

ORDINANCE NO. 5338

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE DEVELOPMENT CODE TEXT, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission, on December 15, 1997, held the public hearing required by local and state law; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments, based on evidence presented in the staff report and at the public hearing for Planning Division File No. DC-02-97; and

WHEREAS, the Albany City Council has caused notice to be given as required by law and has had a public hearing concerning the Development Code text amendments;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Development Code text is hereby amended as shown on the attached Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O and summarized as follows:

- a) DC-02-97(A): Amend Article 6 to clarify when a public hearing is required if a proposed development is located on property that contains a floodplain, as shown in Exhibit A attached.
- b) DC-02-97(B): Amend Article 2 by revising the review criteria for adjustments to clarify that adjustments can be approved for proposed structures, as shown in Exhibit B attached.
- c) DC-02-97(C): Amend Article 3 by deleting certain residential density bonuses now allowed in the Code, as shown in Exhibit C attached.
- d) DC-02-97(D): Amend Article 3 to allow detached accessory apartments in existing accessory buildings if certain standards are met, as shown in Exhibit D attached.
- e) DC-02-97(E): Amend Article 14 to allow drive-up windows for businesses in the LE (Lyon-Ellsworth) zoning district with site plan review, and allow drive-up windows in the PB (Pacific Boulevard) district with site plan review instead of as a conditional use, as shown in Exhibit E attached.
- f) DC-02-97(F): Amend Article 3 to clarify that the setback for garages located on alleys is 5 feet, as shown in Exhibit F attached.
- g) DC-02-97(G): Amend Article 14 to correct miscellaneous errors and omissions, as shown in Exhibit G attached.
- h) DC-02-97(H): Amend Article 3 to allow a single-family lot with more than one single family dwelling unit on it to be split to provide an individual lot for each existing unit, as shown in Exhibit H attached.
- i) DC-02-97(I): Amend Article 10 to revise the minimum area required for a manufactured home park. This revision is required to conform with new state law. Clarify that the setback from a public street for a manufactured home in a park is the same as for other homes in the same zoning district, as shown in Exhibit I attached.
- j) DC-02-97(J): Amend Article 2 to clarify that existing lots of record can be developed if current development standards are met, as shown in Exhibit J attached.
- k) DC-02-97(K): Amend Article 12 to clarify that as many as four multi-family units can have their own driveway accesses to a public street, as shown in Exhibit K attached.
- l) DC-02-97(L): Amend Article 3 to allow additional lot coverage in RR (Residential Reserve) zoning districts in North Albany if lot size is 20,000 square feet or less, as shown in Exhibit L attached.
- m) DC-02-97(M): Amend Article 3 to specify that the required separation between multi-family buildings is 10 feet for single-story buildings and 20 feet from two-story or taller buildings, as shown in Exhibit M attached.

- n) DC-02-97(N): Amend Article 1 to expand the notification area to surrounding property owners for new subdivisions, manufactured home parks, and multi-family developments from 100 to 300 feet, as shown in Exhibit N attached.

Section 2: The Findings of Fact contained in the staff report and attached as Exhibit "O" are hereby adopted in support of this decision.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: January 28, 1998

Approved by Mayor: January 28, 1998

Effective Date: January 28, 1998

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

- (4) Location of any designated floodway and base flood boundary.
- (5) Location of any designated wetlands and/or wildlife habitat (if applicable).
- (6) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures (if applicable).
- (7) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development (if applicable).
- (8) If floodproofing is required, the proposed description and elevation of floodproofing.

6.130 Land Division and Planned Development Standards. Land divisions and planned developments in the floodplain district shall be reviewed by the Planning Division as a part of the land use planning process. Notwithstanding other provisions of this code, all land division and planned development applications which ~~contain land~~ **propose actual development** within a floodplain district shall be processed under the Type III process. **An application to develop property which has floodplain on it, but where no development is proposed in that floodplain, will be processed as otherwise required in this Code. In the case of a land division, "no actual development" means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development. For example, as a public drainage right-of-way.** In addition to the general review criteria for land divisions and planned developments in Article 11, applications **which propose actual development** within the floodplain district shall also be subject to the following standards:

- (1) All land division proposals shall be consistent with the need to minimize flood damage.
- (2) All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Code.
- (5) Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.
- (6) All land divisions or planned developments in the floodplain district shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the 100-year floodplain as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."

6.131 ~~Manufactured Home Parks and Manufactured Home Subdivision Standards.~~ Manufactured home parks and manufactured home subdivisions proposed in the floodplain district shall be reviewed by the Planning Division. Notwithstanding other provisions of this code, all manufactured home park and subdivision applications which ~~contain land~~ **propose actual development** within the floodplain district shall be processed under a Type III process. **An application to develop property which has floodplain on it, but where no development is proposed in that floodplain, will be processed as otherwise required in this Code. In the case of a land division, "no actual development" means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development. For example, as a public drainage right-of-way.** In addition to the general review criteria applicable to manufactured home parks and subdivisions in Article 10, applications ~~for such~~ **which propose actual development** within the floodplain district shall include an evacuation plan indicating alternate vehicular access and escape routes.

6.133 Building Standards. Applications for building permits in the floodplain district shall be reviewed by the Building Official pursuant to locally adopted state building codes. In addition to building code criteria, all development in the floodplain district, except that exempted in Section 6.150 below (Ord. 5281, 3/26/97), shall be subject to the following building standards:

- (1) The lowest floor, including basement, of any proposed structure (including manufactured homes and non-residential structures) shall be placed at least one (1) foot above the 100-year flood as determined by the latest Federal Insurance Study.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (4) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) All manufactured homes shall be on an adequately anchored, permanent foundation and be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, the use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional details).
- (6) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement and shall be installed or constructed using materials, methods, and practices that minimize flood damage.
- (7) All new construction and substantial improvements shall replace or provide new water supply and systems to be designed to minimize or eliminate infiltration of flood waters into the system.
- (8) All new construction shall have sanitary sewer systems designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. On

**ADJUSTMENTS**

2.060 Purpose. The adjustment review process provides a mechanism by which the Director may make limited modifications to the application of regulations in the Development Code. Adjustment reviews provide limited flexibility for unusual situations, while continuing to provide certainty and rapid processing for land use applications. Requests for changes from a numerical development standard of 10 percent or less of the standard are processed as adjustments. Requests for changes to standards which are not numeric or which are for more than 10 percent of the standard are processed as variances.

2.070 Procedures. Adjustment requests are processed through a Type I procedure.

2.080 Review Criteria. The review criteria for sign adjustments are stated in Section ~~18.230~~ **13.230**, Sign Code. Setback adjustments in developed areas are addressed in Section ~~6.080~~ **3.210**. All other adjustment requests will be approved if the Director finds that the applicant has shown that the following criteria have been met:

- (1) The requested adjustment is for 10 percent or less of the numerical development standard.
- (2) The need for the requested adjustment is created by the configuration of ~~the~~ **an existing or proposed** structure on the site.

- 3.200 Lot Size Variation Within a Land Division. Up to 50% of the total number of lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after application of all density bonuses. In such cases, the recorded plat or plan map shall indicate that the larger lots may not be further divided or deed restrictions shall be established indicating the same.
- 3.210 Lot Size Variation Within Cluster and Condominium Developments. In the RS-6.5, RS-5, RM-5, RM-3, and OP districts; lot area, lot coverage, and yard requirements may be reduced for individual lot or building sites created by filed and recorded subdivision of the "cluster" type or condominiums developed in accordance with ORS 91.505 to 91.675; provided the difference in square footage between the standard lot area established in this Article and the square footage of lots created is secured for common use in open space by covenants or associations to be in effect for at least 20 years.
- 3.220 ~~(6-040)~~ Bonus Provisions for Reduction in Standard Lot Size Requirements. The following standards may be applied to development sites resulting in allowed reductions in standard lot size and area per unit requirements as indicated. In no instance shall the combined total of all bonus provisions applied to a development result in an overall reduction of more than 40% in the standard site size or lot area per unit requirements, or result in a density which exceeds the allowed density in the zone. Some bonuses are available for lot design only, with additional bonuses available due to building design or construction.

Relationship to Transportation

- (1) 10% reduction in standard lot sizes when at least 50% of any such lot is located within 200 feet of a designated collector or arterial street and such lot does not have direct access to an arterial.
- (2) For multi-family developments, condominiums, and townhouses; area per unit requirements can be reduced by 10% if the area in question is within 200 feet of a designated arterial.

Design Factors

- (1) Protection of Natural Features. A density bonus of up to 5% can be granted when it is shown that minimal disturbance will be made to existing features. The amount of bonus is related to both the amount of protection and the importance of features on the site.

Energy

- (1) Solar Access Protection. If buildings are sited (either by site design or defining buildable areas) and covenants or other mechanisms are established which protect solar access of south building walls from shading by structures and vegetation, a bonus of up to 10% may be allowed. The amount of bonus depends on the restrictiveness of the covenant and the percentage of units affected. In subdivisions, a covenant or other mechanism which provides and protects solar access for the southerly building area of 80% or more of the lots from 9:30 a.m. to 2:30 p.m. on December 21 shall be given the full 10% bonus. In multiple unit developments, if 80% or more of the units receive this same protection for south facing walls, and south facing glass of those units totals at least 7% of the conditioned area, the full bonus may be allowed. (South facing is defined as being within 25° of true south.)

**EXHIBIT C (continued)**

- ~~(2) **Energy Efficient Construction.** PD and multiple family developments which have lower than average heat requirements may receive density bonuses. Heat needs are based on an average for all structures in the development, are computed on an annual basis, and expressed in BTU's per degree day per square foot of conditioned area. BTU values different than those listed receive an appropriate bonus as extrapolated from the mentioned bonuses. Bonuses are as follow:~~

<del>Average of less than 5 BTU/DD/FT<sup>2</sup></del>	<del>5%</del>
<del>Average of less than 4 BTU/DD/FT<sup>2</sup></del>	<del>10%</del>
<del>Average of less than 3 BTU/DD/FT<sup>2</sup></del>	<del>15%</del>
<del>Average of less than 2 BTU/DD/FT<sup>2</sup></del>	<del>20%</del>
<del>Average of less than 1 BTU/DD/FT<sup>2</sup></del>	<del>25%</del>

~~Solar gain shall be part of these calculations if adequate summer shading and venting is provided. Affects of building techniques (such as the Homebuilders Structural Energy Efficiency Program) shall be included in heat loss calculations.~~

- ~~(3) **Hot Water Heaters.** Where it can be shown that hot water will be provided for each anticipated resident of a development (assuming 25 gallons per person per day) for a non-renewable heat demand of less than 2,500,000 BTU's per year, the percentage of units which would install such a unit times 5% equals the amount of bonus. (If all units will have such a unit, the bonus will be 5%.)~~

Moderate-Cost Housing

- (1) Provision of Moderate-Cost Housing. If 50% of the units meet the following performance standards, a density bonus may be permitted as follows:
- (a) Affordable for persons whose income is 1.2 times the median income for Linn County - 5% density increase.
  - (b) For projects affordable for persons whose income is equal to the median income for Linn County - 10% density increase.
  - (c) For projects which are affordable for persons whose income is equal to, or less than, .8 times the median income for Linn County - 15% density increase.

Affordable means that the annual mortgage payments, with no more than a 10% down payment required, or the annual rent for a unit equals no more than 28% of the income level for which the density bonus points are being applied. Projects must have a guaranteed sale price, interest, or rental price, and include contractual obligations for continued availability to low- and moderate-income persons.

**SETBACKS**

- 3.230 Setback Measurements. All setbacks shall meet the minimum standards as set forth in Table 1, Development Standards. Setback distances shall be measured perpendicular to all portions of a lot line. In addition to the setbacks in this article, all development must comply with Section 12.180-- Clear Vision Area. See also Table 2, Accessory Structure Standards, page 3-20.

## EXHIBIT D

- (9) Outdoor recreational facilities (e.g. golf and country clubs, driving ranges, swimming or tennis clubs, equestrian trails, etc. not constructed as a part of planned residential development).
- (10) Public parks and recreational facilities located in a public park. See special condition 14.
- (11) Fairgrounds.
- (12) On-site parking lots for approved uses (parking lots not listed as permitted in other categories.)
- (13) Regional/community utilities including treatment plants, major power generation, major storage facilities, regional transmission facilities, major overhead power lines requiring tower support structures, etc.

### SPECIAL CONDITIONS

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

- (1) In the RS-6.5, RS-5, Districts, duplexes may only be located on corner lots except in Planned Developments.
- (2) Duplexes are permitted outright in the RS-6.5, RS-5, and RS-10 Districts on corner lots designated at the time of subdivision approval where all adjacent parcels are under the same ownership.
- (3) Duplexes and multi-family developments may be divided so that each can be individually owned by doing a land division in conformance with Article 11. The total land area provided for the development as a whole must conform with the requirements of Article 3, Table 1, however, the amount of land on which each unit is located need not be the amount shown in Table 1. For example, the land area for a duplex to be divided in an RS-6.5 zoning district must be 8,000 square feet, but that area need not be split equally between the individual lots (one may be larger than 4,000 square feet and one smaller.)
- (4) Accessory apartments are permitted as additions to or within single family residences when:
  - (a) One residence on the site is owner occupied.
  - (b) The apartment remains incidental to the primary residence in size and appearance.
  - (c) At least ~~two~~ three off-street parking spaces are available on the property for use.
  - (d) All required building permits have been obtained.
  - (e) **For detached accessory apartments, the parcel on which the apartment will be built meets the minimum lot area requirements for the zoning district in which the lot is located.**
- (5) In the RM-5 District, the following criteria shall be considered in addition to the conditional use criteria for permitting RV overnight parks:
  - (a) The entire site must be located within 750 feet of the Interstate 5 right of way.



**ARTICLE 22  
DEFINITIONS**

22.010 **Definitions.** As used in this Code, the following words and phrases shall have the following meanings:

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

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

**Accessory Apartment:** A self-contained living unit which is ~~attached to or a~~ part of a single-family dwelling, **or constructed within an accessory structure built before February 1, 1998**, and which is incidental and subordinate to the principal dwelling unit.

**Accessory Building:** A detached or semi-detached building the use of which is subordinate to and consistent with the principal use of the property.

**Accessory Use:** A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

**Access Way:** An unobstructed way of specified width containing a drive or roadway which provides vehicular access and connects to a public street.

**Active, Passive Solar Systems:** Active or indirect solar heating utilizes heat collection which is separate from the area being heated, with a mechanical method of transferring heat between the two areas. A passive solar system is any method which requires no external energy input to collect and disperse solar heat. In new building design, this means utilizing site design, building orientation, window placement, insulation, vegetation, etc. to heat and cool a building. Passive solar systems may also include the addition of such solar collectors as greenhouses, water traps, improved insulation, or other weatherization techniques.

**Adjacent:** Contiguous to a property boundary or across an adjoining right-of-way.

**Adult Entertainment:** Adult entertainment uses are sexually-oriented business entertainment uses and accessory uses which exclude minors by virtue of age under the laws of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian, or spouse. Such uses include but are not limited to, adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, nude photography studios, or eating and drinking establishments which have sexually-oriented entertainment such as nude dancers, strippers, or other similar entertainers.

**Affected Party:** Any person who owns property or resides on property within the notification area for a development permit application, or any person who provides written or oral testimony in regard to a development permit application and who can demonstrate standing by virtue of an affected property interest.

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

**SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS**

Item	USE DESCRIPTIONS	Spec											
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES	
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	S	*	*
5.300	Food establishments with drive-up windows		*	*	*	S	*	*	*	E	S	*	*
5.400	All other restaurants & eating establishments		S	S	C	S	C	S	S	C	*	C	
5.500	Taverns, bars, nightclubs		S	S	C	S	C	S	S	C	*	*	
5.600	Brew pub		S	S	S	S	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												

TABLE 1

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

STANDARD	SINGLE FAMILY DISTRICTS			MULTI-FAMILY DISTRICTS			
	RR	RS-10	RS-6.5	RS-5	RM-5	RM-3	RM-H
Minimum Lot Size (1):							
- single family	5 acres	10,000 sq ft	6,500 sq ft	5,000 sq ft	5,000 sq ft	None	None
- duplexes	N/A	N/A	8,000 sq ft	7,000 sq ft	7,000 sq ft	3,600 sq ft	None
- 3 or more 1 bedroom units	N/A	N/A	N/A	N/A	2,400 sq ft/unit	1,600 sq ft/unit	None
- 3 or more 2 bedroom units	N/A	N/A	N/A	N/A	3,300 sq ft/unit	1,800 sq ft/unit	None
Minimum Lot Width	N/A	65'	50'	40'	35'	None	None
Minimum Lot Depth	N/A	100'	80'	70'	65'	None	None
Minimum Landscaped Area	N/A	(2)	(2)	(2)	(3)	(3)	(3)
Minimum Setbacks: (4)							
Front	20'	20'	15'	15'	15'	15'	15'
Interior:							
single story	5'	5'	5'	5'	10'(5)	10'(5)	10'(6)
2 or more stories	8'	8'	8'	6'	10'(5)	10'(5)	10'
Garage Vehicle Entrance (10)	20'	20'	20'(7)	20'(7)	20'(7)	20'(7)	20'(7)
Maximum:							
Height (8)	30'	30'	30'	30'	30'	45'	75'
Building Coverage	20%	50%	60%	60%	60%(9)	70%(9)	85%(9)

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area per unit requirements.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to street plus open space.
- (4) Additional setbacks may be required, see Sections 3.080-3.160.
- (5) Except for single family homes or duplexes which must meet the same setbacks as required for RS-5.
- (6) More than 3 stories = 10' plus 3' for each story over 3
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet. (Ord. 5281, 3/26/97)
- (8) See exceptions to height restrictions, Section 3.310.
- (9) Building and parking coverage.
- (10) The setback for a garage located on an alley is 5 feet.

TABLE 4

<b>COMMERCIAL DISTRICT (HD, CB, MS, LE, TD, PB, ES) PARKING SPACE REQUIREMENTS</b>	
<b>USE</b>	<b>SPACES REQUIRED</b>
Air, rail and motor freight terminals	Subject to site plan review
Animal hospitals and clinics	1 per 400 SF GFA
Banks and financial institutions	1 per 200 SF on first floor plus 1 per 600 SF above first floor
Beauty and barber shops and other personal services	1 per 200 SF plus 1 per 3 employees
Bowling alleys	4 per lane
Central Business District retail trade (excluding members of downtown off-street parking assessment district)	1 per 3 employees plus 1 per 400 SF 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 SF 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 SF 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 SF GFA
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 SF GFA
Manufacturing, storage and wholesale types	See Section <del>5.120</del> 5.240
Medical and dental clinics	1 per 200 SF GFA
Meeting rooms, private clubs and lodges	1 per 100 SF GFA plus 1 per 200 SF GFA (2)

**TABLE 5**

<b>LIGHT INDUSTRIAL (MUD) DISTRICT PARKING SPACE REQUIREMENTS</b>	
<b>USE</b>	<b>SPACES REQUIRED</b>
Air, rail and motor freight terminals	Subject to site plan review
Building material sales	1 per 500 SF 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 SF of patron serving area plus 1 per company vehicle
Warehousing and wholesale	1 per 2 employees plus 1 per 300 SF of patron serving area plus 1 per company vehicle
Wrecking yards and junk yards	1 per employee plus 1 per 10,000 SF lot area

**LANDSCAPING**

14.280 General. All required yards adjacent to a street (see Table 1) exclusive of accessways and other permitted intrusions are required to be landscaped prior to 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 in all Central Albany zones shall be as follows:

- (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.

**BUFFERING AND SCREENING**

14.290 General Requirements/Matrix. In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix on the next page. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.

<b>BUFFER MATRIX PROPOSED USE</b>							
<b>ABUTTING USE OR ZONING DISTRICT</b>	<b>Detached Dwellings</b>	<b>Attached Dwellings 1 story</b>	<b>Attached Dwellings 2+ stories</b>	<b>Manufactured Home Parks or Subdivisions</b>	<b>Commercial and Professional Uses</b>	<b>Light Industrial Use</b>	<b>Any Parking Lot with More Than 4 Spaces</b>
DETACHED FAMILY DWELLING UNIT/RS-6.5 OR RS-5 DISTRICT	0'	0'	10'	10'S	10'S	30'S	10'S
DETACHED UNIT 1-STORY/RM-5 DISTRICT	0'	0'	10'	10'S	10'S	30'S	10'S
ATTACHED DWELLING UNIT/2+ STORIES OR RM-3 OR RH DISTRICT	0'	0'	10'	10'S	10'S	30'S	10'S
MANUFACTURED HOME PARK OR SUBDIVISION IN ANY DISTRICT	10'	10'	10'	0'	10'S	30'S	10'S
ANY ARTERIAL STREET	10'S	10'S	10'S	10'S	10'	10'	10'
COMMERCIAL/PROFESSIONAL USES OR RP, NC, CC, OR CH DISTRICTS	10'	10'	10'	10'S	0'	0'	0'
INDUSTRIAL PARK DISTRICT	20'	20'	20'	20'S	0'	0'	0'
LIGHT INDUSTRIAL DISTRICT	30'S	30'S	30'S	30'S	0'	0'	0'
HEAVY INDUSTRIAL DISTRICT	40'S	40'S	40'S	40'S	20'	0'	0'
ANY PARKING LOT WITH MORE THAN 4 SPACES	10'S	5'S	5'S	5'S	0'	0'	0'

"S" indicates screening required.

**BUFFER MATRIX**

**PROPOSED USE**

ABUTTING USE OR ZONING DISTRICT	Attached Detached Dwelling	Attached Dwellings One story	Dwellings Two+ stories	Manufactured Home Parks and Subdivisions
Detached Family Dwelling Unit/R-6.5, RS-5 or MUR District	0'	10'	10'	10' S
Attached Dwelling Unit 1-story/RM-5 District	0'	0'	0'	10' S
Attached Dwelling Unit 2+ stories/RM-3 or RM-H District	0'	0'	0'	10' S
Manufactured Home Park or RV Park or Subdivision in any District	10'	10'	10'	0'
Any Arterial Street	10' S	10' S	10' S	10' S
Commercial/Professional Uses or OP, NC, HD, CB, MS, LE, TD, PB, or ES Districts	10'	10'	10'	10' S
Light Industrial Use or MUI District	30' S	30' S	30' S	30' S
Any Parking Lot with more than 4 spaces	10' S	5' S	5' S	5' S

"S" indicates screening required.

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.

TABLE 1

CENTRAL ALBANY DEVELOPMENT STANDARDS										
STANDARD	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
Minimum:										
Lot Size (sq. ft.)										
• single family:	N/A	N/A	None	None	N/A	N/A	N/A	N/A	5,000	5,000
• duplex:	None	N/A	3,600	3,600	N/A	N/A	N/A	N/A	7,000	7,000
• 3 or more 1 bedroom units:	None	None	1,600/u	1,600/u	1,600/u	None	None	1,600/u	2,400/u	2,400/u
• 3 or more 2 bedroom (or larger) units:	None	None	1,800/u	1,800/u	1,800/u	None	None	1,600/u	3,300/u	3,300/u
• All other uses:	2,000	2,000	5,000	10,000	6,000	2,000	15,000	15,000	5,000	5,000
Lot Width	20'	20'	None	80'	60'	20'	100'	80'	35'	40'
Lot Depth	50'	50'	None	80'	80'	50'	150'	95'	65'	80'
Landscaped Area (2)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Minimum Setbacks:										
Front	0'	0'	15'	15'	15'	0'	10'	5'	15'	15'
Interior	(4)	(4)	10'(1)	10'(1)	(4)	(4)	(4)(5)	(4)	10'(1)	5'(3)
Garage Vehicle Entrance	20'	20'	20'(8)	20'(8)	20'(8)	20'	20'	20'	20'(8)	20'
Maximum:										
Height	85'	60'	45'	45'	30'	60'	None	50'	30'	30'
Lot Coverage (6)	100%	(7)	70%	70%	70%	100%	None	90%	60%	70%

(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.

(2) All yards adjacent to streets.

(3) Single story 2 or more stories = 8'.

(4) Yards abutting residential districts and/or uses requires 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 14.120

(8) Garage setback for non-vehicle entrance shall conform with the requirements for interior setbacks.



**EXHIBIT H**

**RESIDENTIAL ZONING DISTRICTS**

**USE DESCRIPTIONS**                      Spec    RS    RS    RS    RS    RM    RM    RH  
 Cond   R-R 10   6.5   5   5   3

1.000	RESIDENTIAL								
1.100	Single Family Residences:								
1.110	Single family detached, one dwelling per lot		A	A	A	A	A	A	*
1.120	Single family detached, more than one dwelling per lot	17	*	PD	PD	PD	S	S	*
1.130	Two units attached at common wall property line	1,2,3	*	C	C	S	S	S	*
1.140	Multiple single family attached units (condominiums)		*	PD	PD	S	S	S	S
1.150	Conversion of multiple family to single family attached		*	C	C	C	C	C	C
1.160	Manufactured homes (See Article 10)		A	A	A	A	A	A	*
1.170	Manufactured home parks and subdivisions (See Article 10)		*	*	S	S	S	S	*
1.180	Home occupations (See Article 3)		A	A	A	A	A	A	A
1.200	Two-family Residences:								
1.210	Duplexes	1,2,3	*	*	C	C	A	A	*
1.220	Primary residence with accessory apartment	4	C	C	C	C	A	A	*
1.300	Multiple Family Residences:								
1.310	Located within Willamette River Greenway Boundary		*	*	*	*	C	C	C
1.320	Quad or quint apartment dwellings		*	*	*	*	S	S	*
1.330	All other multiple family dwellings		*	*	*	*	S	S	S
1.340	Conversion of multiple family to single family on individual lots	3							
1.400	Overnight Recreational Vehicle Parks (See Article 12)	5	*	*	*	*	C	C	*
1.500	Homes & Institutions Providing Special Services, Treatment, or Supervision:								

**EXHIBIT H (continued)**

- (14) 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.
- (15) Mini-warehouses are subject to the following standards:
- (a) Freestanding facilities shall be limited to sites of one to three acres in size and maximum building coverage shall be limited to 50% of the parcel.
  - (b) Building setbacks shall be as follows: front yards - 25 feet, interior yards - 20 feet. No fencing is permitted in front yard setbacks and a minimum ten-foot landscape buffer yard is required adjacent to all residential zones. No barbed wire fencing is permitted in residential districts.
  - (c) The minimum driveway width between buildings shall be 20 feet for one-way drives and 24 feet for two-way drives.
  - (d) The maximum storage unit size shall be 500 square feet.
  - (e) All outdoor lighting shall be shielded to prevent reflection on adjacent properties.
  - (f) Repair of autos, boats, motors and furniture, and the storage of flammable materials shall be prohibited on the premises and rental contracts shall so specify.
  - (g) Outside storage of vehicles and materials is prohibited within this use category and no other business activity other than the rental of storage units shall be conducted on the premises.
- (16) Public and Commercial Communication Towers and Transmitters Over 50 Feet in Height are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a tower is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Type II land use decision.)

Such a tower will also be subject to the following conditions:

- 1. The base of the antenna and any structures associated with the antenna shall be set back from the property lines of the property on which they are sited a distance of not less than 30 feet.
- 2. The land on which the facility is sited shall be screened from adjacent land along its full perimeter, by providing screening, as defined in ADC Section 9.250. (Ord. 5281, 3/26/97)

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

**EXHIBIT M (continued)**

10.180 **Review Criteria.** In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the "review area," which is the area within 300 feet of the subject lot or parcel or the nearest five dwellings. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:

- (1) Roofing shall be similar in color, material, and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area. The roof pitch shall be a minimum of nominal 3/12. Manufactured homes placed in RM-5 or RM-3 districts may have a roof pitch of nominal 2/12.
- (2) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area.
- (3) A garage of like materials and color of the attached dwelling is required where similar features are predominant in the review area. A carport may be allowed if other dwellings in the review area also have carports or if there is a mixture of dwellings with or without garages or carports. The garage or carport may be required to be attached if other dwellings in the review area have attached garages.
- (4) All Class A and Class B manufactured homes outside of manufactured home parks shall be placed on an excavated and back-filled foundation and enclosed with a perimeter enclosure, which must be similar in appearance to foundations or enclosures in the area.

## **MANUFACTURED HOME PARKS**

### **GENERAL**

10.190 **Where Permitted.** Manufactured home parks are permitted with Site Plan Review approval in the RS-6.5, RS-5, RM-5 and RM-3 Districts in accordance with the standards of this Article and the standards for site plan approval, Article 8. In addition, manufactured home parks may be planned under the provisions for Planned Developments (Article 11) which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities. Manufactured home parks are not permitted in the RR, RS-10 and RM-H districts.

10.200 **Same Standards Apply as for Conventional Development.** Except as specified otherwise by this article, the standards for subdividing and developing land within manufactured home parks are the same as for all other developments in accordance with the provisions of this Code.

10.210 **Minimum Area Required.** All manufactured home parks shall consist of a minimum area of ~~5 acres~~ **one acre**. Smaller parks may be considered through the conditional use process.

10.220 **Density.** The maximum number of manufactured homes allowed within a manufactured home park shall be computed by dividing the total land area of the park, including private streets and common areas by the minimum lot area per dwelling unit allowed within the subject zone. In addition, the density bonus provisions of Section 6.040 may also be applied. However, total density shall not exceed 10 units per acre.

- 10.300 **Lighting.** All accessways and walkways within the park shall be lighted at night to provide a minimum of 0.35 foot candles of illumination.
- 10.310 **Placement.** Manufactured home placement shall be in accordance with state requirements.
- 10.320 **Screening.** Manufactured home parks must provide buffering and screening as required by Sections 3.340, 9.240 and 9.250.
- 10.330 **Signs.** One freestanding non-illuminated sign identifying the manufactured home park is allowed at each entrance to the park. Such signs may not exceed 32 square feet and are subject to the clear vision area requirements of Section 6.160.
- 10.340 **Information Sign.** At each entrance to a manufactured home park, a permanent map layout shall be located on a sign indicating the address or space number of each manufactured home.
- 10.350 **Fire Hydrants.** If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park must have water supply mains designed to serve fire hydrants. Hydrants must be provided within 500 feet of any space or structure. Each hydrant within the park must be located on a vehicular way and conform in design and capacity to the public hydrants in the city.
- 10.360 **Storage Areas.** Manufactured home parks may provide outside or covered storage areas for recreational vehicles or other equipment used by park residents provided that such areas are surfaced and drained in accordance with City Standards and provide buffering and screening as required in Section 9.080. In addition, except where garages are constructed, each manufactured home shall be provided with a permanent storage building (which may be attached or adjacent to the carport) containing a minimum of 32 square feet of floor area. In lieu of this requirement, a combined storage facility may be provided which contains a minimum of 32 square feet of storage space for each manufactured home space. The height of this structure shall not exceed 12 feet.
- 10.370 **Manufactured Home Spaces.** Manufactured home spaces shall be indicated on the development plan and each space clearly identified by number. In design of a manufactured home park, it shall be demonstrated that planned spaces can reasonably accommodate a variety of manufactured home types with accessory structures and required setbacks.
- 10.380 **Setbacks.** The following setbacks shall apply within manufactured home parks:
- (1) Distance between manufactured homes - 10 feet.
  - (2) Distance from a park building other than an accessory structure - 10 feet.
  - (3) Distance of a manufactured home or accessory structure from a space boundary - 3 feet, except where a carport, garage, or storage structure is shared by adjoining spaces in which case the shared facilities may be attached at the space dividing line.
  - (4) Distance of a manufactured home or accessory structure from an exterior park boundary ~~or public right-of-way~~ - 10 feet. **Where a public street abuts or runs through a manufactured home park, the homes shall meet the front setback requirement for the zoning district in which the park is located.**

**NONCONFORMING SITUATIONS**

2.300 Purpose. Within the City there are lots, developments, and uses which were lawful before this Code was adopted or amended, but which would no longer be allowed under the current terms of this Code. It is the intent of these provisions to permit such nonconformities to continue, but not to encourage their perpetuation. All nonconformities are referred to as "nonconforming situations."

2.310 Status and Documentation of a Nonconforming Situation. The nonconforming situation regulations apply only to those situations which were allowed when established or which were approved through a land use review. Nonconforming situations which were not allowed when established have no grandfather rights and must be removed. The burden of proof is on the property owner or applicant to document that a nonconforming situation was allowed when established and was maintained over time. Satisfactory evidence of the nonconforming situation must be provided by the applicant. Evidence might consist of building permits, utility hookups, tax records, business licenses, or telephone directory listings.

2.320 Types of Nonconforming Situations. **A lot of record may be nonconforming because it does not meet the dimensional or area standards currently required in a particular zoning district.** A specific site may be nonconforming because it contains either a nonconforming use, an allowed residential use that exceeds the allowed density, a nonconforming development, or a combination of these.

2.330 Regulations That Apply to All Nonconforming Situations.

- (1) The status of a nonconforming situation is not affected by changes in ownership.
- (2) A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies the site, the nonconforming rights are lost and a nonconforming situation may not be re-established.
- (3) A nonconforming use may change to a conditional use if approved through a conditional use review. Once a conditional use occupies the site, the nonconforming rights are lost and a nonconforming use may not be re-established.
- (4) Normal maintenance and repair of nonconforming situations is allowed.

2.340 Loss of Nonconforming Status.

- (1) The nonconforming use of a building, structure, or land shall be deemed to have terminated if the building, structure, or land ceases to be occupied by a permitted or legally nonconforming use for any reason for a continuous period of one year. Extensions of up to two additional years may be granted under the Type II procedure if the Director finds that:
  - (a) Conversion to any conforming use will result in a substantial economic loss and that the proposed use will result in greater conformance with the development standards of the zone or
  - (b) Immediately surrounding land uses are similarly nonconforming and proposed use will be compatible with both the nonconforming and conforming uses in the review area.

- (2) Nonconformance with any development standard or condition other than building setback, coverage, or height shall be deemed terminated if the building, structure, or land ceases for any reason to be occupied by a permitted or legally nonconforming use for a continuous period of one year.
- (3) Any nonconforming use or development dependent upon a building or structure which is substantially damaged or becomes deteriorated to the extent that it has been declared a "dangerous building" and ordered demolished pursuant to the Albany Dangerous Building Code (AMC Chapter 18.16) shall be deemed terminated upon such destruction or declaration and order.
- (4) Any nonconforming use or development dependent upon a building or structure which is substantially damaged or destroyed by any cause to the extent that the cost of repair or restoration of the building or structure would exceed 70 percent of its fair market value shall be deemed terminated.
  - (a) Cost of repair or restoration shall be determined by the Building Official. Fair market value shall be determined by independent professional appraisal in a form satisfactory to the City. Such determinations of value and cost are appealable to the Building Board of Appeals. Exceptions to this standard may be applied for under the Type II procedure.
  - (b) The Director may allow additional degrees of reconstruction upon finding that:
    1. Conversion to any conforming use will result in a substantial economic loss, and
    2. The proposed use will result in greater conformance with the development standards of the zone, or
    3. Immediately surrounding land uses are similarly nonconforming and the reconstructed use will be compatible with both the nonconforming and conforming uses in the review area.
- (5) Rebuilding of structures which have been intentionally destroyed and which contained nonconforming uses is prohibited.

**2.345 Nonconforming Lots of Record. Lots of record that do not meet the dimensional or area requirements of the zoning district in which they are located may be developed. Any new structure built on the lot must conform with the development standards for the zoning district in which the lot is located (such as setbacks, lot coverage, etc.).**

**2.350 Nonconforming Uses.**

- (1) Nonconforming uses may continue to operate. Changes in operations are allowed. However, nonconforming uses in residential zones may not extend their hours of operation into the period of 11 pm to 6 am.
- (2) A change to another use in the same use category is allowed by right. A change to a use in a different use category which is prohibited by the base zone may be allowed through a nonconforming use review.
- (3) Structural expansions shall be limited to the following:

12.100 Access to Public Streets. With the exceptions noted in Section 1.070, the location and improvement of an accesspoint onto a public street shall be included in the review of a development proposal. In addition, the following specific requirements shall apply to all access points, curb cuts, and driveways:

- (1) Approaches and driveways to City streets and alleys must be paved and constructed in accordance with the Standard Construction Specifications.
- (2) Driveways for single- and two-family dwellings must have a minimum width of 12 feet, maximum width of 30 feet (not to exceed the width of the driveway curb cut), and minimum separation of 5 feet. **Up to four multi-family units that front on a public street may have separate driveways. The driveways shall meet the same standards as single- and two-family dwellings.**

Driveways for all other uses must have widths of 12-16 feet for one-lane (one-way) driveways, 24-32 feet for two-lane driveways, and 36 feet for three-lane driveways. **Three-lane driveways must have with designated lanes and turning movements. and Industrial driveways shall have a width of 24-48 feet for all industrial use driveways.** There must be a minimum separation of 22 feet between all driveways except for single- and two-family dwellings. The width of a driveway will be determined by measuring at the curb line and will exclude the transitions which must conform to standards fixed by the City Engineer.

- (3) All driveways must be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following as measured from the nearest curb return radius:

Arterial Street	40 feet
Collector Street	20 feet
Local Street	10 feet

Where streets of different functional classification intersect, the distance required is that of the classification which requires the greatest distance between the access point and the intersection.

- (4) The location, width, and number of accesses to a public street may be limited for developments which are subject to site plan review provisions of this Code. All development which proposes access to an arterial street is subject to site plan review procedures and the design requirements of 12.230.
- (5) Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street. Except as further restricted by this Article, local street access to properties of less than 100 feet of frontage is limited to 2 access lanes per frontage which may be together or separate and properties exceeding 100 feet of frontage are limited to 2 access lanes per each 100 feet of frontage.
- (6) Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan, land division, or other review procedures.
- (7) A common access point at a property line is encouraged and, in some instances, may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.

TABLE 1

		<u>RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS</u>						
		<u>SINGLE FAMILY DISTRICTS</u>						
<u>MULTI-FAMILY DISTRICTS</u>		RR	RS-10	RS-6.5	RS-5	RM-5	RM-3	RM-H
STANDARD								
Minimum Lot Size (1):								
- single family	5 acres	10,000 sq ft	6,500 sq ft	5,000 sq ft	5,000 sq ft	5,000 sq ft	None	None
- duplexes	N/A	N/A	8,000 sq ft	7,000 sq ft	7,000 sq ft	7,000 sq ft	3,600 sq ft	None
- 3 or more 1 bedroom units	N/A	N/A	N/A	N/A	N/A	2,400 sq ft/unit	1,600 sq ft/unit	None
- 3 or more 2 bedroom units	N/A	N/A	N/A	N/A	N/A	3,300 sq ft/unit	1,800 sq ft/unit	None
Minimum Lot Width	N/A	65'	50'	40'	35'	35'	None	None
Minimum Lot Depth	N/A	100'	80'	70'	65'	65'	None	None
Minimum Landscaped Area	N/A	(2)	(2)	(2)	(2)	(3)	(3)	(3)
Minimum Setbacks: (4)								
Front	20'	20'	15'	15'	15'	15'	15'	15'
Interior:								
single story	5'	5'	5'	5'	5'	10'(5)	10'(5)	10'(6)
2 or more stories	8'	8'	8'	6'	6'	10'(5)	10'(5)	10'
Garage Vehicle Entrance (10)	20'	20'	20'(7)	20'(7)	20'(7)	20'(7)	20'(7)	20'(7)
Maximum:								
Height (8)	30'	30'	30'	30'	30'	30'	45'	75'
Building Coverage	20% (11)	50%	60%	60%	60%	60% (9)	70% (9)	85% (9)

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area per unit requirements.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to street plus open space.
- (4) Additional setbacks may be required, see Sections 3.080-3.160.
- (5) Except for single family homes or duplexes which must meet the same setbacks as required for RS-5.
- (6) More than 3 stories = 10' plus 3' for each story over 3
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet. (Ord. 5281, 3/26/97)
- (8) See exceptions to height restrictions, Section 3.310.
- (9) Building and parking coverage.
- (10) The setback for a garage located on an alley is 5 feet.
- (11) **Maximum building coverage for parcels 20,000 sf. or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.**



**EXHIBIT M**

**RESIDENTIAL ZONING DISTRICTS**

<b>USE DESCRIPTIONS</b>	<b>Spec</b>	<b>RS</b>	<b>RS</b>	<b>RS</b>	<b>RS</b>	<b>RM</b>	<b>RM</b>	<b>RH</b>
	Cond	R-R	10	6.5	5	5	3	

1.000	RESIDENTIAL								
1.100	Single Family Residences:								
1.110	Single family detached, one dwelling per lot		A	A	A	A	A	A	*
1.120	Single family detached, more than one dwelling per lot	17	*	PD	PD	PD	S	S	*
1.130	Two units attached at common wall property line	1,2,3	*	C	C	S	S	S	*
1.140	Multiple single family attached units (condominiums)		*	PD	PD	S	S	S	S
1.150	Conversion of multiple family to single family attached		*	C	C	C	C	C	C
1.160	Manufactured homes (See Article 10)		A	A	A	A	A	A	*
1.170	Manufactured home parks and subdivisions (See Article 10)		*	*	S	S	S	S	*
1.180	Home occupations (See Article 3)		A	A	A	A	A	A	A
1.200	Two-family Residences:								
1.210	Duplexes	1,2,3	*	*	C	C	A	A	*
1.220	Primary residence with accessory apartment	4	C	C	C	C	A	A	*
1.300	Multiple Family Residences:	18							
1.310	Located within Willamette River Greenway Boundary		*	*	*	*	C	C	C
1.320	Quad or quint apartment dwellings		*	*	*	*	S	S	*
1.330	All other multiple family dwellings		*	*	*	*	S	S	S
1.340	Conversion of multiple family to single family on individual lots	3							
1.400	Overnight Recreational Vehicle Parks (See Article 12)	5	*	*	*	*	C	C	*
1.500	Homes & Institutions Providing Special Services, Treatment, or Supervision:								

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

## **HOME OCCUPATIONS**

- 3.090 **Purpose.** The home occupation provisions recognize the needs of many persons who are engaged in small scale business ventures or personal hobbies, whether conducted for profit or not, which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full scale enterprise.
- 3.100 **Standards.** A home occupation shall be allowed as a permitted accessory use to a residence provided that all of the following conditions are met:
- (1) The use is carried on only by members of the family residing on the premises and not more than one outside employee or volunteer who shall work a maximum of 20 hours per week.
  - (2) There is no offensive noise, vibration, smoke, dust odors, heat or glare resulting from the operation noticeable at or beyond the property line.
  - (3) One window or wall sign is allowed, not larger than 12 inches by 18 inches.
  - (4) There is no display, other than the allowed sign, which would indicate from the exterior that the building is being used for any purpose other than a dwelling.
  - (5) There is no visible outside storage of materials other than plant materials.
  - (6) The use does not adversely affect the residential character of the neighborhood, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
  - (7) There is not excessive generation of traffic created by the home occupation, including frequent deliveries and pickups by trucks or other vehicles.
  - (8) The rental of separate living quarters within a single family residence is limited to not more than one bedroom which does not contain separate cooking facilities and which has a maximum occupancy of two persons.
- 3.110 **Prohibited Uses.** The following uses are prohibited as home occupations:
- (1) Auto body repair and painting.
  - (2) Ongoing mechanical repair conducted outside of an entirely enclosed building.
  - (3) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgement of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties.
  - (4) Junk and salvage operations.
  - (5) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous.

**LIMITED LAND USE PROCESS**

1.330 Type I-L Procedure.

- (1) The purpose of the Type I-L procedure is to provide for land use review of subdivisions and partitions and applications involving discretionary standards for design or site review of uses permitted outright.
- (2) In making a limited land use decision, the City will follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.
- (3) For limited land use decisions, the City will provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made, **except that written notice will be provided to owners of property within 300 feet of property on which applications are received for development of subdivisions, manufactured home parks, and multi-family development.** The list will be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- (4) The notice and procedures used by the City will:
  - (a) Provide a 14-day period for submission of written comments prior to the decision;
  - (b) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
  - (c) List, by commonly used citation, the applicable criteria for the decision;
  - (d) Set forth the street address or other easily understood geographical reference to the subject property;
  - (e) State the place, date and time that comments are due;
  - (f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  - (g) Include the name and phone number of a local government contact person;
  - (h) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (a) of this paragraph. The notice of decision must include an explanation of appeal rights;
  - (i) Briefly summarize the local decision making process for the limited land use decision being made, and
  - (j) Include such other information as the Director deems appropriate.
- (5) At the Director's discretion, a limited land use decision may be referred to the Planning Commission or the Landmarks Advisory Commission.
- (6) A limited land use decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal not later than 21 days after the decision becomes final.

**FINDINGS OF FACT**  
**File DC-02-97**

**STAFF ANALYSIS**

**Development Code Amendments, File DC-02-97(A)**

- 1.1 The proposed amendment clarifies what is meant by the existing language in the Development Code. ADC 6.130 and 6.131 require a public hearing for subdivisions, partitions, planned developments, and manufactured home parks that “contain land within the floodplain district.”
- 1.2 Floodplain districts are identified on the Federal Emergency Management Agency/Federal Insurance Rate Maps (FEMA/FIRM), based on calculations and observations that determine the boundary of the 100-year flood. ADC 6.080 defines floodplain districts more specifically.
- 1.3 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
  - a. Goal 7: Flood Hazards and Hillside is to “Protect life and property from natural disasters and hazards.”
  - b. Goal 7, Policy 4, is to “Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed.”
  - c. Goal 7, Policy 5, is to “Ensure that development proposals in the flood fringe and adjacent to drainageways are consistent with Federal Emergency Management Agency (FEMA) and other applicable local regulations in order to minimize potential flood damage.”
  - d. Goal 7, Policy 9, is “Development approval within the flood fringe shall be reviewed to protect property and public safety and significant natural values.”
  - e. Goal 7, Policy 14, is to “Encourage open space alternatives to urban level development in areas subject to flooding such as park and recreation areas, agriculture, natural areas and wildlife habitat.”
  - f. Goal 14: Urbanization--Development Review is to “Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards.”
  - g. Goal 14, Policy 5, is to “Ensure that the City's land use planning process and its policy framework is workable and understandable for local officials, staff, and the public. Ensure that the degree of application and review is commensurate with the size and complexity of various development requests.”
- 1.4 If no actual development is proposed in an identified floodplain, there is no danger to life or property related to that development from potential flooding, based on the calculations used to define the 100-year flood boundary on the FEMA/FIRM maps. In the case of a land division, “no actual development” means the floodplain area has been excluded from the land division. This could be done by setting the property aside for some other purpose than later development. For example, as a public drainage right-of-way.

- 2.1 The proposed amendment clarifies existing language in the Code.
- 2.2 The purpose of the Floodplain regulations in Development Code Article 6 is “...to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.” (ADC 6.070)

**STAFF ANALYSIS**

**Development Code Amendments, File DC-02-97(B)**

- 1.1 The proposed amendment clarifies existing language in the Code to make it clear that adjustments can be approved for proposed structures as well as existing structures.

1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:

- a. Goal 14: Urbanization--Development Review is to "Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards."
- b. Goal 14, Policy 4, is to "Encourage flexibility in design review and interpretation of policies and regulations by ensuring that functional design and community benefit remain as the principal review criteria. Consider variance, conditional use, and special request procedures where strict interpretation of regulations would impede fulfillment of these criteria."
- c. Goal 14, Policy 5, is to "Ensure that the City's land use planning process and its policy framework is workable and understandable for local officials, staff, and the public. Ensure that the degree of application and review is commensurate with the size and complexity of various development requests."

2.1 The proposed amendment clarifies existing language in the Code to make it clear that adjustments can be approved for proposed structures as well as existing structures.

2.2 The purpose of the adjustment review process is to "... provide(s) a mechanism by which the Director may make limited modifications to the application of regulations in the Development Code. Adjustment reviews provide limited flexibility for unusual situations, while continuing to provide certainty and rapid processing for land use applications." (ADC 2.060)

#### **STAFF ANALYSIS**

##### **Development Code Amendments, File DC-02-97(C)**

1.1 The proposed amendments to the Code would delete residential density bonuses that are so subjective that they are difficult to apply and those that provide increased density in return for developing property in a way that is required now.

1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:

- a. Goal 10: Housing is to "Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens."
- b. Goal 10, Policy 4, is to "Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices such as: ...actions directed at reducing housing costs which conform with the Comprehensive Plan, including innovative Development Code regulations."
- c. Goal 5: Open Spaces, Scenic, and Historic Areas, and Natural Resources is to "Ensure the provision of open space and protection of natural and scenic resources."
- d. Goal 5, Policy 1, is to "Retain open space lands which provide the following: ...protection of natural hazard, wetlands, steep slopes, and other areas not suitable for development."
- e. Goal 13: Energy Conservation, is to "Achieve efficient utilization of all types of energy, and maximize the conservation of non-renewable resources."
- f. Goal 13, Policy 2, is to "Promote land use development patterns and projects that are energy efficient and cost effective."
- g. Goal 13, Policy 3, is to "Provide incentives such as density bonuses and encourage the use of other incentives such as financial and tax programs to promote energy efficient building and project design and development."

- 2.1 The proposed amendments to the Code would delete residential density bonuses that are so subjective that they are difficult to apply, and those that provide increased density in return for developing property in a way that is required now.
- 2.2 The purpose of residential zones is to preserve land for housing. The Code preserves the character of neighborhoods by providing seven zones with different density standards. (ADC 3.010)

#### **STAFF ANALYSIS**

##### **Development Code Amendments, File DC-02-97(D)**

- 1.1 The proposed amendment will allow development of accessory apartments within existing detached accessory structures.
- 1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
  - a. Goal 10: Housing is to "Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens."
  - b. Goal 10, Policy 4, is to "Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices such as ...actions directed at reducing housing costs which conform with the Comprehensive Plan, including innovative Development Code regulations."
  - c. Goal 10, Policy 11, is to "Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided."

- 2.1 The proposed amendment will allow development of accessory apartments within detached existing accessory structures.
- 2.2 The purpose of residential zones is to preserve land for housing. The Code preserves the character of neighborhoods by providing seven zones with different density standards. (ADC 3.010)

#### **STAFF ANALYSIS**

##### **Development Code Amendments, File DC-02-97(E)**

- 1.1 The proposed amendment would allow drive-up windows for businesses in the LE (Lyon-Ellsworth) zoning district with site plan review, and allow drive-up windows in the PB (Pacific Boulevard) district with site plan review instead of as a conditional use.
- 1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
  - a. Goal 9, Policy 1, is to "Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others."
  - b. Goal 12: Transportation is to "Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation."
  - c. Goal 12, Policy 1, it to "Review development and transportation plans to determine the most efficient, safe, and least disruptive relationship between land uses and the transportation system."
  - d. Goal 14: Urbanization--Development Review is to "Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards."

- e. Goal 14, Policy 5, is to “Ensure that the City’s land use planning process and its policy framework is workable and understandable to for local officials, staff, and the public. Ensure that the degree of application and review is commensurate with the size and complexity of various development proposals.
- 1.3 Food establishments with drive-up windows are now allowed in the PB (Pacific Boulevard) zoning district if they meet the conditional use review criteria. Site plan review criteria address the design and operating characteristics of the use, and specifically address entrance-exit points, traffic and pedestrian safety.
- 2.1 The proposed amendment would allow drive-up windows for businesses in the LE (Lyon-Ellsworth) zoning district with site plan review, and would review drive-up windows in the PB (Pacific Boulevard) district using site plan review instead of conditional use criteria.
- 2.2 This purpose of the LE (Lyon-Ellsworth) district is primarily to identify and provide 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. (ADC 14.000)
- 2.3 Food establishments with drive-up windows are now allowed in the PB (Pacific Boulevard) zoning district if they meet the conditional use review criteria. Site plan review criteria are more appropriate than the conditional use criteria because they address the design and operating characteristics of the use and specifically address entrance-exit points, traffic and pedestrian safety. If site plan review is required rather than conditional use review, we are making the decision that the use is appropriate in the LE district, and then staff will review the characteristics of the design. Drive-up windows as conditional uses in the PB district should also be changed to site plan review.

## **STAFF ANALYSIS**

### **Development Code Amendments, File DC-02-97(F)**

- 1.1 The proposed amendment specifies that the front setback for garages located on alleys is 5 feet.
- 1.2 Alleys carry a lower volume of traffic than streets. Traffic speeds and turning movements are slower and may cause congestion in the alley.
- 1.3 Alleys are sometimes desirable to provide access to the backs of lots and can decrease the amount of traffic on streets. In many cases, alleys have already been established with garages set back 5 feet (and less) in older parts of Albany.
- 1.4 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
  - a. Goal 12: Transportation is to “Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation.”
  - b. Goal 12, Policy 3, is to “Develop a roadway system that is efficient and safe for the traveling public while preserving neighborhood quality and character.”
- 2.1 The proposed amendment specifies that the front setback for garages located on alleys is 5 feet.
- 2.2 The purposes of the development standards in Article 3, Residential, are “to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy

conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development.” (ADC 3.190)

- 2.3 Alleys carry a lower volume of traffic than streets. Traffic speeds and turning movements are slower and may cause congestion in the alley for short periods of time.
- 2.4 Alleys are some times desirable to provide access to the backs of lots, and can decrease the amount of traffic on streets. In many cases, alleys have already been established with garages set back 5 feet (and less) in older parts of Albany.

#### **STAFF ANALYSIS**

##### **Development Code Amendments, File DC-02-97(G)**

- 1.1 The proposed amendments would delete from the Code provisions that are not applicable to development in the Central Albany (Town Center Plan) area, and add information that was inadvertently omitted.
- 2.1 The proposed amendments would delete from the Code provisions that are not applicable to development in the Central Albany (Town Center Plan) area and add information that was inadvertently omitted.

#### **STAFF ANALYSIS**

##### **Development Code Amendments, File DC-02-97(H)**

- 1.1 The proposed amendment would allow existing lots of record with more than one single-family residence on them to be split so that each residence is located on a separate parcel, if setback and lot coverage standards are met, in zoning districts where this would otherwise not be allowed.
- 1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
  - a. Goal 10: Housing is to “Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.”
  - b. Goal 10, Policy 4, is to “Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices such as...actions directed at reducing housing costs which conform with the Comprehensive Plan including innovative Development Code regulations.”
- 2.1 The proposed amendment would allow existing lot with more than one single-family residence on them to be split so that each residence is located on a separate lot, if setback and lot coverage standards are met, in zoning districts where this would otherwise not be allowed.
- 2.2 The purpose of residential zones is to preserve land for housing. The Code preserves the character of neighborhoods by providing seven zones with different density standards. (ADC 3.010)
- 2.3 The purposes of the development standards in Article 3, Residential, are “to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development.” (ADC 3.190)
- 2.4 With the proposed amendment, if a parcel is split, it must be done in such a way that current development standards for setbacks and lot coverage for zoning district in which the parcel is located are met.



### **STAFF ANALYSIS**

#### **Development Code Amendments, File DC-02-97(I)**

- 1.1 The proposed amendment reduces the minimum area required for a manufactured home park from 5 acres to 1 acre, and revises the required setback for a manufactured home on a public street in a manufactured home park from 10 feet to whatever setback is required in the zoning district where the park is located.
- 1.2 Changes to the Code required by state legislation are not subject to review based on a local jurisdiction's Comprehensive Plan.
- 1.3 Goal 14: Urbanization--Development Review, Policy 2, is to "Encourage design innovation but ensure that site design considers site characteristics, potential impacts on surrounding areas, and applicable Comprehensive Plan policies (i.e access, vegetation, soils, slopes, public facilities and services, energy conservation, recreation, natural and other hazards, etc.)."
- 2.1 The proposed amendment would allow existing lot with more than one single-family residence on them to be split so that each residence is located on a separate lot, if setback and lot coverage standards are met, in zoning districts where this would otherwise not be allowed.
- 2.2 The purpose of residential zones is to preserve land for housing. The Code preserves the character of neighborhoods by providing seven zones with different density standards. (ADC 3.010)
- 2.3 The purposes of the development standards in Article 3, Residential, are "to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development." (ADC 3.190)
- 2.4 With the proposed amendment, if a parcel is split, it must be done in such a way that current development standards for setbacks and lot coverage for zoning district in which the parcel is located are met.

### **STAFF ANALYSIS**

#### **Development Code Amendments, File DC-02-97(J)**

- 1.1 The proposed amendment replaces a similar Code provision that was inadvertently omitted in a prevision revision.
- 1.2 The previous Code section read: "These lots may be used and further developed only as follows...except for nonconformities due to lot size or configuration, the proposed development conforms to all other applicable zoning district regulations."
- 2.1 The proposed amendment replaces an existing Code provision that was inadvertently omitted in a prevision revision.

### **STAFF ANALYSIS**

#### **Development Code Amendments, File DC-02-97(K)**

- 1.1 The proposed amendment would specify that up to four residential multi-family units that front on a public street may have separate driveways.
- 1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:

- a. Goal 12: Transportation is to “Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation.”
  - b. Goal 12, Policy 3, is to “Develop a roadway system that is efficient and safe for the traveling public while preserving neighborhood quality and character.”
- 1.3 The intent of reviewing the location of driveways is to maintain the safety and efficiency of the transportation system. The City’s traffic engineer has determined that up to four driveways for multi-family development will have an insignificant impact on safety and efficiency of the streets on which they are located.
  - 2.1 The proposed amendment would specify that up to four residential multi-family units that front on a public street may have separate driveways.
  - 2.2 The purposes of the development standards in Article 3, Residential, are “to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development.” (ADC 3.190)
  - 2.3 One of the dimensional standards in the Code requires if a garage or carport is constructed, it must be set back at least 20 feet from the front property line so that there is room for a car to park in front of the garage or carport.

#### **STAFF ANALYSIS**

##### **Development Code Amendments, File DC-02-97(L)**

- 1.1 The proposed amendment would allow up to 50 percent lot coverage for lots that are 20,000 square feet, or less, in RR zoning districts where only 20 percent is allowed now.
  - 1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
    - a. Goal 10: Housing is to “Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.”
    - b. Goal 10, Policy 4, is to “Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices such as ...actions directed at reducing housing costs which conform with the Comprehensive Plan, including innovative Development Code regulations.”
  - 1.3 RR zoning districts are located only in North Albany. RS-10 zoning districts are also located only in North Albany. RS-10 zoning districts have public sewer available, RR zoning districts do not. The minimum lot size in RR districts is 5 acres. The minimum lot size in RS-10 districts is 10,000 square feet. However, there are many lots in RR zoning districts that are less than 5 acres. It is not equitable to require these lots to leave the same amount of space uncovered by buildings than similarly sized lots in RS-10 zoning districts. In some cases, the amount of development (primarily construction of accessory buildings) on lots in RR districts has been restricted because of the lot coverage limit.
- 2.1 The proposed amendment would allow up to 50 percent lot coverage for lots that are 20, 000 square feet, or less, in RR zoning districts where only 20 percent is now allowed.
  - 2.2 The purposes of the development standards in Article 3, Residential, are “to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy

conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development.” (ADC 3.190)

### **STAFF ANALYSIS**

#### **Development Code Amendments, File DC-02-97(M)**

- 1.1 The proposed amendment would require a 10-foot separation between single-story multi-family buildings and a 20-foot separation for two-story or taller multi-family buildings located on one parcel.
- 1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
  - a. Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources--Aesthetics and Urban Design is to “Improve Albany's image, livability, appearance, and design quality through aesthetic enhancement.”
  - b. Goal 5, Policy 1, is “Expansion and new development projects shall be designed and landscaped to complement and enhance the appearance of the development site and surrounding area.”
- 1.3 The Code does not now specify a minimum distance of separation between multi-family buildings.
- 1.4 The building code requires a 10-foot separation unless the buildings are constructed to reduce the danger of fire spreading from one building to another. The minimum setback from an interior property line in multi-family zoning districts is 10 feet.
- 2.1 The proposed amendment would require a 10-foot separation for one-story multi-family buildings and a 20-foot separation for two-story or taller multi-family buildings located on one parcel.
- 2.2 The purposes of the development standards in Article 3, Residential, are “to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development.” (ADC 3.190)
- 2.3 The Code does not now specify a minimum distance of separation between multi-family buildings.
- 2.4 The building code requires a 10-foot separation unless the buildings are constructed to reduce the danger of fire spreading from one building to another. The minimum setback from an interior property line in multi-family zoning districts is 10 feet.

### **STAFF ANALYSIS**

#### **Development Code Amendments, File DC-02-97(N)**

- 1.1 The proposed amendment would expand the notification area to surrounding property owners for new subdivisions, manufactured home parks, and multi-family developments from 100 to 300 feet. These developments are reviewed using the Type I-L (Limited Land Use) process specified in ADC 1.330(3), which specifies a 100-foot notification area. State law requires that property owners within 100 feet be notified.
- 1.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:
  - a. Goal 1: Citizen Involvement is to “Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.”
  - b. Goal 1, Policy 2, is “When making land use and other planning decisions ...ensure the long-range interests of the general public are considered, and ...give particular attention to input provided by the public.”

- c. Goal 1, Policy 4, is to to “Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.”

1.3 For partitions and some site plan reviews, the 100-foot notification area has been found to be satisfactory. (Partitions and developments that have minimal impact on surrounding properties and rarely generate much concern by neighbors.) But in the case of subdivisions, manufactured home parks, and multi-family development, we now find that property owners and neighbors that live farther than 100 feet from these developments are frequently concerned with the impact of these developments on their neighborhood. There is more concern with development, and growth in general, today than there has been for a long time.

2.1 The proposed amendment would expand the notification area to surrounding property owners for new subdivisions, manufactured home parks, and multi-family developments from 100 to 300 feet. These developments are reviewed using the Type I-L (Limited Land Use) process specified in ADC 1.330(3), which specifies a 100-foot notification area. State law requires that property owners within 100 feet be notified.

2.2 The following Comprehensive Plan goals and policies are relevant to the proposed amendment:

- a. Goal 1: Citizen Involvement is to “Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.”
- b. Goal 1, Policy 2, is “When making land use and other planning decisions ...ensure the long-range interests of the general public are considered, and ...give particular attention to input provided by the public.”
- c. Goal 1, Policy 4, is to “Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.”

2.3 For partitions and some site plan reviews, the 100-foot notification area has been found to be satisfactory. (Partitions and developments that have minimal impact on surrounding properties and rarely generate much concern by neighbors.) But in the case of subdivisions, manufactured home parks, and multi-family development, we now find that property owners and neighbors that live farther than 100 feet from these developments are frequently concerned with the impact of these developments on their neighborhood. There is more concern with development, and growth in general, today than there has been for a long time.