

## ARTICLE 2 REVIEW CRITERIA

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2.760 Zoning. For rezoning and annexation zoning requests, the zoning of the property shall be compatible with the Comprehensive Plan designation as provided in the Table 2.760-1, Plan Designation Zoning Matrix. Zoning other than that shown in the matrix requires approval of a Comprehensive Plan Map and/or Zoning Map amendment. [Ord. 5947, 1/01/21]

**TABLE 2.760-1  
PLAN DESIGNATION ZONING MATRIX**

Comprehensive Plan Designation	Compatible Zoning Districts
<u>Employment*</u>	<u>Employment (EMP), Industrial Park (IP), Office Professional (OP)</u>
Light Industrial	Industrial Park (IP), Light Industrial (LI), Transit District (TD)
Heavy Industrial	Light Industrial (LI)*, Heavy Industrial (HI)
General Commercial	Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Office Professional (OP)
<u>Light Commercial</u> <u>Neighborhood Village</u>	Neighborhood Commercial (NC), Office Professional (OP), <u>Mixed Use Residential (MUR)</u>
Village Center	Historic Downtown (HD), Downtown Mixed Use (DMU), Central Business (CB), Lyon-Ellsworth (LE), Pacific Boulevard (PB), Elm Street (ES), Main Street (MS), Waterfront (WF), Mixed Use Commercial (MUC), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Community Commercial (CC)
	<u>Village Center - East (East Albany Plan Area only): Mixed Use Commercial (MUC), Mixed Use Residential (MUR)</u>
<u>High Density Residential</u>	<u>High Density Residential (HDR), Medium Density Attached (RMA), Mixed Use Residential (MUR)</u>
Medium Density Residential	Residential Single Dwelling Unit (RS-5), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)
Low Density Residential	Residential Single Dwelling Unit (RS-10, RS-6.5, RS-5), Hackleman-Monteith (HM), Residential Reserve (RR), Office Professional (OP), Neighborhood Commercial (NC)
Urban Residential Reserve	Residential Single Dwelling Unit (RS-10, RS-6.5, RS-5), Residential Reserve (RR), Residential Medium Density Attached (RMA), Residential Medium Density (RM), Mixed Use Residential (MUR), Neighborhood Commercial (NC), Office Professional (OP)
Public and Semi-Public	All zones
Open Space	Open Space (OS)

\*Light Industrial – Properties in the East Albany Plan area that were zoned Light Industrial on June 30, 2023, may remain zoned Light Industrial, including those designated Employment on the Comprehensive Plan map.

## ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

- 3.010 Overview. The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. These regulations provide certainty to property owners, developers, and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Articles 6 and 7. [Ord. 5673, 6/27/07]

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

- Zoning Districts
- Schedule of Permitted Use
- Development Standards

### ZONING DISTRICTS

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

- (1) RR—RESIDENTIAL RESERVE DISTRICT. The RR District is intended to recognize areas which, because of topography, level of services, or other natural or development factors are best served by a large lot designation. This district may be applied on an interim basis until urban services become available. The minimum lot size is five acres.
- (2) RS-10—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-10 District is intended primarily for a lower density residential environment. The average minimum detached single-dwelling unit lot size is 10,000 square feet. [Ord. 6004, 12/28/22]
- (3) RS-6.5—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-6.5 District is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet. [Ord. 6004/12/28/22]
- (4) RS-5—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-5 District is intended primarily for low- to moderate-density residential development. The average minimum detached single-dwelling unit lot size is 5,000 square feet. [Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]
- (5) RM—RESIDENTIAL MEDIUM DENSITY DISTRICT. The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Multi-family and townhouse development may not exceed 25 units per gross acre. [Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]
- (6) RMA—RESIDENTIAL MEDIUM DENSITY ATTACHED DISTRICT. The RMA District is intended primarily for medium- to high-density urban residential development. Most units, whether single- or multiple-family or middle housing, will be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre. [Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]
- (7) HDR—HIGH DENSITY RESIDENTIAL DISTRICT. The HDR District is intended primarily for high-density urban residential development. This district supports the highest residential density in the city, as development in the HDR district must achieve a density of at least 25 units per gross acre and may not exceed 50 units per gross acre. The HDR district allows a variety of housing types along with other compatible uses.
- ~~(8)~~ HM—HACKLEMAN-MONTEITH DISTRICT. The HM district is intended primarily to preserve the existing residential character of the Hackleman and Monteith National Register Historic Districts. Conversion of single-dwelling unit residential structures to non-residential or

## Draft ADC Amendments

## East Albany Plan

multi-family residential uses is not allowed.

[Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

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

<u>Special Purpose District</u>	<u>Applicable Articles</u>
Airport Approach	Article 4
Floodplain	Article 6
Hillside Development	Article 6
Significant Wetlands	Article 6
Riparian Corridors	Article 6
Wildlife Habitat	Article 6
Willamette Greenway	Article 6
Historic Overlay	Article 7

[Ord. 5764, 12/1/11]

### SCHEDULE OF PERMITTED USES

- 3.040 Interpretation. The following provisions are used to interpret the schedule of permitted uses found in this Article:

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the City. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics. Use categories not listed in the schedule of permitted uses are not permitted in the residential zoning districts. [Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan Review, the entire development shall be reviewed using the Conditional Use criteria if concurrent approval of all uses is requested. [Ord. 5947, 1/01/21]
- (3) A change in the use of a property is subject to review as specified by the schedule of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105, or
  - (b) When a property that has been unoccupied for more than one year. [Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]

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

A number appearing opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special

## Draft ADC Amendments

## East Albany Plan

provisions apply to the use category for that zone(s). The conditions follow the schedule of uses, in Section 3.060.

The abbreviations used in the schedule have the following meanings:

- Y Yes; use allowed without land use review procedures but must meet development standards in this article and may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use permitted conditionally under the provisions of Sections 2.230-2.265 through a Type III procedure.
- CUII Uses permitted conditionally through the Type II procedure.
- PD Use permitted only through planned development approval.
- CD Use permitted only through cluster development approval.
- N No; use not permitted in the zoning district indicated.

Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition number to determine what review process is required based on the details of the use.

[Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]

**SCHEDULE OF PERMITTED USES**

Uses Allowed in Residential Zoning Districts										
USE CATEGORIES (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA	HDR	
<b>RESIDENTIAL: Single-dwelling unit Detached and Two Detached Units</b>										
Single Dwelling Unit, detached	1	Y	Y	Y	Y	Y	Y	N	<u>N</u>	
Primary Residence with one accessory dwelling unit	4	Y	Y	Y	Y	Y	Y	Y	<u>N</u>	
2 detached primary dwelling units	2	N	PD/CD	PD/CD	S	PD/CD	Y	Y	<u>N</u>	
<b>RESIDENTIAL: Middle Housing</b>										
Duplex	3	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
Townhouse		Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
Triplex or Fourplex	3	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
Cottage Cluster	3	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
<b>RESIDENTIAL: Multiple-Dwelling Units</b>										
Multiple-Dwelling Units	3	N	N	N	N	N	S	S	<u>S</u>	
<b>RESIDENTIAL: Care or Treatment</b>										
Assisted Living		CU	CU	CU	CU	CU	CU	CU	<u>CU</u>	
Child or Adult Care Home	6	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
Daycare Facility		CU	CU	CU	CU	CU	CU	S	<u>S</u>	
Residential Care or Treatment Facility (6 or more residents)		CU	CU	CU	CU	CU	CU	S	<u>S</u>	
Residential or Group Care Home (5 or fewer residents)		Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
<b>RESIDENTIAL: Miscellaneous Use Categories</b>										
Manufactured Home Parks (see Article 10)	10	N	N	S	N	S	S	S	<u>S</u>	
Accessory Buildings, Garages or Carports	9	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	<u>Y/S</u>	
Bed & Breakfast	7	CUH	CUH	CUH	CUH	CUH	CUH	S	<u>S</u>	
Home Businesses (See 3.090-3.160 to determine if CU)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	<u>Y/CU</u>	
Rooming or Boarding Houses		N	N	N	CU	N	S	S	<u>Y</u>	
Subdivision Sales Office	1	N	Y	Y	N	Y	Y	Y	<u>Y</u>	
Unit(s) Above or Attached to a Business	17	N	N	N	N	N	N	N	<u>Y</u>	
Temporary Residence	8	S	S	S	S	S	S	S	<u>S</u>	
<b>INSTITUTIONAL</b>										
Basic Utilities		CU	CU	CU	CU	CU	CU	CU	<u>CU</u>	
Community Services		CU	CU	CU	CU	CU	CU	CU	<u>CU</u>	
Educational Institutions	13	CU	CU	CU	CU	CU	CU	CU	<u>CU</u>	
Hospitals		N	N	N	N	N	CU	CU	<u>CU</u>	
Jails & Detention Facilities		N	N	N	N	N	N	N	<u>N</u>	
Parks, Open Areas and Cemeteries	14	S/CU	S/CU	S/CU	CU	S/CU	S/CU	S/CU	<u>S/CU</u>	
Religious Institutions	13	CU	CU	CU	CU	CU	CU	CU	<u>CU</u>	
<b>COMMERCIAL – Limited Use Types</b>										
Entertainment and Recreation:										
Indoor	18	CU	CU	CU	CU	CU	CU	CU	<u>CU</u>	
Outdoor		CU	CU	CU	N	CU	CU	CU	<u>CU</u>	
Offices	17, 19	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	<u>S/PD/CD</u>	
Recreational Vehicle Parks (See Article 10)	5, 10	N	N	N	N	N	CU	CU	<u>CU</u>	
Restaurants, no drive-thru	17, 19	PD/CD	PD/CD	PD/C D	PD/CD	PD/CD	PD/CD	PD/C D	<u>S/PD/CD</u>	
Retail Sales and Service	17, 19	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	<u>S</u>	
Self-Serve Storage	15	N	N	N	N	N	S	N	<u>N</u>	
<b>OTHER CATEGORIES</b>										
Agriculture:										
Crop Production		Y	Y	Y	N	Y	Y	Y	<u>Y</u>	
On-site Sales of Site-Produced Seasonal Goods		Y	S	CU	N	CU	CU	CU	<u>CU</u>	
Plant Nurseries and Greenhouses		S	S	S	N	S	S	S	<u>S</u>	
Antennas, owned and operated by FCC licensed member of Amateur Radio Service		Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
Communication Facilities	16	N	N	N	N	N	N	N	<u>N</u>	
Kennels	11	S	CU	CU	N	CU	CU	N	<u>N</u>	
Satellite Dish and Other Antennas	12	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	

Y = Yes, allowed, no Site Plan review required  
 CD = Cluster Development, see Art. 11

N = No, not allowed  
 PD = Planned Unit Development, see Art. 11

## Draft ADC Amendments

## East Albany Plan

CU = Conditional Use approval required, Type III procedure

S = Site Plan Review required

CUII = Conditional Use approval required, Type II procedure

[Ord. 5281, 3/26/97; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5947, 1/01/21; Ord. 5949, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6008, 1/27/23]

3.060 – 3.070, *Open Space district moved to Article 6; Ord. 5764, 12/1/11.*

### SPECIAL CONDITIONS

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

- (1) One subdivision sales office is allowed in a subdivision for two years from the date it opens if the following requirements are met: [Ord. 5757, 12/4/11; Ord. 5886, 1/6/17]
  - (a) The purpose of the office must be to sell lots or houses in the subdivision.
  - (b) The sales office must be placed on one or more of the lots in the subdivision. [Ord. 5886, 1/6/17]
  - (c) The sales office must be established within one year of the date the final subdivision plat is signed. [Ord. 5886, 1/6/17]
  - (d) At the time an application for the sales office is submitted, the owner of the subdivision must own all of the lots within 100 feet of the lot where the sales office will be located. The “owner of the subdivision” is the owner of more than 50 percent of the lots in the subdivision. [Ord. 5886, 1/6/17]
  - (e) The building must be placed in accordance with Section 3.190, Table 3.190-1 Development Standards [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]
  - (f) A manufactured building, a modular building, or a building constructed on the site is allowed for the office use. If a manufactured building is used, it must be placed in accordance with the standards for “Placement on Individual Lots” listed in Article 10. If a modular building is used, it must be removed from the property within two years of the date a building permit is issued for the sales office. If manufactured or site-built building is used, the building does not have to be removed from the lot.
  - (g) Building permits must be obtained for the building. Manufactured and modular buildings must have the appropriate State of Oregon insignia that shows the appropriate construction standards are met.
- (b) *was replaced by content below and (i) was removed by Ordinance 5886, adopted January 6, 2017*
- (h) The sales office permit may be renewed once upon ~~on~~ to a year. [Ord. 5673, 6/27/07; Ord. 5886, 1/6/17]
- (2) When more than one single-dwelling unit detached residence is located on a property of record in a residential zoning district and the buildings were legally constructed, the property may be divided in conformance with Article 11, even if the resulting lots do not meet the required minimum lot area and dimensional standards for the zoning district, if required setbacks and lot coverage can be met. [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]
- (3) Duplexes, triplexes, fourplexes, cottage clusters, and multi-dwelling unit development may be divided so that each unit can be individually owned by doing a land division in conformance with Article 11. The total land area provided for the development as a whole must conform with the requirements of Article 3, Table 3.190-1, however, the amount of land on which each unit is located does not need to be split equally between the individual units - one may be larger and one smaller. [Ord. 5673, 6/27/07; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]
- (4) Where detached single-dwelling unit residences are permitted outright, one accessory dwelling unit

## Draft ADC Amendments

## East Albany Plan

(ADU) may be allowed on each lot that has a single legally established detached single-dwelling unit residence, called the “primary residence”. The ADU shall comply with the following standards:

[Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

Accessory dwelling units shall be incidental in size to the primary residence and meet the following standards:

(a) The size of an ADU does not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 900 square feet, whichever is less. (Note: ADUs greater than 900 square feet that were legally constructed before July 1, 2007, may remain.).

[Ord. 5949, 1/01/21]

(b) All required building permits have been obtained. If the primary residence is on the Local Historic Inventory, historic review may be required.

(c) The lot was legally established [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07; Ord. 5966 11/12/21]

(d) Detached ADUs must also meet the following development standards:

Front Setback: Greater than or equal to the location of the front wall of the primary residence; and

Interior Setback: 5 feet for one-story; 8 feet for two-story; and

Maximum Height: 24 feet to the ridge of the roof.

[Ord. 5673, 6/27/07; Ord. 5949, 1/01/21]

(5) In the RM, RMA and HDR Districts, the following criteria must be met in addition to the Conditional Use criteria for permitting RV overnight parks:

(a) The entire site must be located within 750 feet of the Interstate 5 right-of-way.

(b) The RV park access is limited to the Interstate 5 frontage road or streets servicing primarily industrial or commercial development.

(6) “Child Care Homes” that includes the day or night-time care of no more than sixteen children, including the children of the provider or the care and treatment of adults for less than 24-hours are considered a residential use of the property and are allowed outright in zones that allow residential dwellings per the Oregon Revised Statutes (ORS). See ADC Section 22.200.

[Ord. 5673, 6/27/07; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

(7) Bed and Breakfast facilities shall:

(a) Be owner occupied.

(b) Be limited to a maximum of four guest bedrooms.

(c) Except for driveway spaces, not contain guest parking facilities in the front setback area or within 10 feet of any interior residential lot line.

[Ord. 5742, 7/14/10]

(d) Provide at least one off-street parking space for each rental room, except in the HM zone, where on-street parking along the frontage of the property line(s) may count toward the parking requirements. To count towards this standard, each on-street space must be at least 25 feet long.

[Ord. 5673, 6/27/07, Ord. 5768, 12/7/11]

(8) Temporary residences in conjunction with construction, emergency repair, or a night watchman are permitted but are limited to one year in duration.

[Ord. 5673, 6/27/07]

(9) The definitions of “Accessory Building” and “Accessory Use” in Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed activity. See also Table 3.230-1 for Accessory Structure Standards.

Accessory buildings in residential districts that are 750 square feet or larger and/or with walls taller than 11 feet that meet the following standards are not subject to Site Plan Review. They will be processed as Type I staff decisions. Information must be submitted that shows the standards are met. The information shall be submitted at the time the applicant applies for building permits. The

## Draft ADC Amendments

## East Albany Plan

determination of whether the standards are met will be made by the Community Development Director or his/her designee. [Ord. 5767, 12/7/11; Ord. 5947, 1/01/21]

- (a) The proposed building does not exceed the height of the tallest building on adjacent property. For this section, height means the height of the building at its highest point, usually the ridge of the roof.
- (b) The square footage of the footprint of the proposed building does not exceed the square footage of the footprint of the foundation of the largest building on adjacent property.
- (c) The amount of land that will be covered by buildings if the proposed building is constructed does not exceed the applicable lot coverage restrictions of the Development Code.
- (d) The proposed building meets or exceeds the applicable setback requirements for the primary residence as listed in Table 3.230-1. [Ord. 5947, 1/01/21]
- (e) The materials used on the proposed building (e.g. siding and roofing), and the color of those materials, shall be similar to those used on the primary residential structure (e.g. cement board lap siding is similar to wood lap siding).
- (f) If the proposed building is located in any of the special purpose districts listed in Articles 6 and 7 of the Development Code, the building must also be reviewed for conformance with the requirements of the applicable district.

Accessory buildings not meeting the standards in this section require Site Plan Review.

A garage or other non-residential building on a property without a residence cannot be the primary use of a residentially zoned property except as described below. The purposes of this limitation are to preserve the opportunity for residential land to be used for housing, and to avoid a non-residential building on residential property for use as commercial storage. Non-residential structures on residentially zoned land will be allowed when the following conditions are met:

- (g) The structure will not preclude the use of the property for housing;
  - (h) The structure must meet the requirements of Section 3.080(9) or be approved through the Site Plan Review process;
  - (i) The structure is not used for a commercial purpose; and [Ord. 5968, 1/14/22]
  - (j) Exception in RR: Buildings used for farm or agricultural product or equipment storage are permitted in the RR zone. [Ord. 5281, 3/26/97; Ord. 5673, 6/27/07; Ord. 5947, 01/21/20]
- (10) Manufactured home and RV park standards are located in Article 10. Manufactured home parks, RV parks and manufactured homes on individual lots are not allowed within the National Register Historic Districts or on land within 100 feet of a historic district, or on land adjacent to a property on the Local Historic Inventory. [Ord. 5673, 6/27/07]
  - (11) Kennels in residential districts shall be restricted to properties containing a minimum of two acres. This restriction does not apply to indoor veterinary hospital kennels. [Ord. 5673, 6/27/07]
  - (12) Antennas and satellite dishes are subject to the following standards:
    - (a) Antenna or antenna supports may not be located within any front setback area or within any required landscape buffer yard. [Ord. 5742, 7/14/10]
    - (b) Antennas shall not extend higher than fifteen feet above the peak of the roof.
    - (c) Dish antennas exceeding 12 feet in diameter are not permitted.
    - (d) Dish antennas exceeding 36 inches in diameter may not be roof mounted.
    - (e) Dish antennas shall not exceed 15 feet in height from surrounding grade to the highest point of the structure or dish.



## Draft ADC Amendments

## East Albany Plan

- (f) Dish antennas located within ten feet of a residential lot line or located so as to be visible from a public street shall be screened up to a height of six feet with a solid screen fence, wall, hedge, or other landscaping.
  - (g) Antenna used to display sign messages shall conform to all district sign regulations in addition to the above.
  - (h) Antenna not in conformance with the above may be considered by Conditional Use review , Type II process. [Ord. 5886, 1/6/17]
- (13) Original Conditional Use approval for education and religious institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before and after school or full-time childcare activities; fundraising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities which constitute the use (excluding parking and travel to and from the site) take place on the site and there is no external noise audible or light visible between 10:30 p.m. and 7:00 a.m.
- Expansion of an education or religious institution includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities. Any expansion must be reviewed through the Conditional Use Type II process (CUII). [Ord. 5673, 6/27/07]
- (14) Public park development activity subject to Conditional Use review includes major development; expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional Use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks. [Ord. 5947, 1/01/21]
- (15) Self-Serve Storage is subject to the following standards:
- (a) Freestanding facilities shall be limited to sites of one to three acres in size and maximum building coverage shall be limited to 50 percent of the parcel.
  - (b) Building setbacks shall be as follows: front - 25 feet, interior - 20 feet. No fencing is permitted in front setbacks and a minimum ten-foot landscape buffer yard is required adjacent to all residential zones. No barbed wire fencing is permitted in residential districts. [Ord. 5742, 7/14/10]
  - (c) The minimum driveway width between buildings shall be 20 feet for one-way drives and 24 feet for two-way drives.
  - (d) The maximum storage unit size shall be 500 square feet.
  - (e) All outdoor lighting shall be shielded to prevent reflection on adjacent properties.
  - (f) Repair of autos, boats, motors and furniture, and the storage of flammable materials shall be prohibited on the premises and rental contracts shall so specify.
  - (g) Outside storage of vehicles and materials is prohibited within this use category and no other business activity other than the rental of storage units shall be conducted on the premises. [Ord. 5673, 6/27/07]
- (16) Public and Commercial Communication Facilities are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a facility is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Conditional Use, Type III land use decision.) Article 8 for telecommunication facility design standards also apply. [Ord. 5886, 1/6/17]

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

- (a) The base of the antenna and any structures associated with the antenna shall be set back from

Draft ADC Amendments

East Albany Plan

the property lines of the property on which they are sited a distance of not less than 30 feet.

- (b) The land on which the facility is sited shall be screened from adjacent land along its full perimeter, by providing screening, as defined in ADC Section 9.250.

[Ord. 5281, 3/26/97; Ord. 5445, 4/12/00]

- (17) Planned Developments allow for limited commercial uses to serve the residents within the development; see Section 11.270. Cluster Developments greater than 50 acres may develop up to 2 acres with neighborhood commercial and office uses through a Conditional Use review. [See Section 11.510(2).]

[Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]

- (18) In all residential zones, indoor entertainment and recreation uses are limited to athletic, exercise or health clubs, gyms or spas, and similar uses. Examples of outdoor entertainment and recreation uses include sports fields, clubhouses, tennis and golf facilities, swimming pools, and similar uses.

[Ord. 5673, 6/27/07]

- (19) In the HDR zone, office, restaurant, and retail sales/service uses are subject to Site Plan Review, provided they are limited to the ground floor of mixed-use buildings, with residential uses on the upper floors, and limited to 5,000 square-foot maximum floor area. All other office and retail sales/service uses must be considered through Planned Development and Cluster Development review, pursuant to Section 3.080(17).

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**DEVELOPMENT STANDARDS**

3.190 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 3.190-1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-dwelling unit, middle housing, and multiple-family developments.

[Ord. 5445, 4/12/00, Ord. 5768, 12/7/11; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

**TABLE 3.190-1**

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS								
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA	HDR
<b>Minimum Property Size or Land Requirements by Unit Type(1)(18)</b>								
Single dwelling unit detached (SDU) -and Duplex (1)	5 acres (15)	10,000 sf	6,500 sf	5,000 sf	5,000 sf	3,500 sf	Single dwelling unit SDU detached : N/A Duplex: 3,500 sf	SDU: N/A  Duplex: None
Townhouse(1)(16)(19)(20)	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	None (20)
Two primary detached units on one property (1)	N/A	N/A	N/A	7,000 sf	N/A	3,500 sf	3,500 sf	N/A
Triplex (16)(20)	5 acres	10,000 sf	6,500 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	None (20)
Fourplex (16)(20)	5 acres	10,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf (17)	None (20)

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East Albany Plan

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS								
Cottage Cluster (16)(20)	5 acres	10,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	<u>None (20)</u>
Multi-dwelling unit, Studio and 1-bedroom units (1)(20)	N/A	N/A	N/A	N/A	N/A	2,000 sf/unit	1,500 sf/unit	<u>None (20)</u>
2-and 3-bedroom units (1)(20)	N/A	N/A	N/A	N/A	N/A	2,400 sf/unit	1,800 sf/unit	<u>None (20)</u>
4+ bedroom units (1)(20)	N/A	N/A	N/A	N/A	N/A	3,000 sf/unit	2,200 sf/unit	<u>None (20)</u>
Minimum Lot Widths: (18)	Townhouse	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	<u>None</u>
	All other uses	N/A	65 ft	50 ft	35 ft	40 ft	30ft	<u>None</u>
Minimum Lot Depth (18)	N/A	100 ft	80 ft	65 ft	70 ft	60 ft	None	<u>None</u>
<b>Residential Density (20):</b>								
<u>Minimum Density (units per gross acre)</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>25</u>
<u>Maximum Density (units per gross acre)</u>	<u>(20)</u>	<u>(20)</u>	<u>(20)</u>	<u>(20)</u>	<u>(20)</u>	<u>25 (20)</u>	<u>35</u>	<u>50</u>
<b>Setbacks (4)(18):</b>								
Minimum Front (4)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	12 ft	<u>10 ft</u>
Maximum Front Setback	None	None	None	None	None	(14)	(14)	<u>(14)</u>
Minimum Interior: single-story (4)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft (5)	10 ft (5)	<u>10 ft (5)</u>
Minimum Interior: two or more stories (4)	8 ft	8 ft	8 ft	6 ft	6 ft	10 ft (5)(6)	10 ft (5)(6)	<u>10 ft (5)</u>
Minimum Building Separation	(12)	(12)	(12)	(12)	(12)	(12)	(12)	<u>(12)</u>
Min. Garage or carport vehicle entrance (10)	20 ft	20 ft	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	<u>20 ft (7)</u>
Maximum Height (8)	30 ft	30 ft	30 ft	30 ft	30 ft	45 ft	60 ft	<u>75 ft</u>
Maximum Lot Coverage (9)(18)	20% (11)	50%	60%	60%	60%	70%	70%	<u>75%</u>
Minimum Open Space	N/A	N/A	N/A	N/A	N/A	(13)	(13)	<u>(13)</u>
Min. Landscaped Area (18)	None	(2)	(2)	(2)	(2)	(3)	(3)	<u>(3)</u>

N/A means not applicable.

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area requirements of units.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to streets plus required open space.
- (4) Additional setbacks may be required, see Sections 3.230-3.330 and the buffer matrix at 9.210; exceptions to Setbacks for Accessibility Retrofits are in Section 3.263; Zero-Lot Line standards are in Sections 3.265 and 3.270; Setbacks for cottage clusters are in Section 3.192.  
[Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]
- (5) Except for single-dwelling unit homes or middle housing, which must have a minimum setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings. [Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]
- (6) More than 3 stories = 10 feet plus 3 feet for each story over 3 per unit requirements. Multiple-dwelling unit developments must also meet the setbacks in Section 8.270(3). [Ord. 5974, 1/01/21; Ord. 6004, 12/28/22]
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.
- (8) See exceptions to height restrictions, Section 3.340; Maximum height for cottage clusters is in Section 3.192.  
[Ord. 5968, 1/14/22]
- (9) Lot coverage for single-dwelling unit detached and middle housing development shall only include the area of the lot covered by buildings or structures; Lot coverage for townhouses is calculated based on the overall

## Draft ADC Amendments

## East Albany Plan

- townhouse project, rather than each townhouse lot; Cottage clusters are exempt from maximum lot coverage standards. [Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]
- (10) See Table 3.230-1 for garages with alley access. [Ord. 5947, 1/01/21]
- (11) Maximum lot coverage for parcels 20,000 square feet or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.
- (12) The minimum separation between multi-dwelling unit buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet for two-story or taller buildings; Minimum building separation for cottage clusters is in Section 3.192. [Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]
- (13) Ten or more units require open space. See Section 8.220.
- (14) See Section 8.240 for standards.
- (15) A property line adjustment between two existing RR properties may be allowed as long as no new lots are created and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.
- (16) Triplexes, fourplexes, townhouses, and cottage clusters are not permitted on lots that are nonconforming with respect to the minimum lot size applicable to that housing type within the zoning district (see ADC 2.320). [Ord. 5968, 1/14/22]
- (17) In RMA, a fourplex with one or more studio or 1-bedroom units shall meet the minimum lot size standards for multi-dwelling unit development, except in no case shall the minimum lot size required for a fourplex exceed 7,000 square feet. [Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]
- (18) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lots. [Ord. 5968, 1/14/22]
- (19) The minimum property size for townhouses specified in Table 3.190-1 is the minimum allowable size for an individual townhouse lot; the number of units permitted on a given site (i.e., the maximum density) is established in accordance with subsection 3.191(1). [Ord. 5968, 1/14/22]
- (20) Lot sizes in the HDR zone are controlled by the allowed density range of 25 units to 50 units per gross acre. Maximum density for the RR, RS-10, RS-6.5, HM, and RS-5 District is controlled by minimum lot size requirements for each zone. Except for townhouses, middle housing development is not subject to maximum density requirements in the RM District.

[Table 3.190-1 and footnotes amended by Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07, Ord. 5768, 12/7/11; Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22]

3.191 Development Standards for Townhouses. Townhouses shall meet the standards in subsections (1) and (2) below. Townhouses shall also meet the applicable design standards in ADC Sections 8.110 through 8.170.

- (1) Maximum Density.
- (a) In the RR, RS-10, RS-6.5, RS-5, and HM districts, the maximum permitted density for a townhouse project shall be based on the total area of the development site (including all townhouse lots and other tracts). For the purposes of calculating density, the gross area required for each townhouse unit shall be as follows:
- RR: 1.25 acres per townhouse unit
  - RS-10: 2,500 square feet per townhouse unit
  - RS-6.5, RS-5, HM: 1,700 square feet per townhouse unit
- (b) In the RM, ~~and~~ RMA, ~~and~~ HDR districts, the maximum permitted density for a townhouse project is based on the number of units permitted per gross acre, as follows:
- RM: 25 units per gross acre
  - RMA: 35 units per gross acre
  - HDR: 50 units per gross acre
- (2) Number of Attached Dwelling Units.
- (a) Minimum. A townhouse project must contain at least two attached units.

Draft ADC Amendments

East Albany Plan

- (b) Maximum. The maximum number of townhouse units that may be attached together to form a group is specified below.
- RR, RS-10, RS-6.5, and HM districts: maximum of 4 attached units per group
  - RS-5 district: maximum of 6 attached units per group
  - RM and RMA districts: maximum of 10 attached units per group
  - HDR district: no maximum

[Ord. 5968, 1/14/22]

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## ARTICLE 4

### COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

4.010 Overview. The zones created in this article are intended to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. The regulations in this article promote uses and development that will enhance the economic viability of specific commercial and industrial areas and the city as a whole. Development may also be subject to the provisions in Article 8, Design Standards, Article 9, On-Site Development and Environmental Standards, and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions in Article 6, Special Purpose Districts, and Article 7, Historic Overlay Districts. [Ord. 5555, 2/7/03]

The following list is a summary of the topics covered in this article:

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards
- Airport Approach Overlay District

### ZONING DISTRICTS

4.020 Establishment of Commercial and Industrial Zoning Districts. In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following commercial and industrial zoning districts are created:

- (1) OP – OFFICE PROFESSIONAL DISTRICT. The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.
- (2) NC – NEIGHBORHOOD COMMERCIAL DISTRICT. The NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.
- (3) CC – COMMUNITY COMMERCIAL DISTRICT. The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.
- (4) RC – REGIONAL COMMERCIAL DISTRICT. The RC district is intended primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for developments that require large sites near Interstate 5. Design guidelines, building location and front-yard landscaping will provide an enhanced community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be

appropriate in all locations.

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

(6) EMP – EMPLOYMENT DISTRICT. The EMP district is intended primarily for a range of office uses, light manufacturing, and high-tech/research activities and uses. Uses in this district complement or support more intensive industrial activities and uses while also providing a transition between industrial areas and general commercial or residential areas. The limited industrial and manufacturing activity allowed in the EMP district is intended to minimize hazardous impacts from heavier industrial uses while also providing a buffer between other industrial areas and nearby residential or commercial uses.

~~(7)(6)~~ IP – INDUSTRIAL PARK DISTRICT. The IP district is intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses.

~~(8)(7)~~ LI – LIGHT INDUSTRIAL DISTRICT. The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.

~~(9)(8)~~ HI – HEAVY INDUSTRIAL DISTRICT. The HI district is intended primarily for industrial uses and support activities that are potentially incompatible with most other uses and which are characterized by large amounts of traffic, extensive shipping of goods, outside storage or stockpiling of raw materials, by-products, or finished goods, and a controlled but higher level of noise and/or pollution. This district is located away from residential areas and has easy access to highways and perhaps to rail. [Ord. 5555, 2/7/03]

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

<u>Special Purpose District</u>	<u>Applicable Articles</u>
Floodplain	Article 6
Wetlands	Article 6
Willamette Greenway	Article 6
Airport Approach	Article 6
Hillside Development	Article 6
Historic Overlay	Article 7

[Ord. 5555, 2/7/03]

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

Division and Fire Department.

[Ord. 5555, 2/7/03]

**SCHEDULE OF PERMITTED USES**

4.040 Interpretation. Each use category in the schedule of permitted uses is described in Article 22, Use Categories and Definitions. Article 22 classifies land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. In addition to the clarification in Article 22, the following provisions shall be used to interpret the schedule of permitted uses found in this Article: [Ord. 5555, 2/7/03]

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the city. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan review, the entire development shall be reviewed utilizing the Conditional Use criteria if concurrent approval of all uses is sought. [Ord. 5947, 1/01/21]
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105,
  - OR
  - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

4.050 Schedule of Permitted Uses. The specific uses listed in the following schedule (Table 4.050-1) are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings: [Ord. 5947, 1/01/21]

- Y Yes; use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use considered conditionally through the Type III procedure under the provisions of Sections 2.230-2.260.
- CUII Uses considered conditionally through the Type II procedure under the provisions of Sections 2.230-2.260. [Ord. 5742, 7/14/10]
- PD Use permitted only through Planned Development approval.
- N No; use not allowed in the zoning district indicated.
- X/X Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use.

A number opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions are found following the schedule, in Section 4.060.

[Ord. 5555, 2/7/03]



**TABLE 4.050-1  
SCHEDULE OF PERMITTED USES**

<b>Commercial, Office and Industrial Zoning Districts</b>										
<b>Use Categories</b> (See Article 22 for use category descriptions.)	<b>Spec. Cond.</b>	<b>OP</b>	<b>NC</b>	<b>CC</b>	<b>RC</b>	<b>TD</b>	<b>EMP</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>
<b>INDUSTRIAL USE CATEGORIES</b>										
Contractors and Industrial Services		N	N	S-1	N	S-1	<u>S-1</u>	S-1	S-1	S
Manufacturing and Production	2	S/CU	N	S/CU, 3	N	S/CU	<u>S/CU-26</u>	S/CU	S/CU	S
Small-scale Manufacturing	2	S/CU	N	S/CU	S/CU	S/CU	<u>S/CU-26</u>	S/CU	S/CU	S/CU
Railroad Yard		N	N	N	N	S	<u>N</u>	N	S	S
Warehousing and Distribution		N	N	N	N	N	<u>CU</u>	CU	S	S
Waste and Recycling Related	4	N	N	CU	N	N	<u>N</u>	N	S/CU	S/CU
Wholesale Sales		N	N	N	N	N	<u>S-5</u>	S-5	S	N
<b>COMMERCIAL USE CATEGORIES</b>										
Adult Entertainment		N	N	S-6	N	N	<u>N</u>	N	CU-6	N
Entertainment and Recreation: Indoor Outdoor	7	N N	N N	S-7 S	S-7 S	S N	<u>S/CU-7</u> <u>N</u>	S/CU-7 N	CUII-7 CU-7, 11 N-7	CU-7 CU
Offices: Traditional Industrial		S S	S N	S S	S N	S N	<u>S</u> <u>S</u>	CUII-8 S-8	N S-9	N S
Parking		N	N	S	S	S	<u>S</u>	S	S	S
Recreational Vehicle Park		N	N	CU	N	S	<u>N</u>	N	S	N
Restaurants, no drive-thru w/ drive-thru or mostly delivery	25	CUII N	S CU-10	S S	S S	S N	<u>S</u> <u>CU</u>	S CU	N N	N N
Retail Sales and Service		S-11	S-11	S	S	S	<u>S-11</u>	S-11	S/CU/N-11	N
Self-Serve Storage	12	N	N	S	S	N	<u>N</u>	CU	S	S-13
Taverns, Bars, Breweries, Nightclubs	25	CUII	CUII	S	S	S	<u>CU</u>	CUII	CUII	CUII
Vehicle Repair		N	N	S	S	N	<u>N</u>	N	S	N
Vehicle Service, Quick-gas/oil/wash		N	N	S	S	N	<u>N</u>	CU	N-14	N
<b>INSTITUTIONAL USE CATEGORIES</b>										
Basic Utilities		CU	CU	CU	CU	CU	<u>CU</u>	S	S	S
Community Services	15	S/CU	S/CU	S/CU	S/CU	S/CU	<u>CU</u>	CU	CU	N
Daycare Facility		CU	CU	S	N	N	<u>S</u>	S	CU	N
Educational Institutions	16	N	N	CU	N	CU	<u>S/CU</u>	S/CU	S/CU	N
Hospitals		CU	N	N	N	N	<u>CU</u>	CU	CU	N
Jails and Detention Facilities		N	N	N	N	N	<u>N</u>	N	CU	N
Parks, Open Areas and Cemeteries	17	CU	CU	CU	N	CU	<u>CU</u>	CU	CU	N
Religious Institutions	16	CU	CU	S	N	N	<u>CU</u>	CU	CU	N
<b>RESIDENTIAL USE CATEGORIES</b>										
Assisted Living Facility		CU	CU	CU	N	N	<u>N</u>	N	N	N
Home Businesses (See 3.090-3.180 to determine if CU.)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	<u>Y/CU</u>	Y/CU	Y/CU	Y/CU
Residential Care or Treatment Facility		S	S	S	N	N	<u>N</u>	N	N	N
Single Dwelling Detached	20	Y-19	S-19	N	N	N	<u>N</u>	N	N	N
Middle Housing	20	CU-19	S-	N	N	N	<u>N</u>	N	N	N

Commercial, Office and Industrial Zoning Districts										
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	EMP	IP	LI	HI
			19/N							
Multi-Dwelling Unit		CU	N	N	N	N	<u>N</u>	N	N	N
Units Above or Attached to a Business		S	S	S	CU	S	<u>S</u>	S	S	N
Residential Accessory Buildings	21	Y/S	Y/S	N	N	N	<u>N</u>	N	N	N
OTHER CATEGORIES USE CATEGORIES										
Agriculture (on Vacant Land)	22	N	N	N	Y	N	<u>Y</u>	Y	Y	Y
Satellite Dish, Other Antennas, & Communication Facilities <50 ft.	23	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y
Communication Facilities >= 50 ft.	23	N	N	CU	S	CU	<u>CU</u>	CU	S	Y
Kennels	24	N	N	N	CU	N	<u>N</u>	N	S	N
Non-Residential Accessory Buildings		S-18	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y
Passenger Terminals		N	N	S	CU	S	<u>CU</u>	CU	CU	N
Rail And Utility Corridors		CU	CU	CU	CU	S	<u>CU</u>	CU	S	S

Y = Yes, allowed, no Site Plan Review required  
 CU = Conditional Use review, Type III procedure  
 CUII = Conditional Use review, Type II procedure  
 N = No, not allowed  
 S = Site Plan Review required

[Ord. 5555, 2/7/03; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10, Ord. 5767, 12/7/11; Ord. 5832, 4/9/14, Ord. 5886, 1/6/17; Ord. 5947, 1/01/21; Ord. 5949, 1/01/21; Ord. 5968, 1/14/22]

**SPECIAL CONDITIONS**

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

- (1) Contractors and Industrial Services in the CC, TD, IP, EMP, and LI zones.
  - (a) Limited Uses. Salvage or wrecking operations are prohibited in the CC, TD, IP, EMP, and LI zones. See Section 4.290 for outside storage standards.
  - (b) Prohibited Uses in EMP. The following Contractors and Industrial Services uses are prohibited in the EMP zone: salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; overnight or long-term equipment storage; heavy truck servicing and repair; tire retreading or recapping; and solid fuel yards.
- (2) Manufacturing and Production. The environmental performance standards of Article 9 may limit the placement of certain uses in some districts. If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval.
- (3) Manufacturing in the CC zone. Manufacturing uses in CC must have a retail storefront and sell their products to the public on site.
- (4) Waste and Recycling Related Uses in the CC, LI, and HI zones.
  - (a) Limited uses in CC. Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a Conditional Use review.
  - (b) Limited uses in LI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Site Plan Review. Salvage yards, junkyards, and refuse transfer stations are not permitted. All other material and recycling operations are

## Draft ADC Amendments

## East Albany Plan

considered through a Conditional Use review.

- (c) Limited uses in HI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan Review. Salvage yards, junkyards, sanitary landfills, and refuse transfer stations require a Conditional Use review.  
[Ord. 5947, 1/01/21]
- (5) Wholesale Sales in the IP and EMP zone. This use is allowed in IP and EMP only if all operations and storage are conducted entirely within enclosed buildings.
- (6) Adult Entertainment. Where allowed, Adult Entertainment uses shall meet the following standards:
- An adult entertainment use shall not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
  - An adult entertainment use shall not be established or expanded within 300 feet of any other adult entertainment use.
  - An adult entertainment use shall not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - Exceptions to the above may be considered by the Major Variance procedures.  
[Ord. 5947, 1/01/21]
- (7) Indoor Entertainment and Recreation in the CC, RC, IP, EMP, LI and HI zones.
- Limited uses in CC. Indoor firing ranges or gun clubs, coliseums, and stadiums are not permitted.
  - Limited uses in RC. Indoor firing ranges or gun clubs are not permitted.
  - Limited uses in IP and EMP. Exercise and health clubs or gyms are permitted through Site Plan Review. Convention centers, coliseums and stadiums are considered through a Conditional Use Type III review. All other indoor entertainment uses are not permitted.
  - Limited uses in LI. Indoor firing ranges or gun clubs, pool halls, paint gun facilities, cheerleading, tumbling, gymnastics, fairgrounds, coliseums and stadiums are considered through a Conditional Use Type II review. Exercise and health clubs or gyms are considered through a Conditional Use Type III review and must meet the additional criteria in Special Condition (11)(b). All other indoor entertainment uses are not permitted.  
[Ord. 5742, 7/14/10; Ord. 5832, 4/9/14]
  - Limited uses in HI. Indoor firing ranges or gun clubs, pool halls, paint gun facilities, motor racetrack, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.  
[Ord. 5947, 1/01/21]
- (8) Offices in the IP zone. Traditional Offices intended to serve customers on site are considered through the Conditional Use Type II review. Industrial Offices are permitted through Site Plan Review. See Article 22 for Office examples.  
[Ord. 5832, 4/9/14]
- (9) Offices in the LI zone. Traditional Offices intended to serve customers on site are not allowed. Industrial Offices are permitted through Site Plan Review. See Article 22 for Office examples.  
[Ord. 5832, 4/9/14]
- (10) Restaurants in the NC zone. Drive-through restaurants are allowed in NC provided there are no more than two drive-through windows, and there is no speaker service (for ordering).
- (11) Retail Sales and Services in the OP, NC, EMP, IP and LI zones.
- Limited uses in OP, NC, EMP, and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum business footprint, except for businesses

located within buildings in the OP and NC zones constructed prior to February 7, 2003 there is no business footprint limit. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited. [Ord. 5923, 2/8/19]

- (b) Retail Sales and Service Uses in Existing Buildings in the LI zone. To encourage the reuse of buildings constructed prior to April 9, 2014 in the LI zone, Repair-Oriented Retail Sales and Service uses as described in Section 22.140 will be permitted through Site Plan Review. Personal Service-Oriented uses and Sales and Service-Oriented Retail Sales uses as described in Section 22.140 may be permitted through a Conditional Use review. Retail Sales and Service uses permitted in accordance with this subsection are subject to the following additional review criteria:
- i. The street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan;
  - ii. The site has adequate on-site parking to accommodate the development, or adequate parking will be provided; and
  - iii. The development will not alter the existing building or site in a way that would discourage or preclude its later conversion back to an industrial use.
  - iv. The new commercial user shall acknowledge that industrial uses have a right to operate free from the new use complaining about externalities typical of industrial uses.

[Ord. 5832, 4/9/14]

- (12) Self-Serve Storage. These facilities are subject to the following standards:

- (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
- (b) The maximum storage unit size is 1,000 square feet.
- (c) All outdoor lighting shall be shielded to prevent glare and reflection on adjacent properties.
- (d) Repair of autos, boats, motors, and furniture and the storage of flammable materials are prohibited on the premises, and rental contracts shall so specify.

- (13) Self-Serve Storage in the HI zone. Self-Serve storage units are allowed in HI only on sites less than 3 acres.

- (14) Truck Stops/Fuel Sales in the LI zone. This use is classified as Contractors and Industrial Services, rather than Vehicle Service, Quick.

- (15) Community Service Uses. Community Service uses that may have significant off-site impacts, such as public swimming pools, public safety facilities, and homeless shelters, may be considered through the Conditional Use process. [Ord. 5947, 1/01/21]

- (16) Educational and Religious Institutions.

- (a) Vocational or trade schools in **EMP**, IP, LI and HI are allowed through Site Plan Review. All other educational and religious institutions are reviewed as a Conditional Use.

[Ord. 5742, 7/14/10; Ord. 5947, 1/01/21]

- (b) The Conditional Use approval for educational and religious institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m. [Ord. 5947, 1/01/21]

## Draft ADC Amendments

## East Albany Plan

Any expansion to an existing educational or religious institution shall be reviewed through the Conditional Use Type II process. Expansion of a school or church includes addition of building area, increase in parking lot coverage, or expansion of athletic facilities.

[Ord. 5742 7/14/10; Ord. 5947, 1/01/21]

Note: There are special setbacks for educational institutions in 4.210 and loading standards in 4.260(2).

[Ord. 5742 7/14/10]

- (17) Park Development. Park activity subject to Conditional Use review includes major development; expansions of activities and development in parks that currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities in existing improved parks.

[Ord. 5947, 1/01/21]

- (18) Non-Residential Accessory Buildings over 750 square feet in the OP zone require Site Plan Review.

[Ord. 5742, 7/14/10]

- (19) Single-Dwelling Detached and Middle Housing Units.

- (a) In the OP zone, single-dwelling unit detached residences are allowed outright. Middle housing residences require a Conditional Use review. One accessory dwelling unit (ADU) may be allowed per legally established single-dwelling unit detached residence, called the “primary residence”. The ADU shall comply with the standards for ADUs in ADC 5.070 (15).

[Ord. 5968, 1/14/22]

- (b) In the NC zone, single-dwelling detached residences, duplexes, and townhouses require Site Plan Review. All other middle housing is prohibited. One accessory dwelling unit (ADU) may be allowed per legally established single-dwelling detached residence, called the “primary residence”. The ADU shall comply with the standards for ADUs in ADC 5.070(15).

[Ord. 5742, 7/14/10; Ord. 5947, 1/01/21; Ord. 5949, 1/01/21; Ord. 5968, 1/14/22]

- (20) Existing Single-Dwelling Detached Homes and Townhouses. See Section 4.075. New single-dwelling detached homes and townhouses are not permitted unless allowed in the zoning district.

[Ord. 5968, 1/14/22]

- (21) Residential Accessory Buildings, except Accessory Dwelling Units, are permitted outright with residential uses if they meet the following conditions:

- (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than 11 feet tall.
- (b) All other residential district accessory buildings, garages or carports require a Site Plan Review.

[Ord. 5767, 12/7/11; Ord. 5947, 1/01/21; Ord. 5949, 1/01/21]

- (22) Agriculture. All agricultural uses established before January 8, 2003, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. The raising of livestock as a new use is not permitted. Regulations governing the keeping of animals/livestock are found in the Albany Municipal Code Title 6.

[Ord. 5742, 7/14/10]

- (23) Communication Facility Placement Standards. Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground or over 15 feet above a rooftop are not permitted in front yard setbacks and must meet the standards in Section 8.500.

[Ord. 5886, 1/6/17]

Placement of antennas, satellite dish antennas, and monopoles less than 50 feet tall when measured

from the ground; or when located on a rooftop, within 15 feet of a rooftop, is permitted outright in all districts subject to the following standards:

- (a) Antennas or antenna supports. Satellite dishes and monopoles shall not be located within any front yard setback area or within any required landscape buffer yard.  
[Ord. 5886, 1/6/17]
  - (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
  - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
  - (d) Antennas satellite dishes, monopoles and other communication structures less than 50 feet in height when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above may be considered by Conditional Use review, Type II process.  
[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]
  - (e) See Section 8.500 for additional design standards for all telecommunications facilities.  
[Ord. 5445, 4/12/00]
- (24) Kennels adjacent to residential districts are restricted to sites containing a minimum of two acres. This restriction does not apply to care and boarding provided indoors by veterinary hospitals.  
[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10]
- (25) Hours of Operation. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.  
[Ord. 5728, 1/27/10]
- (26) Manufacturing Production and Small-Scale Manufacturing in the EMP zone.
- (a) Uses that require state or federal air quality discharge permits are prohibited.

## **SPECIAL STATUS FOR SINGLE DWELLING RESIDENCES**

- 4.075 Existing Uses Granted Special Status (Allowed) in the Commercial and Industrial Districts. Notwithstanding the restrictions of any other section of the Albany Development Code (ADC), all legally established single-dwelling detached and townhouse dwellings built before January 1, 2002, on commercial or industrially zoned properties shall be deemed conforming to the base zoning district. If any building on these properties is damaged or destroyed by fire or other causes beyond the control of the owner, it may be rebuilt to the same size (in square feet) as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-dwelling detached or townhouse residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Article 4.  
[Ord. 5789, 10/10/12; Ord. 5555, 2/7/03; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

## **DEVELOPMENT STANDARDS**

- 4.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 4.090-1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-dwelling, middle housing, and multiple-dwelling developments.

[Ord. 5445, 4/12/00, Ord. 5555, 2/7/03; Ord. 5742, 7/14/10, Ord. 5768, 12/7/11; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

**TABLE 4.090-1**

Commercial and Industrial District Development Standards									
STANDARD	OP	NC	CC	RC	TD	EMP	IP	LI	HI
<b>MINIMUMS</b>									
Lot size (sq. ft.)(1)	None	None(2)	None	None	None	None	3 acres(4)	None	None
Lot width	None	None	None	None	None	None	None	None	None
Lot depth	None	None	None	None	None	None	None	None	None
Front setback	10'	10'	10'	10'	10'	15'(11)	15'(11)	15'(11)	15'
Interior setbacks -abutting non-res'l	5'	None	None	None	None	15'(6)	15'(6)	None	None
Interior setbacks - abutting res'l district	10'(5)	10'(5)	10'(5)	10' (5)(6)	10' (5)(6)	30'(11)	30'(11)	40'(11)	50'
<b>MAXIMUMS</b>									
Building Size	None(10)	None(10)	100,000 (13)	None	None	None	None(10)	None	None
Lot size (sq. ft.)	None	30,000(2)	None	None	None	None	None	None	None
Height (8)	30'	30'	50'	None	None	50'(12)	50'(12)	None	None
Lot Coverage (7)	70%	80%	90%	90%	None	80%	80%	None	None
Landscaped Area (3)	100%	100%	100%	100%	100%	100%	100%	100%	100%
Open Space	(9)	(9)	(9)	N/A	N/A	N/A	N/A	N/A	N/A

N/A means not applicable.

- (1) The minimum lot size for residential units is 1,600 sq. ft. per unit. No minimum lot size is required for non-residential development. [Ord. 5947, 1/01/21]
- (2) New NC zones may be no more than 30,000 sq. ft. of contiguous land. [Ord. 5947, 1/01/21]
- (3) All yards adjacent to streets. Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas. [Ord. 5842, 1/01/15]
- (4) The minimum lot size for supporting commercial uses may be smaller than 3 acres.
- (5) Structures on property abutting residential districts and/or uses require 1 foot of setback for each foot of finished wall height with a minimum setback of 10 feet.
- (6) No setbacks are required for buildings abutting railroad rights-of-way.
- (7) Lot coverage for single-dwelling detached and middle housing development shall only include the area of the lot covered by buildings or structures. [Ord. 5768, 12/7/11; Ord. 5968, 1/14/22]
- (8) Unless in Airport Approach Overlay District. See Sections 4.400 to 4.440.
- (9) Ten or more multiple-dwelling units require common open space. See Section 8.220.
- (10) The maximum business footprint for supporting commercial uses allowed in IP is 5,000 square feet. The maximum business footprint for convenience-oriented and personal service-oriented retail uses in NC and OP is 5,000 square feet. Convenience-oriented and personal service-oriented retail uses in buildings constructed prior to February 7, 2003 in the NC and OP districts are exempt from the maximum business footprint. [Ord. 5742, 7/14/10; Ord. 5923, 2/8/19]
- (11) When adjacent to or across the street from residentially zoned land, the setback shall be 1 foot for each foot of building height over 30 ft. Buildings may increase in height (“step” up) as the setback increases. For example, at the minimum setback in LI, a building may be 30 feet tall but may increase in height up to 50 feet when set back 50 feet from the property line.
- (12) Higher structures permitted by Conditional Use approval.
- (13) The maximum building size may be exceeded for non-commercial and non-office uses when the building is multi-story.

[Table and footnotes amended by Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5742, 7/14/10; Ord. 5768, 12/7/2011; Ord. 5842, 1/01/15; Ord. 5923, 2/8/19; Ord. 5947, 1/01/21; Ord.

5968, 1/14/22]

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**OUTSIDE STORAGE**4.290 General.

- (1) In the NC, OP, TD, EMP, and IP zoning districts, outside storage or display of materials, junk, parts, or merchandise is not permitted, except for automobile sales (where allowed).
- (2) In the PB and CC zones, outside storage is allowed if screened from the public rights-of-way with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This provision excludes automobile and plant sales. Display of goods is not permitted.
- (3) In the RC zone:
  - (a) Exterior display of goods is permitted except in the required front setback or buffer yard. Display is limited to a sample of goods offered for sale by the establishment. Display areas may not be used for storage. Display areas may not expand beyond 25 percent of the primary street frontage and must be designated on the site plan. Display areas adjacent to residential districts or uses must be set back at least 10 feet and must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. [Ord. 5742, 7/14/10]
  - (b) Exterior storage is permitted in interior yards, except in required buffer yards and setbacks. Storage areas adjacent to residential districts or uses must be screened from view with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge were a building. [Ord. 5742, 7/14/10]
- (4) In the LI and HI zones, outside storage is permitted in interior yards outside of the required setback. Outside storage is allowed in front yards outside the front setback provided that it is enclosed with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge was a building. [Ord. 5742, 7/14/10]
- (5) Where outside storage is permitted.
  - (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet above the elevation of the storage area.
  - (b) Outside storage over six feet tall must be screened in accordance with 9.250. [Ord. 5555, 2/7/03; Ord. 5886, 1/6/17]

- 4.300 Screening of Refuse Containers. The following standards apply to all development, 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. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window. [Ord. 5968, 1/14/22]

4.310 to 4.320 Fence standards moved to Article 9, Ord. 5751, 3/9/11.

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## ARTICLE 5 MIXED USE ZONING DISTRICTS

5.000 Purpose. This article is intended to define the character of Albany's mixed-use zoning districts. The mixed-use zones implement the concepts identified in the Balanced Development Patterns Project (2001) and the Town Center Plan (Central Albany Land Use and Transportation Study, CALUTS, 1996). These zoning districts are compatible with the Village Center Comprehensive Plan designation applied in the Central Albany area, North Albany, east of Interstate 5 on Knox Butte Road, and south of Oak Creek near Highway 99E (Pacific Boulevard). The mixed-use zones may be applied outside of the Village Center plan designation. [Ord. 5555, 2/7/03]

5.020 Overview. The mixed-use zoning districts are the center of neighborhood and commercial activity, providing a horizontal or vertical mix of retail and residential uses to serve nearby neighborhoods. Other uses may include offices, and community and personal services. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center or mixed-use area. The mixed-use zones differ in permitted uses, development standards, and design based on the unique objectives of each area. Design standards may be adopted to define the unique architectural and streetscape features of each area. [Ord. 5894, 10/14/17]

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

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

[Ord. 5673, 6/27/07]

## ZONING DISTRICTS

5.030 Establishment of Mixed Use Zoning Districts. In order to implement the mixed-use and livability concepts in the Town Center and Albany Comprehensive Plans, the following zoning districts are created:

- (1) HD – HISTORIC DOWNTOWN DISTRICT. The HD district is intended for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, nightlife and specialty shops. High-density residential infill on upper floors is encouraged, as is the continued presence of the government center and supporting uses. [Ord. 5894, 10/14/17]
- (2) DMU – DOWNTOWN MIXED USE DISTRICT. The DMU district is intended for a mix of retail, services, institutions, offices, and housing that supports businesses in and around the Historic Downtown District. Mixed uses are encouraged both horizontally and vertically. High-density residential infill and office employment are both encouraged. [Ord. 5894, 10/14/17]
- (3) CB – DOWNTOWN CENTRAL BUSINESS DISTRICT. The CB district is intended for a broad mix of residential and non-residential uses. Mixed uses are encouraged both horizontally and vertically. High-density residential infill is encouraged to support nearby businesses. [Ord. 5894, 10/14/17]
- (4) MUR – MIXED USE RESIDENTIAL DISTRICT. The MUR district is intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents. [Ord. 5673, 6/27/07]

- (5) WF – WATERFRONT DISTRICT. The WF district is intended to transition Albany’s Willamette River waterfront into a vibrant center characterized by a variety of housing choices and a mixture of housing, office, and retail uses. Infill and redevelopment are encouraged, as well as adaptive reuse of existing buildings until the area is redeveloped. Development and design standards will result in great neighborhoods, a pedestrian-friendly environment, and an enhanced community image.  
[Ord. 5635, 1/11/06; Ord. 5832, 4/9/14]
- (6) LE – LYON-ELLSWORTH DISTRICT. The LE district is intended primarily as a location for development that serves the Historic Downtown district and Downtown Central Business district. This district is the most desirable location in the Central Albany area for parking structures with ground-floor commercial uses.
- (7) MS – MAIN STREET DISTRICT. The MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Infill and redevelopment are encouraged provided there is no adverse impact to surrounding residences.  
[Ord. 5832, 4/9/14]
- (8) ES – ELM STREET DISTRICT. The ES district is intended primarily to provide enough land for Albany General Hospital and associated medical uses while maintaining compatibility with adjacent residences in scale and design. Light commercial and personal services are encouraged to serve the nearby residents. Removal of existing residences and landscapes is discouraged. New parking facilities should be underground or completely screened. Only the amount of parking that is necessary should be allowed for uses in this district, to minimize the amount of land consumed by parking.
- (9) PB – PACIFIC BOULEVARD DISTRICT. The PB district is intended as an auto-oriented commercial area along Pacific Boulevard in the Central Albany area. Design guidelines and front-yard landscaping will provide a coordinated look and enhance the community image along this major corridor as it develops or redevelops. Commercial infill and redevelopment are encouraged. Sound and visual buffers should be used to protect nearby residential areas.  
[Ord. 5832, 4/9/14]
- (10) MUC – MIXED USE COMMERCIAL DISTRICT. The MUC zoning district is intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store and may include a mix of smaller retailers, offices, live-work units, and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.[Ord. 5556, 2/21/03; Ord. 5577, 7/28/04; Ord. 5555, 2/7/03]

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

<u>Special Purpose District</u>	<u>Applicable Articles</u>
Airport Approach	Article 4
Floodplain	Article 6
Wetlands	Article 6
Willamette Greenway	Article 6
Hillside Development	Article 6
Historic Overlay	Article 7

[Ord. 5555, 2/7/03]

5.045 Relationship to State, Federal and Other Local Regulations. In addition to the regulations of this Code, each use, activity, or operation in the City of Albany must comply with applicable state and federal standards. Other local regulations including those in Article 6 – Natural Resource Districts and Article 7 – Historic Overlay District, and those of the Building Division and Fire Department.  
 [Ord. 5555, 2/7/03; Ord. 5894, 10/14/17]

**SCHEDULE OF PERMITTED USES**

5.050 Interpretation. Each use category in the schedule of permitted uses is described in Article 22, Use Categories and Definitions. Article 22 classifies land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. In addition to the clarification in Article 22, the following provisions shall be used to interpret the schedule of permitted uses found in this Article: [Ord. 555, 2/7/03]

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the city. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics. [Ord. 5947, 1/01/21]
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan Review, the entire development shall be reviewed utilizing the Conditional Use criteria if concurrent approval of all uses is sought.
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105, or
  - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied. [Ord. 5947, 1/01/21]

5.060 Schedule of Permitted Uses. The specific uses listed in the following schedule (Table 5.060-1) are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings: [Ord. 5947, 1/01/21]

- Y Yes; use allowed without review procedures but may be subject to special conditions.
- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use considered conditionally under the provisions of Sections 2.230-2.260 through the Type III procedure.
- CUII Uses considered conditionally through the Type II procedure under the provisions of Sections 2.230-2.260. [Ord. 5742, 7/14/10]
- PD Use permitted only through Planned Development approval.
- N No; use not allowed in the zoning district indicated.
- X/X Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use.

A number appearing opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). These conditions are found following the schedule in Section 5.070.  
 [Ord. 5555, 2/7/03; Ord. 5673, 6/27/07]

**TABLE 5.060-1  
SCHEDULE OF PERMITTED USES**

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
<b>INDUSTRIAL USE CATEGORIES</b>											
Contractors and Industrial Services	1	N	N/ CU-24	N	N	CU	S	S	N	N	N
Manufacturing and Production	2	N	N/ CU-24	CU-3	N	CU-3	S/CU	N	N	N	N
Small-scale Manufacturing - less than 5,000 sq. ft. -5,000 to 10,000 sq. ft.	2	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	N N	N N
Warehousing and Distribution		N	N/ CU-24	N	N	N	N	N	N	N	N
Waste and Recycling		N	N	N	N	N	N	N	N	N	N
Wholesale Sales		N	N/ CU-24	N	N	CU	N	N	N	N	N
<b>COMMERCIAL USE CATEGORIES</b>											
Adult Entertainment	4	N	N	S	S	S	N	N	N	N	N
Entertainment and Recreation Indoor Outdoor		S-5 CU	S-5/ CU-24 CU-6	S N	S N	S CU-6	S N	S-5 S	S-5 N	S-5 N	CU-26 N
Offices: Traditional Industrial		S CU	S S	S S	S S	S S	S S	S S	S S	S N	S-26 N
Parking		S	CU	CU	CU	CU	S	S	S	CU-7	<del>CU</del>
Recreational Vehicle Park		N	N	N	N	N	N	N	N	N	N
Restaurants, no drive-thru with drive-thru or mostly delivery	23	S CU	S N	S N	S N	S N	S S	S S	S N	CUII	S-26 N
Retail Sales and Service		S-8	S-8/ CU-24	S-8	S-8	S	S	S	S-8	S-8	S-8/26
Self-Serve Storage	9	N	N	N	N	N	N	N	N	N	N
Taverns, Bars, Breweries, Nightclubs	23	CUII	CUII	S	S/ CUII (25)	S/ CUII (25)	S	S	CUII	CU	CUII-26
Vehicle Repair		N	N/ CU-24	N	N	CU	N	S	N	N	N
Vehicle Service, Quick (gas/oil/wash)		S	N	N	N	N	N	S	S	S	N
<b>INSTITUTIONAL USE CATEGORIES</b>											
Basic Utilities	10	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Daycare Facility		S	S	S	S	S	N	CU	S	S	S
Community Services	11	CU	CU	S	S	S	S	S	S	S	CU
Educational Institutions	12	CU	CU	CU	CU	CU	CU	N	CU	CU	CU
Hospitals		N	CU	CU	CU	S	S	CU	N	CU	CU
Jails & Detention Facilities		N	N	N	N	N	N	N	N	N	N
Parks, Open Areas and Cemeteries	13	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Religious Institutions	12	CU	CU	CU	CU	S	S	CU	CU	CU	CU
<b>RESIDENTIAL USE CATEGORIES</b>											

Draft ADC Amendments

East Albany Plan

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
Residential Care or Treatment Facility	14	S	CU	S	S	S	S	N	S	S	S
Assisted Living Facility		CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Single Unit Detached	15	Y-17	N	N/Y-16	N/Y-16	N/Y-16	N/Y-16	N	N	N/Y-16	Y
Duplex	15	Y-17	S-16	N	S-16	S-16	Y	N	N	CU	Y
Townhouse	15	Y-17	S-16	N	S-16	S-16	N	N	N	CU	Y
Triplex or Fourplex		Y-17	S-17	N	S-17	S-17	S	N	CU	CU	Y
Cottage Cluster		Y-17	N	N	S	N	N	N	N	N	Y
Multi-Family		S-17	S-17	N	S-17	S-17	S	N	CU	CU	S
Units Above or Attached to a Business		S-17	S	S-17	S	S	S	S	S	S	S
Home Business (See 3.090-3.180 to determine if CU.)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Residential Accessory Buildings	18	Y/S	Y/S	Y/S	Y/S	Y/S	CUII	N	Y/CUII	Y/CUII	Y/S
<b>OTHER USE CATEGORIES</b>											
Agriculture (on Vacant Land)	19	N	N	N	N	N	N	N	N	N	N
Satellite Dish, Other Antennas, & Communication Facility <50 ft.	20	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Communication Facility >= 50 ft.	21	CU	N	N	N	CU	CU	CU	N	CU	N
Kennels	22	N	N	N	N	N	N	N	N	N	N
Non-Res'l Accessory Buildings, larger than 750 sq. ft.		S	S	S	S	S	S	S	S	S	S
Passenger Terminals		CU	N	CU	CU	CU	CU	S	CU	N	N
Rail And Utility Corridors		CU	CU	N	N	CU	CU	CU	CU	CU	N

Y = Yes, allowed, no Site Plan review required  
 CU = Conditional Use review required, Type III procedure  
 CUII = Conditional Use review required, Type II procedure

N = No, not allowed  
 S = Site Plan Review required

[Schedule of Uses amended by Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

**SPECIAL CONDITIONS**

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

- (1) Contractors and Industrial Service Uses in CB, LE and PB zones.
  - (a) Limited Uses in CB, LE and PB zones. Salvage or wrecking operations are prohibited. See Section 5.360 for outside storage standards by zone. [Ord. 5894, 10/14/17]
- (2) Manufacturing and Production. The environmental performance standards of Article 9 may further

## Draft ADC Amendments

## East Albany Plan

limit the placement of certain uses in some districts. Developments on sites located within 300 feet of residentially zoned land may require a Conditional Use approval.

[Ord. 5894, 10/14/17]

- (3) Manufacturing and Production in the CB and HD zones.
- (a) Limited uses in the CB zone. The following manufacturing and production uses are prohibited in the CB zone: slaughterhouses, meat packing, and concrete and asphalt production.
  - (b) Limited uses in the HD zone. Expansion of existing Small-Scale Manufacturing uses into more than 10,000 square feet of floor area is allowed with a Conditional Use approval, subject to the following limitations. All other manufacturing and production uses are prohibited.
    - i. Retail must be included as an accessory use.
    - ii. The Small-Scale Manufacturing Use must have occupied the space for at least 12 months prior to applying to expand.
    - iii. The use shall occupy no more than 30,000 square feet of floor area on the first story.
- (4) Adult Entertainment.
- (a) An adult entertainment use or store may not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
  - (b) An adult entertainment use may not be established or expanded within 300 feet of any other adult entertainment use.
  - (c) An adult entertainment use may not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - (d) Exceptions to the above may be considered by the Major Variance procedures. [Ord. 5947, 1/01/21]
- (5) Indoor Entertainment and Recreation in the WF, PB, MS, ES and MUC zones.
- (a) Limited Uses in PB and MUC. The following indoor entertainment and recreation uses are prohibited in PB and MUC: movie theaters, indoor firing ranges, paint gun, coliseums, stadiums and similar facilities. [Ord. 5894, 10/14/17]
  - (b) Limited Uses in MS and ES. Only the following indoor entertainment and recreation uses are allowed in MS and ES: athletic or exercise facilities, bowling alleys, skating rinks, pool halls, games, amusements, arcades and uses with similar impacts. All other indoor entertainment and recreation uses are prohibited.
  - (c) Limited Uses in WF. The following indoor entertainment and recreation uses are prohibited in WF, except as specified for Special Status sites pursuant to ADC Section 5.085: indoor firing ranges, coliseums, stadiums and similar facilities. [Ord. 5894, 10/14/17]
- (6) Outdoor Entertainment and Recreation in the CB zone.
- (a) Conditional Uses in CB and WF. The following Outdoor Entertainment and Recreation uses are allowed with a Conditional Use approval: tennis courts, miniature golf, skateboard parks and similar uses. All other uses in the Outdoor Entertainment and Recreation use category are prohibited. [Ord. 5894, 10/14/17]
- (7) Parking in the ES zone. [Ord. 5894, 10/14/17]
- (a) Limited Uses. Parking that is required for a primary use on the same or adjacent property is allowed. Fee parking for people not connected to the primary use is limited to parking structures. [Ord. 5635, 1/11/06]

*[(8) Retail Sales and Service in the WF Zone, Repealed with Ord. 5894, 10/14/17]*

- (8) Retail Sales and Service in the MS, ES, HD, WF, DMU, MUC and MUR zones. [Ord. 5894, 10/14/17]

## Draft ADC Amendments

## East Albany Plan

- (a) Limited Uses in MS, ES, and MUR. The following retail uses are permitted: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. All other retail uses are prohibited. See Article 22 for descriptions of convenience-oriented and personal service-oriented commercial uses.
- (b) Limited Uses in MUC. The following retail uses are prohibited: sale, leasing, and rental of vehicles and trucks; hotels and motels. [Ord. 5556, 2/21/03; Ord. 5894, 10/14/17]
- (c) Limited Uses in HD, WF, and DMU zones. The following retail uses are prohibited, except as specified for Special Status sites pursuant to ADC Section 5.085: sale, leasing, and rental of vehicles and trucks. [Ord. 5894, 10/14/17]
- (9) Self-Serve Storage. These facilities are subject to the following standards:
- (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
- (b) The maximum storage unit size is 1,000 square feet.
- (c) All outdoor lighting shall be shielded to prevent glare and reflection on adjacent properties.
- (d) Repair of autos, boats, motors and furniture and storage of flammable materials are prohibited on the premises, and rental contracts shall so specify.
- (10) Basic Utilities. In all mixed-use village center zones, new regional/community utilities including treatment plants, major power generation and storage facilities, major overhead power lines requiring tower support structures, and utilities with potential visual or off-site impacts are prohibited. All other Basic Utilities are considered through the Conditional Use review.
- (11) Community Service Uses. Community Service uses that may have significant off-site impacts, such as public swimming pools, public safety facilities, and homeless shelters may be considered through the Conditional Use process.
- (12) Conditional Use Approval for Religious and Educational Institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school child care activities; fundraising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.
- Expansion of an educational or religious institution shall be reviewed through the Conditional Use Type II procedure. An expansion includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities.
- An educational institution 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. [Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]
- (13) Public park development activity subject to Conditional Use review includes major development; expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks. [Ord. 5947, 1/01/21]
- (14) Residential Care or Treatment Facility. A residential care facility (six or more residents) requires a Site Plan Review. A “residential home” (as defined in ORS Chapter 443) or group home that includes five or fewer residents is permitted outright in any zone that allows single-dwelling unit residences.

## Draft ADC Amendments

## East Albany Plan

[Ord. 5673, 6/27/07; Ord. 5742, 7/14/10]

- (15) Existing Single-Dwelling Unit Detached, Townhouse, and Duplex. Single-dwelling unit detached, townhouse, and duplex units built before December 11, 2002, may remain as a permitted use in any zone without being nonconforming. See Section 5.080.

[Ord. 5673, 6/27/07; Ord. 5968, 1/14/22]

Accessory Dwelling Units. Where detached single-dwelling unit residences are permitted, one accessory dwelling unit (ADU) may be allowed on each lot that has a single legally established detached single-dwelling unit residence, called the “primary residence”. [Ord. 5949, 1/01/21; Ord. 5968, 1/14/22]

Accessory dwelling units shall be incidental in size to the primary residence and meet the following standards:

- (a) The size of an ADU may not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 900 square feet, whichever is less.
- (b) The lot was legally established. [Ord. 5966, 11/12/21]
- (c) The front door of an ADU may not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the ADU front door is set back at least five feet from the front facade of the primary residence.
- (d) Exterior additions must substantially match the existing materials, colors, and finish of the primary structure.
- (e) All required building permits must be obtained. If the primary residence is on the Local Historic Inventory, historic review may be required.
- (f) The front setback shall be greater than or equal to the location of the front wall of the primary residence. [Ord. 5673, 6/27/07; Ord. 5949, 1/01/21]

- (16) Single Dwelling Unit Detached, Townhouse, and Duplex Units.

- (a) In CB, ES, HD, DMU, and LE: Buildings originally built as a single-dwelling unit detached house or church may be converted to a single-dwelling unit residential use without requiring a land use application. In HD all other single-dwelling unit and two-family units are prohibited. [Ord. 5673, 6/27/07; Ord. 5894, 10/14/17; Ord. 5968, 1/14/22]
- (b) In CB, WF, and DMU: Townhouse units and duplex units with driveways that meet the standards in ADC 8.150(1) are permitted subject to Site Plan Review. An Adjustment may be requested for units with driveways that do not meet the standards in ADC 8.150 (1). [Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

- (17) Residential Development in CB, WF, DMU, HD, and MUC.

[Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]

- (a) In MUC, residential development shall develop at a minimum gross density of 10 units an acre. Residences above a business or office are exempt from meeting the minimum density. In MUC districts located east of Interstate 5, new development of uses in the Residential Use Categories is only permitted in conjunction with a primary use from the Commercial or Institutional Use Categories. The new residential use must be in the same building or on the same property as the primary non-residential use.

[Ord. 5556, 2/21/03; Ord. 5947, 1/01/21]

- (b) In HD, dwelling units above or attached to a business are limited as follows. For the purposes of this section, the non-residential portion of a live/work dwelling unit is regulated as part of the dwelling unit and subject to all of the standards below.

[Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]

- i. Units above a business: Dwelling units on the second story or above are permitted.



## Draft ADC Amendments

## East Albany Plan

[Ord. 5894, 10/14/17]

- ii. Units behind a business: Dwelling units on the first story that are separated from the front lot line by a non-residential use are permitted. The non-residential use may be located within the same building or in another building. [Ord. 5894, 10/14/17]
  - iii. Units attached to a business on a multiple frontage lot: On a lot with three or more street frontages, dwelling units are permitted on the first story facing a street line that is considered an interior lot line pursuant to the definition of front lot line in Article 22; however, in no case shall first-story dwelling units face onto First or Second Avenue. Street-facing first-story dwelling units shall meet all applicable setbacks and design standards in Articles 5 and 8 as if the street line that the units are facing were a front lot line. [Ord. 5894, 10/14/17]
  - iv. All other units above or attached to a business are prohibited. [Ord. 5894, 10/14/17]
  - (c) In CB, WF, and DMU, triplexes, fourplexes, and multifamily units with individual driveways that meet the standards of 8.150(1) are permitted subject to Site Plan Review. An Adjustment may be requested for units with driveways that do not meet the standards in ADC 8.150 (1). [Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]
- (18) Residential Accessory Buildings. Accessory buildings are permitted outright in MUC, MUR, WF, HD, DMU, CB, ES, LE, and MS if they meet the following conditions: [Ord. 5894, 10/14/17]
- (a) Detached accessory buildings, garages, and carports are less than 750 square feet and have walls equal to or less than 11 feet tall. [Ord. 5767, 12/7/11]
  - (b) All other residential accessory buildings, garages or carports require a Site Plan Review in MUC, MUR, HD, DMU, CB, and WF, and are considered through a Conditional Use Type II review in ES, LE, and MS. [This is indicated by the use of a “/” in the matrix. For example, “Y/S” means accessory uses that don’t meet the standards in (a) above require a Site Plan Review.] [Ord. 5556, 2/21/03; Ord. 5767, 12/7/11; Ord. 5894, 10/14/17]
  - (c) Accessory buildings on the National Register of Historic Districts require historic review. See Article 7 for the review process and criteria.

Accessory dwelling units: See Special Condition 15.

[Ord. 5673, 6/27/07; Ord. 5949, 1/01/21]

- (19) Agriculture. All agricultural uses in existence before December 11, 2002, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. Regulations governing the keeping of animals/livestock area found in the Albany Municipal Code Title 6. [Ord. 5742, 7/14/10]
- (20) Communication Facility Placement Standards. The placement of antennas, satellite dishes and monopoles less than 50 feet in height when measured from the ground or within 15 feet of a rooftop is permitted outright in all districts subject to the following standards and those found in Section 8.500:
- (a) No antennas, antenna supports, satellite dishes or monopoles shall be located within any front yard setback area or within any required landscape buffer yard. [Ord. 5886, 1/6/17]
  - (b) Dish antennas larger than three feet in diameter, and located within 10 feet of a residential lot line or visible from a public street, shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
  - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
  - (d) Antennas, satellite dishes, monopoles, and other communication structures less than 50 feet in height, when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above, may be considered through a Conditional Use review, Type II

## Draft ADC Amendments

## East Albany Plan

- process. [Ord. 5445, 4/12/00, Ord. 5886, 1/6/17]
- (21) Communication towers and poles at least 50 feet in height when measured from the ground or over 15 feet above a rooftop, may be considered through a Conditional Use review, Type II process No communication structure is allowed in any front setback. Article 8 for telecommunication facility design standards also apply. [Ord. 5742, 7/14/10; Ord. 5886, 1/6/17]
- (22) Kennels. Kennels do not include indoor veterinary hospital kennels. [Ord. 5555, 2/7/03]
- (23) Hours of Operation. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors. [Ord. 5728, 1/27/10]
- (24) Additional uses for Special Status List sites in the WF zone. Limited additional uses may be considered through the Conditional Use process for Special Status List sites, pursuant to ADC Section 5.085.
- (25) Developments on sites located within 300 feet of residentially zoned land require a Type II Conditional Use approval.
- (26) Non-residential uses in MUR. In MUR districts located east of Interstate 5, new development of uses in nonresidential Use Categories is only permitted in conjunction with a primary use from the Residential Use Categories. The new nonresidential use must be in the same building or on the same property as the primary Residential Use.

### SPECIAL STATUS

#### 5.080 Existing Single-Dwelling Unit, Townhouse, and Duplex Uses Granted Special Status.

Single-Dwelling Unit Detached, Townhouse, and Duplex Dwellings. Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), all single-dwelling unit detached, townhouse, and duplex dwellings legally established before January 1, 2002, shall be deemed to be conforming to the base zoning district. If any building on these properties is damaged or destroyed by fire or other causes beyond the control of the owner, it may be rebuilt to the same density, size (square feet) and setbacks as existed on the property at the time it was destroyed, but will be subject to the regulations of any applicable overlay zone. If any single-dwelling unit detached, townhouse, or duplex dwelling is converted to non-residential use, the special status granted here is rescinded, and the use of the property shall thereafter conform to the requirements of Article 5. The special status granted herein shall be lost if it is determined that the residence was not legally established prior to January 1, 2002.

[Ord. 5789, 10/10/12; Ord. 5555, 2/7/03, Ord. 5635, 1/11/06; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

#### 5.085 Special Status List properties in the WF Zone. The regulations below apply to properties on the Special Status List in the Waterfront (WF) zoning district. The Special Status List is maintained by the Community Development Director. [Ord. 5894, 10/14/17]

- (1) Purpose. The purpose of the Special Status List is to recognize existing buildings in the WF zone that pre-date the current zoning (applied in 2006) that were typically designed for industrial uses and may not readily convert to non-industrial uses permitted in the WF zone. Special standards are imposed to ensure that the additional industrial and commercial uses permitted on these sites because of their special status listing do not detract from the desirability of existing or future residential uses in the Waterfront zone and to encourage conversion of Special Status List sites to permitted uses. [Ord. 5894, 10/14/17]

- (2) Additional uses. The Industrial and Commercial uses listed in (a) through (f), below, will be considered through the Conditional Use process for Special Status List sites. Any lawfully established use not

## Draft ADC Amendments

## East Albany Plan

listed below and not otherwise permitted in the WF zone shall be regulated as a non-conforming use, pursuant to ADC Sections 2.300-2.370. [Ord. 5894, 10/14/17]

- (a) Contractors and Industrial Services: Salvage or wrecking operations and dry-cleaning plants are prohibited. All other Industrial Services may be considered through a Conditional Use review. [Ord. 5894, 10/14/17]
  - (b) Manufacturing and Production: Slaughterhouses, meat packing, and concrete and asphalt production are prohibited. All other manufacturing and production uses may be considered through a Conditional Use review. [Ord. 5894, 10/14/17]
  - (c) Warehousing and Distribution: Only storage and warehousing uses may be considered through a Conditional Use review. All other warehousing and distribution uses are prohibited. [Ord. 5894, 10/14/17]
  - (d) Wholesale sales: All wholesale sale uses may be considered through a Conditional Use review. [Ord. 5894, 10/14/17]
  - (e) Indoor Entertainment and Recreation: indoor firing ranges may be considered through a Conditional Use review. For all other Indoor Entertainment and Recreation uses, see Table 5.060-1. [Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]
  - (f) Retail Sales and Service: sales and leasing of consumer vehicles may be considered through a Conditional Use review. All other retail sales and service uses are permitted Site Plan Review approval. [Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]
  - (g) Vehicle Repair: All vehicle repair uses may be considered through a Conditional Use review. [Ord. 5894, 10/14/17]
- (3) Special Standards. The uses listed in (2), above, are subject to the following special standards: [Ord. 5894, 10/14/17]
- (a) All activities associated with the use must be fully enclosed within a building, except for parking and loading, employee break areas, and outside storage or display in conformance with ADC Section 5.360. Storage and warehousing as a primary use must be enclosed within a building. [Ord. 5894, 10/14/17]
  - (b) Uses are limited to the square footage of the existing building(s) on site, plus up to a 50 percent expansion, in total, from the size as of the effective date of the WF zone (1/11/06). [Ord. 5894, 10/14/17]
  - (c) Existing buildings may be expanded, remodeled and rebuilt, up to the limits in (b), above. All expansions, remodels, and redevelopment are subject to current development standards. [Ord. 5894, 10/14/17]
- (4) Review Procedures. Changes of use and modifications to Special Status list sites shall be reviewed as follows: [Ord. 5894, 10/14/17]
- (a) An existing use lawfully established prior to the effective date of the WF zone (1/11/06) does not require a Conditional Use review to continue operations within an existing building and shall not be considered a non-conforming use. [Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]
  - (b) A site modification or expansion of less than 15 percent of the square footage of the existing building(s) that does not include a change of use shall be reviewed as a Type II Conditional Use, subject to the standards in (3), above, except as excluded under ADC Section 1.105. [Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]
  - (c) A change of use to a different use listed in (2), above, or an expansion of 15 percent or more of the square footage of the existing building(s), up to the limits in (3)(b), above, shall be reviewed as a Type III Conditional Use, subject to the standards in (3), above.

[Ord. 5894, 10/14/17]

*Special Status List moved out of ADC; Ord. 5894, 10/10/12*

**HOME BUSINESS STANDARDS**

5.087 Home Businesses. See Article 3, Residential Zoning Districts, Sections 3.090 to 3.160, for home business standards. [Ord. 5555, 2/7/03; Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]

**DEVELOPMENT STANDARDS**

5.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment; site intensity, building mass and open space. The standards also promote energy conservation, needed privacy, and safe and efficient parking areas for new development; and improve the general living environment and economic life of a development. Table 5.090-1 summarizes the basic development standards. It should be used with the sections immediately following the table, which addresses special circumstances and exceptions. Additional design standards are located in Article 8.

[Ord. 5445, 4/12/00; Ord. 5768, 12/7/11; Ord. 5947, 1/01/21]

**TABLE 5.090-1  
MIXED-USE VILLAGE CENTER DEVELOPMENT STANDARDS**

STANDARD	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
<b>Minimum Lot Size or Area Requirement (sq.ft.) (3)(21)(24)</b>										
Single-Dwelling Unit detached (20)(21)	None	None	None	None	None	N/A	N/A	N/A	5,000	None
Townhouse, Per lot (21)	None	1,600	N/A	None	None	N/A	N/A	None	None	None
Duplex (21)	None	3,600	N/A	None	None	N/A	N/A	N/A	7,000	None
Cottage Cluster (21)	None	N/A	N/A	7,000	N/A	N/A	N/A	N/A	N/A	7,000
3 or more 1-bedroom (21)	None	1,600/u	N/A	None	None	None	1,600/u	1,600/u	3,300/u	1,600/u
3 or more 2+bedroom (21)	None	1,800/u	N/A	None	None	None	1,600/u	1,800/u	3,300/u	1,800/u (22)
All other uses	6,000	5,000	1,000	1,000	1,000	2,000	15,000	6,000	5,000	10,000
<b>Maximum Building Size (sq. ft.)(16)</b>										
Non-grocery (16)	20,000	None	None	None	None	None	None	None	None	None
Grocery-anchored	80,000 (13)	None	None	None	None	None	None	None	None	None
<b>Maximum Business Footprint (sq. ft.)(16)(17)</b>										
Non-grocery (16)	20,000	None	None	None	None	None	25,000	10,000	10,000	10,000
Grocery-anchored	80,000 (13)	None	None	None	None	None	60,000	60,000	60,000	60,000
<b>Lot Width, minimum</b>	None	None	20'	None	None	20'	None	None	None	None
<b>Lot Depth, minimum</b>	None	None	50'	None	None	50'	None	None	None	None
<b>Landscaped Area (24)</b>	100% (2)	None	None	None	None	100% (2)	100% (2)	100% (2)	100% (2)	100% (2)
<b>Minimum Open Space</b>	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)	(12)
<b>Maximum Front Setbacks: (10)(24)</b>	10' (15)	5'/15' (18)	0'	5'/15' (18)	5'/15' (18)	None	20'	10'	10'	20'
<b>Minimum Setbacks: (24)</b>										

Draft ADC Amendments

East Albany Plan

STANDARD	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
Front (5) (14)	5'	0'	0'	0'	0'	0'	5'	5'	5'	15'
Interior (5) (14)	(11)(4)	0' (1)(4)	0'(4)	0' (1) (4)	0' (1) (4)	(4)	(4)	(1)(4)	5'	10'(11)
Garage Entrance (9)	20' (8)	5' or 20' (8)(7)	None	5' or 20' (8) (7)	5' or 20' (8) (7)	20'	20'	20'(8)	20'	20'
<b>Height, maximum (23)</b>	<del>50</del> 85'	55'	85' (19)	85' (19)	65'	60'	50'	50'	50'	45'
<b>Lot Coverage, maximum (6)(24)</b>	80%	100%	100%	100%	100%	100%	80%	90%	80%	70%

“N/A” means not applicable. “None” means there is no requirement under Article 5 (other standards may apply). “0” means that the minimum or maximum is zero. [Ord. 5894, 10/14/17]

- (1) Single-dwelling unit detached homes, townhouses, and duplexes, where permitted, must have a 3-foot interior setback for single-story buildings, and a five-foot interior setback for two-story buildings. See Sections 5.150 and 5.160 for zero lot line options and townhouses. [Ord. 5742, 7/14/10; Ord. 5894, 10/14/17; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22]
- (2) All yards adjacent to streets. Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas. [Ord. 5842, 1/01/15]
- (3) Lots with alley access may be up to 10 percent smaller than the minimum lot size for the zone. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]
- (4) See ADC Section 5.115 for special interior setback standards abutting residential zones and uses. [Ord. 5894, 10/14/17]
- (5) Minimum front and interior setbacks are not required for buildings abutting railroad rights-of-way; Setbacks for cottage clusters are in Section 5.092. [Ord. 5968, 1/14/22]
- (6) Achievement of maximum lot coverage is subject to meeting all other standards of the ADC, including, but not limited to, landscaping, buffering and setback requirements. Lot coverage for single-dwelling unit detached and middle housing development shall only include the area of the lot covered by buildings or structures. Lot coverage for townhouses is calculated based on the overall townhouse project, which includes the townhouse structure(s) together with the development site, including any commonly owned property; Cottage clusters are exempt from maximum lot coverage standards. [Ord. 5768, 12/7/11, Ord. 5894, 10/14/17; Ord. 5968, 1/14/22]
- (7) To prevent parked vehicles from intruding in the right-of-way, garage entrances shall be set back five feet or at least 20 feet. A setback of more than 5 feet and less than 20 feet is not permitted. Garage entrances may not be located closer to the front lot line than the front façade of the building. [Ord. 5894, 10/14/17]
- (8) Garage setback for non-vehicle entrance must conform to the requirements for interior setbacks.
- (9) For garages with alley access, see Table 5.100-1. [Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]
- (10) The maximum setback may be increased with the condition that 100 percent of the increased setback is used for pedestrian amenities associated with the building use, such as patio dining for a restaurant, sidewalk café, plaza, or courtyard; or to accommodate changes in elevation due to road and site grading or natural slopes. See ADC Section 5.120 for additional exceptions and calculation methodology for the HD, CB, DMU, and WF zoning districts. [Ord. 5894, 10/14/17]
- (11) In **MUC** and MUR, single-dwelling unit detached homes and middle housing must have a 3 foot interior setback for single-story buildings, and a five-foot interior setback for two-story buildings. See Section 5.150 and 5.160 for zero lot line options and attached dwellings units. [Ord. 5968, 1/14/22]
- (12) Ten or more residential multi-family units require common open space. See Section 8.220. [Ord. 5894, 10/14/17; Ord. 5968, 1/14/22]
- (13) The building and business footprint maximum is 80,000 square feet if a grocery store occupies at least fifty percent (50 percent) of the total square footage. This footprint may include one or more businesses or attached buildings. For purposes of this section, a grocery store is defined as a business that sells primarily food and household supplies. Ancillary grocery uses include uses such as pharmacy, bakery, and florist.
- (14) Properties adjacent to the Willamette River see also the Willamette Greenway standards in Sections 5.200 - 5.207 and Sections 6.500-6.560.
- (15) Except for residential development, which has a maximum setback of 25 feet. See Sections 8.200 – 8.305 for multiple-family residential design standards. [Ord. 5947, 1/01/21]
- (16) The maximum building size and business footprint size may be exceeded for ~~non-commercial and non-office mixed-use~~ developments when the building is multi-story

## Draft ADC Amendments

## East Albany Plan

- (17) In shopping centers with multiple tenants, “business” refers to each individually leasable space. “Footprint” refers to the amount of area covered by the first floor. Businesses may build on additional floors.
- (18) The maximum setback for non-residential and mixed-use development is five feet. The maximum setback for residential development is 15 feet. See ADC Section 5.120 for exceptions and calculation methodology. [Ord. 5894, 10/14/17]
- (19) In order to maintain compatibility with existing historic structures and the character of designated historic districts, maximum building heights in the HD and DMU zones are limited within designated historic districts. Within the Downtown Commercial National Register Historic District (see Article 7, Figure 7.010-1), the maximum building height in the HD and DMU zones is 65 feet. Within the Hackleman and Monteith National Register Historic Districts (see Article 7, Figure 7.010-1), the maximum building height in the HD and DMU zones is 45 feet. [Ord. 5894, 10/14/17]
- (20) Where new single-dwelling unit detached housing is not permitted in a given Mixed Use zone, minimum lot size for single-dwelling unit refers to legally established existing single-dwelling unit uses with special status. [Ord. 5894, 10/14/17]
- (21) Section 3.220 bonus provisions may reduce minimum area requirements for residential developments. [Ord. 5966, 11/12/21]
- (22) In MUR, in no case shall the minimum lot size required for a triplex exceed 5,000 square feet, or for a fourplex exceed 7,000 square feet. [Ord. 5968, 1/14/22]
- (23) Maximum height for cottage clusters is in Section 5.092. [Ord. 5968, 1/14/22]
- (24) In MUC and MUR, if a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lots. [Ord. 5968, 1/14/22]

[Table and footnotes amended by Ord. 5555, 2/7/03; Ord. 5556, 2/21/2003; Ord. 5627, 7/27/05; Ord. 5673, 6/27/07; Ord. 5768, 12/7/2011; Ord. 5894, 10/14/17; Ord. 5947, 1/01/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22]

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## ARTICLE 22

### USE CATEGORIES AND DEFINITIONS

The following is a list of content in this article.

■	Use Categories	22.030 – 22.370
■	Definitions	22.400
■	Natural Resource Definitions	22.500

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### INDUSTRIAL USE CATEGORIES

#### 22.030 Contractors and Industrial Services.

- (1) Contractors and industrial services uses perform services or provide materials related to building construction or remodeling, and the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Contractors are engaged in mostly off-site activities. Industrial service uses serve businesses and industries; relatively few general public customers come to the site. [Ord. 5742, 7/14/10]
- (2) Use Examples. Types of uses include, but are not limited to: building, heating, plumbing or electrical suppliers and contractors; printing, publishing and lithography; tool repair; exterminators; laundry, dry-cleaning, and carpet cleaning plants; photo-finishing laboratories; bulk landscape materials including rocks, bark chips or compost; welding shops; machine shops; electric motor repair; repair of scientific or professional instruments; rental of equipment; sales, rental, repair, equipment storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; overnight or long-term equipment storage; heavy truck servicing and repair; tire retreading or recapping; truck fueling stations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards.
- (3) Exceptions.
  - (a) If fabrication is not carried on at the site and equipment and materials are not stored on site, contractors and others who perform services off-site are included in the Office category.

#### 22.040 Manufacturing and Production.

- (1) Manufacturing and Production businesses manufacture, process, fabricate, package, or assemble products or energy. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site. If they are, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. [Ord. 5742, 7/14/10]
- (2) Use Examples. Types of uses include, but are not limited to: the manufacturing, researching, testing, experimentation and development of products, including engineering and laboratory research, pharmaceuticals, medical and dental devices and instruments; manufacturing, assembly, or packaging of products from previously prepared materials (excluding vehicle repair shops); weaving or production of textiles or apparel; manufacture or assembly of machinery, equipment, instruments, including musical instruments, appliances, precision items, and other electrical or electronic items; manufacture of micro-processors and computer components; movie production facilities; production of artwork and toys; printing, publishing and bookbinding; catering establishments; processing of food, beer, wine and related products, including slaughterhouses and meat packing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or

## Draft ADC Amendments

## East Albany Plan

products; sign making; crematoriums; wood products manufacturing; concrete and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; production of prefabricated structures, including manufactured homes; and energy production.

(3) Exceptions.

(a) Manufacturing of goods to be sold primarily on site and to the general public is classified as Retail Sales and Service, unless defined under Small-scale Manufacturing. [Ord. 5832, 4/9/14]

(b) Industrial Office uses are classified as Offices. [Ord. 5832, 4/9/14]

(c) Manufacturing and production of goods from composting organic material is classified as Waste and Recycling Related uses.

22.045 Small-scale Manufacturing.

(1) Small-scale manufacturers are those that manufacture artisan goods or specialty foods occupying no more than 10,000 square feet of floor area. Any retail component is incidental and accessory to the manufacturing use. Small-scale manufacturing businesses are intended to be allowed when the use can be compatible with adjacent uses. The environmental performance standards of Article 9 will apply to ensure there are no objectionable off-site impacts concerning noise, vibration, odors, and glare to nearby commercial businesses or residential uses.

[Ord. 5894, 10/14/17]

(2) Use Examples. Types of uses include, but are not limited to: sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; microbreweries, microdistilleries, and wineries; artisan leather, glass, jewelry, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; musical instruments, pens, pencils, sporting and athletic goods, toys, brooms and brushes, buttons, costume novelties, and other miscellaneous small-scale manufacturing industries.

(3) Exceptions.

(a) Manufacturing of goods to be sold primarily on site and to the general public is classified as Retail Sales and Service. [Ord. 5832, 4/9/14]

22.050 Railroad Yards.

(1) Railroad yards are areas that contain multiple railroad tracks used for railcar switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.

[Ord. 5742, 7/14/10]

22.060 Warehousing and Distribution.

(1) Warehousing and Distribution businesses receive, store or move goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. [Ord. 5742, 7/14/10]

(2) Use Examples. Types of uses include, but are not limited to: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold-storage plants, including frozen-food lockers; major wholesale distribution centers; trucks or trucking terminals; bus barns and rail barns; parcel services; major post offices; the overnight or long-term storage of vehicles or equipment (e.g., RV storage, contractor equipment storage) as the primary use; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

(3) Exceptions.

(a) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste and



## Draft ADC Amendments

## East Albany Plan

Recycling Related uses.

- (b) Mini-warehouses are classified as Self-Serve Storage uses.

22.070 Waste and Recycling Related.

- (1) Waste and Recycling related uses receive solid or liquid wastes from others for disposal on the site or for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others. [Ord. 5742, 7/14/10]
- (2) Use Examples. Types of uses include, but are not limited to: sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.
- (3) Exceptions.
- (a) Disposal of dirt, concrete, asphalt, and similar non-decomposable materials is considered a fill.
- (b) Sewer pipes that serve a development are considered a Basic Utility.

22.080 Wholesale Sales.

- (1) Wholesale Sales businesses sell, lease, or rent products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. [Ord. 5742, 7/14/10]
- (2) Use Examples. Types of uses include, but are not limited to: the sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; and wholesalers of food, clothing, auto parts, or building hardware.
- (3) Exceptions.
- (a) Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
- (b) Firms that primarily store goods with little on-site business activity are classified as Warehousing and Distribution.

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