

**ARTICLE 3  
RESIDENTIAL ZONING DISTRICTS**

*Staff Comment: The HM, Hackleman Monteith, zone is being relocated to this article from Article 14. The HM language is shown in **bold** even though the text is not new. No other changes are proposed to residential zoning districts at this time. No changes are proposed to 3.010 to 3.020 (1) through (7).*

**ZONING DISTRICTS**

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

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

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

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

**SCHEDULE OF PERMITTED USES**

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

- A Use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- C Use permitted conditionally under the provisions of Sections 2.230-2.260.
- PD Use permitted only through Planned Development approval.
- \* Use not permitted in the major zoning district indicated.

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

Summary of Major Headings in the Schedule.

1.0 Residential	6.0 Parking Lots
2.0 Accessory Buildings and Uses	7.0 Public and Semi-Public Uses
3.0 Agriculture and Natural Resources	8.0 Recreation, Entertainment, Public Assembly
4.0 Antennas and Towers	9.0 Storage and Warehousing
5.0 Educational and Religious	[Ord. 5445, 4/12/00]



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





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

**SPECIAL STATUS**

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

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

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

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

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

- (5) **707/719 Washington Street SW: 1-story duplex**
- (6) **908 Ferry Street SW: 1-story 12-unit apartment building**
- (7) **928 Ferry Street SW: 7 units in house**
- (8) **926/978 Ferry Street SW and 405/407 11th Avenue SW: 7 units**
- (9) **827/829/837/838 11th Avenue SW: 1-story fourplex**
- (10) **1030 11th Avenue SW: duplex**
- (11) **625/635 Vine Street SW: duplex**
- (12) **1241/1245 Vine Street SW: duplex**
- (13) **505 3rd Avenue SE: 2-story fourplex**
- (14) **526 3rd Avenue SE: 2-story fourplex**
- (15) **627 3rd Avenue SE: 2-story, 6 units**
- (16) **527 4th Avenue SE: 2-story duplex**
- (17) **538 4th Avenue SE: 2-story duplex**
- (18) **140 4th Avenue SE: 2-story duplex**
- (19) **306 Baker Street SE: 2-story 8 units**
- (20) **434 Baker Street SE: 2-story duplex**
- (21) **140 5th Avenue SE: 2-story duplex**
- (22) **208 5th Avenue SE: 2-story 8 units**
- (23) **238/225/311 5th Avenue SE: 2-story, 3 units**
- (24) **317 5th Avenue SE, A and B: 2-story duplex**
- (25) **404 5th Avenue SE: two-story triplex**
- (26) **505/526/540/423 5th Avenue SE: 2-story, 4 units**
- (27) **423/425 and 614/616 5th Avenue SE: two 2-story each 2 units = 4 units**
- (28) **637 5th Avenue SE: 2-story, 3 units**
- (29) **540 6th Avenue SE: 2-1/2 story, 5 units**
- (30) **509/519 and 521/524 6th Avenue SE: two 1-story buildings, 4 units**
- (31) **625 Jefferson Street SE, A and B: 2-story, 2 units**
- (32) **697 Jefferson Street SE: two-story, 6 units**
- (33) **826/828 and 726/728 3rd Avenue SE: 2 one-story duplexes**
- (34) **807A/807B and 805/805-1/2 3rd Avenue SW two 1-story duplexes**
- (35) **728 4th Avenue SE: 2-story, 2 units**
- (36) **420/422 4th Avenue SE: 1-story duplex**
- (37) **617/619 Lafayette Street SE: 1-story duplex**
- (38) **589 A/B/C Lafayette Street SE: 1-story triplex**
- (39) **730 5th Avenue SE: 2-story triplex**
- (40) **315 Montgomery Street SE: triplex**
- (41) **513 7th Avenue SE: 1-story duplex**

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

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

**SPECIAL CONDITIONS**

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

- (4) Accessory apartments are permitted as additions to or within single family residences when:
  - (a) One residence on the site is owner occupied.
  - (b) The apartment remains incidental to the primary residence in size and appearance.
  - (c) At least three off-street parking spaces are available on the property for use. [Ord. 5338, 1/28/98]
  - (d) All required building permits have been obtained.
  - (e) For detached accessory apartments, the parcel on which the apartment will be built meets the minimum lot area requirements for the zoning district in which the lot is located. [Ord. 5338, 1/28/98]
  
- (7) In the **HM**, RS-6.5, RS-5 and RM-5 residential districts, Bed and Breakfast facilities shall:
  - (a) Be owner occupied.
  - (b) Be limited to a maximum of four guest bedrooms.
  - (c) Except for driveway spaces, not contain guest parking facilities in the front yard setback area or within 10 feet of any interior residential lot line.
  - (d) Provide at least one off-street parking space for each rental room.
  
- (9) Beyond the standards provided herein for establishment of accessory buildings and uses, the definitions of “Accessory Building” and “Accessory Use” in Section 1.070 and Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed activity. See also Table 2 for Accessory Structure Standards.

Accessory buildings in residential districts that meet the following standards are not subject to Site Plan Review. They will be processed as Type I staff decisions. Information must be submitted that shows the standards are met. The information shall be submitted at the time the applicant applies for building permits. The determination of whether the standards are met will be made by the Community Development Director or his/her designee.)

- a. The proposed building does not exceed the height of the tallest building on adjacent property. Height here means the height of the building at its highest point.
- b. The square footage of the area enclosed by the foundation of the proposed building does not exceed the square footage of the area enclosed by the foundation of the largest building on adjacent property.
- c. The amount of land that will be covered by buildings if the proposed building is constructed does not exceed the applicable lot coverage restrictions of the Development Code.
- d. The proposed building meets or exceeds the applicable setback requirements for the primary residential structure listed in the Development Code.
- e. The materials that will be used on the proposed building (e.g. siding and roofing), and the color of those materials, are the same as those used on the primary residential structure on the subject property.

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

Accessory buildings in floodplain districts are subject to the floodplain regulations of Article 6. [Ord. 5281, 3/26/97]

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

*No changes are proposed to 3.090 to 3.180.*

### **DEVELOPMENT STANDARDS**

- 3.190 Purpose. Development standards are intended to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-family and multiple family developments. [Ord. 5445, 4/12/00]

**TABLE 1**

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

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

N/A means not applicable.

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

(10) See Table 2 for garage with alley access.

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

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

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

(14) See Section 8.240 for standards.

(15) See Section 8.270(1).

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

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

New text is identified by **bold** type. Text proposed to be deleted is identified in ~~strikethrough~~.

**EXHIBIT**