery, equipment, and facilities that were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.
- 9.410 **Relationship to ~~State and Federal~~ Other Regulations.** The environmental standards are in addition to all other regulations of the Albany Municipal Code. ~~In addition to the regulations of this Code, each use, activity, or operation within the City of Albany shall must comply with the applicable state and federal standards pertaining to noise, odor, and discharge of matter into the atmosphere, ground, sewer system, or stream. These standards do not replace or supercede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Building Code or Uniform Fire Code.~~
- 9.410 **Relationship to ~~Other Local Regulations~~** ~~Other local regulations of an environmental nature include those in Article 6 on Special Purpose Districts (i.e., floodplain, wetlands, hillsides, Willamette Greenway) and those of the Fire Department and Building Division.~~
- 9.420 **Evidence of Compliance.** Prior to approval of a development application, the Director may require submission of evidence demonstrating compliance with ~~S~~state, ~~F~~federal and local environmental regulations and receipt of necessary permits.
- 9.430**425** **Responsibility.** Compliance with ~~S~~state, ~~F~~federal and local environmental regulations is the continuing obligation of the property owner and operator.
- 9.430 **Measurements.** Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the owner or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code.

9.435 **Neighborhood Compatibility.** If a site is located within 300 feet of residentially zoned property and environmental impacts regulated by this article have not been adequately determined, the Community Development Director may require that a proposed use be considered under the Conditional Use process to provide an opportunity for public review and comment and to establish conditions to mitigate potential impacts.

9 440 **Noise.** The City noise standards are stated in Albany Municipal Code Title 7, Public Peace, Morals and Safety. In addition, the Department of Environmental Quality (DEQ) has regulations that apply to firms adjacent to or near noise-sensitive uses such as dwellings, religious institutions, schools, and hospitals.

(1) **Additional City Standards.** The following restrictions are in addition to the State DEQ ~~Department of Environmental Quality (DEQ)~~ standards for purposes of City noise regulation:

~~(1)(a)~~ For purposes of measuring permitted sound levels from noise generating sources under the provisions of DEQ rules, any point where a noise sensitive building could be constructed under the provisions of this Code shall apply as if such point contained a noise sensitive building.

~~(2)(b)~~ Within the Industrial Park (IP) and Waterfront (WF) Zoning Districts, each property or building under separate ownership ~~from a noise-generating source~~ shall be considered a noise sensitive property under the provision of DEQ rules with the exception that the allowable noise levels shall be increased by 5 db

(2) **Expert Evaluation.** A noise analysis may be required in the development review process to show that a proposed activity can meet the noise standards or that residential uses are adequately buffered from noise sources.

(3) **Mitigation Measures.** The following noise mitigation measures may be required through development review:

- a. increased building setbacks;
- b. special berms and heavy vegetation areas;
- c. site layout to establish buffer areas or locate low-noise buildings to serve as buffer between the noise-sensitive areas and the sound source;
- d. special sound insulation construction techniques;
- e. improvements as recommended by the DEQ or a qualified noise consultant;
- f. issuance of a bond or other financial agreements to ensure that the required noise reduction features are installed.

9.450 **Visible Emissions.** Within the ~~Commercial-mixed-use, commercial, Districts and the IP and WF Industrial Park D~~ zoning districts, there shall be no use, operation, or activity which results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line.

9.455 **Water Quality.** Direct discharge of storm water and process waste from operation of industries shall comply with the water quality standards adopted by DEQ and as authorized in a National Pollutant Discharge Elimination System (NPDES) Permit.

9.460 **Vibration.** Continuous, frequent, or repetitive vibrations ~~No vibration other than that caused by highway vehicles, trains, and aircraft that exceed 0.002g peak may not be produced.~~ shall be permitted in any given district which is discernible ~~without instruments at the property line of the use concerned.~~



**Exceptions: Vibrations from temporary construction and vehicles that leave the site (such as trucks, trains, or aircraft) are exempt; vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.**

**Measurements. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.**

9.470 **Odors. Continuous, frequent, or repetitive odors or ~~the~~ the emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. Odor is regulated by the Department of Environmental Quality.**

**Exceptions: An odor detected for less than 15 minutes per day is exempt.**

9.480 **Glare and Heat. No direct or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source. Strobe lights visible from another property are not allowed, except as may be required by the Federal Aviation Administration.**

9.490 **Insects and Rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.**

9.500 **Hazardous Waste. Hazardous wastes are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.**

## ARTICLE 13 ALBANY SIGN CODE

13.100 to 13.360 and 13.425 to 13.816 - *No changes proposed at this time.*

### STANDARDS BY SIGN DISTRICT

13.410 PEDESTRIAN AREAS.

13.411 District Areas. The Pedestrian Area shall consist of the CB (Central Business), HD (Historic Downtown) and LE (Lyon-Ellsworth) zones. [Ord. 5446, 5/10/00]

13.412-13.415 - *No changes proposed at this time.*

13.420 COMMERCIAL AND INDUSTRIAL AREAS~~Error! Bookmark not defined.~~

13.421 District Areas. The Commercial and Industrial Areas shall consist of the OP (Office Professional), NC (Neighborhood Commercial), CC (Community Commercial), **RC (Regional Commercial)**, ~~CH (Heavy Commercial)~~, ~~TS (Tourist Service)~~, MUR (Mixed Use Residential), MS (Main Street), **WF (Waterfront)**, TD (Transit District), ES (Elm Street), PB (Pacific Boulevard), ~~MUI (Mixed Use Industrial)~~, LI, (Light Industrial), HI (Heavy Industrial), and IP (Industrial Park) zoning districts. [Ord. 5446, 5/10/00]

13.422 Aggregate Sign Restrictions. The total number and area of signs in Commercial and Industrial Areas shall conform to the following:

- (1) The aggregate number of signs allowed for each lot shall be two signs for each frontage
- (2) The aggregate area of all signs for each street frontage shall not exceed an area equal to 1-1/2 square feet for each lineal foot of street frontage. However, in addition, aggregate sign area shall be subject to the following minimum and maximum ranges:
  - (a) For CC, ~~RCCH~~, TS, PB, LI, HI, and IP Zones, the minimum is 45 square feet, maximum is 200 square feet.
  - (b) - (c) *No changes proposed at this time.*

13.423 Wall Signs. Wall signs in Commercial and Industrial areas shall comply with the following provisions:

- (1) No wall sign shall exceed one hundred (100) square feet except as noted below.
- (2) If wall signs are used exclusively, a bonus to Sections 13.422 and 13.423 is granted such that the area allowed shall be calculated at 2 square feet for each lineal foot of street frontage up to a maximum individual size of 125 square feet and a maximum aggregate area of 250 square feet in the CC, **RC**, LI, HI, PB, and IP zones; 180 square feet in the NC, MUR, ~~MUI~~ **WF** and MS zones and 75 square feet in the OP, ES and TD zones. [Ord. 5446, 5/10/00]

13.424 Freestanding Signs. Freestanding signs in Commercial and Industrial areas shall comply with the following provisions.

- (1) Signs shall be no higher than 30 feet in the PB, CC, **RC**, ~~CH~~, ~~TS~~, LI and HI zones. In the MUR, ~~MU~~, **WF**, MS, ES, TD, NC, OP, and IP zones signs shall be no higher than 15 feet. Signs located within the freeway interchange area may be higher per Section 13.440.
- (2) One sign shall be permitted for each frontage in excess of 75 lineal feet. Two or more parcels of less than 75 feet may be combined for purposes of meeting the foregoing standard with the approval of all affected property owners.
- (3) Signs shall not exceed a total face area of 3/4 square feet for each lineal foot of street frontage with a maximum area of 160 square feet per face in the PB, ~~TS~~, CC, **RC**, ~~CH~~, LI, HI, and IP zones, 120 square feet in the MUR, ~~MU~~, **WF**, MS and NC zone and 40 square feet in the ES, TD and OP zone. In all cases a minimum allowance of 20 square feet is guaranteed.

## ARTICLE 22 USE CATEGORIES AND DEFINITIONS

22.10 Introduction to the Use Categories. This section classifies land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assigning present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

The Schedules of Permitted Uses (by zoning district), special conditions and the development standards are located in Article 3, Residential Zoning Districts, Article 4, Commercial and Industrial Zoning Districts, and Article 5, Mixed Use Village Center Zoning Districts. The environmental performance standards in Article 9, On-site Development and Environmental Standards, may limit the placement of certain uses in some zoning districts.

### INDUSTRIAL USE CATEGORIES

- 22.030 Contractors and Industrial Services
- 22.040 Manufacturing and Production
- 22.050 Railroad Yards
- 22.060 Warehousing and Distribution
- 22.070 Waste and Recycling Related
- 22.080 Wholesale Sales

### COMMERCIAL USE CATEGORIES

- 22.090 Adult Entertainment
- 22.100 Entertainment and Recreation, Indoor and Outdoor
- 22.110 Offices
- 22.120 Parking
- 22.130 Restaurants
- 22.140 Retail Sales and Service
- 22.150 Self-Serve Storage
- 22.160 Vehicle Repair
- 22.170 Vehicle Service, Quick

### INSTITUTIONAL USE CATEGORIES

- 22.180 Basic Utilities
- 22.190 Community Services
- 22.200 Daycare
- 22.210 Educational Institutions
- 22.220 Hospitals
- 22.230 Jails and Detention Facilities
- 22.240 Parks, Open Areas and Cemeteries
- 22.250 Religious Institutions

### RESIDENTIAL USE CATEGORIES

- 22.260 Group or Residential Care Facilities
- 22.270 Assisted Living
- 22.280 Single Family, Two Family
- 22.290 Live Work
- 22.300 Three or More Units
- 22.310 Units Above a Business
- 22.320 Accessory Buildings

OTHER USE CATEGORIES

- 22.330 Agriculture
- 22.340 Communication Towers and Poles
- 22.350 Kennels
- 22.360 Passenger Terminals
- 22.370 Rail and Utility Corridors

22.020. Description of Use Categories.

- (1) **Considerations.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The “Characteristics” subsection of each use category describes the characteristics of each category. Developments may have more than one primary use. Developments may also have one or more accessory uses. The following are considered in determining what category the use is in, and whether the activities constitute primary uses or accessory uses:
  - The description of the activity(ies) in relationship to the characteristics of each use category;
  - The relative amount of site or floor space and equipment devoted to the activity,
  - Relative amounts of sales from each activity,
  - The customer type for each activity;
  - The relative number of employees in each activity;
  - Hours of operation;
  - Building and site arrangement,
  - Vehicles used with the activity;
  - The relative number of vehicle trips generated by the activity;
  - Signs;
  - How the use advertises itself; and
  - Whether the activity would be likely to be found independent of the other activities on the site.
- (2) **Developments with multiple primary uses.** When all the primary uses of a development fall into one use category, the development is assigned to that use category. For example, a development that contains a retail bakery and a café would be classified in the Retail Sales and Service category because all of the primary uses are in that category. When the primary uses of a development fall into different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- (3) **Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
- (4) **Use of examples.** The “Use Examples” subsection of each use category provides a list of examples of uses that are included in the category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

## INDUSTRIAL USE CATEGORIES

### 22.030 Contractors and Industrial Services

- (1) *Characteristics.* Contractors are engaged in mostly off-site activities. These include building construction and the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Industrial service uses serve businesses and industries, relatively few general public customers come to the site.
- (2) *Accessory uses.* Accessory uses may include offices, parking, storage, rail spur or lead lines. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.
- (3) *Use Examples.* Types of uses include, but are not limited to: building, heating, plumbing or electrical suppliers and contractors; printing, publishing and lithography; tool repair; exterminators; laundry, dry-cleaning, and carpet cleaning plants; photo-finishing laboratories; bulk landscape materials including rocks, bark chips or compost; welding shops; machine shops; electric motor repair; repair of scientific or professional instruments; rental of equipment; sales, rental, repair, equipment storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; overnight or long-term equipment storage; heavy truck servicing and repair; tire retreading or recapping; truck fueling stations; janitorial and building maintenance services; fuel oil distributors, solid fuel yards.
- (4) *Exceptions.*
  - a. If fabrication is not carried on at the site and equipment and materials are not stored on site, contractors and others who perform services off-site are included in the Office category.

### 22.040 Manufacturing and Production

- (1) *Characteristics.* Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of products or energy. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site. If they are, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- (2) *Accessory uses.* Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleets, or caretaker living quarters. Other living quarters are subject to the regulations for residential uses in the base zones.
- (3) *Use Examples.* Types of uses include, but are not limited to: the manufacturing, researching, testing, experimentation and development of products, including engineering and laboratory research, pharmaceuticals, medical and dental devices and instruments, manufacturing, assembly, or packaging of products from previously prepared materials (excluding vehicle repair shops); weaving or production of textiles or apparel; manufacture or assembly of machinery, equipment, instruments, including musical instruments, appliances, precision items, and other electrical items; movie production facilities; production of artwork and toys, printing, publishing and book binding; catering establishments; processing of food, beer, wine and related products, including slaughterhouses and meat packing, woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; sign making; crematoriums, wood products manufacturing; concrete and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; production of prefabricated structures, including manufactured homes, and energy production.
- (4) *Exceptions.*

- a. Manufacturing of goods to be sold primarily on site and to the general public is classified as Retail Sales and Service.
- b. Small-scale manufacturing or assembly that is compatible with an office building is classified as Office.
- c. Manufacturing and production of goods from composting organic material is classified as Waste and Recycling Related uses.

22.050 Railroad Yards

- (1) *Characteristics.* Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.
- (2) *Accessory Uses.* Accessory uses include offices, employee facilities, storage areas, railcar maintenance and repair facilities, and parking.

22.060 Warehousing and Distribution

- (1) *Characteristics.* Warehousing and Distribution firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- (2) *Accessory Uses.* Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.
- (3) *Use Examples.* Types of uses include, but are not limited to separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold-storage plants, including frozen-food lockers; major wholesale distribution centers; trucks or trucking terminals; bus barns and rail barns; parcel services, major post offices, the overnight or long-term storage of vehicles or equipment (e.g., RV storage, contractor equipment storage) as the primary use; grain terminals, and the stockpiling of sand, gravel, or other aggregate materials.
- (4) *Exceptions.*
  - a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste and Recycling Related uses.
  - b. Mini-warehouses are classified as Self-Serve Storage uses.

22.070 Waste and Recycling Related

- (1) *Characteristics.* Waste-Related uses are uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others.
- (2) *Accessory Uses.* Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.
- (3) *Use Examples.* Types of uses include, but are not limited to sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.
- (4) *Exceptions*
  - a. Disposal of dirt, concrete, asphalt, and similar non-decomposable materials is considered a fill.
  - b. Sewer pipes that serve a development are considered a Basic Utility.

22.080 Wholesale Sales

- (1) *Characteristics.* Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on site or delivered to the customer.
- (2) *Accessory uses.* Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- (3) *Use Examples.* Types of uses include, but are not limited to: the sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures, mail-order houses; and wholesalers of food, clothing, auto parts, or building hardware.
- (4) *Exceptions.*
  - a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
  - b. Firms that primarily store goods with little on-site business activity are classified as Warehousing and Distribution

**COMMERCIAL USE CATEGORIES**

22.090 Adult Entertainment

- (1) *Characteristics.* Adult entertainment uses are sexually-oriented business entertainment uses and accessory uses which exclude minors by virtue of age under the laws of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian, or spouse.
- (2) *Accessory Uses.* Accessory uses may include parking and general office.
- (3) *Use Examples.* Types of uses include, but are not limited to: adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, nude photography studios, or eating and drinking establishments which have sexually-oriented entertainment such as nude dancers, strippers, or other similar entertainers.

22.100 Entertainment and Recreation, Indoor and Outdoor

- (1) *Characteristics.* Entertainment uses are characterized by activities that provide entertainment and recreational activity either indoors or outdoors. Activities are both spectator and participatory. Some entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows
- (2) *Accessory Uses.* Accessory uses may include food sales, offices, maintenance facilities and parking.
- (3) *Use Examples Indoor* Types of uses include, but are not limited to: public or private athletic, exercise and health clubs or gyms; bowling alleys, skating rinks; game arcades; pool halls; theaters; indoor firing ranges.

*Outdoor:* Types of uses include, but are not limited to: miniature golf, driving ranges; drive-in theaters; fairgrounds; convention centers; sports complexes, ball fields, coliseums or stadiums; equestrian centers and animal arenas; theme and water parks.

- (4) *Exceptions.*
  - a. Golf courses are classified as Parks, Open Areas and Cemeteries.



- b. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.
- c. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
- d. Adult Entertainment is its own use category.

#### 22.110 Offices

- (1) *Characteristics.* Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services
- (2) *Accessory uses* Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- (3) *Use Examples.*
  - a. *Offices with limited customer traffic.* Types of uses include, but are not limited to: corporate offices, company headquarters or financial and operational divisions; insurance headquarters; financial headquarters for brokerage houses, banks or other lenders; data processing; public utility offices; newspaper, television and radio offices and studios, and research labs.
  - b. *Offices intended to provide personal or professional services to customers on-site* Types of uses include, but are not limited to: professional services such as lawyers, accountants, employment services, insurance and travel agencies; financial and investment services such as banks, lenders, or brokerage houses; real estate agents, sales offices; some government offices; medical and dental clinics or labs; veterinarians and animal hospitals; and blood-collection facilities.
- (4) *Exceptions*
  - a. Offices that are part of and located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other use category.
  - b. Contractors and others who perform services off site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site. Otherwise, contractor offices are included in the Contractors and Industrial Services category.

#### 22.120 Parking

- (1) *Characteristics.* The Parking use category includes facilities that provide both accessory parking for a specific use and regular fee parking for people not connected to the use The Parking use category does not include parking that is required for a primary use on the same or adjacent property as the primary use. A fee may or may not be charged.
- (2) *Accessory Uses.* In a parking structure only, accessory uses may include gasoline sales, car wash, and vehicle repair activities if these uses provide service to autos parked in the garage, and not to the general traffic.
- (3) *Use Examples.* Types of uses include, but are not limited to: off-site parking lots for commercial, education, religious, and institutional uses; fee parking facilities, commercial district shared parking lots, park-and-ride lots, and mixed parking lots (partially for a specific use, partly for rent to others)
- (4) *Exceptions.*
  - a. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Parking.

- b. The overnight or long-term storage of vehicles or equipment (e.g., RV storage, contractor equipment storage) as an accessory use is not Parking Overnight or long-term storage of vehicles or equipment as the primary use is classified as Warehousing and Distribution.

#### 22.130 Restaurants

- (1) *Characteristics.* Restaurants are involved in the sale of food and/or beverages to the general public. Businesses may also provide entertainment in addition to food sales.
- (2) *Accessory Uses.* Accessory uses may include offices, storage of goods and packaging of goods for sale on site, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to cafes and delicatessens, restaurants with sit-down, carry-out, and fast food (with or without drive-through window), taverns, bars and night clubs.
- (4) *Exceptions.* Food sales at events and entertainment centers are accessory uses to the primary use type.

#### 22.140 Retail Sales and Service

- (1) *Characteristics.* Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. Businesses may also provide personal services, or provide product repair or services for consumer and business goods. For the most part, operations are conducted within enclosed buildings, and outside storage is screened.
- (2) *Accessory Uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to, uses from the four subgroups listed below:
  - a. Convenience-oriented: Retail items generally necessary or desirable for everyday living and usually purchased at a convenient nearby location. Because these goods cost relatively little compared to income, they are often purchased without comparison shopping
  - b. Personal service-oriented: Branch banks, urgent medical care; laundromats, photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; private lodges or clubs; business and other trade schools; galleries, martial arts, dance or music studios; taxidermists; mortuaries; veterinarians; and animal grooming.
  - c. Sales and service-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles; adult entertainment theaters, stores and clubs; and hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
  - d. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; quick printing; recycling drop-off; tailors; locksmiths, and upholsterers
- (4) *Exceptions.*
  - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
  - b. Bulk sales of landscape materials, including bark chips and compost, is classified as Contractor and Industrial Services.
  - c. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair.

- d. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Contractor and Industrial Services.
- e. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
- f. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Contractor and Industrial Services.
- g. In certain situations, such as short-term housing or mass shelter, hotels and motels may be classified as Community Services.
- h. Public or private athletic, exercise and health clubs or gyms are classified as Entertainment and Recreation, Indoor

22.150 Self-Serve Storage

- (1) *Characteristics.* Self-Serve Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- (2) *Accessory uses.* Accessory uses may include security and leasing offices and caretaker living quarters. Other living quarters are subject to the regulations for Residential uses in the base zones. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Serve Storage use. Rental of trucks or equipment is also not considered accessory to a Self-Serve Storage use.
- (3) *Use Examples.* Examples include single-story and multi-story facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- (4) *Exceptions.* A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

22.160 Vehicle Repair

- (1) *Characteristics.* Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- (2) *Accessory Uses.* Accessory uses may include offices, sales of parts, and vehicle storage
- (3) *Use Examples.* Types of uses include, but are not limited to: vehicle repair, transmission or muffler shop, auto body and paint shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- (4) *Exceptions.* Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

22.170 Vehicle Service, Quick (gas, oil, wash)

- (1) *Characteristics.* Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits while the service is performed. Full-serve and mini-serve gas stations are always classified as primary uses (Vehicle Service, Quick), rather than accessory uses, even when they are in conjunction with other uses.
- (2) *Accessory Uses.* Accessory uses may include auto repair, oil change, tire and other retail sales.
- (3) *Use Examples.* Types of uses include, but are not limited to: full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication services, tire repair and Department of Environmental Quality vehicle emission test sites.
- (4) *Exceptions.*

- a. Truck stops are classified as Contractors and Industrial Services.
- b. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) and which are on the site where the vehicles are kept, are accessory to the use

## INSTITUTIONAL USE CATEGORIES

### 22.180 Basic Utilities

- (1) *Characteristics.* Basic Utilities uses provide community infrastructure, including water and sewer systems, telephone exchanges, power substations and transit. Utility uses generally do not have regular employees at the site. Services may be public or privately provided.
- (2) *Accessory Uses.* Accessory uses may include parking, control, monitoring, data or transmission equipment.
- (3) *Use Examples.* Types of uses include, but are not limited to: water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; storm water facilities and conveyance systems; telephone exchanges; mass transit stops, transit centers, park-and-ride facilities for mass transit; and emergency communication broadcast facilities.
- (4) *Exceptions.*
  - a. Public Works projects, such as streets, utility lines, and pump stations.
  - b. Services where people are generally present, other than transit stops and park-and-ride facilities, are classified as Community Services or Offices.
  - c. Utility offices where employees or customers are generally present are classified as Offices.
  - d. Bus and light-rail barns are classified as Warehousing and Distribution.
  - e. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail and Utility Corridors.
  - f. Energy production facilities are classified as Manufacturing uses; see Section 22.040.

### 22.190 Community Services

- (1) *Characteristics* Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide shelter or short-term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- (2) *Accessory uses.* Accessory uses may include offices; meeting areas; food preparation areas, parking, health and therapy areas; daycare uses, and athletic facilities.
- (3) *Use Examples* Types of uses include, but are not limited to: libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, public safety facilities including fire and police stations, ambulance stations, drug and alcohol centers, social service facilities, shelters or short-term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

(4) *Exceptions.*

- a. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service.
- b. Parks and cemeteries are classified as Parks, Open Areas and Cemeteries.
- c. Uses where tenancy is arranged on a month-to-month basis (except at hotels/motels) or for a longer period are residential, and are classified under Residential use categories

22.200 Daycare

- (1) *Characteristics.* A daycare facility is operated with or without compensation, and is certified by the state for the daytime care of children, teenagers or adults who need assistance or supervision, located in a building constructed as other than a single-family dwelling.
- (2) *Accessory Uses.* Accessory uses include offices, play areas, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to: nursery schools, preschools, kindergartens, before- and after-school care facilities, child development centers and adult daycare programs.
- (4) *Exceptions.*
  - a. Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters.
  - b. Daycare use also does not include care given by a "family daycare" provider as defined by ORS 657A.250 if the care is given to 12 or fewer children at any one time, including the children of the provider. "Family daycare" is care regularly given in the family living quarters of the provider's home. *Family daycare homes are allowed outright in residential, mixed use and commercial districts without site plan review* These homes may require a license from the State of Oregon Children's Services Division.

22.210 Educational Institutions

- (1) *Characteristics.* This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree, and public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education. They are certified by the State Board of Higher Education or by a recognized accrediting agency.
- (2) *Accessory Uses.* Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, support commercial uses, play areas, cafeterias and meals programs, recreational and sports facilities, auditoriums, and before- or after-school daycare.
- (3) *Use Examples.* Types of uses include, but are not limited to: universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, public and private daytime schools, boarding schools and military academies
- (4) *Exceptions.*
  - a. Business, trade and vocational schools are classified as Retail Sales and Service
  - b. Preschools are classified as Daycare uses.

22.220 Hospitals

- (1) *Characteristics.* Hospitals include uses providing medical or surgical care to patients and offering overnight care. Hospitals tend to be on multiple blocks or in campus settings.

- (2) *Accessory uses.* Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- (3) *Use Examples* Examples include hospitals and medical complexes that include hospitals or emergency care facilities.
- (4) *Exceptions.*
  - a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
  - b. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
  - c. Urgency medical care clinics are classified as Office

#### 22.230 Jails and Detention Facilities

- (1) *Characteristics.* Detention Facilities includes facilities for judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on approved leave.
- (2) *Accessory Uses.* Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities
- (3) *Use Examples.* Types of uses include, but are not limited to: prisons, jails, probation centers, and juvenile detention homes.
- (4) *Exceptions.* Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers, are classified as Group or Assisted Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where sworn officers do not supervise residents, are also classified as Group or Assisted Living

#### 22.240 Parks, Open Areas And Cemeteries

- (1) *Characteristics.* Parks, Open Areas and Cemeteries uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares Land tends to have few structures.
- (2) *Accessory uses.* Accessory uses may include clubhouses, maintenance facilities, ball fields, concessions, caretaker's quarters, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to: parks, golf courses, cemeteries or mausoleums, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

#### 22.250 Religious Institutions

- (1) *Characteristics.* Religious Institutions are primarily intended to provide meeting areas for religious worship and activities.
- (2) *Accessory Uses.* Accessory uses include Sunday school facilities, parking, social halls, gymnasiums and other recreational activities, soup kitchens, caretaker's housing, group living facilities such as convents, and temporary shelter.
- (3) *Use Examples* Churches, temples, synagogues, and mosques.

## RESIDENTIAL USE CATEGORIES

### 22.260 Group or Residential Care Facilities

- (1) *Characteristics.* A public or private facility for six or more unrelated persons who are physically, mentally or socially handicapped, delinquent, or drug- or alcohol-dependent; with a person residing on site who is not related by blood, marriage, legal adoption or guardianship to the residents, and who may be responsible for supervising, managing, monitoring them and/or providing care, training or treatment to them. The residents may or may not receive any combination of care, boarding, training, or treatment, as long as they also reside at the site. Larger facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month. Group or Residential Care Facilities include the state definition of residential care facility (in the Definitions section following the Use Categories).
- (2) *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
- (3) *Use Examples.* Types of uses include, but are not limited to: group homes (for six or more residents); residential programs for drug and alcohol treatment; and alternative or post-incarceration facilities.
- (4) *Exceptions*
  - a. "Residential Homes" boarding, caring for or housing five or fewer physically, mentally or socially handicapped, delinquent persons or persons in need of treatment by a person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption of, such persons are allowed in zones that allow single-family homes.
  - b. Child or adult foster homes, where residential care is provided in a homelike environment for five or fewer non-related individuals are classified under Single- and Two-Family Homes.
  - c. Hospitals and medical treatment facilities with overnight care are classified as Hospitals.
  - d. Nursing homes are classified as Assisted Living.
  - e. Lodging where tenancy may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged on a short-term basis may be classified as a Community Service use (such as short-term housing or mass shelters).
  - f. Lodging where the residents meet the definition of a household, and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Single or Two-Family, Live Work, or Three or More Units.
  - g. Correctional or detention facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Jails and Detention Facilities category

### 22 270 Assisted Living

- (1) Assisted Living facilities are characterized by unrelated elderly or disabled persons, and at least one person residing on the site who is responsible for providing daytime care, protection, supervision, monitoring and/or training or treatment of residents. Larger group-living facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month.
- (2) *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

- (3) *Use Examples.* Types of uses include, but are not limited to: nursing and convalescent homes; residential care/treatment facilities, lifecare or continuing care services, and assisted living facilities.
  - a. Retirement housing units that are separate units and ownership are classified as Single Family, Two Family or Three or More Units.
  - b. Lodging where tenancy may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged on a short-term basis may be classified as a Community Service use (such as short-term housing or mass shelters).
  - c. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Single Family, Two Family, Live Work, or Three or More Units.

#### 22.280 Single Family and Two Family

- (1) *Characteristics.* Single-family units are characterized by the residential occupancy by a household of a dwelling unit on one lot. Single units may be attached or detached, with the opportunity to be owner-occupied. A two-family unit (duplex) is defined as a building with two separate households on the same property.
- (2) *Accessory Uses.* Examples of accessory uses include parking, home occupations, accessory dwelling units, and bed and breakfast facilities. For Accessory Buildings, see Section 22.320 below.
- (3) *Use Examples.* Single-family units, two-family units, duplexes, manufactured housing, and other structures with self-contained dwelling units on individual lots.
- (4) *Exceptions.*
  - a. In certain situations, lodging where tenancy may be arranged for periods less than one month, such as short-term housing or mass shelter, may be classified as Community Service uses.

#### 22.290 Live Work

- (1) *Characteristics.* Live Work units are units that contain both a household and a business. The business may have up to 3 employees in addition to the resident employee.
- (2) *Accessory Uses.* Accessory uses include recreational activities, raising of pets, hobbies, and parking.

#### 22.300 Three or More Units

- (1) *Characteristics.* Three or More Units are characterized by the residential occupancy of three or more dwelling units on one lot by three or more households. A structure containing at least three dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two or more contiguous lots.
- (2) *Accessory Uses.* Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- (3) *Use Examples.* Apartments, condominiums, retirement center apartments, and other structures with self-contained dwelling units.
- (4) *Exceptions.*



- a. Lodging in a dwelling unit or Single Room Occupancy (SRO) unit where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
- b. SROs that contain programs that include common dining are classified as Group or Residential Care Facilities.

**22.310 Units Above a Business**

- (1) *Characteristics.* Two or more residential dwelling units located above a business or office on the ground floor(s).
- (2) *Accessory Uses.* Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- (3) *Use Examples.* Apartments, condominiums, retirement center apartments, and other structures with self-contained dwelling units located above a business.
- (4) *Exceptions.*
  - a. Lodging in a dwelling unit or Single Room Occupancy (SRO) unit where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
  - b. SROs that contain programs that include common dining are classified as Group or Residential Care Facilities.

**22.320 Accessory Buildings**

- (1) *Characteristics* A detached or semi-detached building that is subordinate to and consistent with the principal use of the property. Accessory buildings are permitted outright in residential zones if they meet the following conditions:
  - a. Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven feet in height.
  - b. Attached accessory buildings, garages or carports are less than 1,000 square feet
  - c. Accessory apartments have special conditions. See Articles 3, 4 and 5

**OTHER USE CATEGORIES**

**22.330 Agriculture**

- (1) *Characteristics.* Agriculture includes activities that raise, produce or keep plants or animals.
- (2) *Accessory uses.* Accessory uses include seasonal sales of produce or plants, animal training, parking and storage
- (3) *Use Examples.* Types of uses include, but are not limited to: breeding or raising of fowl or other animals; dairy farms; stables; riding academies; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.
- (4) *Exceptions.*
  - a. Kennels and animal boarding facilities are classified separately under Kennels
  - b. Processing of animal or plant products, including milk, and feedlots, is classified as Manufacturing and Production
  - c. Livestock auctions are classified as Wholesale Sales
  - d. Plant nurseries oriented to retail sales are classified as Retail Sales and Service

22.340 Communication Towers and Poles

- (1) *Characteristics.* Communication Towers and Poles include all devices, equipment, machinery, structures or supporting elements necessary to produce signals or messages. Towers may be self-supporting, guyed, or mounted on poles or buildings. See Article 8, Section 8.400, for site design standards.
- (2) *Accessory Uses.* Accessory use may include transmitter facility buildings.
- (3) *Use Examples.* Types of uses include, but are not limited to: broadcast towers, telecommunication towers, and point-to-point microwave towers.
- (4) *Exceptions*
  - a. Receive-only antennas and satellite dishes are not included in this category.
  - b. Radio and television studios are classified in the Office category.
  - c. Radio frequency transmission facilities that are public safety facilities are classified as Basic Utilities.

22.350 Kennels

- (1) *Characteristics* Kennels includes facilities where the overnight boarding of dogs, cats or other household pets is conducted as a business.
- (2) *Accessory uses.* Accessory uses include offices and parking.
- (3) *Exceptions*
  - a. Veterinary hospitals or clinics that keep animals overnight are classified as Offices.

22.360 Passenger Terminals

- (1) *Characteristics.* Passenger Terminals includes train stations and rail service (multi-modal facility), bus stations and loading facilities, and facilities for the landing and takeoff of aircraft, including loading and unloading areas and passenger terminals.
- (2) *Accessory Uses.* Accessory uses include freight-handling areas, concessions, offices, parking, hangars, runways, maintenance and fueling facilities.
- (3) *Use Examples.* Airports, bus passenger terminals, railroad passenger stations for regional rail service, and helicopter landing facilities
- (4) *Exceptions.*
  - a. Bus transit stops are classified as Basic Utilities.
  - b. Park-and-ride facilities are classified as Parking.
  - c. Private helicopter landing facilities that are accessory to another use are considered accessory uses

22.370 Rail and Utility Corridors

- (1) *Characteristics.* This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
- (2) *Use Examples.* Rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.
- (3) *Exceptions.*

The text shown below for Article 22 is new. It is not in bold for easier reading.

**EXHIBIT H**
























- a. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
- b. Rail lines and utility corridors located within motor vehicle rights-of-way are not included


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# EXHIBIT 'I'

January 8, 2003

## Zoning Districts

-  RR, Residential Reserve
-  RS-10, Residential Single Family
-  RS-6.5, Residential Single Family
-  RS-5, Residential Single Family
-  RM-5, Residential Limited Multiple Family
-  RM-3, Residential Multiple Family
-  NC, Neighborhood Commercial
-  CC, Community Commercial
-  RC, Regional Commercial
-  OP, Office Professional
-  IP, Industrial Park
-  LI, Light Industrial
-  HI, Heavy Industrial
-  HM, Hackelman-Monteith
-  WF, Waterfront
-  MUR, Mixed Use Residential
-  HD, Historic Downtown
-  CB, Central Business
-  PB, Pacific Boulevard
-  LE, Lyon-Ellsworth
-  ES, Elm Street
-  MS, Main Street
-  OS, Open Space

 Proposed Street (General Alignment)  
For Information Only - See Adopted Transportation System Plan

 Urban Growth Boundary

 City Limits

 School

 Public Property

Shady Bend Rd.

Kenny

**PLEASE SEE ORIGINAL FILE  
FOR LARGE, COLOR-CODED MAP**

**FINDINGS AND CONCLUSIONS**  
**Albany Development Code and Zoning Map Amendments**

**ALBANY DEVELOPMENT CODE AMENDMENTS (File DC-01-02)**

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

FINDINGS OF FACT

- 1.1 The proposed Code amendments were being considered concurrently with amendments to the Comprehensive Plan, Comprehensive Plan Map and Zoning Map in a legislative proceeding. (The Comprehensive Plan amendments are adopted.)
- 1.2 The impetus for this review is to satisfy state Periodic Review requirements for Goal 9. Economic Development. The proposed amendments respond to changing economic conditions and work towards achieving both the short-term and long-range goals and policies of the Comprehensive Plan

The following Comprehensive Plan goals and policies are relevant to the proposed Development Code amendments. Each goal or policy is written in *italic* type and considered as a separate review criterion.

*Review and amend the Development Code regulations as needed to maintain adequate industrial and commercial designated lands in locations that will achieve balanced and sustainable development patterns*

- 1.3 Albany recently completed the Balanced Development Patterns project, which looked at the Comprehensive Plan and Zoning Maps to figure out how to manage growth over the next 20 years. The result was a modified development pattern using village centers and employment centers to better distribute goods and services to reduce cross-town trips, reserve land for employment, and enhance community livability.

*The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible to the service area*

*Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.*

*Provide development opportunities for large-scale industrial and commercial development.*

- 1.4 The Code currently uses the Community Commercial zone for businesses of all sizes and service areas. In order to locate businesses with a regional draw in a location that is easily accessible to the region, a new Regional Commercial zoning district is proposed. Properties with an anticipated regional draw are proposed to be reclassified from Community Commercial, Heavy Commercial and Light Industrial to Regional Commercial.
- 1.5 Properties proposed to be zoned Regional Commercial are mostly large parcels or clusters of adjacent parcels that are vacant, partially developed or developed that serve or have the potential to serve the Albany region. Most of the parcels are located with easy access to a major arterial or highway, which would be easily accessible to Albany residents and others.
- 1.6 Properties proposed to stay zoned Community Commercial are located primarily on arterial streets

*Discourage regional shopping centers outside the Albany Urban Growth Boundary area that primarily target the Albany market area*

- 1.7 Due to Albany's prime location on Interstate 5, Highway 99 and U.S. Route 20, Albany is a good location for retailers serving a regional market.
- 1.8 The purpose of the new Regional Commercial zone is to provide a zone for large-scale retail development. The vacant Regional Commercial properties are located with easy Interstate 5 access to serve the regional retail market

*Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas that foster efficient and safe utilization of transportation facilities; a variety of attractive shopping opportunities, compatibility between land uses, particularly adjacent residential neighborhoods, and efficient extension of public facilities and services*

- 1.9 The proposed amendments to the development standards for commercial developments would encourage development and redevelopment along existing commercial corridors and downtown that is pedestrian-friendly and compatible with nearby residences and historic architectural styles

*Amend the Code to remove regional retail uses as permitted uses in industrial and employment zones and establish maximum building square footage for commercial uses within those plan areas.*

Statewide Planning Goal 9 also says that plans for urban areas should "limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses."

- 1.10 In order to protect the Heavy Industrial (HI) and Light Industrial (LI) zones for such uses, retail uses are proposed to be removed from the HI and LI zones. The HI zone, in particular, is limited in size and there is very little vacant HI land
- 1.11 The proposed amendments to the permitted uses in the Industrial Park and Light Industrial zones would remove regional retail uses as permitted uses. Limited convenience retail and service uses will be permitted in the Industrial Park zone and are proposed to be limited in size to 5,000 square feet. The proposed amendments would help protect industrial properties for industries and businesses.

*Ensure that all building permit and planning regulations and procedures are clear, uncomplicated, concise, and are administered in a timely manner to avoid unnecessary delays " And "Periodically review the Albany Development Code with the assistance of public input to eliminate inconsistencies, conflicts, and ambiguities."*

- 1.12 The proposed replacement of the current multi-page Schedules of Permitted Uses with a one-page schedule is intended to make the Code more clear and concise. The schedule would be supplemented with a new Use Categories section that would describe each use type in Article 22 (Definitions). Article 22 would be renamed "Use Categories and Definitions."
- 1.13 The proposal to combine Articles 4 and 5 (the commercial and industrial zoning standards) will allow more direct comparison of the zoning districts and avoid duplication in the two articles

## CONCLUSIONS

- 1.1 The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language because the Code amendments help to implement the goals of a

more livable community with goods and services easily accessible to residents and lands protected for future industrial development.

- 1.2 The proposed Code amendments will reserve land for large-scale retailers in locations that are easily accessible by the regional market and with the least impact on the city's infrastructure.
  - 1.3 The proposed Code amendments will make the Code clearer and easier to use. The amendments implement necessary changes to the zoning districts and development standards for industrial, employment and commercial areas. A Code that is easier to understand helps to make the review process more efficient.
- (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

- 2.1 The purpose of the Development Code is "to set forth and coordinate City regulations governing the development and use of land." (ADC 1.020)
- 2.2 Minor revisions are proposed for the individual purpose statements for the commercial and industrial zoning districts in order to meet future employment and commercial needs and economic policies in the Albany Comprehensive Plan. The proposed amendments to the purpose statements and to the development standards are consistent with the Comprehensive Plan land use designations. The proposed text amendments are consistent with the new purpose statements.
- 2.3 The following purposes are relevant to the proposed Development Code amendments:
  - (a) *Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.*  
The proposed amendments to the Albany Development Code will help implement the Comprehensive Plan economic development goals and policies and meet statewide planning goals.
  - (b) *Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.*  
The proposed Code amendments are consistent with statewide planning goals and administrative rules related to Goal 9: Economic Development and Goal 14. Urbanization
  - (c) *Establish procedures and standards requiring that the design of site improvements and building improvements are consistent with applicable standards and flexible design guidelines*  
The proposed amendments support quality design while encouraging diversity in design in order to meet individual business needs.
  - (d) *Protect and enhance the city's aesthetic beauty and character.*  
The proposed amendments to the uses allowed along major arterial streets may help to promote compatibility between use types and, in highly visible areas, may enhance Albany's aesthetics and character. For example, jails and detention facilities are proposed to be removed as allowed uses in the commercial zones.



CONCLUSION

- 2.1 The proposed Development Code text amendments are consistent with Comprehensive Plan policies and with the purpose statements of the Development Code.

ZONING MAP AMENDMENTS (File ZC-01-02)

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

*(1) The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 2.080.*

FINDINGS OF FACT

- 1.1 The proposed Zoning Map amendments are being coordinated with proposed Comprehensive Plan text and Map amendments related to State Planning Goal 9: Economic Development and are consistent with the Comprehensive Plan.
- 1.2 Most of the properties proposed to be rezoned are already zoned commercial or industrial and are also designated commercial or industrial on the Comprehensive Plan Map. Many of the zone changes proposed result from changing the Heavy Commercial properties to Community Commercial or Light Industrial.

CONCLUSION

- 1.1 The proposed zone changes are consistent with existing or proposed Comprehensive Plan Map designations.

*(2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

FINDINGS OF FACT

- 2.1 The purpose of the proposed Zoning Map amendments is to establish a more efficient land use pattern that may reduce vehicle trips for daily needs and locate businesses and industries with significant traffic impacts so that they have access to major arterial roads. Commercial uses that draw from the region are proposed to be located close to Interstate 5.
- 2.2 Most of the proposed Zoning Map amendments are comparable to the current zoning designations; most commercial and industrial properties will stay commercial or industrial. The few residentially zoned properties converting to commercial zoning are on collector or arterial streets, which are able to handle the potential increase in traffic.

CONCLUSION

- 2.1 The proposed Zoning Map amendments should have little or no impact on current or anticipated transportation facilities outlined in the Albany Transportation System Plan.

*(3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.*

#### FINDINGS OF FACT

3.1 General. The public facilities plans (water and sewer) were analyzed as part of the land use analysis in Periodic Review. In general, the proposed zone changes should not impact the major facility plans. Facilities are reviewed by sector

#### East I-5

3.2 Water - Goldfish Farm Road. The City recently completed a loop in the water system by constructing a 24-inch main in Goldfish Farm Road from Highway 20 to Dogwood Avenue. This loop provides a second feed to the areas east of the freeway near Highway 20. Before construction of this main, this area was fed through a single 16-inch main across the freeway near 16th Avenue. The City plans to construct a 24-inch water main crossing under I-5 at 21st Avenue the summer of 2002. This main will provide an additional feed for the area, and should significantly improve fire flows

3.3 Water - Century Drive. In association with the planned new joint water intake northeast of Albany, a 36-inch water main is planned to run down Century Drive to Knox Butte Road. This feed will improve supply to the areas east of I-5.

3.4 Water - Knox Butte. A water reservoir is planned for Knox Butte near Scrael Hill Road. This reservoir will provide emergency storage for the areas east of I-5.

3.5 Sewer - Highway 20. The sanitary sewer master plan indicates that piping in this basin downstream of the subject area is undersized to accommodate ultimate development. It is uncertain how much additional development can occur within this basin before upgrades are necessary. Significant development proposals will likely be required to provide the City with a sewer basin study to determine if the existing system has adequate capacity to accommodate the development.

3.6 Sewer - Knox Butte. The sanitary sewer master plan indicates that some of the piping along Knox Butte Road to the Century Drive lift station is undersized to accommodate ultimate development within this basin. It is uncertain how much additional development can occur within this basin before upgrades are necessary. Significant development proposals will likely be required to provide the City with a sewer basin study to determine if the existing system has adequate capacity to accommodate the development.

3.7 Schools. A tentative school site is proposed in East I-5, currently outside the city limits. This would help to accommodate future elementary and/or middle school needs if the School District decides to use this land.

3.8 Open Space. The Open Space designation on the Comprehensive Plan Map generally follows open channels mapped in the 1988 wetland inventory and identified in the most current Geographic Information Systems data. The Open Space zoning district is intended to match the Comprehensive Plan Open Space boundaries and follow documented water resources. The city is working to better define the Open Space boundaries for riparian areas and water resources through the Goal 5: Natural Resources work as part of the current periodic review effort. The Open Space zone boundaries may shift slightly to reflect the current water resource locations.

- 3.9 Zoning Boundaries. The zoning district boundaries in the "Brandis" annexation in East I-5 were drawn to match as closely as possible the concept plan and compatible zones in the annexation agreement. The exact boundary lines may shift when a development proposal is submitted. The proposed zoning district boundaries are compatible with the Comprehensive Plan.

South of Oak Creek: Pacific Boulevard/Linn-Benton Community College

- 3.10 Water. The area along Pacific Boulevard south of 34th Avenue is fed by a single 16-inch main in Pacific Boulevard. This single feed limits fire flow capabilities and creates a large area that would be unserved if there were a problem with this 16-inch main. The water system master plan indicates the need for a large diameter main in Lochner Road and Ellingson Road, from 34th Avenue to Pacific Boulevard. This main would provide a second feed for emergencies, and improve fire flows to the area.
- 3.11 Sewer. There are no apparent deficiencies in the public sanitary sewer system in this area. The area south of Oak Creek discharges into the Oak Creek lift station, which has sufficient capacity and is expandable.
- 3.12 Schools and Police. The proposed zone changes should not affect the school and police needs in this area.

Ferry Street

- 3.13 Water. Current water service to Ferry Street between Queen Avenue and 34th Avenue is provided by a system of looped 12-inch and 16-inch mains. Fire flows in this area are adequate to meet the demands of potential uses allowed by the proposed zoning designation.
- 3.14 Sewer. There are no apparent sanitary sewer system deficiencies associated with this basin.

CONCLUSION

- 3.1 The existing or proposed public utilities can accommodate the proposed zoning changes and Comprehensive Plan land use designations outside the City limits.

*(4) Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.*

FINDINGS OF FACT

- 4.1 In general, the proposed Zoning Map amendments will not significantly change the types of uses currently allowed. Any unique natural features will be addressed through the development review process (either Site Plan or Conditional Use review).
- 4.2 Floodplains. Most properties proposed to be rezoned are not in the floodplain, based on the July 7, 1999, Flood Insurance Rate Map Community Panels. The old Cemwood site (zoned Light Industrial) at the north end of Geary Street is in the Willamette River floodplain. The property owners of the Cemwood site are requesting it be rezoned to residential from industrial. Portions of a few industrial and commercial properties are in the Oak Creek floodplain. When development is proposed in these areas, it will be required to meet standards for floodplain development, which currently require a Conditional Use approval and Planning Commission public hearing (Type III).

- 4.3 Wetlands. The local wetland inventories identify wetlands on some properties in the Oak Creek area and in East I-5.
- 4.4 Slopes. The properties proposed to be rezoned are level to gently sloping and are not identified as significant in the Comprehensive Plan.
- 4.5 Significant Natural Vegetation. Areas proposed to be rezoned are not identified as having significant natural vegetation in the Comprehensive Plan. Vegetation would be reviewed at the time of development.
- 4.6 Historic Districts. Two areas proposed to be rezoned are in the Monteith National Register Historic District. Historic review is required for the alteration of these properties, but not the use of these properties.

CONCLUSION

- 4.1 Any unique natural features will be addressed through the development review process (Partition, Subdivision, Site Plan or Conditional Use reviews).
- (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

FINDINGS

- 5.1 The proposed amendments are being considered concurrently with amendments to the Comprehensive Plan and Comprehensive Plan Map in order to meet requirements for State Planning Goal 9, Economic Development.
- 5.2 The proposed Zoning Map amendments will implement the Comprehensive Plan economic development policy of providing enough land in the right locations to meet commercial and industrial needs to 2020.
- 5.3 The Map amendments try to achieve the goal of more efficient land use and transportation patterns while enhancing Albany's aesthetics.

CONCLUSION

- 5.1 The proposed Zoning Map amendments are consistent with the Comprehensive Plan and the Comprehensive Plan Map. This criterion is satisfied.

**THE REVISED ZONING MAP is attached as Exhibit 'I'.**

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