

ARTICLE 9

ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

9.010 Overview. The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. These standards are intended to create an urban environment that is safe, provides connectivity, furthers energy conservation, and enhances the environment for walking, cycling, and mass transit use. This article contains the following standards:

- Off-Street Parking and Loading
- Landscaping
- Tree Protection
- Buffering and Screening*
- Fences
- Environmental

*As identified in Section 9.210, in limited circumstances, an applicant can apply for an Adjustment to the Buffering and Screening standards.

[Ord. 5764, 12/1/11; Ord. 5445, 4/12/00; Ord. 5947, 1/01/21; Ord. 6018, 6/30/23]

OFF-STREET PARKING AND LOADING

9.020 Space Requirements. Off-street parking and loading must be developed in accordance with the standards in this Article. [Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 6018, 6/30/23]

- (1) Calculating Floor Area for Maximum Parking. The area measured is the combined floor area of each level of a building exclusive of vent shafts, courtyards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment and covered or enclosed parking areas. [Ord. 6018, 6/30/23]
- (2) Employees. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season.
- (3) Fractional Space Requirements shall be counted to the nearest whole space; half spaces will be rounded up.
- (4) Unspecified Uses and Alternative Standards. When a use is not specifically listed in Table 9.020-1: Parking Requirements, the Director will determine if the use is similar to a listed use in terms of provided parking. When a use is not similar to a use listed in Table 9.020-1 or the applicant has documentation that demonstrates a different parking demand, the Director may approve alternative parking standards. Acceptable documentation may include parking standards from other cities of similar size, company data on parking demand, parking demand studies, or the ITE Parking Generation Manual. [Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 6018, 6/30/23]
- (5) Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080, Joint Use of Parking Facilities.
- (6) Downtown Assessment District. Parking spaces are not required for uses located within the Downtown Off-Street Assessment District as established by separate ordinance. (A map of the district is located at the end of this Article as Figure 9.020-1.) However, improvement of parking areas within this District must comply with the standards of this Article. [Ord. 5947, 1/01/21]
- (7) Site Plan Review may be required for new parking areas or expansions to existing parking areas unless specified in Section 2.430.
- (8) Temporary uses of less than 120 days, as defined in AMC Chapter 5.10 Transient and Itinerant Merchants and Vendors, are not required to meet the standards in this section. [Ord. 5832, 4/9/14]

- (9) Maximum Parking. Parking provided with new development in the HD – Historic Downtown, DMU – Downtown Mixed Use, CB – Central Business, LE – Lyon Ellsworth, WF – Waterfront, and the ES – Elm Street zones must not exceed the maximum parking standards provided in Table 9.020-1. Parking provided in all other zoning districts must not exceed 30 percent above the maximum parking limits in Table 9.020-1. [Ord. 6018, 6/30/23]
- (a) Shared Parking. In the case of mixed-use and multi-tenant developments, the total maximum parking requirements for off-street parking are the sum of the requirements for the various uses for which parking is provided. [Ord. 6018, 6/30/23]
- (b) Exemptions to Maximum Parking Allowance. The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements in Table 9.020-1 and not to other requirements of this Article. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for their intended purpose.
- i. Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.
 - ii. Parking for a transit facility or park and ride facility.
 - iii. Storage or display areas for vehicle sales.
 - iv. Employee carpool parking when spaces are dedicated or reserved for that use.
 - v. Fleet and company vehicle parking.
 - vi. Single-dwelling and middle housing dwelling units. [Ord. 6018, 6/30/23]

[9.025 was repealed by Ordinance 6018, June 30, 2023]

**TABLE 9.020-1
MAXIMUM PARKING STANDARDS**

USE	MAXIMUM PERMITTED
COMMERCIAL AND RECREATION	
Animal hospitals and clinics and animal grooming salons	1 per 400 square feet
Banks and financial institutions, real estate services, insurance	1 per 300 square feet on the first floor plus 1 per 600 square feet above the first floor
Beauty and barber shops and other personal services	1 per 200 square feet plus 1 per 3 employees
Entertainment and Recreation: (a) Athletic/fitness gym, billiard or pool hall skating rinks with no grandstands, all other unspecified indoor recreation and entertainment (excluding restaurant, café or bar areas) (b) Bowling alleys (c) Golf courses (including clubhouses and accessory uses) (d) Stadiums, grandstands, coliseums, auditoriums, and theaters, and other sports facilities with seating (e) Swimming pools, aquatic centers	(a) 1 per 300 square feet (b) 4 per lane (c) Subject to land use review (d) 1 per 4 seating capacity (e) 1 per 200 square feet
Funeral houses and mortuaries	1 per 4 seats or 8 feet of bench length
Kennels, animal boarding	1 per employee plus 1 per 500 square feet excluding exercise areas
Laundries and cleaners	1 per 300 square feet
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Office - Professional: (a) Medical and dental clinics (b) All other business and professional	(a) 1 per 250 square feet (b) 1 per 400 square feet

USE	MAXIMUM PERMITTED
Vehicle repair and fuel or other service stations	1 per 2 employees plus 2 per each service stall
Private clubs, lodges and meeting rooms	1 per 200 square feet
Radio and television stations and studios	1 per 2 employees plus 1 per 300 square feet over 2,000 square feet
Restaurants: (a) Carry out, drive-thru or drive-in (b) Sit-down restaurants, taverns, bars, brewpubs, and nightclubs	(a) 1 per 100 square feet (b) 1 per 200 square feet including outdoor seating not exempt per 9.030(3).
Retail Sales: (a) Bulky items such as home or business furnishings, appliances, building materials, farm and agricultural equipment, machine and office equipment; (b) motor vehicles, trailers, mobile homes, boats, modular houses (c) Greenhouses and nurseries, garden supplies (d) All other retail sales	(a) 1 per 800 square feet plus 1 per 3 employees (b) 2 per employee (c) 2 per employee (d) 1 per 300 square feet sales floor area
Services and Repair: tailor, shoemaker, locksmith, printing, binding, publishing, framing, upholsterer, photography studio, dry cleaner, mailing, etc.	1 per 500 square feet
Self-Serve Storage Units	1 per 100 units, with a minimum of 3, plus 1 per employee/caretaker
INDUSTRIAL	
Air, rail and motor freight terminals	Subject to land use review
Contractors and Industrial Services	1 per 1.25 employees plus 1 per company vehicle
Customer Service/Call Centers	1 per 250 square feet
Industrial Offices, research or laboratory facilities	1 per 500 square feet
Manufacturing, production or processing	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 square feet of patron serving area, plus 1 per company vehicle
Warehousing and wholesale	1 per 2 employees plus 1 per 300 square feet of patron serving area plus 1 per company vehicle
Wrecking yards and junkyards	1 per employee plus 1 per 10,000 square feet lot area
INSTITUTIONAL, PUBLIC and SEMI-PUBLIC	
Daycare, Nursery Schools, Kindergarten and Daycare Homes or Facilities	1 per employee plus 1 per 10 persons being cared for
Education: Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Education: high schools, colleges, universities, and trade or business schools	Subject to land use review
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Jails and Detention Facilities	1 per 5 beds
Libraries, reading rooms, museums, and art galleries	1 per 2 employees plus 1 per 500 square feet
Parks, open areas, and cemeteries	Subject to land use review
Religious assembly	1 per 6 seats or 12 feet of bench length
RESIDENTIAL	
Assisted Living, Residential Care facilities, Nursing or Convalescent homes	1 per 3 beds at capacity

USE	MAXIMUM PERMITTED
Multi-Dwelling Unit: Studio and 1-bedroom units	1 space per unit, plus 1 visitor space every 4 units
Multi-Dwelling Unit: 2-bedroom units	1.5 spaces per unit, plus 1 visitor space every 4 units
Multi-Dwelling Unit: 3 or more bedroom units	2 spaces per unit, plus 1 visitor space every 4 units
Multi-Dwelling Unit: Quad and quint units (SRO)	0.75 space per unit
Senior housing	1 space per 2 units
Student housing	1 per 2 students at capacity
Boarding and rooming houses	1 space per 2 occupants at capacity
Group or residential care homes	1 space per employee plus 1 space per 5 beds

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6018, 6/30/23]

9.030 Bicycle Parking. Bicycle parking must be provided in the amounts specified in Table 9.030-1 for all new development and changes of use.

- (1) Exemptions. The Community Development Director may allow exemptions to or reductions in required bicycle spaces in connection with temporary uses or uses that are not likely to need bicycle parking, and parking for uses in existing buildings within the HD, CB, LE, DMU, and WF zoning districts.
- (2) Mixed Uses and Multi-Tenant Developments. When two or more uses occupy a single structure or lot, the total required bicycle parking is the sum of the requirements of individual uses.
- (3) Climate Friendly Area Requirements. Bicycle parking and ancillary facilities for shared bicycle parking and other small-scale mobility devices shall be provided in designated climate friendly areas and key destinations identified in OAR 660-012-0360. [Ord. 6018, 6/30/23]

[Original 9.030 was repealed by Ordinance 6018, June 30, 2023]

**TABLE 9.030-1
BICYCLE PARKING STANDARDS**

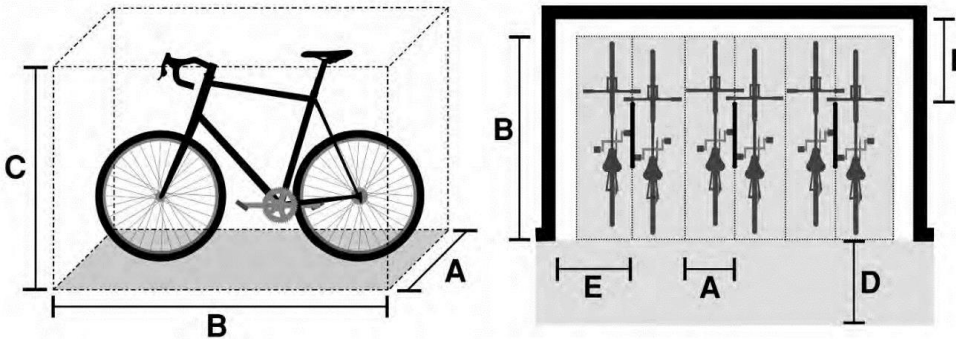
Use	Required Bicycle Parking
COMMERCIAL	
Athletic/fitness gym, aquatic centers, billiard, skating rinks with no grandstands, all other unspecified indoor recreation and entertainment (excluding restaurant, café or bar areas)	The greater of 2 spaces, or 1 per 1,000 square feet of exercise area
Bowling alleys	The greater of 4 spaces, or 0.50 spaces per lane
Golf courses (including clubhouses and accessory uses)	The greater of 2 spaces or 1,000 square feet of clubhouse area.
Stadiums, grandstands, coliseums, auditoriums, and theaters, and other sports facilities with seating	The greater of 2 spaces or 1 space per 30 seats
Funeral houses and mortuaries	1 space per 40 seats or 80 feet of bench length
Motels and hotels	The greater of 2 spaces or 0.20 space per room
Office Professional: Medical and dental clinics	The greater of 2 spaces or 0.33 spaces per 1,000 gross square feet
All other commercial and professional offices	The greater of 2 spaces or 0.50 spaces per 1,000 gross square feet
Vehicle repair and fuel or other service stations	The greater of 2 spaces or 0.20 space per 1,000 square feet of sales floor area

Use	Required Bicycle Parking
Retail sales of the following: (a) Bulky items such as home or business furnishings, appliances, building materials, farm and agricultural equipment, machine and office equipment (b) Motor vehicles, trailers, mobile homes, boats, modular houses (c) Greenhouses and nurseries, garden supplies	The greater of 2 spaces or 1 per 6,000 square feet of floor area
(d) All other retail sales	The greater of 2 spaces or 0.50 space per 1,000 square feet of gross floor area.
Services and Repair: tailor, shoemaker, locksmith, printing, binding, publishing, framing, upholsterer, photography studio, dry cleaner, mailing, etc.	The greater of 2 spaces or 1 space per 3,500 square feet.
Self-Serve Storage Unit Complex	The greater of 2 spaces, or 1 space per 20 units
INDUSTRIAL USES	
Air, rail and motor freight terminals, major transit stations, and park-and ride lots	4 spaces
Contractors and Industrial Services	The greater of 2 spaces, or 0.20 space per 1,000 square feet of sales floor area
Customer Service/Call Centers	The greater of 2 spaces or 0.50 spaces per 1,000 gross square feet
Industrial offices, research, or laboratory facilities.	The greater of 2 spaces or 0.10 spaces per 1,000 gross square feet
Manufacturing, production, or processing	The greater of 2 spaces or 1 space per 10,000 square feet
Testing repairing, cleaning, servicing of materials, goods, or products	The greater of 2 spaces or 1 space per 3,500 square feet
Warehousing and wholesale	The greater of 2 spaces or 1 space per 15,000 square feet
INSTITUTIONAL, PUBLIC & SEMI-PUBLIC USES	
Daycare, Nursery Schools, Kindergarten, and Education	The greater of 2 spaces, or 1 space per five students based on the design capacity of the facility
Hospitals	1 per 10 beds
Jails and Detention Facilities	1 per 50 beds
Libraries, reading rooms, museums, and art galleries	The greater of 2 spaces, or 1.5 spaces per 1,000 gross square feet
Parks, open areas, and cemeteries	Based upon land use decision
Religious Assemblies, clubs, lodge of state or national organization	1 space per 40 seats or 80 feet of bench length
RESIDENTIAL USES	
Assisted Living, Residential Care facilities, Nursing or Convalescent homes	Assisted Living: The greater of 2 spaces, or 0.20 spaces per dwelling unit Nursing Home/convalescent: The greater of 2 spaces or 1 space for every 6 beds
Single dwelling units and middle housing	None
Multi-dwelling unit	1 per dwelling
Senior housing	1 per 3 beds
Student housing	1 per dwelling

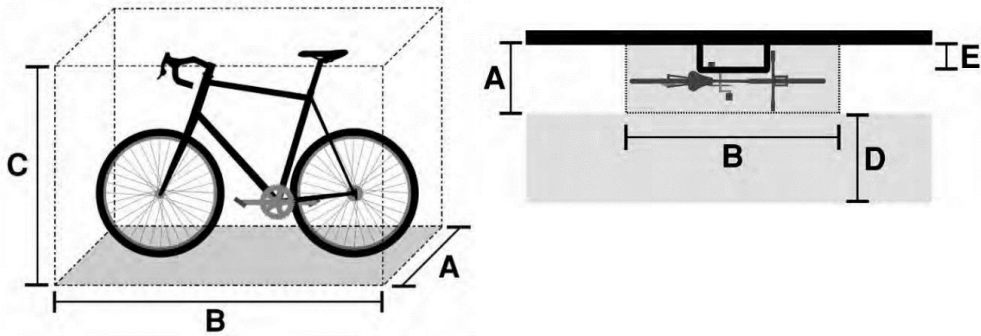
[Ord. 6018, 6/30/23]

- (4) Bicycle parking spaces shall meet the following standards:
- (a) Access and lighting. All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes to access the bicycle parking area. Bicycle parking areas shall be well lit.
 - (b) If bicycle parking is located within vehicle parking areas, it must be separated from vehicular maneuvering areas by curbing or other barriers to prevent damage to parked bicycles.
 - (c) Public Right-of-Way. Bicycle parking may be located in a public right-of-way, including on a public sidewalk with approval from the City Engineer. [Ord. 5894, 10/14/17]
 - (d) Sheltered. All required bicycle parking spaces for new multi-dwelling unit development, mixed-use development, offices, and institutional development shall be sheltered. For all other uses, at least 50 percent of required bicycle parking spaces must be sheltered, including 50 percent of spaces sized for larger/cargo bicycles. Spaces must be protected from precipitation by a roof overhang or a separate roof at least seven feet tall. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces.
 - (e) Space and Access Dimensions. Bicycle parking spaces and access dimensions must comply with the standards in Table 9.030-2, except that at least 25 percent of bicycle parking spaces must be 3 feet wide by 8 feet long, with a 5-foot-wide access aisle and on the ground to accommodate cargo bicycles, including family and cargo bicycles.
 - (f) Bicycle parking spaces must be served by access aisles conforming to the minimum dimensions set forth in Table 9.030-2. These areas must be constructed of concrete, asphalt, or a pervious hard surface such as pavers, or an equivalent. Access aisles serving bicycle parking spaces may be located in public right-of-way with approval from the City Engineer.
 - (g) Bicycle Racks. Each bicycle parking space must have a parking rack securely fastened to the ground except for vertical tipped spaces. Bicycle parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, be of a durable and difficult to cut material such as steel or stainless steel, serve common bike styles including cargo and accessible bikes, do not restrict the length, height or width of bikes; and must allow the frame and at least one wheel to be locked with a U-type lock. [Ord. 6018, 6/30/23]

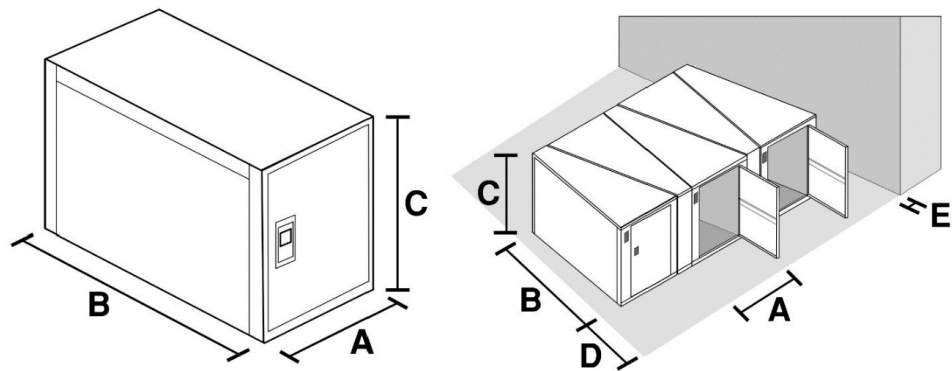
TABLE 9.030-2. Minimum Bicycle Parking Space and Access Dimensions

Space Type	Space Width A	Space Length B	Space Height C	Access Aisle Width D	Clearance Between Rack & Wall E
Horizontal Spaces ⁽¹⁾					
Standard	2 ft.	6 ft.	4 ft.	4 ft.	2 ft.
Side-by-side ⁽²⁾	1.5 ft.				
					

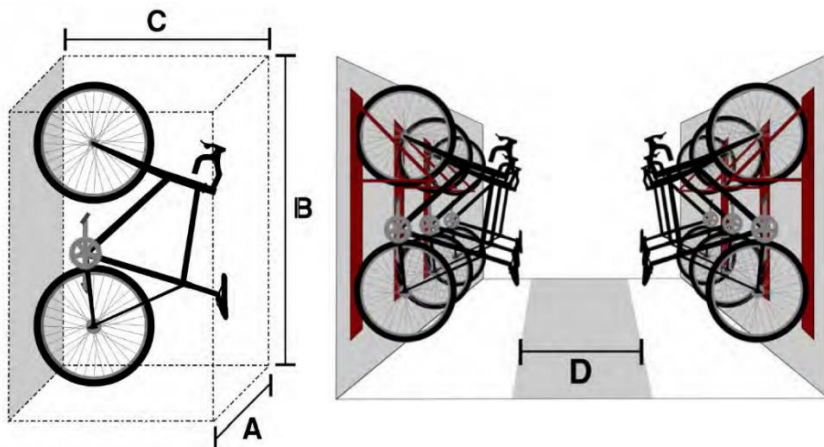
Space Type	Space Width A	Space Length B	Space Height C	Access Aisle Width D	Clearance Between Rack & Wall E
Wall mounted	2 ft.	6 ft.	4 ft.	4 ft.	1 ft.



Bicycle locker (standard)	2 ft.	6 ft.	4 ft.	4 ft.	N/A
Bicycle locker (pie shaped)	30 in. (at widest end)				



Vertical Spaces					
Standard	2 ft.	6 ft.	4 ft.	5 ft.	N/A
Side-by-side ⁽²⁾	1.5 ft.				



Space Type	Space Width A	Space Length B	Space Height C	Access Aisle Width D	Clearance Between Rack & Wall E
Limitations and Qualifications					
(1) For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.					
(2) Applies where bike racks are located side-by-side. For vertical spaces, the alternative 1.5 ft. space width requires a minimum vertical stagger of 8 inches between each space.					

[Ord. 6018, 6/30/23]

9.035 Carpool/Vanpool Spaces.

- (1) When parking is provided, at least one standard-sized parking space shall be reserved for carpool/vanpool parking, or ten percent of employee-use parking spaces provided, whichever is greater.
- (2) Preferential carpool/vanpool parking spaces must be closer to the employee entrance of the building than other parking spaces, except for ADA accessible parking spaces.
- (3) Required carpool/vanpool spaces must be clearly marked “Reserved – Carpool/Vanpool Only.”

[Ord. 6018, 6/30/23]

9.040 Accessible Spaces. Spaces compliant with the Americans with Disabilities Act (ADA) must be provided in accordance with ORS 477.233 when off-street parking is provided. Developments located outside of the HD, DMU, CB, and LE zones that do not provide on-site parking must provide a minimum of one ADA compliant parking space unless the Community Development Director determines that the space is not necessary or feasible. The required ADA parking space may be located on-street (within the public right of way) with the approval of the City Engineer.

[Ord. 6018, 6/30/23]

[9.040 Elimination of Existing Space repealed by Ord. 6018, 06/30/23]

9.050 Electric Vehicle Charging Capacity. Pursuant to ORS 455.417, electrical service capacity sufficient for a level 2 electric vehicle charging station must be provided for no less than 20 percent of all new vehicle parking spaces for non-residential developments and no less than 40 percent of all vehicle parking spaces serving newly constructed residential buildings with five or more multi-dwelling units, and newly constructed privately owned mixed-use buildings with five or more residential dwelling units.

- (1) This standard does not apply to middle housing townhouses.
- (2) Electric vehicle charging capacity must be provided for 40 percent of ADA spaces in residential and mixed-use developments with five or more units, and 25 percent of ADA and Carpool/Vanpool spaces in non-residential developments.
- (3) When charging facilities are provided for accessible spaces, charging facilities must be located so there is a clear and accessible path from the vehicle to the sidewalk and shall be accessible in height.

[Ord. 6018, 6/30/23]

[9.050 Company Vehicles repealed by Ord. 6018, 06/30/23]

9.060 Loading Standards. Loading spaces for all uses except office and residential uses shall be off the street and shall meet the following requirements:

[Ord. 5742, 7/14/10]

- (1) Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (2) A school having a capacity greater than 25 students shall have a driveway designed for the continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (3) The minimum required loading area is as follows:
 - (a) 250 square feet for buildings of 10,000 to 20,000 square feet of gross floor area.
 - (b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.

(c) 750 square feet for buildings greater than 50,000 square feet of gross floor area. [Ord. 5742, 7/14/10]

- (4) The required loading area shall not be less than 10 feet wide by 25 feet long and shall have an unobstructed height of 14 feet.
- (5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- (6) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting. [Ord. 6018, 6/30/23]

9.065 Responsibility/Prerequisite. Provision for and maintenance of off-street parking and loading spaces is the responsibility of the property owner. Plans showing property that is and will be available for exclusive use as off-street parking and loading must be presented before the city will issue building permits or approve land use applications. [Ord. 6018, 6/30/23]

9.070 Maintenance. Parking lots must be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated conditions must be improved to comply with the standards of this Article. [Ord. 6018, 6/30/23]

[9.070 Mixed Uses repealed by Ord. 5984, 10/14/17]

9.080 Parking Plan. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (see Section 9.120 and 9.130). The plan must show the following elements, which are necessary to indicate that the requirements of this Code are being met. [Ord. 5947, 1/01/21]

- (1) Delineation of individual parking spaces, including accessible parking spaces. [Ord. 6024, 12/29/23]
- (2) Loading areas and docks.
- (3) Circulation area necessary to serve spaces.
- (4) Location and dimensions of bicycle and motorcycle parking areas.
- (5) Access to streets, alleys, and properties to be served.
- (6) Curb cuts.
- (7) Type of landscaping, fencing or other screening materials.
- (8) Abutting land uses.
- (9) Grading, drainage, post-construction stormwater quality facilities, surfacing, and subgrading details. [Ord. 5842, 1/01/15]
- (10) Location of lighting fixtures.
- (11) Delineation of all structures and obstacles to circulation on the site.
- (12) Specifications and location of signs and bumper guards, when applicable. [Ord. 6024, 12/29/23]
- (13) Location and dimensions of planter bays when required.
- (14) Proposed number of employees and the number of employee and carpool/vanpool spaces. [Ord. 6024, 12/29/23]
- (15) Proposed number and location of parking spaces being provided electric vehicle charging capacity and chargers when provided. [Ord. 6024, 12/29/23]
- (16) When solar panels are proposed to comply with the large parking area standards in Section 9.130(a), provide solar panel specifications including the maximum kilowatt production rating and proposed locations. [Ord. 6024, 12/29/23]
- (17) When public buildings as defined by ORS 270c.527 are proposed to comply with the large parking area standards in Section 9.130(b), compliance with OAR 330-135-0010 is required. [Ord. 6024, 12/29/23]
- (18) When tree canopy is proposed to comply with the large parking area standards in Section 9.130(2)(c),

provide a Parking Lot Canopy Plan showing the crown diameter at 15 years after planting (or 20 years old) and a canopy calculation table. Trees shall be drawn to scale to represent the canopy size at 20 years as listed in the city's Parking Lot Tree List. [Ord. 6018, 6/30/23; Ord. 6024, 12/29/23]

[9.080 Joint use of Parking Facilities repealed by Ord. 6018, 6/30/23]

9.100 Parking Area Improvement Standards. All public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards. When the total surface parking area for the development site exceeds 10,890 square feet, parking area improvements must comply with the standards in Section 9.130. [Ord. 6018, 6/30/23]

- (1) General. All parking spaces must be improved in accordance with these standards and available for use at the time of project completion.
- (2) Other Requirements. All parking areas shall conform to the setback, clear vision, landscaping, and buffering/screening provisions of this Code.
- (3) Surfacing. All required parking, including travel aisles and access, shall have a durable, dust-free surface of asphalt, cement concrete, or other materials approved by the Director. Parking lot surfacing shall not encroach upon the public right-of-way except when it abuts a concrete public sidewalk or has been otherwise approved by the Director of Public Works. Pervious pavements, such as pervious asphalt or pervious concrete, may be allowed by the Director of Public Works. [Ord. 5832, 4/9/14; Ord. 5842, 1/01/15]
- (4) Drainage. All parking lots must provide a drainage system to dispose of the runoff generated by the impervious surface. Post-construction stormwater quality facilities are required per Title 12 of the Albany Municipal Code when applicable. Provisions shall be made for the on-site collection of drainage water to eliminate sheet flow of such water onto sidewalks, public rights-of-way, and abutting private property. All drainage systems must be approved by the Director of Public Works. [Ord. 5842, 1/01/15]
- (5) Perimeter Curb. Perimeter curbing is required for protection of landscaped areas and pedestrian walkways, and to prevent runoff onto adjacent properties. All parking areas over 1,000 square feet (contiguous) for residential dwellings, parking areas of any size for all other uses, or approved overflow parking areas shall provide a curb at least 6 inches high along the perimeter of all parking areas. Exceptions may be allowed for connections to approved vegetated post-construction stormwater quality facilities. [Ord. 5832, 4/9/14; Ord. 5842, 1/01/15; Ord. 5968, 1/14/22]
- (6) Wheel Bumper. In parking areas over 1,000 square feet (contiguous) for residential dwellings, or parking areas of any size for all other uses, all parking stalls fronting a sidewalk, alleyway, street or property line shall provide a secured wheel bumper at least six inches high and at least six feet long, set back from the front of the stall at least 2-1/2 feet, but no more than three feet. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required. [Ord. 5968, 1/14/22]
- (7) Turnaround. For parking areas that meet one of the thresholds in subsections (a) or (b), parking spaces must be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-of-way other than an alley.
 - (a) Residential dwellings: Parking areas over 1,000 square feet (contiguous). Driveways that could provide additional tandem parking spaces are not included in this calculation.
 - (b) All other development: Two or more parking spaces. [Ord. 5968, 1/14/22]
- (8) Striping. Lots containing more than two parking spaces must have all required spaces permanently and clearly striped. Stripes must be at least four inches wide. When motorcycle parking, compact, or handicapped parking spaces are provided, they shall be designated within the stall.
- (9) Connecting to Adjacent Parking Areas. Where an existing or proposed parking area is adjacent to a developed or undeveloped site within the same zoning district, any modifications to the parking areas must be designed to connect to the existing or future adjacent parking area. This requirement may be waived by the Director when it is deemed impractical or inappropriate due to the nature of the adjoining uses. [Ord. 5832, 4/9/14]

- (10) Parking Lot Landscaping. Parking lots over 1,000 square feet (contiguous) shall be landscaped according to the standards in Section 9.150. [Ord. 5968, 1/14/22]
- (11) Compact Car Parking. No more than 40 percent of parking spaces provided may be designated for compact cars. Compact spaces must be signed and/or the space painted with the words “Compact Car Only.”
- (12) Accessible Parking. All parking areas must provide accessible parking spaces in conformance with the Oregon Structural Specialty Code. [Ord. 6018, 6/30/23]
- (13) Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area must be arranged to reflect the light away from any abutting or adjacent properties. Any light source or lamp that emits more than 900 lumens (15-watt fluorescent / LED or 60-watt incandescent) shall be concealed or shielded with an Illumination Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Examples of shielded light fixtures are shown in figure 9.100-1. [Ord. 5947, 1/01/21, Ord. 6018, 6/30/23]

Figure 9.100-1: Examples of Shielded Light Fixtures



- (14) Pedestrian Access. Walkways and accessways shall be provided in all new off-street parking lots and additions to connect sidewalks adjacent to new development to the entrances of new buildings. All new public walkways and handicapped accessible parking spaces must meet the minimum requirements of the Oregon Structural Specialty Code. [Ord. 5720, 8/12/09]

[9.100 Downtown Assessment District repealed by Ord. 6018, 10/14/17]

9.110 Occasional Overflow Parking Needs. The Director may approve the use of gravel surfacing for parking above the maximum parking requirements intended for occasional needs. As used in this section, "occasional" means limited to a unique or an annually occurring event or condition or infrequent use. The application must demonstrate how the site and owners will meet the following minimum standards:

[Ord. 5832, 4/9/14; Ord. 6018, 6/30/23]

- (1) The construction plans for the unpaved parking area must be approved by the Public Works Director or their designees.
- (2) The overflow parking area must conform to the dimensional standards in Table 9.130-1 - Parking Lot Design, applicable Americans with Disabilities Act (ADA) requirements, and storm drainage requirements. [Ord. 5947, 1/1/21]
- (3) Overflow parking areas may not exceed 15,000 square feet per property, site, or use.
- (4) Wheel stops shall be provided to designate and protect each parking space.
- (5) Gravel parking and loading areas shall be screened from all adjacent uses by a sight-obscuring fence, wall, or hedge.
- (6) A buffer area at least five feet in depth, which may include the required screening, shall be provided along the perimeter of each gravel parking area and be landscaped in accordance with Section 9.240.
- (7) The overflow parking area must be at least 20 feet from a public right-of-way and have at least 20 feet of pavement travel distance to the right-of-way. Gravel is not permitted in or within 500 ft of the HD, DMU, LE, ES, CB, or any residential zone or use unless allowed through Conditional Use approval.

[Ord. 5832, 4/9/14, Ord. 5894, 10/14/17]

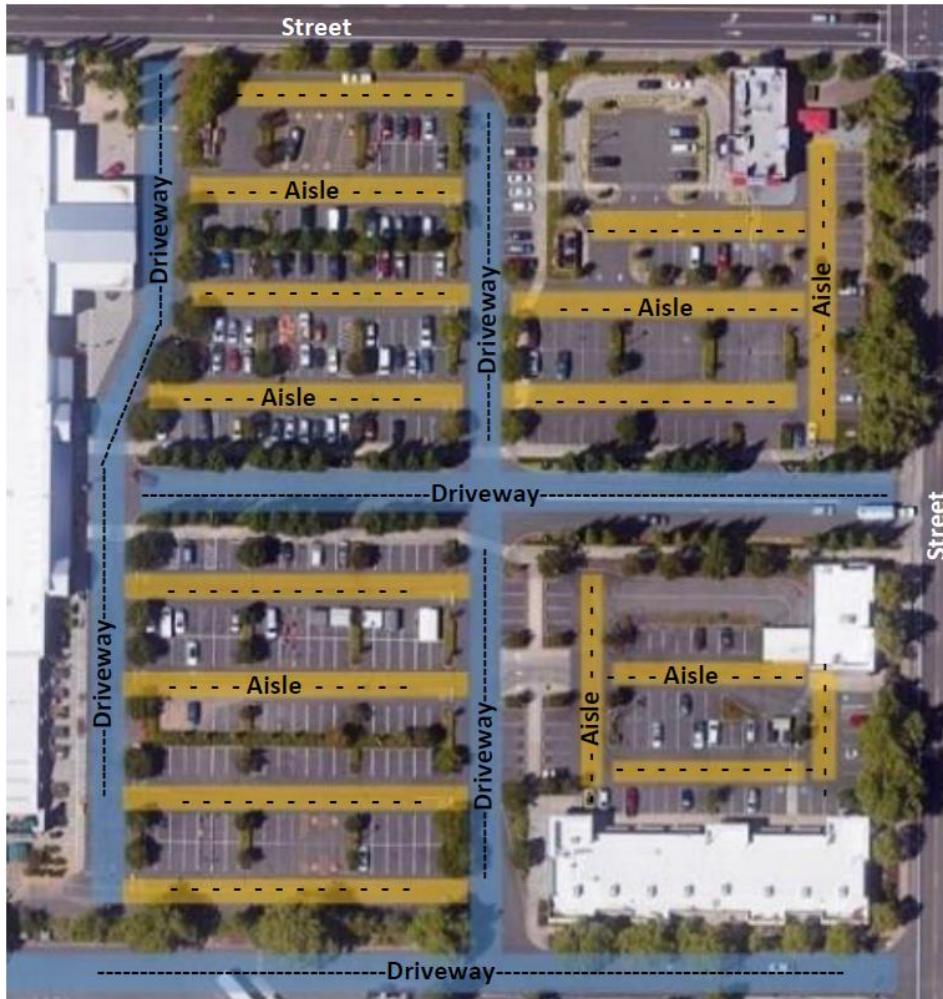
9.115 Conversion of Off-Street Parking to Other Uses.

- (1) When new development, including expansions to existing structures, results in the conversion or elimination of existing off-street surface parking areas for a use other than bicycle-oriented and transit-oriented facilities (bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities), all existing parking areas that are physically impacted by the development must be improved to the standards in Article 9. For this section, physically impacted shall include the removal of surfacing, surface striping, or landscaping in association with the new development. Re-striping of existing parking with no change to layout and internal remodels or changes of use to an existing approved development that do not extend a structure or associated facility into the existing parking area are exempt from this standard.
- (2) Conversion or elimination of off-street parking to uses other than bicycle- and transit-oriented facilities is subject to Site Plan review in accordance with ADC 2.430(4).
- (3) Developments on nonconforming sites are subject to incremental improvements in accordance with ADC 2.330.
- (4) Access for emergency vehicles must be retained, and adequate parking for truck loading should be considered. [Ord. 6018, 6/30/23]

9.120 Off-Street Parking Lot Design and Circulation. The standards of this section are intended to ensure that on-site vehicle circulation is clearly identifiable, safe, and pedestrian-friendly.

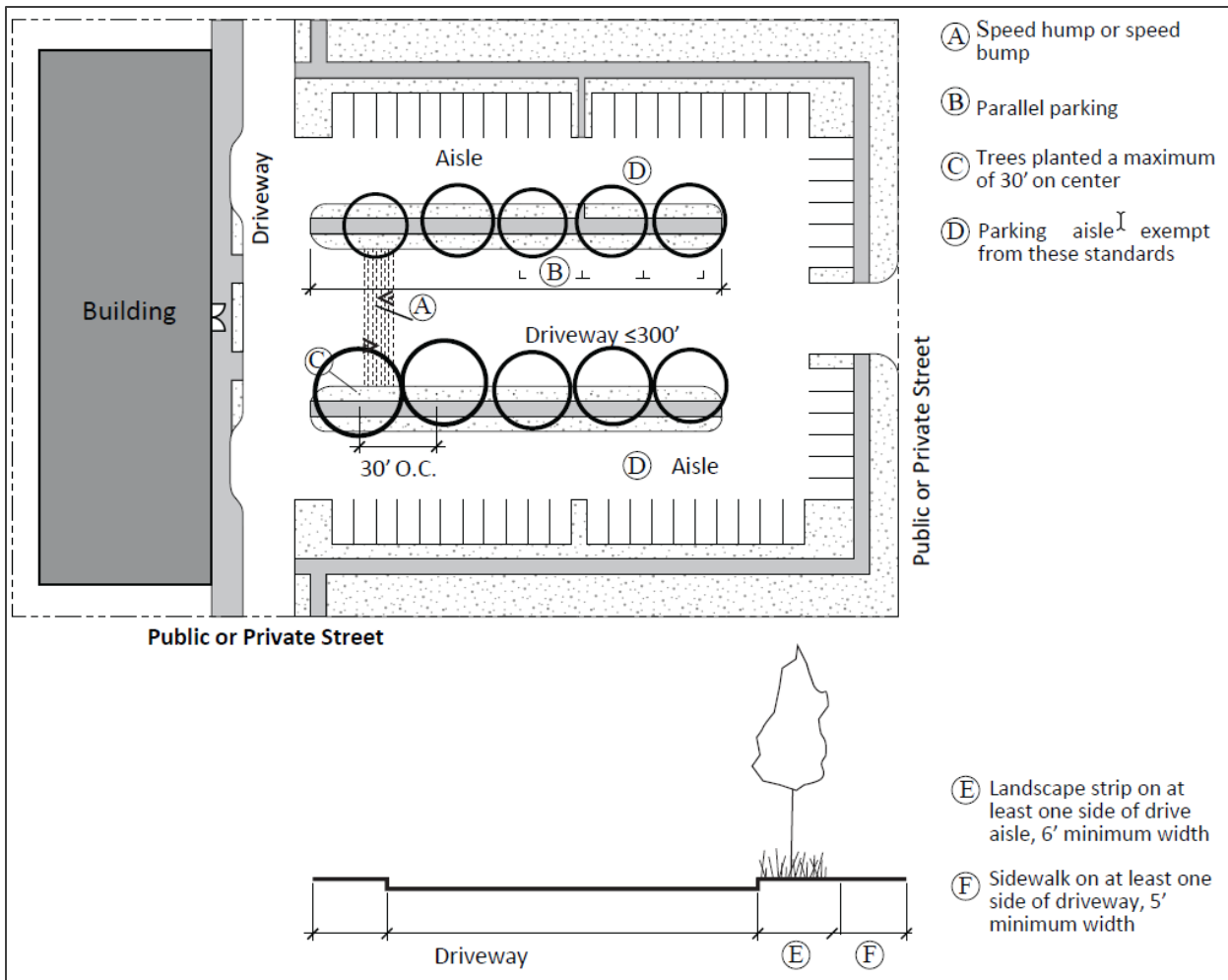
- (1) Applicability. All off-street parking lots over 1,000 square feet (contiguous) must be designed in accordance with the standards in this Article and the City standards for parking stalls and drive aisles as set forth in Table 9.120-1: Parking Lot Design, and supplemental drawings in Figures 1 and 2. [Ord. 5720, 8/12/09; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]
- (2) Driveways and Drive Aisles. As used in this Article, driveways are major travel routes through a site that provide access to and from surrounding streets and connections through the site to buildings and parking lot drive aisles. Drive aisles primarily provide vehicular access to bordering parking spaces. See Figure 9.120-1.

Figure 9.120-1: Parking Lot Driveways (blue) and Drive Aisles (orange)



- (3) Internal Circulation System. Interior driveways shall meet the standards below unless the driveway is lined with angled or perpendicular parking stalls. Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities, including the following:
- (a) Driveways shall continue the adjacent public street pattern wherever possible. [Ord. 5947, 1/1/21]
 - (b) Driveways must have raised curbs and a pedestrian facility with a minimum 5-foot-wide sidewalk on at least one side the entire length of the driveway, which is unobstructed by obstacles that would impede pedestrians, including overhanging cars.

FIGURE 9.120-2. Interior Driveways



[Ord. 5947, 1/1/21]

- (c) Street trees must be provided along driveways in accordance with Section 9.130 (3) and (4). Driveways must have a minimum 6-foot-wide landscape strip on at least one side of the driveway. For the purposes of this standard, the portions of the linear length driveways that provide direct access to parking stalls are exempt from this standard but shall meet other landscape island and tree planting requirements of the Development Code. [Ord. 6004, 12/28/22]
- (d) Traffic calming shall be provided through at least one of the following techniques:
 - i. Meandering the driveway to achieve a maximum design speed of 15 mph.
 - ii. Installing speed bumps or speed humps at a minimum interval of one every 300 feet of driveway. A minimum of one speed hump or speed bump must be provided if the driveway is less than 300 feet long.
 - iii. Providing parallel parking on at least one side for at least 50 percent of the length of the driveways.
 - iv. Planting trees on both sides along the full length of the driveway in accordance with the standards in ADC 9.240(1) to visually narrow the driveway.
- (e) Pedestrian facility crossings at intersections with drive aisles and other driveways shall be demarcated by a raised surface that slows vehicular travel, or by different surface materials. Crossings demarcated only by striping are discouraged.
- (f) Driveways shall not be located between the building(s) and the sidewalk(s), except as provided in (i) or (ii) below:
 - i. Where drive-through windows are permitted, sites are constrained by natural resources, or

are infill sites less than one acre. [Ord. 5832, 4/9/14]

ii. Where drop-off facilities are provided that have been designed to meet the requirements of the Americans with Disabilities Act but that still provide for direct pedestrian circulation.

(g) Buildings shall be located along a pedestrian facility in the public right-of-way. Where a building cannot be located along a public right-of-way, it shall be built up to a pedestrian facility along an on-site driveway. [Ord. 6018, 6/30/23]

(4) Minimum Driveway and Drive Aisle Widths. Driveways for two-way traffic and emergency vehicle operations must be at least 24 feet wide. One-way driveways and one-way emergency vehicle access must be at least 20 feet wide. Drive aisle dimensions must comply with the standards in Table 9.120-1. [Ord. 6018, 6/30/23]

(5) Parking Lot Design. Parking stall and aisle dimensions must comply with Table 9.120-1. Stall dimensions are measured from inside the stripes. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles, to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. See also Figures 9.120-1 and 9.120-2. [Ord. 6018, 6/30/23]

(6) Compact spaces shall be at least 8 feet wide by 16 feet long.

(7) Accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.

(8) Stall Width. Long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent to planter islands must be at least 9.5 feet wide. Stall dimensions are measured from inside the stripes.

**TABLE 9.120-1.
PARKING LOT DESIGN (in feet)**

A Parking Angle	B Stall Width	C Curb Width	D Aisle Width	E Stall Depth	F Bumper Overhang	G Dead-end Backup
(Parallel)	8.0 feet	8.0 feet	N/A	25.0 feet	N/A	N/A
45°	8.5	12.0	13.0	17.5	2.0	5.0
	9.0	12.7	12.0	17.5	2.0	5.0
	9.5	13.4	11.0	17.5	2.0	5.0
	10.0	14.1	11.0	17.5	2.0	5.0
60°	8.5	9.8	18.0	19.0	2.5	5.0
	9.0	10.4	16.0	19.0	2.5	5.0
	9.5	11.0	15.0	19.0	2.5	5.0
	10.0	11.6	14.0	19.0	2.5	5.0
Compact	8.0 C	8.0 C	26.0 C	16.0 C	3.0	5.0
90°	8.5	8.5	26.0	18.5	3.0	5.0
	9.0	9.0	26.0	18.5	3.0	5.0
	9.5	9.5	26.0	18.5	3.0	5.0
	10.0	10.0	24.0	18.5	3.0	5.0

NOTES:

- (1) For one row of stalls, use “D” plus “E” as the minimum width.
- (2) When appropriate bumper overhang area is provided (extruded curbs), “F” can be subtracted from “E” to determine stall depth.
- (3) Backup areas identified as “G” must be at least five feet from the property line and are excluded from required setback areas or buffer yards. [Ord. 5720, 8/12/09; Ord. 5947, 1/1/21]

FIGURE 9.120-1: Parking Lot Dimensions

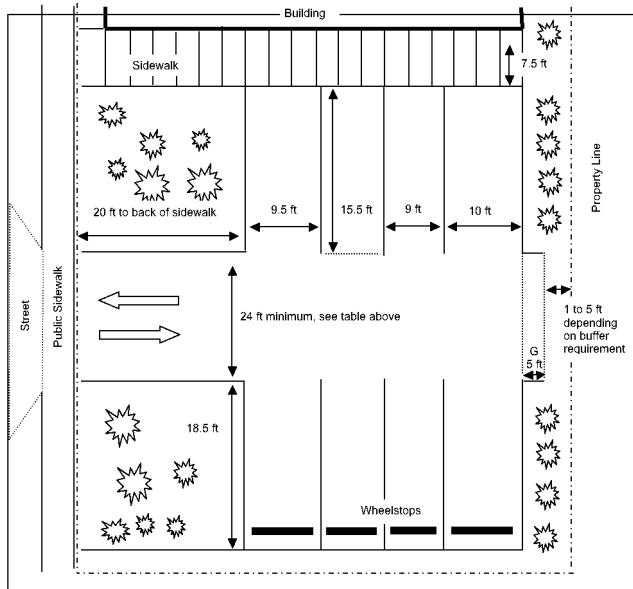
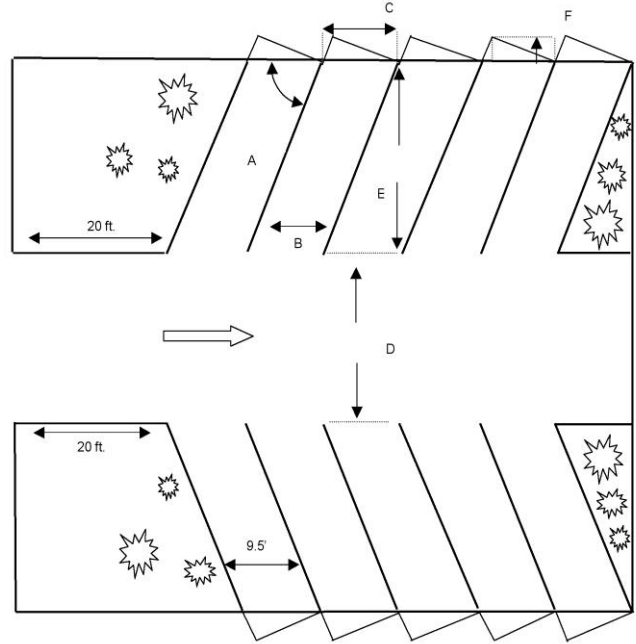


FIGURE 9.120-2: Parking Lot Dimensions



9.130

Surface Parking Areas. The purpose of these standards is to ensure that walkways and landscaping are incorporated into parking lot design in a manner that is both attractive and easy to maintain, that minimizes the visual impact of surface parking, and that improves environmental and climate impacts (Figure 9.130-1). These standards are also intended to help ensure pedestrian safety and comfort within large parking lots.

[Ord. 5886, 1/6/17; Ord. 5947, 1/1/21]

- (1) **Applicability.** In addition to other provisions of Article 9, the following standards apply to new or improved surface parking areas of more than 0.25 acres (10,890 square feet), and to parking lot additions of 5,000 square feet or more when existing parking areas are enlarged to more than 10,890 square feet, and when re-construction of a surface parking area of more than 0.25 acres is proposed (i.e., when pavement, curbs, and planter bays are completely replaced). Total surface parking areas are calculated by measuring around the perimeter of all parking spaces, maneuvering areas, and interior landscaping. [Ord. 6018, 7/1/23; Ord. 6024, 12/29/23]

- (2) Comply with one of the following standards in (a) through (c) below.
 - (a) **Solar Panels.** Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space on the property. Panels may be located anywhere on the property.
 - (b) **Public Buildings.** Construction, reconstruction, or major renovation of a public building, as defined by ORS 270c.527 that complies with Oregon Administrative Rule 330-135-0010.
 - (c) **Tree Canopy.** Trees shall be planted and maintained throughout new or improved parking areas to ensure that at least 40 percent of all parking surface areas will be covered within fifteen years after planting (or 20 years old). Tree canopy shall be calculated from a plan view of the tree planting plan and expected crown diameter at fifteen years from planting or 20 years old. Existing mature trees that are preserved may be included in the canopy calculation using the current canopy size. Area under the canopy that is either paved surface or parking lot landscaping (interior or perimeter) shall be subject to canopy calculations unless specifically exempt per below. Canopy that covers structures may not be included in the calculation, however canopy that covers unenclosed carports over parking spaces may be included. The full canopy area based on the 20-year crown diameter may be counted for tree coverage where there is an overlap of 5 feet or less (measurement to be the length of a line segment within the overlap area of a line between tree trunk/canopy centers).

The following surfaced areas are exempt from canopy requirements or are permitted reductions to the canopy requirements:

- i. Truck loading area in front of overhead doors.

- ii. Truck maneuvering, storage, and parking areas unconnected to and exclusive of any vehicle parking.
- iii. Tree canopy or solar panel requirements may be reduced by 50 percent for surface lots provided at automobile dealerships for display/sales/service/vehicle storage areas and provided employee and visitor parking.

[Ord. 6018, 6/30/23; Ord. 6024, 12/29/23]

(3) Trees must be provided along all driveways but are not required along drive aisles. Trees shall be at least 10 feet tall at the time of planting. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles and other site design considerations. A continuous canopy has no less than three trees and breaks of no more than 3 feet, excluding permitted interruptions. [Ord. 6018, 6/30/23]

(4) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility and other utility providers, including pre-design, design, building and maintenance phases and meet the following standards.

(a) The tree spacing and species planted must be designed to achieve the minimum tree canopy of 40 percent using the expected diameter of the tree crown at 15 years from planting (or 20 years old).

Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.

(b) Trees should be planted in continuous trenches with a minimum soil depth of 3 feet and width of 5 feet where possible.

(c) The minimum standards for planting and tree care shall be no lower than 2021 American National Standards Institute (ANSI) A300 standards.

(d) The property owner is responsible for maintaining all required vegetation. Compliance with these standards will be enforced through the City's code enforcement process.

[Ord. 6018, 6/30/23; Ord. 6024, 12/23/23]

(5) Walkways. For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles and include protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping, curbs, or parking bumpers. Walkways may cross a vehicle aisle if distinguished by a color, texture, or elevation different from the parking and driving areas. Walkways shall not share a vehicle aisle. [Ord. 5886, 1/6/17]

(6) Parking Lots with More Than 75 Spaces. Parking lots with 75 or more spaces must comply with the following additional standards to ensure pedestrian safety and to improve vehicle circulation and reduce visual impacts of large expanses of pavement.

(a) When pedestrian walkways connecting a main building entrance to the street are required pursuant to ADC 8.370(2)(b) and must cross a large surface parking area with more than 75 spaces, standards (a) and (b) below shall apply.

i. The walkway shall be at least seven feet wide and must meet standards for an accessible path of travel in accordance with the Americans with Disabilities Act (ADA).

ii. The walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least 50 percent of the length of the walkway. [Ord. 5947, 1/1/21]

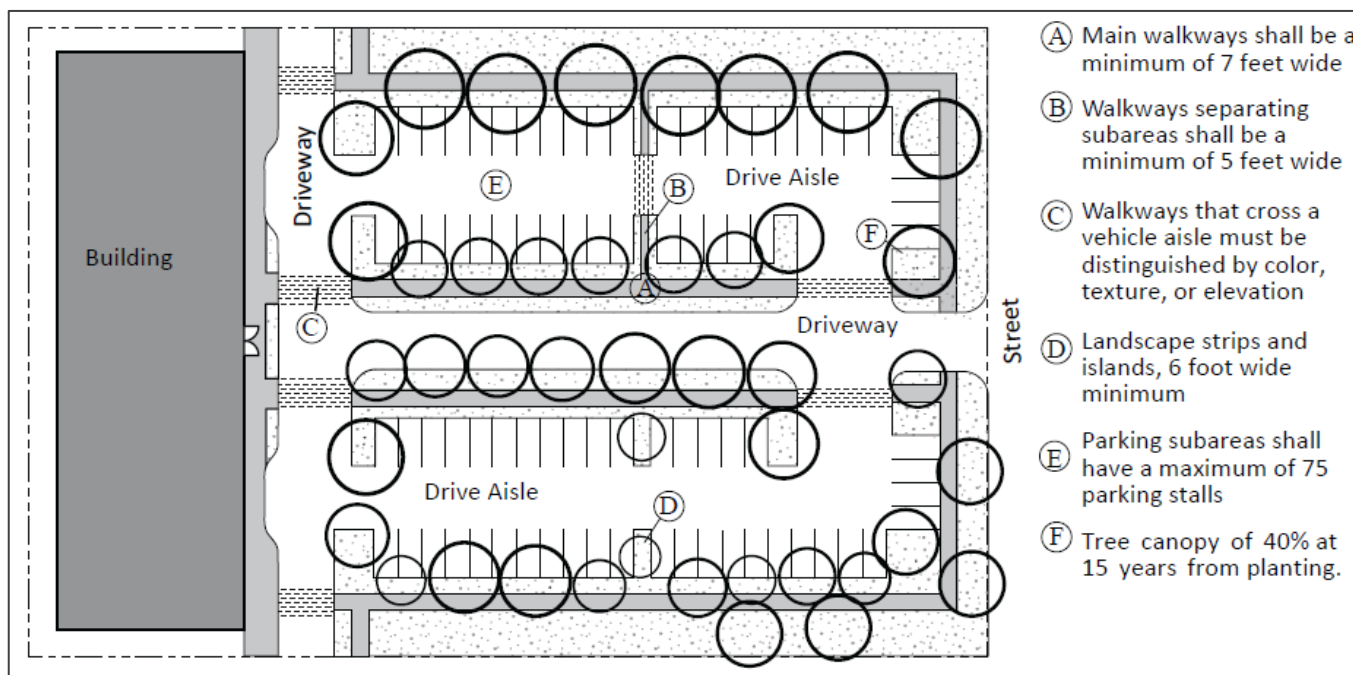
(b) Parking Subareas. To reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways, parking areas shall be divided into subareas of no more than 75 parking spaces each. Parking subareas shall be separated from each other with physical breaks by providing one or more of the following: building pads, landscape strips, landscaped pedestrian walkways, interior streets or driveways as defined in 9.120(2). Landscape strips or landscaped pedestrian walkways used for subarea separation shall meet the following standards.

i. Landscape strips shall have a minimum width of six feet that is unobstructed by obstacles that would impede landscape viability, including overhanging cars.

- ii. Landscaped pedestrian walkways shall have a minimum unobstructed walkway width of five feet. Landscaping may be on one or both sides of a pedestrian walkway, with a minimum landscape strip width of six feet when provided.

[Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

FIGURE 9.130-1. Sample Layout for Large Parking Area



[Ord. 6018, 6/30/23]

9.133 Street, Bicycle and Pedestrian Connectivity. The purpose of these standards is to emphasize the importance of connections and circulation between uses and properties by multiple modes. They are intended to promote efficient circulation between properties, convenient pedestrian and bicycle access to nearby streets, adjacent uses, and transit stops, and improve safety for both drivers and pedestrians. These standards are also intended to comply with the Transportation Planning Rule (OAR 660-012).[Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

- (1) Applicability. The standards apply to development in all zoning districts except HD, DMU, CB, and WF.
- (2) Definitions. The following definitions shall apply for the purposes of this section:
 - (a) “Direct and convenient” means the route is not more than 120 percent of the straight-line distance except as necessary to accommodate topographic constraints, natural resources, or hazards.
 - (b) “Major transit stop” means transit transfer stations and any additional stops designated as “major transit stops” in the Transportation System Plan.
 - (c) “Impractical” means where one or more of the following conditions exist:
 - i. Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
 - ii. Buildings or other existing development physically preclude a connection; or
 - iii. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

[Ord. 5947, 1/1/21]

- (3) Connectivity between sites. To promote connectivity and dispersal of traffic and efficient circulation between properties, new development may be required to provide street or driveway stubs and

reciprocal access easements to, and for, adjacent properties. [Ord. 5947, 1/1/21]

- (4) Pedestrian and bicycle connections required. Except where impractical, pedestrian, and bicycle connections shall be provided in the following locations:
- (a) Between an existing or planned transit stop and new development that is at, or within, 200 feet of the existing or planned transit stop. Development sites at major transit stops are also subject to subsection (5).
 - (b) A direct and convenient pedestrian route shall be provided between the building's main entrance(s) and the nearest sidewalk abutting the site or roadway where there is no sidewalk. A direct and convenient bicycle route shall be provided between the bicycle parking and the nearest bicycle path abutting the site or roadway where there is no bicycle path.
 - (c) Between the development site and abutting properties. Pedestrian and bicycle connections shall connect the onsite circulation system to existing or proposed walkways and bicycle routes, respectively, that abut the property. When abutting properties are undeveloped or have the potential to be redeveloped, accessways and walkways on site shall be laid out or stubbed to allow for an extension to the abutting property. [Ord. 5947, 1/1/21]
- (5) Major Transit Stops. Except where impractical, sites at major transit stops shall provide the following:
- (a) Between the development site and abutting properties. Pedestrian and bicycle connections shall connect the onsite circulation system to existing or proposed walkways and bicycle routes, respectively, that abut the property. When abutting properties are undeveloped or have the potential to be redeveloped, accessways and walkways on site shall be laid out or stubbed to allow for an extension to the abutting property. [Ord. 5947, 1/1/21]
 - (b) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;
 - (c) A direct and convenient pedestrian connection between the transit stop and building entrances on the site;
 - (d) A transit passenger landing pad accessible to disabled persons;
 - (e) An easement or dedication for a passenger shelter, if requested by the transit provider; and
 - (f) Lighting at the transit stop. [Ord. 5281, 3/26/97; Ord. 5445, 4/12/00; Ord. 5947, 1/1/21]
- (6) Pedestrian and bicycle connections standard. Pedestrian and bicycle accessways shall be constructed of concrete, asphalt, brick or masonry pavers, or other hard surface, and not less than five feet wide. [Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

9.134 Additional On-Site Standards. Additional design standards related to site layout and design are in Article 8. [Ord. 6018, 6/30/23]

LANDSCAPING

9.135 Purpose. These regulations are intended to enhance aesthetic value in new developments and the community as a whole; minimize erosion; slow the rate of surface water runoff and improve water quality; cool buildings and parking lots in summer months with shade; enhance ecological functions; and provide access to nature. [Ord. 5947, 1/01/21]

9.140 General Requirements. Landscaping requirements by type of use are listed below:

- (1) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. In the case of middle housing land divisions, the minimum landscaping standard below applies to the parent lot, not the child lots. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
- (a) One tree at least six feet tall.
 - (b) Four one-gallon shrubs or accent plants.

(c) The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).

[Ord. 5886, 1/6/17; Ord. 5968, 1/14/22]

(2) Landscaping Required – Non-Residential. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial districts is as follows:

- (a) One tree at least six feet tall for every 30 feet of street frontage.
- (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
- (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.

[Ord. 5886, 1/6/17]

(3) Alternate Plan – Non-Residential. The Director may approve placement of the required setback landscaping in public right-of-way when the following conditions are met:

- (a) The site contains existing development that includes substantial building(s), and is subject to ADC improvement requirements due to a change of use or vacancy; and
- (b) The appropriate government agency grants written permission for use of the right-of-way; and
- (c) The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
- (d) The Director finds that the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and
- (e) The Director finds that providing the landscaping in the public right-of-way in the interim fulfills the intent of this Code for high-quality development (9.010) and the minimum landscaping requirements in Section 9.140(2)(a) through (c).

[Ord. 5752, 3/9/11]

9.150 Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots over 1,000 square feet (contiguous) must be landscaped in accordance with the following minimum standards. Parking lots over 10,890 square feet must also comply with the standards in 9.130.

[Ord. 5720, 8/12/09; Ord. 5842, 1/1/15; Ord. 5968, 1/14/22; Ord. 6018, 6/30/23]

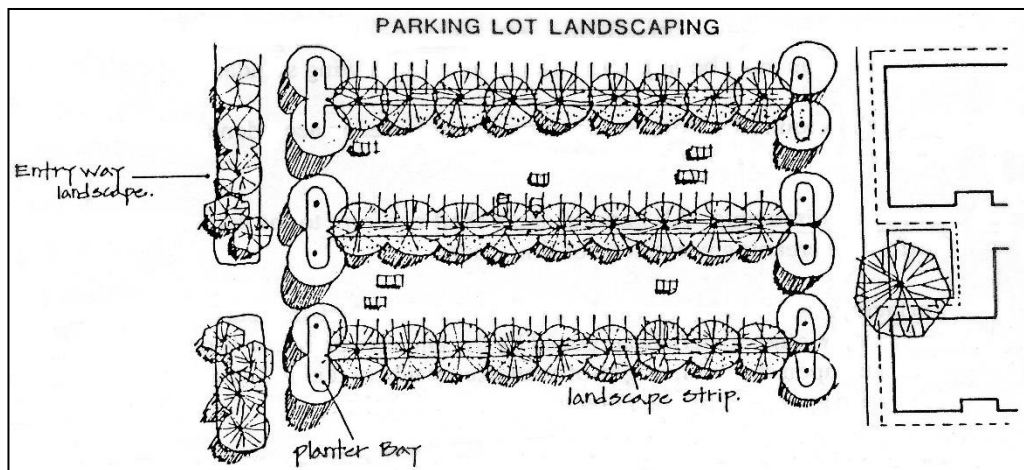
(1) Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least six feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.

[Ord. 5720, 8/12/09; Ord. 5842, 1/1/15; Ord. 6018, 6/30/23]

(2) Entryway Landscaping. Both sides of a parking lot entrance shall be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.

(3) Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.

FIGURE 9.150-1. Parking lot landscaping example.



- (4) Stormwater Collection System. Vegetated post-construction stormwater quality facilities shall be considered as the initial stormwater collection system. [Ord. 6018, 6/30/23]
- (5) Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven 18 inches into the ground, by large boulders, or by another acceptable means of protection. [Ord. 5947, 1/1/21]

9.160 Parking Area Perimeter Landscaping in Village Centers.

Purpose. These provisions are intended to give provided parking a low profile to improve the pedestrian experience and the overall aesthetic quality of the street. They will minimize the expansive appearance of parking lots, increase the sense of neighborhood scale, and improve the character of a village center. They will also create an attractive, shaded environment along streets that gives visual relief from continuous hard street edges; buffer automobile traffic and focus views for both pedestrians and motorists.

Applicability. These standards apply to properties with an Albany Comprehensive Plan designation of Village Center.

Standards.

- (1) All parking areas (excluding entranceways) adjacent to a public street shall be screened according to one of the following options in (a) through (d) below:
 - (a) A low continuous hedge of evergreen shrubs, trees, and plantings that are at least three feet tall within two years and grow to provide an evergreen screen of at least 70 percent;
 - (b) A berm three-foot-tall with a maximum slope of 3:1, in combination with coniferous and deciduous trees and shrubs;
 - (c) A low decorative masonry wall at least three feet tall in combination with landscaping; or
 - (d) A combination of any of these methods.
- (2) The landscape plan shall be prepared by a licensed landscape architect.

[Ord. 5556, 2/21/03, Ord. 6018, 6/30/23]

9.165 Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit. [Ord. 5768, 12/7/11]

9.170 Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (8 inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. [Ord. 5842, 1/1/15]

- 9.180 Landscape Plans. With the exceptions noted below, all development applications involving buildings and parking areas over 1,000 square feet (contiguous) must include landscape plans. The following uses are required to meet the landscaping requirements of this code but are not required to submit landscape plans: [Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]
- (1) Single-dwelling units and middle housing.
 - (2) Accessory buildings.
 - (3) Changes internal to an existing structure.
 - (4) Building additions involving less than 500 square feet.
- 9.182 Street Trees Prohibited on Right-of-Ways. Because of their potential negative impact on the public infrastructure, it is unlawful to plant any of the following trees in or on any street right-of-way or parking strip in the City: box elder, tree of heaven, golden chain, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and ailanthus.
- 9.184 Trees Requiring Approval. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the Director of Public Works approves the site as one where the tree roots will not be likely to interfere with public sewers.
- 9.186 Height Requirements in Rights-of-Way. Trees or shrubs growing in the right-of-way or on private property adjacent to a street right-of-way must be trimmed to maintain a minimum canopy height of eight feet above sidewalks or 14 feet above streets or alleys. No trees, shrubs, or plants more than 18 inches tall shall be planted in the public right-of-way abutting roads having no established curb and gutter.
- 9.188 Trimming, Removal. The city manager or duly authorized representative may cause any vegetation in or upon any parking strip, street right-of-way or other public place in the City to be trimmed, pruned, or removed.
- 9.189 Planting in Roadways Having No Gutter, Curb. No trees, shrubs, or plantings more than 18 inches tall shall be planted in the public right-of-way abutting roadways having no established curb and gutter.
- 9.190 Completion Guarantees. Final occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances: [Ord. 5886, 1/6/17]
- (1) A security is provided to the City equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor. Security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Director and City Attorney. Where a financial assurance is provided for landscaped areas with post-construction stormwater facilities under subsection (4) below, no additional security under this subsection is required for that part of the landscaping. A security may not be used for single-dwelling and middle housing development, unless permitted by the Director. [Ord. 5842, 1/1/15, Ord. 6024, 12/29/23]
 - (2) The required landscaping and irrigation shall be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation shall be installed within six months of the date of the land use approval. [Ord. 5886, 1/6/17]
 - (3) To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned. [Ord. 5446, 5/10/00]
 - (4) Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with Title 12 of the Albany Municipal Code and applicable post-construction stormwater quality permits. [Ord. 5842, 1/01/15]
- 9.200 Maintenance of Landscaped Areas. It shall be the continuing obligation of the property owner to maintain provided landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. Private post-construction stormwater quality facilities located in landscaped areas and required under Title 12 of the Albany Municipal

Code shall be maintained consistent with the terms of any operation and maintenance agreements between the property owner and the City consistent with the requirements of Albany Municipal Code Title 12.

[Ord. 5842, 1/1/15; Ord. 6018, 6/30/23]

TREE PROTECTION

9.202 Purpose. Trees of significant size represent a visual and aesthetic resource to the community. Trees provide benefits including shading, reduction in excess stormwater runoff, erosion control, and wildlife habitat. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property.

[Ord. 5445, 4/12/00; Ord. 5764, 12/1/11, Ord. 5947, 1/1/21]

9.203 Definitions. For the purposes of the following sections, these definitions apply:

(1) Critical Root Zone: The area around a tree where roots are critical to a tree's survival. For the purposes of this section, the critical root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius, and where all tree measurements are consistent with those for establishing Tree Circumference. For example, a tree with a Tree Circumference of 6.5 feet would have a trunk radius of 1.0 feet and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1ft + (25 in * 1ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.

[Ord. 5947, 1/1/21]

(2) Fell: To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning of trees.

[Ord. 5947, 1/1/21]

(3) Tree: A living, standing, woody plant.

[Ord. 5764, 12/1/11; Ord. 5947, 1/1/21]

(4) Tree Circumference: The circumference of a tree is measured at 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference.

[Ord. 5445, 4/12/00; Ord. 5947, 1/1/21]

9.204 Applicability. Except as provided below, Site Plan Review approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.

The following activities are exempt from Site Plan Review under this section. Notwithstanding the foregoing, all tree felling activities located within Significant Natural Resource Overlay districts must meet the applicable requirements of Article 6:

[Ord. 5764, 12/1/11; Ord. 5947, 1/1/21]

(1) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.

(2) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.

(3) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approved the proposed tree felling.

[Ord. 5445, 4/12/00]

(4) Felling of trees planted as Christmas trees.

[Ord. 5635, 1/11/06]

(5) Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry.

[Ord. 5635, 1/11/06]

9.205 Tree Felling Criteria. Except as provided for in Section 9.206, the following review criteria replace the Site Plan Review criteria found elsewhere in this Code for the purpose of reviewing tree felling. A Site Plan Review for tree felling subject to these criteria will be processed as a Type I-L land use decision.

[Ord. 5947, 1/1/21]

(1) The Community Development Director or his/her designee shall approve a Site Plan Review for tree

falling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist's report.

[Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]

- (2) For property where a Site Plan Review, Conditional Use, or land division application has been approved or is currently under review for development of the property, the Community Development Director or his/her designee shall approve Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:
 - (a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
 - (b) The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.
 - (c) The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.
 - (d) Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6. [Ord. 5764, 12/1/11, Ord. 5767, 12/7/11; Ord. 5947, 1/1/21]
- (3) For property where tree felling is proposed and there is no approved or concurrent Site Plan Review, Conditional Use, or land division application for development of the property, the Community Development Director or his/her designee shall approve a Site Plan Review application for tree felling when the applicant demonstrates that all the review criteria in subsection (2) above are met, and the following additional criteria are met: [Ord. 5947, 1/1/21]
 - (a) Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
 - (b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
 - (c) Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
 - (d) Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
 - (e) Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.
 - (f) Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties.
 - (g) The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning. [Ord. 5767, 12/7/11]
- (4) The Director may attach conditions of approval to the tree felling review to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling and may require an improvement assurance to ensure all conditions are met.

[Ord. 5767, 12/7/11; Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

9.206 Clear and Objective Criteria for Tree Felling associated with the Development of Housing. For property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is

currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205. A Site Plan Review application for tree felling subject to the criteria in Section 9.206 will be processed as a Type I decision. The Community Development Director, City Forester, or his/her designee shall approve the Site Plan Review application when the applicant demonstrates that all of the following review criteria are met:

- (1) The critical root zone of each tree to be felled is no more than five feet from proposed roads, driveways, utilities, and required site improvements, or 10 feet from proposed residential building pads.
- (2) The proposed felling is consistent with other applicable sections of the Development Code (such as Article 6, Significant Natural Resource Overlay Districts) and City ordinances, including tree regulations in the Albany Municipal Code.

Trees that do not meet the criterion (1) shall be preserved (see AMC 7.98.215 for recommended methods for protecting residual trees). [Ord. 5947, 1/1/21]

BUFFERING AND SCREENING

9.208 Purpose. These regulations provide screening and buffering between uses in order to reduce the potential objectionable impacts of higher intensity uses on adjacent lower intensity uses. These impacts include, but are not limited to, light pollution and glare, noise, visual impacts, and loss of privacy. [Ord. 5947, 1/1/21]

9.210 General Requirements/Matrix. Buffering and screening are required in accordance with the matrix provided in Table 9.210-1. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may approve an Adjustment to waive the buffering/screening requirements of this section where such has been provided on the abutting 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. [Ord. 5445, 4/12/00; Ord. 5947, 1/1/21]

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

9.230 Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, vehicular access ways or parking areas are allowed in a buffer area except where vehicular access way has been approved by the City. [Ord. 5842, 1/1/15; Ord. 5947, 1/1/21]

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

- (1) At least one row of trees. These trees will be not less than 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this Code (e.g., solar access).
- (2) At least 5 five-gallon shrubs or 10 one-gallon shrubs for each 1,000 square feet of required buffer area.
- (3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

9.250 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 that will grow to form a continuous hedge at least four feet tall within two years of planting, or
- (2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
- (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at

least six feet tall within two years of installation.

- 9.255 Screening of Refuse Containers. The following standards apply to all developments except for refuse containers or disposal areas serving four or fewer dwellings. Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. Refuse disposal areas may not be located in required setback areas or buffer yards and must be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window. [Ord. 6018, 6/30/23]
- 9.260 Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 12.180 and by the fence and wall height restrictions of the zone when applicable. [Ord. 5445, 4/12/00]
- 9.270 Landscape Plan. In lieu of these standards a detailed landscape plan, which provides the same degree of desired buffering utilizing alternative designs, may be submitted for approval.
- 9.330 *Repealed by Ord. 5445, 4/12/00.*

Table 9.210-1. Buffer and Screening Matrix

BUFFER MATRIX	PROPOSED USE								
	Detached single-dwelling unit	Middle housing	Multiple dwelling unit	Manufactured home park or subdivision	Commercial, professional, mixed-use, and institutional	Industrial Park use	Light Industrial use	Heavy Industrial use	Parking lot with at least 5 spaces
Dwellings in RR, RS-10, RS-6.5, RS-5, HM, RM, HDR, MUR and RMA districts	0'	0'	10' (3)	0'	10' S (3)	30' S	30' S	40' S	10' S
Manufactured home park or subdivision in any district	0'	0'	0'	0'	10'S	30'S	30'S	40'S	10'S
Any arterial street (2)	10'	10' (4)	10' (4)	10' S (1)	10' (4)	10'	10'	10'	10'
Commercial, professional, mixed-use, and institutional	10'	10' (4)	10' (4)	10' S	0'	20'	0'	20' S	0'
Industrial Park District	20'	20'	20'	20'S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'
Any parking lot with at least 5 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'

“S” indicates screening required. (1) See Section 10.270(3)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code. (3) The required buffer does not apply abutting the MUR district and the buffer and screening do not apply abutting the HDR district. (4) Does not apply in the HD, CB, DMU, and WF zoning districts.

[Ord. 5445, 4/12/00; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6024, 12/29/23]

FENCES

- 9.360 Purpose. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones. [Ord. 5751, 3/9/11]
- 9.370 Materials. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows: [Ord. 5446, 5/10/00]
- (1) Barbed wire is permitted on top of a six-foot-tall fence in commercial, industrial, and mixed-use zones except for HD, DMU, MUC, and MUR. The total height of the fence and barbed wire is limited to 8 feet. Barbed-wire-only fences are prohibited except as allowed under subsection (2).
 - (2) Correctional Institutions and High-Security Areas. Concertina wire or barbed-wire only fences may be used around correctional institutions and high-security areas provided that the fences are posted at 15-foot intervals with clearly visible warnings of the hazard.
 - (3) Large Animal Containment. Where cattle, sheep, horses or other livestock are permitted or existed when the property was annexed to the City, barbed wire is permitted within six inches from the top of a fence at least four feet tall that is used to contain or restrict large animals. Fences for this purpose must meet the standards in AMC 6.10.
 - (4) Battery-Charged Fence: A fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by battery. Battery-charged fences are permitted when the following standards can be met:
 - (a) Must use a battery that is not more than 12 volts of direct current; and
 - (b) Must produce an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by IEC standards; and
 - (c) Must be surrounded by a nonelectric perimeter fence or all that is not less than five feet in height; and
 - (d) May not be higher than the greater of 10 feet in height or two feet higher than the height of the non-electric perimeter fence or all; and
 - (e) Must be marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE." [Ord. 6004, 12/28/22]
 - (5) Electrically charged fences are permitted in the LI and HI zones when the following standards can be met:
 - (a) The fence is located outside the front setback and required landscaping, buffering or screening; and
 - (b) The electrically charged fence shall not exceed 10 feet in height; and
 - (c) The electrically charged fence shall be a pulsed charge system and not a continuous charge system.
 - (d) No electric fence shall be installed or used unless it is completely surrounded by a perimeter non-electrical fence or wall that is not less than six feet tall; and
 - (e) Warning signs stating, "Warning, Electric Fence" shall be posted at intervals not less than 50 feet; and
 - (f) When property lines are shared with a residential zoning district, the following additional standard shall be met:
 - i. A solid fence or wall between 6 and 8 feet tall shall be placed at the shared property line(s); and
 - ii. Warning signs shall be posted at intervals of not less than 25 feet.
 - (g) The fence shall be tested and approved by the State of Oregon approved testing laboratory; and

- (h) The fence shall be installed and used accordance with the Oregon Electrical Specialty Code, the listing, and the manufacturer’s installation instructions; and
- (i) Electrical permits and inspections shall be required for the installation. Work must be performed by a licensed Oregon electrician.
- (j) In addition to the Fire Department access requirements in the Oregon Fire Code, the following additional standards are required for properties protected by an electric fence:
 - i. Each vehicle gate shall open automatically using a sensing device approved by the fire department. This automatic operation shall be supplemented by the installation of a Knox electric switch (with dust cover) to be installed in an approved location.
 - ii. The gate opening equipment shall be equipped with a battery backup in the advent of power failure (both ingress & egress sides).
 - iii. Power to the electrified fence, excluding gate opening controls, shall be deactivated upon activation of automatic or manual fire department access for ingress or egress through the gate.
 - iv. The vehicle gate shall provide a means for the fire department to egress from the site.
 - v. A pedestrian type gate shall be installed immediately adjacent to all vehicle access gates.

[Ord. 5751, 3/9/11]

9.380 Standards. Fences and walls shall meet the following standards. If a fence or wall is used to meet required screening, it shall meet the provisions of Section 9.385. [Ord. 5751, 3/9/11]

Standards in Residential, MUR and MUC zones:

- (1) Fences in front setbacks. Fences shall be no taller than 4 feet in required front setbacks unless allowed below. [Ord. 5742, 7/14/10; Ord. 5751, 3/9/11]
 - (a) Properties listed on the National Register of Historic Places may have front yard fences taller than 4 feet if the fence is appropriate to the building style and scale and is approved by the Landmarks Commission. [Ord. 5689, 3/12/08; Ord. 5945, 9/25/20]
- (2) Corner properties, which by definition have two front yards, may have a fence no taller than 6 feet in the front yard adjacent to the street that does not contain the main door entrance when the fence does not extend in front of the building and one of the following conditions is met:
 - (a) If the adjoining street is improved with sidewalks and a planter strip, the fence may be on or behind the property line.
 - (b) If the adjoining street is improved with sidewalks but no planter strip, the fence is located a minimum of three feet from the sidewalk.
 - (c) If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located 10 feet from the face of the curb.
 - (d) If the adjoining street is unimproved, the fence is no closer than three feet from the property line. [Ord. 5673, 6/27/07; Ord. 5689, 3/12/08]

(3) Interior Setbacks.

Fences in a residential zone in Article 3 or in the MUR or MUC zone may have fences up to six feet tall in the interior setbacks except that a single-dwelling use or zone that shares an interior property line with a multiple-dwelling unit, commercial or industrial use or zone may have a fence up to eight feet tall along the property line. [Ord. 5742, 7/14/10; Ord. 5751, 3/9/11; Ord. 6004, 12/28/22]

Standards in Commercial, Industrial, ES, LE, MS, PB, and TD zones: [Ord. 5894, 10/14/17]

- (4) Fences in front setbacks. Fences shall be no taller than 6 feet in required front setbacks. 6-foot fences containing barbed wire on top or fences taller than 6 feet are not permitted in the front setback. [Ord. 5751, 3/9/11]

Standards in HD, DMU, CB, and WF zones: [Ord. 5894, 10/14/17]

- (5) Fences in front setbacks. Fences shall be no taller than 4 feet within 10 feet of a front lot line unless allowed under (a)-(c), below. Barbed wire on top of fences is not permitted within 10 feet of a front lot line.

- (a) Properties listed on the National Register of Historic Places may have fences taller than four feet within 10 feet of a front lot line if the fence is appropriate to the building style and scale and is approved by the Landmarks Commission. [Ord. 5945, 9/25/20]
- (b) The following uses (where allowed in the applicable zone) may have fences up to six feet tall within 10 feet of a front lot line:
 - i. All industrial uses
 - ii. All institutional uses
 - iii. Vehicle Repair
 - iv. Rail and Utility Corridors
- (c) Corner properties, which by definition have two front yards, may have a fence no taller than six feet within 10 feet of the front lot line that does not contain the main door entrance provided the fence does not extend in front of the building. [Ord. 5894, 10/14/17]

Standards for All fences:

- (6) In no instance or zone shall a fence exceed eight feet except when permitted in 9.370. [Ord. 5742, 7/14/10; Ord. 5751, 3/9/11]
 Fences over six feet tall shall meet building setbacks, except when permitted along property lines in Sections 9.370(4)(d) or permitted in required setbacks in 9.380(3). [Ord. 5742, 7/14/10; Ord. 5751, 3/9/11, Ord. 5886, 1/6/17]
- (7) In no instance shall a fence extend beyond the property line.
- (8) All fences shall meet the Clear Vision Area standards in Section 12.180.
- (9) Measuring Fence Height. Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. Fence height includes the height of the fence, wall, or picket and does not include the posts, or arbors and trellises at entrance gates. [Ord. 5446, 5/10/00; Ord. 5689, 3/12/08]
- (10) Maintenance. Every fence, whether required or not, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

9.385 Screening. Whenever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions and the vision clearance standards in Section 12.180:

- (1) Opacity. In order to be “sight-obscuring,” fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be an evergreen species that will meet the standards year-round within two years of planting. [Ord. 5742, 7/14/10]
- (2) Height. Fences and walls will be a minimum of 6 feet tall. Hedges will be of a species capable of attaining a height of at least six feet within two years of planting, given their age, height, and health when planted. [Ord. 5742, 7/14/10]
- (3) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met. [Ord. 5742, 7/14/10]

9.390 Non-conforming Fences. Existing fences that were constructed legally and/or that were in place at the time the property was annexed to the City that do not meet the current fencing standards shall be considered a legal non-conforming use, provided that the barbed wire or upturned barbed selvage does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way. [Ord. 5446, 5/10/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5673, 6/27/07; Ord. 5689, 3/12/08; Ord. 5742, 7/14/10; Ord. 5751, 3/9/11]

ENVIRONMENTAL

- 9.400 Purpose. These regulations are designed to protect all uses in all zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, degraded water quality, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards or nuisances. Use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone-based solely on the general characteristics of similar industries in the past.
[Ord. 5555, 2/7/03; Ord. 5842, 1/1/15]
- 9.405 Exemptions. The off-site impact standards do not apply to machinery, equipment, and facilities that were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.
[Ord. 5555, 2/7/03]
- 9.410 Relationship to Other Regulations. The environmental standards are in addition to all other regulations of the Albany Municipal Code. These standards do not replace or supersede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Building Code or Uniform Fire Code.
[Ord. 5555, 2/7/03]
- 9.420 Evidence of Compliance. Before approving a development application, the Director may require submission of evidence demonstrating compliance with state, federal and local environmental regulations and receipt of necessary permits.
- 9.425 Responsibility. Compliance with state, federal and local environmental regulations is the continuing obligation of the property owner and operator.
- 9.430 Measurements. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the owner or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code.
[Ord. 5555, 2/7/03]
- 9.435 Neighborhood Compatibility. If a site is located within 300 feet of residentially zoned property and environmental impacts regulated by this article have not been adequately determined, the Community Development Director may require that a proposed use be considered under the Conditional Use process to provide an opportunity for public review and comment and to establish conditions to mitigate potential impacts.
[Ord. 5555, 2/7/03]
- 9.440 Noise. The City noise standards are stated in Albany Municipal Code Title 7, Public Peace, Morals and Safety. Oregon Administrative Rules (OAR) 340-035-0035, Noise Control Regulations for Industry and Commerce, is adopted here in its entirety, and as may be subsequently amended by the State of Oregon. Tables 7, 8, and 9 referenced in OAR are included here for reference only. In addition, the Department of Environmental Quality (DEQ) has regulations that apply to firms adjacent to or near noise-sensitive uses such as dwellings, religious institutions, schools, and hospitals.
[Ord. 5720, 8/12/09]

TABLES 7 & 8 (OAR 340-035-0035)	
New and Existing Industrial and Commercial Noise Source Standards	
Allowable Statistical Noise Levels in Any One Hour	
7 am – 10 pm	10 pm – 7 am
L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₀₁ – 75 dBA	L ₀₁ – 60 dBA

TABLE 9 (OAR 340-035-0035)	
Industrial and Commercial Noise Source Standards for Quiet Areas	
Allowable Statistical Noise Levels in Any One Hour	
7 am – 10 pm	10 pm – 7 am
L ₅₀ – 50 dBA	L ₅₀ – 45 dBA
L ₁₀ – 55 dBA	L ₁₀ – 50 dBA
L ₀₁ – 60 dBA	L ₀₁ – 55 dBA

[Ord. 5720, 8/12/09]

- (3) Additional City Standards. The following restrictions are in addition to the State DEQ standards for purposes of City noise regulation:
- (a) For purposes of measuring permitted sound levels from noise-generating sources under the provisions of DEQ rules, any point where a noise-sensitive building could be constructed under the provisions of this Code shall apply as if such point contained a noise sensitive building.
 - (b) Within the Industrial Park (IP) and Waterfront (WF) zoning districts, each property or building under separate ownership shall be considered a noise-sensitive property under the provision of DEQ rules, with the exception that the allowable noise levels shall be increased by 5 dB.
 - (c) The allowable noise levels cited in Tables 7, 8 and 9 shall apply to all non-residential uses.

[Ord. 5768, 12/7/11]

- (4) Expert Evaluation. A noise analysis may be required in the development review process to show that a proposed activity can meet the noise standards or that residential uses are adequately buffered from noise sources.

- (5) Mitigation Measures. The following noise mitigation measures may be required through development review:

- (a) increased building setbacks;
- (b) special berms and heavy vegetation areas;
- (c) site layout to establish buffer areas or locate low-noise buildings to serve as a buffer between the noise-sensitive areas and the sound source;
- (d) special sound insulation construction techniques;
- (e) improvements as recommended by the DEQ or a qualified noise consultant;
- (f) posting a bond or other financial agreement to ensure that the required noise reduction features are installed.

[Ord. 5555, 2/7/03]

9.450 Visible Emissions. Within the mixed-use, commercial, IP and WF zoning districts, there shall be no use, operation, or activity that results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) that is visible from a property line.

[Ord. 5555, 2/7/03]

9.455 Water Quality. Direct discharge of stormwater and process waste from the operation of industries shall comply with the water quality standards adopted by the City of Albany, DEQ and as authorized by a National Pollutant Discharge Elimination System (NPDES) Permit.

[Ord. 5555, 2/7/03]

9.460 Vibration. Continuous, frequent, or repetitive vibrations that exceed 0.002g peak may not be produced.

Exceptions: Vibrations from temporary construction and vehicles that leave the site (such as trucks, trains, or aircraft) are exempt; vibrations lasting less than five minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

Measurements. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

[Ord. 5555, 2/7/03]

9.470 Odors. Continuous, frequent, or repetitive odors or the emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. Odor is regulated by the Department of Environmental Quality.

Exceptions: An odor detected for less than 15 minutes per day is exempt.

[Ord. 5555, 2/7/03]

- 9.480 Glare and Heat. No direct- or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source. Strobe lights visible from another property are not allowed, except as may be required by the Federal Aviation Administration. [Ord. 5555, 2/7/03]
- 9.490 Insects and Rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.
- 9.500 Hazardous Waste. Hazardous wastes are subject to the regulations of Oregon Administrative Rules (OAR) 340.100-110, Hazardous Waste Management. [Ord. 5555, 2/7/03]

FIGURE 9.020-1. Map of Albany's Downtown Parking Assessment District.

