



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# Staff Report

## Albany Development Code Text Amendments: Minor Clarifying Code Amendments

Planning Files: DC-03-23

October 30, 2023

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, November 6, 2023	Wednesday, November 29, 2023
HEARING TIMES:	5:15 p.m.	6:00 p.m.
HEARING LOCATION:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	
VIRTUAL OPTIONS:	Instructions to attend the hearings and provide comments will be provided on the applicable agenda.	
STAFF REPORT PREPARED BY:	Liz Olmstead, Planner II	

## Application Information

Proposal:	The proposed legislative amendments would amend the Albany Development Code and include minor clarifications, corrections, and revisions to various articles.
Applicant:	Albany Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321
Location:	Legislative amendments; not site specific

## Overview

The City has implemented a process to periodically evaluate and adopt changes to the ADC – to include clarifying amendments and policy amendments. This package of amendments includes minor clarifications, corrections, and revisions to various articles.

## Summary of Proposed Changes

The City of Albany is proposing to add clarifying language where needed, standardize language and formatting throughout the code, correct items that were missed in previous code amendments, and make minor revisions to align the ADC with state law and the building code.

The specific proposed amendments are attached as Exhibit A and areas of amendments are listed below. In the exhibits, proposed new text is shown in red underline print and proposed deleted text is in ~~black strike-out font~~.

*Commentary boxes in the attached exhibits provide context for the proposed amendments. Should the proposed amendments be approved, the text boxes with the explanations will be removed and the approved amendments made part of the ADC.*

### Exhibit A: Albany Development Code

- Article 1, Administration
- Article 2, Review Criteria
- Article 3, Residential Zoning Districts
- Article 4, Commercial and Industrial Zoning Districts
- Article 5, Mixed Use Zoning Districts
- Article 8, Design Standards
- Article 9, On-Site Development and Environmental Standards
- Article 10, Manufactured Home Development Standards
- Article 11, Land Divisions and Planned Developments
- Article 22, Use Categories and Definitions

## Notice Information

Public notice was issued in accordance with legislative amendment requirements in the ADC Section 1.260. Specifically,

- Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on October 2, 2023, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and the ADC.
- Notice of the proposed amendments was mailed on October 24, 2023, to Linn County and Benton County.
- Notice of the public hearings was published in the *Albany Democrat-Herald* on October 21, 2023, two weeks before the first public hearing on November 6, 2023.

As of the date of this report, the Community Development Department has not received any written testimony.

## Analysis of Development Code Criteria

The ADC includes the following review criteria in Section 2.290, which must be met for these legislative amendments to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

### Development Code Amendments Review Criteria (ADC 2.290)

***Criterion 1: The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.***

### Findings of Fact

1.1 The applicable Albany Comprehensive Plan and Statewide Planning goals and policies are provided below in **bold** print and are followed by findings of fact and conclusions.

**Goal 1, Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

**Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.**

#### Applicable Policies:

2. **When making land use and other planning decisions:**
  - a. **Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.**
  - b. **Utilize all criteria relevant to the issue.**

- c. **Ensure the long-range interests of the general public are considered.**
  - d. **Give particular attention to input provided by the public.**
  - e. **Where opposing viewpoints are expressed, attempt to reach consensus where possible.**
4. **Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.**
- 1.2 Public notice and hearings were held in accordance with Oregon Administrative Rules (OAR) and ADC 1.260. Public involvement for the amendments in planning file DC-03-23, included public notice as required in the OAR and in ADC Section 1.260. Specifically, notice was sent to the Department of Land Conservation and Development on October 2, 2023; notice of public hearings was mailed October 24, 2023, to Benton County and Linn County, and notice was published in the Albany Democrat Herald on October 21, 2023. Two public hearings are scheduled – November 6, 2023 (planning commission), and November 29, 2023 (city council).
- 1.3 Information was made available to the public regarding the proposed development code amendments to enable public participation in the planning process by posting the staff report on the City’s website on October 31, 2023, at least seven days before the first public hearing.

Statewide Planning Goal 2, Land Use Planning: **To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual bases for such decisions.**

**Goal: Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:**

- 1. **Remains current and responsive to community needs.**
  - 2. **Retains long-range reliability.**
  - 3. **Incorporates the most recent and reliable information.**
  - 4. **Remains consistent with state laws and administrative rules.**
- 1.4 The Albany Development Code serves as the principal vehicle for implementing the Comprehensive Plan.
- 1.5 Amendments are proposed to the Albany Development Code (ADC) to clarify sections of the code to provide more clear and direct language, correct items missed in previous code amendments, and revise sections to comply with state law and align with the building code.
- 1.6 The proposed amendments will ensure the ADC remains current and responsive to community needs and retains reliable information.

Goal 10, Housing: **To provide for the housing needs of citizens of the state.**

**Goal: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.**

**Applicable Policy #2: Provide a variety of choices regarding type, location, density, and cost of housing units corresponding to the needs and means of city residents.**

- 1.7 The proposed amendments clarify sections of the code related to housing and create additional choices for temporary housing for hardship dwellings and on-site temporary dwellings.

### Conclusions: Development Code Amendments Criterion 1

- 1.1 The proposed ADC amendments are consistent with the applicable Albany Comprehensive Plan goals and policies related to public involvement, land use planning, and housing.
- 1.2 This review criterion is met.

***Criterion 2: The proposed amendments are consistent with Development Code policies on purpose and with the purpose statements for the base zone, special purpose districts, or development regulation where the amendment is proposed.***

## Findings of Fact

2.1 ADC 2.290(2) requires ADC amendments to be consistent with ADC policies and purpose statements for the affected base zones or development regulations where the amendments are proposed. Below are purpose statements from Article 1 – Administration and Procedures, Article 3 – Residential Zoning Districts, Article 4 – Commercial and Industrial Zoning Districts, Article 5 – Mixed Use Zoning Districts, Article 8 – Design Standards, Article 9 – On-Site Development and Environmental Standards, Article 10 – Manufactured Home Development Standards, Article 11 – Land Divisions and Planned Developments, and Article 22 – Use Categories and Definitions.

### **Article 1 Administration and Procedures:**

**ADC Purpose 1: 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.**

**ADC Purpose 2: Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.**

2.2 Amendments to the ADC are needed to help implement the Albany Comprehensive Plan.

2.3 Proposed amendments include:

- Revising of the Procedure by Application Type table to include Special Use Permits, which were not originally included in the table.
- Increasing the allowed wall height of residential accessory buildings to align with the building code.
- Clarifying when Site Plan Review is not required for a proposed development.
- Adding a 100-foot notice area for Special Use Permits for Temporary Placements.

**Article 2 Review Criteria. Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. It mitigates potential land use conflicts through specific conditions attached by the review body. The review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.**

2.4 The proposed amendments include:

- Correcting sections of the article where terms were not updated in previous ADC Amendments.
- Revising language to align with the building code regarding temporary placement of a manufactured home or modular building.

**Article 3 Residential Zoning Districts. The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. These regulations provide certainty to property owners, developers, and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Articles 6 and 7.**

2.5 The proposed amendments include:

- Correcting sections of the article where terms were not updated in previous ADC Amendments.
- Providing consistency in how the use Multiple Dwellings is described.
- Correcting the land use review type for Office and Restaurant uses in the HDR zone.
- Increasing the allowed wall height of residential accessory buildings to align with the building code.
- Decreasing the required setback for detached accessory structures in response to code compliance issues.
- Clarifying fence language in Accessory Structure Standards table.
- Simplifying the regulation that states where vehicles, RV’s, trailers, boats, etc. can be parked.

- Removing the Off-Street Parking and Loading section reference from Article 3.

**Article 4 Commercial and Industrial Zoning Districts.** The zones created in this article are intended to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. The regulations in this article promote uses and development that will enhance the economic viability of specific commercial and industrial areas and the city as a whole.

2.6 The proposed amendments include:

- Correcting references to special districts.
- Correcting sections of the article where terms were not updated in previous ADC Amendments.
- Providing consistency in how the use Multiple Dwellings is described.
- Clarifying how Public and Semi-Public Buildings are defined as stated in Article 22 and remove Educational as Educational Institutions are public and semi-public buildings.

**Article 5 Mixed Use Zoning Districts.** The mixed-use 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, and community and personal services. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center or mixed-use area.

2.7 The proposed amendments include:

- Correcting references to special districts
- Correcting sections of the article where terms were not updated in previous ADC Amendments.
- Providing consistency in how the use Multiple Dwellings is described.
- Adding Triplex and Fourplex to the Mixed-Use Village Center Development Standards table as they were left out during the middle housing code updates and replacing minimum area requirements with Multiple Dwelling Unit.

**Article 8 Design Standards. Commercial and Institutional Design.** These sections are intended to set threshold standards for quality design in commercial and institutional development, and in the non-residential components of mixed-use development. Good design results in buildings that are visually compatible with one another and adjacent neighborhoods and contribute to an attractive, active, and safe built environment that facilitates easy pedestrian movement and a rich mixture of land uses.

2.8 The proposed amendments include:

- Adding parameters for pocket parks.

**Article 9 On-Site Development and Environmental Standards.**

2.9 The proposed amendments include:

- Updating outdated terms and correcting sections of the article where terms were not updated in previous ADC amendments.
- Clarifying required elements of the parking plan.
- Adding clarification to tree canopy calculations by adding the age of the tree at maturity.
- Adding clarifying language for when additions to large parking areas must comply with parking lot regulations.
- Clarifying how solar panel kilowatts are measured.
- Adding clarifying language to areas in parking lots where tree canopy is not required.

- Adding language that a security cannot be provided for single dwellings and middle housing due to the insignificant amount of planting that is required.

### **Article 10 Manufactured Home Development Standards**

2.10 The proposed amendments include:

- Changing the word structure to dwelling to align with state law and adding recreational vehicle as a permitted dwelling for Temporary Hardship Dwellings and Temporary On-site Dwellings.
- Revising the requirement for a signed petition from surrounding property owners and changing it to align with the Type I process.
- Revising language to tie the on-site temporary dwelling to active building permits for construction of a primary residence.

### **Article 11 Land Divisions and Planned Developments**

2.11 The proposed amendments include:

- Deleting the requirement for the applicant to submit the names and addresses of all owners within 300 feet of the proposed land division, as this process is done as part of the land use process by the project planner.

### **Article 22 Use Categories and Definitions**

2.12 The proposed amendments include:

- Correcting sections of the article where terms were not updated or removed in previous ADC amendments.
- Adding clarification to Parking Facility exceptions to further define what is not considered a parking facility.
- Revising the definition of “Public and Semi-Public Buildings to align with the Comprehensive Plan definition.

## **Conclusions: Development Code Amendment Criterion 2**

2-1 The proposed Development Code amendments are consistent with applicable purpose statements or development regulations where amendments are proposed in Articles 1, 2, 3, 4, 5, 8, 9, 10, 11 and 22.

2-2 Based on the above analysis, this criterion is satisfied.

## **Overall Conclusions**

Based on the analysis in this report, the proposed Development Code amendments meet the applicable review criteria as outlined in this report.

The Planning Commission has two options with respect to the proposed Development Code amendments:

Option 1: Recommend that the City Council approve the amendment requests as presented; or

Option 2: Recommend the City Council approve the proposed amendments as modified by the Planning Commission.

## **Staff Recommendation**

Based on the staff recommendation, the following motion is suggested:

**I move that the Planning Commission recommend that the City Council approve the proposed Development Code amendments detailed in planning file DC-03-23.**

**This motion is based on the findings and conclusions in the October 30, 2023, staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.**

## **Attachment**

Exhibit A: Albany Development Code Amendments

## Acronyms

ADC	Albany Development Code
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- 1.1 The proposed ADC amendments are consistent with the applicable Albany Comprehensive Plan goals and policies related to public involvement, land use planning, and housing.
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## Findings of Fact

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2.12 The proposed amendments include:

- Correcting sections of the article where terms were not updated or removed in previous ADC amendments.
- Adding clarification to Parking Facility exceptions to further define what is not considered a parking facility.
- Revising the definition of “Public and Semi-Public Buildings to align with the Comprehensive Plan definition.

## **Conclusions: Development Code Amendment Criterion 2**

2-1 The proposed Development Code amendments are consistent with applicable purpose statements or development regulations where amendments are proposed in Articles 1, 2, 3, 4, 5, 8, 9, 10, 11 and 22.

2-2 Based on the above analysis, this criterion is satisfied.

## **Overall Conclusions**

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## **Staff Recommendation**

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Proposed additions to the Albany Development Code are shown in red underline and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context.

## ARTICLE 1<sup>1</sup>

### ADMINISTRATION AND PROCEDURES

1.000 Overview. This Article establishes the framework for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Article is intended to enable the City, applicants, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way.  
The list below is a summary of the topics covered in this chapter.

- General Administration of Title 20
- Review Procedures Generally
- Pre-Application Conferences and Neighborhood Meetings
- Application Submittal and Completeness Review
- Review Type Procedures
- Expirations, Extensions, and Modifications
- Appeals
- Conduct of Quasi-Judicial Hearings
- Conduct of Legislative Hearings
- Enforcement

These headings precede subtopics that can help the user locate information. The table of contents contains a complete listing of the material covered in this Article.

**Staff Comments are provided throughout the document to explain proposed amendments.**

- **Table 1.100-1: Adding “Special Use Permit” to table related to a temporary dwelling for hardships or on-site residence per ADC 10.440 – 10.510.**

**Table 1.100-1 – Procedure by Application Type**

Application / Action	Procedure Type	Decision Body	Pre-App Conference Required	Neighborhood Mtg Req.	Applicable Section
<b>Adjustments</b>	III	HB or PC	No	No	2.070
<b>Annexations</b>					
● Annexations mandated by state law	I	CDD	No	No	2.095
● All other annexations	IV-Q and IV-L	See 2.095	Yes	No	2.095
<b>Comprehensive Plan and Map Amendments</b>					
● Quasi-Judicial	IV-Q	PC or CC	Yes	No	2.210
● Legislative	IV-L	CC	Yes*	No	2.210
● Corrections to Comp Plan map	I	CDD	No	No	2.225
<b>Conditional Use</b>	II or III	CDD HB or PC	Yes	See 1.140	2.240
<b>Development Code Amendments</b>					
● Corrections to Development Code	I	CDD	No	No	2.280

<sup>1</sup> Entire article replaced with Ordinance 5947, January 1, 2021.

Proposed additions to the Albany Development Code are shown in red underline and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context.

Application / Action	Procedure Type	Decision Body	Pre-App Conference Required	Neighborhood Mtg Req.	Applicable Section
• All other amendments	IV-L	CC	Yes*	No	2.280
<b>Interpretations</b>	I, I-L, II, III	See 1.040	Yes*	No	1.040
<b>Land Divisions and Planned Developments</b>					
• Cluster development	III	PC	Yes	Yes	11.430
• Land division (partition or subdivision) – preliminary plat	I-L	CDD	Yes	See 1.140	11.170
• Land division – final plat	I	CDD	No	No	11.170
• Planned development – preliminary review	III	PC	Yes	Yes	11.260
• Planned development – final approval	I	CDD	No	No	11.260
• Planned development – major changes	III	PC	Yes	Yes*	11.350
• Planned development – minor changes	I	CDD	No	No	11.350
• Property line adjustment	I	CDD	No	No	11.110
• Expedited land divisions***	N/A (ORS 197.360)	CDD	No; Recommended	No	11.600
• Middle housing land division***	N/A (ORS 197.365)	CDD	No; Recommended	No	11.610
<b>Manufactured Home Park (excluding Planned Developments)</b>	I-L	CDD	Yes	See 1.140	10.210
<b>Modifications</b>					
• Modification of Approved Site Plan Review and Conditional Use Applications	Same procedure and decision body as original decision		Yes*	No	1.330
• Modification of Condition of Approval	Same procedure and decision body as original decision		Yes*	No	1.340
<b>Nonconforming Use</b>					
• Nonconforming use review – change of use within same use category (see 2.345(1)(a) for criteria)	I	CDD	No	No	2.350
• Nonconforming use review – all other situations	II	CDD	Yes	No	2.350
<b>Recreational vehicle park</b>	I-L or III	CDD or PC	Yes		10.530
<b>Signs</b>					
• Standard Sign Permit	I	CDD	No	No	13.610
• Sign Variance	II	CDD	Yes	No	13.710
<b>Site Plan Review</b>	I or I-L	CDD	Yes*	See 1.140	2.415



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Application / Action	Procedure Type	Decision Body	Pre-App Conference Required	Neighborhood Mtg Req.	Applicable Section
<b>Vacations</b>	IV-Q or IV-L	CC	Yes*	No	2.620
<b>Variance</b>					
• Major Variance	II	CDD	Yes	No	2.670
• Minor Variance	I-L	CDD	Yes*	No	2.670, 2.694
<b>Zoning Map Amendments</b>					
• Quasi-judicial zoning map amendments	IV-Q	PC or CC	Yes	No	2.720
• Legislative zoning map amendments	IV-L	CC	Yes*	No	2.720
<b>OTHER APPLICATION TYPES</b>					
<b>Floodplain</b>					
• Floodplain Appeals	II	See 6.091	Yes*	No	6.091
• Floodplain Development Permit	I, I-L, II, III	See 6.093	Yes*	See 1.140	6.093
• Floodplain Variance	II	CDD	Yes*	No	6.092
<b>Hillside Development</b>					
• Hillside review for development that only requires a building permit	I	CDD	No	No	6.190
• Hillside review for all other	I, I-L, II, III	See 6.190	No	See 1.140	6.190
<b>Historic Resources**</b>					
• Designation of a resource or district	IV-Q or IV-L	LC and CC	No	No	7.040
• Amendments to Exist. Districts	IV-L	CC	No	No	7.040
• Local Historic Inventory Removal (outside districts, not on National Register, demolished or removed resources)	I	CDD	Yes*	No	7.040
• Individual Property Re-Rating	III	LC	Yes*	No	7.040
• Historic review of Ext. Alterations – no change in character; not visible	I	CDD	No	No	7.120
• Historic review of Ext. Alterations – all other, including all non-residential	III	LC	Yes*	See 1.140	7.120
• Substitute materials	III	LC	Yes*	See 1.140	7.180
• New construction	I-L	CDD	Yes*	No	7.240
• Demolitions / Relocations – contributing structures	III	LC	Yes*	See 1.140	7.310
<b>Natural Resource Impact Review</b>					
• Natural Resource review without concurrent land use review	I or I-L	CDD	No	No	6.300
• Natural Resource review for all	I, I-L, II, III	See 6.300	Yes*	See 1.140	6.300

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Application / Action	Procedure Type	Decision Body	Pre-App Conference Required	Neighborhood Mtg Req.	Applicable Section
other					
• Natural Resource minor variance	I-L	CDD	No	No	6.450
• Natural Resource major variance	II	CDD	Yes*	No	6.450
<u>Special Use Permit</u>	<u>I</u>	<u>CDD</u>	No	No	<u>10.440 and 10.470</u>
<b>Tree Removal</b>					
Site Plan Review for tree removal (5 or more trees 8” in diameter on contiguously owned property 20,000 sf or greater)	I-L	CDD	Yes*	No	9.204 and 9.205
<b>Willamette River Greenway</b>					
• Greenway development review	II	CDD	Yes	No	6.520
<b>LEGEND:</b> City Council ( <b>CC</b> ), Director ( <b>CDD</b> ), Hearings Board ( <b>HB</b> ), Landmarks Commission ( <b>LC</b> ), Planning Commission ( <b>PC</b> ). * Unless waived by the Community Development Director. ** Additional application review procedures applicable to Historic Resources are found in Article 7. In cases of conflict with the procedures in Article 1, the procedures in Article 7 shall prevail. ***Application review procedures for Expedited and Middle Housing Land Divisions are found in Article 11 Sections 11.600 through 11.630.					

**Staff Comments:**

- 1.105(3): Staff propose to increase the allowed wall height of residential accessory buildings from 11 feet to 12 feet. The residential building code allows accessory structures with wall heights of up to 12 feet to be permitted under the prescriptive path, which does not require engineering. As such, staff propose to increase the wall height by one foot to align with the building code.
- 1.105(7 & 8): The language indicating when Site Plan Review is not required needs clarification. Restriping a parking lot was separated from the new parking areas section and the 10,890 square foot threshold for expansions less than 1,000 square feet because 1,000 square feet is too small of an area to achieve meaningful improvements to the parking lot and may be onerous on the applicant. Language was also combined to provide more clear and straightforward language without repeating language that can be found in Article 2 indicating when Site Plan Review is required.

1.105 When a Type I - IV Application is Not Required. Activities and developments listed below do not require a Type I - IV land use application but are nevertheless subject to the provisions of the Code, including, but not limited to setbacks, lot coverage, building height, design standards, on-site development standards, and public improvement and environmental standards.

Activities and development within special purpose districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable, and may require a land use application as described in each respective section.

Activities and development on a site containing a nonconforming use may require a Nonconforming Use Review in accordance with Article 2. [Ord. 5966, 11/12/21]

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- (1) Agricultural uses permitted outright in Articles 3, 4 and 5.
- (2) New detached single dwelling unit, duplexes, and additions to existing single dwelling units or duplexes, except where specifically identified as requiring conditional use or site plan approval in Article 4 and 5. [Ord. 5968, 1/14/22]
- (3) Residential accessory buildings up to 750 square feet and walls not greater than ~~44~~ 12 feet tall or that meet the standards in Section 3.080(9).
- (4) Non-residential accessory buildings of any size in the NC, CC, RC, IP, LI, HI and PB zones and non-residential accessory buildings up to 750 square feet in the CB, HD, ES, LE, MS, MUC, MUR, OP and WF zoning districts.
- (5) Routine property maintenance.
- (6) New parking areas or expansions to existing parking areas that are less than 1,000 square feet in area ~~and that do not increase the cumulative parking areas to more than 10,890 square feet, excluding restriping an existing lot,~~ and do not modify site circulation or access, do not require Site Plan Review as stated in Section 2.430. [Ord. 6018, 6/30/23]
- (7) Restriping an existing parking lot with no additional parking spaces and does not modify site circulation or access.
- (8) A change internal to a building or other structure or use, and/or ~~A~~ additions to an existing building that are less than 2,000 square feet or less than 50 percent of existing building area, whichever is less, and that do not:
  - (a) Provide three or more parking spaces or additional loading areas; or
  - (b) Modify site circulation or access. [Ord. 6018, 6/30/23]

~~For building additions greater than 2,000 square feet, see Site Plan Review Applicability in Section 2.430.~~

- ~~(8) A change internal to a building or other structure or use that is allowed through Site Plan Review, and the new use does not:
 
  - ~~(a) Provide three or more new parking spaces or additional loading areas; or~~
  - ~~(b) Modify site circulation or access.~~ [Ord. 6018, 6/30/23]~~
- (9) An emergency measure necessary for the safety or protection of property when authorized by the City Manager with written notice to the City Council.
- (10) Any temporary use of land of up to a 30-day duration (such as a promotional event, festival, carnival, or outdoor sale) that conforms with all other requirements of this Code and other applicable City regulations, public health, and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.
- (11) The establishment, construction, alteration, or maintenance of a public facility authorized by the Director of Public Works, including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than six months' duration but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.
- (12) Excavation and fill for foundations and all other excavation or filling of land involving 50 cubic yards or less that does not adversely affect drainage patterns and is not located in the special flood hazard area.
- (13) In middle housing zoning districts, new middle housing, including middle housing created through internal conversation of, or addition to, existing dwellings, and additions to existing middle housing. [Ord. 5968, 1/14/22]
- (14) Expedited land divisions and middle housing land divisions (see application review procedures in Article 11, Sections 11.600 through 11.630). [Ord. 5968, 1/14/22; Ord 6004, 12/28/22]

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#### Staff Comments:

- 1.210(2): When a Special Use Permit for placement of a Temporary Hardship Dwelling or Temporary On-Site Residence is requested, the code requires applicants to obtain approval of all property owners located within 100 feet of the subject property. Staff propose to revise the notice requirement to align with the public notice requirement of other land use application procedures and provide a 100-foot public notice to surrounding property owners.

## REVIEW TYPE PROCEDURES

- 1.210 Type I Procedure (Ministerial). The Director makes ministerial decisions through the Type I procedure without public notice and without a public hearing.
- (1) Submittal Requirements. Complete Type I applications must include the submittal information required by ADC 1.160.
  - (2) Notice of Application Submittal. No public notice of review is required, except for a Special Use Permit for Temporary Placements in 10.450 and 10.470, where a notice area of 100 feet is required.
  - (3) Notice of Decision. Written notice of the decision must be provided to the applicant and property owner of record.
  - (4) Appeal of a Type I Decision. The decision of the Director on a Type I application shall be the final decision of the City. Appeal shall be to the Circuit Court under writ of review.
  - (5) Effective Date of a Type I Decision. A Type I decision is final on the date it is signed by the Director.

## ARTICLE 2 REVIEW CRITERIA

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

- Adjustments
- Annexations
- Comprehensive Plan and Map Amendments
- Conditional Uses
- Development Code Amendments
- Nonconforming Situations
- Site Plan Review
- Vacations
- Variances, Major
- Variances, Minor
- Zoning Map Amendments

[Ord. 5445, 4/12/00; Ord. 5720, 8/12/09; Ord. 5947, 1/1/21]

## SITE PLAN REVIEW

- 2.400 Purpose. Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. It mitigates

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potential land use conflicts through specific conditions attached by the review body. The review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]

2.410 *Section removed by Ordinance 5767 adopted December 7, 2011.*

2.415 Procedure. An application for Site Plan Review shall be reviewed through either a Type I or Type I-L procedure, as indicated below.

- (1) Single dwelling unit detached, two primary detached units, and middle housing development: Type I procedure.
- (2) Multiple-dwelling unit development, units above or attached to a business, and manufactured home parks: Type I-L procedure.
- (3) Non-residential development: Type I-L procedure.

[Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

2.420 Relationship to Other Regulations. When a land use application is approved based on review criteria in this Code, the applicant must still comply with other applicable codes, ordinances, statutes, and regulations.

[Ord. 5445, 4/12/00]

**Staff Comments:**

- 2.430(2): When the parking reform amendments were adopted in July, some sections changed from “required” parking to “provided” parking were missed. This amendment corrects the missed sections.
- 2.430(6): The code section states that Site Plan Review is required for temporary placement of a manufactured home and the standard also allows non-residential uses. The building code does not allow non-residential uses in manufactured homes; therefore, the code needs to be revised to add ‘modular building’ to include both residential and non-residential uses as allowed by the section.

2.430 Applicability. In general, Site Plan Review is intended for all new development within the city that specifically requires Site Plan Review as listed in Articles 3, 4 and 5. It applies to new construction, additions or expansions, site modifications, and changes in land use categories. Sites that contain a legal nonconforming use will be processed in accordance with Section 2.340.

[Ord. 5445, 4/12/00; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]

- (1) Any development that requires Site Plan Review, unless specifically exempt in Section 1.105. [Ord. 5947, 1/1/21]
- (2) A change of use or reuse of a building or site when the use is allowed through Site Plan Review, and ~~that requires construction of~~ provides three or more new parking spaces, additional loading areas, or ~~that~~ modifies site circulation or access. [Ord. 5832, 4/9/14]
- (3) Building additions greater than 2,000 square feet or greater than 50 percent of existing building area, whichever is less, or any expansion that provides three or more new parking spaces, additional loading areas, or modifies site circulation or access. [Ord. 5767, 12/7/14; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 6018, 6/30/23]
- (4) New parking areas or expansions to existing parking areas greater than 1,000 square feet (contiguous) or modifications that change site circulation or access. [Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5968, 1/14/22]
- (5) Conversion of existing off-street parking areas to uses other than bicycle parking or transit-oriented facilities. [Ord. 6018, 6/30/23]

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- (6) Temporary placement of a manufactured home or modular building for: (a) night watchman; (b) business office space during construction or remodeling; (c) building space for education, non-profit, and government agencies. (See Sections 10.470-10.490.) [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]

## ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

3.010 Overview. The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. These regulations provide certainty to property owners, developers, and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Articles 6 and 7. [Ord. 5673, 6/27/07]

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

- Zoning Districts
- Schedule of Permitted Use
- Development Standards

### Staff Comments:

- 3.020 & 3.190: When ‘family’ was removed from the ADC in 2022, some sections were missed. This amendment corrects the missed sections.
- 3.020 & 3.190: Multiple dwellings are described as both multi-dwellings and multiple dwellings in various sections of the code. To provide a consistent term, multi-dwelling has been changed to multiple dwelling.

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:

- (1) RR—RESIDENTIAL RESERVE DISTRICT. The RR District is intended to recognize areas which, because of topography, level of services, or other natural or development factors are best served by a large lot designation. This district may be applied on an interim basis until urban services become available. The minimum lot size is five acres.
- (2) RS-10—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-10 District is intended primarily for a lower density residential environment. The average minimum detached single-dwelling unit lot size is 10,000 square feet. [Ord. 6004, 12/28/22]
- (3) RS-6.5—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-6.5 District is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet. [Ord. 6004/12/28/22]
- (4) RS-5—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-5 District is intended primarily for low- to moderate-density residential development. The average minimum detached single-dwelling unit lot size is 5,000 square feet. [Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]
- (5) RM—RESIDENTIAL MEDIUM DENSITY DISTRICT. The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. ~~Multi-family~~ Multiple-dwelling and townhouse development may not exceed 25 units per gross acre. [Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]
- (6) RMA—RESIDENTIAL MEDIUM DENSITY ATTACHED DISTRICT. The RMA District is



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intended primarily for medium- to high-density urban residential development. Most units, whether single or multiple ~~family~~ dwelling or middle housing, will be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre. [Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]

(7) ~~HDR—HIGH DENSITY RESIDENTIAL DISTRICT.~~ The HDR District is intended primarily for high-density urban residential development. This district supports the highest residential density in the city, as development in the HDR district must achieve a density of at least 25 units per gross acre and may not exceed 50 units per gross acre. The HDR district allows a variety of housing types along with other compatible uses. [Ord. 6010, 7/1/23]

(8) ~~HM—HACKLEMAN-MONTEITH DISTRICT.~~ The HM district is intended primarily to preserve the existing residential character of the Hackleman and Monteith National Register Historic Districts. Conversion of single-dwelling unit residential structures to non-residential or ~~multi-family~~ multiple-dwelling residential uses is not allowed. [Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

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. A description of each use category is in Article 22, Use Categories and Definitions.

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). The conditions follow the schedule of uses, in Section 3.060.

The abbreviations used in the schedule have the following meanings:

- Y Yes; use allowed without land use review procedures but must meet development standards in this article and 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 permitted conditionally under the provisions of Sections 2.230-2.265 through a Type III procedure.
- CUII Uses permitted conditionally through the Type II procedure.
- PD Use permitted only through planned development approval.
- CD Use permitted only through cluster development approval.
- N No; use not permitted in the zoning district indicated.

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

[Ord. 5673, 6/27/07; Ord. 5947, 1/1/21]

**Staff Comments:**

- 3.050 Schedule of Permitted Uses table: The Schedule of Permitted Uses table does not have a code reference like all other tables in Articles 3, 4, and 5. Table 3.050-1 is proposed to be added to provide consistent formatting throughout the code.
- 3.050 Schedule of Permitted Uses table: In the HDR zone, Office and Restaurants (no drive-thru) uses are permitted through site plan review (S), without needing to be associated with a Planned Development (PD) or Cluster Development (CD).



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**Table 3.050-1**  
**SCHEDULE OF PERMITTED USES**

Uses Allowed in Residential Zoning Districts										
USE CATEGORIES (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA	HDR	
<b>RESIDENTIAL: Single-Dwelling unit Detached and Two Detached Units</b>										
Single-Dwelling Unit, detached	1	Y	Y	Y	Y	Y	Y	N	N	
Primary Residence with one accessory dwelling unit	4	Y	Y	Y	Y	Y	Y	Y	N	
2 detached primary dwelling units	2	N	PD/CD	PD/CD	S	PD.CD	Y	Y	N	
<b>RESIDENTIAL: Middle Housing</b>										
Duplex	3	Y	Y	Y	Y	Y	Y	Y	Y	
Townhouse		Y	Y	Y	Y	Y	Y	Y	Y	
Triplex or Fourplex	3	Y	Y	Y	Y	Y	Y	Y	Y	
Cottage Cluster	3	Y	Y	Y	Y	Y	Y	Y	Y	
<b>RESIDENTIAL: Multiple-Dwelling Units</b>										
Multiple-Dwelling Units	3	N	N	N	N	N	S	S	S	
<b>RESIDENTIAL: Care or Treatment</b>										
Assisted Living		CU	CU	CU	CU	CU	CU	CU	CU	
Child or Adult Care Home	6	Y	Y	Y	Y	Y	Y	Y	Y	
Daycare Facility		CU	CU	CU	CU	CU	CU	S	S	
Residential Care or Treatment Facility (6 or more residents)		CU	CU	CU	CU	CU	CU	S	S	
Residential or Group Care Home (5 or fewer residents)		Y	Y	Y	Y	Y	Y	Y	Y	
<b>RESIDENTIAL: Miscellaneous Use Categories</b>										
Manufactured Home Parks (see Article 10)	10	N	N	S	N	S	S	S	S	
Accessory Buildings, Garages or Carports	9	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	
Bed & Breakfast	7	CUH	CUH	CUH	CUH	CUH	CUH	S	S	
Home Businesses (See 3.090-3.160 to determine if CU)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	
Rooming or Boarding Houses		N	N	N	CU	N	S	S	Y	
Subdivision Sales Office	1	N	Y	Y	N	Y	Y	Y	Y	
Unit(s) Above or Attached to a Business	17	N	N	N	N	N	N	N	Y	
Temporary Residence	8	S	S	S	S	S	S	S	S	
<b>INSTITUTIONAL</b>										
Basic Utilities		CU	CU	CU	CU	CU	CU	CU	CU	
Community Services		CU	CU	CU	CU	CU	CU	CU	CU	
Educational Institutions	13	CU	CU	CU	CU	CU	CU	CU	CU	
Hospitals		N	N	N	N	N	CU	CU	CU	
Jails & Detention Facilities		N	N	N	N	N	N	N	N	
Parks, Open Areas and Cemeteries	14	S/CU	S/CU	S/CU	CU	S/CU	S/CU	S/CU	S/CU	
Religious Institutions	13	CU	CU	CU	CU	CU	CU	CU	CU	
<b>COMMERCIAL – Limited Use Types</b>										
Entertainment and Recreation:	Indoor Outdoor	18	CU CU	CU CU	CU CU	CU N	CU CU	CU CU	CU CU	CU CU
Offices		17, 19	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	S/ <del>PD/CD</del>
Recreational Vehicle Parks (See Article 10)		5, 10	N	N	N	N	N	CU	CU	CU
Restaurants, no drive-thru		17, 19	PD/CD	PD/CD	PD/C D	PD/CD	PD/CD	PD/CD	PD/C D	S/ <del>PD/CD</del>
Retail Sales and Service		17, 19	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	S
Self-Serve Storage		15	N	N	N	N	N	S	N	N
<b>OTHER CATEGORIES</b>										
Agriculture: Crop Production			Y Y S	Y S S	Y CU S	N N N	Y CU S	Y CU S	Y CU S	Y CU S
Antennas, owned and operated by FCC licensed member of Amateur Radio Service			Y	Y	Y	Y	Y	Y	Y	Y
Communication Facilities		16	N	N	N	N	N	N	N	N

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Kennels	11	S	CU	CU	N	CU	CU	N	N
Satellite Dish and Other Antennas	12	Y	Y	Y	Y	Y	Y	Y	Y

Y = Yes, allowed, no Site Plan review required

N = No, not allowed

CD = Cluster Development, see Art. 11

PD = Planned Unit Development, see Art. 11

CU = Conditional Use approval required, Type III procedure

S = Site Plan Review required

CUII = Conditional Use approval required, Type II procedure

[Ord. 5281, 3/26/97; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6008, 1/27/23; Ord. 6010, 7/1/23]

**Staff Comments:**

- 3.080 (9): Staff propose to increase the allowed wall height of residential accessory buildings exempt from Site Plan Review from 11 feet to 12 feet. The residential building code allows residential accessory structures with wall heights of up to 12 feet to be permitted under the prescriptive path, which does not require engineering. The proposed amendment would align the ADC with the residential building code.

**CONDITIONS**

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

- (9) 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 activity. See also Table 3.230-1 for Accessory Structure Standards.

Accessory buildings in residential districts that are 750 square feet or larger and/or with walls taller than ~~44~~ 12 feet 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. [Ord. 5767, 12/7/11; Ord. 5947, 1/1/21]

- (a) The proposed building does not exceed the height of the tallest building on adjacent property. For this section, height means the height of the building at its highest point, usually the ridge of the roof.
- (b) The square footage of the footprint of the proposed building does not exceed the square footage of the footprint of 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 residence as listed in Table 3.230-1. [Ord. 5947, 1/1/21]
- (e) The materials used on the proposed building (e.g., siding and roofing), and the color of those materials, shall be similar to those used on the primary residential structure (e.g., cement board lap siding is similar to wood lap siding).
- (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 not meeting the standards in this section require Site Plan Review.

Proposed additions to the Albany Development Code are shown in red underline and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context.

**DEVELOPMENT STANDARDS**

3.190 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 3.190-1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-dwelling unit, middle housing, and multiple-family dwelling developments.

[Ord. 5445, 4/12/00, Ord. 5768, 12/7/11; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

**TABLE 3.190-1**

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS								
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA	HDR
<b>Minimum Property Size or Land Requirements by Unit Type (1)(18)</b>								
Single dwelling unit detached (SDU) and Duplex (1)	5 acres (15)	10,000 sf	6,500 sf	5,000 sf	5,000 sf	3,500 sf	SDU: N/A Duplex: 3,500 sf	SDU: N/A Duplex: None
Townhouse (1)(16)(19)(20)	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	None (20)
Two primary detached units on one property (1)	N/A	N/A	N/A	7,000 sf	N/A	3,500 sf	3,500 sf	N/A
Triplex (16)(20)	5 acres	10,000 sf	6,500 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	None (20)
Fourplex (16)(20)	5 acres	10,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf (17)	None (20)
Cottage Cluster (16)(20)	5 acres	10,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	None (20)
Multiple-dwelling unit, Studio and 1-bedroom units (1)(20)	N/A	N/A	N/A	N/A	N/A	2,000 sf/unit	1,500 sf/unit	None (20)
2-and 3-bedroom units (1)(20)	N/A	N/A	N/A	N/A	N/A	2,400 sf/unit	1,800 sf/unit	None (20)
4+ bedroom units (1)(20)	N/A	N/A	N/A	N/A	N/A	3,000 sf/unit	2,200 sf/unit	None (20)
Minimum Lot Widths: (18)								
Townhouse	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	None	None
All other uses	N/A	65 ft	50 ft	35 ft	40 ft	30ft	None	None
<b>Residential Density (20):</b>								
Minimum Density (units per gross acre)	None	None	None	None	None	None	None	25
Maximum Density (units per gross acre)	(20)	(20)	(20)	(20)	(20)	25 (20)	35	50
<b>Setbacks (4)(18):</b>								
Minimum Front (4)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	12 ft	10 ft
Maximum Front Setback	None	None	None	None	None	(14)	(14)	(14)
Minimum Interior: single-story (4)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft (5)	10 ft (5)	10 ft (5)
Minimum Interior: two or more stories (4)	8 ft	8 ft	8 ft	6 ft	6 ft	10 ft (5)(6)	10 ft (5)(6)	10 ft (5)
Minimum Building Separation	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)
Min. Garage or carport vehicle entrance (10)	20 ft	20 ft	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)

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RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS								
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA	HDR
Maximum Height (8)	30 ft	30 ft	30 ft	30 ft	30 ft	45 ft	60 ft	75 ft
Maximum Lot Coverage (9)(18)	20% (11)	50%	60%	60%	60%	70%	70%	75%
Minimum Open Space	N/A	N/A	N/A	N/A	N/A	(13)	(13)	(13)
Min. Landscaped Area (18)	None	(2)	(2)	(2)	(2)	(3)	(3)	(3)

**SETBACKS**

**Staff Comments:**

- Table 3.230-1: To reduce the number of code compliance cases for detached accessory structures, staff has proposed a special circumstance to reduce the required setback for Detached Structures with walls less than or equal to 8 feet tall that do not require a building permit. The building code no longer requires fire separation between permit exempted structures and the property line, therefore there is no longer a need for a 3-foot setback. The proposed 2-foot setback would allow for on-site drainage and maintenance of the structure. In addition, because the detached accessory structure required setback was reduced, the decks greater than 30 inches above grade setback was also reduced to 2 feet.
- Table 3.230-1: Removing “Accessory Apartment Building” from the table. The term Accessory Apartment Building was changed to Accessory Dwelling Unit in 2021, but the term was not changed in the table. Accessory Dwelling Units are regulated in ADC 3.080(4), so they do not need to be included in the table.
- Table 3.230-1: Adding clarifying language to the fence portion of the Accessory Structure Standards table and removing the potential requirement for a building permit as per the current building code, as a building permit for fences 8 feet and under is not required.

3.230 Setback Measurements. All setbacks must meet the minimum standards as set forth in Tables 3.190-1 and 3.230-1, as appropriate. Setback distances shall be measured perpendicular to all portions of a property line. In addition to the setbacks in this article, all development must comply with Section 12.180, Clear Vision Area. See also Table 3.230-1, Accessory Structure Standards.

[Ord. 5673, 6/27/07; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]

**TABLE 3.230-1**

ACCESSORY STRUCTURE STANDARDS	
STRUCTURE	STANDARD
All Accessory Structures	Front setback, see Table 3.190-1, by zone if not noted below
Detached Structure walls less than or equal to 8 feet tall (2)	Interior setback = 3 feet (1) <u>(3)</u>
Attached Structure	Interior setback = 5 feet (1)
Detached Structure walls greater than 8 feet tall (2)	Interior setback = 5 feet
<del>Accessory Apartment Building</del>	<del>Front setback is equal or greater than primary residence</del>

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ACCESSORY STRUCTURE STANDARDS	
STRUCTURE	STANDARD
	Interior setback, one-story = 5 feet (1) Interior setback, two-story = 8 feet (1)
Garage or carport with vehicular access from 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 3.190-1
Structures, including fences, intended for housing animals	Interior setback = 10 feet <u>See AMC 6.10.020</u>
<u>All fences, see 9.360 through 9.380.</u> Fences greater than 6 feet tall	See <u>Fences over 6 feet tall must meet setbacks in Table 3.190-1, by zone, except when permitted along property lines in Sections 9.370(4)(d) and 9.380(3).</u> ; <del>building permit may be required.</del>
Outdoor swimming pools with depths greater than or equal to 24 inches	Interior setback = 10 feet
Decks less than or equal to 30 inches from grade, with no rails or covers	No setback from property lines
Decks greater than 30 inches from grade	Interior setback = <del>5</del> <u>3</u> feet

[Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21]

- (1) Zero-lot line provisions are in Sections 3.265 and 3.270.
- (2) The slab or foundation of accessory structures is not included in the wall height unless it is greater than 24-inches from the ground. [Ord. 5673, 6/27/07]
- (3) Accessory Structures up to 200 square feet or less that are exempt from building permit requirements under the Oregon Residential Specialty Code and not habitable may have a reduced interior setback of 2 feet with a roof overhang no more than 12 inches.

**Staff Comments:**

- 3.250: Staff propose simplifying the regulation to allow vehicles, RVs, trailers, boats, etc. to be parked in the front yard if they are parked on a paved driveway. Small lots and lots with middle housing do not always have room to park recreational vehicles outside of the front yard. Simplifying this section will allow for more flexibility while keeping recreational vehicles off the public right-of-way.
- 3.350: Removing Off-Street Parking and Loading section reference to Article 9 to be consistent with Articles 4 and 5, as they do not have Off-street Parking and Loading references.

3.250 Parking Standards in Setback or Yard Areas.

- (1) ~~Vehicles in daily use shall not park in the front yard, except on a paved driveway that leads to a garage, carport, or on a driveway that provide required parking spaces.~~
- (2) ~~Provided parking spaces shall not be located in a required front or interior setback, except:~~
  - (a) ~~Circular driveways providing drop-off service to the front door.~~
  - (b) ~~Driveways used to provide parking or that lead to a garage or carport.~~

[Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6018, 6/30/23]

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- (3) ~~RVs, trailers, boats, campers, and vehicles not in daily use are not allowed in the required front setback for more than 48 consecutive hours.~~ [Ord. 5947, 1/02/21]

No parking shall occur in the front yard, except on a paved driveway.

- 3.330 ~~Special Setbacks for Education and Religious Institutions, Public and Semi-Public Buildings.~~ Any new construction of ~~an educational institution, a~~ religious institution, or ~~public or semi-public building,~~ as defined in Article 22, 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. Stockpiling or storage of materials or equipment is not permitted in the ~~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 where the property is located continue to apply. [Ord. 5673, 6/27/07]

**~~OFF-STREET PARKING AND LOADING REQUIREMENTS~~**

- ~~3.350 Minimum Space Requirements. When off-street parking is provided, it must not exceed the maximum parking amounts as indicated in Article 9, Section 9.020, and Table 9.020-1. All parking lots in residential districts must comply with applicable requirements in Article 9.~~  
~~[Ord. 5445, 4/12/00; Ord. 5673, 6/27/17; Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 6018, 6/30~~

**ARTICLE 4  
COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

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

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

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

**Staff Comments:**

- 4.030: Correcting the reference to the location of the Airport Approach District.
- 4.035: Including Articles 4, and 7 along with Article 6 as a special district that has a relationship to State, Federal, and other local regulations.

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

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

[Ord. 5555, 2/7/03]

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

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

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

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

[Ord. 5555, 2/7/03]

**Staff Comments:**

- Table 4.050-1: ‘Breweries’ was changed to ‘Brewpubs’ in 2014, but the term was not changed in the table. This amendment corrects the missed sections.
- Table 4.050-1: Multiple dwellings are described as both multi-dwellings and multiple dwellings in various sections of the code. To provide a consistent term, multi-dwelling has been changed to multiple dwelling.



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

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

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Commercial, Office and Industrial Zoning Districts										
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	EMP	IP	LI	HI
Units Above or Attached to a Business		S	S	S	CU	S	S	S	S	N
Residential Accessory Buildings	21	Y/S	Y/S	N	N	N	N	N	N	N
OTHER USE CATEGORIES										
Agriculture (on Vacant Land)	22	N	N	N	Y	N	Y	Y	Y	Y
Satellite Dish, Other Antennas, & Communication Facilities <50 ft.	23	Y	Y	Y	Y	Y	Y	Y	Y	Y
Communication Facilities >= 50 ft.	23	N	N	CU	S	CU	CU	CU	S	Y
Kennels	24	N	N	N	CU	N	N	N	S	N
Non-Residential Accessory Buildings		S-18	Y	Y	Y	Y	Y	Y	Y	Y
Passenger Terminals		N	N	S	CU	S	CU	CU	CU	N
Rail And Utility Corridors		CU	CU	CU	CU	S	CU	CU	S	S

Y = Yes, allowed, no Site Plan Review required  
 CU = Conditional Use review, Type III procedure  
 CUII = Conditional Use review, Type II procedure  
 N = No, not allowed  
 S = Site Plan Review required  
 [Ord. 5555, 2/7/03; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10, Ord. 5767, 12/7/11; Ord. 5832, 4/9/14, Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23]

**Staff Comments:**

- **4.210: Revising section to clarify how Public and Semi-Public Buildings are defined as stated in Article 22. Removing Educational from the section as Educational Institutions are included in the definition of Public and Semi-Public buildings.**

4.210 Special Setbacks for ~~Educational and Religious Institutions~~, Public and Semi-Public Buildings. Any new construction of a Religious Institution ~~such as school, church, or p~~Public or ~~s~~Semi-~~p~~Public building, as defined in Article 22, must be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. Stockpiling or storing materials or equipment is not permitted in the required front or interior setbacks. All other setbacks of the district where the property is located apply. [Ord. 5555, 2/7/03]

**ARTICLE 5  
 MIXED USE ZONING DISTRICTS**

5.000 Purpose. This article is intended to define the character 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, and south of Oak Creek near Highway 99E (Pacific Boulevard). The mixed-use zones may be applied outside of the Village Center plan designation. [Ord. 5555, 2/7/03; Ord. 6010, 7/1/23]

5.020 Overview. The mixed-use 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, and community and personal services. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center or mixed-use area. The mixed-use zones differ in permitted uses, development standards, and design based on the unique objectives of each

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area. Design standards may be adopted to define the unique architectural and streetscape features of each area. [Ord. 5894, 10/14/17]

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 of 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

[Ord. 5673, 6/27/07]

**Staff Comments:**

- Table 5.060-1: ‘Breweries’ was changed to ‘Brewpubs’ in 2014, but the term was not changed in the table. This amendment corrects the missed sections.
- Table 5.060-1: Multiple dwellings are described as both multi-dwellings and multiple dwellings in various sections of the code. To provide a consistent term, multi-dwelling has been changed to multiple dwelling.
- Table 5.060-1: When ‘family’ was removed from the ADC in 2022, some sections were not changed in the table. This amendment corrects the missed sections.

**TABLE 5.060-1  
SCHEDULE OF PERMITTED USES**

Mixed Use Zoning Districts											
Use Categories (See Article 22 for category descriptions.)	Spec. Cond.	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
<b>INDUSTRIAL USE CATEGORIES</b>											
Contractors and Industrial Services	1	N	N/ CU-24	N	N	CU	S	S	N	N	N
Manufacturing and Production	2	N	N / CU-24	CU-3	N	CU-3	S/CU	N	N	N	N
Small-scale Manufacturing - less than 5,000 sq. ft. -5,000 to 10,000 sq. ft.	2	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	N N	N N
Warehousing and Distribution		N	N/ CU-24	N	N	N	N	N	N	N	N
Waste and Recycling		N	N	N	N	N	N	N	N	N	N
Wholesale Sales		N	N/ CU-24	N	N	CU	N	N	N	N	N
<b>COMMERCIAL USE CATEGORIES</b>											
Adult Entertainment	4	N	N	S	S	S	N	N	N	N	N
Entertainment and Recreation Indoor Outdoor		S-5 CU	S-5/CU-24 CU-6	S N	S N	S CU-6	S N	S-5 S	S-5 N	S-5 N	CU-26 N
Offices: Traditional Industrial		S CU	S S	S S	S S	S S	S S	S S	S S	S N	S-26 N
Parking		S	CU	CU	CU	CU	S	S	S	CU-7	CU
Recreational Vehicle Park		N	N	N	N	N	N	N	N	N	N
Restaurants, no drive-thru with drive-thru or mostly delivery	23	S CU	S N	S N	S N	S N	S S	S S	S N	CUH N	S-26 N

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<b>Mixed Use Zoning Districts</b>											
Use Categories (See Article 22 for category descriptions.)	Spec. Cond.	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
Retail Sales and Service		S-8	S-8/ CU-24	S-8	S-8	S	S	S	S-8	S-8	S-8/26
Self-Serve Storage	9	N	N	N	N	N	N	N	N	N	N
Taverns, Bars, <u>Breweries</u> <u>Brewpubs</u> , Nightclubs	23	CUII	CUII	S	S/CUII (25)	S/CUII (25)	S	S	CUII	CU	CUII-26
Vehicle Repair		N	N/ CU-24	N	N	CU	N	S	N	N	N
Vehicle Service, Quick (gas/oil/wash)		S	N	N	N	N	N	S	S	S	N
<b>INSTITUTIONAL USE CATEGORIES</b>											
Basic Utilities	10	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Daycare Facility		S	S	S	S	S	N	CU	S	S	S
Community Services	11	CU	CU	S	S	S	S	S	S	S	CU
Educational Institutions	12	CU	CU	CU	CU	CU	CU	N	CU	CU	CU
Hospitals		N	CU	CU	CU	S	S	CU	N	CU	CU
Jails & Detention Facilities		N	N	N	N	N	N	N	N	N	N
Parks, Open Areas and Cemeteries	13	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Religious Institutions	12	CU	CU	CU	CU	S	S	CU	CU	CU	CU
<b>RESIDENTIAL USE CATEGORIES</b>											
Residential Care or Treatment Facility	14	S	CU	S	S	S	S	N	S	S	S
Assisted Living Facility		CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Single Unit Detached	15	Y-17	N	N/Y-16	N/Y-16	N/Y-16	N/Y-16	N	N	N/Y-16	Y
Duplex	15	Y-17	S-16	N	S-16	S-16	Y	N	N	CU	Y
Townhouse	15	Y-17	S-16	N	S-16	S-16	N	N	N	CU	Y
Triplex or Fourplex		Y-17	S-17	N	S-17	S-17	S	N	CU	CU	Y
Cottage Cluster		Y-17	N	N	S	N	N	N	N	N	Y
<u>Multiple-Family Dwelling Unit</u>		S-17	S-17	N	S-17	S-17	S	N	CU	CU	S
Units Above or Attached to a Business		S-17	S	S-17	S	S	S	S	S	S	S
Home Business (See 3.090-3.180 to determine if CU.)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Residential Accessory Buildings	18	Y/S	Y/S	Y/S	Y/S	Y/S	CUII	N	Y/CUII	Y/CUII	Y/S
<b>OTHER USE CATEGORIES</b>											
Agriculture (on Vacant Land)	19	N	N	N	N	N	N	N	N	N	N
Satellite Dish, Other Antennas, & Communication Facility <50 ft.	20	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Communication Facility >= 50 ft.	21	CU	N	N	N	CU	CU	CU	N	CU	N
Kennels	22	N	N	N	N	N	N	N	N	N	N
Non-Res'l Accessory Buildings, larger than 750 sq. ft.		S	S	S	S	S	S	S	S	S	S
Passenger Terminals		CU	N	CU	CU	CU	CU	S	CU	N	N
Rail And Utility Corridors		CU	CU	N	N	CU	CU	CU	CU	CU	N

Y = Yes, allowed, no Site Plan review required  
 CU = Conditional Use review required, Type III procedure  
 CUII = Conditional Use review required, Type II procedure

N = No, not allowed  
 S = Site Plan Review required

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[Schedule of Uses amended by Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 2010, 7/1/23]

**Staff Comments:**

- Table 5.090-1: Triplex and Fourplex were inadvertently left out of this table during the middle housing code updates in 2022. Multiple-Dwelling Unit developments are those with 5 or more units per property, so this is being clarified, and the minimum area requirements for based on number of bedrooms is being combined.
- Table 5.090-1: Multiple dwellings are described as both multi-dwellings and multiple dwellings in various sections of the code. To provide a consistent term, multi-dwelling has been changed to multiple dwelling.
- Table 5.090-1(1): Adding ‘or more’ to the 3-foot setback allowance for 2-story buildings to clarify.
- Table 5.090-1(12 & 15): ‘Family’ was removed from the code in 2022, but the term was not removed from various sections of the code. This amendment corrects the missed sections.

**TABLE 5.090-1  
MIXED-USE VILLAGE CENTER DEVELOPMENT STANDARDS**

STANDARD	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
<b>Minimum Lot Size or Area Requirement (sq.ft.) (3)(21)(24)</b>										
Single-Dwelling Unit detached (20)(21)	None	None	None	None	None	N/A	N/A	N/A	5,000	None
Townhouse, Per lot (21)	None	1,600	N/A	None	None	N/A	N/A	None	None	None
Duplex, (21)	None	3,600	N/A	None	None	<del>N/A</del> <u>one</u>	N/A	N/A	7,000	None
<u>Triplex, and Fourplex</u>	<u>None</u>	<u>N/A</u>	<u>N/A</u>	<u>None</u>	<u>N/A</u>	<u>None</u>	<u>N/A</u>	<u>None</u>	<u>None</u>	<u>(22)</u>
Cottage Cluster (21)	None	N/A	N/A	7,000	N/A	N/A	N/A	N/A	N/A	7,000
<del>3 or more 1 bedroom</del> <u>Multiple Dwelling Unit (21)</u>	None	1,600/u	N/A	None	None	None	1,600/u	1,600/u	3,300/u	1,600/u
<del>3 or more 2+ bedroom (21)</del>	<del>None</del>	<del>1,800/u</del>	<del>N/A</del>	<del>None</del>	<del>None</del>	<del>None</del>	<del>1,600/u</del>	<del>1,800/u</del>	<del>3,300/u</del>	<del>1,800/u</del> <u>(22)</u>
All other uses	6,000	5,000	1,000	1,000	1,000	2,000	15,000	6,000	5,000	10,000
<b>Maximum Building Size (sq. ft.)(16)</b>										
Non-grocery (16)	20,000	None	None	None	None	None	None	None	None	None
Grocery-anchored	80,000 (13)	None	None	None	None	None	None	None	None	None
<b>Maximum Business Footprint (sq. ft.)(16)(17)</b>										
Non-grocery (16)	20,000	None	None	None	None	None	25,000	10,000	10,000	10,000
Grocery-anchored	80,000 (13)	None	None	None	None	None	60,000	60,000	60,000	60,000
<b>Lot Width, minimum</b>	None	None	20'	None	None	20'	None	None	None	None
<b>Lot Depth, minimum</b>	None	None	50'	None	None	50'	None	None	None	None
<b>Landscaped Area (24)</b>	100% (2)	None	None	None	None	100% (2)	100% (2)	100% (2)	100% (2)	100% (2)
<b>Minimum Open Space</b>	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)
<b>Maximum Front Setbacks: (10)(24)</b>	10' (15)	5'/15' (18)	0'	5'/15' (18)	5'/15' (18)	None	20'	10'	10'	20'
<b>Minimum Setbacks: (24)</b>										
Front (5) (14)	5'	0'	0'	0'	0'	0'	5'	5'	5'	15'
Interior (5) (14)	(11)(4)	0' (1)(4)	0'(4)	0' (1) (4)	0' (1)(4)	(4)	(4)	(1)(4)	5'	10'(11)

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STANDARD	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
<b>Minimum Lot Size or Area Requirement (sq.ft.) (3)(21)(24)</b>										
Garage Entrance (9)	20' (8)	5' or 20' (8)(7)	None	5' or 20' (8) (7)	5' or 20' (8) (7)	20'	20'	20'(8)	20'	20'
<b>Height, maximum (23)</b>	85'	55'	85' (19)	85' (19)	65'	60'	50'	50'	50'	45'
<b>Lot Coverage, maximum (6)(24)</b>	80%	100%	100%	100%	100%	100%	80%	90%	80%	70%

- “N/A” means not applicable. “None” means there is no requirement under Article 5 (other standards may apply). “0” means that the minimum or maximum is zero. [Ord. 5894, 10/14/17; Ord. 6010, 7/1/23]
- (1) Single-dwelling unit detached homes, townhouses, and duplexes, where permitted, must have a 3-foot interior setback for single-story buildings, and a five-foot interior setback for two- or more story buildings. See Sections 5.150 and 5.160 for zero lot line options and townhouses. [Ord. 5742, 7/14/10; Ord. 5894, 10/14/17; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22]
  - (2) All yards adjacent to streets. Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas. [Ord. 5842, 1/1/15]
  - (3) Lots with alley access may be up to 10 percent smaller than the minimum lot size for the zone. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]
  - (4) See ADC Section 5.115 for special interior setback standards abutting residential zones and uses. [Ord. 5894, 10/14/17]
  - (5) Minimum front and interior setbacks are not required for buildings abutting railroad rights-of-way; Setbacks for cottage clusters are in Section 5.092. [Ord. 5968, 1/14/22]
  - (6) Achievement of maximum lot coverage is subject to meeting all other standards of the ADC, including, but not limited to, landscaping, buffering and setback requirements. Lot coverage for single-dwelling unit detached and middle housing development shall only include the area of the lot covered by buildings or structures. Lot coverage for townhouses is calculated based on the overall townhouse project, which includes the townhouse structure(s) together with the development site, including any commonly owned property; Cottage clusters are exempt from maximum lot coverage standards. [Ord. 5768, 12/7/11, Ord. 5894, 10/14/17; Ord. 5968, 1/14/22]
  - (7) To prevent parked vehicles from intruding in the right-of-way, garage entrances shall be set back five feet or at least 20 feet. A setback of more than 5 feet and less than 20 feet is not permitted. Garage entrances may not be located closer to the front lot line than the front façade of the building. [Ord. 5894, 10/14/17]
  - (8) Garage setback for non-vehicle entrance must conform to the requirements for interior setbacks.
  - (9) For garages with alley access, see Table 5.100-1. [Ord. 5894, 10/14/17; Ord. 5947, 1/1/21]
  - (10) The maximum setback may be increased with the condition that 100 percent 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; or to accommodate changes in elevation due to road and site grading or natural slopes. See ADC Section 5.120 for additional exceptions and calculation methodology for the HD, CB, DMU, and WF zoning districts. [Ord. 5894, 10/14/17]
  - (11) In MUC and MUR, single-dwelling unit detached homes and middle housing must have a 3-foot interior setback for single-story buildings, and a five-foot interior setback for two-story buildings. See Section 5.150 and 5.160 for zero lot line options and attached dwellings units. [Ord. 5968, 1/14/22]
  - (12) Ten or more residential multiple family dwelling units require common open space. See Section 8.220. [Ord. 5894, 10/14/17; Ord. 5968, 1/14/22]
  - (13) The building and business footprint maximum is 80,000 square feet if a grocery store occupies at least fifty percent (50 percent) of the total square footage. This footprint may include one or more businesses or attached buildings. For purposes of this section, a grocery store is defined as a business that sells primarily food and household supplies. Ancillary grocery uses include uses such as pharmacy, bakery, and florist.
  - (14) Properties adjacent to the Willamette River see also the Willamette Greenway standards in Sections 5.200 - 5.207 and Sections 6.500-6.560.
  - (15) Except for residential development, which has a maximum setback of 25 feet. See Sections 8.200 – 8.305 for multiple family dwelling residential design standards. [Ord. 5947, 1/1/21]
  - (16) The maximum building size and business footprint size may be exceeded for mixed-use developments when the building is multi-story. [Ord. 6010, 7/1/23]
  - (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.



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- (18) The maximum setback for non-residential and mixed-use development is five feet. The maximum setback for residential development is 15 feet. See ADC Section 5.120 for exceptions and calculation methodology. [Ord. 5894, 10/14/17]
- (19) In order to maintain compatibility with existing historic structures and the character of designated historic districts, maximum building heights in the HD and DMU zones are limited within designated historic districts. Within the Downtown Commercial National Register Historic District (see Article 7, Figure 7.010-1), the maximum building height in the HD and DMU zones is 65 feet. Within the Hackleman and Monteith National Register Historic Districts (see Article 7, Figure 7.010-1), the maximum building height in the HD and DMU zones is 45 feet. [Ord. 5894, 10/14/17]
- (20) Where new single-dwelling unit detached housing is not permitted in a given Mixed Use zone, minimum lot size for single-dwelling unit refers to legally established existing single-dwelling unit uses with special status. [Ord. 5894, 10/14/17]
- (21) Section 3.220 bonus provisions may reduce minimum area requirements for residential developments. [Ord. 5966, 11/12/21]
- (22) In MUR, in no case shall the minimum lot size required for a triplex exceed 5,000 square feet, or for a fourplex exceed 7,000 square feet. [Ord. 5968, 1/14/22]
- (23) Maximum height for cottage clusters is in Section 5.092. [Ord. 5968, 1/14/22]
- (24) In MUC and MUR, if a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lots. [Ord. 5968, 1/14/22]

[Table and footnotes amended by Ord. 5555, 2/7/03; Ord. 5556, 2/21/2003; Ord. 5627, 7/27/05; Ord. 5673, 6/27/07; Ord. 5768, 12/7/2011; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23]

5.210 ~~Special Setbacks for Schools, Churches~~ Religious Institutions, Public and Semi-Public Buildings. Any new construction of a ~~school, church~~ religious institution, or ~~Public or Semi-Public building~~, as defined in Article 22, must be set back at least 25 feet from any property line abutting any residential district. Stockpiling or storage of materials or equipment is not permitted in the ~~No required~~ front or interior setback of the lot on which such building or use is located ~~may be used for stockpiling or storing materials or equipment~~. All other setbacks of the district where the property is located continue to apply.

## ARTICLE 8 DESIGN STANDARDS

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

An applicant for a development that does not meet the design standards in Article 8 may apply for one or more Adjustments pursuant to ADC 2.060-2.080 except that Adjustments are not permitted to the standards in Section 8.500 (Telecommunication Facilities) and Section 8.600 through 8.620 (Supplemental Design Standards for the Oak Creek Transition Area). [Ord. 5947, 1/1/21]

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

- Single Dwelling Unit Homes and Middle Housing
- Multiple Dwelling Unit Development
- Commercial and Institutional Site Design
- Supplemental Standards in Village Centers
- Telecommunications Facilities
- Supplemental Design Standards for the Oak Creek Transition Area



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[Ord. 5445, 4/12/00, Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

**COMMERCIAL AND INSTITUTIONAL SITE DESIGN**

8.310 Purpose. These sections are intended to set threshold standards for quality design in commercial and institutional development, and in the non-residential components of mixed-use development. Good design results in buildings that are visually compatible with one another and adjacent neighborhoods and contribute to an attractive, active, and safe built environment that facilitates easy pedestrian movement and a rich mixture of land uses. [Ord. 5832, 4/9/14; Ord. 5947, 1/1/21]

**TABLE 8.360-2: Point Value of Pedestrian Amenities**

Amenity	Point Value
Sidewalks with ornamental treatments (e.g., brick pavers) that are either at least 10 feet wide or 50 percent wider than required by the Code, whichever is larger	1 point for every 10 lineal feet of sidewalk
Benches or outdoor public seating (maximum of 4 points)	1 point for seating for 4 people
Covered bicycle parking (maximum of 4 points)	1 point for every 5 covered spaces provided beyond the minimum Code requirement
Bicycle lockers (maximum of 10 points)	1 point for every locker
Sidewalk planter(s) enclosing a minimum of 8 square feet (maximum of 4 points). *	1 point for every planter provided beyond the minimum Code requirement
Pocket parks or plazas with a minimum area of 300 square feet*	10 points for every park or plaza
Planting trees that are 50 percent larger than required by Code or planting more trees than required by Code. (maximum 4 points)	1 point for every 4 trees
Weather protection (awnings, etc.) which overhangs the sidewalk or walkway by a minimum of 4 feet. Awnings or other weather protection must be constructed of durable materials. (maximum of 10 points)	1 point for every 5 lineal feet of weather protection
Decorative fountain or other public art. Public art, including decorative fountains, must be approved by the City Arts Commission. (maximum of 10 points). *	Point value to be determined by the City based on other amenities similar in scale and benefit.
Other pedestrian amenities that are not listed above. * (maximum of 10 points)	Point value to be determined by the City based on other amenities similar in scale and benefit.
*Approved vegetated stormwater quality facilities may be incorporated into the amenity.	

[Ord. 5842, 1/1/15; Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

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**Staff Comments:**

- 8.365, Pedestrian Amenities: The parameters for what should be included in a pocket park was not clearly defined. Adding the requirement for at least one seating are to help clarify what features must be included in the park.

8.365 Pedestrian Amenities in the HD, CB, DMU, and WF zoning districts. Pedestrian amenities are required in the HD, CB, DMU and WF zoning districts. The purpose of the pedestrian amenity requirements is to enhance the pedestrian environment. Because the sidewalk area is the most important element of the pedestrian environment in an urban setting, these standards focus primarily on sidewalk enhancements. The standards in (1) - (3), below, apply to the following development within the HD, CB, DMU, and WF zoning districts: new buildings (excluding accessory buildings); expansions or modifications to existing buildings that are not covered under ADC Section 1.105(7); and any development that requires sidewalk improvements. The City Engineer may waive the requirement to provide pedestrian amenities where public streetscape improvement projects that include pedestrian amenities have been completed or are planned.

[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21]

- (1) Each development shall provide a minimum of one of the following improvements.
  - (a) Street trees in tree wells along the public street frontage, excluding any driveways. Development on lots with multiple frontages must meet this standard on all frontages. Street trees shall be selected from the list of approved street trees established by the City and meet all applicable spacing standards.
  - (b) Benches or outdoor public seating for at least four people. Benches or seating must be located in a public right of way or be accessible to the general public (including providing a public access easement) and visible from the sidewalk.
  - (c) Pocket parks or plazas ~~with~~ shall have a minimum usable area of 100 square feet and include at least one seating area. Public access must be provided by a public right-of-way or a public access easement, and the pocket park or plaza must be visible from the sidewalk.
  - (d) Continuous weather protection (awnings, etc.) along all building façades adjacent to (within one foot of) the sidewalk. Awnings or other weather protection must be constructed of durable materials and extend at least 4 feet in horizontal distance from the building wall.
  - (e) Pedestrian-scale streetlights along the full site frontage, excluding any driveways. Development on lots with multiple frontages must meet this standard on all frontages. Suitable light fixtures and spacing shall be determined by the City Engineer for consistency with publicly installed light fixtures and lighting specifications.
  - (f) Other pedestrian amenities that are not listed but are similar in scale and benefit.
- (2) Improvements within the public right of way require the approval of the City Engineer.
- (3) Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).

[Ord. 5894, 10/14/17]

## ARTICLE 9

### ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

9.010 Overview. The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. These standards are intended to create an urban environment that is safe, provides connectivity, furthers energy conservation, and enhances the environment for walking, cycling, and mass transit use. This article contains the following standards:

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- Off-Street Parking and Loading
- Landscaping
- Tree Protection
- Buffering and Screening\*
- Fences
- Environmental

\*As identified in Section 9.210, in limited circumstances, an applicant can apply for an Adjustment to the Buffering and Screening standards.

[Ord. 5764, 12/1/11; Ord. 5445, 4/12/00; Ord. 5947, 1/01/21]

**Staff Comments:**

- 9.080(1): Replacing the word “handicapped” with “accessible”.
- 9.080(12): Adding requirement for the location of bumper guards where applicable.
- 9.080(14): Adding the word “vanpool” after the word “carpool” for consistency with existing language in the code.
- 9.080(15): Adding language requiring the number and location of electric vehicle charging capacity to the parking plan.
- 9.080(16-18): Adding language to include option for solar panels and public buildings when large parking areas are constructed. Also removing 10,890 square foot threshold and referencing more detailed information in ADC 9.130(2)(c) and adding 20 years old to clarify the age at which the canopy should be calculated.
- 9.100(3): When the previous amendments were adopted in July, some sections changed from “required” parking to “provided” parking were missed. Correcting the missed sections.

**OFF-STREET PARKING AND LOADING**

9.080 Parking Plan. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (see Section 9.120 and 9.130). The plan must show the following elements, which are necessary to indicate that the requirements of this Code are being met. [Ord. 5947, 1/01/21]

- (1) Delineation of individual parking spaces, including ~~handicapped~~ accessible parking spaces.
- (2) Loading areas and docks.
- (3) Circulation area necessary to serve spaces.
- (4) Location and dimensions of bicycle and motorcycle parking areas.
- (5) Access to streets, alleys, and properties to be served.
- (6) Curb cuts.
- (7) Type of landscaping, fencing or other screening materials.
- (8) Abutting land uses.
- (9) Grading, drainage, post-construction stormwater quality facilities, surfacing, and subgrading details. [Ord. 5842, 1/01/15]
- (10) Location of lighting fixtures.
- (11) Delineation of all structures and obstacles to circulation on the site.

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- (12) Specifications and location of signs and bumper guards, when applicable.
- (13) Location and dimensions of planter bays when required.
- (14) Proposed number of employees and the number of employee and carpool/vanpool spaces.
- (15) Proposed number and location of parking spaces being provided electric vehicle charging capacity and chargers when provided.
- (16) ~~(15)~~ When solar panels are proposed to comply with the large parking area standards in Section 9.130(a), provide solar panel specifications including the maximum kilowatt production rating and proposed locations.
- (17) When public buildings as defined by ORS 270c.527 are proposed to comply with the large parking area standards in Section 9.130(b), compliance with OAR 330-135-0010 is required.
- (18) When tree canopy is proposed to comply with the large parking area standards in Section 9.130(2)(c), new or improved parking areas exceed 10,890 square feet, provide a Parking Lot Canopy Plan showing the crown diameter at 15 years after planting (or 20 years old) and a canopy calculation table. Trees must be drawn to scale to represent the canopy size at ~~45~~ 20 years as listed in the city's Parking Lot Tree List.

9.100 Parking Area Improvement Standards. All public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards. When the total surface parking area for the development site exceeds 10,890 square feet, parking area improvements must comply with the standards in Section 9.135. [Ord. 6018, 6/30/23]

- (1) General. All parking spaces must be improved in accordance with these standards and available for use at the time of project completion.
- (2) Other Requirements. All parking areas shall conform to the setback, clear vision, landscaping, and buffering/screening provisions of this Code.
- (3) Surfacing. All ~~required~~ parking, including travel aisles and access, shall have a durable, dust-free surface of asphalt, cement concrete, or other materials approved by the Director. Parking lot surfacing shall not encroach upon the public right-of-way except when it abuts a concrete public sidewalk or has been otherwise approved by the Director of Public Works. Pervious pavements, such as pervious asphalt or pervious concrete, may be allowed by the Director of Public Works.

[Ord. 5832, 4/9/14; Ord. 5842, 1/01/15]

**Staff Comments:**

- 9.130(1): Adding clarifying language that surface parking areas must comply with the regulations in the section when an addition to an existing parking lot of 5,000 square feet or more increases the overall parking lot size above 10,890 square feet.
- 9.130(2): Removing at least because the state determined only one option can be used to meet the Climate Friendly and Equitable Communities requirements, and they cannot be mixed and matched.
- 9.130(2)(a): Clarifying kilowatt measurement to generation capacity.
- 9.130(2)(c) & (4)(a): Clarifying age of tree at maturity to coincide with how canopy coverage is calculated.
- 9.130(2)(c)(ii): Adding “storage” to exemption for additional clarity of locations that are exempt from tree canopy requirements.
- 9.130(2)(c)(iii): Removing areas that are made inaccessible to public vehicles by a barrier or fencing. It is not needed as it is covered by 9.130(2)(c)(ii).

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9.130 Surface Parking Areas. The purpose of these standards is to ensure that walkways and landscaping are incorporated into parking lot design in a manner that is both attractive and easy to maintain, that minimizes the visual impact of surface parking, and that improves environmental and climate impacts (Figure 9.130-1). These standards are also intended to help ensure pedestrian safety and comfort within large parking lots.

[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

- (1) Applicability. In addition to other provisions of Article 9, the following standards apply to new or improved surface parking areas of more than 0.25 acres (10,890 square feet), and to parking lot additions of 5,000 square feet or more when existing parking areas are enlarged to more than 10,890 square feet, and when re-construction of a surface parking area of more than 0.25 acres is proposed (i.e., when pavement, curbs, and planter bays are completely replaced). Total surface parking areas are calculated by measuring around the perimeter of all parking spaces, maneuvering areas, and interior landscaping.

[Ord. 5947, 1/01/21]

- (2) Comply with ~~at least~~ one of the following standards in (a) through (c) below.
- (a) Solar Panels. Installation of solar panels with a generation capacity of at least 0.5-kilowatt per new parking space on the property. Panels may be located anywhere on the property.
- (b) Public Buildings. Construction, reconstruction, or major renovation of a public building as defined by ORS 270c.527 ~~that involves actions to comply~~ that complies with Oregon Administrative Rule 330-135-001.
- (c) Tree Canopy. Trees shall be planted and maintained throughout new or improved parking areas to ensure that at least 40 percent of all parking surface areas will be covered within fifteen years after planting (or 20 years old). Tree canopy shall be calculated from a plan view of the tree planting plan and expected crown diameter at fifteen years from planting (or 20 years old). Existing mature trees that are preserved may be included in the canopy calculation using the current canopy size. Area under the canopy that is either paved surface or parking lot landscaping (interior or perimeter) shall be subject to canopy calculations unless specifically exempt per below. Canopy that covers structures may not be included in the calculation, however canopy that covers unenclosed carports over parking spaces may be included. The full canopy area based on the ~~45~~ 20-year crown diameter may be counted for tree coverage where there is an overlap of 5 feet or less (measurement to be the length of a line segment within the overlap area of a line between tree trunk/canopy centers).

The following surfaced areas are exempt from canopy requirements or are permitted reductions to the canopy requirements:

- i. Truck loading area in front of overhead doors.
  - ii. Truck maneuvering, storage, and parking areas unconnected to and exclusive of any vehicle parking.
  - ~~iii. Areas that are made inaccessible to public vehicles by a barrier such as bollards or fencing.~~
  - iv. Tree canopy or solar panel requirements may be reduced by 50 percent for surface lots provided at automobile dealerships for display/sales/service/vehicle storage areas and provided employee and visitor parking.
- (3) Trees must be provided along all driveways but are not required along drive aisles. Trees shall be at least 10 feet tall at the time of planting. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles and other site design considerations. A continuous canopy has no less than three trees and breaks of no more than 3 feet, excluding permitted interruptions.
- (4) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility and other utility providers, including pre-design, design, building and maintenance phases and meet the following standards.

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- (a) The tree spacing and species planted must be designed to achieve the minimum tree canopy of 40 percent using the expected diameter of the tree crown at 15 years from planting (or 20 years old).
  - (b) Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.
  - (c) Trees should be planted in continuous trenches with a minimum soil depth of 3 feet and width of 5 feet where possible.
  - (d) The minimum standards for planting and tree care shall be no lower than 2021 American National Standards Institute (ANSI) A300 standards.
  - (e) The property owner is responsible for maintaining all required vegetation. Compliance with these standards will be enforced through the City's code enforcement process.
- (5) Walkways. For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles and include protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping, curbs, or parking bumpers. Walkways may cross a vehicle aisle if distinguished by a color, texture, or elevation different from the parking and driving areas. Walkways shall not share a vehicle aisle. [Ord. 5886, 1/6/17]
- (6) Parking Lots with More Than 75 Spaces. Parking lots with 75 or more spaces must comply with the following additional standards to ensure pedestrian safety and to improve vehicle circulation and reduce visual impacts of large expanses of pavement.
- (a) When pedestrian walkways connecting a main building entrance to the street are required pursuant to ADC 8.370(2)(b) and must cross a large surface parking area with more than 75 spaces, standards (a) and (b) below shall apply.
    - i. The walkway shall be at least seven feet wide and must meet standards for an accessible path of travel in accordance with the Americans with Disabilities Act (ADA).
    - ii. The walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least 50 percent of the length of the walkway. [Ord. 5947, 1/01/21]
  - (b) Parking Subareas. To reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways, parking areas shall be divided into subareas of no more than 75 parking spaces each. Parking subareas shall be separated from each other with physical breaks by providing one or more of the following: building pads, landscape strips, landscaped pedestrian walkways, interior streets or driveways as defined in 9.120(2). Landscape strips or landscaped pedestrian walkways used for subarea separation shall meet the following standards.
    - i. Landscape strips shall have a minimum width of six feet that is unobstructed by obstacles that would impede landscape viability, including overhanging cars.
    - ii. Landscaped pedestrian walkways shall have a minimum unobstructed walkway width of five feet. Landscaping may be on one or both sides of a pedestrian walkway, with a minimum landscape strip width of six feet when provided. [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

**Staff Comments:**

- 9.190: Adding a clarification that a security cannot be used for single dwellings and middle housing due to the insignificant amount of planting that is required, unless approved by the Director. The security enables a developer to obtain a Certificate of Occupancy prior to installing landscaping and a deferral to EPSC permits.

9.190 Completion Guarantees. Final occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances: [Ord. 5886, 1/6/17]



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- (1) A security is provided to the City equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor. Security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Director and City Attorney. Where a financial assurance is provided for landscaped areas with post-construction stormwater facilities under subsection (4) below, no additional security under this subsection is required for that part of the landscaping. A security may not be used for single-dwelling and middle housing development, unless permitted by the Director. [Ord. 5842, 1/1/15]
- (2) The required landscaping and irrigation shall be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation shall be installed within six months of the date of the land use approval. [Ord. 5886, 1/6/17]
- (3) To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned. [Ord. 5446, 5/10/00]
- (4) Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with Title 12 of the Albany Municipal Code and applicable post-construction stormwater quality permits. [Ord. 5842, 1/01/15]

**Staff Comments:**

- **Table 9.210-1: Adding HDR to Buffering and Screening Matrix Table as it was missed with the East Albany code updates. In addition, adding clarification that buffering and screening are not required abutting the HDR district due to the intensity of development allowed in the HDR zoning district.**

**BUFFERING AND SCREENING**

Table 9.210-1. Buffer and Screening Matrix

BUFFER MATRIX	PROPOSED USE								
	Detached single-dwelling unit	Middle housing	Multiple dwelling unit	Manufactured home park or subdivision	Commercial, professional, mixed-use, and institutional	Industrial Park use	Light Industrial use	Heavy Industrial use	Parking lot with at least 5 spaces
Dwellings in RR, RS-10, RS-6.5, RS-5, HM, RM, <u>HDR</u> , MUR and RMA districts	0'	0'	10' (3)	0'	10' S (3)	30' S	30' S	40' S	10' S
Manufactured home park or subdivision in any district	0'	0'	0'	0'	10' S	30' S	30' S	40' S	10' S
Any arterial street (2)	10'	10' (4)	10' (4)	10' S (1)	10' (4)	10'	10'	10'	10'
Commercial, professional, mixed-use, and institutional	10'	10' (4)	10' (4)	10' S	0'	20'	0'	20' S	0'



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BUFFER MATRIX	PROPOSED USE								
	Detached single-dwelling unit	Middle housing	Multiple dwelling unit	Manufactured home park or subdivision	Commercial, professional, mixed-use, and institutional	Industrial Park use	Light Industrial use	Heavy Industrial use	Parking lot with at least 5 spaces
Industrial Park District	20'	20'	20'	20' S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'
Any parking lot with at least 5 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'

“S” indicates screening required. (1) See Section 10.270(3)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code. (3) ~~Within the HD, CB, DMU, and WF zoning districts, the required screening and/or buffer does not apply abutting the MUR district~~ and the buffer and screening do not apply abutting the HDR district. (4) Does not apply in the HD, CB, DMU, and WF zoning districts.

9.380 Standards. Fences and walls shall meet the following standards. If a fence or wall is used to meet required screening, it shall meet the provisions of Section 9.385. [Ord. 5751, 3/9/11]

Standards in Residential, MUR and MUC zones:

- (1) Fences in front setbacks. Fences shall be no taller than 4 feet in required front setbacks unless allowed below. [Ord. 5742, 7/14/10; Ord. 5751, 3/9/11]
  - (a) Properties listed on the National Register of Historic Places may have front yard fences taller than 4 feet if the fence is appropriate to the building style and scale and is approved by the Landmarks Commission. [Ord. 5689, 3/12/08; Ord. 5945, 9/25/20]
- (2) Corner properties, which by definition have two front yards, may have a fence no taller than 6 feet in the front yard adjacent to the street that does not contain the main door entrance when the fence does not extend in front of the building and one of the following conditions is met:
  - (a) If the adjoining street is improved with sidewalks and a planter strip, the fence may be on or behind the property line.
  - (b) If the adjoining street is improved with sidewalks but no planter strip, the fence is located a minimum of three feet from the sidewalk.
  - (c) 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.
  - (d) If the adjoining street is unimproved, the fence is no closer than three feet from the property line. [Ord. 5673, 6/27/07; Ord. 5689, 3/12/08]

(3) Interior Setbacks.

Fences in a residential zone in Article 3 or in the MUR or MUC zone may have fences up to six feet tall in the interior setbacks except that a single-dwelling use or zone that shares an interior property line with a multiple-dwelling unit, commercial or industrial use or zone may have a fence up to eight feet tall along the property line. [Ord. 5742, 7/14/10; Ord. 5751, 3/9/11; Ord. 6004, 12/28/22]

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## ARTICLE 10 MANUFACTURED HOME DEVELOPMENT STANDARDS

10.000 Overview. This article contains the standards of development for manufactured housing placed on individual lots and in manufactured home parks within the City. Manufactured and prefabricated dwellings provide a wide choice of housing types suitable for a variety of households, lifestyles and income levels. The standards contained in this article are intended to provide a suitable living environment for residents of manufactured homes and establish development standards that will increase compatibility with adjacent land uses. The following is a list of the main headings in this article. [Ord. 6008, 1/27/23]

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

### Staff Comments:

- 10.440: Changing the word “structure” to “dwelling” and adding “Recreational Vehicle” as an allowed temporary dwelling, removing “Class A, B, or C” types of manufactured homes, and “see Sections 10.080 through 10.140” as they were repealed by Ord. 6008, 1/27/23. Recreational vehicles as temporary dwellings allow more flexibility for hardships as well as ease of removal when the hardship is no longer needed.
- 10.450 & 10.460: Changing “Medical Hardship” to “Temporary Hardship Dwelling” and removing “manufactured home” and replacing it with “dwelling” to allow manufactured homes as well as recreational vehicles. In addition, removing family member and replacing it with relative to align with state law removing ‘family’ from the code, and removing the requirement for a signed petition to city providing notice to property owners within 100-feet as outlined in Article 1. The revisions help the ADC language align with language in state law.
- 10.480(6): Revising to tie the on-site temporary dwelling to the active building permit the dwelling under construction on the site. As a building permit expires in three years, the revised language aligns the temporary dwelling with the building code.

### TEMPORARY PLACEMENTS

10.440 General. A special use permit may be issued to an applicant showing an undue hardship. The special use permit shall not exceed the length specified by the permit type. The temporary ~~structure~~ dwelling shall be ~~for~~ a ~~Class A, B or C~~ manufactured home (~~see Sections 10.080 through 10.140~~) or Recreational Vehicle and placed on the caregiver’s property in accordance with the provisions that follow.

10.450 Medical Temporary Hardship Dwelling Application. A ~~medical~~ temporary hardship dwelling application will be reviewed through a Type I procedure. The applicant must demonstrate to the review body, with supporting factual information, that the permit is necessary to provide adequate and immediate health care for a ~~family member~~ relative in need of close attention who would otherwise be unable to receive the needed attention from the hospital or care facility, or within the primary residence on the property. [Ord. 5742, 7/14/10]

The ~~manufactured home~~ dwelling to be used must meet all city, county, and state health and building requirements and is to be used in conjunction with a permanent residential structure on the same lot. The application for medical hardship special use permit must contain:

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- (4) A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons.
- (5) A written explanation including factual information that demonstrates why it is necessary to provide adequate and immediate health care for a ~~family member~~ relative on-site in a temporary structure, rather than in a hospital or care facility or within the primary residence. [Ord. 5742, 7/14/10]
- (6) A plot plan showing in detail the proposed location of the ~~manufactured home~~ dwelling on the site, with respect to the surrounding area, setbacks, existing structures and improvements to be made.
- ~~(7) A signed petition indicating approval of all property owners located within one hundred (100) feet of the subject property.~~

10.460 Medical Temporary Hardship Dwelling Permit. A permit issued for ~~medical~~ a temporary hardship will include the following conditions:

- (1) There shall be no change in occupancy of the ~~manufactured home~~ dwelling under the permit. (i.e., the permit is for the original individual for whom the temporary structure is needed.) [Ord. 5742, 7/14/10]
- (2) The ~~manufactured home~~ dwelling shall not be expanded or attached to a permanent structure on the property.
- (3) The ~~manufactured homes~~ dwelling shall have approved connections to utility systems ~~and the owners shall be allowed to hook to an existing residential sewer service lateral without paying a sewer hookup charge.~~
- (4) The ~~manufactured home~~ dwelling shall be required to meet all setback requirements to residential dwellings and shall be situated so as to have the least possible visual exposure to adjoining streets, unless approved by the Director.
- (5) The ~~manufactured home~~ dwelling must be removed when the original hardship no longer exists.
- (6) The permit is valid for a two-year period from the date of approval. The permit may be renewed upon request if the Director finds that the hardship still exists, and that the temporary placement has had no adverse effect on surrounding properties. The renewal request must be made at least 30 days before the permit's expiration date.

10.470 Temporary On-site Residence Application. An application for a temporary on-site residence for owners or caretakers who are overseeing the construction of a new or replacement home, or the repair of an existing home is reviewed under the Type I procedure and must include the following information:

- (1) A statement of intended use and length of time for use.
- (2) A property plan showing in detail the proposed location and size of the ~~manufactured home~~ temporary dwelling with respect to the surrounding area, setbacks, structures, and improvements to be made.
- (3) Evidence that the manufactured home complies with building and health codes.
- ~~(4) A signed petition indicating approval of all property owners located within one hundred (100) feet of the subject property.~~

10.480 Temporary On-site Residence Permit. The permit as issued will contain the following restrictions:

- (1) There shall be no change in occupancy under the permit. (i.e., the permit is for the original individual for whom the temporary structure is needed.) [Ord. 5472, 7/14/10]
- (2) The ~~manufactured home~~ dwelling may not be included or sold as a part of any property on which it is located.
- (3) The ~~manufactured home~~ dwelling may not be expanded or have attached permanent structures.
- (4) The ~~manufactured home~~ dwelling must have approved connections to utility systems as required by the City.
- (5) The use is limited to the function as set forth in the application for the permit.

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- (6) The permit is limited ~~in~~ to the duration ~~to one year and~~ of the active building permit for a primary dwelling on the parcel.

## ARTICLE 11

### LAND DIVISIONS AND PLANNED DEVELOPMENTS

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

The following is a list of the main headings in this article.

- General Provisions
- Lot and Block Arrangement
- Property Line Adjustments
- Subdivisions and Partitions
- Planned Developments
- Condominiums
- Cluster Development
- Expedited and Middle Housing Land Divisions

[Ord. 5668, 4/11/07; Ord. 5968, 1/14/22]

#### Staff Comments:

- **11.210(21)(a):** Deleting the requirement for the applicant to submit the names and addresses of all owners within 300 feet of the proposed land division. The notice is done by staff as part of the land use process by the project planner.

11.210 Tentative Plat Submittal. All applications for tentative partition or subdivision approval must include a complete application form and copies of a plat showing the following details. The tentative plat need not be a finished drawing, but it should show all pertinent information to scale.

- (1) When the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the undivided portion indicating connections to existing or future improvements.
- (2) If the tentative plat does not show the following information, a vicinity map at a scale of 400 feet to the inch shall be prepared showing:
  - (a) All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial streets.
  - (b) Name of the record owners of all contiguous land parcels.
  - (c) How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.
- (3) The tentative plat shall be drawn to a standard engineer's scale where 1-inch equals 20 - 60 feet; or for areas over 100 acres, 1 inch equals 200 feet (1" = 200').

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- (4) The name, if any, of the land division; this name must not duplicate or resemble the name of another subdivision in the same county or in the same area within six miles of Albany and must be approved by the Director and the County Surveyor.
- (5) Date, north point, and scale of drawing.
- (6) Location of the land division by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the County Assessor.
- (7) Names and addresses of the property owner(s), subdivider, surveyor, and engineer, if applicable.
- (8) The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; and other important features, such as railroad rights-of-ways, and City boundary lines.

The location on the site and in the adjoining streets or property of existing and proposed sanitary sewers, storm drain facilities, (including post-construction stormwater quality facilities, detention facilities and supporting calculations), and water mains and services, culverts, ditches and drainpipes, all other utilities such as electric, gas and telephone conduits with invert elevations of sanitary and storm sewers at points of proposed connections. [Ord. 5720, 8/12/09; Ord. 5842, 1/1/15]

- (9) Contour lines showing proposed excavations, fills and grading and having the following minimum intervals:

One-foot contour intervals for ground slopes less than 5 percent.

Two-foot contour intervals for ground slopes between 5 and 10 percent.

Five-foot contour intervals for ground slopes exceeding 10 percent.

The elevations of all control points which are used to determine the contours. Contours shall be related to City of Albany datum. [Ord. 5842, 1/1/15]

- (10) Approximate location of areas subject to storm water inundation or overflow with approximate high-water elevation.
- (11) Location, width, direction and flow of all water courses.
- (12) Location of properties within the 100-year floodplain and other areas subject to flooding or ponding (see the Floodplain standards in Article 6).
- (13) Location of the following significant natural resources:
  - (a) Significant wetlands identified on the City's Local Wetlands Inventory;
  - (b) Significant riparian areas on the City's Riparian Corridor Inventory;
  - (c) Significant wildlife habitat, if known;
  - (d) Existing channels or drainage ways as shown in the most current version of the City of Albany Stormwater Master Plan; and
  - (e) Slopes greater than 12 percent. [Ord. 5764, 12/1/11; Ord. 5842, 1/1/15]
- (14) Location of the following natural features
  - (a) Non-significant wetlands identified on the City's Local Wetlands Inventory, and other wetlands;
  - (b) Trees over 25 inches in circumference (approximately 8 inches in diameter) measured 4½ feet above the mean ground level from the base of the trunk. (To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference);
  - (c) Springs; and
  - (d) Trees proposed for protection and method of protection. [Ord. 5764, 12/1/11; Ord. 5842, 1/1/15]

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- (15) Existing uses of the property and adjacent property within 100 feet, including the location of all existing structures and other impervious surfaces to remain on the property. [Ord. 5842, 1/1/15]
- (16) Zoning of and adjacent to the tract.
- (17) Any proposed streets: location, widths, names, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan approved by the City.
- (18) Existing and proposed easements on the site and any existing easements on adjoining properties, showing the width and purpose of all easements.
- (19) Approximate dimensions of all lots, minimum lot size, proposed lot numbers, and block numbers [see Section 11.230 (11)].
- (20) Sites, if any, allocated for multiple-dwelling units, shopping centers, churches, industry, parks, schools, playgrounds, or public or semi-public buildings. [Ord. 6004, 12/28/22]
- (21) The following additional information must be submitted with the tentative plat:
  - (b) ~~The names and addresses of all owners within 300 feet of the proposed land division.~~
  - (c) (a) Total acreage in the subdivision and the percent of land dedicated to the public, not including easements.
  - (d) (b) All public improvements proposed to be installed and the approximate time of installation including the method of financing.
  - (e) (c) Special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berms, bus stands, etc.). Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable City ordinances. If, however, the nature of the improvement is such that it is impractical to prepare all necessary details prior to approval of the tentative plat, the additional details shall be submitted at least 30 days prior to approval of the final plat.
  - (f) (d) An urban conversion plan for large acreage subdivisions. [Ord. 5562, 10/10/03]

## ARTICLE 22 USE CATEGORIES AND DEFINITIONS

The following is a list of content in this article.

- Use Categories 22.030 – 22.370
- Definitions 22.400
- Natural Resource Definitions 22.500

### Staff Comments:

- 22.120: When the previous amendments were adopted in July, some sections changed from “required” parking to “provided” parking were missed. Correcting the missed sections.
- 22.120(3): Adding clarification to Parking Facility Exceptions to further define what is not considered a parking facility.
- 22.400: When ‘family’ was removed from the ADC in 2022, the definition was not removed. This amendment corrects the required removal.
- 22.400: Revising the definition of “Public and Semi-Public Buildings” to align with the Comprehensive Plan definition.



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### USE CATEGORIES

[Use Categories in Sections 22.010 – 22.370 added by Ord. 5555, 2/7/03]

22.120 Parking Facility.

- (1) The Parking Facility use is a site and/or structure that provides parking for vehicles as the primary use. The Parking Facility use category does not include parking that is ~~required~~ provided for a primary use on the same or adjacent property in the same ownership as the primary use. A fee may or may not be charged to park at the facility. [Ord. 5742, 7/14/10]
- (2) Use Examples. Types of uses include but are not limited to off-site parking lots or structures that are leased or available to the public, commercial district shared parking lots or structures, park-and-ride lots. [Ord. 5742, 7/14/10]
- (3) Exceptions.
  - (a) ~~Required~~ Parking that is accessory to a use, including parking spaces that are shared by more than one user, ~~is~~ are not considered a Parking Facility. [Ord. 5742, 7/14/10]

### DEFINITIONS

22.400 Definitions. As used in this Code, the following words and phrases shall have the following meanings:

~~Family: An individual or two or more persons related by blood or marriage or a group of unrelated individuals (at a density of not more than two people per bedroom) that is established in structure and appearance to resemble a traditional family unit. In cases where a Group Care Home takes on the appearance of a family, it shall be considered a Group Care Home and subject to all applicable regulations of this Code.~~

Public and Semi-Public Building: A building or use owned or operated by a government agency or a public utility. Such buildings and uses include, but are not limited to, fire stations, law enforcement facilities, public educational facilities, utility substations, and public parks; and playgrounds, ~~or community centers.~~ [Ord. 6004, 12/28/22]