

ARTICLE 9

ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

9.010 Overview. The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. This article contains the following standards:

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

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

OFF-STREET PARKING

9.020 Space Requirements. Off-street parking and loading must be provided for all development in the amounts indicated in the table below subject to any applicable reductions permitted in this Article. All required parking must be developed in accordance with the standards in this Article.

[Ord. 5832, 4/9/14]

- (1) Calculating Floor Area for Parking. The area measured is the combined floor area of each level of a building exclusive of vent shafts, courtyards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas.
- (2) Employees. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season.
- (3) Fractional Space Requirements shall be counted to the nearest whole space; half spaces will be rounded up.
- (4) Unspecified Uses and Alternative Standards. When a use is not specifically listed in Table 9-1: Parking Requirements, the Director will determine if the use is similar to a listed use in terms of parking needs. When a use is not similar to a use listed in Table 9-1 or the applicant has documentation that demonstrates a different parking demand, the Director may approve alternative parking standards. Acceptable documentation may include parking standards from other cities of similar size, company data on parking demand, parking demand studies, or the ITE Parking Generation Manual. [Ord. 5832, 4/9/14]
- (5) Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080, Joint Use of Parking Facilities.
- (6) Downtown Assessment District. Parking spaces are not required for uses located within the Downtown Off-Street Assessment District as established by separate ordinance. (A map of the district is located at the end of this Article as Figure 9-2.) However, improvement of parking areas within this District must comply with the standards of this Article.
- (7) Maximum Parking in the ES, Elm Street Medical District. Parking provided with new development in the ES zone shall be only the minimum required. No additional off-street parking will be allowed for development in this district.

- (8) Site Plan Review may be required for new parking areas or expansions to existing parking areas unless specified in Section 2.430.
- (9) Temporary uses of less than 120 days, as defined in AMC Chapter 5.10 Transient and Itinerant Merchants and Vendors, are not required to meet the standards in this section. [Ord. 5832, 4/9/14]

**TABLE 9-1
PARKING REQUIREMENTS**

USE	MINIMUM SPACES REQUIRED
COMMERCIAL AND RECREATION	
Animal hospitals and clinics and animal grooming salons	1 per 400 sq ft
Banks and financial institutions, real estate services, insurance	1 per 300 sq ft on the first floor plus 1 per 600 sq ft above the first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Entertainment and Recreation: (a) Athletic/fitness gym, billiard or pool hall skating rinks with no grandstands, all other unspecified indoor recreation and entertainment (excluding restaurant, café or bar areas) (b) Bowling alleys (c) Golf courses (including clubhouses and accessory uses) (d) Stadiums, grandstands, coliseums, auditoriums, and theaters, and other sports facilities with seating (e) Swimming pools, aquatic centers	(a) 1 per 300 sq ft (b) 4 per lane (c) Subject to land use review (d) 1 per 4 seating capacity (e) 1 per 200 sq ft
Funeral houses and mortuaries	1 per 4 seats or 8 feet of bench length
Kennels, animal boarding	1 per employee plus 1 per 500 sq ft excluding exercise areas
Laundries and cleaners	1 per 300 sq ft
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Office - Professional: (a) Medical and dental clinics (b) All other business and professional	(a) 1 per 250 sq ft (b) 1 per 400 sq ft
Vehicle repair and fuel or other service stations	1 per 2 employees plus 2 per each service stall
Private clubs, lodges and meeting rooms	1 per 200 sq ft
Radio and television stations and studios	1 per 2 employees plus 1 per 300 sq ft over 2,000 sq ft
Restaurants: (a) Carry out, drive-thru or drive-in (b) Sit-down restaurants, taverns, bars, brewpubs, and nightclubs	(a) 1 per 100 sq ft (b) 1 per 200 sq ft including outdoor seating not exempt per 9.030(3).
Retail Sales: (a) Bulky items such as home or business furnishings, appliances, building materials, farm and agricultural equipment, machine and office equipment; (b) motor vehicles, trailers, mobile homes, boats, modular houses (c) Greenhouses and nurseries, garden supplies (d) All other retail sales	(a) 1 per 800 sq ft plus 1 per 3 employees (b) 2 per employee (c) 2 per employee (d) 1 per 300 sq ft sales floor area
Services and Repair: tailor, shoemaker, locksmith, printing, binding, publishing, framing, upholsterer, photography studio, dry cleaner, mailing, etc.	1 per 500 sq ft

USE	MINIMUM SPACES REQUIRED
Self-Serve Storage Units	1 per 100 units, with a minimum of 3, plus 1 per employee/caretaker
INDUSTRIAL	
Air, rail and motor freight terminals	Subject to land use review
Contractors and Industrial Services	1 per 1.25 employees plus 1 per company vehicle
Customer Service/Call Centers	1 per 250 sq ft
Industrial Offices, research or laboratory facilities	1 per 500 sq ft
Manufacturing, production or processing	1 per 2 employees plus 1 per company vehicle
Testing, repairing, cleaning, servicing of materials, goods or products	1 per 2 employees plus 1 per 300 sq ft of patron serving area, plus 1 per company vehicle
Warehousing and wholesale	1 per 2 employees plus 1 per 300 sq ft of patron serving area plus 1 per company vehicle
Wrecking yards and junkyards	1 per employee plus 1 per 10,000 sq ft lot area
INSTITUTIONAL, PUBLIC and SEMI-PUBLIC	
Daycare, Nursery Schools, Kindergarten and Daycare Homes or Facilities	1 per employee plus 1 per 10 persons being cared for
Education: Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Education: high schools, colleges, universities, and trade or business schools	Subject to land use review
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Jails and Detention Facilities	1 per 5 beds
Libraries, reading rooms, museums, and art galleries	1 per 2 employees plus 1 per 500 sq ft
Parks, open areas, and cemeteries	Subject to land use review
Religious assembly	1 per 6 seats or 12 feet of bench length
RESIDENTIAL	
Assisted Living, Residential Care facilities, Nursing or Convalescent homes	1 per 3 beds at capacity
Single-Family Units	2 spaces
Duplex and Two Units on One Lot	4 total spaces
Multi-Family: Studio and 1-bedroom units	1 space per unit, plus 1 visitor space every 4 units
Multi-Family: 2-bedroom units	1.5 spaces per unit, plus 1 visitor space every 4 units
Multi-Family: 3 or more bedroom units	2 spaces per unit, plus 1 visitor space every 4 units
Multi-Family: Quad and quint units	0.75 space per unit
Senior housing	1 space per 2 units
Student housing	1 per 2 students at capacity
Boarding and rooming houses	1 space per 2 occupants at capacity
Group or residential care homes	1 space per employee plus 1 space per 5 beds

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5832, 4/9/14]

9.025 Parking in the Public Right-of-Way. Parking spaces in a public right-of-way may not be counted as fulfilling any part of the parking requirements except when permitted below. Any parallel parking spaces in the right-of-way that are counted toward fulfilling the parking requirements must be at least 25 feet long. [Ord. 5832, 4/9/14]

- (1) Religious Assembly. On-street parking within 500 feet of the building, except in residential zones, may be used toward fulfilling the minimum parking requirements.
- (2) Private Clubs, Lodges or Meeting Rooms. On-street parking in non-residential zones within 800 feet of the main assembly room or building may be used toward fulfilling the minimum parking requirements.
- (3) Stadiums, grandstands, coliseums, auditoriums, and theaters. On-street parking in non-residential zones within 1,000 feet of the main assembly room or building may be used toward fulfilling the minimum parking requirements.
- (4) Mixed Use Zones. On-street parking spaces abutting the development may be counted towards meeting parking requirements in the MUR, Mixed Use Residential District; HD, Historic Downtown District; DMU, Downtown Mixed Use District; CB, Central Business District; WF, Waterfront District; and LE, Lyon Ellsworth District. [Ord. 5894, 10/14/17]
- (5) Non-Residential Development. The amount of off-street parking required may be reduced by one space for every on-street space abutting the development for up to 25 percent of the minimum parking requirement, except when the development is proposed in a residential zoning district in Article 3 or in the ES (Elm Street) zone. [Ord. 5832, 4/9/14]
 - (a) The on-street parking spaces must be at least 100 feet from a residential zoning district or the ES zoning district.
 - (b) On-street parking credits can only be granted for developments with frontage on streets that allow parking on both sides and with approval from the Director of Public Works. [Ord. 5832, 4/9/14]
- (6) Village Centers. Pursuant to ADC Section 8.460, a commercial or office development within the Village Center Comprehensive Plan designation may count on-street parking spaces within 100 feet of the development towards meeting the parking requirement. [Ord. 5894, 10/14/17]

9.030 Reductions or Exemptions to Minimum Parking Space Requirements. The following actions and situations can further reduce the minimum parking required on-site. [Ord. 5832, 4/9/14; Ord. 5894, 10/14/17]

- (1) Change of Use or Redevelopment. No additional parking shall be required when an existing structure is changed from one Use Category to another as listed in Article 22 when the new use requires no more than two additional vehicle and/or bicycle parking spaces. [Ord. 5832, 4/9/14]
- (2) Tree Preservation. Minimum parking may be reduced by one parking space for each tree 8 inches in diameter and larger that is preserved within the developable area, for up to a maximum of 10 percent of the total parking space requirement. [Ord. 5832, 4/9/14]
- (3) Outdoor Seating Areas. Seasonal outdoor seating up to 500 square feet shall be exempt from the parking calculations. Permanent outdoor seating is not exempt. [Ord. 5832, 4/9/14]
- (4) Mixed-Use or Multi-Tenant Developments. In the case of mixed-uses and multi-tenant developments, the total requirements for off-street parking are the sum of the requirements for the various uses, except that the total may be reduced by up to ten percent of the minimum total requirement. [Ord. 5832, 4/9/14; Ord. 5894, 10/14/17]

- (5) Alternative Modes, Carpooling. For businesses that will employ ten or more people, the total number of required vehicle spaces may be reduced up to a maximum of ten percent based on the following incentives: [Ord. 5832, 4/9/14]
- (a) Up to two vehicle spaces may be waived if sheltered bicycle parking is provided beyond the minimum requirements in Section 9.120 (13) at a rate of three bicycle spaces to one motor-vehicle space.
 - (b) One vehicle space may be waived for each shower and two lockers provided for employees who commute by bicycle.
 - (c) Each vehicle space designated for carpool/vanpool parking only that is also located closer to the building than other employee spaces will count as two required parking spaces. One carpool/vanpool parking space is permitted per 20 employees, with a minimum of 1 space. Spaces must be clearly marked “Reserved-Carpool/Vanpool Only”.
- (6) Reduction for Transit. Existing development will be allowed to redevelop up to 25 percent of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate.
- (7) Reduced parking minimums in the HD, CB, DMU, and WF zoning districts. To promote more pedestrian-friendly development, minimum parking requirements in HD, CB, DMU, and WF are reduced as follows. [Ord. 5894, 10/14/17]
- (a) All commercial and recreation uses listed in Table 9-1 shall provide parking at a minimum of one space per 600 square feet or the minimum stated in Table 9-1, whichever is less. [Ord. 5894, 10/14/17]
 - (b) Single-family attached dwellings, duplexes, and developments of up to 70 multiple-family dwelling units shall provide parking at the ratios in paragraphs i and ii below. Developments of more than 70 multiple-family dwelling units shall provide parking at the ratios listed in Table 9-1, except that visitor parking shall not be required. [Ord. 5894, 10/14/17]
 - i. Studio, one-bedroom, and two-bedroom units: one space per unit [Ord. 5894, 10/14/17]
 - ii. three or more bedroom units: 1.75 spaces per unit [Ord. 5894, 10/14/17]
- 9.035 Responsibility/Prerequisite. Provision for and maintenance of off-street parking and loading spaces are responsibilities of the property owner. Plans showing property that is and will be available for exclusive use as off-street parking and loading must be presented before the city will issue building permits or approve land use applications.
- 9.040 Elimination of Existing Space. If a parking space has been provided in connection with an existing use or added to an existing use, the parking space may not be eliminated if elimination would result in less space than required by this Code.
- 9.050 Company Vehicles. Required parking spaces must be made available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and may not be used for storage of company vehicles or materials. Spaces for company vehicles must be provided in addition to the number of spaces required by this Code.
- 9.060 Maintenance. Parking lots must be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated conditions must be improved to comply with the standards of Section 9.120.
- [9.070 Mixed Uses repealed by Ord. 5984, 10/14/17]
- 9.080 Joint Use of Parking Facilities. The Planning Commission or Hearings Board, upon application by all involved property owners, may authorize the joint use of parking facilities, provided that:

- (1) The applicant shows that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed.
- (2) The parking facility for which joint use is proposed is no further than 500 feet from the building or use required to provide parking.
- (3) The parties concerned in the joint use of off-street parking facilities shall provide evidence of an agreement for the joint use by a legal instrument approved by the City Attorney. An agreement for joint use of parking facilities shall be for a period of at least ten years and shall provide for maintenance of jointly used parking facilities.

9.090 Parking Plan. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (See Section 8.120). The plan must show the following elements, which are necessary to indicate that the requirements of this Code are being met.

- (1) Delineation of individual parking spaces, including handicapped parking spaces.
- (2) Loading areas and docks.
- (3) Circulation area necessary to serve spaces.
- (4) Location of bicycle and motorcycle parking areas.
- (5) Access to streets, alleys, and properties to be served.
- (6) Curb cuts.
- (7) Type of landscaping, fencing or other screening materials.
- (8) Abutting land uses.
- (9) Grading, drainage, post-construction stormwater quality facilities, surfacing, and subgrading details. [Ord. 5842, 1/01/15]
- (10) Location of lighting fixtures.
- (11) Delineation of all structures and obstacles to circulation on the site.
- (12) Specifications of signs and bumper guards.
- (13) Location of planter bays when required.
- (14) Proposed number of employees and amount of floor area applicable to the parking requirements for the proposed use.

[9.100 Downtown Assessment District. Repealed by Ord. 5984, 10/14/17]

9.120 Parking Area Improvement Standards. All public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards:

- (1) General. All parking spaces must be improved in accordance with these standards and available for use at the time of project completion.

- (2) Other Requirements. All parking areas shall conform to the setback, clear vision, landscaping, and buffering/screening provisions of this Code.
- (3) Surfacing. All required parking, including travel aisles and access, shall have a durable, dust-free surface of asphalt, cement concrete, or other materials approved by the Director. Parking lot surfacing shall not encroach upon the public right-of-way except when it abuts a concrete public sidewalk or has been otherwise approved by the Director of Public Works. Pervious pavements, such as pervious asphalt or pervious concrete, may be allowed by the Director of Public Works.
[Ord. 5832, 4/9/14; Ord. 5842, 1/01/15]
- (4) Drainage. All parking lots must provide a drainage system to dispose of the runoff generated by the impervious surface. Post-construction stormwater quality facilities are required per Title 12 of the Albany Municipal Code when applicable. Provisions shall be made for the on-site collection of drainage water to eliminate sheet flow of such water onto sidewalks, public rights-of-way, and abutting private property. All drainage systems must be approved by the Director of Public Works.
[Ord. 5842, 1/01/15]
- (5) Perimeter Curb. Perimeter curbing is required for protection of landscaped areas and pedestrian walkways, and to prevent runoff onto adjacent properties. All parking areas except those required in conjunction with a single- or two-family dwelling or approved overflow parking areas shall provide a curb at least 6 inches high along the perimeter of all parking areas. Exceptions may be allowed for connections to approved vegetated post-construction stormwater quality facilities.
[Ord. 5832, 4/9/14; Ord. 5842, 1/01/15]
- (6) Wheel Bumper. All parking stalls fronting a sidewalk, alleyway, street or property line, except for those required in conjunction with a single- or two-family dwelling, shall provide a secured wheel bumper at least six inches high and at least six feet long, set back from the front of the stall at least 2-1/2 feet, but no more than three feet. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required.
- (7) Turnaround. Except for single-family and duplex dwellings, groups of more than two parking spaces must be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-of-way other than an alley.
- (8) Striping. Lots containing more than two parking spaces must have all required spaces permanently and clearly striped. Stripes must be at least four inches wide. When motorcycle parking, compact, or handicapped parking spaces are provided, they shall be designated within the stall.
- (9) Connecting to Adjacent Parking Areas. Where an existing or proposed parking area is adjacent to a developed or undeveloped site within the same zoning district, any modifications to the parking areas must be designed to connect to the existing or future adjacent parking area. This requirement may be waived by the Director when it is deemed impractical or inappropriate due to the nature of the adjoining uses.
[Ord. 5832, 4/9/14]
- (10) Parking Lot Landscaping. Parking lots shall be landscaped according to the standards in Section 9.150.
- (11) Compact Car Parking. No more than 40 percent of parking spaces provided may be designated for compact cars. Compact spaces must be signed and/or the space painted with the words "Compact Car Only."
- (12) Parking Accessible to the Disabled. All parking areas must provide accessible parking spaces in conformance with the Oregon Structural Specialty Code.

- (13) Bicycle Parking. Bicycle parking space requirements are as follows:
- (a) For multiple-family dwellings (three or more units) and units above or attached to a business – one space per four units.
 - (b) For industrial development – one space for every ten automobile spaces required.
 - (c) For commercial or office development - one space for every ten automobile spaces required with a minimum of two spaces. [Ord. 5832, 4/9/14; Ord. 5886, 1/6/17]
 - (d) Exemptions -- the Director may allow exemptions to or reductions in required bicycle spaces in connection with temporary uses or uses that are not likely to need bicycle parking.

Bicycle parking spaces shall meet the following standards:

- (e) Required spaces should be visible and not hidden, and must be located as near as possible to building entrances used by automobile occupants. Within the HD, CB, CMU, and WF zoning districts, bicycle parking may be located on a public sidewalk with approval from the City Engineer. [Ord. 5894, 10/14/17]
 - (f) Each required bicycle parking space must have a parking rack securely fastened to the ground. Parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, and must allow the frame and at least one wheel to be locked with a U-type lock.
 - (g) Bicycle parking areas must provide at least three feet of clearance around all three sides of a fully-loaded bicycle rack and have an overhead clearance of at least seven feet.
 - (h) At least one-half of required bicycle parking spaces must be sheltered. Spaces must be protected from precipitation by a roof overhang or a separate roof at least seven feet tall. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces. [Ord. 5673, 6/27/07]
- (14) Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area must be arranged to reflect the light away from any abutting or adjacent properties.
- (15) Pedestrian Access. Walkways and accessways shall be provided in all new off-street parking lots and additions to connect sidewalks adjacent to new development to the entrances of new buildings. All new public walkways and handicapped accessible parking spaces must meet the minimum requirements of the Oregon Structural Specialty Code. [Ord. 5720, 08/12/09]
- (16) When employee parking is designated in new developments, parking for carpools and vanpools shall be provided and located near the employee entrances to buildings.

9.125 Occasional Overflow Parking Needs. The Director may approve for the use of gravel surfacing for parking above the minimum parking requirements intended for occasional needs. As used in this section, "occasional" means limited to a unique or an annually occurring event or condition or infrequent use. The application must demonstrate how the site and owners will meet the following minimum standards: [Ord. 5832, 4/9/14]

- (1) The construction plans for the unpaved parking area must be approved by the Building Official and Public Works Director or their designees.
- (2) The overflow parking area must conform to the dimensional standards in Section 9.130 Table 2 - Parking Lot Design, applicable Americans with Disabilities Act (ADA) requirements, and storm drainage requirements.
- (3) Overflow parking areas may not exceed 15,000 square feet per property, site or use.
- (4) Wheel stops shall be provided to designate and protect each parking space.

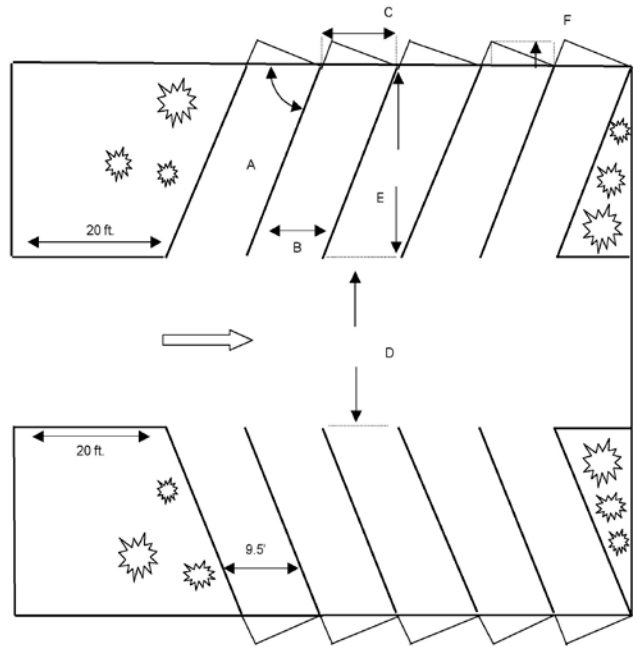
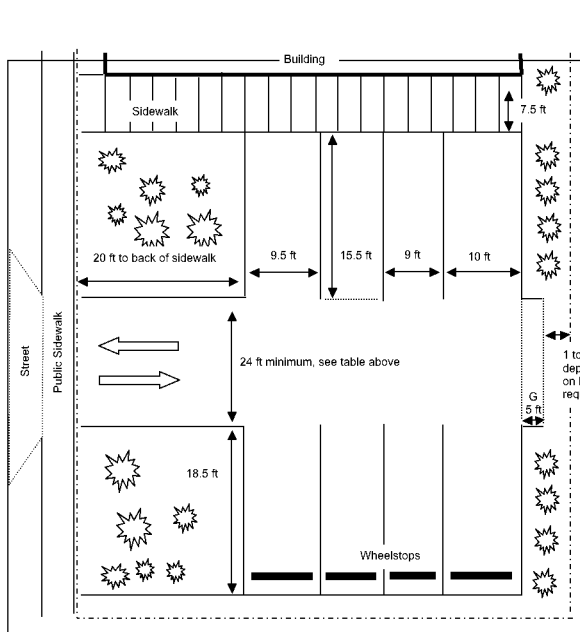
- (5) Gravel parking and loading areas shall be screened from all adjacent uses by a sight-obscuring fence, wall, or hedge.
- (6) A buffer area at least five feet in depth, which may include the required screening, shall be provided along the perimeter of each gravel parking area and be landscaped in accordance with Section 9.240.
- (7) The overflow parking area must be at least 20 feet from a public right-of-way and have at least 20 feet of pavement travel distance to the right-of-way. Gravel is not permitted in or within 500 ft of the HD, DMU, LE, ES, CB, or any residential zone or use unless allowed through Conditional Use approval. [Ord. 5832, 4/9/14, Ord. 5894, 10/14/17]

9.130 Off-Street Parking Lot Design. All off-street parking lots must be designed in accordance with City standards for stalls and aisles as set forth in Table 9-2: Parking Lot Design and supplemental drawings. Stall dimensions are measured from inside the stripes. [Ord. 5720, 08/12/09]

- (1) Compact spaces shall be at least 8 feet wide by 16 feet long.
- (2) Accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.
- (3) Stall Width. Long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent to planter islands must be at least 9.5 feet wide.
- (4) Minimum Aisle Widths. Aisles for two-way traffic and emergency vehicle operations must be at least 24 feet wide. One-way aisles and one-way emergency vehicle access must be at least 20 feet wide.
- (5) The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

**TABLE 9-2.
PARKING LOT DESIGN (in feet)**

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



NOTES:

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

[Ord. 5720, 8/12/09]

LANDSCAPING

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

- (1) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
[Ord. 5886, 1/6/17]
 - (a) One tree at least six feet tall.
 - (b) Four one-gallon shrubs or accent plants.
 - (c) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- (2) Landscaping Required – Non-Residential. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial districts is as follows:
[Ord. 5886, 1/6/17]
 - (a) One tree at least six feet tall for every 30 feet of street frontage.
 - (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
 - (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
 - (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.
- (3) Alternate Plan – Non-Residential - The Director may approve placement of the required setback landscaping in public right-of-way when the following conditions are met:
 - (a) The site contains existing development that includes substantial building(s), and is subject to ADC improvement requirements due to a change of use or vacancy; and
 - (b) The appropriate government agency grants written permission for use of the right-of-way; and
 - (c) The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
 - (d) The Director finds that the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and
 - (e) The Director finds that providing the landscaping in the public right-of-way in the interim fulfills the intent this Code for high-quality development (9.010) and the minimum landscaping requirements in Section 9.140(2)(a) through (c).
[Ord. 5752, 3/9/11]

9.150 Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards: [Ord. 5720, 8/12/09; Ord. 5842, 1/01/15]

- (1) Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least ten feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither

planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 8/12/09; Ord. 5842, 1/01/15]

- (2) Entryway Landscaping. Both sides of a parking lot entrance shall be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.
- (3) Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.
- (4) Alternate Plan. An alternate plan may be submitted that provides landscaping of at least five percent of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least ten feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 08/12/09]
- (5) Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven 18 inches into the ground, by large boulders, or by another acceptable means of protection.

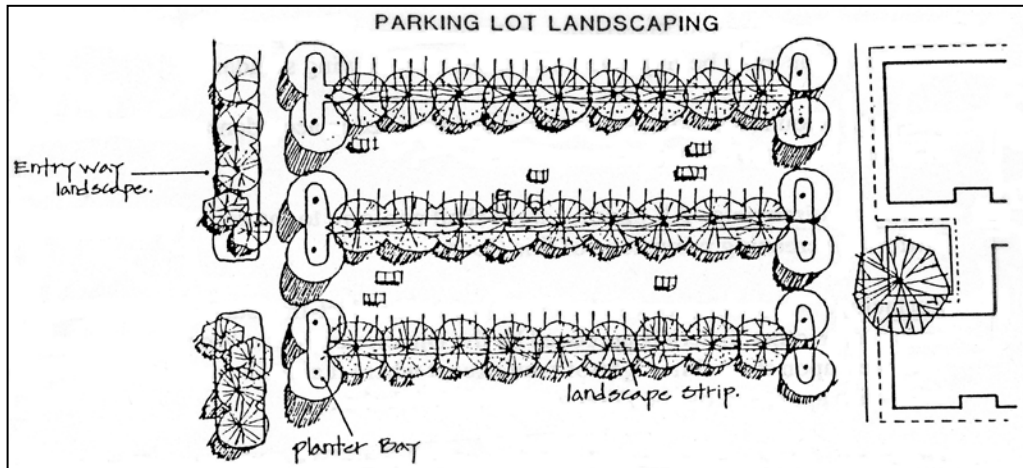


FIGURE 9-1. Parking lot landscaping example.

- 9.160 Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit. [Ord. 5768, 12/7/11]
- 9.170 Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (8 inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. [Ord. 5842, 1/01/15]

- 9.180 Landscape Plans. With the exceptions noted below, all development applications involving buildings and parking areas must include landscape plans. The following uses are required to meet the landscaping requirements of this code but are not required to submit landscape plans:
- (1) Single-family dwellings, duplexes, and triplexes.
 - (2) Accessory buildings.
 - (3) Changes internal to an existing structure.
 - (4) Building additions involving less than 500 square feet.
- 9.182 Street Trees Prohibited on Right-of-Ways. Because of their potential negative impact on the public infrastructure, it is unlawful to plant any of the following trees in or on any street right-of-way or parking strip in the City: box elder, tree of heaven, golden chain, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and ailanthus.
- 9.184 Trees Requiring Approval. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the Director of Public Works approves the site as one where the tree roots will not be likely to interfere with public sewers.
- 9.186 Height Requirements in Rights-of-Way. Trees or shrubs growing in the right-of-way or on private property adjacent to a street right-of-way must be trimmed to maintain a minimum canopy height of eight feet above sidewalks or 14 feet above streets or alleys. No trees, shrubs, or plants more than 18 inches tall shall be planted in the public right-of-way abutting roads having no established curb and gutter.
- 9.188 Trimming, Removal. The city manager or duly authorized representative may cause any vegetation in or upon any parking strip, street right-of-way or other public place in the City to be trimmed, pruned, or removed.
- 9.189 Planting in Roadways Having No Gutter, Curb. No trees, shrubs, or plantings more than 18 inches tall shall be planted in the public right-of-way abutting roadways having no established curb and gutter.
- 9.190 Completion Guarantees. Final occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances: [Ord. 5886, 1/6/17]
- (1) A security is provided to the City equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor. Security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Director and City Attorney. Where a financial assurance is provided for landscaped areas with post-construction stormwater facilities under subsection (4) below, no additional security under this subsection is required for that part of the landscaping. [Ord. 5842, 1/01/15]
 - (2) The required landscaping and irrigation shall be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation shall be installed within six months of the date of the land use approval. [Ord. 5886, 1/6/17]
 - (3) To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned. [Ord. 5446, 5/10/2000]

- (4) Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with Title 12 of the Albany Municipal Code and applicable post-construction stormwater quality permits.

[Ord. 5842, 1/01/15]

[(1) repealed by Ord. 5886, 1/6/17]

9.200 Maintenance of Landscaped Areas. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. Private post-construction stormwater quality facilities located in landscaped areas and required under Title 12 of the Albany Municipal Code shall be maintained consistent with the terms of any operation and maintenance agreements between the property owner and the City consistent with the requirements of Albany Municipal Code Title 12.

[Ord. 5842, 1/01/15]

TREE PROTECTION

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

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

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

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

(2) Tree: A living, standing, woody plant. [Ord. 5764, 12/1/11]

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

[Ord. 5445, 4/12/00]

9.207 Applicability. Site Plan Review approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone. [Ord. 5767, 12/7/11]

The following activities are exempt from site plan review if they meet the applicable requirements of the Significant Natural Resource overlay districts in Article 6: [Ord. 5764, 12/1/11]

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

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

(3) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approved the proposed tree felling. [Ord. 5445, 4/12/2000]

(4) Felling of trees planted as Christmas trees. [Ord. 5635, 1/11/06]

(5) Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry. [Ord. 5635, 1/11/06]

9.208 Tree Felling Criteria. The following review criteria replace the Site Plan Review criteria found elsewhere in this code for the purpose of reviewing tree felling. A Site Plan Review for tree felling will be processed as a Type I-L land use decision.

(1) The Community Development Director or his/her designee shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist's report. [Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]

- (2) For property where a site plan review, conditional use or land division application has been approved or is currently under review, the Community Development Director, City Forester, or his/her designee shall approve site plan review when the applicant demonstrates that all of the following review criteria are met:
 - (a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved site plan review or conditional use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
 - (b) The proposed felling is consistent with State standards, City ordinances, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality, and geological sites.
 - (c) The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.
 - (d) Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6. [Ord. 5764, 12/1/11, Ord. 5767, 12/7/11]

- (3) For property where tree felling has not been approved as part of a site plan review, conditional use, or land division application, the Community Development Director or his/her designee shall approve a tree felling permit, if the review criteria above are met, and the following criteria are met:
 - (a) Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
 - (b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
 - (c) Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
 - (d) Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
 - (e) Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.
 - (f) Wooded areas along property lines shall be retained at a minimum width of ten feet to provide buffers from adjacent properties.
 - (g) The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning. [Ord. 5767, 12/7/11]

- (4) The Director may attach conditions to the approval of the tree felling permit to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling, and may require an improvement assurance to ensure all conditions are met. [Ord. 5767, 12/7/11]

- (5) Precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees.
 - (a) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
 - (b) Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of 4 feet tall, secured with metal T-posts, no closer than six

feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone.

[Ord. 5764, 12/1/11]

- (c) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.
- (d) No damaging attachment, wires, signs or permits may be fastened to any protected tree.
- (e) Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (5)(b) above. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
- (f) The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in Table 9-3 below. [Ord. 5445, 4/12/00]

TABLE 9-3. Auger distances for installation of utilities.

Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
8-9	5
10-14	10
15-19	12
Over 19	15

BUFFERING AND SCREENING

- 9.210 General Requirements/Matrix. In order to reduce the impacts on adjacent uses of a different type, buffering and screening are required in accordance with the matrix that follows Section 9.300. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one-half of the buffer width shall be required. [Ord. 5445, 4/12/00]
- 9.220 Delineation of Area. A buffer consists of an area within a required setback adjacent to a property line. It has a depth equal to the amount specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.
- 9.230 Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, access ways or parking areas are allowed in a buffer area except where an access way has been approved by the City. [Ord. 5842, 1/01/15]
- 9.240 Buffering. The minimum improvements within a buffer area consist of the following:
- (1) At least one row of trees. These trees will be not less than ten feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this Code (e.g. solar access).
 - (2) At least five five-gallon shrubs or ten one-gallon shrubs for each 1,000 square feet of required buffer area.
 - (3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).
- 9.250 Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above:
- (1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or
 - (2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
 - (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.
- 9.260 Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 12.180 and by the fence and wall height restrictions of the zone when applicable. [Ord. 5445, 4/12/2000]
- 9.270 Landscape Plan. In lieu of these standards a detailed landscape plan, which provides the same degree of desired buffering utilizing alternative designs, may be submitted for approval.
- 9.330 *Repealed by Ord. 5445, 4/12/00.*

TABLE 9-4. Buffer and screening matrix.

BUFFER MATRIX	PROPOSED USE								
	Detached dwelling	Attached dwelling 1-story	Attached dwelling 2+ stories and multi-family	Manufactured home park or subdivision	Commercial/professional or mixed-use	Industrial Park use	Light Industrial use	Heavy Industrial use	Parking lot with at least 5 spaces
Dwellings in RR, RS-10, RS-6.5, RS-5, HM, RM, MUR and RMA districts	0'	0'	10' (3)	0'	10' S (3)	30' S	30' S	40' S	10' S
Manufactured home park or subdivision in any district	0'	0'	0'	0'	10'S	30'S	30'S	40'S	10'S
Any arterial street (2)	10'	10'	10' (4)	10' S (1)	10' (4)	10'	10'	10'	10'
Commercial or professional uses, or commercial and mixed use districts	10'	10'	10' (4)	10' S	0'	20'	0'	20' S	0'
Industrial Park District	20'	20'	20'	20'S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'
Any parking lot with at least 5 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'
<p>“S” indicates screening required. (1) See Section 10.270(2)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code. (3) Within the HD, CB, DMU, and WF zoning districts, the required screening and/or buffer does not apply abutting the MUR district. (4) Does not apply in the HD, CB, DMU, and WF zoning districts.</p>									

[Ord. 5445, 4/12/00; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17]

FENCES

- 9.360 Purpose. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones. [Ord. 5751, 3/9/11]
- 9.370 Materials. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows: [Ord. 5446, 5/10/00]
- (1) Barbed wire is permitted on top of a six-foot-tall fence in commercial, industrial, and mixed-use zones except for HD, DMU, MUC, and MUR. The total height of the fence and barbed wire is limited to 8 feet. Barbed-wire-only fences are prohibited except as allowed under subsection (2).
 - (2) Correctional Institutions and High-Security Areas. Concertina wire or barbed-wire only fences may be used around correctional institutions and high-security areas provided that the fences are posted at 15-foot intervals with clearly visible warnings of the hazard.
 - (3) Large Animal Containment. Where cattle, sheep, horses or other livestock are permitted or existed when the property was annexed to the City, barbed wire is permitted within six inches from the top of a fence at least four feet tall that is used to contain or restrict large animals. Fences for this purpose must meet the standards in AMC 6.10.
 - (4) Electrically charged fences are permitted in the LI and HI zones when the following standards can be met:
 - (a) The fence is located outside the front setback and required landscaping, buffering or screening; and
 - (b) The electrically charged fence shall not exceed ten feet in height; and
 - (c) The electrically charged fence shall be a pulsed charge system and not a continuous charge system.
 - (d) No electric fence shall be installed or used unless it is completely surrounded by a perimeter non-electrical fence or wall that is not less than six feet tall; and
 - (e) Warning signs stating, "Warning, Electric Fence" shall be posted at intervals not less than 50 feet; and
 - (f) When property lines are shared with a residential zoning district, the following additional standard shall be met:
 - i. A solid fence or wall between 6 and 8 feet tall shall be placed at the shared property line(s); and
 - ii. Warning signs shall be posted at intervals of not less than 25 feet.
 - (g) The fence shall be tested and approved by the State of Oregon approved testing laboratory; and
 - (h) The fence shall be installed and used accordance with the Oregon Electrical Specialty Code, the listing, and the manufacturer's installation instructions; and
 - (i) Electrical permits and inspections shall be required for the installation. Work must be performed by a licensed Oregon electrician.
 - (j) In addition to the Fire Department access requirements in the Oregon Fire Code, the following additional standards are required for properties protected by an electric fence:
 - i. Each vehicle gate shall open automatically using a sensing device approved by the fire department. This automatic operation shall be supplemented by the installation of a Knox electric switch (with dust cover) to be installed in an approved location.

- ii. The gate opening equipment shall be equipped with a battery backup in the advent of power failure (both ingress & egress sides).
- iii. Power to the electrified fence, excluding gate opening controls, shall be deactivated upon activation of automatic or manual fire department access for ingress or egress through the gate.
- iv. The vehicle gate shall provide a means for the fire department to egress from the site.
- v. A pedestrian type gate shall be installed immediately adjacent to all vehicle access gates. [Ord. 5751, 3/9/11]

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

Standards in Residential, MUR and MUC zones:

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

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

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

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

- (5) Fences in front setbacks. Fences shall be no taller than 4 feet within 10 feet of a front lot line unless allowed under (a)-(c), below. Barbed wire on top of fences is not permitted within 10 feet of a front lot line. [Ord. 5894, 10/14/17]

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

Standards for All fences:

- (6) In no instance or zone shall a fence exceed eight feet except when permitted in 9.370. [Ord. 5742, 7/14/10; Ord. 5751, 3/9/11]

Fences over seven feet tall require a building permit prior to construction. Fences over six feet tall shall meet building setbacks, except when permitted along property lines in Sections 9.370(4)(d) or permitted in required setbacks in 9.380(3)(a).

[Ord. 5742, 7/14/10; Ord. 5751, 3/9/11, Ord. 5886, 1/6/17/]

- (7) In no instance shall a fence extend beyond the property line.
- (8) All fences shall meet the Clear Vision Area standards in Section 12.180.
- (9) Measuring Fence Height. Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. Fence height includes the height of the fence, wall, or picket and does not include the posts, or arbors and trellises at entrance gates. [Ord. 5446, 5/10/00; Ord. 5689, 3/12/08]
- (10) Maintenance. Every fence, whether required or not, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

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

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

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

ENVIRONMENTAL

- 9.400 Purpose. These regulations are designed to protect all uses in all zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, degraded water quality, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards or nuisances. Use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone-based solely on the general characteristics of similar industries in the past. [Ord. 5555, 2/7/03; Ord. 5842, 1/01/15]
- 9.405 Exemptions. The off-site impact standards do not apply to machinery, equipment, and facilities that were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site. [Ord. 5555, 2/7/03]
- 9.410 Relationship to Other Regulations. The environmental standards are in addition to all other regulations of the Albany Municipal Code. These standards do not replace or supersede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Building Code or Uniform Fire Code. [Ord. 5555, 2/7/03]
- 9.420 Evidence of Compliance. Before approving a development application, the Director may require submission of evidence demonstrating compliance with state, federal and local environmental regulations and receipt of necessary permits.
- 9.425 Responsibility. Compliance with state, federal and local environmental regulations is the continuing obligation of the property owner and operator.
- 9.430 Measurements. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.
- If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the owner or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code. [Ord. 5555, 2/7/03]
- 9.435 Neighborhood Compatibility. If a site is located within 300 feet of residentially-zoned property and environmental impacts regulated by this article have not been adequately determined, the Community Development Director may require that a proposed use be considered under the Conditional Use process to provide an opportunity for public review and comment and to establish conditions to mitigate potential impacts. [Ord. 5555, 2/7/03]
- 9.440 Noise. The City noise standards are stated in Albany Municipal Code Title 7, Public Peace, Morals and Safety. Oregon Administrative Rules (OAR) 340-035-0035, Noise Control Regulations for Industry and Commerce, is adopted here in its entirety, and as may be subsequently amended by the State of Oregon. Tables 7, 8, and 9 referenced in OAR are included here for reference only. In addition, the Department of Environmental Quality (DEQ) has regulations that apply to firms adjacent to or near noise-sensitive uses such as dwellings, religious institutions, schools, and hospitals. [Ord. 5720, 08/12/09]

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

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

[Ord. 5720, 8/12/09]

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

[Ord. 5768, 12/7/11]

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

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

[Ord. 5555, 2/7/2003]

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

[Ord. 5555, 2/7/2003]

- 9.455 Water Quality. Direct discharge of stormwater and process waste from the operation of industries shall comply with the water quality standards adopted by the City of Albany, DEQ and as authorized by a National Pollutant Discharge Elimination System (NPDES) Permit. [Ord. 5555, 2/7/03]
- 9.460 Vibration. Continuous, frequent, or repetitive vibrations that exceed 0.002g peak may not be produced.
- Exceptions: Vibrations from temporary construction and vehicles that leave the site (such as trucks, trains, or aircraft) are exempt; vibrations lasting less than five minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.
- Measurements. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration. [Ord. 5555, 2/7/03]
- 9.470 Odors. Continuous, frequent, or repetitive odors or the emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. Odor is regulated by the Department of Environmental Quality.
- Exceptions: An odor detected for less than 15 minutes per day is exempt. [Ord. 5555, 2/7/03]
- 9.480 Glare and Heat. No direct- or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source. Strobe lights visible from another property are not allowed, except as may be required by the Federal Aviation Administration. [Ord. 5555, 2/7/03]
- 9.490 Insects and Rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.
- 9.500 Hazardous Waste. Hazardous wastes are subject to the regulations of Oregon Administrative Rules (OAR) 340.100-110, Hazardous Waste Management. [Ord. 5555, 2/7/03]

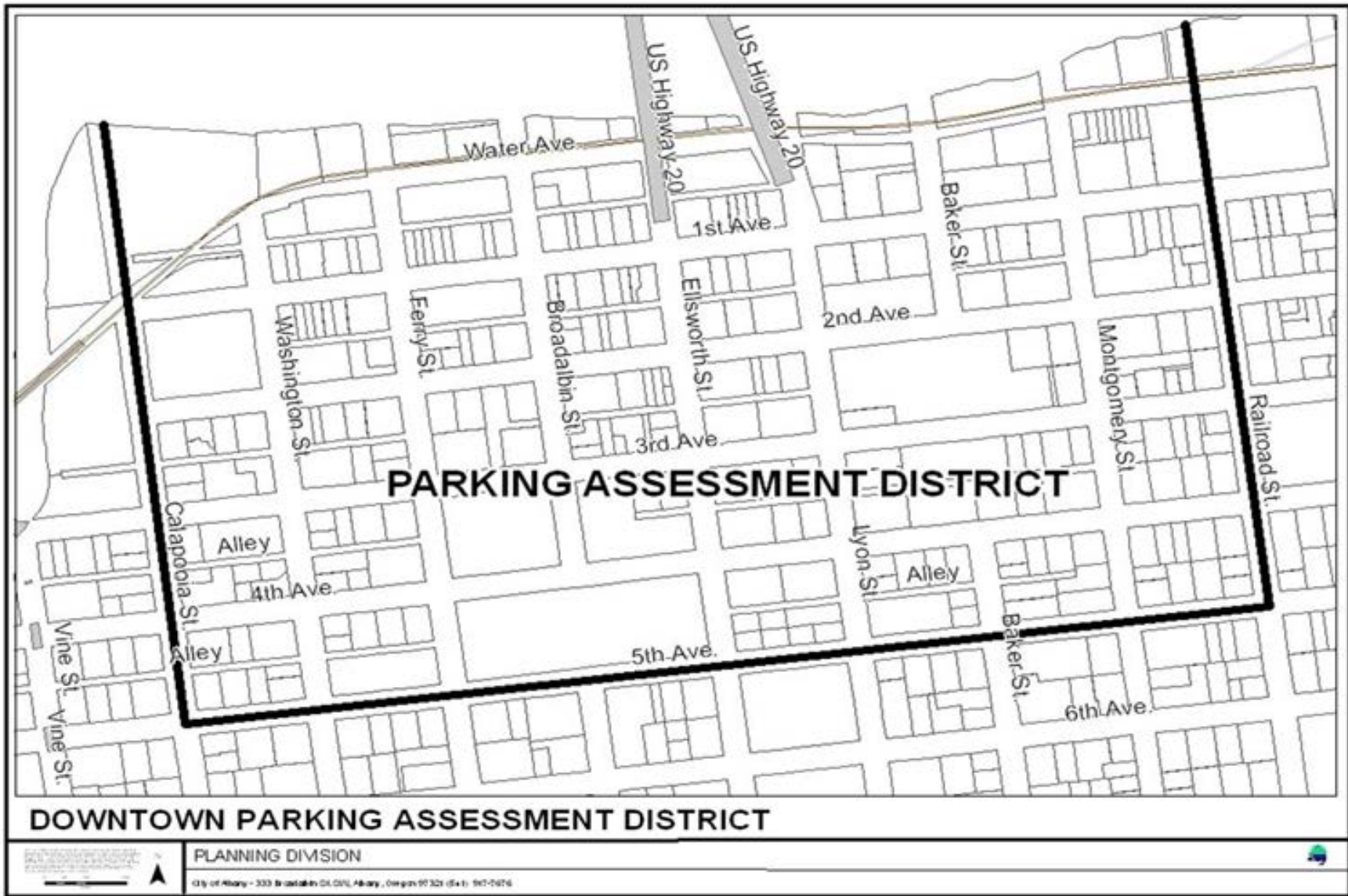


FIGURE 9-2. Map of Albany’s Downtown Parking Assessment District.