

The Code revisions proposed in this Article would add the Mixed Use Commercial (MUC) zone to this Article.

ARTICLE 5 MIXED USE VILLAGE CENTER ZONING DISTRICTS

No changes are proposed to 5.000 to 5.020 at this time.

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

- (9) **MUC--MIXED USE COMMERCIAL DISTRICT.** The MUC zoning district is intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses in the North Albany and East Albany Village Centers. The district would typically be anchored by a grocery store, and may include a mix of smaller retailers, offices, live-work units and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve the North Albany or East Albany area residents and should not draw from the region.

SCHEDULE OF PERMITTED USES

No Changes are proposed to 5.050 to and the text in 5.060 at this time.

5.060 Schedule of Permitted Uses.

SCHEDULE OF PERMITTED USES

Mixed-Use Village Center Uses		
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC
INDUSTRIAL		
Contractors and Industrial Services		N
Manufacturing and Production		N
Warehousing and Distribution		N
Waste and Recycling		N
Wholesale Sales		N
COMMERCIAL		
Adult Entertainment		N
Entertainment and Recreation		
Indoor		S-6
Outdoor		CU
Offices		S
Parking		S
Restaurants, no drive-thru with drive-thru or mostly delivery		S CU
Retail Sales and Service		S-10
Self-Serve Storage	11	N
Vehicle Repair		N
Vehicle Service, Quick (gas/oil/wash)		S
INSTITUTIONAL		
Basic Utilities	12	CU
Community Services	13	CU
Daycare		S
Educational Institutions	14	CU
Hospitals		N
Jails & Detention Facilities		N
Parks, Open Areas and Cemeteries	15	CU
Religious Institutions	14	CU
RESIDENTIAL		
Group or Residential Care Facilities	16	Y/S
Assisted Living		CU
Single and Two Family Homes	17	Y-19
Live Work		S-19
Three or More Units	20	S-19
Units Above Business		S-19
Residential Accessory Buildings	21	Y/S
OTHER CATEGORIES		
Agriculture (on Vacant Land)	22	N
Communication Towers & Poles >= 50 ft.	23	CU
Kennels	25	N
Passenger Terminals		CU
Rail And Utility Corridors		CU

Y = Yes allowed, no Site Plan review required

N = No, not allowed

CU = Conditional Use review required

S = Site Plan review required

SPECIAL CONDITIONS

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

Staff Comment: Only the Special Conditions applicable to the MUC zone are listed below.

- (6) Indoor Entertainment and Recreation in the WF, PB, MS, ~~and ES~~ and MUC zones.
- (b) Prohibited Uses in WF, ~~and PB~~ and MUC . The following indoor entertainment and recreation uses are prohibited: movie theaters, indoor firing ranges, paint gun, coliseums, stadiums and similar facilities.
- (10) Retail Sales and Service in the MS, ES, MUC and MUR zones.
- (b) Prohibited Uses in MUC. Sale, leasing and rental of vehicles and trucks; hotels, motels, and recreational vehicle parks.
- (14) Conditional Use Approval for Religious and Educational Institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.
- Expansion of an educational or religious institution includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities. Any expansion must be reviewed through the conditional use process.
- An educational institution having a capacity greater than twenty-five students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (15) Public park development activity subject to conditional use review includes major development; expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks.
- (16) Group or Residential Care Facilities. Group care homes or “residential homes” (as defined in ORS) that include five or fewer residents are permitted outright in any zone that allows single-family residences outright. (This is indicated by a Y in the schedule.) Residential group care facilities (6 or more residents) require a Site Plan review.
- (17) Existing Single Family Homes. Single-family homes built before December 11, 2002, may remain as a permitted use in any zone without being nonconforming. See Section 5.080.

Accessory Apartments. One accessory apartment is permitted as an addition to or within a single-family residence, hereafter called the “primary residence,” or in an existing detached accessory structure built before February 1, 1998, that is located on one lot or contiguous lots under one ownership, and that results in no more than two units per lot. Accessory apartments are intended to be incidental and subordinate to the primary residence and must meet the following regulations:

- (a) One of the residences is owner-occupied.
 - (b) The size of an accessory apartment may not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 800 square feet, whichever is less.
 - (c) The size of the property meets the minimum single-family lot area requirements for the zoning district in which the lot is located.
 - (d) The front door of an accessory apartment may not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the apartment front door is set back at least five feet from the front facade of the primary residence.
 - (e) At least two off-street parking spaces are provided on the property to serve the two residences.
 - (f) Exterior additions must substantially match the existing materials, colors and finish of the primary structure.
 - (g) The property owner must obtain all required building permits and go through historic review if on the Local Historic Inventory.
- (19) **Residential Development in MUC. Residential development shall develop at a minimum gross density of 10 units an acre. Residences above a business or office are exempt from meeting the minimum density.**

(21) Residential Accessory Buildings.

Accessory buildings are permitted outright in MUR, WF, HD, CB and ES, and with Site Plan review in MS **and** MUC, if they meet the following conditions:

- (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven feet in height.
- (b) Attached accessory buildings, garages or carports are less than 1,000 square feet.

All other residential accessory buildings, garages or carports require a Site Plan review in RM-5, MUR, WF and ES, and are considered through a Conditional Use review in HD, CB, ~~and~~ MS **and** MUC. (This is indicated by the use of a "/" in the matrix. For example, "Y/S" means accessory uses that don't meet the standards above require a Site Plan review.)

- (22) Agriculture. All agricultural uses in existence before December 11, 2002, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land.
- (23) Communication Tower and Pole Placement Standards. The placement of antennas, satellite dishes and monopoles less than 50 feet in height when measured from the ground or within 15 feet of a roof top is permitted outright in all districts subject to the following standards and those found in Section 8.400:
- (a) No antennas, antenna supports, satellite dishes or monopoles shall be located within any front yard setback area or within any required landscape buffer yard.
 - (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street, shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
 - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
 - (d) Towers are not permitted.

- (e) Antennas, satellite dishes, monopoles and other communication structures less than 50 feet in height, not in conformance with the above, may be considered through a Conditional Use review. [Ord. 5445, 4/12/00]

- (25) Kennels. Kennels do not include indoor veterinary hospital kennels.

No changes are proposed to 5.080 to 5.085 at this time.

DEVELOPMENT STANDARDS

5.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment; maintain the required dimensional standards while promoting energy conservation, needed privacy, and safe and efficient parking areas for new development; and improve the general living environment and economic life of a development. Table 1 summarizes the basic development standards. It should be used with the sections immediately following the table, which address special circumstances and exceptions. Additional design standards for commercial and multi-family developments are located in Article 8. [Ord. 5445, 4/12/00]

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

STANDARD	MUC
Min. Lot Size (sq.ft.):(3) · Single-family (s-f) · Attached s-f, per lot · Two-family · 3 or more 1-bdrm. · 3 or more 2+bdrm.	None None None None None
· All other uses	6,000
Max. Building Size (sq.ft.) Non-grocery Grocery-anchored	20,000 80,000 (13)
Max. Business Footprint (sq.ft.) (17) Non-grocery Grocery-anchored	20,000 80,000 (13)
Lot Width, min.	None
Lot Depth, min.	None
Landscaped Area (2)	100%
Min. Open Space	(12)
Maximum Front Setbacks: (10)	10' (15)
Minimum Setbacks: Front (5) (14) Interior (5) (14) Garage Entrance (9)	5' (1) (4) 20'(8)
Height, max.	50'
Lot Coverage, max.(6)	80%

N/A means not applicable.

(1) Single-family homes or duplexes must have a 5' interior yard for single-story buildings, and an 8' interior yard for two-story buildings. See 5.150 and 5.160 for zero lot line options.

(2) All yards adjacent to streets.

(3) Lots with alley access may be up to 10% smaller than the minimum lot size for the zone. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]

- (4) Commercial or office buildings abutting residential districts and/or uses require 1 foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting commercial or industrial districts, no interior setback is required.
- (5) No setbacks are required for buildings abutting railroad rights-of-way.
- (6) Lot coverage includes building and parking area coverage.
- (7) See ADC 5.120
- (8) Garage setback for non-vehicle entrance must conform with the requirements for interior setbacks.
- (9) For garages with alley access, see Table 2.
- (10) The maximum setback may be increased with the condition that 100% of the increased setback is used for pedestrian amenities associated with the building use, such as patio dining for a restaurant, sidewalk café, plaza, or courtyard. See ADC 8.320(4).
- (11) For multi-family and commercial developments, no parking or circulation will be allowed within the front yard between the building with the primary entrance and the adjacent street.
- (12) Ten or more residential units require open space. See ADC 8.210.
- (13) **The building and business footprint maximum is 80,000 square feet if a grocery store occupies at least fifty percent (50%) of the total square footage. This footprint may include one or more businesses or attached buildings. For purposes of this section, a grocery store is defined as a business that sells primarily food and household supplies. Ancillary grocery uses include uses such as pharmacy, bakery, and florist. Excluding grocery stores, which may be up to 60,000 square feet. For purposes of this section, a business is considered a grocery store if foods, toiletries, and cleaning supply items occupy more than 50 percent (50%) of the sales floor area.**
- (14) Properties adjacent to the Willamette River, see also the Willamette Greenway standards in 5.200 and ADC 6.310.
- (15) Except for residential development, which has a maximum setback of 25 feet. See Section 8.240 for residential design standards.
- (16) No minimum lot size for structures on the Local Historic Inventory.
- (17) In shopping centers with multiple tenants, “business” refers to each individually leasable space. “Footprint” refers to the amount of area covered by the first floor. Businesses may build on additional floors.

SETBACKS

5.100 Minimum Standards. Primary structures must meet the minimum setback standards in Table 1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area.

The Accessory Structure Standards (Table 2) apply to residential accessory structures in the MUR, WF, MS, ~~and ES~~, **and MUC** districts.

No changes are proposed to 5.110 to 5.350 at this time.

OUTSIDE STORAGE

5.360 General.

- (1) In the HD, CB, LE, MS, ES, ~~and WF~~ **and MUC** districts, outside storage or display of materials, junk, parts, or merchandise is not permitted within required front yards or required buffer areas, except for automobile sales, where allowed.
- (2) In the HD, CB, LE, MS, ES, WF and **MUC** districts, open storage is permitted in yards not listed in (1) above, provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm, which must be constructed of non-combustible material. This enclosure must be located on the property at the required setback line as if the berm, fence, wall, or hedge was a building.

FENCES

MUC AND MUR DISTRICTS

No changes are proposed to 5.380 to 5.410 at this time.