

ORDINANCE NO. 4067

B

TITLE: AN ORDINANCE ADOPTING ZONING AND LAND USE REGULATIONS FOR THE CITY OF ALBANY AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission has studied problems of citywide growth and development for more than three and a half years and at least forty-four meetings have been held thereon including participation by the general public to duly advertise public hearings; and

WHEREAS, the Planning Commission of the City of Albany have recommended numerous changes in the Comprehensive Plan and the Zoning and Land Use Regulations of the City of Albany, which result in substantial amendment to existing zoning ordinances; and

WHEREAS, a code of Zoning and Land Use Regulations has been prepared to meet the best needs of the City of Albany and same as in conformance with the Comprehensive Plan of the City, and it is in the best interest of the City that the code as submitted be adopted; now, therefore,

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

Section 1: There is hereby adopted by the City for the purpose of prescribing regulations governing zoning and land use provisions within the City of Albany, a certain code known as the Zoning and Land Use Regulations for the City of Albany, September, 1977, of which code not less than three copies have been or now are filed in the Office of the City Recorder in the City of Albany, Oregon. Said code is hereby adopted and incorporated as fully as it is set out at length herein and from the date on which this Ordinance takes effect shall be the Zoning and Land Use Code within the City.

Section 2: Inasmuch as the peace, health, and safety of the people of the City of Albany require that the adoption of the Zoning and Land Use Regulations be made at the earliest possible date and an emergency is hereby declared, and this Ordinance should be in full force and effect upon its passage of the Council and approval by the Mayor.

Passed by the Council: October 26, 1977

Approved by the Mayor: October 26, 1977

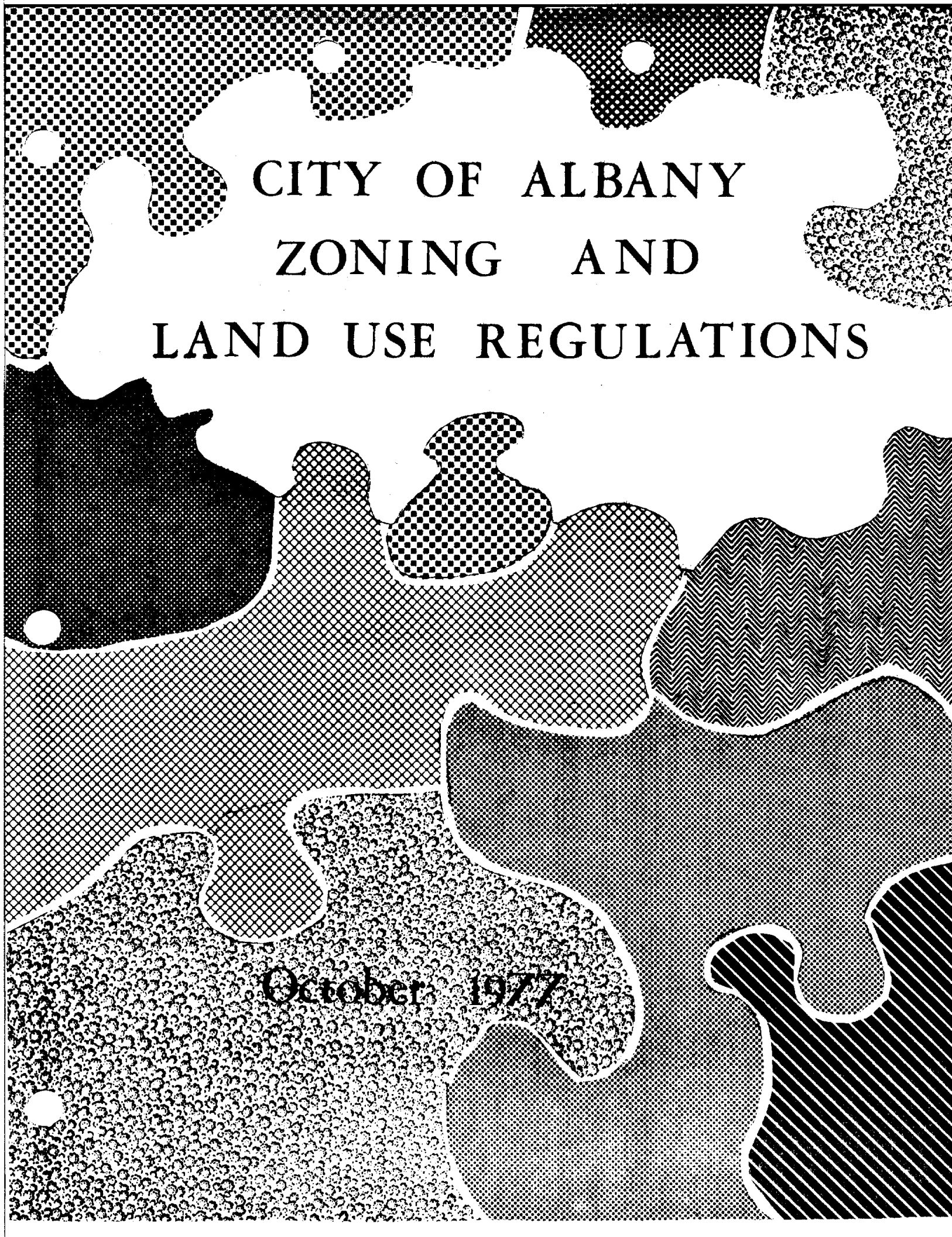
Effective Date: October 26, 1977

  
MAYOR

ATTEST:

  
CITY RECORDER

4067



CITY OF ALBANY  
ZONING AND  
LAND USE REGULATIONS

October, 1977

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ARTICLE I  
GENERAL

## SECTION 1.01 TITLE

- A. This Ordinance shall be cited as the "City of Albany Zoning and Land Use Regulations."
- B. This Ordinance shall consist of the text and the official zoning map or maps. If any conflict between said map or maps and this Ordinance should arise, the text shall prevail.

## SECTION 1.02 PURPOSE

The zoning and land use regulations, as set forth, have been made in accordance with a comprehensive zoning study. Reasonable consideration has been given to the character of each district and its peculiar suitability for particular uses which are most appropriate to that district.

The general purpose of this Ordinance is to encourage appropriate and orderly physical development in the City of Albany through adherence to the specific standards set forth herein. More specifically, this Ordinance is adopted for the following purposes:

- A. To promote the achievement of all the elements of the Comprehensive Land Use Plan for the City of Albany.
- B. To advance the position of the City of Albany as a regional center of industry, commerce, education, recreation and culture.
- C. To encourage innovation in residential development and renewal so that the growing demand for housing may be met by greater variety in type and design of dwellings; suitable range of population densities; and by the conservation and more efficient and attractive use of open space.
- D. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses.
- E. To ensure preservation of adequate space for future development of commercial, industrial and other activities necessary for a healthy economy.
- F. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Albany's environment.
- G. To adequately provide for automobile parking needs among all types of development without requiring unnecessary and unsightly areas of asphalt.
- H. To achieve excellence and originality of design in all future developments and to preserve and enhance the natural beauty of Albany's setting.
- I. To preserve and enhance the quality of Albany's environment.
- J. To preserve the City from excesses of urban sprawl, scattered development, and unnecessary development of agricultural lands.
- K. To secure safety from fire, panic and other dangers.



- L. To encourage the prevention of crime through the application of proper design standards.
- M. To promote the health and general welfare of the people of the City of Albany.

### SECTION 1.03 SCOPE

- A. The provisions of this Ordinance may be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare.
- B. This Ordinance is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued and in full force and effect on the effective date of this Ordinance.
- C. Any use, exception, or occupation of land approved prior to the effective date of this Ordinance, shall be permitted to continue as a lawful use or occupation. The approved site plan and all terms, covenants and conditions applicable as of the effective date of this Ordinance shall continue to apply and control the use or occupation of such land. However, any proposed change or modification in the use or occupation of such land, or in the approved site plan for such land, shall be made in accordance with the standards and procedures of this Ordinance.

### SECTION 1.04 APPLICATION

- A. No building or structure or part thereof may hereafter be erected, constructed, moved or altered except in conformity with all the regulations applicable to this Ordinance.
- B. The Zoning and Land Use Regulations are not intended to abrogate, annul or impair any easement, covenant or other agreement between parties, except that where these regulations impose a greater restriction or higher standard than that required by such agreement, the Zoning and Land Use Regulations shall control.

### SECTION 1.05 INTERPRETATION

The interpretation and application of the provisions of the Land Use Regulations shall be considered the minimum requirements necessary to accomplish the purposes of this Ordinance.

### SECTION 1.06 SEPARABILITY

If any portion of this Ordinance is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have enacted this Ordinance and each portion irrespective of the fact that any one or more portions be declared invalid or ineffective.

ARTICLE 2

ESTABLISHMENT OF USE DISTRICTS AND SUB-DISTRICTS

SECTION 2.01 ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS AND SUB-DISTRICTS

In order to classify, regulate, restrict and segregate the uses of lands and buildings, to regulate and restrict the height and size of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following classes of use districts and sub-districts are established:

A. Use Districts

- AG AGRICULTURAL DISTRICT
- RS SUBURBAN RESIDENTIAL DISTRICT
- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL DISTRICT
- R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT
- RG GARDEN APARTMENT RESIDENTIAL DISTRICT
- RP RESIDENTIAL PROFESSIONAL DISTRICT
- C-1 NEIGHBORHOOD COMMERCIAL DISTRICT
- C-2 COMMUNITY COMMERCIAL DISTRICT
- C-3 CENTRAL BUSINESS DISTRICT
- M-1 LIMITED INDUSTRIAL DISTRICT
- M-2 LIGHT INDUSTRIAL DISTRICT
- M-3 HEAVY INDUSTRIAL DISTRICT

B. Sub-Districts of Residential Districts

Sub-districts of each of the single family residential districts shall be established for the purpose of regulating minimum lot sizes.

The minimum lot area per dwelling unit for each sub-district shall be established by the use of a symbol indicated on the official zoning map for that particular sub-district. The symbol for sub-district and their meanings are as follows:

<u>Symbol</u>	<u>Minimum Lot Area Required</u>
(5)	(1 acre = 43,500 sq. ft.) 5,000 square feet
(6)	6,000 square feet
(7)	7,000 square feet
(8)	8,000 square feet
(9)	9,000 square feet
(10)	10,000 square feet
(13)	13,000 square feet
(20)	20,000 square feet
(30)	30,000 square feet
(1A)	1 acre
(2A)	2 acres
(3A) ,(4A),(5A), etc.	3 acres, 4 acres, 5 acres, etc.

The following are some examples of a sub-district:

1. The sub-district of the R-1 district which requires a minimum lot area per family of eight thousand (8,000) square feet shall be R-1(8).
2. The sub-districts of the RS district which require a minimum lot area per family of five acres shall be RS(5A).

C. PUD Sub-Districts

A sub-district of any district may be created within planned unit development boundaries provided a planned unit development permit has been issued for said development pursuant to Articles 14 and 15. The sub-district shall be designated by the suffix "PUD" added to the symbol of the use district. Example: R-3(PUD)

D. FH Flood Hazard Sub-District

Flood hazard sub-districts may be created within any use district which is subject to inundation by flooding or by surface water. The boundaries of these sub-districts shall be in accordance with the 100-year flood plain boundaries as most currently established by the U.S. Army Corps of Engineers and by required regulations for continued participation in the Federal Flood Insurance Program. The purpose of this sub-district shall be to minimize property loss, danger of injury and to reduce any potential health hazards. To accomplish the purpose of this sub-district, it is necessary to establish special building permit procedures and special building requirements with respect to minimum finished floor elevations and drainage provisions. Special permit requirements for Flood Hazard sub-districts are set forth in Article 7 of this Ordinance.

SECTION 2.02 ELIMINATION AND RECLASSIFICATION OF DISTRICTS

The following use district classifications existing prior to the effective date of this Ordinance are eliminated and repealed, and on said date any land or property subject to said district classifications is reclassified to the district classification designated as follows:

<u>OLD DISTRICT TITLE</u>	<u>NEW DISTRICT TITLE</u>
	AG Agricultural District
	RS Suburban Residential District
R-1 Residential District	R-1 Single Family Residential District
R-2 Residential District	R-2 Limited Multiple Family Residential District
R-A Multiple Family District	R-3 Multiple Family Residential District
	RG Garden Apartment Residential District
BP-1 Neighborhood Business and Professional District	RP Residential Professional District
C-1 Central Business District	C-3 Central Business District
C-2 Local Business District	C-2 Community Commercial District
	C-1 Neighborhood Commercial District
M-1 Light Industrial District	M-1 Limited Industrial District
M-2 Medium Industrial District	M-2 Light Industrial District
M-3 Heavy Industrial District	M-3 Heavy Industrial District

SECTION 2.03 ESTABLISHMENT OF DISTRICTS AND SUB-DISTRICTS BY MAP

The location and geographical boundaries of various use districts and sub-districts shall be shown on an official map or maps, setting forth the use district and sub-district classifications applicable to all land and property contained in the city limits.

## SECTION 2.04 DIVISION OF ZONING MAP

The Zoning Map, for convenience of use and for purposes of more readily identifying locations within such zoning map, may be subdivided into units; and such parts and units may be separately employed for identification purposes when amending the zoning map or for any official reference to the zoning map.

## SECTION 2.05 CHANGES IN BOUNDARIES

Changes in the boundaries of use districts or sub-districts shall be made by ordinance which shall amend the provisions of this Ordinance and the official zoning map or portions thereof.

## SECTION 2.06 UNCERTAINTY OF USE DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any use district as shown on any zoning map or part thereof, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be the boundaries.
- B. Where a public street, alley, or railroad right-of-way is officially vacated, the zoning regulations applicable to abutting property on each side of the center line shall apply up to the center line of such vacated street, alley, or railroad right-of-way on each respective side thereof. If the right-of-way is vacated in total to one property owner, then the zoning of that abutting property shall also apply to the total vacated property.
- C. Areas of dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map as being classified in one of the districts provided in this Ordinance, shall be deemed to be unclassified and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, and other operative devices and the movement of rolling stock.

## SECTION 2.07 ZONING OF ANNEXED AREAS

- A. Any land area or premises hereinafter annexed to the City shall be zoned at the time of annexation in accordance with the City Comprehensive Land Use Plan as adopted.
- B. Any property owner petitioning for annexation to the City shall include in his petition the requested zoning classification for the property to be annexed. If the City has initiated action for annexation of property, then they shall also immediately initiate rezoning of said property.
- C. The public hearing process for annexation and zoning shall be done in accordance with the procedure and notice requirements of Article 19.

ARTICLE 3  
AGRICULTURAL AND RESIDENTIAL USE DISTRICTS

SECTION 3.01 DESCRIPTION AND PURPOSE

- A. The AG AGRICULTURAL DISTRICT allows the establishment, continuation and preservation of relatively intensive agricultural operations within the corporate limits of the City. (See Section 6.09)
- B. The RS SUBURBAN RESIDENTIAL DISTRICT allows for a semi-rural environment within which certain limited agricultural pursuits are carried on in conjunction with, or in close proximity to, subdivisions containing non-farm dwellings. (See Section 6.09)
- C. The R-1 SINGLE FAMILY RESIDENTIAL DISTRICT allows single lot urban residential development. (See Section 6.09)
- D. The R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL DISTRICT allows low density multiple family development. (See Section 6.09)
- E. The R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT allows medium density multiple family development. (See Section 6.09)
- F. The RG GARDEN APARTMENT RESIDENTIAL DISTRICT allows for high density and a quality living environment for apartment dwellers. (See Section 6.09)  
*For specific densities regarding these districts, see Article 6.*

SECTION 3.02 SCHEDULE OF PERMITTED BUILDINGS AND USES

The following specific buildings and uses are permitted subject to the general provisions and exceptions set forth in this Ordinance, beginning with and following Article 6.

<u>AGRICULTURAL - RESIDENTIAL USE DISTRICTS</u>	<u>AG</u>	<u>RS</u>	<u>R-1</u>	<u>R-2</u>	<u>RG</u>	<u>R-3</u>
1. Accessory buildings and uses;	P	P	P	P	P	P
2. Single-family dwellings;	P	P	P	P	P	P
3. Duplexes on interior lots;	*	*	*	P	P	P
4. Duplexes on corner lots which meet an area requirement of 8,000 in the R-1 District and 6,000 sq. ft. in the R-2, RG, and R-3 Districts, and one acre in the RS District;	*	C	C	P	P	P
5. Multiple-family dwellings; not to exceed density standards set forth in Article 6;	*	*	*	P	P	P
6. Cluster Developments - Condominiums	*	*	C	C	C	C
7. Quad - Quint Apartment dwellings; <i>(see definitions)</i>	*	*	*	C	P	P

Key: P: Use Permitted  
 C Use Allowed By Conditional Use Permit  
 \*: Use Prohibited

AGRICULTURAL - RESIDENTIAL USE DISTRICTS		AG	RS	R-1	R-2	RG	R-3
8.	Individual mobile home (Reference to: special Ordinance 3735);	C	C	C	C	C	C
9.	Mobile home parks (See Article 14);	*	C	C	C	*	*
10.	Campus living organizations;	*	*	*	*	*	C
11.	Planned Unit Developments (See Articles 15 and 16);	*	P	P	P	P	P
12.	Home occupations (See Article 13);	P	P	P	P	P	P
13.	Agricultural uses as follows:	P	P	*	*	*	*
	a. Orchards, tree crops, commercial flower gardening, berry and bush crops, truck gardening, field crops, nurseries for raising and sales confined to plant materials and other similar enterprises carried on in the general field of horticulture;						
14.	Agricultural uses, limited to the following: flower gardening, orchards, tree crops, the raising and harvesting of vegetables and fruits for home consumption;	P	P	P	P	P	P
15.	Livestock Auction;	C	*	*	*	*	*
16.	Stands for the display and sale of only those products raised upon the same premises provided it does not exceed an area of 200 square feet. Off-street parking spaces shall be provided in accordance with Article 8 ;	P	C	*	*	*	*
17.	Commercial stables;	P	C	*	*	*	*
18.	Dog kennels;	P	C	*	*	*	*

Key: P: Use Permitted  
C: Use Allowed By Conditional Use Permit  
\*: Use Prohibited



AGRICULTURAL - RESIDENTIAL USE DISTRICTS

	AG	RS	R-1	R-2	RG	R-3
19. Natural mineral resources, development of, together with the necessary buildings, apparatus, or appurtenances including but not limited to rock, sand, gravel and mineral dredging, processing and stockpiling, top soil removal, and all types of mineral recovery or mining, excluding smelters and ore reduction;	C	*	*	*	*	*
20. Grange halls;	P	*	*	*	*	*
21. Cemeteries;	C	C	C	C	*	*
22. Churches (includes expansion of existing buildings);	C	C	C	C	C	C
23. Hospitals;	C	C	C	C	C	C
24. Group care homes;	C	C	C	C	C	C
25. Day nurseries;	C	C	C	C	C	C
26. Public or private schools (elementary, junior high, high school and colleges);	C	C	C	C	C	C
27. Private and public parks, playgrounds, golf courses, driving ranges;	C	C	C	C	C	C
28. Public and semi-public buildings (fire stations, substations, pump stations, etc.);	C	C	C	C	C	C
29. Radio towers and transmitters.	C	C	*	*	*	*

*For uses not specified and Conditional Use Procedures see Article 11.*

Key: P: Use Permitted  
 C: Use Allowed By Conditional Use Permit  
 \*: Use Prohibited

ARTICLE 4

RESIDENTIAL - PROFESSIONAL AND COMMERCIAL USE DISTRICTS

RESIDENTIAL-PROFESSIONAL AND  
COMMERCIAL USE DISTRICTS

	RP	C-1	C-2	C-3
31. Electrical and electronic supplies;	*	*	P	P
32. Florist shops;	*	P	P	P
33. Furniture and floor covering stores;	*	*	P	P
34. Games and amusements;	*	*	C	C
35. Gift shops;	*	P	P	P
36. Grocery stores or meat markets;	*	P	P	P
37. Hardware, locksmith, and garden supply stores;	*	P	P	P
38. Health studios, spas, and commercial gyms;	*	*	P	P
39. Hotels, motels, motor hotels or tourist courts;	*	*	P	P
40. Jewelry stores;	*	*	P	P
41. Laboratories, biochemical, X-ray, medical and dental;	P	*	P	P
42. Laundromats, hand laundries, and self-service laundries;	*	P	P	P
43. Liquor stores (package);	*	*	P	P
44. Marine sales and service;	*	*	P	C
45. Mobile home sales and service;	*	*	C	*
46. Mortuaries;	C	*	P	P
47. Music stores;	*	*	P	P
48. Newspaper office;	*	C	P	P
49.a. Offices for medical, dental, and other professional uses limited to the following: accountants, attorneys, engineers, architects, surveyors, insurance offices, savings and loans, real estate sales, counseling services, and investment services;	P	P	P	P
b. Offices for retail, wholesale, and other businesses;	C	P	P	P

Key: P: Use Permitted  
C: Use Allowed By Conditional Use Permit  
\*: Use Prohibited

SECTION 4.01 DESCRIPTION AND PURPOSE

- A. The RP RESIDENTIAL-PROFESSIONAL DISTRICT provides for a desirable mixing of residential land uses with light commercial land uses in possible close proximity to adjacent residential districts. The light commercial uses allowed in this district are selected for their compatibility with residential uses. Such a district is typically appropriate along arterial streets as a transitional or buffer zone between residential districts and more intense commercial or industrial districts.
- B. The C-1 NEIGHBORHOOD COMMERCIAL DISTRICT is intended to create, preserve and enhance small areas of retail establishments serving frequently recurring needs in convenient locations. The C-1 District is typically appropriate to small shopping clusters or service centers located within residential neighborhoods.
- C. The C-2 COMMUNITY COMMERCIAL DISTRICT is intended to create, preserve and enhance areas which have a wide range of retail sales and service establishments. The C-2 District is typically appropriate to large commercial clusters near intersections or along major thoroughfares.
- D. The C-3 CENTRAL BUSINESS DISTRICT is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the "core" or "downtown" area based upon the guidelines established in the Comprehensive Land Use Plan.

SECTION 4.02 SCHEDULE OF PERMITTED BUILDINGS AND USES

The following specific buildings and uses are permitted subject to the general provisions and exceptions set forth in this Ordinance, beginning with and following Article 6.

RESIDENTIAL-PROFESSIONAL AND COMMERCIAL USE DISTRICTS

	RP	C-1	C-2	C-3
<u>General Commercial Uses:</u>				
1. Accessory buildings and uses;	P	P	P	P
2. Agricultural machinery sales and service;	*	*	C	*
3. Antique shops;	*	C	P	P
4. Appliance sales and service;	*	*	P	P
5. Art supplies and hobby shops;	*	P	P	P
6. Auction sales and second hand stores (excluding livestock);	*	*	P	P
7. Auditoriums and movie theaters;	*	*	P	P

Key: P: Use Permitted  
 C: Use Allowed By Conditional Use Permit  
 \*: Use Prohibited

RESIDENTIAL-PROFESSIONAL AND  
COMMERCIAL USE DISTRICTS

	RP	C-1	C-2	C-3
8. Automotive repair garage;	*	*	P	P
9. Automobile sales to include new and used parts and accessory stores;	*	*	P	P
10. Bakeries (retail only);	*	P	P	P
11. Banks;	P	P	P	P
12. Barber and beauty shops;	C	P	P	P
13. Bars and night clubs;	*	*	P	P
14. Bicycle shops;	*	C	P	P
15. Printing and copy shops;	*	*	P	P
16. Book Stores	*	C	P	P
a. Adult book stores, arcades, and movie theaters	*	*	C	C
17. Bowling alleys;	*	*	P	C
18. Building maintenance service;	*	*	P	P
19. Bus terminals;	*	*	C	C
20. Camera and supplies shop;	*	P	P	P
21. Car washes, coin operated or mechanical;	*	*	P	P
22. Catering services;	*	P	P	P
23. Clinics;	P	P	P	P
24. Clothing stores;	*	P	P	P
25. Confectionery stores with fountains (no drive-ins or walk-ups);	*	P	P	P
26. Dairy products stores (retail only);	*	P	P	P
27. Data processing centers;	*	*	P	P
28. Delicatessen stores;	*	P	P	P
29. Department and drapery stores;	*	*	P	P
30. Dry cleaners, coin operated and/or attendant operated (except bulk cleaning and laundry plants);	*	P	P	P

Key: P: Use Permitted  
C: Use Allowed By Conditional Use Permit  
\*: Use Prohibited

RESIDENTIAL-PROFESSIONAL AND  
COMMERCIAL USE DISTRICTS

	RP	C-1	C-2	C-3
31. Electrical and electronic supplies;	*	*	P	P
32. Florist shops;	*	P	P	P
33. Furniture and floor covering stores;	*	*	P	P
34. Games and amusements;	*	*	C	C
35. Gift shops;	*	P	P	P
36. Grocery stores or meat markets;	*	P	P	P
37. Hardware, locksmith, and garden supply stores;	*	P	P	P
38. Health studios, spas, and commercial gyms;	*	*	P	P
39. Hotels, motels, motor hotels or tourist courts;	*	*	P	P
40. Jewelry stores;	*	*	P	P
41. Laboratories, biochemical, X-ray, medical and dental;	P	*	P	P
42. Laundromats, hand laundries, and self-service laundries;	*	P	P	P
43. Liquor stores (package);	*	*	P	P
44. Marine sales and service;	*	*	P	C
45. Mobile home sales and service;	*	*	C	*
46. Mortuaries;	C	*	P	P
47. Music stores;	*	*	P	P
48. Newspaper office;	*	C	P	P
49.a. Offices for medical, dental, and other professional uses limited to the following: accountants, attorneys, engineers, architects, surveyors, insurance offices, savings and loans, real estate sales, counseling services, and investment services;	P	P	P	P
b. Offices for retail, wholesale, and other businesses;	C	P	P	P

Key: P: Use Permitted  
C: Use Allowed By Conditional Use Permit  
\*: Use Prohibited

RESIDENTIAL-PROFESSIONAL AND COMMERCIAL USE DISTRICTS		RP	C-1	C-2	C-3
50.	Office supplies and equipment stores;	*	*	P	P
51.	Parking areas or garages (commercial);	*	*	P	P
52.	Pet stores and supplies;	*	P	P	P
53.	Drug Stores	*	P	P	P
54.	Pharmacies - dispersing of drugs and medical supplies only;	P	P	P	P
55.	Rental service - vehicles, equipment miscellaneous;	*	*	C	C
56.	Restaurants, drive-ins and walk-ups;	*	*	P	P
57.	Restaurants, except drive-ins or walk-ups;	C	C	P	P
58.	Service stations;	*	C	C	C
59.	Shoe stores, shoe repair shops;	*	P	P	P
60.	Skating rinks, indoor;	*	*	C	C
61.	Small animal clinics;	*	C	C	C
62.	Small animal hospitals;	*	*	C	C
63.	Sporting goods stores;	*	*	P	P
64.	Studios for the following: interior decorating, photographers, and artists;	P	P	P	P
65.	Tailor or dressmaking shops;	*	P	P	P
66.	Taverns and pool halls;	*	*	P	P
67.	Telephone and telegraph exchanges;	*	P	P	P
68.	Television, radio sales and service, broadcasting studios;	*	*	P	P
69.	Toy stores;	*	*	P	P
70.	Travel and employment agencies;	*	*	P	P
71.	Upholstery (automobile and furniture) shops;	*	*	P	P

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\*: Use Prohibited

RESIDENTIAL-PROFESSIONAL AND  
COMMERCIAL USE DISTRICTS

	RP	C-1	C-2	C-3
72. Variety stores;	*	C	P	P
73. Vehicle, equipment and miscellaneous rental service.	*	*	C	C
<u>Public and Semi-public Buildings and Uses:</u>				
74. Private and public parks and playgrounds;	C	C	C	C
75. Post offices;	*	P	P	P
76. Public and semi-public buildings (fire stations, community centers, substations, pump stations, museums, etc.);	C	C	C	C
77. Public commercial parking areas;	*	*	P	P
78. Schools (elementary, junior high, high schools and colleges);	C	*	*	*
79. Schools, business	C	*	P	P
<u>Residential Uses:</u>				
1. Multiple Family Dwellings in accordance with design controls as set forth by the Planning Commission;	C	*	*	C
2. Single family dwellings, must be attached by common wall to commercial use in C-1, C-2, and C-3 District	P	C	C	C
3. Single mobile homes (refer to Special Ordinance No. 3735);	C	C	C	C
<u>Miscellaneous Uses:</u>				
1. Churches and chapels (includes expansion of existing buildings);	C	C	C	C
2. Clubs, lodges and meeting halls;	*	*	P	P
3. Hospitals;	C	*	C	C
4. Day nurseries;	C	C	*	*
5. Group care homes;	C	*	*	*

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\*: Use Prohibited



RESIDENTIAL-PROFESSIONAL AND  
COMMERCIAL USE DISTRICTS

	RP	C-1	C-2	C-3
6. Nursing homes;	C	*	*	*
7. Planned unit developments subject to procedures in Articles 15 and 16.	P	P	P	P

*For uses not specified and Conditional  
Use Procedures see Article 11.*

Key: P: Use Permitted  
C: Use Allowed By Conditional Use Permit  
\*: Use Prohibited

ARTICLE 5  
INDUSTRIAL USE DISTRICTS

## SECTION 5.01 DESCRIPTION AND PURPOSE

- A. The M-1 LIMITED INDUSTRIAL DISTRICT provides for industrial uses which are characterized by limited traffic density, low land coverage, large setbacks, attractive building architecture, large landscape park-like areas, and the absence of objectional external effects such as noise, air and water pollution, and unsightliness. This district is particularly well suited to industrial parks containing offices together with clean, non-polluting industries.
- B. The M-2 LIGHT INDUSTRIAL DISTRICT provides for a wide range of manufacturing, warehousing, processing, and related establishments which have a limited impact on surrounding properties. This district is particularly suited to areas having good rail and/or highway access.
- C. The M-3 HEAVY INDUSTRIAL DISTRICT provides for industrial uses which are potentially incompatible with most other uses and which are characterized by large amounts of traffic, extensive shipping of goods, outside storage or stockpiling of raw materials, by-products, or finished goods, and a controlled but higher level of noise and/or air pollution.

## SECTION 5.02 SCHEDULE OF PERMITTED BUILDINGS AND USES

The following specific buildings and uses are permitted subject to the general provisions and exceptions set forth in this Ordinance beginning with and following Article 6.

<u>INDUSTRIAL USE DISTRICTS</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>
1. Agricultural machinery, sales and services;	C	P	P
2. Ambulance service;	C	C	P
3. Auction sales (excluding livestock);	P	P	P
4. Auction sales - livestock;	*	*	C
5. Automobile and building wrecking and storage yards;	*	*	P
6. Automobile mechanical repair, painting and body repair shops;	P	P	P
7. Automobile storage and distribution;	P	P	P
8. Bakeries (wholesale only);	P	P	P
9. Building maintenance services;	P	P	P
10. Building material sales;	C	P	P
11. Bulk cleaning and laundry plants;	C	P	P

Key: P: Use Permitted  
 C: Use Allowed By Conditional Use Permit  
 \*: Use Prohibited

INDUSTRIAL USE DISTRICTS	M-1	M-2	M-3
12. Cemeteries	C	C	C
13. Cold Storage warehouses;	C	P	P
14. Concrete mixing (concrete batch plant);	*	*	P
15. Contractor equipment storage yards;	C	C	P
16. Equipment rental yards;	C	P	P
17. Feed and seed stores;	P	P	P
18. Film processing, photoengraving, photocopying and photostating;	P	P	P
19. Incineration or reduction of garbage, dead animals, offal, or refuse;	*	*	C
20. Industrial equipment sales;	C	C	P
21. Industrial planned unit developments subject to the provisions of Articles 15 and 16;	P	P	P
22. Kennels;	C	C	C
23. Major lumber and wood by-products processing plants, to include saw mills, plywood plants, paper mills, etc. (See also Item 26)	*	*	P
24. Manufacturing, assembling, testing, and repairing of components, devices, equipment and systems of an electronic or electro-mechanical nature and precision equipment;	C	P	P
25. Manufacturing, compounding, bottling, processing, packaging, or treatment of food and beverage products;	C	C	P
26. Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of such articles to include cosmetics, drugs, glass, leather, paint, ceramic, paper, perfumes, plaster, plastics, stone, textiles, rubber, wood, and metal products	C	C	P
27. Natural mineral resources, processing and manufacturing (excluding asphalt batching);	*	*	P

Key: P: Use Permitted  
C: Use Allowed by Conditional Use Permit  
\*: Use Prohibited

## INDUSTRIAL USE DISTRICTS

M-1 M-2 M-3

	M-1	M-2	M-3
28. Offices for engineers, architects, landscape architects, surveyors, and those engaged in the practice of designing and construction;	P	P	P
29. Plumbing and electrical wholesale supplies and services;	P	P	P
30. Printing and publishing;	P	P	P
31. Public and private commercial parking areas or garages;	P	P	P
32. Public and semi-public buildings;	P	P	P
33. Radiator service and repairs;	P	P	P
34. Radio towers and transmitters;	C	C	P
35. Research laboratories;	C	P	P
36. Restaurants, including drive-ins, walk-ups, and taverns;	P	P	P
37. Self-store lockers and storage units;	P	P	P
38. Service stations;	P	P	P
39. Single-family dwellings (whenever the use requires the on-site residence of such a person);	C	C	C
40. Single mobile homes (refer to special Ordinance No. 3735);	C	C	C
41. Slaughter houses;	*	*	P
42. Small animal hospitals;	P	P	P
43. Storage buildings, warehousing, sales and distribution centers for household or consumer goods;	P	P	P
44. Trucking yards and terminals;	C	C	P
45. Truck sales and services;	C	C	P
46. Utility distribution plants and service yards;	C	C	P
47. Vocational schools;	P	P	P
48. Wholesale businesses.	C	P	P

*For uses not specified and Conditional Use Procedures see Article 11.*

Key: P: Use Permitted  
C: Use Allowed By Conditional Use Permit  
\*: Use Prohibited

ARTICLE 6  
HEIGHT, YARD, AREA AND COVERAGE  
REGULATIONS, CONDITIONS AND EXCEPTIONS  
FOR ALL USE DISTRICTS

## SECTION 6.01 BUILDING HEIGHT LIMITATIONS

### A. Residential:

1. In the AG, RS, R-1, R-2 and RP districts, no main building shall exceed 2½ stories, or 30 feet in height, whichever is the lesser. Accessory buildings in the AG district shall have no building height limitation, while accessory buildings in the RS, R-1, R-2, R-3 and RP districts are limited to one story in height.
2. In the R-3 district, no main building shall exceed three stories, or 45 feet in height, whichever is the lesser, except where an R-3 district abuts upon an AG, RS or R-1 district, the maximum permitted building height shall not exceed 2½ stories or 30 feet, whichever is the lesser, for a distance of 50 feet from the abutting boundary of any of the aforementioned districts.
3. In the RG district no main building or accessory building shall exceed or intersect the sun-exposure plane (*see definition*).

### B. Commercial:

1. In the C-1 district no main building or accessory building shall exceed 2½ stories or 30 feet in height, whichever is less.
2. In the C-2 district no main building or accessory building shall exceed three stories or 40 feet in height, whichever is less.
3. In the C-3 district no main building or accessory building shall exceed five stories or 60 feet in height, whichever is less.

### C. Industrial:

1. In the M-1 district no main building or accessory building shall exceed three stories or 40 feet in height, whichever is less.
2. In the M-2 and M-3 districts the building or any accessory structure shall have no height limitation.

## SECTION 6.02 BUILDING HEIGHT EXCEPTIONS

(*See "Height of Building" Definition*)

- A. Exceptions to the building height limitation for main buildings and accessory buildings may be applied for through the variance procedures outlined in Article 18.
- B. Roof Structures and Architectural Features: Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this article provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space.

## SECTION 6.03 GENERAL YARD REGULATIONS

- A. The yard or open space provided around one building shall not be considered as providing the required yard or open space for any other building.
- B. Special Setback for Garages and Carports: Within the residential districts, there shall be at least 20 feet of driveway, accessway or maneuvering space from the property line to the foremost point of any building used for temporary or permanent parking of motor vehicles. The purpose of this regulation is to encourage parking of motor vehicles totally on private property.
- C. Setbacks for Accessory Buildings: All accessory buildings which have a permanent foundation or have height greater than eight feet shall conform to the same setback requirements as main buildings in all zoning districts.
- D. Special Setbacks and Fencing for Swimming Pools: In all zoning districts, swimming pools shall conform to the setback regulations for main buildings except that in residential districts outdoor swimming pools shall be set back not less than 10 feet from all interior lot lines. Also, all swimming pools shall be fenced in such a manner as to prevent entry of small children; such fencing to be a minimum height of four feet and equipped with a self-locking gate which closes automatically (reference to City Ordinance 3162).
- E. Dwellings Above Non-residential Buildings: The yard requirements for residential uses shall not be applicable where dwellings are allowed above non-residential buildings.

## SECTION 6.04 LANDSCAPING REGULATIONS

### A. Residential

- 1. Within one year after issuance of a building permit, all front yards, exclusive of accessways, in the AG, RS and R-1 Districts, are required to be landscaped and maintained. Minimum landscaping acceptable per 1,000 square feet of front yard (*see definition*) area, is:
  - a. One specimen tree
  - b. Four one-gallon shrubs or accent plants.
  - c. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- 2. Within one year after issuance of a building permit all front and interior yards, exclusive of accessways, in the R-2, R-3 and RG Districts are required to be landscaped and maintained. Minimum landscaping acceptable per 1,000 square feet of yard (*see definition*) area, is:
  - a. One specimen tree
  - b. Four five-gallon shrubs or accent plants.
  - c. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.



- d. For all developments having four or more living units, a performance bond shall be posted with the City or legal documented evidence provided in lieu thereof that adequate funds have been placed in a loan or escrow account to ensure completion of the minimum landscaping and irrigation requirements.

B. Commercial

- 1. Within one year after issuance of a building permit all front yards and required interior yards, exclusive of accessways in the RP, C-1, C-2 and C-3 districts are required to be landscaped and maintained. Minimum landscaping acceptable per 500 sq. ft. of yard area is:
  - a. Five five-gallon shrubs, trees, or accent plants.
  - b. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
  - c. Installation of piped underground sprinkling systems to cover all living landscape materials within required yard areas.
- 2. When an interior yard of an RP, C-1, C-2 or C-3 District abuts a residential district, a sight-obscuring fence six feet in height or an evergreen hedge three feet in height shall be required opposite the residential district and shall be maintained by the owner of the commercial property.

C. Industrial

- 1. When an interior yard of an M-1, M-2 or M-3 District abuts a residential district, a minimum of a six-foot chain link fence and sight-obscuring landscaping shall be required opposite the residential district and shall be maintained by the owner of the industrial property.
- 2. Where the front yards of Industrial zoned properties are across the street from any district except an Industrial District, 40% of said required front yard shall be landscaped and maintained. Minimum landscaping acceptable per 1,000 sq. ft. of required landscaping area is:
  - a. Two specimen trees
  - b. Five five-gallon shrubs, trees, or accent plants.
  - c. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

SECTION 6.05 SETBACK REQUIREMENTS - FRONT AND INTERIOR YARDS (see definitions)

A. Residential

Except as provided in this article and Article 6.06 all lots and development sites in the residential districts shall maintain front and interior yards as follows:

District	Front Yards	Interior Yards for walls without doorways and windows except bath-room and garage windows and sideyard garage doors	Interior Yards for walls with doorways and windows
AG	15 ft.	5 ft.	10 ft.

District	Front Yards	Interior Yards for walls without doorways and windows except bath- room and garage windows and sideyard garage doors	Interior Yards for walls with doorways and windows
RS	15 ft.	5 ft.	10 ft.
R-1	15 ft.	5 ft.	10 ft.
R-2	15 ft.	5 ft.	10 ft.
R-3	12 ft.	5 ft.	10 ft.
R-G	12 ft.	8 ft.	8 ft.

(Garages shall be setback 20 ft. from front lot lines, see section 6.03)

B. Commercial

Except as provided in this article and Article 6.06 all lots and development sites in the RP, C-1, C-2 and C-3 Districts shall maintain front and interior yards as follows:

District	Front Yards	Interior Yards Abutting Residential Districts	Interior Yards Abutting Commercial & Ind. Districts
RP	12 ft.	8 ft.	8 ft.
C-1	10 ft.	10 ft.	0 ft.
C-2	10 ft.	10 ft.	0 ft.
C-3	0 ft.	0 ft.	0 ft.

C. Industrial

Except as provided in this article and Article 6.06 all lots and development sites in the M-1, M-2 and M-3 Districts shall maintain front and interior yards as follows:

District	Front Yards	Interior Yards Abutting Residential Districts	Interior Yards Abutting Commercial & Ind. Districts
M-1	30 ft.	10 ft.	0 ft.
M-2	30 ft.	20 ft.	0 ft.
M-3	30 ft.	30 ft.	0 ft.

SECTION 6.06 SPECIAL SETBACK REQUIREMENTS FOR PROPERTIES ABUTTING FUTURE STREET RIGHTS-OF-WAY

A. Description and Purpose

It is generally considered financially impractical to make every street in the community wide or safe enough, initially to accommodate both local and non-local traffic generated in our neighborhoods and community. Continued growth, intensification of land use and increased traffic volumes, in some cases, require wider streets to accommodate this change. Therefore, the following special or additional setbacks are deemed necessary and must be complied with before any building permits are issued.

B. General Requirements

1. Where the adopted Comprehensive Plan and implementing ordinances include the widening or connecting of existing streets, or the establishment of

new streets, the placement of all buildings and the establishment of all required yards shall be in relation to the proposed street right-of-way boundaries. Also, no building shall be erected on a lot which abuts a proposed street right-of-way unless the lot will contain the width and depth needed to complete the street width plus the width and depth of the yards required on the lot.

2. A lot or parcel of land in any district adjoining a public street for which the planned right-of-way width and alignment has been determined, shall have a building setback line equal to the yard required, plus a distance of:
  - a. Fifty feet from and parallel with the centerline of expressways and limited access arterials.
  - b. Forty feet from and parallel with the centerline of major arterials.
  - c. Thirty-five feet from and parallel with the centerline of minor arterials.
  - d. Thirty-five feet from and parallel with the centerline of multiple family, commercial and industrial streets and single family collector streets.
  - e. Thirty feet from and parallel with the centerline of single family local streets.
  - f. Twenty-five feet from and parallel with the centerline of single family hillside, cul-de-sacs and local streets which will never be extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.

#### SECTION 6.07 RESIDENTIAL SETBACK RESTRICTIONS FOR SCHOOLS, CHURCHES, PUBLIC AND SEMI-PUBLIC BUILDINGS

Any school, church, or public or semi-public building erected after the effective date of this Ordinance shall be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. Further, 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

#### SECTION 6.08 YARD EXCEPTIONS AND PERMITTED INTRUSIONS INTO REQUIRED YARDS

The following intrusions may project into required yards provided that the conditions and limitations indicated are adhered to:

- A. Depressed Areas: In any district, open work fences, berms, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs or retaining walls, may be located in required yards, provided that such devices are not more than 3½ feet in height.
- B. Projecting Building Features: The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet:
  1. Awnings, buttresses, architectural appendages; examples such as but not limited to bay windows, planters, cantilivered stairways, or other similar features.

2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
3. Porches, steps, platforms or landings, raised patios or decks.
4. Signs conforming to applicable ordinance.

C. Fences, Walls and Hedges:

1. In any residential district, a fence or wall, not to exceed six feet in height may be located or maintained within the required interior yards. Fences or walls may be placed in front yards in any residential district provided they do not exceed three feet in height on corner lots and four feet in height on interior lots.
2. In any residential district, sight-obscuring hedges may be planted and maintained within the required interior yards provided that they do not exceed eight feet in height. Within required front yards in residential districts, hedges may be planted and maintained provided that they do not exceed three feet in height on corner lots and four feet in height on interior lots.
3. In any commercial or industrial district, fences, walls or hedges, not to exceed eight feet in height may be located or maintained in any yard except on corner lots such fences, walls, or hedges may not exceed three feet in height for a distance of 20 feet in either direction from the corner as measured from the curb line of the existing street.

D. Trees, Shrubbery, and Landscape Features:

In any district, trees, shrubbery, berms, arbors, trellises, and similar landscape features are permitted in all required yards provided that on corner lots no object or planting shall obscure vision between the verticle heights of three feet and eight feet, as measured from the adjoining curb elevation, for the triangular area which has sides extending from the corner of the property in either direction, the same distance as the front yard setback requirement for that district.

E. Driveways and Parking (Also See Article 8):

1. In any district, driveways and accessways providing ingress and egress for parking areas or garages are permitted together with any appropriate traffic control devices in any required yard, provided that the minimum landscaping requirements are met (see section 6.04).
  - a. In residential districts trailers, boats, campers, and other vehicles not in daily use, are restricted to parking in the front yard setback for not more than 48 hours.
  - b. Residential developments containing three units or more may not locate parking spaces within required front yards.

F. Outside Storage of Materials:

In any district, outside storage or display of materials, junk, parts, or merchandise shall not be permitted within required front yards.

SECTION 6.09 LOT AREA, LOT AREA PER DWELLING UNIT (This section is referenced to Section 6.12)

- A. In the following districts each lot or development site shall have an area as shown below:
1. In the AG district, each lot shall have a minimum area of 5 acres.
  2. In the RS district, the minimum lot size or development site shall be one acre.
  3. In the R-1, R-2, R-3, RP, C-1 and C-2 districts, each lot or development site shall have a minimum area of 6,000 square feet or as otherwise established by a sub-district.
  4. In the RG, M-1, M-2 and M-3 districts, each lot or development site shall have a minimum area of 20,000 square feet.
- B. Lot or Development Site area required per dwelling unit:
1. In the R-2 district there shall be a minimum of 3,000 square feet of lot area per dwelling unit.
  2. In the RG district there shall be a minimum of 400 square feet of lot or development site area per habitable room (*see definition*) if the maximum permitted lot coverage is attained. The standard lot or development site area of 400 square feet per habitable room may be reduced in direct proportion to reductions in the maximum permitted lot coverage in the following manner:

For each one percent reduction from the maximum lot coverage, the lot or development site area per habitable room may be reduced 10 square feet from the minimum of 400 square feet per habitable room required at maximum permitted lot coverage. In no event shall the required lot or development site area per dwelling room be less than 200 square feet.

EXAMPLE:

<u>Percent of Lot Coverage</u>	<u>Square feet of Lot or Development Site Area Required for each Dwelling Room</u>
30.0	400 square feet
26.5	365 square feet
18.4	284 square feet
12.1	221 square feet
10.0	200 square feet

To compute the minimum lot or development site area required per dwelling unit use the following formula:

$$\text{Lot Area Required} = \text{Number of Habitable Rooms} \times 1.5 \times \text{sq. ft. of lot area required per habitable room.}$$

Examples

1) 30 H.R. x 1.5 <hr style="width: 50px; margin-left: 0;"/> 45 x400 (30%) <hr style="width: 50px; margin-left: 0;"/> 18,000 sq. ft.	2) 30 H.R. x 1.5 <hr style="width: 50px; margin-left: 0;"/> 45 x284 (18.4%) <hr style="width: 50px; margin-left: 0;"/> 12,780 sq. ft.	3) 200 H.R. x 1.5 <hr style="width: 50px; margin-left: 0;"/> 300 x350 (25%) <hr style="width: 50px; margin-left: 0;"/> 105,000 sq. ft.
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3. In the R-3 district there shall be a minimum of 1,000 square feet of lot area per dwelling unit except for developments designed for occupancy by single persons, such as campus living organizations, group care homes, senior citizen housing, etc., in which case there shall be a minimum of 600 square feet of lot area for each person at capacity.
4. In the RP district, the minimum lot or development site area required per dwelling unit for multiple family use shall be the same as the area required in the RG district.

SECTION 6.10 LOT AREA EXCEPTIONS

- A. Lots or records with less than the area required by this Article or by an imposed sub-district, which existed prior to the adoption of this Ordinance or which have been brought into the City through annexation, shall be considered as non-conforming and shall be allowed to continue under the non-conforming use provisions of this Ordinance (see Article 10).
- B. The Planning Commission may, at their discretion, approve variances on the lot area requirements provided that the lots or development sites meet the criteria for granting variances as outlined in Article 18.

SECTION 6.11 CLUSTER SUBDIVISIONS AND CONDOMINIUMS IN THE R-1, R-2, R-3 AND R-G DISTRICTS

In the R-1, R-2, R-3 and RG districts, lot area, lot coverage and yard requirements (zero lot line development) may be relaxed on individual lot or building sites created by filed and recorded subdivisions of the "cluster" type, or condominiums developed in accordance with ORS 91.505 to 9.1675 provided the difference in square footage between the minimum lot area established in this Article or by sub-district, and the square footage of lots created, is secured for common use in open space by covenants or associations to be in effect for at least 20 years.

SECTION 6.12 LOT COVERAGE, PARKING COVERAGE, OUTDOOR LIVING AREA REQUIREMENTS

- A. For all buildings and uses in the below-listed zoning district, requirements are hereby established setting the maximum lot coverage that buildings and parking areas or garages may occupy as expressed by the percentages listed below:

Maximum Lot Coverage (*see definition*)

AG, RS, R-1, RG and RP	30%
R-2	40%
R-3	50%

Maximum Parking Area Coverage:

R-2, RG, R-3 and RP	30%
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Combined Maximum Lot and Parking Area Coverage:

R-2, RG and RP	60%
R-3	70%

B. Minimum Outdoor Living Area

For all residential uses in the R-2, R-3, RG, RP, C-1 and C-2 districts, a minimum area equal to 10% of the gross floor area of the building or buildings shall be provided as outdoor living area (*see definition*).

C. All other districts not listed in A. or B. above shall not be limited to lot coverage, parking area coverage, nor shall they have requirements for outdoor living area.

SECTION 6.13 INDIVIDUAL LOT AREA, MINIMUM DEPTH AND WIDTH

(As may be prescribed by Districts or Sub-Districts)

A. RS Suburban Residential District:

<u>Minimum Lot Areas</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Depth</u>
1 acre	150 feet	150 feet
2 acres	185 feet	185 feet
3 acres	225 feet	225 feet
4 acres	260 feet	260 feet
5 acres	295 feet	295 feet

(The minimum width and depth increases by 35 feet for each additional acre)

B. R-1 Single Family Residential District:

<u>Minimum Lot Areas</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Depth</u>
5,000 sq. ft.	50 feet	70 feet
6,000 sq. ft.	60 feet	75 feet
7,000 sq. ft.	70 feet	80 feet
8,000 sq. ft.	80 feet	85 feet
9,000 sq. ft.	90 feet	90 feet
10,000 sq. ft.	100 feet	100 feet
13,000 sq. ft.	100 feet	130 feet
20,000 sq. ft.	100 feet	180 feet
30,000 sq. ft.	100 feet	200 feet

C. Cul-de-Sac Lots

<u>District</u>	<u>Maximum No. of Lots Having frontage on a cul-de-sac</u>	<u>Minimum cul-de-sac Lot Width</u>
R-2, R-1(5), (6)	5	22 feet
R-1 (7), (8), (9)	4	22 feet
R-1 (10) and larger	3	22 feet

D. Any lot created on or prior to the effective date of this ordinance which does not meet the minimum depth and width requirements set forth above shall be considered as non-conforming. (See Article 10)

ARTICLE 7

GENERAL PROVISIONS: SPECIAL PERMIT REQUIREMENTS  
FOR FLOOD HAZARD SUB-DISTRICTS



## SECTION 7.01 PROCEDURE ESTABLISHED

In addition to the building permit requirements and operating procedures established by the City, no development shall be allowed in the FH Sub-District until a special building permit has been obtained from the designated City Official.

## SECTION 7.02 REQUIREMENTS FOR PERMIT ISSUANCE

- A. Special building permits shall be issued by the City when it has been determined that:
1. The proposed site or building will not, during potential future flooding, be so inundated by water as to result in injury to residents or serious damage to property.
  2. The finished floor elevation restriction of any proposed building is placed at such an elevation to allow compliance with the 100-year flood level, as most currently established by the U. S. Army Corps of Engineers.
  3. The proposed development site or building will comply with all of the requirements as established by the Federal Flood Insurance Program (Referenced to Special City Resolutions 1565, 1566, and 3608).
  4. Any improvements will not change the flow of surface water during future flooding so as to endanger the residents or property in the area, and
  5. Adequate provisions have been made to assure proper access during flooding.
  6. Acceptable engineering practices have been met if filling or compaction of fill is necessary. The City may require engineering plans and data as part of the building permit review.

ARTICLE 8

OFF-STREET PARKING AND LOADING REQUIREMENTS

## SECTION 8.01 GENERAL PROVISIONS

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.
- B. At the time of new construction, enlargement or change in use of an existing structure within any zone in the City, off-street parking spaces shall be provided as outlined in this Article unless requirements are otherwise established by special review or City Council action.
- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by Section 10.02.
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

## SECTION 8.02 MINIMUM SPACES REQUIRED

Where square feet is specified, the area measured shall be the combined floor area on each level of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as the next highest whole space.

- A. Residential and Commercial Dwelling Types
  1. Single family dwellings - two spaces
  2. Multiple family dwellings (except senior citizen and student housing) -

Studio and one bedroom units	1.00 space per unit
Two bedroom units	1.50 spaces per unit
Three and four bedroom units	2.00 spaces per unit
Quad and Quint units	.75 spaces per bedroom
  3. Mobile home parks - two spaces per mobile home, plus one space for guest parking per each four mobile homes.
  4. Group care homes or facilities - one space per employee, plus one space per each five beds.
  5. Student housing (fraternities, sororities and dormitories) - one space per each two students at capacity.
  6. Senior citizen apartments - one space per each two bedrooms.
  7. Motels and hotels - one space per rental unit, plus additional spaces as required for restaurants, gift shops, bars, public-assembly rooms and other activities.

8. Boarding and rooming houses, excluding group care home facilities - one space per each two occupants at capacity.

B. Institutions and Public Assembly Types:

1. Elementary, junior high, and other children's day schools - one space per classroom plus one space per each two employees.
2. High schools, colleges and universities - special review by Hearings Board or Commission.
3. Libraries, reading rooms, museums, and art galleries - one space for each two employees plus one space per each 500 square feet of floor area.
4. Churches and other places of religious assembly - one space per each six seats in the main assembly room, or one space per each sixty square feet in the main assembly room having no fixed seats, or one space per each twelve feet of bench length. On-street parking within 500 feet of the building, except in residential areas, may be used toward fulfilling this requirement.
5. Stadiums, grandstands, coliseums, auditoriums, and theaters - one space per each four persons of seating capacity, except that on-street parking in non-residential areas, within 1,000 feet of the main assembly area, may be used toward fulfilling this requirement.
6. Meeting rooms, private clubs and lodges - ten spaces plus one space for each 200 square feet of floor area over 1,000 square feet, except that on-street parking in non-residential areas, within 800 feet of the main assembly room or building, may be used toward fulfilling this requirement.
7. Golf courses (including clubhouses and accessory uses) - special review by Hearings Board.
8. Swimming pools, for pool only - ten plus one space per each 150 square feet of pool surface area.
9. Philanthropic, charitable and non-profit institutions (excluding churches) - one space per each two employees, plus one space for each 500 square feet of floor area.
10. Public and semi-public buildings and public lands - special review by Hearing Board or Commission.
11. Hospitals - one space per each two beds plus one space for each staff doctor plus one space per each two full-time employees.
12. Medical and dental clinics - one space per each 200 square feet of floor area.
13. Animal hospitals and clinics - one space per each 400 square feet of floor area.

14. Radio and television stations and studios - one space per each two employees, plus one space per each 300 square feet over 2,000 square feet of floor area.
15. Airports - special review by Hearings Board.
16. Rail and bus passenger terminals - five spaces plus one space per each 100 square feet of waiting area.

C. Commercial and Retail Trade Types:

1. Central business district retail trade - one space per each three employees, plus one space per each 400 square feet of sales area excluding members of the downtown off-street parking assessment district.
2. Downtown off-street parking assessment district - members of this district shall meet the requirements of the district as established by the City Council and shall be exempt from all other space requirements provided herein.
3. Shopping centers, food, drugs, hardware, variety, and department stores - one space per each 200 square feet of floor area.
4. Specialty shops and other retail stores (under 6,000 square feet) - one space per each 300 square feet of floor area plus one space per each three employees.
5. Sales and rental of motor vehicles, trailers, mobile homes, boats, modular homes and garages - two spaces per each employee.
6. Greenhouses and nurseries - two spaces per each employee.
7. Banks and financial institutions - one space per each 200 square feet of floor area on first two floors plus one space per each 600 square feet of floor area above two floors.
8. Offices for all business and professional uses - one space per each 200 square feet of floor area.
9. Motor vehicle repair and service stations - one space per each two employees, plus two spaces per each service stall.
10. Bowling alleys - four spaces per each alley.
11. Skating rinks - one space per each 200 square feet of floor area.
12. Funeral homes - one space per four seats or eight feet of bench length in the chapel.
13. Laundries and cleaners - one space per each 300 square feet of floor area.

14. Commercial recreation and amusement - special review by Hearings Board.
15. Furniture, machine and office equipment sales - one space per 500 square feet of floor area plus one space for each three employees.
16. Beauty and barber shops and other personal services - one space per 200 square feet of floor area plus one space per each three employees.
17. Drive-in restaurants - one space per each 50 square feet of floor area.
18. Sit-down and carry-out restaurants, taverns, bars, and nightclubs - one space per 100 square feet of floor area.

D. Manufacturing, Storage and Wholesale Types:

1. Production or processing of materials, goods, or products - two spaces per each three employees during maximum shift plus one space per each company vehicle permanently stored or maintained on the premises.
2. Testing, repairing, cleaning, servicing of materials, goods or products - one space per each two employees plus one space per each company vehicle.
3. Warehousing and wholesale - one space per each two employees plus one space per 300 square feet of patron serving area, plus one space per each company vehicle permanently stored or maintained on the premises.
4. Wrecking yards and junk yards - one space per each employee plus one space per each 10,000 square feet of lot area.
5. Building material sales - one space per each 500 square feet of floor area.
6. Air, rail, and motor freight terminals - special review by Hearings Board.

SECTION 8.03 PARKING REQUIREMENTS FOR USES NOT SPECIFIED

The parking space requirements for buildings and uses not specified in this Article shall be determined by the Planning Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the Planning Director may be appealed to the Hearings Board in writing within fifteen days of such decision.

SECTION 8.04 COMMON FACILITIES FOR MIXED USES

- A. In the case of mixed uses, the total requirements for off-street parking space shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except as provided below.
- B. Joint Use of Parking Facilities: The Planning Commission or Hearings Board upon application by all involved property owners may authorize the joint use of parking facilities, provided that:

1. The applicant shows that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed.
2. The parking facility for which joint use is proposed is no further than 500 feet from the building or use required to provide parking.
3. The parties concerned in the joint use of off-street parking facilities shall provide evidence of agreement for such joint use by a legal instrument approved by the City Attorney.

## SECTION 8.05 PARKING AREA IMPROVEMENT STANDARDS

All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following:

- A. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, cement concrete or other materials approved by the Engineering Department. All parking areas except those found in conjunction with a single or two-family dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon the public right-of-way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City Engineering Department.
- B. All parking areas except those required in conjunction with a single or two-family dwelling shall provide a curb of not less than six inches in height near abutting streets and interior lot lines, which shall be set back a minimum of three feet from all property lines abutting a street. Except for all accessways, this setback shall be landscaped and maintained by the property owner.
- C. All parking stalls fronting a sidewalk, alleyway, street or outer parking lot boundary, except for those required in conjunction with a single family or two-family dwelling, shall provide a secured wheel bumper not less than six inches in height nor less than six feet in length, to be set back from the front of the stall a minimum of 2½ feet.
- D. Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight-obscuring fence or evergreen hedge of not less than three nor more than six feet in height except where vision clearance is required. Any fence or evergreen hedge must be well kept and maintained.
- E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- F. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

- G. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.
- H. Building permits are required for all parking lot construction or resurfacing.
- I. A plan, drawn to a suitable scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building permit. The plan shall indicate in detail all of the following:
  - 1. Individual parking and loading spaces.
  - 2. Circulation area.
  - 3. Access to streets and property to be served.
  - 4. Curb cut dimensions.
  - 5. Dimensions, continuity, and substance of screening, if any.
  - 6. Grading, drainage, surfacing, and subgrading details.
  - 7. Obstacles, if any, to parking and traffic circulation in finished parking area.
  - 8. Specifications for signs and bumper guards and curbs.
  - 9. Landscaping and lighting.
  - 10. Other pertinent details.

### SECTION 8.06 OFF-STREET LOADING

- A. All necessary loading spaces for commercial and industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces.
- B. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- C. A school having a capacity greater than twenty-five students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

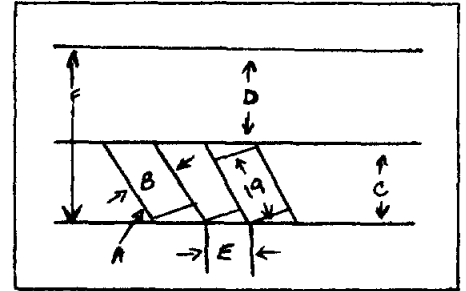
### SECTION 8.07 PARKING TABLE AND DIAGRAM

- A. Parking Table: The following provides the minimum dimensions of public or private parking areas based on the following diagram where 'A' equals the parking angle, 'B' equals the stall width, 'C' equals the minimum stall depth, 'D' equals the minimum clear aisle width, 'E' equals the stall distance at bay side, 'F' equals the minimum clear bay width.
- B. Public alley width may be included as part of dimensions 'D', but all parking stalls must be off the public right-of-way.



PARKING TABLE

A	B	C	D	E	F
P a r a l l e l	9'0"		12.0	22.0	21.0
20°	9'0"	15.0	11.0	26.3	26.0
30°	9'0"	17.5	11.0	18.0	28.5
45°	9'0"	20.0	13.0	12.7	33.0
60°	9'0"	21.0	18.0	10.4	29.0
70°	9'0"	21.0	19.0	9.6	40.0
80°	9'0"	20.0	24.0	9.1	44.0
90°	9'0"	19.0	24.0	9.0	43.0



PARKING DIAGRAM

The above diagram is explanatory to Parking Table.

ARTICLE 9  
ENVIRONMENTAL PERFORMANCE STANDARDS

SECTION 9.01 DESCRIPTION AND PURPOSE

The purpose of these standards are to control dangerous and objectionable environmental effects of activities within the use districts and community.

SECTION 9.02 PROOF OF COMPLIANCE

The city may require from any person or firm proof of compliance with the following applicable performance standards. Such required information may include reports by expert consultants. Any such requirement and determination by said official as to sufficiency of proof may be appealed pursuant to the administrative appeal procedure.

SECTION 9.03 MEASUREMENTS

When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with current accepted engineering practices.

SECTION 9.04 NOISE

A. All noise shall be muffled so as not to be objectionable due to intermittance, beat frequency, or shrillness and, as measured at any property line, shall not exceed the following intensity in relation to sound frequency.

<u>OCTAVE BAND</u> Frequency in Cycles Per Second	<u>MAXIMUM PERMITTED SOUND LEVEL DECIBELS</u>	
	Hours	
	<u>10 p.m. - 7 a.m.</u>	<u>7 a.m. - 10 p.m.</u>
0 to 74	69	74
75 to 149	54	59
150 to 299	47	52
300 to 599	41	46
600 to 1,199	37	42
1,200 to 2,399	34	39
2,400 to 4,799	31	36
4,800 and above	28	33

B. Such sound levels shall be measured with a sound level meter and an octave band analyzer approved by the City. Specifications of the American Standards Association shall serve as the basis of the City approval.

C. Noise-making devices which are maintained and utilized solely to serve as warning devices, highway vehicles, trains and aircraft are excluded from these regulations.

SECTION 9.05 VIBRATION

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

SECTION 9.06 AIR QUALITY STANDARDS-SMOKE AND PARTICULATE MATTER

It is the intent of this Article to provide standards which, regardless of the intensification of industrial activity, will avoid creation of a nuisance

condition and will maintain area standards under which the particle fallout rate will not exceed 15 tons per square mile per month; suspended particulate matter will not exceed 150 micrograms per cubic meter of air; and lime dust, as CaO, will not exceed 10 micrograms per cubic meter of air.

A. To accomplish this, the discharge of pollutants from any source within the area shall not exceed the following limits:

1. Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringleman Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a density not darker than No. 2 on the Ringleman Chart may be emitted for not more than three minutes in any hour.
2. Limedust, as CaO, measured at the property line of the activity creating such dust shall not exceed 10 micrograms per cubic meter of air.
3. Total particulate matter measured at all stacks shall not be in excess of 30 grams per hour per acre of land devoted to the operations.

B. All measurements of air pollution shall be by the procedures established and with equipment approved by the State Air Pollution Authority, or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution, upon the request of the City, shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

#### SECTION 9.07 LIQUIDS OR SOLID WASTES

There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials, except in accordance with the regulations of the Linn and Benton Counties Health Departments and the Oregon State Sanitary Authority, as applicable.

#### SECTION 9.08 ODORS

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

#### SECTION 9.09 GLARE AND HEAT

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

#### SECTION 9.10 INSECTS AND RODENTS

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

## SECTION 9.11 ADMINISTRATION AND ENFORCEMENT

As a condition for the granting of a building permit in an M-1, M-2 or M-3 Industrial District, it shall be agreed that upon request of the City Building Inspector, information sufficient to determine the degree of compliance with the standards in this Article shall be furnished by the industry. Such request may include a requirement for continuous records of operation likely to violate the standards, for periodic checks to assure maintenance of standards, or for special surveys in the event a question arises as to noncompliance.

## SECTION 9.12 NOISE CONTROL DURING PERIODS OF CONSTRUCTION

The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of seven a.m. and six p.m., except upon special permit granted by the City Council, whereas such action may involve any loud, disturbing, or unnecessary noise in the City, shall be deemed disorderly conduct and therefore unlawful in accordance with Section 7.08.050 of the Albany Municipal Code.

ARTICLE 10

NON-CONFORMING USES, BUILDINGS AND LOTS

## SECTION 10.01 USES

- A. Pursuant to the provisions and procedures of this Article, a non-conforming use may be enlarged or extended within a building or on the same lot provided that the more restrictive requirements of either the district involved or the proper district for the use involved applies to such enlargement or extension; and provided further that all current development regulations are complied with, and, that additional adverse effects are not created for abutting properties or the neighborhood, e.g., objectional conditions, visual and noise pollution, vehicular traffic, dust, or street parking.
- B. A non-conforming use may continue and a non-conforming building may be occupied, except that no non-conforming use which shall have been discontinued for a period of one year shall be resumed nor shall it be replaced by another non-conforming use.

## SECTION 10.02 BUILDINGS

- A. A non-conforming building may be structurally altered, repaired or enlarged, provided that any addition conforms to the requirements of the district in which it is located and the following expansion provisions:

<u>1. Existing Gross Floor Area</u>	<u>Percentage of Expansion Allowed</u>
Building under 4,000 square feet	25%
Building under 10,000 square feet	20%
Building larger than 10,000 square feet	15%

2. Non-conforming buildings may expand one time only.

- B. Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe under the City's Building Code by the City building inspector may be strengthened or restored to a safe condition.
- C. A non-conforming building or a building containing a non-conforming use which has been damaged by fire, flood, wind or other calamity or act of God may be restored to its original condition, provided such work is started within 12 months of such calamity and completed within 24 months of the time the restoration is commenced, and provided further that any such work complies with appropriate building and fire codes.
- D. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of this Ordinance, except that if the designated use will be non-conforming, it shall, for the purpose of this Article, be discontinued if not in operation within one year of the date of issuance of the building permit.

## SECTION 10.03 LOTS

Any single vacant lot of record at the effective date of adoption of this Ordinance may be used for development even though the lot fails to meet the

requirements for area, width, or depth that are generally applicable in the district, provided that yard dimensions and other requirements pertaining to the lot shall conform to the regulations for the district in which the lot is located. Further, no division of lots shall be made which will leave remaining any separate lot with an area less than the requirements stated in this Ordinance.

#### SECTION 10.04 MODIFICATION TO NON-CONFORMING USES

- A. Before any non-conforming use or building is structurally altered or enlarged an application must be filed with the Planning Department for modification to a non-conforming use.
- B. Prior to filing an application for modification to a non-conforming use, a pre-application conference shall be held with the Planning Department to advise the applicant of procedures to be followed. The Planning Department upon receipt of an application shall notify by mail all abutting property owners advising them of a public hearing concerning the proposed modification.
- C. The Hearings Board or Commission shall, within 30 days, but not less than 14 days after mailing of the notice to abutting property owners, hold a public hearing and either grant or deny the application. The applicant or owner(s) may appeal such decision to the Commission or City Council by filing with the Planning Department within 15 days of its decision. If no appeal is filed, the decision shall be deemed final. If an appeal is filed, the Commission or City Council shall hold a public hearing pursuant to the procedures provided in Article 11.
- D. The Planning Commission or Hearings Board shall base its decision to grant or deny the application for modification based on applicable criteria found in Section 10.02. If the application is granted, the Commission or Board may impose such conditions and requirements as deemed necessary to insure proper developments.



ARTICLE 11  
USES SUBJECT TO CONDITIONAL USE PERMIT  
AND CONDITIONAL USE PERMIT PROCEDURES

## SECTION 11.01 DESCRIPTION AND PURPOSE

It is recognized that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular use district without consideration in each case of the impact of those uses upon neighboring land, public need and particular location. The authority for the location and operation of such uses shall be subject to review and the issuance of a Conditional Use Permit by the Hearings Board or Planning Commission.

## SECTION 11.02 CONDITIONAL USE

The following uses shall require a Conditional Use Permit in accordance with this Article before the location and operation is permitted in any use district:

- A. Airports and landing fields.
- B. Amusement parks and fairgrounds.
- C. Carnivals and circuses, if established for more than two weeks, except those in conjunction with a county fair or other outdoor governmentally sponsored event.
- D. Garbage dumps, sanitary landfills.
- E. Heliports and helistops.
- F. Animal shelters.
- G. Race tracks, including drag strips and go-cart tracks.
- H. Any use specified as requiring a Conditional Use Permit in the schedule of permitted buildings and uses (see Articles 3, 4, and 5).
- I. Uses within the Willamette Greenway Boundary - see Article 12.

Where a use is not authorized in any district or where ambiguity exists concerning the appropriate classification of a particular use or type of development within the intent of this Ordinance, said use or type of development may be established by a Conditional Use Permit in accordance with this Article.

## SECTION 11.03 APPLICATIONS

Application for a Conditional Use Permit shall be made by the owner of the affected property, or authorized agent, on a form prescribed by the Planning Department. The application shall be accompanied by such information including, but not limited to, site and building plans, building elevations, landscaping and parking.

## SECTION 11.04 CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

A Conditional Use Permit may be granted if the proposal conforms to the following general criteria:

- A. The location, size, design, and operating characteristics of the proposed development shall be compatible with abutting properties and the surrounding

neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; availability of public facilities and utilities; harmful effects, if any, upon desirable neighborhood character; generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

- B. The location, design, and site planning shall provide a convenient and functional living, working, shopping or civic environment.
- C. The proposed use promotes and is consistent with the Comprehensive Land Use Plan of the City of Albany.

#### SECTION 11.05 INVESTIGATION AND REPORT

The Planning Department shall conduct an investigation of facts bearing upon the application to insure that any action taken is consistent with the intent and purpose of this Ordinance. A factual report shall be prepared and submitted to the Hearings Board or Commission for their consideration prior to or at the public hearing. A copy of the report shall also be mailed to the applicant and shall be made available to the general public.

#### SECTION 11.06 PUBLIC HEARING BY THE COMMISSION OR HEARINGS BOARD

At least ten days prior to the public hearing a written notice shall be mailed by the Planning Department to the applicant and residents within 300 feet of the subject property exclusive of street areas. The Commission or Hearings Board shall determine at the public hearing or within 45 days whether or not the proposal conforms to the general criteria as set forth in Section 11.04.

If a Conditional Use Permit is granted or denied, the minutes of the hearing shall clearly state the reasons for such action.

The determination of the Commission or Hearings Board shall become final 15 days after the day of decision, unless appealed to the Commission or City Council.

#### SECTION 11.07 CONDITIONS

The Commission or Hearings Board shall designate conditions in connection with the Conditional Use Permit as it deems necessary to secure the purpose of this Article and may require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- A. Regulation of uses.
- B. Special yards, spaces.
- C. Fences and walls.
- D. Surfacing or parking areas to City specifications.
- E. Street dedications and improvement petitions (or bonds).
- F. Regulation of points of vehicular ingress and egress.
- G. Regulation of signs.

- H. Landscaping and maintenance by underground irrigation systems.
- I. Maintenance of the grounds.
- J. Regulation of noise, vibration, odors or other similar nuisances.
- K. Regulation of hours for certain activities.
- L. Time period within which the proposed use shall be developed.
- M. Duration of use.
- N. Maintenance of natural vegetative growth and open space.
- O. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes of this Article.

### SECTION 11.08 APPEALS

During the period of 15 days referred to in Section 11.06, written appeals from action of the Commission or Board may be taken to the Commission or Council by the applicant or other interested parties. Such appeal shall be filed with the Planning Department and shall state the grounds for appeal. The Use Permit shall not become effective until the issue of an appeal is decided.

### SECTION 11.09 ACTION ON THE APPEALS BY THE COUNCIL OR COMMISSION

The Council or Commission shall set a date and time for a public hearing on the appeal and notify all affected parties as outlined in Section 11.06. The Council or Commission shall receive a report setting forth reasons for the action taken by the Commission or members of the Hearings Board. The Council or Commission shall render its decision within 60 days after the filing of such appeal. The Council or Commission may affirm, reverse, or modify any decision, determination, or requirements of the Commission or Hearings Board action. However, before changing any decision or conditions imposed in granting the Use Permit, the Commission or Council shall make written findings of facts setting forth wherein the Commission or Hearings Board findings were in error.

### SECTION 11.10 ADHERENCE TO APPROVED PLANS

A Conditional Use Permit shall be subject to the plans and conditions upon which it was granted. The permit shall expire 12 months from the effective date of granting unless actual construction or alteration has begun within such period of time. However, the time period may be extended upon special request to the Commission or Hearings Board.

### SECTION 11.11 REVOCATION

In the event of a violation or failure to comply with any prescribed conditions of approval, the Commission or Hearings Board may, after notice and hearing, revoke any Conditional Use Permit. In the case of revocation of a Use Permit, the determination of the Commission or Board shall become final 15 days after the date of the decision unless appealed to the Commission or Council in accordance with Sections 11.08 and 11.09.

ARTICLE 12  
WILLAMETTE GREENWAY CONDITIONAL  
USE PERMITS

## SECTION 12.01 DESCRIPTION AND PURPOSE

The Willamette Greenway Conditional Use Permit procedure as outlined in this Article is adopted for the purpose of complying with the Oregon Land Conservation and Development Commission's adopted Goal Number 15, "The Willamette River Greenway Program". More specifically, this Article is intended to provide a means to allow the intensification, change of use or development of properties within the Willamette Greenway boundary in a manner which will assure the greatest possible degree of compatibility with the Greenway itself.

Greenway Conditional Use Permit applications will be carefully reviewed and such conditions will be attached as may be desirable to promote, to the greatest possible degree, scenic landscaping, aesthetic enhancement, open space or vegetation between the activity and the River and public access to the extent necessary.

## SECTION 12.02 APPLICABILITY

- A. Willamette Greenway Boundary - This Article shall apply to all activities and uses described in Section 12.02B below which are located within the boundaries of the Willamette Greenway as are most currently established for urban areas by the Department of Transportation and approved by the Land Conservation and Development Commission.
- B. Activities and Uses Permitted by Greenway Conditional Use Permit - The following activities and uses of land within the Willamette Greenway Boundary shall require a Greenway Conditional Use Permit in accordance with this Article and Article 11 before the location and operation of such is permitted within said boundary:
  1. Changes of use which involve construction or alterations of the land, water or other areas outside of existing buildings or structures and which substantially alter or affect the land or water.
  2. Developments which would bring about a change in the use or appearance of land, including but not limited to, construction or alteration of a structure, mining or excavation, subdivision and partitioning of land, and right-of-way dedications and vacations.
  3. Intensification of uses, meaning any additions which increase or expand the area of amount of an existing use or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure.
- C. Activities and Uses Permitted Outright - The following activities and uses shall be permitted within the Willamette Greenway boundaries and shall not require a Greenway Conditional Use Permit:
  1. Gravel removal from the bed of the Willamette River conducted under a permit from the State of Oregon.

C.

2. Customary dredging and channel maintenance.
3. The placing, by a public agency, of signs, markers, aids, etc., to serve the public.
4. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands.
5. On scenic easements acquired under ORS 390.332(2)(a), the maintenance authorized by the Statute and ORS 390.368.
6. The use of a small cluster of logs for erosion control.
7. Landscaping and construction of driveways.
8. Maintenance and repair usual and necessary for the continuance of an existing use.
9. Reasonable emergency procedures necessary for the safety or protection of property.
10. Modification of existing residential structures, or construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing residences.
11. Replacement in kind of dwellings destroyed or torn down in accordance with Article 10.02 (nonconforming buildings).
12. Changes, modifications and other practices customarily related to farm use.
13. The sale of property.

### SECTION 12.03 APPLICATIONS

Application for a Greenway Conditional Use Permit shall be made by the owner of the affected property, or authorized agent, on a form prescribed by the Planning Department. The application shall be accompanied by a letter of intent which shall explain in detail the proposed use or activity of the property in question. Also, other detailed information shall be submitted as may be required by the Planning Department including, but not limited to, site and building plans, building elevations, landscaping and parking details; vehicular, pedestrian and river access points, time schedules, existing vegetation and topography, etc.

### SECTION 12.04 CRITERIA FOR GRANTING A GREENWAY CONDITIONAL USE PERMIT

A Greenway Conditional Use Permit may be granted if the proposal conforms to the following general criteria.

- A. The location, size, design and operating characteristics of the proposed development shall be compatible with abutting properties and the surrounding neighborhood with consideration given to harmony in scale, bulk, coverage and density; availability of public facilities and utilities; harmful affects, if any, upon desirable neighborhood character; generation of traffic and the capacity

of surrounding streets; and to any other relevant impact of the proposed use or activity.

- B. The use is permitted either outright or conditionally in the zone in which it is located.
- C. The proposed use promotes and is consistent with the Comprehensive Land Use Plan of the City of Albany.
- D. That the land had been committed to an urban use before December 6, 1975. In determining whether the land was committed to a commercial, recreational, industrial, port, residential or other similar urban use, the economic, developmental and locational factors shall be considered including such factors as the Comprehensive Plan, zoning and land use regulations, and similar plans or policies. In determining whether a commitment to an urban use has occurred on particular lands, the nature and character of other urban uses in the vicinity of the property in question shall be considered, as well as the capability of the land to fulfill the purpose of the Greenway Statute. Lands which are in a natural, scenic, historical or recreational condition on December 6, 1975, shall not be deemed committed to urban use.
- E. Upon finding that land has been committed to an urban use, then the intensification, change of use or development may be permitted when findings in subparagraphs (1) and (2) below have also been satisfied:
  - 1. That to the greatest possible degree, the intensification, change of use or development will provide maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the river; and
  - 2. That to the greatest possible degree, public access will be provided by appropriate legal means to and along the river.
- F. Greenway conditional uses may be allowed on land within urban areas not committed to urban uses as determined under (D) above, and on land within rural areas, provided that the following conditions may be satisfied:
  - 1. To the greatest possible degree, the intensification, change of use or development is compatible with the scenic, natural, historical, recreational character of the Greenway.
  - 2. To the greatest possible degree, the intensification, change of use or development will provide the maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the river; and
  - 3. Where necessary, reasonable public access will be provided by appropriate legal means to and along the river.



## SECTION 12.05 INVESTIGATION AND REPORT

The Planning Department shall conduct an investigation of facts bearing upon the application to ensure that any action taken is consistent with the intent and purpose of this Ordinance and the Willamette Greenway Program. A factual report shall be prepared and submitted to the Hearings Board or Commission for their consideration prior to or at the public hearing. A copy of the report shall also be mailed to the applicant, the Department of Transportation and shall be made available to the general public.

## SECTION 12.06 PUBLIC HEARING BY THE COMMISSION OR HEARINGS BOARD

Upon receipt of a Greenway Conditional Use Permit, the Planning Department shall set a date for a public hearing and shall provide notification of the hearing date and permit request to the Oregon Department of Transportation by "certified mail--return receipt requested".

Following notification to the Department of Transportation and at least ten days prior to the public hearing, a written notice shall be mailed by the Planning Department to the applicant and residents within 300 feet of the subject property exclusive of street areas. The Commission or Hearings Board shall determine at the public hearing or within 45 days whether or not the proposal conforms to the general criteria as set forth in Section 12.04.

If a Greenway Conditional Use Permit is granted or denied, the minutes of the hearing shall clearly state the reasons for such action.

The determination of the Commission or Hearings Board shall become final 15 days after the day of decision, unless appealed to the Commission or City Council.

The Department of Transportation shall be notified in writing of any final action on a Greenway Conditional Use Permit.

## SECTION 12.07 CONDITIONS

The Commission or Hearings Board shall designate conditions in connection with the Greenway Conditional Use Permit as it deems necessary to secure the purpose of this Article and may require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- A. Regulation of uses.
- B. Special yards, spaces.
- C. Fences and walls.
- D. Surfacing or parking areas to City specifications.
- E. Street dedications and improvement petitions (or bonds).
- F. Regulation of points of vehicular and pedestrian access.
- G. Regulation of signs.

- H. Landscaping and maintenance by underground irrigation systems.
- I. Maintenance of the grounds.
- J. Regulation of noise, vibration, odors or other similar nuisances.
- K. Time period within which the proposed use shall be developed.
- L. Maintenance of natural vegetative growth and open space.
- M. Any other measures as may be necessary to ensure that the proposed use or activity will be compatible with the Willamette Greenway Program.

### SECTION 12.08 APPEALS

During the period of 15 days referred to in Section 12.06, written appeals from action of the Commission or Board may be taken to the Commission or Council by the applicant or other interested parties. Such appeal shall be filed with the Planning Department and shall state the grounds for appeal. The Use Permit shall not become effective until the issue of an appeal is decided.

### SECTION 12.09 ACTION ON THE APPEALS BY THE COUNCIL OR COMMISSION

The Council or Commission shall set a date and time for a public hearing on the appeal and notify all affected parties as outlined in Section 12.06. The Council or Commission shall receive a report setting forth reasons for the action taken by the Commission or members of the Hearings Board. The Council or Commission shall render its decision within 60 days after the filing of such appeal. The Council or Commission may affirm, reverse or modify any decision, determination or requirements of the Commission or Hearings Board action. However, before changing any decision or conditions imposed in granting the Use Permit, the Commission or Council shall make written findings of facts setting forth wherein the Commission or Hearings Board findings were in error.

### SECTION 12.10 ADHERENCE TO APPROVED PLANS

In the event of a violation or failure to comply with any prescribed conditions of approval, the Commission or Hearings Board may, after notice and hearing, revoke any Greenway Conditional Use Permit. In the case of revocation of a Use Permit, the determination of the Commission or Board shall become final 15 days after the date of the decision unless appealed to the Commission or Council in accordance with Sections 12.08 and 12.09.

ARTICLE 13  
HOME OCCUPATIONS - STANDARDS AND PROCEDURES

## SECTION 13.01 HOME OCCUPATION - PURPOSE

The Home Occupation provision is in recognition of the needs of many people who are engaged in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or which, in the nature of the home occupation, cannot be expanded to a full-scale enterprise. (*see definition - home occupation*)

## SECTION 13.02 HOME OCCUPATION STANDARDS

A Home Occupation shall be allowed as a permitted accessory use provided the following conditions are met:

- A. The use must be carried on only by members of the family residing on the premises.
- B. There must be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the operation.
- C. One sign shall be allowed which shall have dimensions of not larger than 12 inches by 18 inches and which must be placed in a window or attached to the building.
- D. There shall be no display, other than the allowed sign, which would indicate from the exterior that the building is being used for any purpose other than a dwelling.
- E. There shall be no visible outside storage of materials other than plant materials.
- F. There shall be no outside paid employees.
- G. The use shall not adversely affect the residential character of the neighborhood.
- H. There shall not be excessive generation of traffic created by the home occupation.

## SECTION 13.03 COMPLAINT PROCEDURES

Complaints on non-conformance with the above conditions shall be dealt with as follows: The Hearings Board shall review home occupations upon receipt of two written complaints from two unrelated individuals who reside or own property within 300 feet of the subject property excluding street areas. The complaints shall clearly state the nature of the objection to the home occupation.

All such complaints shall be investigated by the Building Official, and results of the investigation shall be reported to the Hearings Board at a regular meeting. The complainants and owner of the home occupation shall be notified of the meeting. Standards for judging objections shall include, but are not limited to, the following:

- A. Generation of excessive traffic.
- B. Monopoly of on-street parking spaces.
- C. Frequent deliveries and pickups by trucks.
- D. Other offensive activities not in harmony with a residential neighborhood as may be determined by the Hearings Board.

SECTION 13.04 ACTION BY HEARINGS BOARD

The Hearings Board, upon hearing the evidence, may:

- A. Approve the use as it exists.
- B. Require the use to be terminated.
- C. Impose appropriate restrictions on the operation of the home occupation.

The determination of the Board becomes final 15 days after the date of the decision, unless appealed by application to the Planning Commission. The Planning Commission decision may be appealed to the City Council as allowed by Ordinance 3767.

ARTICLE 14  
MOBILE HOME DEVELOPMENT STANDARDS AND PROCEDURES

## SECTION 14.01 DESCRIPTION AND PURPOSE

Mobile homes and mobile home parks have distinct characteristics and their location, arrangement and density may not be in harmony with certain adjoining land uses; therefore, it is necessary that adequate safeguards be imposed to provide for proper location with special consideration being given to adjacent land uses and to the development of the whole community.

## SECTION 14.02 CONFLICT WITH STATE STATUTES

None of the following provisions or standards are intended to establish requirements lower than provided by State Statute, nor any applicable administrative rules adopted by a state agency.

## SECTION 14.03 FIRE PROTECTION AND PLUMBING STANDARDS

- A. Fire Protection: Standards for fire protection in mobile home parks shall comply with local and state codes, or whichever is more restrictive.
- B. Plumbing Standards: The design, materials and installation of all plumbing and sewer installations within a mobile home park shall comply with local and state codes, or whichever is more restrictive.

## SECTION 14.04 DEFINITIONS

As used in this Article, the following words and phrases shall mean:

Accessory structure: An attached or unattached structural addition to a mobile home or mobile home space including but not limited to: cabanas, awnings, carports, garages, covered porches, storage structures, and covered patios.

Accessway: An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a mobile home park and connects to a public street.

Awning: A stationary structure used in conjunction with a mobile home, other than a window awning or ramada for the purpose of providing shelter from the sun and rain for patios, porches or yard areas, and having a roof with supports and not more than one wall.

Cabana: A stationary structure which may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home, to provide additional living space meant to be moved with the mobile home.

Carport: A stationary structure consisting of a roof with its supports which is entirely open on two or more sides and is used for sheltering a motor vehicle.

Mobile Home: A modular unit(s) built on a chasis, with a minimum body width of ten feet and minimum area of 400 square feet, designed to be used as a dwelling, with or without a permanent foundation, and containing living facilities for year-round occupancy including approved connections to water, sanitary-storm sewers, and electric utility systems.

Mobile Home Park: A parcel of land under common ownership on which four or more mobile homes are occupied as residences and which conforms to the regulations of this Article.

Mobile Home Subdivision: A subdivision developed under the provisions outlined for Mobile Home Parks in this Article and using also the standards for conventional subdivisions as prescribed by State Statutes and the City's subdivision ordinance. Mobile home subdivisions are designed for sale of lots for residential occupancy by mobile homes.

Mobile Home Space or Lot: A plot of ground within a mobile home park or subdivision designed for the accommodation of one mobile home, its accessory structures, parking spaces, and required yard areas.

Modular Home: A factory fabricated transportable building designed to be used by itself or to be incorporated with similar structures or units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include buildings constructed at a site from prefabricated panels, trusses, and other prefabricated supplements.

Ramada: A structure having a roof extending over a mobile home or mobile home space which is designed for protection of the mobile home from sun and rain.

Stand: A hard surfaced area within a mobile home space or lot designed for placement of a mobile home.

Travel Trailer: A portable structure capable of being towed or driven, having a width of less than ten feet, and which is designed to be used as a temporary dwelling unit.

#### SECTION 14.05 PERMITTED USES

No building, structure or land shall be located or used within the boundaries of a mobile home park or subdivision except as follows:

- A. Only those mobile homes bearing a current "Insignia of Compliance" or other documentation demonstrating conformance with current State of Oregon building standards for mobile homes.
- B. Accessory uses, structures, and buildings, except ramadas.
- C. Community laundry and recreation facilities, including swimming pools, for residents of the park and guests only.
- D. A mobile home park may have one residence other than a mobile home for the use of a caretaker or a manager responsible for maintaining or operating the property.
- E. Modular homes shall be permitted in mobile home subdivisions provided that they meet the same minimum requirements pertaining to mobile homes as outlined in this Article.



## SECTION 14.06 PROHIBITING MOBILE HOMES IN CERTAIN DISTRICTS

No person shall maintain a mobile home for residential purposes in any use district except in an approved mobile home park or subdivision with the following exceptions:

- A. Mobile homes presently located on individual lots which are being used for residential purposes upon the effective date of this Ordinance.
- B. If the use of the property for a mobile home site is discontinued for any reason for more than six months, it shall not be re-established.
- C. By current City Ordinance No. 3735, single mobile homes may be allowed on a temporary basis in any use district subject to issuance of a special use permit by the Commission or Hearings Board for the following uses: to provide housing for a person or persons with a medical hardship, and to provide a temporary structure for night watchmen, construction firms, and education and nonprofit organizations.

## SECTION 14.07 ZONING APPROVAL REQUIRED FOR A NEW OR EXPANSION OF AN EXISTING MOBILE HOME PARK

No building permit shall be issued for construction of a new or expansion of an existing mobile home park in any use district until a conditional use permit has been granted. At the time of the preliminary public hearing the Hearings Board or Commission may give tentative approval of the mobile home park and preliminary site plan. Final approval, which requires a second public hearing, shall be contingent upon the submission of acceptable plot and detailed plans as required by Section 14.12.

New mobile home parks and subdivisions shall be permitted in the RS, R-1, R-2 and C-2 Districts only.

## SECTION 14.08 GENERAL CONDITIONS AND LIMITATIONS

- A. Area: The parcel of land to be used for mobile home park development or subdivision shall contain not less than five acres.
- B. Density: In no event shall the density exceed ten mobile homes per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each mobile home.
- C. Yard Regulations: (1) A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a building within the mobile home park or closer than 10 feet from a park property boundary line, except that each mobile home and accessory building or structure shall be located at least 25 feet from any park property line abutting upon a public street or highway.  
  
(2) Accessory buildings may be attached or located within 10 feet of the mobile home for which they are used.
- D. Development of Boundaries: An ornamental, sight-obscuring wood fence or wall of not less than six feet in height and/or evergreen hedge planting of not less than five feet in height, shall surround the mobile home park. Such fence, wall or hedge may be placed up to the front property line if adequate vision clearance is maintained for all adjoining streets and driveways.

- E. Signs: All signs shall be reviewed and approved by the Commission or Hearings Board.
- F. Parking Requirements: Mobile home parks shall be designed to include two automobile parking spaces for each mobile home lot. Any parking in accessways (park streets) shall not fulfill this requirement.
- G. Access to a Public Street: A mobile home park shall not be established on any site that does not have access to a public street on which the potential paving width is less than 36 feet.
- H. Service Buildings: Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable City and State ordinances and statutes regulating buildings, electrical installations, plumbing and sanitation systems.
- I. Structures: Structures located in any mobile home space shall be limited to accessory structures as defined in this Article except that no mobile home shall be attached to a permanent structure other than another mobile or modular unit.

#### SECTION 14.09 MINIMUM SITE REQUIREMENTS

- A. Accessways: Accessways shall connect each trailer space to a public street and shall meet the standards outlined in Section 14.11.
- B. Walkways: Walkways of not less than three feet in width shall be provided from each mobile home space to the service buildings and recreational area or areas, and from the patio to the accessway. The accessway may be considered as part of the walkway to the service building.
- C. Recreation Area: (1) A minimum of 200 square feet per mobile home space of outdoor or indoor recreation area shall be provided which may be in one or more locations in the park. At least one recreation area shall have minimum dimensions of 50 feet by 100 feet. (2) A separate play area shall be provided in all mobile home parks that accommodate children under 14 years of age. Such play area shall be not less than 2,500 square feet in area with at least 100 square feet of play area provided for each mobile home lot occupied by children.

EXCEPTION: (a) Separate play areas are not required if mobile home parks are restricted as shown on their license to children over the age of 14 years.

(b) Separate play areas are not required when mobile home parks accommodate children under the age of 14 years when the mobile home lot areas are at least 4,000 square feet in size.

- D. Electrical: Electrical service equipment complying with the State of Oregon Electrical Code shall be provided for each mobile home space.
- E. Sewers: Each mobile home space shall be provided with a sewer connection which complies with the State of Oregon Plumbing Code.
- F. Water Supply: A continuous supply of pure water for drinking and domestic purposes shall be supplied by underground facilities to all buildings and mobile home spaces within the park.

## SECTION 14.10 MINIMUM MOBILE HOME SPACE REQUIREMENTS

- A. The average size of a mobile home space shall not be less than 3,000 square feet, and no space shall be smaller than 2,400 square feet. No space shall have a width of less than 40 feet.
- B. No mobile home space shall have a stand of less than ten feet in width and less than 30 feet in length.
- C. All mobile homes shall conform to current tie-down and foundation requirements as required by the State of Oregon.
- D. Occupied mobile homes shall be parked only on stands provided; shall be set back a minimum of ten feet from the edge of all private streets; and shall observe the setbacks as established in Section 14.08.
- E. Each mobile home stand shall be provided with a patio(s) adjacent to the mobile home, and constructed of concrete, asphalt, flagstone, wood or other equivalent hard smooth surface which singly or in combination total at least 120 square feet of area and be not less than 8 feet wide in its least dimension.
- F. One permanent storage building (which may be attached or adjacent to the carport) containing a minimum of 32 square feet of floor area shall be provided for each mobile home space. The building height shall not exceed the height of the mobile home. In lieu of this requirement, a combined storage facility may be provided which contains a minimum of 32 square feet of storage space for each mobile home space. The height of this structure shall not exceed 18 feet.

## SECTION 14.11 MINIMUM IMPROVEMENT REQUIREMENTS

- A. Roadways within an accessway and sidewalk shall be paved with a crushed rock base and asphaltic or concrete surfacing according to structural specifications established by the City Engineer and the State Department of Commerce (Building Codes Division).
- B. (1) Access to Park Streets: Each mobile home lot within a mobile home park shall have direct access to a park street (for movement of mobile homes). The access shall be an unobstructed area, not less than 14 feet in width.  
(2) Park Streets: The minimum surfaced width of the roadway within an accessway shall be 24 feet if there is no parking allowed and 30 feet if parking is allowed on one side only and 36 feet if parking is allowed on both sides. The first 50 feet of the accessway measured from the public street shall be surfaced to a minimum width of 30 feet and shall be connected to the existing public street according to plans approved by the City Engineer.
- C. All accessways and walkways within the park shall be lighted at night to provide a minimum of 1.0 foot candles of illumination.
- D. Wires for service to light poles and mobile home spaces shall be underground.

- E. Mobile home stands and placement shall be in accordance with State Department of Commerce (Building Codes Division) requirements.
- F. The mobile home park shall be properly drained in accordance with plans approved by the City Engineer.
- G. Recreation areas shall be improved and maintained in accordance with detailed plans approved by the Hearings Board or Commission.
- H. All garbage receptacles shall be screened or placed underground.
- I. Public telephone service shall be made available for the mobile home park residents.
- J. Adequate and properly equipped laundry room facilities shall be provided or in lieu thereof, each mobile home shall contain provisions for standard laundry facilities.

#### SECTION 14.12 PROFESSIONAL DESIGN AND PLOT PLANS REQUIRED

- A. Professional Design Team: The applicant for a proposed mobile home park shall certify in writing that the talents of a registered architect or professional designer, landscape architect, and registered engineer or land surveyor licensed by the State of Oregon have been utilized in the design and development of the project.
- B. Plot Plans Required: The application for a new or expansion of an existing mobile home park shall be accompanied by six copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park and should be drawn to a scale not smaller than one inch representing 40 feet. The drawing shall include all of the following information:
  1. Plot plan of land indicating location of adjacent streets and all private right-of-way existing and proposed within 400 feet of the development site.
  2. A legal boundary survey.
  3. Boundaries and dimensions of the mobile home park.
  4. Location and dimensions of each mobile home space. Designate each space by number, letter or name.
  5. Name of mobile home park and address.
  6. Scale and north point of plan.
  7. Location and dimensions of each existing or proposed structure, together with the usage and approximate location of all entrances, height and gross floor area.
  8. Location and width of accessways.
  9. Location and width of walkways.

10. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
11. Extent, location, arrangement and proposed improvements of all open space, landscaping, fences and walls, and garbage receptacles.
12. Architectural drawings and sketches demonstrating the planning and character of the proposed development.
13. Total number of mobile spaces.
14. Location of each lighting fixture for lighting mobile home spaces and grounds.
15. Location of recreation areas, buildings and area of recreation space in square feet.
16. Location and type of landscaping, fence, wall or combination of any of these or other screening materials.
17. Location of point where mobile home park water and sewer system connects with the public system.
18. Location of available fire and irrigation hydrants.
19. Location of public telephone service for the park.
20. Enlarged plot plan of a typical mobile home space, showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping.
21. Detailed plans required. At the time of application for a permit to construct a new park or to expand an existing mobile home park, the applicant shall submit five copies of the required detailed plans:
  - a. New structures.
  - b. Water and sewer systems.
  - c. Utility easements
  - d. Road, sidewalk and patio construction.
  - e. Drainage system, including existing and proposed finished grades.
  - f. Recreation area improvements.
22. Before construction of a swimming pool in a mobile home park, two copies of plans approved by the Oregon State Board of Health shall be filed with the Building Inspector.
23. A construction time schedule and development phase plan shall be submitted for approval by the Hearings Board or Commission.

#### SECTION 14.13 MOBILE HOME SUBDIVISIONS

Mobile and modular home subdivisions may be permitted under the provisions of this Article if the Hearings Board or Commission, upon review, have determined that the proposed development meets the purpose and intent of this Ordinance, current subdivision law or the provisions of a Planned Unit Development.

However, the Planning Commission or Hearings Board may require standards and conditions which are more restrictive than those outlined in this Article for mobile home subdivisions.

#### SECTION 14.14 ADHERENCE TO APPROVED PLAN AND DEVELOPMENT SCHEDULE

The applicant shall agree in writing to be bound for himself and his successors in interest by the conditions prescribed for approval of a mobile home park or subdivision. The approved final plan and stage development schedule shall control the issuance of all permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Planning Director if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

#### SECTION 14.15 COMPLIANCE WITH STATE CODES

In addition to the requirements of this article, all mobile home parks shall also comply with the "State Department of Commerce (Building Codes Division) Mobile Home Park Standards". Where duplication exists between State and City codes, the more restrictive requirements shall apply.

ARTICLE 15  
PLANNED UNIT DEVELOPMENT REGULATIONS

## SECTION 15.01 PURPOSE

The purpose of these regulations are to encourage comprehensive development of large parcels of land; to promote architectural and functional land use design by allowing flexibility in the placement and uses of buildings, recreational areas, open spaces, streets, utilities and off-street parking areas, and to more efficiently utilize special features of geography, topography, size or shape of parcels and to permit variation in height of buildings, but still requiring a development to maintain a ratio of site area to dwelling units that will be in harmony with the area.

## SECTION 15.02 GENERAL STANDARDS AND REQUIREMENTS

### A. Size of Parcel:

Planned Residential, Commercial or Industrial developments may be established in permitted districts on parcels of land which are of sufficient size to be planned and developed in a manner that is consistent with the purpose and objectives of this Article.

For those Planned Unit Developments which are located in the R-1 or RS zone, the site shall include not less than four acres of contiguous land, unless the Planning Commission or City Council, upon appeal, find that the property of less than four acres is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of the fact that it is in an isolated problem area.

### B. Ownership:

1. The tract or tracts of land included in a proposed Planned Unit Development must be in one ownership or control or the subject of a joint application by the owners of all the property included.
2. Unless otherwise provided as a condition for approval of a Planned Unit Development permit, the permittee may divide and transfer units of any development for which a permit is required. However, the transferee shall use and maintain each such unit in strict conformance with the approved permit and development plans.
3. Application for Planned Unit Developments may be made by persons who have control of the subject property by way of fee or option to purchase, which must extend for a period of not less than 90 days.

### C. Professional Design:

The applicant for all proposed Planned Unit Developments, pursuant to Article 15 shall certify in writing that each of the following categories shall be utilized in the planning process for development.

1. A licensed architect or professional designer.
2. A certified nurseryman or landscape architect.
3. A registered engineer or land surveyor.



One of the professional consultants chosen by the applicant from either 1., 2., or 3., and/or the developer shall be designated to be responsible for conferring with the Planning staff with respect to the concept and details of the plan. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the Planning staff or the Planning Commission.

The planning process for development shall include:

1. Plot plan of land in area to be developed indicating location of adjacent streets and all private right-of-way existing and proposed.
2. A legal boundary survey.
3. Existing and proposed finish grades of the property with all drainage features.
4. Location of all proposed structures, together with the proposed usage, approximate location of all entrances, height and gross floor area.
5. Vehicular and pedestrian circulation features within the site and on adjacent streets and alleys.
6. The extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
7. The extent, location, arrangement and proposed improvements of all open space, landscaping, underground irrigation, fences and walls.
8. Architectural drawings and sketches demonstrating the planning and character of the proposed development, with special emphasis given to Environmental Quality and design compatibility.
9. The density and type of dwellings.
10. A factual summary to include physical, social and economic factors.
11. Plans showing the extent and location of all sanitary sewers, storm drainage and all other utility systems.

D. Permitted Buildings and Uses:

The following buildings and uses may be permitted either singly or in combination, although the combination may require a zone change.

1. Planned Residential Developments:
  - a. Accessory buildings and uses.
  - b. Duplexes.
  - c. Dwellings, multiple family.
  - d. Dwellings, single family.
  - e. Open space.
  - f. Parks, playgrounds, golf courses, driving ranges or community centers or recreation facilities supported by the PUD.
  - g. Commercial services supported mainly by the Residential Planned Unit Development.

2. Planned Commercial and/or Industrial Developments:

Buildings and uses permitted in planned commercial or industrial developments shall be governed by the buildings and uses permitted in the district in which such development occurs. Other buildings and uses may be allowed as determined by the Planning Commission under a Conditional Use Permit, provided such uses are allowed in that district as prescribed by Conditional Use Permit procedures outlined in Article 11 of this Ordinance.

SECTION 15.03 DEVELOPMENT STANDARDS

In addition to standard requirements found in the use district, the following regulations shall also apply to all planned unit developments:

- A. Performance Standards: Any commercial or industrial uses in the development shall be subject to the applicable provisions of the performance standards in Article 9.
- B. Outdoor Living Area: Outdoor living area shall be provided in the following manner:
1. In all residential developments or in combination residential-commercial developments, 40 percent of the gross land area shall be devoted to outdoor living area. Of this required area, 25 percent of the required outdoor living area may be utilized privately by individual owners or users of the Planned Unit Development; however, at least 75 percent of this area shall be common or shared outdoor living area.
  2. Outdoor living area required by this article may be dedicated to the City provided the size and amount of the proposed dedication meets the criteria of the City for neighborhood parks. The square footage of land dedicated for public parks shall be deemed a part of the development site for the purpose of computing coverage density. The purpose of this requirement is to provide adequate light, air, open space and recreational facilities to occupants of such development.
- C. Indoor Recreation Area: In all planned residential developments having 30 living units or more, indoor recreation area (*see definition*) shall be established using the following minimum guidelines:
1. Ten square feet of indoor recreation area for each living unit in the development.
  2. Play equipment, athletic facilities, and/or gameroom facilities and equipment in amounts commensurate with the size of the building or room, to be maintained by the property owner.
  3. At least one restroom for all indoor recreation buildings or rooms under 600 square feet and two restrooms for all indoor recreation buildings or rooms 600 square feet or greater.
  4. All indoor recreation rooms and buildings shall be fully lighted, heated and shall meet all uniform building codes.

5. The off-street parking requirement for recreation rooms and buildings shall be one space per each 150 square feet of floor area. This requirement shall be in addition to the requirements of Article 8.
- D. Height Guidelines: The sun exposure plane (*see definition*) shall prevail, except that the Commission may further limit heights:
    1. Around the site boundaries.
    2. To protect scenic vistas from greater encroachments than would occur if development were limited to conventional residential structures.
  - E. Underground Utilities: In any planned unit development, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer, unless waived by the Commission.
  - F. Density: When calculating density of a proposed planned unit development the regulations of the basic use district in which the development is located shall apply except as follows:
    1. When calculating density of the proposed planned unit development, the total area including street and park land dedications shall be included.
    2. In return for innovations in design, a high level of design quality, and effective utilization of resources, the Planning Commission may allow an increase in density up to ten percent over the allowable density of the basic use district.

#### SECTION 15.04 DISTRIBUTION OF FACILITIES WITHOUT REFERENCE TO LOT LINES

Individual buildings, accessory buildings, off-street parking and loading facilities, open space, landscaping and screening may be located without reference to lot lines, save the boundary lines of the development, except that required parking spaces serving residential uses shall be located within 200 feet of the building containing the living units served. Also, setbacks as may be required to maintain vision clearance on corner lots shall be maintained.

#### SECTION 15.05 WAIVER OR REDUCTION OF YARD AND OTHER DIMENSIONAL REQUIREMENTS

The minimum lot area, width and frontage, height and yard requirements otherwise applied in the use district shall not dictate the strict development of the P.U.D., but shall only serve as general guidelines which may be fluctuated or adjusted to provide for a higher quality development.

#### SECTION 15.06 DEDICATION AND MAINTENANCE OF FACILITIES

The Planning Commission may, as a condition of approval for any planned unit development, require that portions of the tract or tracts be set aside, improved, conveyed or dedicated for the following uses:

- A. Recreation Facilities: The Commission may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development.

- B. Outdoor Living Area: Whenever private outdoor living area is provided, the Commission may require that an association of owners or tenants be created into a nonprofit corporation under the laws of the State of Oregon. Owners of the subject property shall automatically be members and shall be subject to assessments levied to maintain said outdoor living area for the purposes intended. The period of existence of such association shall be not less than 20 years, and it shall continue thereafter and until a majority vote of the members shall terminate it.
- C. Streets: The Commission may require that right-of-way width within the development be dedicated to the City when such is necessary in accordance with the City of Albany Interim Highway and Street right-of-way plan. Such other streets necessary to the proper development of adjacent properties may also be required.
- D. Easements: Easements necessary for the orderly extension of public utilities may be required as a condition of approval.

ARTICLE 16  
PLANNED UNIT DEVELOPMENT PROCEDURES

## SECTION 16.01 DESCRIPTION AND PURPOSE

The purpose of these provisions is to prescribe the procedures for the review of planned unit developments and to encourage those which are appropriately designed and located. These procedures shall apply to all proposed developments for which a permit is required by Section 16.02. Whenever such a development requires a subdivision, the procedures of the Subdivision Ordinance shall also apply.

## SECTION 16.02 PERMIT CRITERIA

A planned unit development permit may be granted by the Commission only if it is found that the development conforms to all of the following criteria:

- A. The location, design, size and uses are consistent with the Comprehensive Plan and Zoning and Land Use Regulations.
- B. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.
- C. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned facilities and services.
- D. That the location, design, size, and uses will result in an attractive, healthful, efficient and stable environment for living, shopping or working.

## SECTION 16.03 APPLICATION

A letter of intent for planned unit developments shall be submitted by the owner(s) or authorized agent or by another party described in Section 15.02 to the Planning Department. There shall be a three-stage review process consisting of Preliminary Stage (Stage One), Interim Approval (Stage Two) and Final Approval (Stage Three).

- A. Preliminary (Stage One) The owner(s) or authorized agent shall submit to the Planning Department the following information:
  1. A schematic drawing at a minimum scale of one inch equals 200 feet (1" - 200') showing the general relationship contemplated among all public and private uses and existing physical features.
  2. A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types and density, non-residential uses, lot layout, public and private access, parking, height of structures, lighting, landscaped areas and provisions for continued maintenance, areas to be devoted to various uses and population densities per gross acre contemplated by the applicant.

The developer and planning staff shall meet together and determine whether the requirements of Section 15.03 have been met. If there is disagreement on this issue, the applicant by request or the staff may take preliminary information to the Planning Commission for their determination of whether this site qualifies for the proposed Planned Unit Development.

The applicant must indicate to the staff or Planning Commission his professional design team as outlined in Section 15.02 during Stage One, and should also designate who is to be his professional coordinator. The professional coordinator shall be responsible for presenting the developer's plan in all of the broad professional aspects to the Planning Department. If the staff and applicant reach a satisfactory agreement, the applicant may proceed to prepare data for Stage Two - Interim Approval.

- B. Interim Approval (Stage Two) Applications for Interim Approval shall be made by the owner(s) of all affected property or his authorized agent and shall be filed with and on a form prescribed by the Planning Department.

Applications shall be accompanied by a fee prescribed in Article 20 and accompanied by the following information:

1. Eleven copies of a preliminary plan for the entire development showing streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas; location and approximate dimensions of structures, utilization of structures, lighting, activities, and the number of living units; major landscaping features; relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space. Such plan shall include maps and information on the surrounding area within 400 feet of the development. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor shall also be submitted.
2. The elevations of all points used to determine contours shall be indicated on the preliminary plan and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The extent and need to submit this information shall be determined by the City Engineer in accordance with City policies and procedures for data collection and engineering design of improvement projects.
3. A tabulation of land area to be devoted to various uses, and a calculation of the average residential density per acre.
4. A development schedule demonstrating that the developer intends to commence construction within one year after approval of the final development plan, and will proceed diligently to completion.
5. An estimated schedule will also be required if the final development plan is to be executed in stages.

#### SECTION 16.04 INTERIM PLANNING COMMISSION ACTION (STAGE TWO)

A public hearing shall be held with notice being given by posting at least five notices within 500 feet, exclusive of street areas, of the property involved at least ten days prior to the date of the hearing. After such hearing the Commission shall determine whether the proposal conforms to the permit criteria in Section 16.02 and to the regulations in Article 15, and may approve or disapprove the application and the accompanying preliminary development plan

or require changes or impose conditions of approval that are necessary to ensure conformity to the permit criteria and regulations. In so doing, the Commission may authorize submission of the final development plan in stages, corresponding to different units or elements of the development. The determination of the Commission shall become final 15 days after the date of decision unless appealed to the City Council.

#### SECTION 16.05 PUBLIC WORKS DEPARTMENT REPORT

Within 15 days after the filing of the interim development plan, the Planning Department shall forward such development plan and the original application to the Public Works Department for review of public improvements, including streets, sewers, and drainage. The Commission shall not act on a final development plan until it has first received a report from Public Works and other City departments (Police, Fire, Parks and Recreation).

#### SECTION 16.06 FINAL APPROVAL (STAGE THREE)

Within one year after approval of an interim development plan, the applicant shall file with the Planning Department a final plan for the entire development or, when submission in stages has been authorized, the first unit of the development. The final plan shall conform with the approved interim development plan. The final plan shall include all information in the interim plan plus the following: the location of water, sewerage and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; and plans for street improvements and grading or earth-moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required by the Commission for dedication or reservation of public facilities, or for the creation of a non-profit homes association, shall also be submitted.

#### SECTION 16.07 FINAL PLANNING COMMISSION ACTION (STAGE THREE)

Upon receipt of the final development plan, the Commission shall examine it in detail and determine whether it conforms to all applicable criteria and standards, interim approval, required changes in the proposed development, or imposed conditions of approval. In so doing, the Commission may permit the applicant to make necessary revisions in the plan and resubmit it as a complete final development plan within 30 days. If the Commission does grant such permission, the decision of the Commission shall become final 15 days after the date of decision unless appealed to the City Council.

#### SECTION 16.08 APPEAL TO COUNCIL

Within 15 days after a decision by the Commission on an application for interim or final development plan approval, modification or amendment, or revocation of such a plan, an appeal may be taken to the Council by the applicant, permit holder, or any other interested party. Such appeal shall be made on a form provided by and filed with the Planning Department. The appeal shall state specifically where there was an error or abuse of discretion by the Commission or a decision that was not supported by evidence in the record. Upon receipt of such appeal, the Council shall set a time for consideration. The Planning Director shall, not less than five days prior to the hearing, given written notice to the appellant, adverse parties, or their representatives, of the time and place of the hearing. The Council shall examine all of the factual information and data involved and make a final decision.



SECTION 16.09 LIMITATION ON RESUBMISSION

When an application for a planned unit development permit has been denied, no application for the same area or any portion shall be filed by the same applicant within six months after the date of denial.

SECTION 16.10 ADHERENCE TO APPROVED PLAN

The applicant shall agree in writing to be bound for himself and his successors in interest by the conditions prescribed for approval of a development. In addition, the applicant shall record deed restrictions to the subject property which shall be referenced to the approved plans and subject conditions on file with the City of Albany Planning Department. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved interim or final development plan may be approved by the Planning Director if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

SECTION 16.11 REVOCACTION

In the event of failure to comply with approved plans, conditions of approval, stage development schedule, the Commission may, after notice and hearing (Section 16.04), revoke a planned unit development permit. The determination of the Commission shall become final 30 days after the date of decision unless appealed to the City Council.

SECTION 16.12 FAILURE TO ADHERE TO APPROVED PLAN, SATISFY CONDITIONS OR COMPLY WITH STAGE DEVELOPMENT SCHEDULE

Failure to comply with approved preliminary or final development plans, conditions of approval, or stage development schedule, shall constitute a violation of this Ordinance as prescribed in Article 22.

ARTICLE 17  
SITE PLAN REVIEW

## SECTION 17.01 DESCRIPTION AND PURPOSE

The purpose of this Article is to assure that proposed development of land is in conformance with applicable land use regulations, and is designed in a manner to provide the highest level of Architectural Design and Environmental Quality, and which will not be detrimental to the public health, safety and general welfare or to adjacent properties.

## SECTION 17.02 APPLICATION AND EXCEPTIONS

- A. Any development may be subject to site plan review. The Commission or Hearings Board must approve a site plan for each new building, structure, open land use or addition to an existing development prior to issuance of a building permit in all instances where site plan review is requested or required.
- B. The requirement for approval of a site plan does not apply in the following cases:
  - 1. Temporary use of land not to exceed ten days.
  - 2. Single family residence and accessory structures.
  - 3. Development for which a site plan is subject to approval under a zone change, planned unit development, variance or conditional use permit.

## SECTION 17.03 REVIEW PROCEDURES

The applicant for site plan approval shall file an application with the City on a form provided by the Planning Department. The application shall then be referred to the Commission or Hearings Board for appropriate action. Within 30 days following the filing of the application, the Commission or Board shall approve the application, deny it, postpone action, or approve the application with conditions.

## SECTION 17.04 INFORMATION TO ACCOMPANY APPLICATION

The applicant for site plan approval shall be accompanied by a site plan showing the following:

- A. Lot lines and dimensions.
- B. Location of existing and proposed building or improvements.
- C. Height of structure.
- D. Off-street parking lot design including ingress and egress points and proper drainage.
- E. Street right-of-way line.
- F. Setbacks.
- G. Exterior lighting and signs.
- H. Fencing, landscaping and underground irrigation system.

- I. Building elevations to illustrate architectural style and compatibility with neighborhood.
- J. Any other data necessary to indicate the proposed development.

SECTION 17.05 FINDINGS NECESSARY TO GRANTING APPROVAL

In order to approve the site plan, the Commission or Board must find that:

- A. The proposed use and development of land conforms to applicable land use regulations.
- B. The design of land development is not detrimental to the public health, safety, general welfare or to adjacent properties.
- C. The buildings are located so as to provide light and air according to yard requirements.
- D. Parking areas and entrance-exit points are designated so as not to cause exceptional traffic interference on abutting streets.
- E. The site plan and building design does not impair the desirability of investment or occupation of adjoining areas; is not detrimental to orderly development; and does not depreciate land values by being unsightly, undesirable or obnoxious in appearance with the surrounding area.

The Planning Commission may attach any and all conditions felt to be appropriate for proper development of a site.

ARTICLE 18  
VARIANCES

## SECTION 1&01 AUTHORITY TO GRANT VARIANCES

The Hearings Board or Commission may grant variances to the regulations prescribed by this Ordinance with respect to fences and walls, site area, width, frontage, depth, coverage, outdoor living area, front and interior yards, height, distance between structures, off-street parking, curb cuts, and landscaping where there is a special and unusual hardship related to a specific piece of property or if the literal interpretation of this Ordinance would cause an undue or unnecessary hardship.

## SECTION 1&02 APPLICATION AND FEE

A variance request shall be made to the Hearings Board or Commission on a form prescribed by the City, to be accompanied by a fee as required by Article 20.

The variance request shall include an accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking, and off-street loading facilities, landscaped areas, and location of all utilities and easements.

The request shall be filed with the Planning Department which shall give notice to the applicant of the time and place of the public hearing.

## SECTION 1&03 NOTICE

A notice of public hearing shall be given no less than ten days nor more than 15 days prior to the date of the hearing by mailing a notice to owners of abutting property and by posting a notice in at least three locations within 500 feet of the subject property. Such notice shall be posted by the Planning Department after the variance has been filed by the applicant. Such notice shall contain the address or location of the property for which the variance is taken as well as a brief description of the nature of the variance.

## SECTION 1&04 ACTION OF THE BOARD OR COMMISSION

The Board or Commission may grant a variance only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied:

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property.
- B. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.
- C. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Ordinance.
- D. That such unnecessary hardship has not been intentionally created by the applicant.
- E. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

F. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Ordinance provisions which are in question.

In granting any variance, the Commission or Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

#### SECTION 18.05 DURATION OF ORDER

A variance granted by the Board or Commission shall automatically expire within 180 days of the date it was granted or within such time as the Board or Commission shall prescribe unless a building permit for such variance is obtained within such period. The Board or Commission may grant variance extensions for good cause shown, but only if an application for such extension is made prior to the expiration of the variance.

#### SECTION 18.06 APPEAL TO THE COMMISSION OR COUNCIL

Persons aggrieved under the provisions of this Ordinance shall have the right of appeal to the Commission or Council from the decision(s) of the Hearings Board or Commission. Requests for such an appeal shall be made within 15 days from the decision of the Board or Commission. The appeal procedures followed by the Commission or Council shall be the same as required in Article 11.

ARTICLE 19

PROCEDURES FOR ZONING AMENDMENTS, CHANGE IN BOUNDARIES OF  
ZONING DISTRICTS AND DISTRICT REGULATIONS



## SECTION 19.01 PURPOSE

As the Comprehensive Land Use Plan for the City of Albany is implemented and revised over the coming years, there will be a need for changes in use districts and other regulations of this Ordinance. Such changes shall be made in accordance with procedures outlined in this Article.

## SECTION 19.02 INITIATION

A change in the boundaries of any use district may be initiated by the owners of property within the area for which the change of district is proposed or by an authorized agent. If the area for which a change of district is proposed is in more than one ownership, then at least 75% of the property owners or authorized agents, who own or represent at least 75% of the land area involved, shall join in filing the application.

A change in boundaries of any use district and changes or amendments to any of the requirements in the Zoning and Land Use Regulations may be initiated by the Planning Commission or City Council, provided that in either case the procedure prescribed in this Article shall be followed.

## SECTION 19.03 APPLICATION AND FEE

The property owners desiring a change in the boundaries of the district in which the property is located, or his authorized agent, may file an application with the Planning Department using the form prescribed by the City. The application shall be accompanied by a fee as set forth in Article 20 to defray the cost of processing the application.

## SECTION 19.04 PUBLIC HEARING AND NOTICE

- A. The Planning Commission shall hold a public hearing on each application for a change in zoning district boundaries or Zoning and Land Use Regulations.
- B. Applications for zone changes must be filed at least 21 days prior to the public hearing date.
- C. Written notice of proposed zone changes shall be mailed by the Planning Department to the applicants and all property owners and residents within 500 feet of the subject property, exclusive of street areas, not less than ten days nor more than 15 days prior to the public hearing. All affected governmental units shall also be notified by mail.
- D. Notice of public hearings for changes and amendments to the Zoning and Land Use Regulations shall be given by publication in a newspaper of general circulation in the City at least three times which shall appear not less than five days or more than 15 days prior to the date of the first hearing.
- E. Continued hearings may be held on zone changes or changes in the Zoning and Land Use Regulations without giving further notice as outlined above provided that the date and time of additional hearings is given during the advertised or first public hearing.

## SECTION 19.05 PUBLIC HEARING

Public hearings shall be held before the Commission which may establish its own rules for conducting the meeting. At the hearing the Commission shall review the application or proposal, and shall receive pertinent evidence and testimony as to why or how:

- A. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan, Goal Statements and Land Use Regulations of the City.
- B. There is a public need for a change of the kind in question.
- C. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

The applicant has the burden of establishing to the Commission that the requested classification meets these requirements. When a change is initiated by the Planning Commission or City Council, the burden of proof shall be on them. The Commission may review proposals for the use of the property for which a change is requested, and at that time may require site plan review, in accordance with Article 17, prior to the applicant's receiving a building permit or certificate of occupancy.

## SECTION 19.06 INVESTIGATION AND REPORT

The Planning Department shall conduct an investigation of facts bearing upon each application to assure that any action taken is consistent with the intent and purpose of this Ordinance. A factual report shall be prepared and submitted to the Planning Commission for their consideration prior to or at the public hearing. A copy of said report shall also be mailed or delivered to the applicant(s) at the time the report is received by the Commission.

## SECTION 19.07 ACTION OF THE PLANNING COMMISSION

Within 45 days following the public hearing, unless a postponement is announced, the Commission shall make specific findings as to whether or not the change is required to achieve the objectives of the Land Use Regulations and the Goals of the Comprehensive Land Use Plan.

The Commission shall then transmit a fact-finding report to the City Council recommending that the application be granted or denied, or that the proposal be adopted or rejected, together with a copy of recorded minutes and any other pertinent data or information.

## SECTION 19.08 ACTION OF THE CITY COUNCIL

Upon receipt of the Commission's recommendation and other pertinent information, the City Council shall hold a public hearing. The Council will afford interested persons and the general public an opportunity to be heard at a time and place to be specified in a notice of hearing published in a newspaper of general circulation in the city. Such notice shall be published not less than three times within the week prior to which the meeting is to be held. The City Council may adopt rules for conducting public hearings.

At the public hearing the City Council shall make specific findings as to whether or not the change is consistent with and promotes the objectives of the Comprehensive Plan and Land Use Regulations, that it is not contrary to public interest or need, and that the need will be best served by changing the classification of that land versus other available property.

If the Council finds that the change satisfies the above objectives, it shall enact an ordinance amending the regulations or the zoning classification. If the Council finds that the application for a change is not consistent with, and does not further the objectives of the Comprehensive Plan or Land Use Regulations, it shall deny the application.

If the Council proposes action that is in any way contrary to the report and action taken by the Commission, it shall set a date for a joint Council-Commission meeting. The applicant, adverse parties, and interested persons who have appeared and given statements at the Commission or Council hearing, shall be given notice in writing of the meeting and be invited to attend and testify. After said meeting, the Commission shall submit its revised report, if any, to the Council who shall then take final action.

#### SECTION 19.09 LIMITATIONS ON RENEWAL OR REFILING OF APPLICATION

When an application has been denied, no new application for the same purpose shall be filed within one year unless the Commission for a good cause grants permission to do so.

ARTICLE 20  
FEE SCHEDULE

SECTION 20.01 PURPOSE

In order to defray the expense connected with applications for a hearing, the City of Albany shall charge and collect a filing fee for each application as specifically listed in this Article.

SECTION 20.02 OTHER REQUIREMENTS SUBJECT TO THIS ARTICLE

- A. The applicant shall be responsible for submitting the required filing fee with the application.
- B. Whether the request is granted or denied by the Hearings Board, Commission or City Council, the petitioner shall not be entitled to refund of the initial fee paid. However, if the applicant requests to withdraw the application before property owners have been notified or the public hearing advertised, a full refund shall be returned to the applicant within 30 days.

SECTION 20.03 FILING FEES

A. Petition for Zone Change . . . . .	\$150.00
B. Conditional Use Permit . . . . .	50.00
C. Variance Petition . . . . .	50.00
D. Planned Unit Development:	
Stage One - Preliminary . . . . .	No fee
Stage Two - Interim Approval . . . . .	75.00
Stage Three - Final Approval . . . . .	75.00
E. Mobile Home Park Permit:	
First Stage Approval . . . . .	50.00
Final Approval . . . . .	50.00
F. Annexations . . . . .	150.00
G. Appeal Petition . . . . .	25.00
H. Site Plan Review . . . . .	No fee
I. Vacation Petition. . . . .	50.00

ARTICLE 21  
BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

SECTION 21.01 BUILDING PERMIT REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the designated building official. Also, no building permit shall be issued except in conformity with the provisions of this Ordinance.

SECTION 21.02 CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or occupy any building or premises until a certificate of occupancy has been issued by the designated building official stating that the proposed use of the building or land conforms to the requirements of this Ordinance and any other City conditions attached to the development or use of the building or land.

ARTICLE 22  
ENFORCEMENT



## SECTION 22.06 LEGAL PROCEEDINGS BY CITY ATTORNEY

In addition to the remedies prescribed herein, the City Attoreny, upon written request from the Planning Commission or City Council, shall cause to be instituted any civil action, suit, or other legal means it considered to be appropriate to remedy violations of this Ordinance.

## SECTION 22.07 SUITS IN EQUITY TO ENJOIN VIOLATIONS

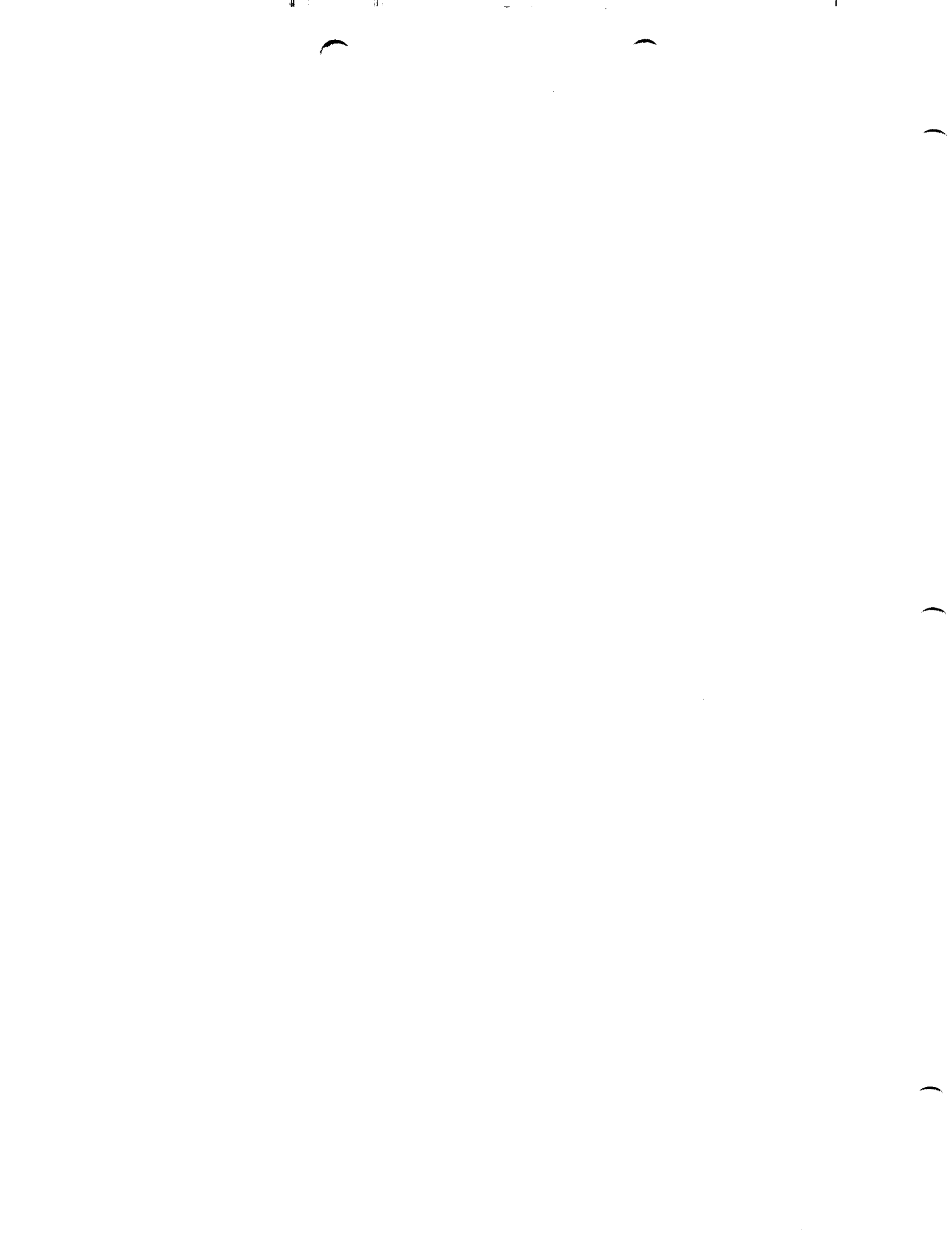
In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be used, in violation of this Ordinance, the City Attorney, as prescribed in this Article, or any person whose interest in real property in the City may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

## SECTION 22.08 PENALTIES - SPECIFIC

In addition to the remedies provided for in this Article, each violation of the provisions of this Ordinance is punishable by a fine not to exceed \$500.00 as may be determined by the municipal court. Also, each 24 hours that a violation is allowed to continue after notification of such has been received by the property owner or an authorized agent shall be considered a separate violation of this Ordinance.

## SECTION 22.09 ENFORCEMENT BY CHIEF OF POLICE

The Chief of Police and his authorized representatives shall have the power to assist in the enforcement of the provisions of this Ordinance.



ARTICLE 23  
DEFINITIONS

For the purpose of this Ordinance the following shall mean:

Abut: Contiguous to; for example, two lots with a common property line. However, "abut" does not apply to buildings, uses, or properties separated by public right-of-way, rivers or canals.

Access: The place, means or way by which pedestrian or vehicles shall have ingress and/or egress to a property or parking space.

Accessory Building: Any detached subordinate building the use of which is appropriate to that of the main building and which is consistent with the buildings and uses allowed in the use district in which it is located.

Accessory Use: Any use incidental or appropriate to the primary use on the same lot or in the same building but which is consistent with the uses allowed in the use district in which it is located.

Alley: A public way not over 30 feet wide providing a secondary means of access to private property.

Alter: A change, addition or modification in construction or occupancy of a building or structure.

Amendment: A change in the working, context, or substance of this Ordinance, or a change in the zone boundaries or use district boundaries upon the zoning map.

Apartment House: See Dwelling, Multiple.

Automobile Sales: See Motor Vehicle and Trailer Sales Area.

Basement: That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Board: See Hearings Board.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building - Main: A building within which is conducted a principal use permitted on a lot.

Building Official: The Superintendent of the Building Department, or his designate.

Campus Living Organization: A living organization having a common kitchen, but providing facilities for student housekeeping, which has received official sanction from an institution of higher learning.

Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries.

Clinic: Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including incidental and appropriate accessory uses.

Clinic, Small Animal: A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with no overnight boarding allowed.

Commission: The Albany City Planning Commission.

Comprehensive Land Use Plan: An official document which establishes the future land use pattern for the City, as may be currently established by the Planning Commission and City Council.

Condominiums: A type of residential development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated, in part, by State law (ORS 91.010 - 91.675).

Coverage: See Lot Coverage.

Day Nursery: An institution, establishment or place in which are commonly received at one time three or more children not of common parentage, under the age of six years, for a period not exceeding 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

Designated City Official: The City Manager and any officer or employee designated by the City Manager to perform duties outlined within this Ordinance.

Development Site:

1. A lot of record existing on the effective date of this Ordinance; or
2. A tract of land either unsubdivided or consisting of two or more contiguous lots of record which, on the effective date of this Ordinance, was in a single or common ownership.

Dwelling: A building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and tourist courts.

Dwelling, Multiple: A building under single or common ownership designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single Family: A detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

Dwelling, Two Family (Duplex): A building under single or common ownership designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

Dwelling Unit: One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking and eating.

Dwelling Unit, Quad: A dwelling, which for purposes of this Ordinance shall count as two dwelling units, which has separate sleeping and living quarters for four individuals but which is centered around a common kitchen facility.

Dwelling Unit, Quint: A dwelling, which for purposes of this Ordinance shall count as two and one-half dwelling units, which has separate sleeping and living quarters for five individuals but which is centered around a common kitchen facility.

Family: An individual or two or more persons related by blood or marriage, or a group of not more than five persons not related by blood or marriage, living together as a housekeeping unit.

Floor Area: The combined floor area on each level or story of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, rooms designed and used for the purpose of storage and operation of maintenance equipment, and enclosed or covered parking areas.

Garage, Private Parking: A structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Ordinance and are not open for use by the general public.

Garage, Public Parking: A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this Ordinance provided said parking spaces are clearly identified as free parking space(s) for the building or use.

Garage, Repair: A building used for the care and repair of motor vehicles, including major and minor work such as body and fender work or engine and transmission overhaul, and incidental storage or parking of vehicles.

Grade (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from and parallel to the building.

Gross Floor Area: The combined floor area on each level or story of a building as measured within the exterior walls of such building.

Group Care Home: Any private or public institution maintained and operated for the care, boarding, housing or training of four or more physically, mentally or socially handicapped or delinquent elderly or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage or legal adoption to such persons.

Habitable Room: An enclosed room containing more than 70 square feet of floor space and commonly used for living purposes, but excluding:

1. Lobbies, halls, closets, storage space.
2. Unfinished attics, cellars, or basements.
3. Bathrooms, utility rooms or kitchens or other cooking spaces.
4. Dinette alcoves, dinettes or other dining spaces, if these are not separated by walls or doors from other rooms or cooking spaces.

Hearings Board: The Albany Hearings Board - a three-member board and one alternate consisting of Planning Commission members as authorized by City Ordinance Number 3767.

Height of Building: The vertical distance above "Grade" as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Home Occupation: An occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance not manifest any characteristics of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Hospitals: Institutions devoted primarily to the rendering of healing, curing and/or nursing care which maintain and operate facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and/or nursing care is rendered over a period exceeding 24 hours.

Hospital, Small Animal: A building, together with animal runs, in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.

Hotel (Motel, Motor Hotel, Tourist Court): A building or group of buildings used for transient residential purposes containing six or more rental units which are designed to be used, or which are used, rented or hired out for sleeping purposes.

Indoor Recreation Area: A room or rooms within an enclosed building which is designed and used for recreational purposes by the public and/or occupants of a residential development. Activities provided for within

an indoor recreation area may include, but are not limited to, the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance floors, tennis or handball courts, and games such as pool, ping pong, shuffleboard, etc.

Kennels: A lot or premises on which three or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six months.

Loading Space: An off-street space or berth on the same lot with a main building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley or other appropriate means of ingress and egress.

Landscaping: The term "landscaping" includes not only trees, grass, bushes, shrubs, flowers and garden areas but also the arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas and artificial turf or carpeting.

Lot: A unit of land which is or may be occupied by principal and accessory structures, together with the yards or open spaces required by this Ordinance and which has legal access to public right-of-way, and exists as a unit under ownership of record.

Lot, Corner: A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

Lot, Coverage: That portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where fifty percent or more of the perimeter of such structure is open from grade.

Lot, Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Frontage: That portion of a lot nearest the street. For the purpose of determining yard requirements, all sides of a lot adjacent to a street shall be considered frontage and yards shall be provided as indicated under yards in this Ordinance.

Lot, Interior: A lot other than a corner lot.

Lot Line: Any property line bounding a lot.

Lot Line, Front: A property line contiguous with any street line.

Lot Line, Interior: Includes any side or rear lot line as defined herein.

Lot Line, Rear: A lot line which is opposite and most distant from the front lot line and in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.



Lot Line, Side: A lot line which extends from any front lot line to a rear lot line, or in the case of a corner, triangular or irregular shaped lot, to another side lot line.

Lot of Record: A lot shown as part of a recorded subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded in the office of the County Recorder; except that no lot or parcel of land created without complying with the provisions of the Land Division Requirements of the State of Oregon and the City Subdivision Ordinance is entitled to the waiver of this section.

Lot, Through: A lot or development site other than a corner lot with frontage on more than one street. Through lots with frontage on two streets may be referred to as "double-frontage" lots.

Lot, Width: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Mobile Home: See Article 13 - Definitions and regulations.

Motel or Tourist Court: See Hotel.

Motor Vehicle and Trailer Sales Area: A lot used for display, sale or rental of new or used motor vehicles or trailers where no repair work is done except minor, incidental repairs of motor vehicles or trailers to be displayed, sold or rented for use off the premises.

Non-Conforming Building: Any building which lawfully existed prior to the effective date of this Ordinance but which due to the requirements adopted herein, no longer complies with the height, yard, area, and coverage regulations, off-street parking requirements or other provisions of this Ordinance pertaining to buildings.

Non-Conforming Lot: A parcel of land which lawfully existed as a lot on the effective date of this Ordinance or which is legally created after the effective date of this Ordinance, but which in either case does not conform to the lot area and lot dimension standards for the district in which it is located.

Non-Conforming Use: Any use which lawfully existed on the effective date of this Ordinance but which due to the requirements adopted herein, no longer complies with the schedule of permitted uses. Uses allowed in certain Use Districts by Conditional Use Permit but which were existing on the effective date of this Ordinance without a Conditional Use Permit shall also be considered as non-conforming.

Nursing Home: A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Outdoor Living Area: Outdoor or semi-outdoor area designed to provide a more pleasant and healthful environment for the occupants or a dwelling unit and the neighborhood in which such dwelling unit is located. It includes natural ground areas, landscaped areas, balconies, porches, patios, terraces, verandas, outdoor swimming pools, play areas, tennis courts, walkways, and similar areas developed for active or passive recreational activities. Outdoor Living Area does not include accessways, parking and loading areas, strips between buildings less than ten feet in width, storage areas, and other areas not usable for outdoor activities.

Parking Area, Private: Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this Ordinance and not open for use by the general public.

Parking Area, Public: Privately or publicly owned property other than streets or alleys on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Ordinance for retail customers, patrons and clients.

Parking Space: A permanently maintained space with proper access for one standard-size automobile.

Person: A natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Planned Unit Development (PUD): A tract of land having singular ownership and developed under provisions of this Ordinance which provide for flexibility and innovation in design and placement of structures and which provide for detailed Planning Commission involvement in review and approval of such developments (see Articles 14 and 15).

Service Station: A place or station selling motor fuel and oil for motor vehicles, servicing batteries, furnishing repair and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing, which necessitates equipment to wash more than one car at a time, and at which accessory sales or incidental services are conducted.

Setback Line: The innermost line of any required yard area on a lot (See Yard).

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Story, Half: A basement or cellar, except as provided in this Ordinance, which has less than six feet of its height above grade.

Street: A public thoroughfare or right-of-way dedicated, deeded or condemned, other than an alley, which affords the principal means of access to

abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this Ordinance. The word "street" shall include all arterial highways, freeways, traffic collector streets, and local streets.

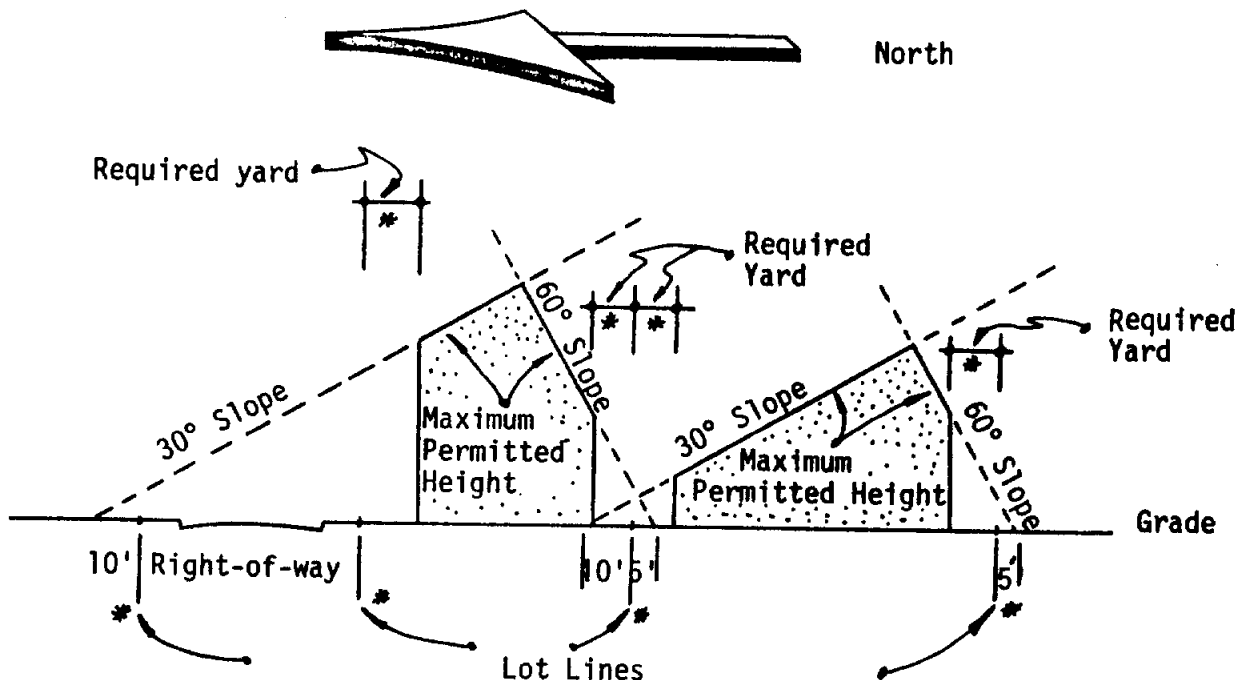
Street Line: A lot line separating a street from other land.

Structure: Anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Sun Exposure: A sun exposure plane is an imaginary, inclined plane:

1. Northerly exposures: Beginning on a line parallel to a front, side or rear property line and ten feet within the abutting property or properties northerly from the northerly line or lines of the development site to which the sun exposure plane applies and projecting thence due south at a 30-degree slope over the applicable development site.
2. Easterly, westerly and southerly exposures: Beginning on lines parallel to front, side or rear property lines, and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plane applies and projecting then due west from the easterly line, due east from the westerly line, and due north from the southerly line, at a 60-degree slope over the applicable development site to a maximum distance of 30 feet measured horizontally from each development site line. (See diagram below and on the following page)

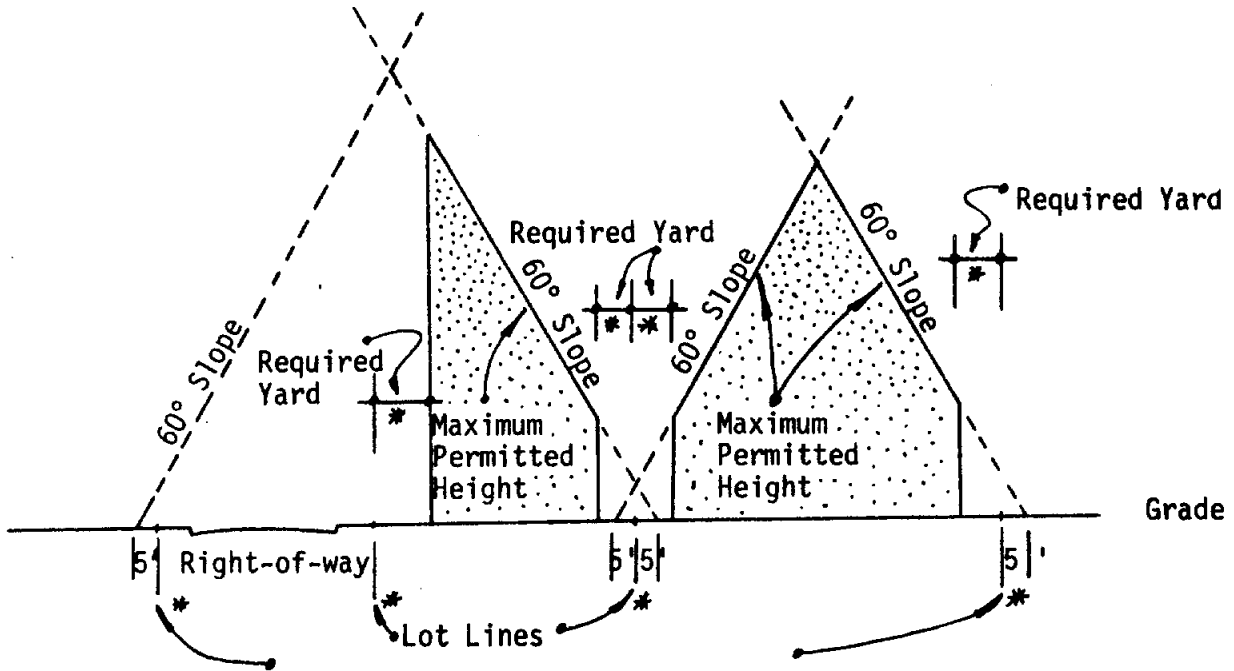
Example A. *Northerly Exposure*



Example B. Southerly, Easterly & Westerly Exposures



Note: The 60° inclined slope assumes a vertical projection 30 feet in (measured horizontally) from the lot line



Trailer: See Article 13.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is, or may be, occupied or maintained.

Use District: A classification of land or a zone in which only uses specified by this Ordinance are allowed, except for non-conforming uses, and for which specific requirements are set forth in this Ordinance pertaining to height, yard, area, coverage, landscaping, parking, and other land use restrictions.

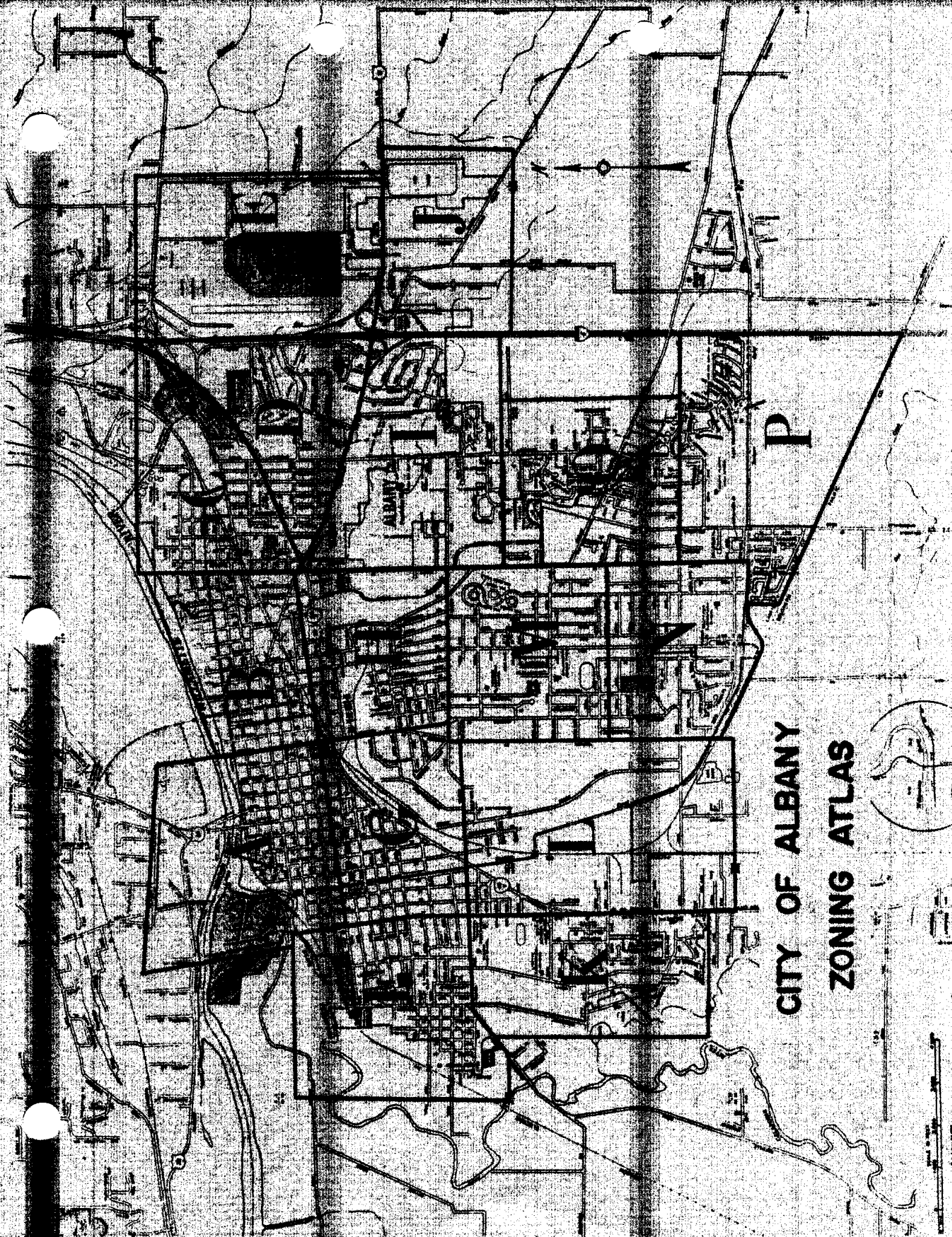
Wrecking Yard, Motor Vehicles and Building Materials: Any premises used for the storage, dismantling or sale of either used motor vehicles, trailers, machinery and/or building materials, or parts.

Yard: Any open space which is required, created, or is maintained on a lot and which is not obstructed from the ground up by any structure or building.

Yard, Front: A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

Yard, Interior: Any yard, required or otherwise, which is not a front yard and which is adjacent to an interior lot line.

Zero Lot Line Development: A development technique utilized with condominiums, and occasionally apartments and Planned Unit Developments which allows buildings to be constructed without reference to interior lot lines.




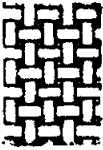


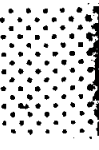


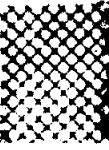





P

**CITY OF ALBANY**  
**ZONING ATLAS**



# CITY OF ALBANY ZONING MAP

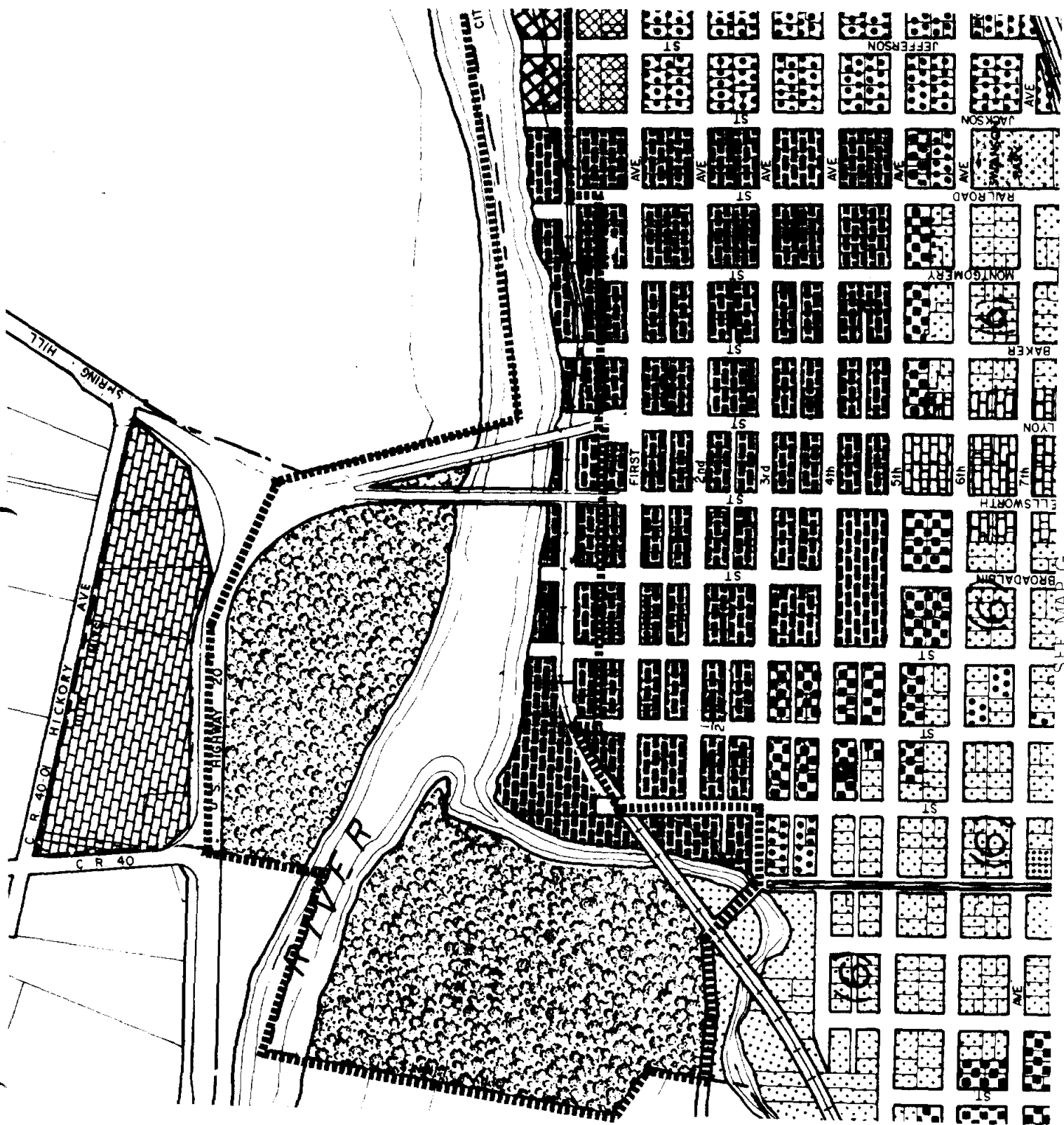
## KEY

	<b>AG</b> AGRICULTURAL DISTRICT		<b>C-1</b> NEIGHBORHOOD COMMERCIAL
	<b>RS</b> SUBURBAN RESIDENTIAL		<b>C-2</b> COMMUNITY COMMERCIAL
	<b>R-1</b> SINGLE FAMILY RESIDENTIAL		<b>C-3</b> CENTRAL BUSINESS
	<b>R-2</b> LIMITED MULTIPLE FAMILY RES.		<b>M-1</b> LIMITED INDUSTRIAL
	<b>R-3</b> MULTIPLE FAMILY RESIDENTIAL		<b>M-2</b> LIGHT INDUSTRIAL
	<b>RG</b> GARDEN APARTMENT RES.		<b>M-3</b> HEAVY INDUSTRIAL
	<b>RP</b> RESIDENTIAL PROFESSIONAL	( )	MINIMUM LOT SIZE

Scale: 1" to 600'

.....  
| WILLAMETTE GREENWAY BOUNDARY

SEE MAP B

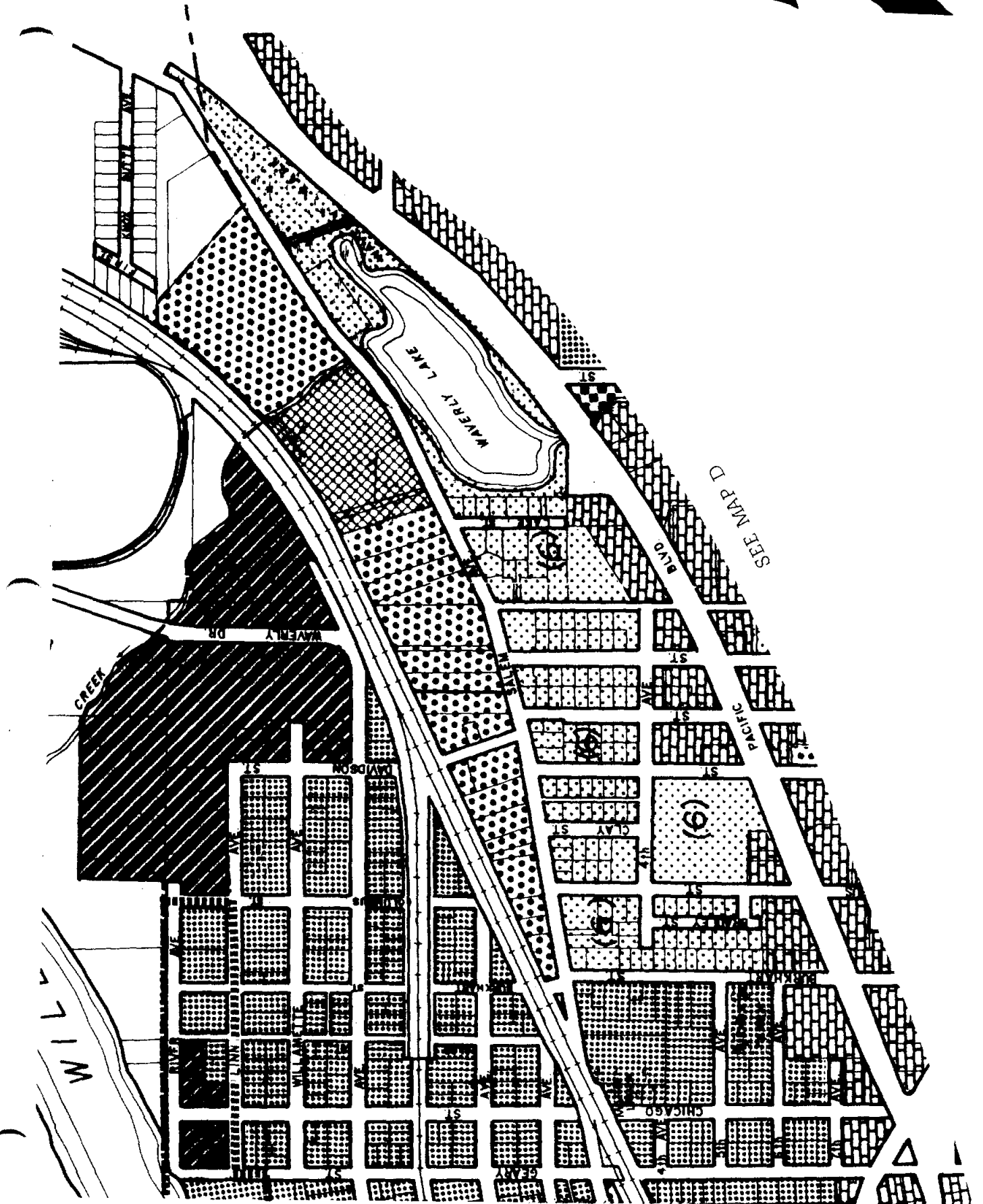


SEE MAP E

SEE MAP C

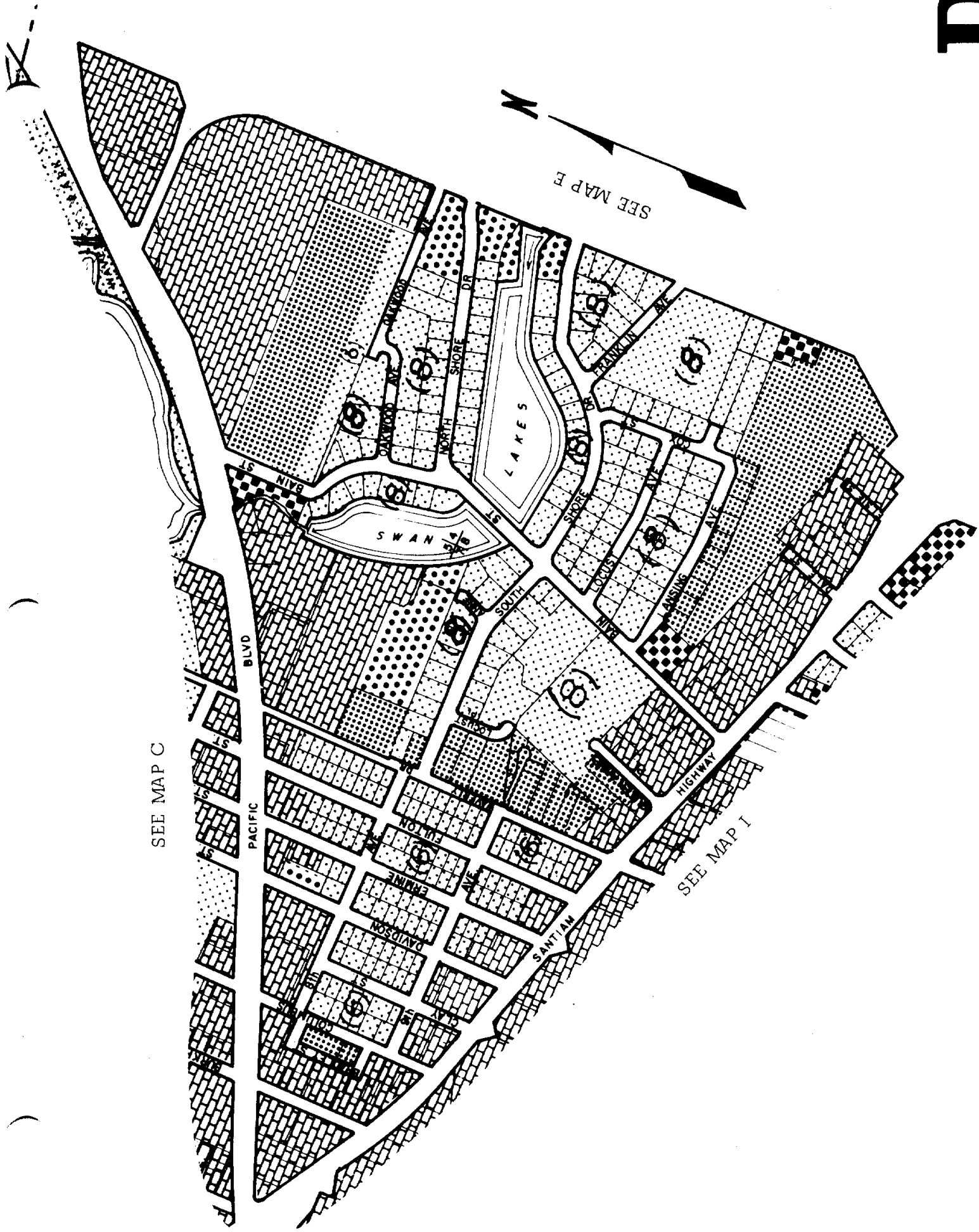






SEE MAP B

SEE MAP D

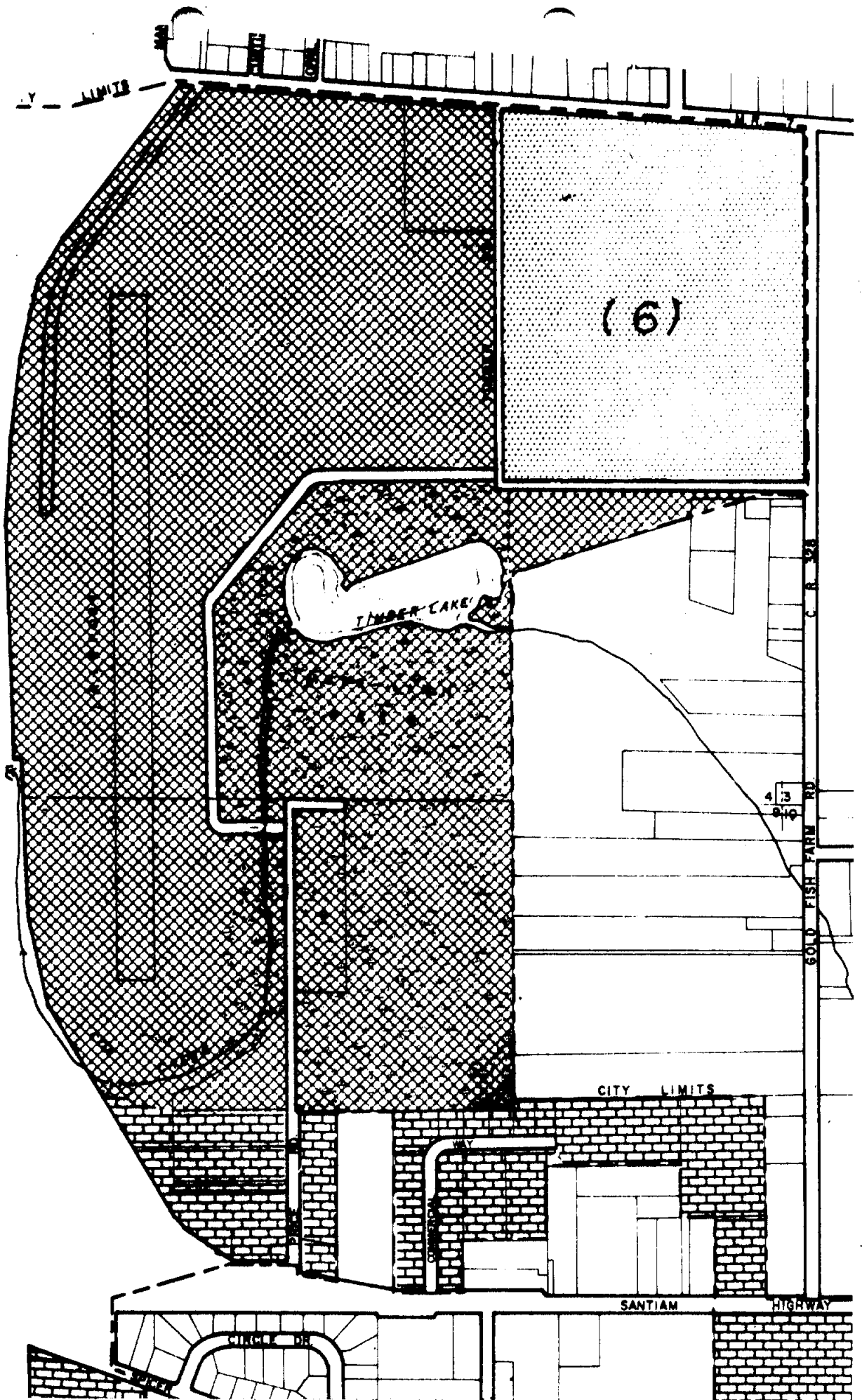


SEE MAP C

SEE MAP E

SEE MAP I

SEE MAP D



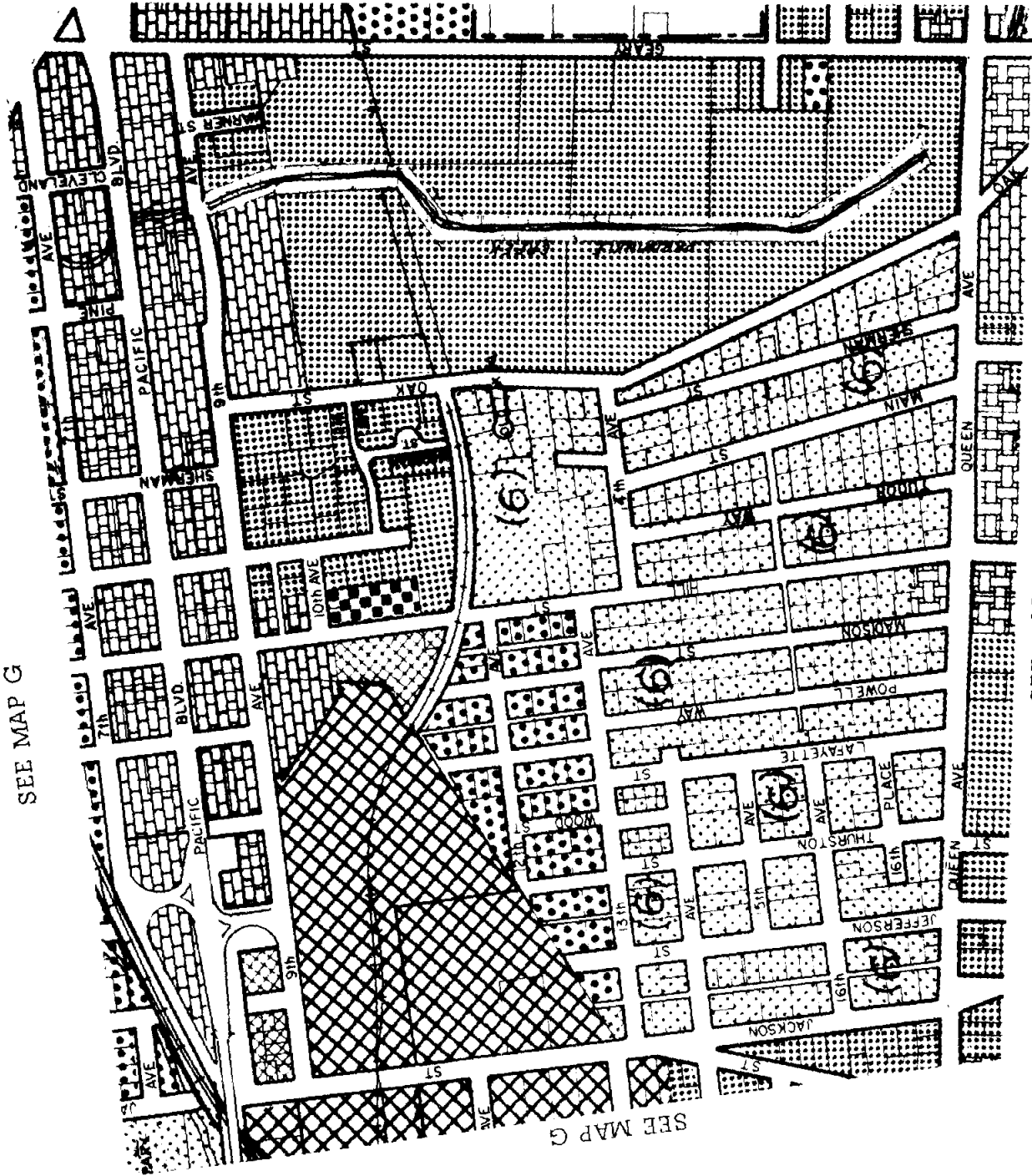
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SEE MAP I



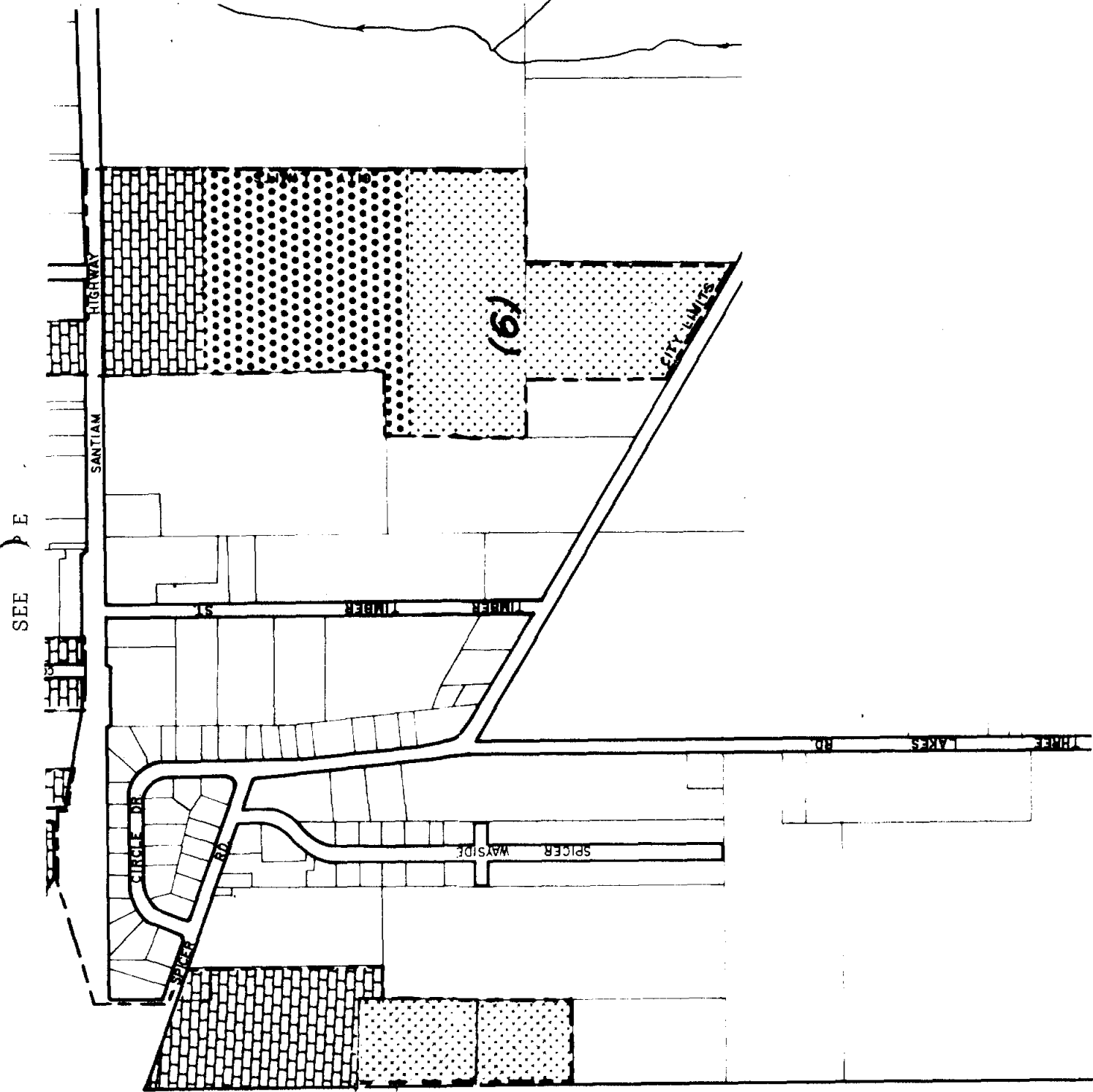
SEE MAP G

SEE MAP G

SEE MAP M



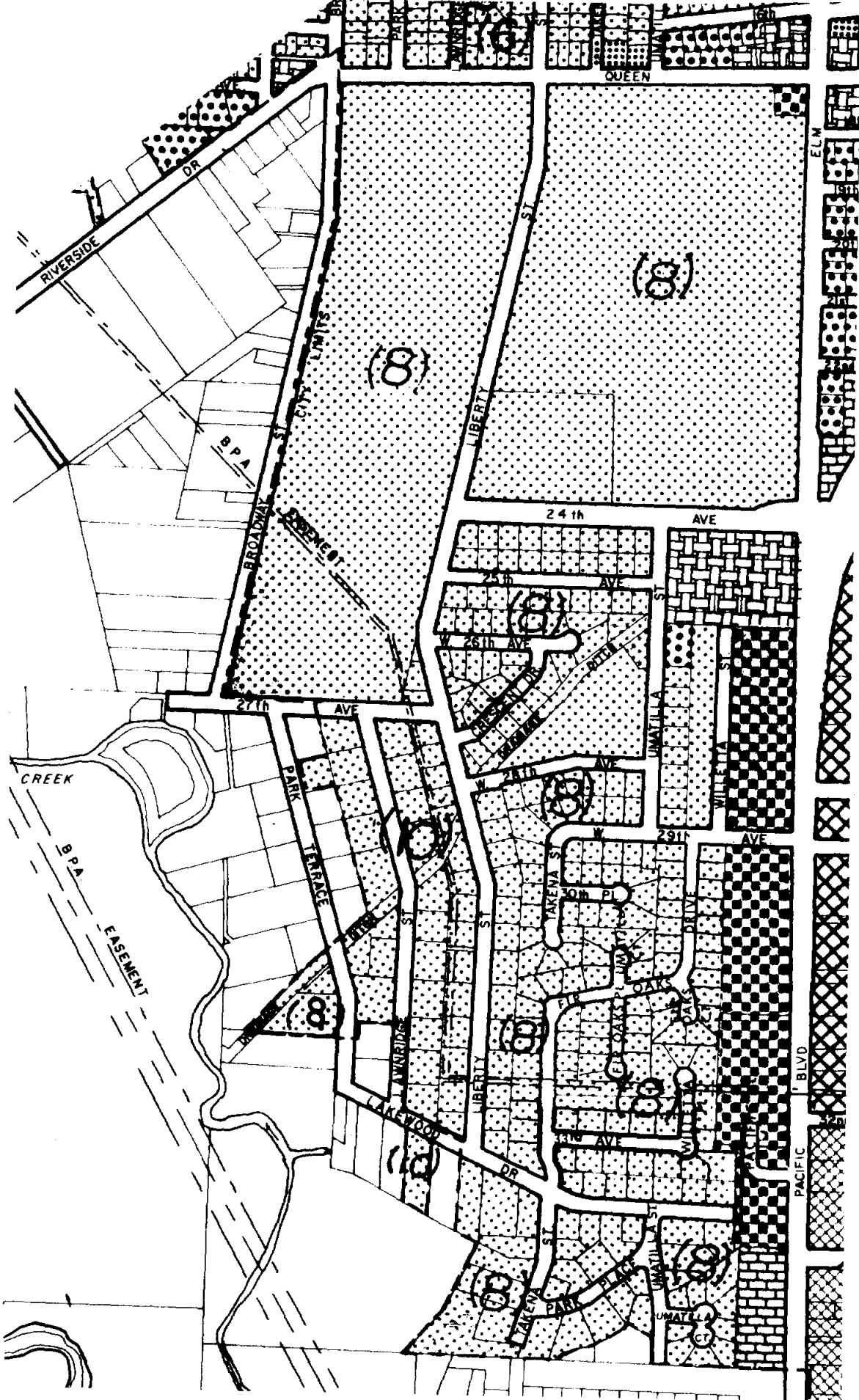




SEE E

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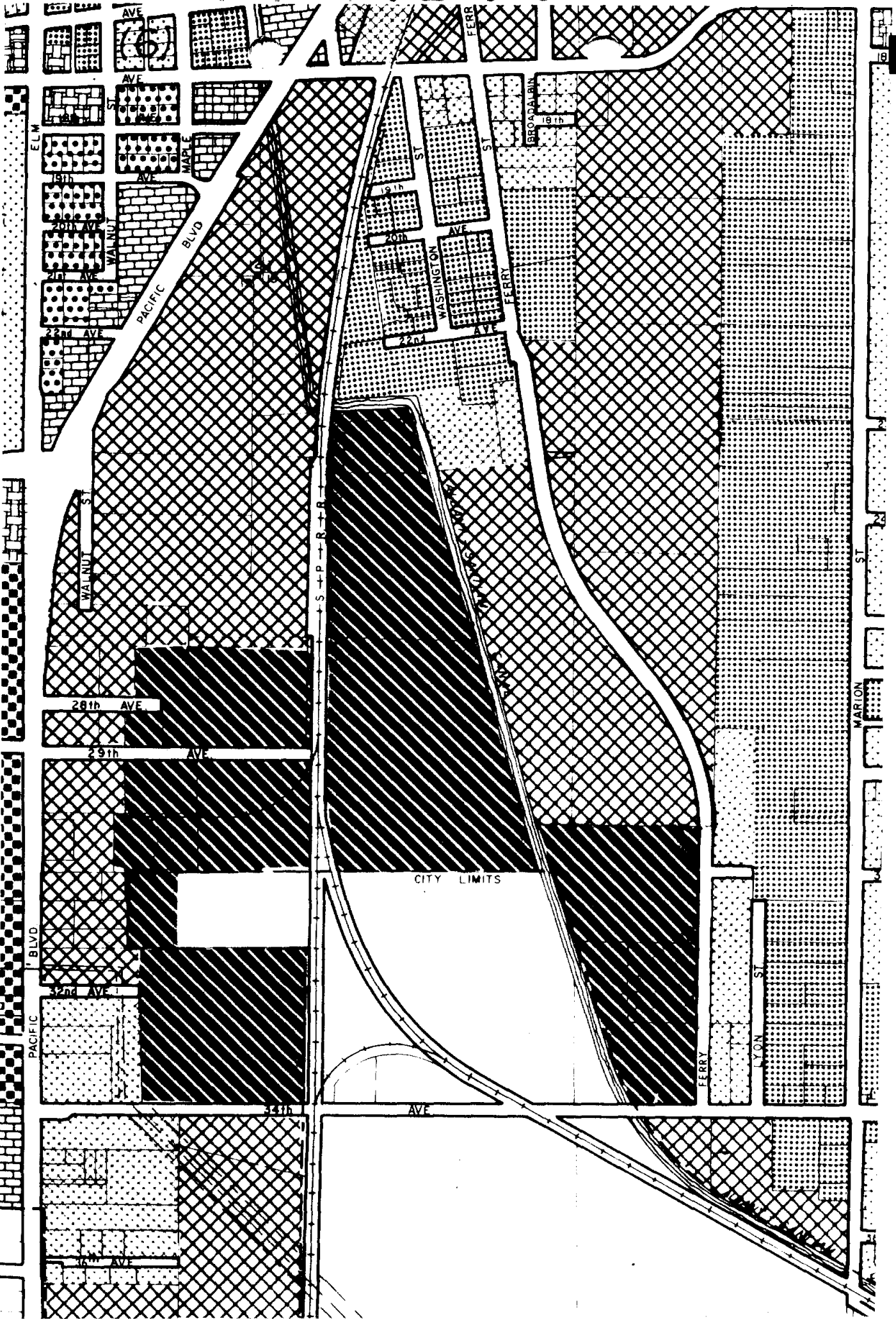
SEE MAP F



SEE MAP I



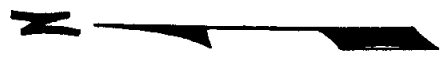
SEE MAP K



SEE MAP N

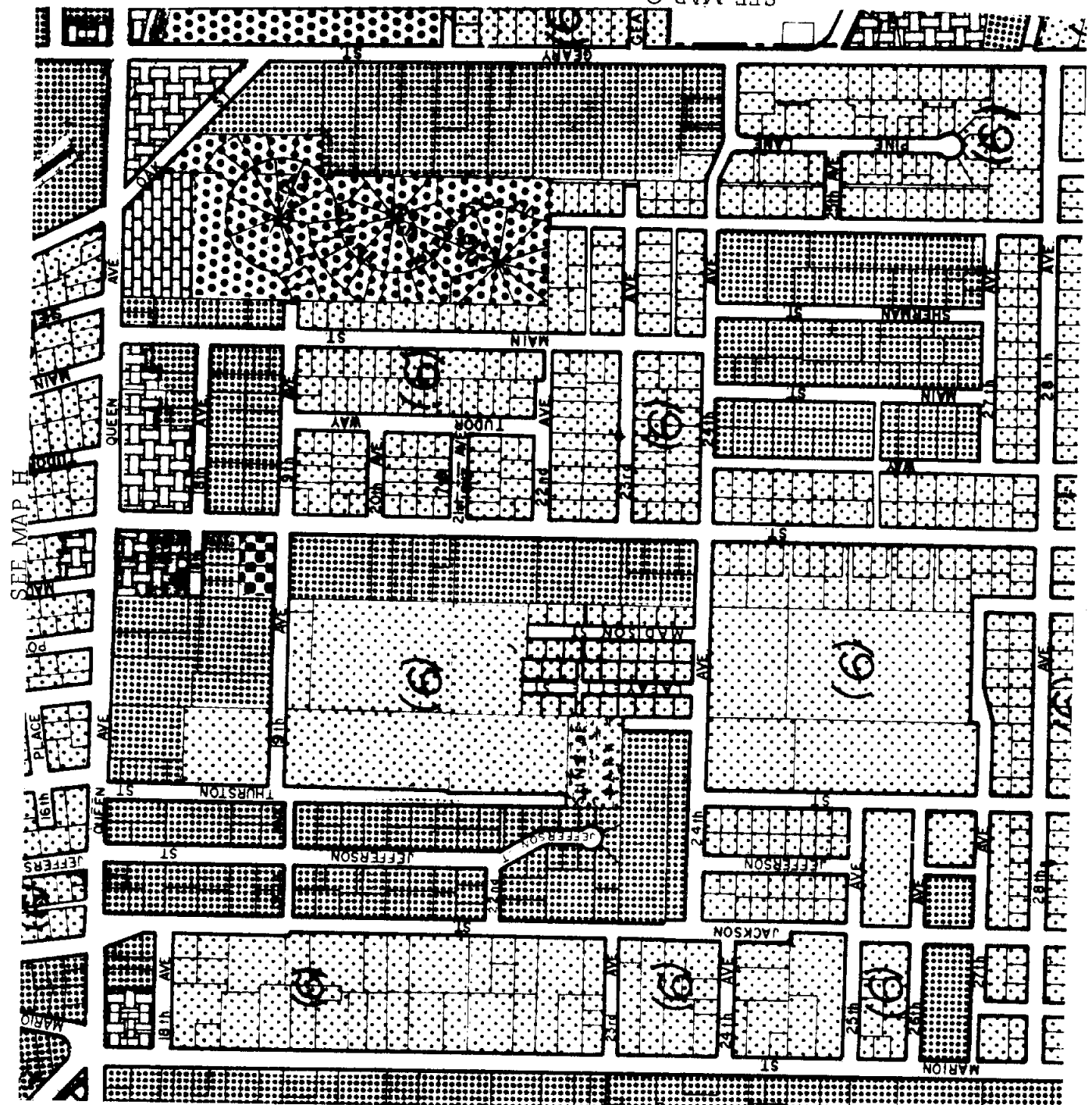


SEE MAP M



SEE MAP I

SEE MAP O

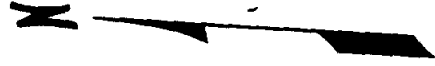


SEE MAP H

SEE MAP N

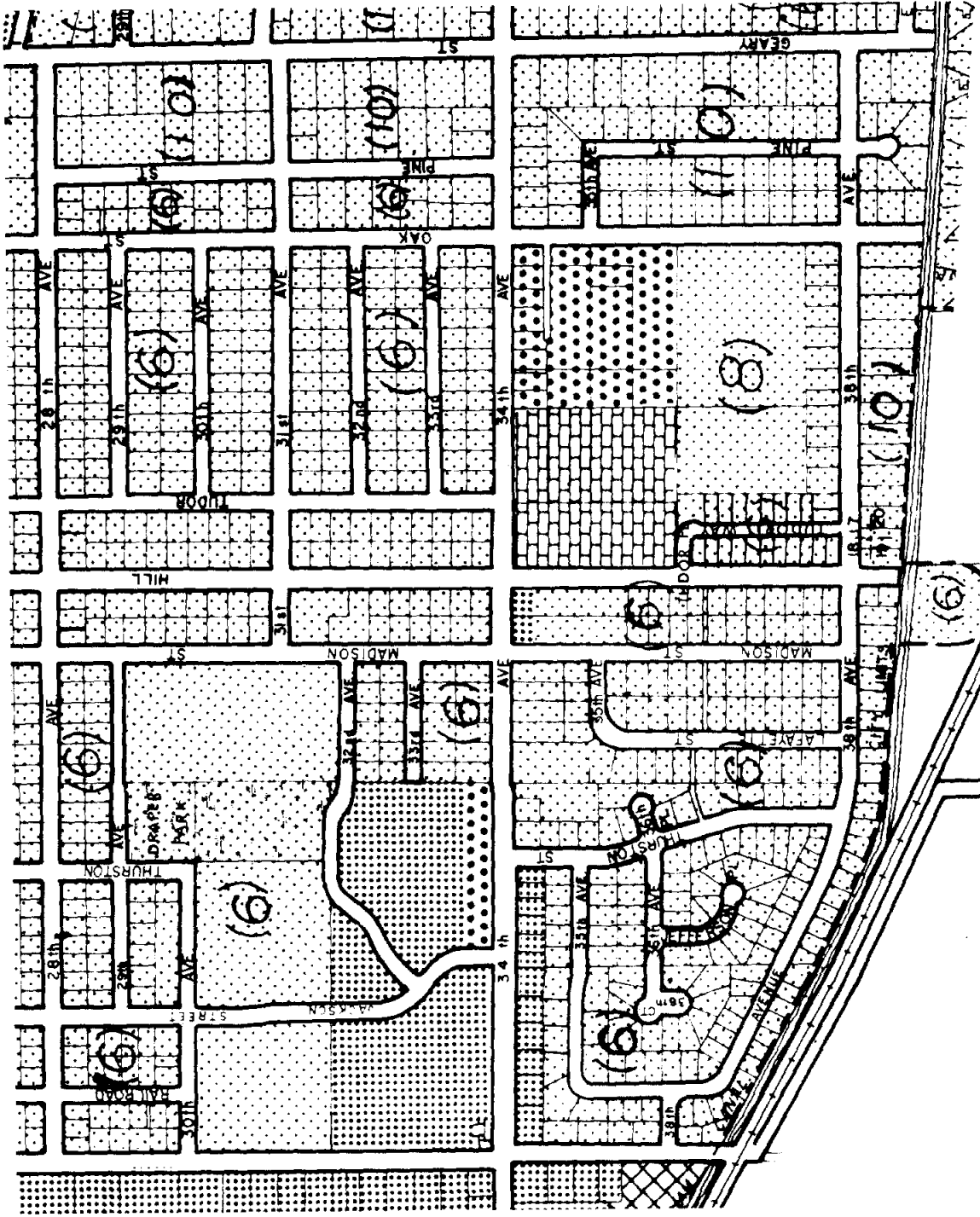
SEE MAP I

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SEE MAP O

SEE MAP P

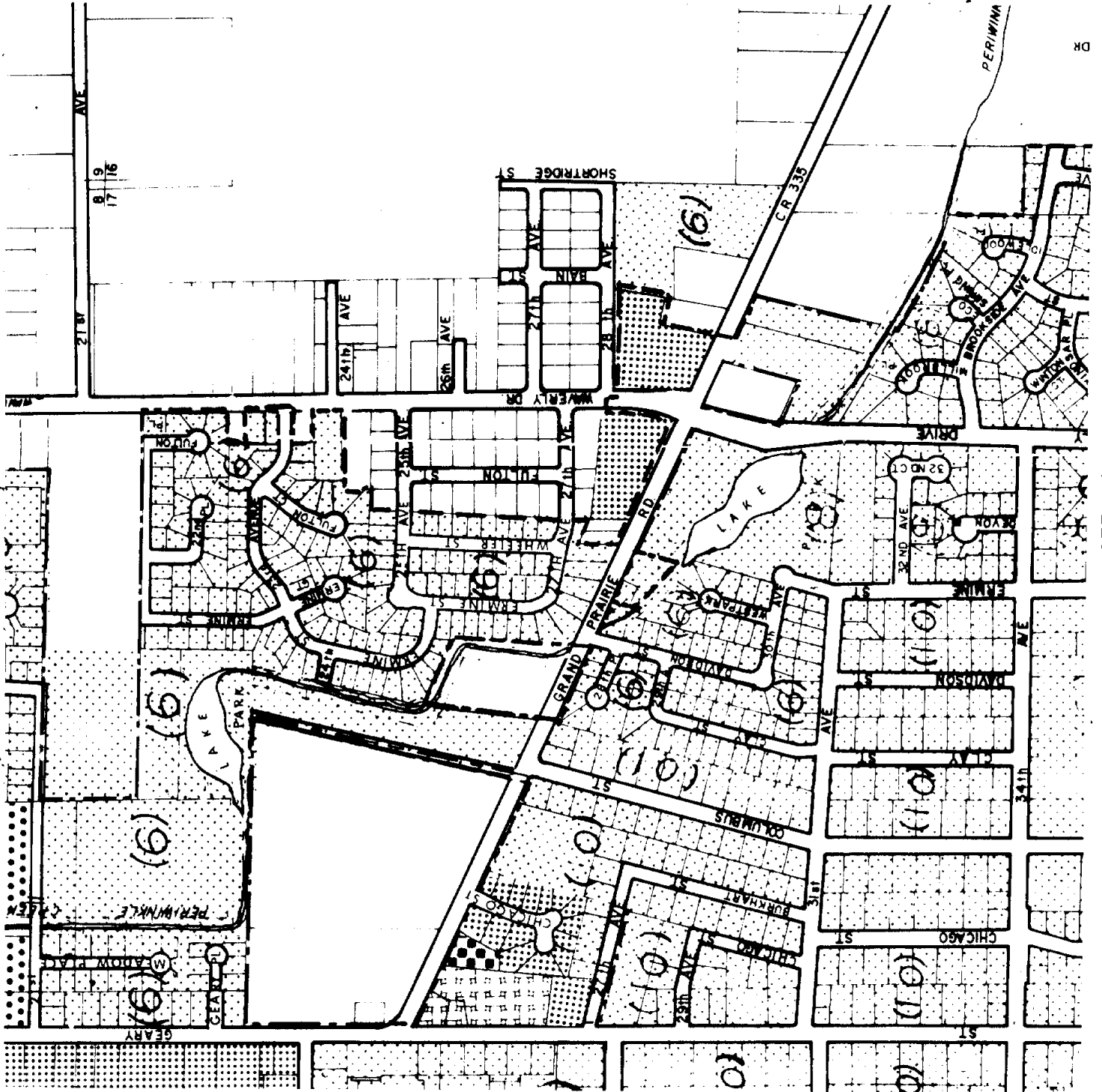


SEE MAP M

SEE MAP L



DR

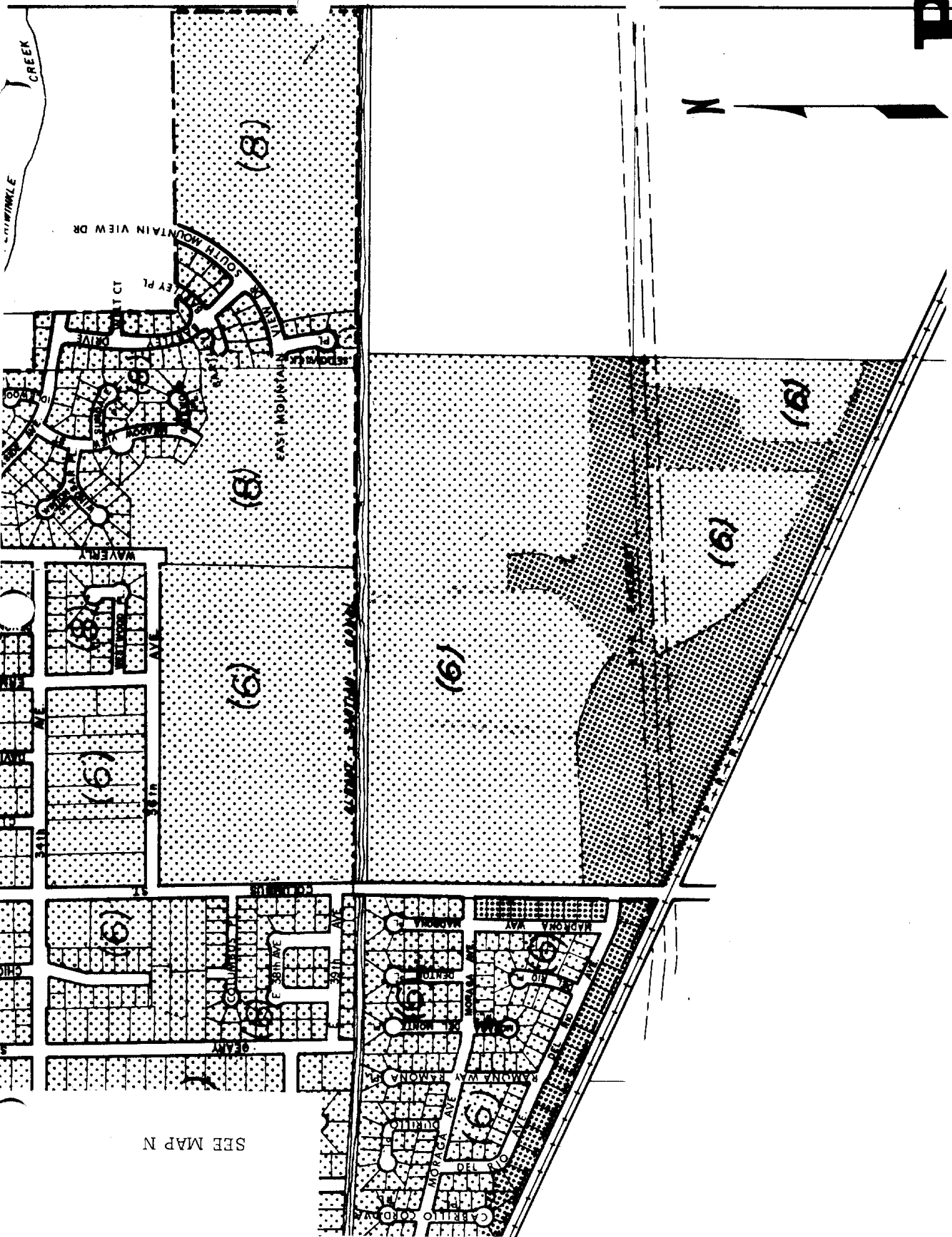


SEE MAP M

SEE MAP P

SEE MAP M

SEE MAP N



SEE MAP O

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WINKLE CREEK

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