

ARTICLE 14 5
CENTRAL ALBANY MIXED USE VILLAGE CENTER ZONING DISTRICTS

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

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

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

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

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

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE OF PERMITTED USES

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

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

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

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

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

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

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

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

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

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

SCHEDULE OF PERMITTED USES

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

Y = Yes allowed, no Site Plan review required

N = No, not allowed

CU = Conditional Use review required

S = Site Plan review required

SPECIAL CONDITIONS

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

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

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

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

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

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

(21) Residential Accessory Buildings.

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

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

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

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

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

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

For accessory apartments, see Special Condition 17.

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

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

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

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

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

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

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

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS

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

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SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS

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

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

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS

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

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

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS

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

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

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS

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

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

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS

Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
13.510	Retail sales & related services		€	€	*	€	*	*	*	§	*	*
13.520	Miscellaneous goods & equipment rental		€	€	*	§	*	*	*	§	*	*
13.530	On-site servicing of appliances, furniture, lawn & garden, heating & cooling, industrial, mechanical & other bulky equipment or merchandise		*	*	*	§	€	*	*	€	*	*
13.540	Services offered primarily off-site (see 13.340)		*	*	*	§	*	*	*	€	*	*
13.550	Wholesale sales		€	€	*	§	€	*	*	€	*	*
14.000	STORAGE & WAREHOUSING											
14.100	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:											
14.110	All storage within completely enclosed structures		€	€	*	§	*	*	*	*	*	*
14.120	Outside storage or combination of inside & outside storage		*	*	*	§	*	*	*	*	*	*
14.130	Mini-warehouses/self-service storage facilities intended for domestic storage		*	*	*	§	*	*	*	*	*	*
15.000	TRANSPORTATION											
15.100	Bus stations		§	§	*	§	€	§	§	€	*	*
15.200	Train stations		§	§	§	§	§	§	§	§	*	*
15.300	Taxi business		§	§	*	§	§	§	§	§	*	*
15.400	Trucking		*	*	*	§	*	*	§	*	*	*

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

SPECIAL CONDITIONS

14.070

- (1) ~~Beyond the standards provided herein for establishment of accessory buildings and uses, the definitions of “Accessory Building” and “Accessory Use” in Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed building or activity. See also Table 2 for Accessory Structure Standards.~~
- (2) ~~Site plan review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet. For review criteria, see Section 9.208.~~

The following activities are exempt from site plan review:

- ~~(a) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.~~
 - ~~(b) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.~~
 - ~~(c) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approves the proposed tree felling. [Ord. 5445, 4/12/00]~~
- ~~(3) Kennels are not allowed in the Central Albany area.~~
- ~~(7) Site Plan Review is not required for parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code.~~
- ~~(12) Bed and Breakfast. In the MUR zone, Bed and Breakfast facilities shall:~~
- ~~(a) Be owner-occupied.~~
 - ~~(b) Be limited to a maximum of four guest bedrooms.~~
 - ~~(c) Except for driveway spaces, not contain guest parking facilities in the front yard setback area or within 10 feet of any interior residential lot line.~~
 - ~~(d) Provide at least one off-street parking space for each rental room.~~

SPECIAL STATUS

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

Single Family Homes. Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), **all single-family residential units built before January 1, 2002, properties listed below** shall be deemed to be conforming with the base Hackleman Monteith (HM) zoning district. If any building on these properties is substantially destroyed, as defined in ADC Section 2.340(4), it ~~can~~ **may** be rebuilt to the same density, **size and setbacks** as existed on the property at the time ~~ADC Article 14 was adopted~~ **it was destroyed**, but will be subject to the regulations of any applicable overlay zone. If any ~~of the listed buildings are converted to~~ **single-family dwelling is converted to non-residential** use, the special status granted here is rescinded, and the use of the property shall thereafter conform to the requirements of Article ~~145~~. The special status granted herein shall be lost if it is determined that the use which existed **on May 22, 1996 (date the Central Albany districts were first created)** ~~at the time of adoption of Article 14~~ was not then lawfully in existence.

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

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

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

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

HOME OCCUPATION STANDARDS

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

DEVELOPMENT STANDARDS

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

TABLE 1

MIXED-USE VILLAGE CENTER DEVELOPMENT STANDARDS

STANDARD	MU WF	HD	CB	LE	PB	MS	HM	ES	MUR
Min. Lot Size (sq.ft.):(3) · Single-family (s-f) · Attached s-f, per lot · Two-family · 3 or more 1-bdrm. · 3 or more 2+bdm.	None 1,600(16) 3,600 1,600/u(16) 1,800/u(16)	N/A None None None None	N/A N/A N/A None None	N/A N/A N/A None None	N/A N/A N/A 1,600/u 1,600/u	N/A None N/A 1,600/u 1,800/u	5,000 None N/A 1,600/u 1,800/u	5,000 None 7,000 3,300/u 3,300/u	None None 3,600 1,600/u 1,800/u
· All other uses	10,000	2,000	2,000	2,000	15,000	6,000	5,000	5,000	10,000
Max. Business Footprint (sq. ft.) (17)	None	None	None	None	25,000 (13)	10,000 (13)		10,000 (13)	10,000
Lot Width, min.	80' None	20'	20'	20'	80' None	60' None	35'	40' None	None
Lot Depth, min.	80' None	50'	50'	50'	95' None	80' None	65'	80' None	None
Landscaped Area (2)	100%	100%	100%	100%	100%	100%		100%	100%
Min. Open Space	(12)	None	None	None	(12)	(12)	N/A	(12)	N/A
Maximum Front Setbacks: (10)	20'(11)	0'	0'	None	20'	10'	None	10'	20'
Minimum Setbacks: Front (5) (14)	45'	0'	0'	0'	5'	45'	15'	45'	15'
Interior (5) (14)	405' (1) (4)	(4)	(4)	(4)	(4)	(1) (4)	40' (4)	5'(34)	10'(1)
Garage Entrance (9)	20'(8)	20'	20'	20'	20'	20'(8)	20' (8)	20'	20'
Height, max.	45' 50'	85'	60'	60'	30' 50'	50'	30'	30' 50'	45'
Lot Coverage, max.(6)	70 80 %	100%	(7)	100%	70 80 %	90%	60 %	70 80 %	70%

N/A means not applicable.

- (1) ~~Except for Single-family homes or duplexes which~~ must have a 5' interior yard for single-story buildings, and an 8' interior yard for two-story buildings. **See 5.150 and 5.160 for zero lot line options.**
- (2) All yards adjacent to streets.
- (3) ~~Single story 2 or more stories~~ ~~8'~~—Lots with alley access may be up to 10% smaller than the minimum lot size for the zone. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]
- (4) **Commercial or office buildings** Yards abutting residential districts and/or uses require 1 foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting commercial or industrial districts, no interior setback is required.
- (5) No setbacks are required for buildings abutting railroad rights-of-way.
- (6) ~~Except for single family homes and duplexes,~~ Lot coverage includes building and parking area coverage.
- (7) See ADC 5.120
- (8) Garage setback for non-vehicle entrance must conform with the requirements for interior setbacks.
- (9) For coverage with alley access, see Table 2

- (10) The maximum setback may be increased with the condition that 100% of the increased setback is used for pedestrian amenities associated with the building use, such as patio dining for a restaurant, sidewalk café, plaza, or courtyard. See ADC 8.320(4).
- (11) For multi-family and commercial developments, no parking or circulation will be allowed within the front yard between the building with the primary entrance and the adjacent street.
- (12) Ten or more residential units require open space. See ADC 8.210.
- (13) **Excluding grocery stores, which may be up to 60,000 square feet.**
- (14) **Properties adjacent to the Willamette River, see also the Willamette Greenway standards in 5.200 and ADC 6.310.**
- (15) **Except for residential development, which has a maximum setback of 25 feet. See Section 8.240 for residential design standards.**
- (16) **No minimum lot size for structures on the Local Historic Inventory.**
- (17) **In shopping centers with multiple tenants, “business” refers to each individually leasable space. “Footprint” refers to the amount of area covered by the first floor. Businesses may build on additional floors.**

SETBACKS

514.100 Minimum Standards. **Primary structures** ~~All setbacks shall~~ **must** meet the minimum setback standards ~~as set forth~~ in Table 1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area.

The Accessory Structure Standards (Table 2) apply to **residential** accessory structures in the MUR, ~~and HM WF, MS, and ES~~ districts.

**TABLE 2
ACCESSORY STRUCTURE STANDARDS**

STRUCTURE	SETBACK STANDARD
Detached, walls less than or equal to 8 ft. height	Interior setback = 3 feet
Detached, walls greater than 8 ft. height	Interior setback = 5 feet
Attached structure	Interior setback = 5 feet
Garage with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks, see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences less than 6 ft. high	District setback standard; building permit required.
Outdoor swimming pools	Interior setback = 10 feet
Decks less than 30 in. off grade, no rails, covers	No setback from property line
Decks greater than or equal to 30 in. off grade	Interior setback = 5 feet

[Ord. 5445, 4/12/00]

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

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

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

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

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

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

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

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

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

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

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

Waterway
Calapooia River

Setback
100 feet

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

HEIGHT

514.240 Height Standards. See Table 1 for height restrictions.

514.250 Height Exceptions.

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

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

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

OFF-STREET PARKING AND LOADING STANDARDS

514.260 Parking Standards. Off-street parking and loading shall be provided for all development in the amounts indicated in Tables 3, 4, and 5 below, and shall be developed in accordance with Article 9. ~~When square feet is specified, the~~ **The** area measured shall be the combined floor area of each level of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses. Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080 (7), Joint Use of Parking Facilities.

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

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

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

USE	STANDARD
Single Family Dwelling	2 spaces
Multiple Family Dwellings - Studio and 1-Bedroom Units - 2-Bedroom Units - 3- and 4-Bedroom Units - Quad and Quint Units - Senior Citizen Apartments - Student Housing	1.00 space per unit 1.50 spaces per unit 2.00 spaces per unit .75 space per unit 1.00 space per each 2 bedrooms 1.00 per each 2 students at capacity
Boarding and Rooming Houses	1.00 space per 2 occupants at capacity
Group Care Homes	1.00 space per employee, plus 1.00 space per each 5 beds

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

USE	SPACES REQUIRED
Air, rail and motor freight terminals	Subject to site plan review
Animal hospitals and clinics	1 per 400 sq ft GFA
Banks and financial institutions	1 per 200 sq ft on first floor plus 1 per 600 sq ft above first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Bowling alleys	4 per lane
Building materials sales	1 per 500 sq ft. GFA
Central Albany Area Business District retail trade (excluding properties within the members of dDowntown off-street pParking aAssessment dDistrict)	1 per 3 employees plus 1 per 400 sq ft sales area
Churches and other places of religious assembly	1 per 6 seats or 12 feet of bench length (1)
Commercial recreation and assembly	Subject to site plan review
Drive-in restaurants	1 per 50 sq ft GFA
Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Funeral houses	1 per 4 seats or 8 feet of bench length
Furniture, machine and office equipment sales	1 per 500 sq ft GFA plus 1 per 3 employees
Golf courses (including clubhouses and accessory uses)	Subject to site plan review
Greenhouses and nurseries	2 per employee
High schools, colleges and universities	Subject to site plan review
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Industrial uses	See Section 5.120
Laundries and cleaners	1 per 300 sq ft GFA
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 sq ft GFA
Manufacturing, production or processing storage and wholesale types	1 per 2 employees plus 1 per company vehicle See Section 5.240 [Ord. 5338, 1/28/98]
Medical and dental clinics	1 per 200 sq ft GFA
Meeting rooms, private clubs and lodges	1 per 100 sq ft GFA plus 1 per 200 sq ft GFA (2)
Motels and hotels	1 per rental unit plus additional as required for accessory uses

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

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

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

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

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

[Ord. 5338, 1/28/08]	
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514.270 Loading Standards. ~~All necessary~~ Loading spaces for commercial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

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

LANDSCAPING

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

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

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

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

Trees are also required in the following amount:

- ~~(34)~~ One tree at least six feet in height **per 30 feet of road frontage, to be located in the**

BUFFERING AND SCREENING

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

~~14.300~~ Delineation of Area. ~~A buffer consists of an area within a required interior setback adjacent to a property line. It has a depth equal to the amount specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.~~

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

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

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

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

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

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

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

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

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

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

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

OUTSIDE STORAGE

514.360 General.

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

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

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

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

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

FENCES

~~HM~~ MUR DISTRICT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New text is identified by **bold** type. Text proposed to be deleted is identified in ~~strike through~~. **EXHIBIT D**