



TO: Mayor's Business Ready Task Force (BRTF)  
FROM: Anne Catlin, Lead Long Range Planner  
Melissa Anderson, Current Planner  
DATE: September 18, 2013  
SUBJECT: Review of Albany Development Code (ADC) Revisions

We are nearing the end! Please review the attached “**bold** and ~~strike~~” code revisions that are attached and be ready to provide specific input and recommendations. This will complete the review of the amendments included in this agenda packet. We have one more round to review before setting public hearings.

The notes below describe the primary amendments being proposed in the following documents that are attached for your review:

- (1) **Article 13, Sign Ordinance**. Since you last met, staff has worked with a subcommittee consisting of representatives from the sign industry and the community to provide direction on revisions related to the sign standards. The attached article includes their input. The list below summarizes the proposed amendments to the standards.

Conditional Sign Exemptions [ADC 13.320, pp 6-7]

- Construction Signs - The limitation on the number of exempt construction project signs is removed to allow more than 2 signs per frontage, but only during the period of constructing the project.
- Directional signs -
  - Eliminated restricting logos to 50% of the sign face on directional signs because it is an unnecessary restriction; and
  - Added a 3' height limit if directional signs are freestanding.

Sign Standards by Zoning District [ADC 13.421–13.425, pp 10-13]

- Pedestrian Area sign standards is combined with Commercial and Industrial Area sign standards to provide clarity and reduce redundancy.
- De-coupled the aggregate sign area allowance for wall and freestanding signs so that wall sign area is calculated independently from freestanding sign area.
- Wall sign area changes include:
  - Wall sign area allowance is based on the length of the building frontage with minimum allowances and maximum area restrictions;
  - The number of wall signs is no longer limited; and
  - Propose wall signs be allowed on all building frontages rather than just on street frontages.
  - Interior businesses - A square footage allowance is provided for interior businesses rather than making their sign allowance dependent upon the remaining signage area. Additionally, the requirement that interior business signs be placed near the entrance is eliminated.
  - The 12% of wall area restriction is eliminated because it is unnecessary if sign area is based on the length of building frontage. (Under standards by sign type, 13.520)
- Free-standing signs - Deleted the provision that allows freestanding signs to project over public property because freestanding signs should be contained on private property.

Integrated Business Centers Standards [ADC 13.430–13.435, pp 13-15]

- Combined standards for major and minor integrated centers to provide clarity and reduce redundancy.

Temporary Promotional Signs or Displays [ADC 13.670–13.685, pp 21-23]

- Increase and length of time temporary signs can be displayed from 60 days to 120 days;
- Allow one A-frame sign per business per frontage year-round city wide. They are currently limited to 60 days except downtown.
- Create a separate category for “Event” Signs (crab feast, etc.) and allow unlimited number of signs under one event permit; currently each sign requires a permit.
- Temporary signs only require “registration” vs. requiring a “permit.”

- (2) **Article 1, Expiration of Land Use Approvals** – This is a new item not previously discussed by the BRTF. Staff occasionally receives questions about extensions to land use approvals. Our code does not have a provision to extend land use approvals. If standards have not changed since an original approval, it seems cumbersome to the applicant and to staff to require the applicant start over with a new application. In a review of other cities approval expirations, we noticed that most cities offer land use approval extensions. Staff recommends allowing one two-year extension if applicable local, state and federal standards have not changed since the application was approved.

- (3) **Article 9, On-Site Development Standards** - The following changes are proposed in this article:

Parking Standards – Relocate all standards to Article 9 and make the following amendments:

- Add allowance to approve standards for unspecified uses and to use alternative parking standards. [ADC 9.020(4) pp1-2]
- Reduce the minimum parking space requirements for many uses and missing standards[ADC 9.020, Table 1 pp 2-4];
- Add allowances for on-street parking .[ADC 9.025, pp 4-5]
- Add reductions to on-site parking spaces. [ADC 9.030, pp 5-6]
- Add allowance for unpaved overflow parking. [ADC 9.125, p. 7].

Tree Cutting on Industrial Land – Allow an exception to tree cutting standards for industrial properties

- (4) **Article 11, Land Divisions, Planned Developments**

- Update purpose statement to better articulate the purposes of planned developments. [ADC 11.250, p. 1]
- Eliminate first step in the process (preliminary plan review by staff), leaving review of the preliminary plan by the Planning Commission and the final review by staff, and related amendments to the application contents [ADC 11.260 – 11.300, pp 1-3].
- Allow phased developments to provide facilities and amenities proportionately across phases. [ADC 11.325 pp 3]
- Reduce minimum amount of open space required and clarify what area can be used in the calculations. [ADC 11. 330(1), pp 3-4]
- Add standards to address perimeter compatibility. [ADC 11. 330, pp 5-6]

**MAYOR'S BUSINESS READY TASK FORCE**  
**Tuesday, September 24, 2013**  
**2:00-4:00 PM, Willamette Room**  
**Albany City Hall, 333 Broadalbin St. SW, Albany**

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**Agenda**

1. Business from the Public
2. Approval of BRTF Minutes from March, 2013
3. Sign Code, Article 13 Revisions- Review and give direction
4. Land Use Approvals and Extensions, Article 1 Revisions - Review and give direction
5. Parking Standards, Article 9 Revisions- Review and give direction
6. Planned Unit Development Standards, Article 11 Revisions- Review and give direction
7. Adjourn

Next steps:

- Schedule final BRTF meeting to review remaining amendments
- Schedule hearings and do public notice
- Complete staff report and ordinance for adopting code amendments

## MAYOR'S BUSINESS READY TASK FORCE (BRTF) MINUTES

*March 4, 2013*

*4:00 - 6:00 PM, Council Chambers*

*Albany City Hall, 333 Broadalbin St. SW, Albany*

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Members: Sharon Konopa, Jeff Christman, Oscar Hult, Arthur Meeker, John Pascone, Dave Reece, Rob Richards, Dala Rouse, Janet Steele, Mark Spence

Members Absent: Ron Reimers

Planning Commissioners: David Faller, Lolly Gibbs, Danon Kroessin, Cordell Post, Dan Sullivan, Larry Tomlin

City Council: Dick Olsen, Floyd Collins, Ray Kopczynski, Bill Coburn, Bessie Johnson, Rich Kellum

Staff: Wes Hare, Heather Hansen, Anne Catlin, Tari Hayes

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1. Business from the Public - None

2. Approval of Minutes

(a) October 23, 2012 - Steele made a motion to accept as written, Pascone seconded, passed unanimously.

3. Discussion of detailed summary of proposed code amendments in the BRTF Issue Matrix.

The groups discussed, in detail, the summary of the proposed Albany Development Code (ADC) revisions in the BRTF Issue Matrix provided. There will be about 65-75 pages of "bold & strike" revisions to review and it was agreed that the BRTF would review the "bold and strike" first.

### **A. and B. Change of use in mixed use, commercial and industrial zones.**

These revisions add definitions and differentiation in the code for compatible uses. They also address small scale manufacturing in the mixed use and commercial zones

The group discussed compatibility criteria. There is neighborhood involvement during the site plan review. Frequently, the use request has a small retail aspect (artesian goods of specialty foods, etc) so they don't wish to be too far out of town. The group agreed with the proposed amendments in A. and B.

### **C. Nonconforming uses.**

The nonconforming section of the code is rarely used because the section is confusing and it's difficult to understand the applicability. Many vacant properties have lost their nonconforming status, and the required improvements are confusing and cost-prohibitive. The proposed ADC

revisions to this section will reorganize the entire section, prioritize the requirements, revise the review process, and allow for lesser administrative reviews when appropriate.

The group agreed with staff's proposal that a smaller sub-group review this section, with considerations to site plan and conditional use review and A. & B. above. The group generally agreed with the proposed amendments in C.

ACTION ITEM: Smaller group to meet

**D. Infill & redevelopment – challenging standards and inflexibility.**

Sometimes the smaller lot sizes (< 1) struggle to meet today's site design standards. The proposed revisions modify some of the mixed use zoning districts to encourage infill. They would allow some adjustment to design standards, and add flexibility in orientation and traffic aisle locations. The group agreed with the proposed amendments.

**E. Infill & reuse - specifically for downtown.**

Recreation and open space requirements can be challenging to meet downtown. Since many properties are in close proximity to paths, parks, and other open spaces, it makes sense to exempt some new, multi-family uses from these requirements. Historic design standards will not change. The group agreed with the proposed amendments.

**F. Tree felling.**

This is a short term solution for one particular issue. This will allow the Director, in consultation with the City Forester, to grant exceptions to some tree cutting standards on undeveloped industrial properties. Tree regulations will be revisited in their entirety within the next year. The group agreed that a comprehensive review is needed and agrees with the proposed amendments.

**G. Parking requirements – standards consolidation, adding some standards, reducing others.**

After staff review, some Albany requirements are relatively high compared to surrounding cities. These revisions relax some parking requirements by changing the basis from gross to new square footage. They will reduce requirements for off and on-street parking and promote alternative parking standards, such as for multi-tenant developments, employee carpooling, tree preservation, etc. The group agreed with the revisions.

**H. Overflow requirements and temporary parking needs.**

Surfacing and paving can be cost prohibitive and the code does not have a provision for temporary parking needs. With occasional overflow, the revisions allow unpaved parking up to 15,000 sq. ft with some improvements such as buffering and screening still being required to mitigate impacts to adjacent uses. The group agreed with the proposed changes.

ACTION ITEM: Have Jim review the ADA impact of this section.

**I. Temporary signs, allowances, regulation, permits.**

The group discussed size limits and clear vision standards. Hansen shared that enforcement of sign code violations is more of a focus now, not just complaint driven as in the past. She's proposing that consolidated enforcement be addressed by all the departments at an upcoming Director's meeting. The City Council will work with individuals in the community to educate the public. These proposals increase the number of signs from 1 to 2 per business as well as increasing the days allowed for some types of signs (banners, pennants, etc). The revisions will allow A-frame and Sandwich Board signs year round city wide. The signs will need to be secured in place or portable. And all temporary signs will still meet setback and right-of-way requirements.

**J. Sign allowances – definitions, allowances, and the need to “open” the sign code up for review.**

All agreed that it may be time to open the entire sign code up for review. Today's small proposed revisions include additional definitions, and updates to portable signs. They combine and reorganize standards so that sign allowances can be determined by type rather than confusing calculations.

During this process, staff made a lot of headway on the sign sections of the ADC. But they found that whenever they tried to reorganize, clarify, streamline, or amend portions of it, there were "ripple effects" that required them to delve into new sections. There are also significant sections of the code that are unenforceable because they regulate content.

They have noticed a trend in recent requests for wall signs that haven't been addressed by the revisions being worked on – businesses that request a large main wall sign and multiple smaller signs that indicate the types of products they sell or services they provide. These requests cannot be approved because they exceed both the total square footage and the number of allowed signs. A recent example is Sportsman's Warehouse (Attachment B). The task force is exploring a new approach that would enable "scaling" the sign size based on the percent of building façade, up to a particular size limit. Staff need time and assistance from sign companies to help flesh out this concept.

The group discussed individual opinions of the right size and quantity. What may bother one person doesn't necessarily bother the next.

The group agreed with the revisions presented and asked staff to form a committee to look at comprehensive revisions to the sign code. Tomlin and Collins would like to be on that committee. Konopa would like to see Meeker and some local architects and sign companies on the committee as well.

Action Item: Move forward with sign committee.

**K. Neighborhood meetings – coordination and notifications.**

These revisions would clarify that meetings should be held when the most amount of neighbors can attend (business hours for commercial, evening meetings for residential). While it would still require the applicant to notify, the revisions would allow for the City to produce the mailing list and add the requirement for the City to review the list if produced by the developer. The group agreed with these revisions.

**L. Site Plan Review - level of review, procedures and definitions.**

Some site plan review seems unwarranted when staff can apply clear and objective standards. These proposals will be combined with the non-conforming situations review (See C. above).

**M. Planned developments – process, phasing, and standards.**

The proposed revisions will combine the preliminary and interim reviews. A new section is added that allows planned developments to be phased with flexibility, such as where amenities are located, so that each phase provides a suitable share of facilities and amenities.

In order to make the requirements proportional to the development, the standards for common open space (reduced), indoor recreation (removed), density transfer (amended) and compatibility (addition) will be revised. The group agreed with the proposed revisions.

**N. Expiration of land use approvals.**

Most approvals expire within 3 years. Sometimes economic or other conditions may warrant an extension. These proposed revisions will allow a 1 year extension, as long as there are not changes to any local, state or federal standards. The group discussed the number of years and agreed with the proposed revisions.

Future revisions will include:

- (a) Landscaping requirements – delayed until spring, packaged with Public Works stormwater regulation updates
- (b) Tree Standards – delayed until 2013 when tree regulations are reviewed in their entirety
- (c) Home Occupations and Vacant building upkeep – requires costly Measure 56 notices. Hold off and bundle with more Measure items.

4. Next steps:

- (a) Form a sign committee
- (b) Form a non-conforming site (C)/site plan review (L) workgroup
- (c) Schedule a BRTF to go over the "bold & strike" revisions
- (d) Complete staff report and ordinance for adopting code amendments

5. Adjourn 6:00 pm

**ARTICLE 13  
SIGNS**

*Staff Comment: The BRTF suggested revising the temporary sign allowances and staff suggested revisions to the standards to allow for more signage and to clarify existing standards.*

**ISSUE J: Sign Allowances are too limiting and confusing to calculate.**

13.000 Overview. This article contains the City’s standards for signage.

The following is a list of the main headings in this article.

- General Provisions
- Review Procedures
- General Sign Regulations
- Standards by Sign District
- Standards by Sign Type
- Standards by Special Sign Function
- Variances
- Nonconforming Signs

**GENERAL PROVISIONS**

13.110 Purpose. To help implement the Comprehensive Plan, provide equitable methods of business identification, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the City, all by classifying and regulating the location, size, design, type and number of signs and related matters.

13.120 Definitions. The following definitions are in addition to those of Article 22 that shall be used in combination for purposes of this article. When there is duplication, the definitions of this article shall be used.

A-frame sign: See portable sign.

Alteration: Any change in the size, shape, method of illumination, sign face, position, location, construction, or supporting structure of a sign.

Area: The area of a sign shall be the entire area within any type of perimeter or border that encloses the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Building Face: The single wall surface of a building facing a given direction.

Building Frontage: The portion of the building face most closely in alignment with an adjacent right-of-way or alley or fronting a parking lot when so defined as allowed in this article.

Building Official: The officer or other designated authority charged with the administration and

enforcement of this Code or his/her duly authorized representative.

**Bulletin Display:** Two poster panels side by side on the same structure.

**Business:** Any commercial or industrial enterprise.

**Changeable Copy Sign:** A sign that contains numbers, letters or symbols that are designed to be moved, interchanged, or replaced (i.e., reader board). Sign area denoting price is also considered changeable copy.

**Changing Electronic Message Sign:** A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Changing electronic message signs include computer programmable microprocessor controlled electronic displays. [Ord. 5794, 11/7/12]

**Construct:** Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.

**Construction Project Sign:** A sign erected in conjunction with construction projects and used to inform the public of the architects, engineers and construction organizations participating in the project and/or indicating "future home of" information.

**Direct Illumination:** A source of illumination on the surface of a sign or from within a sign.

**Double Face Sign:** A sign with advertising on two surfaces back to back, with the angle between the two sides less than 25 degrees.

**Façade:** A façade is an exterior side of a building.

**Fence Sign:** A sign attached to or painted on a fence.

**Finish Ground Level:** The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

**Flashing Sign:** A sign any part of which pulsates or blinks on and off, except time and temperature signs and message centers allowed by conditional use.

**Freestanding Sign:** A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

**Freeway Interchange Area:** An area zoned CC, RC, LI, or TD area within a 1500 foot radius measured from the center intersection point of Interstate 5 and Knox Butte Road and Santiam Highway, or within a 70-foot strip along the east boundary of the I-5 right-of-way, as shown in Figure 1. (Ord. 5281, 3/26/97)

**Frontage:** See Building Frontage or Street Frontage.

**Garage Sale Sign:** A sign advertising garage sales or similar non-regular sales operated out of a residence.

**Gas Station Price Sign:** A changeable copy sign for the single purpose of advertising gasoline prices.

Historical Markers: Signs erected or maintained by public authority or by a recognized historical society or organization identifying sites, buildings, districts, or structures of recognized historical value.

Home Occupation Sign: A sign used in conjunction with a home occupation as established in Section 3.100(3).

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Industrial Park Area: Those industrial properties with three or more business tenants as occupants of the property or that share a common off-street parking area, whether or not the businesses, buildings, or land are under common ownership.

Integrated Business Center: A group of two or more businesses **or industries** that are planned or designed as a center, or share a common off-street parking area or access, whether or not the businesses, buildings, or land are under common ownership.

Joint Use Sign: When two or more businesses combine their principal signs into one freestanding sign for each common frontage of such business or for each frontage for an integrated **business shopping** center in which such businesses are located.

~~Major Integrated Center: A commercial development having at least two anchor stores or major tenants, each containing a minimum of 40,000 square feet in gross floor area.~~

**Major Tenant: A tenant occupying a minimum of 40,000 square feet in gross floor area.**

Mansard Roof: A roof with two 2 slopes on all sides, the lower slope being nearly vertical and the upper nearly horizontal.

Marquee: A permanent roofed structure attached to and supported by the building and projecting over public property that is constructed for purposes other than signage.

~~Minor Integrated Center: A commercial development with more than one tenant space that does not meet the minimum standards for Major Integrated Center.~~

Mural: A graphic illustration or artful presentation which is painted or otherwise applied without projections to an outside wall of a structure.

Name Plate: A sign identifying a name, street address, occupation and/or profession of the occupant of the premises.

Nonconforming Sign: Any sign that lawfully exists prior to the effective date of this article but, which due to the requirements adopted herein, no longer complies with the height, area, and placement regulations or other provisions of this title.

Off-Premises Directional Sign: A directional sign that displays only the name, logo, and/or address of a business or other use and a directional indicator and is located on another's property.

Opening Banner: A banner announcing the opening of a new business ("Grand Opening" or words to that effect).

Portable Sign: A sign that is not permanently affixed to a building, structure, or the ground that is designed to be moved from place to place. Real estate signs conforming to Section 13.320(10) and garage sale signs conforming to Section 13.320(2) are excluded from this definition.] Portable signs (not limited to A-frame signs) primarily include signs attached to wood or metal frames designed to be self-supporting and movable.

Projecting Signs: A sign projecting more than 12 inches from a structure and meeting the standards of Section 13.530.

Public Safety and Convenience Sign: Sign designed primarily to be read by a person on the premises and used only to identify and locate an office, entrance, exit, telephone, and similar place, service, or route.

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

Roof Line: Either the eave of the roof or the top of the parapet, at the exterior wall. (A “mansard roof” is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the roof line.

Rotating/Revolving Sign: A sign all of or a portion of which moves in some manner.

Sandwich Board Sign: A two-sided portable sign designed to fold flat. **Also called an A-frame sign.** See also portable sign.

Sign: Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration); emblem (including device, symbol or trademark); flag (including banner or pennant); or any other device figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Height: The distance from the finished ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

Single Face Sign: A sign with a display on only one surface of a sign structure.

Special Event Sign: A sign advertising or pertaining to any special event taking place within Linn or Benton Counties.

Static Display: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means where messages change with no transition. [Ord. 5794, 11/7/12]

Street Frontage: That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. **Street frontage excludes that portion of a property that abuts an alley.**

Temporary Signs: **Signs not permanently attached to a building, structure or the ground, which are to be used for a limited period of time. Temporary signs include, but are not limited to: real estate signs, construction project signs, banners, A-frame, inflatable displays, feather signs, pennants and special event signs.**

Transition: A visual effect used on an electronic message display to change from one message to another. [Ord. 5794, 11/7/12]

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

Window Sign: A sign outside or inside a window that is designed and placed so as to be read by people from a public right-of-way, excluding open and closed and/or business hours signs. [Ord. 5445, 4/12/00]

## REVIEW PROCEDURES

- 13.210 Permit Needed. Except as specifically excluded herein, no property owner, lessee, contractor, or other person shall display or cause to be displayed any sign requiring a permit as set forth in this Code, except for maintenance of signs that conform with this ordinance, without first obtaining from the Building Official a written permit to do so, paying the fees prescribed therefore, and otherwise complying with all of the applicable provisions of this ordinance. If a governmental agency requires the relocation of a sign, the fee described above shall be waived.
- 13.211 Approval of Permits. Unless otherwise authorized by this ordinance, no permit shall be issued for any new sign within the city until such sign is reviewed and approved by the Building Official or his designee. When a sign is to be located on a lot occupied by a structure listed on the official city historic inventory, then the sign shall be considered an exterior alteration subject to the provisions of Article 7.
- 13.212 Permit Fees. The permit fees shall be established by Council resolution. If a sign is installed without a permit and the sign conforms to all other provisions of this ordinance, a double fee shall be collected. Other signs installed without permits shall subject the persons responsible to any and all penalties provided by this Code.
- 13.213 Application Requirements. An application for a sign permit shall be made on a form prescribed by the Building Official and shall be filed with the Building Division. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and addresses of the sign company, person authorizing erection of the sign and the owner of the subject property.
- 13.214 Permit Issued if Application in Order. It shall be the duty of the Building Official, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed sign is in compliance with all the requirements of this ordinance and all other laws and ordinances of the City of Albany, he/she shall then issue the sign permit.
- 13.215 Enforcement. In addition to the enforcement criteria set forth in Section 1.110 through 1.190 of the Development Code and Chapter 1.04 of the Municipal Code, the following provision applies:

Enforcement shall be as set forth in Section 1.110 through 1.190 of the Development Code and Chapter 1.04 of the Municipal Code. Unsafe signs, abandoned signs, signs erected without a permit, and nonconforming signs past the conformance deadline may be subject to the abatement procedure listed under Title 18 of the Albany Municipal Code (AMC), Dangerous Buildings, Structures and Premises, in addition to the other remedies set forth in this Code.

## GENERAL SIGN REGULATIONS

- 13.310 Standard Sign Exemptions. No permit is necessary before placing, constructing, or erecting the following signs:
- (1) Governmental street signs, such as traffic signs or informational and directional signs as may be authorized by the City.
  - (2) Signs of public utility companies indicating danger, or that serve as an aid to public safety, or that show the location of underground facilities or of public telephones.
  - (3) Signs that are not meant to be visible off-site, such as signs in a stadium that are visible only to patrons, and signs on the interior of a mall or building not visible from a public right-of-way.
  - (4) Official or legal signs which are erected by public officers performing official duties including those erected pursuant to law, administrative order, or court order.
- 13.320 Conditional Sign Exemptions. No permit is necessary before placing, altering, constructing or erecting the following signs as long as the applicable standards have been met:
- (1) Construction Project Signs. ~~One~~ **All signs shall not to exceed 64 square feet per street frontage during the period of project construction. The maximum height for freestanding construction project signs is 10 feet.** ~~, and two signs per project shall be the maximum allowed.~~  
*Staff Comment: The limitation on the number of construction signs is removed to allow more than 2 signs per frontage, but only during the period of constructing the project.*
  - (2) Garage, Yard and Other Temporary Residential Sales. Shall not exceed 4 square feet per face and 4 feet in height. Such signs shall not be erected prior to one week before this event and shall be removed no later than the day after the event, or no more than a total of 15 consecutive days for extended sales. Not more than two on-premises and two off-premises directional signs shall be allowed. They shall not be placed in the public right-of-way or vision clearance areas and must be posted with the property owner's permission.
  - (3) Historical Markers. As defined.
  - (4) Home Occupation Signs. One sign not larger than 12 inches by 18 inches may be placed in a window or attached to the building.
  - (5) House and Building Numbers. Individual characters shall not be less than 3 inches tall nor exceed 12 inches in width or height.
  - (6) Nameplate. One nameplate, not exceeding 2 square feet total shall be allowed for each occupant; the nameplate shall be affixed to the building wall.
  - (7) Search Lights. Search lights may be permitted if they are part of an opening or promotional event as allowed in Section 13.680, but no business shall utilize search lights more than 5 days in duration or 15 days total in any calendar year.
  - (8) Permanent Building Plaques. One sign per building frontage with a combined size of 4 square feet or less, which may only indicate the building name and date of construction and be affixed to

the building wall.

- (9) Political Signs. Signs shall be erected and maintained entirely on private property with the consent of the occupant of the premises, and be limited to an area of 4 square feet per face in a residential zone and 8 square feet per face in a commercial or industrial zone and a maximum dimension or height of 3 feet in a residential zone and 5 feet in a commercial or industrial zone. Billboards are excluded from this provision. No signs shall be erected or maintained on utility poles or upon trees, rocks or other natural features. Signs shall not be erected prior to 45 days from the date the ballots are mailed to the general public, and shall be removed within 7 days after the election. Violation of this ordinance shall result in enforcement procedures against the candidate or property owner. [Ord. 5768, 12/7/11]
- (10) Real Estate Signs. Signs shall conform to the following restrictions:
- (a) Commercial and Industrial Zones. In commercial and industrial zones, real estate signs shall conform to all restrictions (such as number and size) applicable to that zone, except that no sign shall exceed 100 square feet in area per face and 10 feet in height. If a developed property meets or exceeds the maximum signage allowed, then one additional wall sign per frontage shall be allowed not exceeding 10 percent of the wall face area.
  - (b) Residential Zones. When single-family, duplexes, or multi-family units are for rent, lease, or sale, the following regulations apply:
    - 1. The owner or the owner's authorized representative may erect one sign per frontage with a maximum of two signs per lot.
    - 2. Up to two directional signs may be erected off premises with the property owner's permission, but no more than one off-premises sign may be located on any tax lot.
    - 3. Signs shall not exceed 6 square feet per face.
    - 4. A-frame signs are allowed if they do not exceed 4 square feet per face and shall be removed at dusk and not replaced before sunrise.
    - 5. For placement in a city right-of-way, a right-of-way use permit is required (per AMC 13.33).
  - (c) Subdivisions. Subdivisions involving more than three contiguous lots shall be allowed advertising signs subject to the following restrictions:
    - 1. Signs shall be limited to one double-faced sign of 32 square feet per face, placed at a right angle to the street, or two 24 square foot signs facing the street. Such signs shall be at least 700 feet apart and shall not exceed a height of 8 feet.
    - 2. Signs shall be placed within the subject subdivision.
    - 3. Signs shall be removed at the end of 2 years, or when 90 percent of the subdivision lots contain a completed structure, whichever occurs first. (For permanent neighborhood marker signs, see Section 13.610.)
- (11) Directional, Public Safety and Convenience. Signs that are for public safety and convenience such as parking directional signs, store hours, open/closed, credit card acceptance, restroom facilities, and taxi signs - when attached to a building, etc. shall be located and sized commensurate with their function but shall not exceed 8 square feet per face per sign. **The maximum height for freestanding directional/public safety/convenience signs is 3 feet.** ~~No more than 50 percent of the sign area can be a business identification or logo.~~ All signs must be placed outside of any vision clearance area. *Staff Comment: Deleted 50% limitation on logos because it is an unnecessary restriction, added "Directional" for clarification*

*and added a 3' height limit if these signs are freestanding.*

- (12) Window Sign. Product advertising signs inside a window are allowed without regard to other aggregate or number sign restrictions. Window signs shall not obscure more than 50 percent of any individual window.
- (13) Seasonal Sign. Seasonal sales signs for temporary businesses such as Christmas tree sales and fireworks booths shall be allowed as follows:
- (a) One sign per frontage.
  - (b) Sign area can be no greater than 32 square feet.
  - (c) Signs can be displayed only for the following periods:
    1. For Christmas related signs, day after Thanksgiving to January 4th.
    2. For Fourth of July related signs, from June 15 to July 6.
    3. For Easter related signs, from 15 days before Easter to 5 days after.
    4. Other seasonal sign time limits may be determined by the Building Official, but shall not exceed 30 days.
  - (d) Seasonal murals shall be allowed subject to the time limits above.
- (14) Awning or Marquee. A sign located on the valance or bottom vertical 12 inches of the awning or on the face or vertical edge of a marquee and advertising only the name of the business.
- (15) Alteration of Sign Faces or Change in Copy Information. Provided that the sign structure is in conformance with all other provisions of this Article and the subject use has received all required development permits, only structural modifications or enlargements shall be subject to sign permit requirements. See 13.811 for copy changes to nonconforming signs.
- (16) [Repealed by Ord. 5768, 12/7/11]

13.330 Prohibited Signs. The following signs are prohibited and may not be placed within the City of Albany:

- (1) Obstructing Signs. A sign or sign structure that is attached to or placed against a building or other structure in such a manner as to prevent or inhibit ingress or egress through any door or window required or designated for access to any building or that is attached to or obstructs a fire escape, exit, or standpipe.
- (2) Portable Sign. Except as allowed in Section 13.320(10) (Real Estate Signs), Section 13.320(2) (Garage Sale Signs), Section 13.680 (Promotional Displays), and those signs allowed as per Albany Municipal Code Chapter 13.33.
- (3) Obscene Sign. It shall be unlawful for any person to display upon any sign any obscene, indecent, or immoral matter.
- (4) Roof Signs. A sign or any portion of which is displayed above the roof line.
- (5) Flashing, Animated, Rotating or Revolving Signs, or signs that glare, change color more than three times per minute, reflect, blink, or appear to do any of the above except for clocks, approved time and temperature signs, and barber poles not more than 4 feet long and 1 foot in diameter.

- (6) Signs in vision clearance areas as defined in Section 12.180, except for Public Safety and Convenience Signs approved under a site plan review procedure and sign poles that meet the standards of Section 12.180.
  - (7) Pennants, streamers, festoon lights and other similar devices with parts intended to be moved by the wind except as allowed in Section 13.680.
  - (8) Signs attached to any tree or public utility pole, other than warning signs issued by public utilities.
  - (9) Signs using bare-bulb illumination or lit so that the immediate source of light is exposed to direct view from a public street or highway. This is not intended to prohibit the use of neon as a source of illumination.
  - (10) Signs using flame as a source of light.
  - (11) Any sign that purports to be or is an imitation of or resembles an official traffic sign or signal, or that bears the words "STOP, GO, SLOW, CAUTION, DANGER, WARNING," or similar words, when used in a manner resembling an official traffic sign.
  - (12) Any sign, which by reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device, or that hides from view any traffic sign or signal.
  - (13) Inflatable signs containing advertising or logos except for promotional purposes as allowed per Section 13.680.
  - (14) Changeable copy signs that take up more than 50 percent of the sign face except for theaters, churches, and service station price signs.
  - (15) Any sign placed on the roof of a marquee.
  - (16) Any sign or portion thereof erected within future street right-of-way as depicted in the Transportation System Plan as amended, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the City.
  - (17) Signs placed to be viewed primarily from the freeway except for those signs allowed under Section 13.440.
  - (18) Signs in the public right-of-way except as listed in Section 13.310 **13.670, 13.680(6)** or Albany Municipal Code Chapter 13.33 (Temporary Right-of-Way Use Permits). [Ord. 5768, 12/7/11]
- 13.340 Abandoned Signs. Signs existing beyond 60 days or sign structures existing beyond 12 months from when a bona fide business is no longer conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.
- 13.350 Construction Standards. All signs shall be designed and constructed to meet the requirements of the State of Oregon Structural Specialty Code. Any electrical apparatus used in connection with a sign must be covered by an electrical permit. The amperage and voltage of such apparatus must be permanently affixed to the sign.

13.360 Maintenance of Signs. All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration.

*Staff Comment: Combined Pedestrian Areas with Commercial and Industrial Areas to provide clarity and reduce redundancy.*

**SIGN STANDARDS BY SIGN ZONING DISTRICT**

PEDESTRIAN AREAS

~~13.411 District Areas. The Pedestrian Area shall consist of the CB (Central Business), HD (Historic Downtown), MUC (Mixed Use Commercial), and LE (Lyon Ellsworth) zones. [Ord. 5446, 5/10/00, Ord. 5556, 2/21/03]~~

~~13.412 Aggregate Sign Restrictions. The total number and area of signs in pedestrian areas shall conform to the following:~~

- ~~———— (1) The aggregate number of signs allowed for each business shall be no more than two signs for each building frontage.~~
- ~~———— (2) The aggregate area of all signs per building frontage, except for exclusive use of wall signs in Section 13.413(2), shall not exceed an area equal to one square foot for each lineal foot of building frontage with a minimum aggregate area restriction of 30 square feet and a maximum aggregate area of 120 square feet.~~
- ~~———— (3) As an option to the above, when a customer entrance/exit is used by a group of businesses for access, then each business with frontage can have one wall sign or marquee sign no greater than ½ foot for each foot of the business fronting on the street. In addition, one sign is allowed using the entire building frontage for all businesses located within, which shall not exceed 1 square foot for each 1 foot of lineal frontage.~~
- ~~———— (4) Aggregate area and number provisions do not include nameplates, directional signs, awning and marquee signs as prescribed in Sections 13.320 (3, 5, 6, 8, 11, 12, and 14).~~

~~13.413 Wall Signs. Wall signs in pedestrian areas shall comply with the following provisions:~~

- ~~———— (1) No wall sign shall exceed 60 square feet, unless increased by the following provision.~~
- ~~———— (2) If wall signs are used exclusively, the area allowed shall be calculated at 1.5 square feet for each lineal foot of wall frontage up to a maximum individual sign size of 75 square feet and a maximum aggregate area of 150 square feet.~~

~~13.414 Freestanding Signs. Freestanding signs in pedestrian areas shall comply with the following provisions:~~

- ~~(1) Signs shall be no higher than 25 feet.~~
- ~~(2) One sign shall be permitted for each lot with a street frontage in excess of 50 lineal feet. Two or more parcels of less than 50 feet may be combined for purposes of meeting the foregoing standard, provided that all businesses are identified on such signs.~~
- ~~(3) Signs shall not exceed a total face area of ¾ square feet for each lineal foot of street frontage with a maximum face area of 50 square feet for one face or a total of 100 square feet for two or~~

~~more faces.~~

- ~~(4) Signs shall be placed on the central 50 percent of the street frontage of the business(es) or 40 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.~~

~~13.415 Projecting Signs. Projecting signs in pedestrian areas shall comply with the following provisions:~~

- ~~(1) One sign shall be permitted for each business or group of businesses occupying a single common space or suite instead of a freestanding sign.~~
- ~~(2) Signs shall not exceed an area of 3/4 square feet for each lineal foot of business frontage to which the sign pertains, except that any business may have one projecting sign of 12 square feet per face. The maximum area of any projecting sign shall be 50 square feet per face.~~

#### COMMERCIAL AND INDUSTRIAL AREAS

13.421 **Zoning Districts Areas.** ~~The commercial and industrial areas shall consist of the~~ **The following sign standards apply to the** CB (Central Business), HD (Historic Downtown), MUC (Mixed Use Commercial), LE (Lyon-Ellsworth), OP (Office Professional), NC (Neighborhood Commercial), CC (Community Commercial), RC (Regional Commercial), MUR (Mixed Use Residential), MS (Main Street), WF (Waterfront), TD (Transit District), ES (Elm Street), PB (Pacific Boulevard), LI, (Light Industrial), HI (Heavy Industrial), and IP (Industrial Park) zoning districts. [Ord. 5446, 5/10/00, Ord. 5555, 2/7/03]

*Staff Comment: Wall sign area allowance for each building frontage is based on the length of the building frontage with minimum and maximum area restrictions; the number of wall signs is not restricted anymore; and the 12% of wall area restriction is eliminated because it is unnecessary if sign area is based on the length of building frontage.*

13.422 **Aggregate Sign Restrictions Wall Signs.** ~~The total number and area of wall signs in commercial and industrial areas shall conform to the following:~~

- ~~(1) The aggregate number of signs allowed for each property shall be two signs for each frontage.~~
- ~~(12) **Sign Area.** The aggregate area of all wall signs for each street building frontage shall not exceed an area equal to 1-1/2 1 square foot feet for each lineal foot of street building frontage to which the sign pertains. However, I In addition, aggregate wall sign area shall be subject to the following minimum and maximum ranges for each building frontage:~~
- ~~(a) For CC, RC, PB, LI, HI, and IP zones, the minimum is 48 45 square feet, maximum is 200 square feet. [Ord. 5555, 2/7/03]~~
- ~~(b) For NC, MS, MUCR and WF zones, the minimum is 32 35 square feet, maximum is 160 150-square feet.~~
- ~~(c) For CB and HD zones the minimum is 32 square feet, maximum is 120 square feet.~~
- ~~(de) For LE MUR, OP, ES and TD zones the minimum is 32 24 square feet, maximum is 80 50 square feet. [Ord. 5446, 5/10/00]~~
- ~~(2) Aggregate area provisions do not include nameplates, directional signs, awning and marquee signs as prescribed in Sections 13.320 (3, 5, 6, 8, 11, 12, and 14).~~

~~13.423 **Wall Signs.** Wall signs in commercial and industrial areas shall comply with the following provisions:~~

- ~~(1) No wall sign shall exceed 100 square feet except as noted below.~~
- ~~(32) If wall signs are used exclusively, the area allowed shall be calculated at 2 square feet for each lineal foot of street frontage up to a maximum individual size of 125 square feet and a maximum aggregate area of 250 square feet in the CC, RC, LI, HI, PB, and IP zones; 180 square feet in the NC, MUR, WF and MS zones; and 75 square feet in the OP, ES and TD zones. [Ord. 5446, 5/10/00, Ord. 5555, 2/7/03]~~

13.424 **Freestanding Signs.** Freestanding signs in commercial and industrial areas shall comply with the following provisions:

- (1) **Height.** Signs shall be no higher than 30 feet in the PB, CC, RC, LI and HI zones, ~~in the 25 feet in the MUC zone, and 15 feet in the CB, HD, LE, MUR, WF, MS, ES, TD, NC, OP, and IP zones. signs shall be no higher than 15 feet.~~ Signs located within the freeway interchange area may be higher per Section 13.440. [Ord. 5555, 2/7/03]
- (2) **Number of Signs.**
  - (a) In the CB, HD, LE and MUR zones, one freestanding sign shall be permitted for each lot with a street frontage in excess of 50 lineal feet. Two or more parcels of less than 50 feet may be combined for purposes of meeting this standard, with the approval of all affected property owners. *Staff Comment: This standard is brought over from ADC 13.414(2).*
  - (b) **In all other non-residential zones, One freestanding** sign shall be permitted for each lot with a street frontage in excess of 75 lineal feet. Two or more parcels less than 75 feet may be combined for purposes of meeting this standard with the approval of all affected property owners.
- (3) **Sign Area.** Signs shall not exceed a total face area of 3/4 square feet for each lineal foot of street frontage with a maximum area of 160 square feet per face in the PB, CC, RC, LI, HI, and IP zones, 120 square feet in the MUCR, WF, MS and NC zones and **50 40** square feet in the **CB, HD, LE, MUR, ES, TD and OP** zones. In all cases a minimum allowance of 20 square feet is guaranteed. [Ord. 5555, 2/7/03]
- (4) **Location.** Signs ~~for interior businesses~~ shall be placed on the central ~~forty~~ **50** percent of the street frontage of the business(es) or **50 60** feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met. [Ord. 5446, 5/10/00]

13.425 **Projecting Signs.** Projecting signs in commercial and industrial areas shall comply with the following provisions:

- (1) **Number of Signs.** One **projecting** sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a freestanding sign.
- (2) **Area.** Signs shall not exceed an area of 3/4 square feet for each lineal foot of business frontage to which the sign pertains.

- (a) In the CB, HD, LE and MUR zones, the maximum area of any projecting sign shall be 50 square feet per face with a minimum allowance of 12 square feet. *Staff Comment: This standard is brought over from ADC 13.415(2).*
- (b) **In all other non-residential zones,** the maximum area of any projecting sign shall be 80 square feet per face with a minimum allowance of 20 square feet.

*Staff Comment: Major and Minor Integrated Centers Combined  
to provide clarity and reduce redundancy.*

#### **INTEGRATED BUSINESS CENTERS OR AND INDUSTRIAL PARK AREAS**

- 13.430 **Application:** The following standards apply to integrated business centers, which are a group of two or more businesses or industries that are planned or designed as a center, or share a common off-street parking area or access, whether or not the businesses, buildings, or land are under common ownership. ~~General Provisions. The allowed number and square footage of integrated center signs is determined by the size and characteristics of the center. Centers having at least two anchor stores or major tenants, each containing a minimum of 40,000 square feet in gross floor area, are regulated under Major Integrated Centers. Those centers not meeting the minimum standards above are covered under Minor Integrated Centers.~~

#### MINOR INTEGRATED CENTERS

- 13.431 ~~Overall Identity Sign~~ **Joint Use Sign.** When two or more businesses combine their freestanding signs into one sign the following standards apply:
- (1) One freestanding, joint use sign per street frontage that has a customer entrance is allowed. *Staff Comment: This standard is brought up from ADC 13.434.*
  - (2) The ~~overall identity~~ or joint use sign must comply with Section 13.424, except that a bonus to the maximum size provisions is allowed **in the PB, CC, RC, LI, HI, and IP zones** so that the maximum area is 200 square feet per face and the minimum allowance is 60 square feet.
  - (32) In lieu of (24) above, integrated businesses **centers** that utilize overall business center identity signs that are less than **8 6** feet tall, may locate one such sign per entrance. Such signs are limited in aggregate area to 200 square feet.
  - (43) Properties having two or more frontages, one of which is in excess of 400', are permitted two freestanding **joint use** signs on the long frontage provided that the total combined area does not exceed 200 square feet (on one face); however, no freestanding sign is allowed on the other frontage.
  - (4) ~~In determining size restrictions based on frontage, an individual sign size can be any percentage of that allowed so long as the total allowance for all signs is not exceeded.~~ *Staff Comment: Total aggregate area for wall and freestanding signs is eliminated so this provision is unnecessary and thus deleted.*
- 13.432 Individual Businesses.
- (1) ~~One wall sign per building frontage or parking lot frontage provided that the~~ **Illuminated** wall signs adjacent to ~~a the~~ parking lot is **must be** at least 75 feet from a facing residential area.

- (2) ~~The Wall signs area is shall be limited to the provisions of Section 13.422, except a major tenant occupying a minimum of 40,000 square feet in gross floor area is allowed a bonus to the maximum size provisions in the PB, CC, RC, LI, HI, and IP zones so that the maximum wall sign area is 240 square feet. 13.520, 13.412 and 13.413 for pedestrian areas, and 13.422 and 13.423 for commercial and industrial areas. Staff Comment: Limitation on the number of signs allowed is deleted.~~
- (32) If the business is not represented on the joint use sign, one freestanding monument sign is permitted for use by each freestanding pad building. The sign structure is limited to 8 feet tall measured from ground level and 10 feet in horizontal length. The sign face(s) is/are limited to a **maximum area of 32 square feet**. ~~If the name of the business is not placed on the overall identity or joint use sign, two wall signs are allowed per frontage. Wall sign area is determined by 13.413(2) for pedestrian areas and 13.423(2) for commercial and industrial areas. Staff Comment: This section brought over from 13.435 and sign face area is simplified from 4' x 8' to 32 square feet. The original language deleted because there is no limitation on the number of wall signs, just a square footage allowance, so it is unnecessary.~~
- (4) **Interior Businesses.** ~~When an individual business does not have frontage on a street or parking lot, the business is allowed a maximum aggregate wall sign area of 16 square feet. Staff Comment: ADC 13.433 (below) is replaced with the standard listed above. A square footage allowance is provided for interior businesses rather than making their sign allowance dependent upon the remaining signage area; and the requirement that these signs be placed only to near the entrance is eliminated.~~

~~13.433 Special Signs for Interior Businesses. When an individual business does not have frontage on a street or parking lot, such business or businesses may utilize any remaining signage area, subject to the following restrictions:~~

- ~~(1) There shall be only one interior business sign per entrance, but multiple business advertising or identification can appear on such sign.~~
- ~~(2) Such sign shall be located within 30 feet of an entrance open to the public providing access to the business.~~
- ~~(3) Any interior business shall not use this provision more than twice.~~

**13.434 Mall Business Center Identity Wall Signs.** ~~Mall-Business center identity wall signs may be placed over all main entries to the mall business center and are limited to 130 square feet in size. Staff Comment: This standard relocated from ADC 13.437(2).~~

**13.435 Sign Spacing.** A minimum of **100** ~~200~~ feet of spacing is required between freestanding signs. *Staff Comment: This standard relocated from ADC 13.438 and spacing reduced to 100' because combining major and minor centers.*

#### **MAJOR INTEGRATED CENTERS**

~~13.434 Overall Identity Sign. One freestanding, joint use sign per street frontage that has a customer entrance~~

is allowed. This sign is limited to 200 square feet per face and 30 feet tall.

~~13.435 Individual Businesses.~~

- ~~(1) If the business is not represented on the integrated center sign, one freestanding monument sign is permitted for use by each freestanding pad building. The sign structure is limited to 6 feet tall measured from ground level and 10 feet in horizontal length. The sign face(s) is/are limited to 4 feet tall and 8 feet in horizontal length.~~
- ~~(2) One wall sign per business per parking lot or street frontage. Allowed sign area is calculated at 1 square foot per lineal foot of building frontage on which the sign will face, with a minimum size of 30 square feet and a maximum area of 60 square feet.~~

~~13.436 Major Store Signs. Each major store with an entrance from a parking area or street is allowed 2 wall signs on each frontage, provided that the building wall is at least 75 feet from a residential district. The aggregate sign area is limited to 3 percent of the gross wall area of the face on which the sign is to be located, or 200 square feet, whichever is less.~~

~~13.437 Mall Entrance and Identity Signs.~~

- ~~(1) At each mall entrance, each interior business is allowed at least 2 square feet in signage. The maximum entrance sign area allowed is twelve (12) feet. Remote signs for major tenants are allowed if they do not exceed 12 square feet in area, and are in addition to the interior business sign.~~
- ~~(2) Mall identity wall signs may be placed over all main entries to the mall and are limited to 130 square feet in size. *Staff Comment: Relocated to ADC 13.434*~~

~~13.438 Sign Spacing. A minimum of 200 feet of spacing is required between freestanding signs. *Staff Comment: Relocated to ADC 13.435*~~

### **FREEWAY AREA SIGNS**

13.440 General Provisions.

- (1) When an individual business catering to the motoring public traveling on the Interstate 5 Freeway is within the Freeway Interchange Area, as defined and as shown in Figure 1, such business may have one freestanding sign up to 50 feet tall.
- (2) Maximum sign area is limited to 250 square feet for one face, 500 square feet for two or more faces.
- (3) If such sign is erected, it shall be in lieu of and not in addition to the signs permitted by Section 13.422 for such business along the street frontage on which it is located.
- (4) A freeway-oriented sign shall comply with requirements of Section 13.424(2).
- (5) For purposes of this Section, “business catering to motoring public” shall be limited to regional recreational facilities, convention centers, service stations, restaurants, motels, hotels, and recreational vehicle parks. (Ord. 5281, 3/26/97)

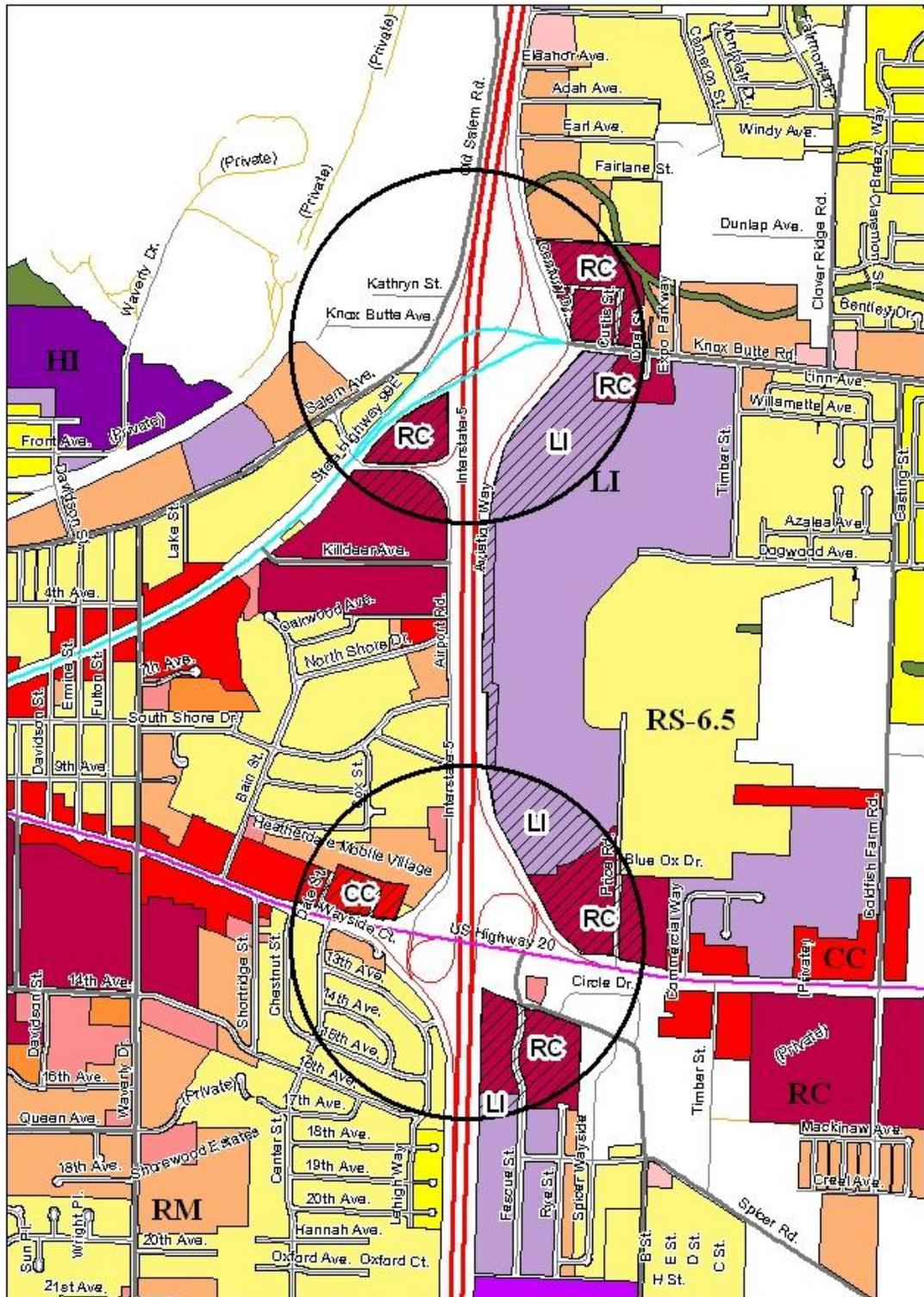


Figure 1: Freeway Interchange Area (Ord. 5281, 3/26/97)

## STANDARDS BY SIGN TYPE

13.510 Freestanding Signs. The following standards apply to all freestanding signs:

- (1) **Supports**. A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross-braces, guywires, "T-frames," "A-frames," "trusses," or similar bracing systems shall be used in constructing freestanding signs.
- (2) **Clearance**.
  - (2a) No freestanding sign shall ~~project over public property more than 8 feet or~~ be closer than 2-1/2 feet of the curb line nor over any state highway right-of-way as specified in state law. In the event the street shall be widened or changed in any manner so that the change would result in the projection of a sign to a distance over public property, then the owner of said sign shall remove it and replace it at the expense of the owner. *Staff Comment: Removed the ability to allow freestanding signs to project over public property.*
  - (3b) Freestanding signs shall have a minimum clearance of 15 feet over a driveway or parking area.
  - (4c) Freestanding signs shall have a minimum clearance of 8 feet over a pedestrian walkway or sidewalk.
- (35) **Signs Near Intersections**. When a freestanding sign is located at the corner of two intersecting rights-of-way and placed a distance from the right-of-way corner of less than 50 feet in pedestrian areas and less than 75 feet in other commercial/industrial areas, the sign shall be counted as one sign for each frontage. When a face can be seen from a street, then that face shall count as part of the aggregate area for that street frontage (not to exceed counting one face per frontage). The maximum size allowed for such sign shall be based on the street frontage with the highest average daily traffic count or the average of the two frontages.
- (46) **Signs on Fences**. Fence signs shall be subject to the same size and placement requirements as a wall sign and shall not exceed the height of the fence.

13.520 Wall Signs. The following standards apply to all wall signs:

- (1) **Projection**. No wall sign shall project more than 12 inches beyond the wall to which it is attached.
- (2) **Placement**. No wall sign shall extend above the roof or eave line of the building.
- (3) ~~Wall signs shall not exceed an area of 12 percent of the wall area of the business to which the signs pertain or the total aggregate area for the sign district in which the business is located, whichever is less.~~ *Staff Comment: This standard is deleted because wall sign area is regulated by ADC 13.422 in "Standards by Zoning District."*

13.530 Projecting Signs. The following standards apply to all projecting signs:

- (1) **Placement**. The inner edge of a projecting sign shall not be more than 6 inches from the face of the building.

- (2) **Clearance.** Projecting signs shall have a minimum clearance of 8 feet over sidewalks, **public right-of-way** or grade and 15 feet over driveways.
- (3) **Projection.** No projecting sign (or other signs) shall project more than 8 feet over public property nor closer than within 2-1/2 feet of the curb line.
- (4) **Signs near intersections.** When a projecting sign is located at the corner of two intersecting rights-of-way and positioned so that each sign face is designed to be read from each adjacent right-of-way, the sign will be counted as one sign for each frontage and the area of each face shall count as part of the aggregate area for each frontage, except that the maximum size of such sign may be based on the street frontage with the highest average daily traffic count.

13.540 **Marquee and Awning Signs.** The following standards apply to all marquee or awning signs:

- (1) Signs suspended from a marquee shall not extend beyond the perimeter of the marquee. Signs attached to the vertical face of the marquee shall not extend above or below the face to which it is attached.
- (2) Signs ~~hanging~~ **suspended** from marquees must be a minimum of 7 feet 6 inches above grade.
- (3) Signs **suspended from marquees that are** 4 square feet or smaller are exempt from sign number and area restrictions; larger signs are treated as projecting signs and subject to all applicable provisions.
- (4) Awning or marquee signs as specified in Section 13.320(14) are exempt from permits and shall not be included in the aggregate area computation nor shall be counted in the total number of signs allowed per frontage.
- (5) **Awning or marquee** signs not meeting the above criteria shall be considered to be wall signs and shall be regulated by the provisions of Sections 13.413 or Sections 13.423, depending on the zone.

13.550 **Changing Electronic Message Signs.** Signs with a changing electronic message are subject to the provisions of this Article. [Ord. 5446, 5/10/00]

13.560 **Signs for Theaters.** The following standards apply to all theater signs:

- (1) Where a building is built within two feet of a right-of-way line, the theater may elect to use in lieu of all other signs along the same street frontage either signs listed in Paragraphs (2)(a) or (2)(b) below but not both.
- (2) Sizes shall be limited to those regulations of the district in which they are located. For the purpose of limiting the size and number of signs for theaters, advertisements contained within a glass case or frame on the face of the building advertising present or coming attractions shall be considered as signs located within a building and shall not be limited. The theater may elect to use:
  - (a) One projecting sign and one reader board type sign limited to a projection of eight feet over public property but not closer than within 2-1/2 feet of the curb line; or
  - (b) One projecting sign and one sign on each face of a theater marquee.

**STANDARDS BY SPECIAL SIGN FUNCTION**

13.610 Neighborhood Signs. For subdivisions, multiple-family units (including planned developments), or identified neighborhood areas, 1 single- or double-faced, indirectly lit sign not to exceed 24 square feet for one face or 48 square feet in surface area for 2 or more faces. If the sign is not attached to a building, the sign may be no more than 4 feet tall. The information allowed on the sign shall be limited to the name and address of the development. If the sign pertains to any development request, then the location and design shall be subject to the appropriate review.

13.620 Residential Conditional Uses. The following standards apply to signage for all institutional uses allowed conditionally in residential zones and the MUR (Mixed Use Residential) district except the HM (Hackleman Monteith) District:

- (1) When an institutional use is allowed conditionally in a residential zone, the size and placement of a sign may be further restricted as part of conditional use review but shall not exceed 32 square feet per face.
- (2) One freestanding changing electronic message sign is allowed per use, with a minimum of 100 feet of public street frontage.
- (3) Sign face shall be perpendicular to adjacent residential uses.
- (4) Maximum sign height shall not exceed 12 feet, unless minimum clearance standards in Sections 13.510(3) and (4) apply. Under no circumstances shall the sign height exceed 19 feet.
- (5) The portion of the sign with the changing electronic message shall be turned off between the hours of 9:00 p.m. and 6:00 a.m.
- (6) The color of the changing electronic message display shall be monochromatic.
- (7) The duration of the message display shall be not less than 20 seconds and static only.
- (8) Changing electronic message signs shall not be allowed in residentially-zoned historic districts.  
[Ord. 5794, 11/7/12]

13.630 [Repealed by Ord. 5445, 4/12/00]

13.632 [Repealed by Ord. 5445, 4/12/00]

13.633 [Repealed by Ord. 5445, 4/12/00]

13.640 Off-Premises Directional Business Signs.

- (1) Off-premises directional signs shall be allowed only in the CC, CB, RC, and industrial zones.
- (2) A Type II procedure shall be utilized for the review of Off-Premises Directional Signs. Such Off-Premises Directional Sign shall be approved only when the property owner or business owner can demonstrate that the existing signs allowed under the ordinance fail to relieve an unreasonable hardship and that the hardship can only be relieved by the erection of an off-premises directional sign, and compliance with criteria set forth in Section 13.710.
- (3) Any permit issued under this Section is non-transferable and the sign may only be used for the purpose for which the permit is granted.
- (4) Only one off-premises directional business sign shall be allowed per business.

- (5) The face size of an off-premises directional sign shall not exceed three 3 feet tall or 6 feet in horizontal length.
- (6) The maximum height of any portion of any off-premises sign structure shall not exceed eleven 11 feet tall from ground level to the top of the structure nor 8 feet in horizontal length.
- (7) Except as provided in Section 13.310(1), all off-premises directional signs must be placed outside of any public rights-of-way and any vision clearance area.
- (8) Where applicable, off-premises signs are subject to state highway permits.

13.650 Murals. Murals that contain advertising material are subject to conditional use permit approval (Article 2) except that the criteria for approval shall be replaced by the criteria below in Section 13.650(3)6. Seasonal murals (such as Christmas window displays), and murals not containing advertising material shall be exempted from this Section.

*Staff Comment: Mural section is reformatted only. (Note: no way to control paint on buildings now and if LAC was the decision-maker need to establish criteria.)*

~~13.652~~

(1) Information Requirement. The applicant requesting ~~the~~ **a mural** permit shall submit a finished drawing, prepared to scale, of the outside wall, facade, or surface that the applicant proposes to use for said mural, and of the mural that the applicant proposes to place on said outside wall, facade, or surface. The mural shall be colored on the drawing the colors that the applicant proposes to use for the mural, and shall be of sufficient detail to allow for a visualization of the actual appearance of the mural. The drawing shall be available for viewing by the public during the regular business hours at the Planning Department. The permit application shall include a statement as to the type of lighting, if any, that will be used to illuminate the mural during hours of darkness.

~~13.654~~

(2) Specific Standards. The following standards must be met before the application can be reviewed:

- (a1) All signs relating to the building or structure upon which the mural is to be placed shall be in compliance with the requirements of the Development Code in effect on the date of application. No mural may be placed on any building or structure that includes a nonconforming sign.
- (b2) Only one wall, facade, or surface of a building or structure may be used for a mural.
- (c3) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one sign. A mural, regardless of size, will count as one-half of the total aggregate sign area allowed for the business.
- (d4) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, and in a form satisfactory to the City Attorney, consent to the placing of said mural on the property, and shall agree to restore the wall, facade, or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.

~~13.654~~

- (3) Review Criteria. The mural shall be approved if the following criteria are met:
- (a1) The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
  - (b2) Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.
  - (c3) Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.
  - (d4) Any lettering area which advertises the business or products pertaining to the use or uses within the building shall be limited to one-half that permitted under other signage requirements for the building.

~~13.660 Alley Signs. An alley sign shall be limited to a wall sign with total area limited to 6 square feet and should identify the business and shall not be used to advertise products or services. *Staff Comment: Deleted in order to allow signs on alleys.*~~

13.660685 Interior Lot Line Signs. A principal wall sign may be located on the side of a building facing an interior lot line if written consent of the abutting property owner is obtained for the erection of the sign or the sign is 50 feet or more from the abutting property. Sign and area for both the interior lot line sign and street frontage signs shall not exceed that allowed for the street frontage and shall not be in addition thereto.

## TEMPORARY PROMOTIONAL SIGNS OR DISPLAYS

<b>ISSUE I: Temporary Signs – allowances are not enough – especially for new business starts.</b>
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*Staff Comments: The proposed amendments to the temporary sign standards include:*

- *Increase and length of time temporary signs can be displayed from 60 days to 120 days;*
- *Allow one A-frame sign per business per frontage year-round city wide. They are currently limited to 60 days except downtown.*
- *Create a separate category for "event" signs (crab feast, etc.) and allow unlimited number of signs under one event permit; currently each sign requires a permit.*

13.670 Street Banners. No street banner sign shall be erected over public property unless first approved by the Public Works ~~Department Director~~. The action giving approval for such signs may contain any condition(s) which the Public Works ~~Department Director~~ deems necessary to insure safety, proper maintenance, and appearance and removal of such sign when required. No person who places a sign under the provision of this section shall permit the sign to remain in place after the period specified for display has expired.

13.680 Temporary Business Signs. **Temporary business signs include portable signs, banner signs, A-frame signs, inflatable signs, feather signs and other temporary types of signs or promotional displays. Temporary business signs must comply with the following standards, unless permitted in accordance with ADC 13.685, Temporary Event Signs. ~~Temporary Promotional Business Displays.~~ Temporary banner signs, A frame signs, and inflatable signs may be used, but are limited to one sign on each street frontage for each separate business. The maximum total number of days for promotional display shall not exceed 60 days in any one calendar year. Each temporary sign requires a**

~~separate permit per calendar year that specifies the display dates for the year.~~

- (1) **Each business may have a total of two temporary signs at any one time.**
- (2) Each temporary sign ~~requires a separate permit per~~ **must be registered with the Community Development Department each** calendar year that specifies the display dates for the year, **unless otherwise exempt from a sign permit under ADC 13.310 or 13.320.** *Staff comment: Temporary signs only require "registration" vs. requiring a "permit."*
- (3) All temporary signs must **meet the following standards:**
  - (a) **Shall be adequately secured and supported with a base capable of keeping the sign upright in a moderate wind.** ~~be secured;~~
  - (b) May not be located in any public right-of-way, **unless permitted in accordance with Subsection (6), Downtown Parking Assessment District or ADC 13.670, Street Banners.** ~~except as provided below.~~
  - (c) May not be attached to or placed inside a parked vehicle.
  - (d) May not be placed within any vision clearance area as defined in Section 12.180.
  - (e) May not block public entrances.
  - (f) ~~s~~Shall be maintained in a safe, neat, clean and attractive condition.
- (4) **Banners and Inflatable Signs.** The area of temporary banners shall not exceed 50 square feet in the CB, NC, HD, MUR, WF, MS, LE, ES, TD and OP zones and 75 square feet in all other non-residential zones, or in the case of inflatable signs, 500 cubic feet. Inflatable signs can be no ~~higher~~ **taller** than freestanding signs allowed in the particular zone. **Banners, inflatable signs and displays are allowed up to 120 days per calendar year.**
- (5) **A-Frame Signs.** **A-frame or similar style of portable signs are subject to the following standards, except for portable signs within the Downtown Parking Assessment District:**
  - (a) Any temporary A-frame, sandwich board or similar sign may be no larger than 16 square feet for one face or 32 square feet for two or more faces.
  - (b) ~~If the sign is not attached to a building, t~~ The maximum height of the sign may not exceed 4 feet.
  - (c) **A-frame signs shall be spaced at least 10 feet apart.**
  - (d) **There is no limit on the number of display days per calendar year for A-frame signs.**
- (6) **Portable Signs within the Downtown Parking Assessment District.** **The following standards apply to portable signs within the Downtown Parking Assessment District (a map is located at the end of this Article):** ~~Temporary Displays within the Downtown Parking Assessment District.~~
  - a. One A-frame sign per business is permitted in the right-of-way ~~with an approved sign permit~~ **if the following standards are met:**
    - i. ~~h~~**The sign** may not exceed 3 feet in width or 4 feet in height;-
    - ii. ~~For all temporary displays in the Downtown Parking Assessment District, a~~At least five feet of unobstructed sidewalk shall remain available for pedestrian use;-

- iii. Displays may not be located within 10 feet of a street or alley intersection.
- b. "Open" banner-flags up to 54 feet tall and 2 feet wide are permitted in the right of way with an approved permit. ~~if the design is approved by the Albany Downtown Association.~~
- c. There is no limit on the number of display days per calendar year for portable or "open" banner-flags. [Ord. 5446, 5/10/00, Ord. 5768, 12/7/11]

(73) ~~Pennants, Flags, and Streamers~~ may be used as part of an opening or promotional event up to ~~120 60~~ days **per calendar year**. ~~Pennants and flags that have no writing and have permanent mounting devices. may be displayed for a longer period of time only upon approval of a conditional use permit.~~ (The American and Oregon flags are exempted from Sign Code regulations.)

*Staff Comment: This new section 13.685 allows an unlimited number of temporary events signs per event and only "registration" would be required vs. a "permit." Currently each sign requires a permit. Registration would help keep the signs out of the right-of-way and out of vision clearance areas.*

**13.685 Temporary Event Signs.** For the purposes of this section, a temporary event is defined as an event held at the Linn County Fair and Expo Center or an event within the City limits that excludes sales or sales promotions unless related to fund-raising for a non-profit organization or institution. Temporary events signs shall meet the following standards:

- (1) Signs can be displayed no more than 21 days.
- (2) Signs located off-premises may not exceed 4 square feet.
- (3) Unless otherwise authorized under ADC 13.670 or 13.680(6), signs may not be located in the public right-of-way.
- (4) Signs may not be located within the Clear Vision Area as defined in Section 12.180.
- (5) Temporary event signs must be registered with the Community Development Department that specifies the display dates for the year. One registration per event is required, regardless of the number of signs that are to be displayed for the event.

## VARIANCES

13.710 Variances. Variances to this Article will be processed according to Article 2 (Review Criteria) except that the review criteria of Section 2.500 shall be replaced by the following criteria:

- (1) Granting the variance would not decrease traffic safety nor detrimentally impact any other identified items of public welfare.
- (2) There are unique circumstances or conditions of the lot, building, or traffic pattern such that:
  - (a) The requested variance better implements the purpose of the Article as stated in Section 13.110.
  - (b) Granting the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any one business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Article.
- (3) The variance would not result in a special advertising advantage in relation to neighboring

businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.

- (4) Granting the variance would not obstruct views of other buildings or signs or cover unique architectural features of a building or detract from landscape areas.
- (5) The size, placement, color, and graphics of the proposed sign results in more attractive signage than that allowed under strict interpretation of the Code.

13.711 Variances for Historic Buildings. For buildings listed as primary or secondary on the City's adopted Historic Inventory, a variance can be granted for a sign resembling an original historic sign when a recommendation is made by the Landmarks Advisory Commission or its successor on the entire signage of the structure, and the following criteria are met:

- (1) The variance criteria of Section 13.710(1), (4) and (5) have been met.
- (2) The sign takes the place of one of the permitted signs. (A variance for more than the permitted number will require full compliance with Section 13.710.)
- (3) All signs on the structure are reviewed as part of the variance, and conditions can be attached regarding all signs on the structure to achieve greater consistency with the overall purpose of this Article.

### **NONCONFORMING SIGNS**

13.810 General Provisions. Nonconforming signs are subject to the following provisions:

- (1) When sign copy is not part of a Site Plan Review application:
  - (a) Only the signs being changed are affected and do not affect the status of other signs that may be nonconforming due to sign area, aggregate area, or number of signs.
  - (b) The aggregate area restrictions shall not be used to decrease the new sign beyond its previous existing size.
- (2) When Site Plan Review is required, total business signage compliance beyond sign copy changes shall be commensurate with the amount of change occurring on the site.
- (3) When sign copy change occurs on a joint use, nonconforming sign structure, then the total signage on the sign structure does not have to comply with sign regulations if:
  - (a) The sign is removed from the sign structure;
  - (b) The sign copy is changed but the individual business meets Code requirements for aggregate sign area and for total number of signs;

OR

  - (c) The sign copy is changed but the business receives site plan review approval. Under Site Plan Review, the business may be required to meet Code compliance for aggregate sign area and number of signs as well as other site improvements commensurate with the amount of change occurring on site.
- (4) When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within 60 days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of this

Code.

- (5) The Community Development Director or her/his designee shall authorize an exemption from the conformance requirements when it can be shown that the sign is within 20% of the required size and height limitations of this ordinance.

13.812 Signs for Nonconforming Business in a Residential Zone. Nonconforming business shall be permitted one permanent attached wall sign not exceeding 24 square feet in sign area. No other signs shall be permitted except for pre-existing nonconforming signs for which required permits have been obtained.

13.813 Nonconforming Sign Area. Conforming and/or nonconforming signs in existence at the time of the enactment of this ordinance shall be counted in establishing the permitted area or size of all new signs to be allowed on the property.

13.814 Abatement of Nonconforming Signs. Except as provided within Section 13.816, permanent signs in existence on the effective date of this ordinance that are not in conformance with the provisions of this ordinance shall be regarded as nonconforming signs and must be removed, altered, or replaced so as to conform within seven years of the effective date of this ordinance. Temporary signs that are not in conformance with the provisions of this ordinance shall be regarded as nonconforming and shall be removed within thirty (30) days of the effective date of this ordinance; provided, however, a change of use or occupation of a site shall require full compliance with the provisions of this ordinance. The Building Official shall notify each owner by certified mail of a nonconforming sign of the conformance deadline at least 2 years prior to such deadline as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this ordinance within the time period herein. Properties annexed to the City after the effective date of this ordinance shall follow the same conformance schedule as defined above. The time for conformance shall be measured from the effective date of annexation rather than the effective date of the ordinance.

13.815 Extension for Conformance.

- (1) The Building Official may authorize an extension of no more than one year when it can be shown that special and unusual circumstances related to a specific piece of property make application of the conformance schedule an undue hardship. This hardship shall not result from the actions of the applicant and shall not merely constitute financial hardship or inconvenience.
- (2) The Building Official shall authorize an exemption from the conformance schedule where it can be shown that the sign is within 20 percent of the required size and height limitations of this ordinance.

13.816 Exemption from Nonconforming Status. An owner of a nonconforming sign in existence on the date of enactment of this ordinance may apply for a determination that the sign qualifies as an historic or significant sign. An owner must make such application within six months of being notified of a nonconforming status. Such exemption of nonconforming status may be made by the Hearings Board through a Type II procedure upon finding that any of the following applicable criteria have been met:

- (1) The sign does not constitute a significant safety hazard due to structural inadequacies or the impact on traffic.
- (2) Due to age, relation to an historic event, or general recognition, the sign has become a recognized Albany landmark.
- (3) For an historic sign exemption, the sign is:

- (a) Attached to a primary or secondary structure as recognized on the City Historic Survey;
  - (b) The sign adds to the architectural and historic significance of the premises, taking into account the size, location, construction, and lighting of the sign; and
  - (c) A recommendation is received from the Landmarks Advisory Commission giving its recommendation on criteria (a) and (b) above.
- (4) For significant signs, the sign is:
- (a) Maintained essentially as originally constructed, with sufficient remaining original workmanship and material to serve as instruction in period fabrication; and
  - (b) The sign is associated with significant past trends in structure, materials, and design and is in conformance with generally accepted principles of good design, architecture, and maintenance.

# ARTICLE 11 LAND DIVISIONS

## PLANNED DEVELOPMENTS

**ISSUE M: Planned development – the three-step process is unnecessary, and the common/open space requirement is high especially in urban areas**

*Staff Comments: The BRTF asked that staff evaluate the process time and amount of open space required in Planned Developments. Amendments are proposed to reduce both.*

11.240 Definition. A planned development is a master planned environment intended for a variety of related activities. It promotes an integrated, coordinated development of land, normally involving increased flexibility in use and design standards, with special incentives or restrictions on development. A planned development may be primarily residential uses with associated commercial uses, a **mixed use development**, or it may be a commercial or industrial development.

*Staff Comments: The purpose statement is being updated to reflect the current reasons for planned developments and to borrow from other cities' codes. (The proposed language is a combination of purpose statements from the Lebanon, Roseburg and Bend.)*

11.250 Purpose. ~~A planned development provides the benefits of greater zoning flexibility, reduced lot sizes, and more variety in permitted uses. In exchange, developments must satisfy high quality master planning and performance requirements. The purposes of a Planned Development are to:~~

- (1) Encourage more innovative planning that results in more desirable or sustainable environments or neighborhoods, improved protection of open spaces, transportation options, and site phasing of developments through the application of flexible and diversified land development standards than would otherwise occur under conventional land development procedures; and**
- (2) Facilitate the efficient use of land and resources in regards to land uses, buildings, circulation systems, natural features, energy conservations, open space and utilities.**

*Staff Comments: Currently the process is three steps and requires three separate submittals. Staff is proposing to eliminate the preliminary review of the plan concept step. This is already reviewed in the pre-application meeting.*

11.260 Procedure. A planned development is processed in ~~three~~ **two** steps,; ~~tentative, interim and final approvals. The preliminary application is reviewed by staff as a Type I procedure. The first step is review of the planned development project design and land uses~~ ~~interim application is reviewed by the Planning Commission under the Type III procedure. The final approval is reviewed by the Director through the Type I procedure.~~

11.280 ~~Regulations~~ **Standards That May Be Modified. The following standards may be modified in order to create developments that are superior to those that could be developed through the conventional development standards:** ~~All of the site development standards of the underlying zoning district will apply to a planned development, except as follows:~~

- (1) Development Standards.** Minimum lot area, width and frontage, height and yard requirements

will not be used to dictate the development, but will act as general guidelines that may be adjusted to provide for a higher quality development.  
~~Maximum density permitted will be calculated by including street and one-half of park land dedications.~~ *Staff Comments: Density is covered in the development standards in Section 11.330 (3).*

- (2) **Minimum Parking.** Where the development provides common parking areas for adjacent uses, no minimum number of parking spaces will be required. It is the developer's responsibility to provide adequate off-street parking and loading areas. In proposing the parking areas, the developer shall provide the City with information on expected demand for parking, including trip generation for the uses that share the parking area.
- (3) **Streets.** Private streets may be constructed in a planned development. These streets may be narrower than usual where on-street parking is prohibited and where access is limited to pre-approved locations. Any private street in an industrial planned development must be constructed to public standards. All lots must be provided with direct access to a public or private street.

*Staff Comments: Eliminating one process step requires changes to the application contents.*

11.300 **Application Contents.** A planned development proposal is reviewed in ~~three~~ **two** stages, preliminary, ~~interim,~~ and final. ~~At each stage, the applicant must submit increasingly detailed~~ **The following information is required to be submitted with each stage:** ~~plans for the proposal as indicated below.~~

- (1) Preliminary **planned development** submittal requirements --
    - ~~(a) A schematic drawing at a minimum scale of 1" = 200' showing the proposed public and private uses and the existing physical features.~~
    - (ba) Planned Development Program.** A written statement outlining the following details: **planning objectives to be achieved through the planned development;** dwelling types and density; non-residential uses; lot layout; public and private access; parking; height of structures; lighting; landscaped areas and provisions for continued maintenance; water supply; sewage disposal; drainage; and areas devoted to various uses. **This statement should include a description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant natural resources of the site and adjacent areas.**
- ~~Interim submittal requirements in addition to the above—~~
- (ab) The location of existing and planned water, sewerage, and drainage facilities, including line sizes and how they will tie into existing facilities. *Relocated from (2).***
  - (bc) The location of all existing and planned sidewalks, pedestrian paths, bike paths and where they will connect with existing facilities.**
  - (a) The location and utilization of land uses and structures including public and/or private parks, open space or common areas.**
  - (b) A tabulation of land area to be devoted to each use, and a calculation of the average residential density per acre, if applicable.**
  - (eg) A boundary survey or a certified boundary description by a licensed surveyor.**
  - (dh) Data, drawings, and/or elevations clearly establishing the scale, character and relationship of buildings, streets, and open space.**
  - (ei) Detailed building and landscaping plans and elevations. *Relocated from (2).***
  - (hj) A transportation impact analysis, where required by the city Engineering Division, Department of Public Works.**
  - fj) A development schedule for commencement and of construction, or a phasing schedule if phased development is proposed.**

- (gi) If the development will be divided into different ownerships, any additional information generally required for a land division tentative plat approval and not required above.
- (23) Final submittal requirements in addition to the information on the approved ~~interim~~ **preliminary plan** -
  - ~~(a) The location of water, sewerage, and drainage facilities.~~
  - ~~(b) Detailed building and landscaping plans and elevations.~~ *Relocated to prelim review.*
  - (ea) The character and location of signs.
  - (eb) Plans for street improvements and grading or earth-moving plans.
  - (ec) Any additional requirements of final land division submittal, if the land is to be divided.

11.310 **Interim Preliminary Plan Submittal Review Criteria.** A planned development request will be granted interim approval by the review body if the development meets the Site Plan Review criteria of Section 2.450 and all of the following applicable criteria:

- (1) The increased flexibility in Code standards and permitted uses will result in an improved development for the City, the surrounding area, and users of the development as compared to strict compliance with Code provisions.
- (2) The project design results in a more efficient **provision of open space or** utilization of the natural features of the site.
- (3) The project design results in a more efficient utilization of materials and public resources including streets, utilities, and energy supplies.
- (4) Provisions will be established to ensure the continued maintenance of any common areas.
- (5) More usable and suitable recreational facilities and other common areas are provided than would normally be provided under conventional development standards.
- (6) **The planned development satisfies the development standards in Section 11.330.**

11.320 **Conditions of Approval.** The City may attach conditions of approval of a planned development to ensure that the proposal will conform to the applicable review criteria.

*Staff Comments: A BRTF member noted that the Code is silent on whether the open space and other requirements could be distributed across phases in a phased planned development, and that each phase should not have to meet all of the standards - such as the minimum open space, - if the development overall meets the standards.*

11.325 **Phasing Planned Developments.** The applicant may provide for development of the project in up to three phases. Each phase shall provide a proportionate share of the development facilities and amenities as approved. See Section 1.080 for land use approval time periods.

11.330 **Planned Development Living and Recreational Area Standards.** In conjunction with standard requirements for setbacks and landscaped areas, the following standards apply to planned developments:

*Staff Comments: the Code currently requires 40 percent of the land be set aside as open space regardless of zoning. Staff recommends reducing the open space requirements and accounting for residential and mixed-use/urban areas.*

- (1) **Open Space and Common Areas in Residential, Mixed-Use and other Non-Industrial Planned Developments.** Open space or ~~Outdoor living~~ **common areas** shall be provided for **common enjoyment**. residential developments in the following amounts: (a) In all residential developments ~~or in and mixed use combination residential/commercial developments,~~ **40 a** percent of the gross land area shall be devoted to **open space, outdoor living area or common areas as follows.** Of this required area, at least 75 percent shall be common or shared outdoor living area.

	<b>RS-10</b>	<b>RS-6.5</b>	<b>RS-5</b>	<b>RM</b>	<b>RMA</b>	<b>Other Zones</b>
<b>Minimum Open Space</b>	<b>30%</b>	<b>30%</b>	<b>25%</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>

- (a) **Land that may be counted towards the open space requirement includes:**
- **Natural resources accessible to the public;**
  - **Common recreational space or commonly enjoyed amenities accessible to residents, including indoor or rooftop amenities; and**
  - **Common landscaped areas and paths, but excluding sidewalks and planter strips in the right-of-way.**
- (b) **Locations, shapes, sizes and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the planned development.**
- (c) **Land in the right-of-way may not count towards the open space requirement unless designed to provide more common open space than the minimum street design standards – such as larger planter strips to allow for mature trees or storm drainage, a multi-use path, or a landscaped median.**
- (d) **Side and rear yards may not count towards the minimum open space requirements.**
- (e) ~~(b)~~ **Outdoor open space or living areas** required by this Article may be dedicated to the City provided the size and amount of the proposed dedication meets the criteria of the City for neighborhood parks by one-half **and if the City agrees to accept the dedication.** The square footage of land dedicated for public parks shall be deemed a part of the development site for the purpose of computing density.

*Staff Comments: The indoor recreation requirement is proposed to be deleted.*

- (2) ~~In all planned residential developments having 50 living units or more, an indoor recreation area (see definition) shall be established using the following minimum guidelines:~~
- ~~(a) Ten square feet of indoor recreation area for each living unit in the development.~~
  - ~~(b) Play equipment, athletic facilities, and/or game room facilities and equipment in amounts commensurate with the size of the building or room, to be maintained by the property owner or owners association.~~
  - ~~(c) At least one restroom for all indoor recreation buildings or rooms under 600 square feet and two restrooms for all indoor recreation buildings or rooms 600 square feet or greater.~~
  - ~~(d) All indoor recreation rooms and buildings shall be fully lighted, heated, and shall meet all uniform building codes and should be designed primarily for the use of the residents of the planned development.~~
  - ~~(e) The off street parking requirement for recreation rooms and buildings shall be one space per each 150 square feet of floor area. This requirement shall be in feet of floor area. This requirement shall be in addition to any parking required for residents.~~
- (3) ~~In an industrial planned development the following minimum percentage of landscaped open space is required, including required buffer yards and setback areas:~~
- ~~(a) IP (Industrial Park) 25 percent~~

- ~~(b) LI (Light Industrial) 15 percent~~
- ~~(c) HI (Heavy Industrial) 5 percent~~
- ~~(4) The requirement for indoor recreation area may be waived by the review body where increased opportunity for outdoor recreation is provided in addition to the requirements of subsection (1). Such opportunities may include court sports, playgrounds, golf, swimming, or other exceptional treatment of open spaces.~~

*Staff Comments: With the reduced amount of open space required, the priority is to design the PD to protect natural features.*

- (2) **Natural Resources.** The planned development shall provide for the protection of significant landscape features including Oak groves, heritage trees as defined by the Albany Municipal Code and land located within Albany’s natural resource overlay districts and any historic sites and landmarks. Natural and cultural resources shall integrate the proposed development with the environmental characteristics of the site and adjacent uses.
- (53) **Underground Utilities.** In any planned development, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer, unless allowed above ground by the review body.

*Staff Comments: The proposed revisions would allow all of the density to transfer from land dedicated to parks and clarifies that there is only one unit to transfer from the Open Space zone.*

- (64) **Density.** When calculating density of a proposed planned development, the gross area including streets and park land dedications shall be included, except for land in the Significant Wetland and Waterway overlay district. The maximum density permitted per zoning district is outlined below.

	RS-10	RS-6.5	RS-5	RM	RMA	OS
Maximum dwelling units per acre	4	6	8	25	35	1*

\*Allows 1 residential unit per existing lot  
~~the regulations of the basic use district in which the development is located shall apply except when calculating density of the proposed planned development, the total area including street and one half of park land dedications shall be included.~~

*Staff Comments: The BRFT raised some concern with a planned development's compatibility with adjacent uses and the neighborhood. The proposed standards in (5)-(7) are intended to ensure compatibility with the neighborhood. These standards are adapted from Roseburg.*

- (5) **Building Spacing and Yard Requirements.** The plan shall provide adequate building separation to allow for light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise.
- (6) **Building Locations.** Taller buildings shall be located within the planned development in such a way as to avoid adverse impact on neighboring lower buildings and shall not invade the privacy of the occupants of adjacent lower buildings.
- (7) **Perimeter Compatibility.** The plan shall minimize adverse impacts of proposed uses and structures in the planned development on existing and anticipated uses and structures on

**adjacent properties and neighborhoods. The buffering and screening standards in Sections 9.210-9270 apply. If topographical or other physical barriers do not provide reasonable privacy and mitigation of potential adverse impacts on existing uses adjacent to the development, the development shall provide additional setbacks, buffering or screening between residential and non-residential uses.**

- 11.340 Dedication and Maintenance of Facilities. The review body may, as a condition of approval for any planned development, require that portions of the tract or tracts be set aside, improved, conveyed, or dedicated for the following uses:
- (1) Parks or playgrounds set aside, improved, or permanently reserved for the owners, residents, employees, or patrons of the development.
  - (2) Whenever private common outdoor living area is provided, an association of owners must be created under state law. Owners of property within the development will automatically be members and will be assessed levies for maintenance of the outdoor living area. The period of existence of such association will be at least 20 years, and it will continue thereafter until a majority vote of the members shall terminate it.
  - (3) Right-of-way width within the development must be maintained as private streets or be dedicated to the City when necessary in accordance with the Albany Comprehensive Plan. Other streets necessary to the proper development of adjacent properties may also be required to be dedicated. Streets must be constructed in accordance with city standards.
  - (4) Easements necessary for the orderly extension of, **maintenance of, or access to**, public utilities.
- 11.350 Changes in the Approved Plan. Changes in the approved planned development may be made as long as they continue to meet the requirements of these provisions. Major changes, as determined by the Director, shall be reviewed **by the Planning Commission using the Type III procedure** ~~under the same procedure as was used for final approval.~~ Minor changes shall be reviewed under the Type I procedure.
- 11.360 Revocation. In the event of failure to comply with approved plans, conditions of approval, stage development schedule; the Commission may, after notice and hearing, revoke a planned development permit. The determination of the Commission shall become final 30 days after the date of decision unless appealed to the City Council.
- 11.370 Failure to Adhere to Approved Plan, Satisfy Conditions, or Comply with **Stage Phased** Development Schedule. Failure to comply with approved preliminary or final development plans, conditions of approval, or **stage phased** development schedule, shall constitute a violation of this ordinance as prescribed in Article 1.

## ARTICLE 9 ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

**ISSUE G: Minimum parking requirements are relatively high, some are missing, and no clear option is available to propose alternatives.**

*Staff Comments: The following changes are proposed:*

- *Reduce the minimum parking space requirements for many uses;*
- *Add missing standards;*
- *Add allowance for unspecified uses and alternative standards;*
- *Remove requirement for temporary uses to meet the parking requirements;*
- *Add allowances for on-street parking and reductions to on-site parking spaces*

### OFF-STREET PARKING AND LOADING REQUIREMENTS

*Staff Comments: The parking standards are proposed to be moved from Articles 3, 4 and 5 to Article 9 so the standards are in one place and with the parking lot standards. Some administrative edits are included related to relocating the parking and adding headings to make the standards easier to use. Moved text is not shown in bold so you can see the new language that is being proposed.*

9.020 ~~Space Requirements. Minimum parking and loading space requirements based on type of use are found in Sections 3.350 and 3.360 (residential); Sections 4.250 and 4.260 (commercial and industrial), and Sections 5.260 and 5.270 (mixed use zones). 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-9.**~~

- (1) **Calculating Floor Area for Parking.** The area measured is the combined floor area of each level of a building exclusive of vent shafts, court yards, 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.

~~In the case of mixed uses, the total requirements for off street parking shall be the sum of the requirements for the various uses.~~ *Staff Comments - this is being relocated to 9.030, a new section on parking reductions.*

*Staff Comments: The Code does not have a provision to allow the Director to approve parking standards for uses not listed in the table or for applicants to present alternative parking demand proposals. The proposed provision would allow the Director to approve parking for uses not listed in the parking ratios table and to consider alternative parking standards.*

- (4) **Unspecified Uses and Alternative Standards.** When a use is not specifically listed in Table 1 – Parking Requirements, the Director will determine if the use is similar to a use listed in

**Table 1 in terms of parking needs. When a use is not similar to a use listed in Table 1 or the applicant has documentation that demonstrates a different parking demand, the Director may approve alternative parking standards. Acceptable documentation includes parking standards from other cities of similar size, company data on parking demand, parking demand studies, or the ITE Parking Generation Manual.**

- (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) ~~9-100 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-5.~~) 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.**

*Staff Comments: Missing uses are being added to the parking requirements table; and several parking ratios are being reduced based on a review of requirements in other Oregon cities.*

**TABLE 1: PARKING REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES**

USE	MINIMUM SPACES REQUIRED
<b>COMMERCIAL AND RECREATION</b>	
Animal hospitals and clinics <b>and animal grooming salons</b>	1 per 400 sq ft GFA
Banks and financial institutions, real estate services, insurance	1 per <del>200</del> <b>300</b> sq ft on first floor plus 1 per 600 sq ft above first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
<b>Billiard or pool hall, excluding restaurant or bar area</b>	1 per 300 sq ft
Bowling alleys	4 per lane
<del>Offices: all b</del> <b>Business and professional offices</b>	1 per <del>300</del> <b>400</b> sq ft GFA
<del>Commercial recreation and assembly</del>	<del>Subject to Site Plan Review</del>
Funeral houses <b>and mortuaries</b>	1 per 4 seats or 8 feet of bench length
Golf courses (including clubhouses and accessory uses)	Subject to Site Plan Review
Greenhouses and nurseries, <b>garden supplies</b>	2 per employee
<b>Indoor recreation, excluding assembly and bowling alleys</b>	<b>1 per 300 sq ft</b>
<b>Kennels, animal boarding</b>	<b>1 per employee plus 1 per 500 sq ft excluding exercise areas</b>
Laundries and cleaners	1 per 300 sq ft GFA
Medical and dental clinics	1 per <del>200</del> <b>250</b> sq ft GFA

USE	MINIMUM SPACES REQUIRED
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Motor vehicle repair and <b>fuel or other</b> service stations	1 per <del>each</del> -2 employees plus 2 per each service stall
<del>P</del> private clubs, and lodges <b>and</b> meeting rooms	1 per <del>4</del> 200 sq ft GFA plus 1 per 200 sq ft GFA (2)
Radio and television stations and studios	1 per 2 employees plus 1 per 300 sq ft over 2,000 sq ft GFA
<del>B</del> uilding materials sales	1 per 500 sq ft. GFA
<b>Retail Sales: bulky items such as Furniture, building materials, farm and agricultural, home furnishings, appliances, machine and office equipment sales</b>	1 per <del>500</del> 800 sq ft GFA plus 1 per 3 employees
Retail <del>S</del> ales: <del>S</del> shopping centers, food, drugs, hardware, variety and department stores, <b>specialty shops</b>	1 per <del>200</del> 400 sq ft sales floor area
<del>Retail: Specialty shops and other retail stores under 6,000 sq ft</del> <b>NOTE: Combined with Retail above.</b>	1 per 300 sq ft GFA plus 1 per 3 employees
Restaurants: <b>Carry out, drive thru or D</b> drive-in	1 per <del>50</del> 100 sq ft GFA
Restaurants: Sit-down and carry-out/drive-thru restaurants, taverns, bars, <b>brewpubs</b> and nightclubs	1 per 4200 sq ft GFA <b>including outdoor seating not exempt per 9.030(3).</b>
Sales and rental of motor vehicles, trailers, mobile homes, boats, modular houses	2 per employee
<b>Services or Repair: tailor, shoemaker, locksmith, printing, binding, publishing, framing, upholsterer, photography studio, dry cleaner, mailing, etc.</b>	<b>1 per 500 sq ft</b>
<b>Self-serve storage units</b>	<b>1 per 100 units, with a minimum of 3, plus 1 per employee/caretaker</b>
<del>Skating rinks</del> <b>NOTE: Included in Indoor Recreation.</b>	1 per 200 sq ft GFA
Stadiums, grandstands, coliseums, auditoriums and theaters	1 per 4 seating capacity (3)
Swimming pools, <b>aquatic centers</b> for pool only	<del>40</del> plus 1 per <del>450</del> 200 sq ft pool surface area
<b>INDUSTRIAL</b>	
Air, rail and motor freight terminals	Subject to Site Plan Review
<b>Contractors and Industrial Services</b>	<b>1 per 1.25 employees plus 1 per company vehicle</b>
<b>Customer Service/Call Centers</b>	<b>1 per 250 sq ft</b>
<b>Industrial Offices, research or laboratory facilities</b>	<b>1 per 500 sq ft</b>
Manufacturing, production or processing	1 per 2 employees plus 1 per company vehicle
<del>Rail and bus passenger terminals</del>	<del>5</del> plus 1 per 100 sq ft waiting area
Testing, repairing, cleaning, servicing of materials, goods or products and <del>warehousing and wholesale</del>	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
<b>INSTITUTIONAL, PUBLIC and SEMI-PUBLIC</b>	
<b>Correctional Institutions</b>	<b>1 per 5 beds</b>
<b>Childcare, Nursery Schools, Kindergarten and Daycare Homes or Facilities</b>	<b>1 per employee plus 1 per 10 persons being cared for</b>
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 Site Plan or Conditional Use Review

USE	MINIMUM SPACES REQUIRED
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 sq ft GFA
Philanthropic, charitable and nonprofit institutions (excluding churches)	1 per 2 employees plus 1 per 500 sq ft GFA
churches and places of worship or religious assembly	1 per 6 seats or 12 feet of bench length (1)
Residential uses	See Article 3, Table 3 for parking standards.
<b>RESIDENTIAL</b>	
<b>Assisted Living, Residential Care facilities, Nursing or Convalescent homes</b>	<b>1 per 3 beds at capacity</b>
Single-Family Units	2 spaces
Duplex and Two Units on One Lot	4 total spaces
<b>Multi-Family:</b> Studio and 1-bedroom units	1 space per unit, plus 1 visitor space every 4 units
<b>Multi-Family:</b> 2-bedroom units	1.5 spaces per unit, plus 1 visitor space every 4 units
<b>Multi-Family:</b> 3-and 4-or more bedroom units	2.25 spaces per unit, plus 1 visitor space every 4 units
<b>Multi-Family:</b> Quad and quint units	0.75 space per unit
Senior housing -citizen apartments	1 space per 2 units each 2-bedrooms
Student housing	1 per each 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]

**ISSUE G: Minimum Parking Requirements – Minimal allowance for parking in the street to count towards on-site parking requirements in most situations.**

*Staff Comments: On-street parking abutting a development is proposed to be allowed to count towards some of the minimum required on-site parking in non-residential areas and where on-street parking is provided.*

**9.140025 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** allowed for in this Code. **Any parallel parking spaces in the right-of-way that are counted toward fulfilling the parking requirements must be at least 25 feet long.**

- (1) **Religious Assembly.** On-street parking within 500 feet of the building, except in residential zones areas, may be used toward fulfilling their **minimum parking** requirements.
- (2) **Private Clubs, Lodges or Meeting Rooms.** On-street parking in non-residential zones areas within 800 feet of the main assembly room or building may be used toward fulfilling their **minimum parking** requirements.
- (3) **Stadiums, grandstands, coliseums, auditoriums and theaters.** On-street parking in non-residential zones areas within 1,000 feet of the main assembly room or building may be used toward fulfilling their **minimum parking** requirements.

- (4) **Mixed Use Zones.** On street parking spaces abutting the property in the MUR, Mixed Use Residential District; CB, Central Business District; and LE, Lyon Ellsworth District, may be counted towards meeting parking requirements. ~~Parallel parking spaces must be at least 25 feet long.~~
- (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.
  - 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.

**ISSUE G: Minimum Parking Requirements– There are limited options to reduce the number of required parking spaces.**

*Staff Comments: Staff proposes the following incentives and reductions to the minimum required parking spaces.*

**9.030 Reductions or Exemptions to Minimum Parking Space Requirements.** The following actions can further reduce the minimum parking required on-site.

- (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.
- (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.
- (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.
- (4) **Mixed Use, Multi-Tenant and Multi-Floor Developments.** ~~9.070~~ In the case of mixed uses, multi-tenant and multi-floor developments, the total requirements for off-street parking, a reduction of up to 10 percent of shall be the sum of the requirements for the various uses will be permitted.
- (5) **Alternative Modes, Carpooling.** For developments that will house businesses that will employ 10 or more people, the total number of required vehicle spaces for an industrial, commercial, or office use may be reduced for each of the listed activities that are provided by the owners or operators, up to a maximum of 10 percent reduction in the total number of motor vehicle spaces per development.
  - i. Up to 2 vehicle spaces may be waived if sheltered bicycle parking is provided beyond the minimum requirements in Section 9.120 (13) at a rate of 3 bicycle spaces to 1 motor-vehicle space.
  - ii. One vehicle space may be waived for each shower and 2 lockers provided for employees who commute by bicycle.
  - iii. 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) ~~9.040 (a)~~ **Reduction for Transit**. Existing development will be allowed to redevelop up to 25 percent of ~~an~~ 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.

### PARKING AREA IMPROVEMENT STANDARDS

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:

*Staff Comments: Only the standards proposed to be amended are shown.*

- (3) Surfacing. All ~~areas of a parking lot~~ **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 of Public Works~~ **Building Official**. 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.
- (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.
- (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** ~~proposed~~ 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.
- (13) Bicycle Parking. Bicycle parking space requirements are as follows:
- (a) For multiple-family dwellings (three or more units) – one space per four units.
  - (b) For industrial development – one space for every 10 automobile spaces required.
  - (c) For commercial or office development - at least two spaces, plus one space for every 10 automobile spaces required. ~~Up to two motor vehicle parking spaces may be deleted if additional sheltered bicycle parking is provided at a rate of five bicycle spaces to one motor vehicle space.~~ *Staff Comments: The parking space reduction is being relocated to the new section 9.030(5)(i).*
  - (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.
- (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 3 feet of clearance around all 3 sides of a fully-loaded bicycle rack and have an overhead clearance of at least 7 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 7 feet tall. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces.

[Ord. 5673, 6/27/2007]

**ISSUE H: Overflow parking is occasionally needed but it is costly to construct to current paved standards.**

*Staff Comments: The BRTF asked that the City consider allowing parking beyond that is required to not be paved. The proposed amendments would establish standards for unpaved parking for occasional overflow parking needs. Of interest, staff research did not find very many localities that allow for occasional overflow parking. The proposed standards are based on Salem's standards.*

**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:**

- (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 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 landscaped 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. The buffer area shall be landscaped according to 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, LE, ES, CB, or any residential zone or use, unless allowed through Conditional Use approval.**

## **TREE PROTECTION**

**ISSUE F: Tree cutting on industrial land – There is currently little flexibility to account for the unique needs of industrial development.**

*Staff Comment: This is especially true if tree removal is requested independent of plan review. Tree regulations will be revisited in their entirety within the next year.*

**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 Director, in consultation with the City Arborist, may grant an exception to any of the tree cutting standards for industrial development on industrially zoned land.**

## ARTICLE 1: ADMINISTRATION AND PROCEDURES

*Staff Comments: Quite a few years ago, the City changed the original land use approval for most application types from one year with up to two one-year extensions to three years with no extensions. Given the unpredictability with the economy, staff recommends adding one two-year extension if the standards applicable to the project have not changed since the application was approved.*

*Phased subdivisions or phased planned developments currently have a five-year approval window to plat all phases. Staff also recommends allowing one two-year extension to phased developments if the standards have not changed since the original approval.*

### 1.080 Expiration of Land Use Approvals.

- (1) All land use approvals, except Type IV approvals ~~as provided in (2) and (3)~~ shall expire three years from the date of approval unless:
  - (a) The applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600 or the first phase, if the development was approved for phased construction. This provision may also be applied to developments approved prior to December 7, 2011; or
  - (b) If the development did not require public infrastructure, a valid **approved** building permit exists for new construction or improvements, and work has commenced; **or**  
[Ord. 5728, 1/27/10, Ord. 5768, 12/1/11]

*Staff Comments: The language in (2) below being removed because land divisions also expire in three years and the language below is repetitive and/or is no longer applicable.*

- ~~(2) All approval of land divisions and development contained in Article 11 shall expire three years from the date of tentative plat approval, unless;~~
  - ~~(a) The applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600. This provision may also be applied to developments approved prior to December 7, 2011.~~
  - ~~(b)(c) **Phased Subdivision or Planned Development.** When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases **not to exceed five years for all phases. in periods of time in excess of three years. In no case shall the total time period for all phases be greater than five years.** Each phase that is platted and developed shall conform to the applicable requirements of this title. Portions platted after three years **may** require modifications to avoid conflict with any changes in the Comprehensive Plan or implementing regulations at the local, state or federal level; **or**~~
  - ~~(e)(d) **An extension has been granted pursuant to Section 1.083.**~~

*Staff Comments: The language in (2) below being removed because land divisions also expire in three years and the language below is repetitive and/or is no longer applicable.*

**1.083     Extension of a Land Use Approval.**

- (1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended one time for two years through filing an application for extension prior to the expiration date.**
- (2) Requests for extensions shall be processed as Type I applications and shall be granted if there have been no modifications to any local, state or federal standards and criteria used to approve the original application.**
- (3) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.**
- (4) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.**

*Staff Comments: Historic review approvals currently expire in one-year if not associated with a building permit. Staff proposes the approval expire in three years like other land use decisions and be given an opportunity for an extension.*

~~(3) Expiration of Historic Review Approvals.~~

- ~~(a) Historic Review approvals not associated with a building permit shall expire one year from the date of approval; or~~
- ~~(b) Historic Review approvals associated with an approved building permit shall expire upon the expiration of the building permit.~~
- ~~(c) Expiration of a Historic Review approval shall require reapplication and payment of all application fees plus an administrative fee equal to the application fee. Applications that are the same as originally approved will be processed administratively.~~