

ARTICLE 4 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

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

[Ord. 5555, 2/7/03]

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

ZONING DISTRICTS

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

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

community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be appropriate in all locations.

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

[Ord. 5555, 2/7/03]

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

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

[Ord. 5555, 2/7/03]

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

SCHEDULE OF PERMITTED USES

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

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

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

- Y Yes; use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use considered conditionally under the provisions of Sections 2.230-2.260.
- PD Use permitted only through Planned Development approval.
- N No; use not allowed in the zoning district indicated.

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

A number opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions are found following the schedule, in Section 4.060. [Ord. 5555, 2/7/03]

SCHEDULE OF PERMITTED USES

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

Y = Yes, allowed, no Site Plan review required

N = No, not allowed

CU = Conditional Use review required

S = Site Plan review required

[Ord. 5555, 2/7/03]

SPECIAL CONDITIONS

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

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

fairgrounds, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.

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

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

facilities.

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

- (17) Park Development. Park activity subject to conditional use review includes major development; expansions of activities and development in parks that currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities in existing improved parks.
- (18) Group or Residential Care Facilities. Group care homes or “residential homes” (as defined in ORS) that include five or fewer residents are permitted outright in any zone that allows single-family residences. (This is indicated by a Y in the schedule.) Group or Residential Care Facilities (6 or more residents) require a site plan review.
- (19) Single and Two Family Homes in the OP zone. Single-family residences are allowed outright. Attached single-family units are allowed through the Planned Development process. Two-family residences require a conditional use review. See Special Condition 21 for accessory apartments.
- (20) Existing Single Family Homes. Single-family homes built before December 11, 2002, in any commercial or industrial zone may remain as a permitted use without being nonconforming. New single-family homes are not permitted unless allowed in the zoning district. See Section 4.075. Single-family includes attached units, one unit per lot.
- (21) Residential Accessory Buildings are permitted outright with residential uses if they meet the following conditions:
 - (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls no more than eleven feet in height.
 - (b) Attached accessory buildings, garages or carports are less than 1,000 square feet.
 - (c) All other residential district accessory buildings, garages or carports require a site plan review.
- (22) Agriculture. All agricultural uses established before January 8, 2003, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. The raising of livestock as a new use is not permitted.
- (23) Communication Tower and Pole Placement Standards. Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground are not permitted in front yard setbacks and must meet the standards in Section 8.500.

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

- (a) Antennas or antenna supports shall not be located within any front yard setback area or within any required landscape buffer yard.
- (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
- (c) Antennas used to display sign messages shall conform to all district sign regulations in

addition to the above.

- (d) Antennas less than 50 feet in height and not in conformance with the above may be considered by conditional use review.
- (e) See Section 8.500 for additional design standards for all telecommunications facilities. [Ord. 5445, 4/12/00]

(24) Kennels adjacent to residential districts are restricted to sites containing a minimum of two acres. This restriction does not apply to indoor veterinary hospital kennels.

[Ord. 5555, 2/7/03]

SPECIAL STATUS FOR SINGLE FAMILY RESIDENCES

4.075 Existing Uses Granted Special Status (Allowed) in the Commercial, Office and Industrial Districts. Notwithstanding the restrictions of any other section of the Albany Development Code (ADC), all single-family residential dwellings built before January 1, 2002, on commercial or industrially zoned properties are considered as conforming to the base district. If any building on these properties is substantially destroyed, as defined in ADC 2.340(4), it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted commercial, office or industrial use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Article 4. [Ord. 5555, 2/7/03]

DEVELOPMENT STANDARDS

4.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment; maintain the required dimensional standards while promoting energy conservation, privacy, safe and efficient parking areas; and improve the general living environment and economic life of a development. Table 1, on the following page, summarizes the basic development standards. It should be used with the sections immediately following the table, which address special circumstances and exceptions. Design standards for multiple-family and commercial development and zones are located in Article 8. Industrial uses in commercial, office or mixed-use zoning districts must also meet the design standards for commercial and office development. [Ord. 5445, 4/12/00, Ord. 5555, 2/7/03]

TABLE 1

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

N/A means not applicable.

- (1) The minimum lot size for residential units is 1,600 s.f. per unit. No minimum lot size is required for non-residential development.
- (2) New NC zones may be no more than 30,000 s.f. of contiguous land.
- (3) All yards adjacent to streets.
- (4) The minimum lot size for supporting commercial uses may be smaller than 3 acres.
- (5) Yards abutting residential districts and/or uses require 1 foot of setback for each foot of finished wall height with a minimum setback of 10 feet.
- (6) No setbacks are required for buildings abutting railroad rights-of-way.
- (7) Includes building, parking, access, and sidewalk area coverage.
- (8) Unless in Airport Approach Overlay District. See Article 6.
- (9) Ten or more multiple-family units require common open space. See Section 8.220.
- (10) The maximum business footprint for supporting commercial uses in IP (retail and personal or professional services) is 5,000 square feet.
- (11) When adjacent to or across the street from residentially zoned land, the setback shall be 1 foot for each foot of building height over 30 ft. Buildings may increase in height ("step" up) as the setback increases. For example, at the minimum setback in LI, a building may be 30 feet tall but may increase in height up to 50 feet when set back 50 feet from the property line.
- (12) Higher structures permitted by Conditional Use approval.

[Table and footnotes amended by Ord. 5445, 4/12/00, Ord. 5555, 2/7/03, Ord. 5556, 2/21/03]

SETBACKS

- 4.100 Minimum Standards. All setbacks must meet the minimum standards in Table 1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area. See also Article 3, Table 2, Accessory Structure Standards. [Ord. 5555, 2/7/03]
- 4.110 Measurements. Setback distances must be measured perpendicular to all portions of a property line. [Ord. 5555, 2/7/03]
- 4.130 Setback Alternative in Developed Areas. When an addition or new development is proposed in an area containing the same types of uses that were developed to a previous setback standard, the Director or review body may approve setbacks that are the same as those for the existing buildings on the site for additions, or the same as those for buildings on abutting parcels for new development. In such instances, the Type I procedure will be used to process requests, and approval will be based upon the following criteria:
- (1) The area between buildings is sufficient for adequate property maintenance and rear yard access.
 - (2) If there are primary structures on both abutting lots with front yards less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting structures.
 - (3) If there is a primary structure on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth halfway between the depth of the abutting front yard and the required front yard depth.
 - (4) A driveway extending not less than 20 feet from the street right-of-way must precede on-site parking spaces or structures.
 - (5) For detached dwellings, no wall of a dwelling unit may be closer than 10 feet to a window of another dwelling unit. [Ord. 5555, 2/7/03]
 - (6) All other provisions of this Code must be met.
- 4.140 General Exceptions to Setback Requirements. The following may project into required yards, provided that they conform to the conditions and limitations indicated:
- (1) Depressed Areas. In any zoning district, open-work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls may be located in required yards, provided that the devices are not more than 3-1/2 feet tall.
 - (2) Projecting Building Features. The following may project into the required front yard up to five feet and into the required interior yards up to two feet:
 - (a) Awnings, eaves, buttresses, architectural appendages (such as, but not limited to, bay windows, planters, cantilevered stairways).
 - (b) Chimneys and fireplaces, provided they do not exceed eight feet in width.
 - (c) Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height: structures 30 inches or less are not subject to setback provisions).
 - (d) Projecting signs must conform to applicable ordinance requirements. See Article 13, Sign Code. [Ord. 5555, 2/7/03]
- 4.150 Zero Lot Line. Any residential dwelling or accessory building may be located on the property line when:

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

OR

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

[Ord. 5555, 2/7/03]

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

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

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

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

(1) For water-oriented uses, the angle will be 30°.

(2) For non-water-oriented uses, the angle will be 15°.

[Ord. 5555, 2/7/03]

For the following properties, the above language in this section shall not apply. Greenway setback provisions for these properties shall be as set forth below.

<u>Common Name</u>	<u>Assessor's Property Identification Number</u>
Willamette Seed Site	11S-03W-6DC #100
Permawood Site	11S-03W-5BD #200, #300 and 11S-03W-5CA #1001, #1100, #6805

The minimum setback for buildings and parking on the river side of property along the river is:

<u>Area</u>	<u>Minimum Setback</u>
West of Lafayette	5 feet
East of Lafayette	15 feet

For the purpose of establishing setbacks on property along the Willamette River, the river will be treated as a front lot line. The minimum setback for buildings and parking on the river side of property along the river will be measured from the most inland of the:

- (1) Property line along the river, or
- (2) City multi-use path easement, or
- (3) Top of the river embankment.

Fences on the river side of property along the river will be located south of the most inland of the:

- (1) Property line along the river, or
- (2) City multi-use path easement, or
- (3) Top of the river embankment.

[Ord. 5559, 3/26/03]

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

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

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

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

4.220 Parking Restrictions in Setback Areas. Required parking and loading spaces may not be located in a required front or side setback, except:

- (1) Driveways providing access to garages and carports for any residential development may be used to fulfill the parking requirements. [Ord. 5555, 2/7/03]

HEIGHT

4.230 Height Standards. See Table 1 for height restrictions. [Ord. 5555, 2/7/03]

4.240 Height Exceptions.

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

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

OFF-STREET PARKING AND LOADING REQUIREMENTS

- 4.250 Parking Standards. Off-street parking and loading must be provided for all development in the amounts indicated in Table 2 and must be developed in accordance with Article 9. The area measured is the combined floor area of each level of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses. Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080, Joint Use of Parking Facilities. [Ord. 5555, 2/7/03]

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

USE	SPACES REQUIRED
Air, rail and motor freight terminals	Subject to site plan review
Animal hospitals and clinics	1 per 400 sq ft GFA
Banks and financial institutions	1 per 200 sq ft on first floor plus 1 per 600 sq ft above first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Bowling alleys	4 per lane
Building materials sales	1 per 500 sq ft. GFA
Churches and other places of religious assembly	1 per 6 seats or 12 feet of bench length (1)
Commercial recreation and assembly	Subject to site plan review
Drive-in restaurants	1 per 50 sq ft GFA
Education: Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Education: High schools, colleges and universities	Subject to site plan review
Funeral houses	1 per 4 seats or 8 feet of bench length
Furniture, machine and office equipment sales	1 per 500 sq ft GFA plus 1 per 3 employees
Golf courses (including clubhouses and accessory uses)	Subject to site plan review
Greenhouses and nurseries	2 per employee
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Laundries and cleaners	1 per 300 sq ft GFA
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 sq ft GFA
Manufacturing, production or processing	1 per 2 employees plus 1 per company vehicle
Medical and dental clinics	1 per 200 sq ft GFA
Meeting rooms, private clubs and lodges	1 per 100 sq ft GFA plus 1 per 200 sq ft GFA (2)

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

[Ord. 5555, 2/7/03]

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

4.260 Loading Standards. Loading spaces for commercial buildings and uses shall be off the street, and shall be provided in addition to the required parking spaces, and shall meet the following requirements: [Ord. 5555, 2/7/03]

- (1) Vehicles in the berths shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (2) A school having a capacity greater than twenty-five students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (3) The minimum area required for commercial loading spaces is as follows:
 - (a) 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
 - (b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
 - (c) 750 square feet for buildings in excess of 50,000 square feet of gross floor area.

- (4) The required loading area shall not be less than ten feet wide by twenty-five feet long and shall have an unobstructed height of fourteen feet.
- (5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (6) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

LANDSCAPING

4.270 General. The required front and interior setback yards (see Table 1), exclusive of access ways and other permitted intrusions, must be landscaped before occupancy or in accordance with Article 9.

BUFFERING AND SCREENING

4.280 General. Buffering and screening may be required to offset the impact of development. See Sections 9.210 through 9.320. [Ord. 5445, 4/12/00, Ord. 5555, 2/7/03]

OUTSIDE STORAGE

4.290 General.

- (1) In the NC, OP, TD and IP zoning districts, outside storage or display of materials, junk, parts, or merchandise is not permitted, except for automobile sales (where allowed).
- (2) In the PB and CC zones, outside storage is allowed if screened from the public rights-of-way with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This provision excludes automobile and plant sales. Display of goods is not permitted.
- (3) In the RC zone:
 - (a) Exterior display of goods is permitted except in the required front yard setback or buffer yard. Display is limited to a sample of goods offered for sale by the establishment. Display areas may not be used for storage. Display areas may not expand beyond 25 percent of the primary street frontage and must be designated on the site plan. Display areas adjacent to residential districts or uses must be set back at least 10 feet and must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material.
 - (b) Exterior storage is permitted in interior yards, except in required buffer yards and minimum required setback areas. Storage areas adjacent to residential districts or uses must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge were a building.
- (4) In the LI and HI zones, except for required setback areas, outside storage is permitted in interior yards. Outside storage is allowed in front yards (excluding the front setback), provided that it is enclosed with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge was a building.
- (5) Where outside storage is permitted,

- (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet above the elevation of the storage area.
- (b) Outside storage over six feet tall must be screened by landscaping in accordance with 9.250. [Ord. 5555, 2/7/03]

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

FENCES FOR COMMERCIAL AND INDUSTRIAL USES

4.310 Commercial and industrial establishments that elect to construct a fence not required under the provisions of this Code shall meet the following standards. Where screening is required of the development, the fence shall meet the provisions of (4) below and Section 9.250. Fences for residential uses, see Sections 3.400 to 3.410. [Ord. 5555, 2/7/03]

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

- (1) Barbed wire is permitted atop a 6-foot tall chain link fence. The total height of the fence and barbed wire is limited to 8 feet. Barbed-wire-only fences and concertina wire are prohibited except as allowed in subsection (2).
- (2) Concertina wire may be used around correctional institutions and high security areas provided that the fences are posted at least at 15-foot intervals with clearly visible warnings of the hazard.
 - (a) Except as specified in the provisions of subsections (1) and (2) above, concertina wire, barbed wire, or upturned barbed selvage existing at the time of the passage of this ordinance that is between six and seven feet above grade in the commercial districts shall be considered a legal non-conforming use, provided that the barbed wire or upturned barbed selvage does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way.
- (3) Fences are limited to the height and location standards listed below:
 - (a) Fences may be up to 8 feet tall provided that the fence is located behind the required front yard setback and outside of any vision clearance area.
 - (b) Fences more than 6 feet tall require building permits.
- (4) Wherever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions:
 - (a) Opacity. In order to be “sight-obscuring,” fences and walls will be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges will be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
 - (b) Height. Fences and walls will be a minimum of six feet tall. Hedges will be of a species capable of attaining a height of at least 6 feet within 3 years of planting, given their age, height and health when planted.

- (c) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met.

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

U:\Community Development\Planning\Development Code\Current Version (2009)\Article 4.docx