

ARTICLE 6 SPECIAL PURPOSE DISTRICTS

6.010 Overview. Special purpose districts are overlay districts which are combined with a **base** zoning district. The special purpose districts are intended to regulate development in areas where topographic or natural features, or proximity to an airport require that specific limitations or requirements be imposed. The regulations of a special purpose district are supplementary to the regulations of the zoning district. Both the zoning district and special purpose district regulations apply to sites within a special purpose district. Where the regulations and permitted uses of a zoning district conflict with those of a special purpose district, the more restrictive standards apply, **except as noted below.**

The following is a list of the overlay districts created in this article.

- Airport Approach
- Floodplain
- Hillside Development
- Wetland
- Willamette Greenway
- **Cluster Development**

No changes are proposed to Sections 6.020 to 6.370.

CLUSTER DEVELOPMENT

6.400 Purpose. Cluster Development is intended to allow development of properties while protecting community resources, including but not limited to: steep slopes, wetlands, stream corridors, scenic vistas, and parks and trails. Cluster development is intended to protect natural features, to provide linkage with adjacent parks, open space areas, and pathways, and to allow the development to be more compatible with the topography and/or physical limitations of the site. These provisions are not intended to infer public ownership or use. The cluster standards are also intended to promote flexibility in residential development without compromising the development potential of the underlying zoning district or changing the character of adjacent neighborhoods. Cluster developments should group residential units in one or more areas to reduce the amount of impervious surfaces and length of utility installations.

6.410 Eligibility. To be eligible for cluster development, the development site must be located in a residential zoning district and contain one or more of the following:

- (1) Thornton Lake;
- (2) Delineated wetland. The Oregon Division of State Lands must concur with the delineation;
- (3) Riparian area identified on the city's Riparian Inventory;
- (4) Existing channel identified on Figure 7.1 of the draft North Albany Storm Water Master Plan;
- (5) Slope greater than 25 percent;
- (6) Wooded area with five or more trees over 12 inches in diameter measured 4 feet from the ground;
- (7) Spring; or
- (8) Land providing connectivity to parks, trails, inventoried natural features, or areas zoned or protected as permanent open space.

6.415 Optional Nature. Cluster development is an optional form of development. It is not mandatory.

6.420 Relationship to Other Regulations. If the site is eligible and the applicant chooses cluster development, these standards will supplement other provisions of this Code. For example, a

subdivision proposed as a cluster development is also subject to the provisions of Article 11 of the Development Code. Other residential development is subject to site plan review or conditional use review. These provisions apply to issuance of building permits in a cluster development and to ongoing uses and activities in a cluster development.

6.430 Procedure. Cluster development applications are reviewed as a Type III procedure.

6.440 Review Criteria. The review criteria for a cluster development are those that apply to a particular type of development. For example, the tentative plat criteria in Article 11 apply to cluster land divisions. Also, the review body must find that the application meets the following **additional** criterion:

(1) The proposed plan meets the purpose of cluster development and the protection of permanent open space.

6.450 Open Space Requirements. Cluster developments must provide a minimum amount of permanent open space.

(1) At least 20 percent of the site shall be designated as permanent open space, OR

(2) If the site contains land in the Open Space zoning district, the proposed development shall reserve all of the land within the Open Space zone or at least 20 percent of the site, whichever is greater, as permanent open space.

6.460 Designation of Permanent Open Space. Open space in a Cluster Development shall be designated in the following priority order:

(1) The first priority for open space designation is the protection of natural features, environmentally sensitive areas, and scenic features of the site. This priority is satisfied by any of the following:

- Wetland identified on the city's Local Wetland Inventory.
- Riparian area identified on the city's Riparian Inventory.
- Existing channel identified on Figure 7.1 of the draft North Albany Storm Water Master Plan.
- Slope greater than 25 percent.
- Wooded area with five or more trees over 12 inches in diameter measured 4 feet from the ground.
- Spring.
- Land providing connectivity to parks, trails, inventoried natural features, or areas zoned or protected as permanent open space.

(2) The second priority for open space designation is to create open spaces in and around neighborhoods. This priority is satisfied by any of the following:

- Continuity of adjacent open space corridors or parkways.
- A network of interconnected open space corridors.
- A buffer between neighborhoods.

(3) The third priority for open space designation is to incorporate public parks, trails or open space designated in the Parks, Recreation and Open Space Plan and the North Albany Refinement Plan to create private parks and trails that may be connected to public streets, parks, trails or open space.

6.470 Creation of Permanent Open Space.

(1) Open space in a cluster development may be set aside and managed in one or more of the following ways:

(a) Portions of one or more individual lots; or

- (b) Common ownership by residents of the development; or
 - (c) Third party (non-profit organization) whose primary purpose is to hold or manage the open space, subject to a reversionary clause in the event of dissolution of the non-profit organization; or
 - (d) Dedicated to City of Albany, if the City agrees to accept ownership of and to maintain the space.
- (2) Except for Subsection (1)(d) above, open space shall be subject to restrictive covenants and easements reviewed by the Community Development Director and recorded and filed when the subdivision plat for the project area is recorded. An easement shall include permanent provisions prohibiting the placement of structures or impervious surfaces, alteration of the ground contours, or any other activity or use inconsistent with the purpose of these provisions except for uses allowed in the Cluster Development provisions of the Development Code.

6.480 Protection of Permanent Open Space.

- (1) Except as necessary to meet transportation or utility infrastructure requirements, the development shall avoid encroachment into significant wetlands and riparian corridors.
- (2) For other natural features, permanent alteration by grading or placement of structures or impervious surfaces may be authorized upon demonstration that equal or better protection for natural resources found on site or in the same basin will be ensured through restoration or enhancement or similar measures. In no case shall such alterations encroach more than is necessary to accommodate the use.
- (3) Significant wetlands, riparian corridors, and intermittent streams preserved as open space in a cluster development may be used for conveyance of storm waters but shall not be used for drainage improvements, such as detention or retention ponds, or any other utility improvement necessary for development of the lots.
- (4) Areas set aside for permanent open space in a cluster development cannot be further subdivided.
- (5) Fences are permitted in and around the open space if consistent with the expressed purpose of the open space.
- (6) Provisions must be established to ensure the continued maintenance of any common areas.

6.490 Development Standards. In a Cluster Development, the following development standards supercede the same standards in Section 3.190, Table 1. The number of allowable lots is based on the density range for the zone as specified in the following table.

<u>Standard</u>	<u>RS-10</u>	<u>RS-6.5</u>	<u>RS-5</u>	<u>RM-5</u>
<u>Max. dwelling units per gross acre</u>	<u>4</u>	<u>8</u>	<u>10</u>	<u>20</u>
<u>Minimum Lot size:</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Minimum Lot Width</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Minimum Lot Depth</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Min. front house setback (1)</u>	<u>15 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Maximum Lot Coverage (2)</u>	<u>70%</u>	<u>70%</u>	<u>70%</u>	<u>70%</u>

(1) Except, when lots are adjacent to existing development on the same side of the street, the setback shall be within 5 feet of the adjacent house(s) setback(s).

(2) Except, when building envelopes are used, the maximum lot coverage may be up to 100%.

6.500 Permitted Uses. The uses allowed within Cluster Developments outside the permanent open space are determined by the underlying zoning district standards in Section 3.050, with the following exceptions:

- (1) On development sites greater than 20 acres, up to 20 percent of the housing units in RS-6.5 and RS-10 may be attached single-family or condominium-style housing.
- (2) On development sites greater than 50 acres, up to 2 acres may be developed with neighborhood commercial uses through a conditional use review. The maximum building footprint of commercial or office uses shall be 3,000 square feet. Commercial and office uses shall be limited to restaurants with no drive-through service and convenience-oriented uses as described in Article 22.

6.510 Street Standards for Cluster Development. All local streets in a cluster development may be constructed to the Residential Street Design for Constrained Sites as described in Section 12.122(6). If the City subsequently adopts street standards specifically designated for cluster development, those standards shall supersede and replace this section.