

**ARTICLE 10: OVERLAY ZONING DISTRICTS WITHIN THE CITY OF ALBANY**

**SECTION 10.01 PROCEDURES GOVERNING OVERLAY ZONING**

**A. Application.**

1. Overlay Districts are supplemental to the underlying zoning district classifications established in the Albany Dougherty Zoning Ordinance that governs all properties within the City of Albany. Within areas mapped as Overlay Zoning Districts in this Article, these Overlay District regulations shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations.
2. The provisions of each Overlay Zoning District apply to all applications for rezoning, special approval, variances, administrative review, land disturbance permit, plan review, and plat approval which includes the creation of additional parcels or substantial reconfiguration of existing parcels, and building permits for all property and rights-of-way within the boundaries of the Overlay District.
3. Review and approval of administrative variances and enforcement of design guidelines shall be performed by the Director of Planning and Development Services or his/her designee, subject to meeting all the requirements of the Albany Dougherty Zoning Ordinance.
4. All applicable plan reviews, plat approvals, permits and zoning decisions for parcels located within each Overlay District shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the Overlay Zoning District applicable to the parcel. All road and utility projects shall adhere to all requirements of the Overlay Zoning District.
5. Any parcel of land that is wholly or partly within the boundary shall be included in the Overlay District.

**B. Relationship to Underlying Zoning District Standards.** In any case where the standards and requirements of an Overlay Zoning District vary from those of the base zoning district, the standards and requirements of the Overlay District shall govern.

**C. Overlay Zoning District Boundary Maps.** Boundary maps for each Overlay Zoning District are an integral part of the administration of this Article. Copies of these maps are available for inspection during normal business hours in Planning and Development Services.

**D. Map Amendments.** No change in the boundary of an Overlay Zoning District shall be authorized, except by the City Commission pursuant to procedures stated in Title III. Article 4. Section 4.04.

## **SECTION 10.02 ALBANY DOWNTOWN RIVERFRONT OVERLAY DISTRICT**

### **PURPOSE AND INTENT**

The purpose of the Riverfront Overlay District is to support and enhance Downtown Albany as the cultural and historic Crown of the City, with a focus on the Flint River as its most sparkling jewel. The elements of the Riverfront Overlay District must influence the shape and scope of a new, updated and redefined Downtown/Riverfront Master Plan. The District is bounded by, and includes properties along both sides of, the following demarcation lines or streets: Broadway/Radium Springs Road to the East, Mercer Alley to the South, Jefferson Street to the West and Residence Alley to North, approximately .81 square mile.

The Riverfront Overlay District is intended to establish a pedestrian-oriented, high-density, Cultural and Tourism District within Downtown; providing an environment where individuals and families can live, work, play and discover. Emphasis will be on establishing a regional center for commerce and tourism with a mix of cultural, entertainment, retail, office, institutional, and residential uses that reflect Albany's rich local history and culture.

### **DEFINITIONS**

In addition to the definitions found in Title 1 of the Albany Dougherty Zoning Ordinance, the following definitions shall apply:

**BUILD-TO LINE:** The BUILD-TO LINE is the line along which the BUILDING STREET FAÇADE or STREET WALL is permitted to be located. The distance between the BUILD-TO LINE and the nearest street curb or edge of street is equal to the SIDEWALK AREA width requirements, except where PUBLIC or PRIVATE OPEN SPACE is adjacent to the SIDEWALK AREA, the BUILD-TO LINE shall extend around the perimeter of such OPEN SPACE.

**BUILDING STREET FACADE:** The exterior wall of a building, not including extruding structures such as porches, stoops or bay windows, which is located along the BUILD-TO LINE or street without an intervening building or STREET WALL

**DAY LABOR SERVICES:** Workers who are hired for and paid by the day.

**FRONT STREET AREA:** That area along both sides of Front Street within the Riverfront District extending from Mercer Alley on the South, extending to Booker Avenue on the North.

**HABITABLE SPACE:** Usable floor area, utilized for any principal permitted use except parking, storage, digital industry switchboards, power generators, and other relay equipment.

**OPEN SPACE:** PRIVATE OPEN SPACE and PUBLIC OPEN SPACE appropriately improved for pedestrian use and amenity and not including areas used for vehicles, except for incidental service, maintenance or emergency actions only. OPEN SPACE shall be exterior and computed as the total square footage of said spaces. OPEN SPACE SHALL meet the requirements of at least one of the following types.

**1. PRIVATE OPEN SPACE:** OPEN SPACE that is private courts, lawns, gardens, terraces, or balconies, which restrict access to residents of adjacent development.

**2. PUBLIC OPEN SPACE:** PARK, PLAZA, or HARD SURFACE TRAIL that is open to the public during normal City park hours, STREET MEDIANS AND ISLANDS and SIDEWALK AREA requirements located on private property.

**3. PARK:** A PUBLIC OPEN SPACE that provides recreation amenities and gathering places. A PARK shall have streets along a minimum of fifty (50) percent of its perimeter and shall have no more than twenty (20) percent of its area covered with impervious surfaces, with the exception of HARD SURFACE TRAILS.

**4. PLAZA:** A PUBLIC OPEN SPACE that is fronted by buildings, either civic, or private, and is available for public activities, but may have public access limited for the purposes of providing outdoor dining areas. A PLAZA shall have streets along a minimum of fifty (50) percent of its perimeter and a landscape consisting of durable pavement, trees and other plant materials.

**5. SQUARE:** A PLAZA that has streets along 100% of its perimeter and may or may not consist of durable pavement.

**6. STREET MEDIANS AND ISLANDS:** A PUBLIC OPEN SPACE that is surrounded by a street and located entirely within a public right-of-way and not intended for active or passive use. Such area is landscaped and may contain sculpture, fountains, flags or similar features.

**7. HARD SURFACE TRAIL:** Proposed new multi-use trails and recreational trails as indicated on the Riverfront District Plan. Such trails shall be concrete or asphalt with a minimum width of twelve (12) feet with green space on either side for use by pedestrians and non-motorized vehicles. Boardwalks, bridges, and pervious concrete are permitted within flood plains and stream buffers as approved by the City.

**OUTDOOR DISPLAY:** Temporary outdoor presentation for open view and retail sale of items or goods, which presentation is made on sidewalk area immediately adjacent to the retail store offering such items or goods for such sale and display. See GENERAL USE REQUIREMENTS Section for additional regulations.

**OUTDOOR STORAGE:** The keeping, in an unenclosed area, of any inventory, goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours whether for storage, display, processing or sale. See GENERAL USE REQUIREMENTS section for additional regulations.

**OVERLAY DISTRICT:** An additional district established by the zoning regulations that may be more or less restrictive than the primary zoning district. Where a property is located within an overlay district, it is subject to the provisions of both the primary zoning district and the overlay district. Where the provisions are in conflict, the overlay district governs.

**PAWNBROKER SERVICES:** One who makes a business of lending money at interest in exchange for personal property that is deposited as security.

**PAWNSHOP:** A shop where loans are made with personal property as security.

**PATIO HOME:** A Single-family dwelling placed on the lot such that there is a side yard on only one side of the dwelling and the other side of the dwelling has a side yard setback of zero, or nearly zero. Patio

Homes are not permitted.

**PLANNED STREET:** Proposed new streets as indicated on the Riverfront District Plan

**RESIDENTIAL TREATMENT:** An architectural treatment that:

1. Is provided on a **BUILDING STREET FACADE**.
2. Provides **HABITABLE SPACE** for a minimum of the first ten (10) feet in depth of the entry level floor behind the **STREET FACADE**.
3. Provides equally sized vertical windows where the top of which and the bottom of which shall be no higher and no lower than to the top of the door frame and the bottom of door frame.
4. Provides windows for a minimum of thirty (30) percent and a maximum of sixty (60) percent of the total **BUILDING STREET FACADE** area, with the façade of each unit and each floor of a unit, being calculated independently.
5. Provides an entry stoop or porch at a primary pedestrian **BUILDING STREET FACADE** entrance, when the **RESIDENTIAL TREATMENT** is provided on the street entry level facade.

**SIDEWALK AREA:** Begins at the street curb, including intervening driveways, and consists of a contiguous **SIDEWALK LANDSCAPE ZONE**, **SIDEWALK CLEAR ZONE**, and **SIDEWALK SUPPLEMENTAL ZONE** as described below.

**SIDEWALK LANDSCAPE ZONE:** The portion of a **SIDEWALK AREA** adjacent to the street curb and reserved for the placement of trees, groundcover, and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, tree grates, newspaper boxes, bus shelters, sandwich boards as defined under the Sign Ordinance, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

**SIDEWALK CLEAR ZONE:** The portion of a **SIDEWALK AREA** that is reserved for pedestrian passage and is unobstructed by permanent objects to a height of eight (8) feet, including but not limited to, steps and stoops, traffic control boxes, and utility structures. The **SIDEWALK CLEAR ZONE** shall be adjacent and between the **SIDEWALK LANDSCAPE ZONE** and the **SIDEWALK SUPPLEMENTAL YARD** and shall have a consistent cross-slope not exceeding two (2) percent.

**SIDEWALK SUPPLEMENTAL YARD:** The area between the back of the **SIDEWALK CLEAR ZONE** and the **BUILD-TO LINE**, Adjacent to **STOREFRONT TREATMENTS**, **SIDEWALK SUPPLEMENTAL ZONES** may be used for pedestrian amenity elements such as benches, merchandise display, potted plants, and decorative fountains. Outdoor dining is permitted only when adjacent to bars/eating premises and establishments. Elements that are prohibited in the **SIDEWALK SUPPLEMENTAL YARD** include: recreational areas and facilities such as swimming pools, tennis courts; fences and walls greater than forty (40) inches in height; service elements such as dumpsters, loading docks and similar elements; mechanical features; and parking. Public access may be restricted only for areas adjacent to **RESIDENTIAL TREATMENT**, and for outdoor dining areas when adjacent to **STOREFRONT TREATMENTS**. No element shall be attached to the **SIDEWALK SUPPLEMENTAL YARD** in any way, with the exception of permitted porches, steps, and stoops adjacent to **RESIDENTIAL TREATMENTS**.

**STOREFRONT / RETAIL STREETS:** Listed streets within the Riverfront District that require all

buildings to have BUILDING STREET FACADES with continuous STOREFRONT TREATMENT or RESIDENTIAL TREATMENT.

STOREFRONT TREATMENT: An architectural treatment that:

1. Is provided on the sidewalk entrance level of a BUILDING STREET FACADE.
2. Provides HABITABLE SPACE for a minimum of the first twenty (20) feet in depth behind BUILDING STREET FACADE.
3. Provides a display window area consisting of:
  - a. A non-glass bulkhead or knee wall beginning at grade and extending to a point no less than eight (8) inches but not more than twenty-four (24) inches above the SIDEWALK AREA at the BUILD-TO LINE.
  - b. A glass display window a minimum of seventy-five (75) percent of the length of the built portion of the BUILD-TO LINE beginning at the top of the bulkhead or knee wall, to a height not less than ten (10) feet and not more than twelve (12) feet above said SIDEWALK AREA at the BUILD-TO LINE below the base of the window. Such glass shall provide views into display windows that have a minimum depth of two and one-half (2.5) feet into and are accessible from the building interior. The areas behind display windows shall be accessible from inside the building.
  - c. Primary pedestrian entrances on the STREET FAÇADE are recessed a maximum of seven (7) feet from the exterior facade, remain unlocked during normal business hours, and have a surface area that is a minimum of seventy (70) percent glass.
  - d. A glass transom located along the STREET FAÇADE of a structure above the glass display window and entry door shall have a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.
  - e. No facade length shall exceed twenty (20) feet without intervening glass display windows or glass doors.
4. A cornice line above the sign band a minimum height of eight (8) inches.
5. Street address numbers, a minimum of six (6) inches in height located above the primary pedestrian entrance.
6. Recesses any sidewalk entrance level drop ceiling a minimum of eighteen (18) inches from the display window opening.
7. Finished floor to finished ceiling height shall be a minimum of fourteen (14) feet. Finished ceiling slab height shall not be considered finished ceiling height.

STREET WALL: A wall no less than seventy-five (75) percent opaque built along the BUILD-TO LINE and co-planer with the BUILDING STREET FAÇADE, often for the purpose of masking a parking lot from the street. STREET WALLS shall be a minimum of three and one-half (3.5) feet in height, and consisting of dense evergreen hedge or constructed of a material matching the adjacent BUILDING STREET FACADE. STREET WALLS shall be discontinued no more than necessary to allow automobile and pedestrian access.

The STREET WALL shall have other individual openings not exceeding four (4) square feet in area and height of less than three and one-half (3.5) feet.

**TOWNHOUSE:** Attached single-family residential structure where no residential unit is directly above or below another residential unit, in a building of three (3) or more such single-family dwellings.

**VENDING CART:** Any box or container with wheels that is not propelled or moved by an engine. Trailers of any type are not vending carts. See GENERAL USE REQUIREMENTS Section for additional requirements.

**VENDING STAND:** Any table, equipment or apparatus which is not a structure, which is designed and intended so as to not be a permanent fixture on a lot, and which is used for the retail sale, display and accessory advertising of merchandise or food. See GENERAL USE REQUIREMENTS Section for additional regulations.

**VENDOR:** A person selling goods either from a vehicle, vending stand or vending cart upon the street or sidewalks of the city, or by going from place to place on foot or by other means of transportation. See GENERAL USE REQUIREMENTS Section for additional regulations.

## OPEN SPACE REQUIREMENTS

All OPEN SPACE requirements shall be subject to an Administrative Approval by the Director. All developments shall be required to dedicate OPEN SPACE. Location of such OPEN SPACE shall be approved either within the confines of the development or at a proximate location. OPEN SPACE shall be PUBLIC OPEN SPACE except that Residential development shall provide either PUBLIC OPEN SPACE or PRIVATE OPEN SPACE. The minimum requirement for OPEN SPACE is twenty (20) percent of the lot area.

In addition to the definition requirements, OPEN SPACE shall be dedicated, designed and constructed pursuant to the following:

1. The following shall be counted towards OPEN SPACE requirements:
  - a. Required public sidewalk areas, when constructed on private property.
  - b. Balconies, terraces, rooftop gardens, and similar space improved for passive or active use and enjoyment, which is not covered and is walled on no more than one (1) side.
  - c. New public streets that connect at least two (2) other public streets, and which are constructed on private property as approved by the Director.
  - d. Public hard surface trails.
  - e. Any areas that meet the definition of OPEN SPACE and are constructed on private property.
2. Public hard surface trails shall be permitted to count twice the area of the trail towards OPEN SPACE requirements subject to each of the following as approved by the Director.
  - a. The minimum trail width, including a two (2) foot wide landscaped shoulder on each side, is sixteen (16) feet, or as required by the Riverfront District Plan.

- b. Trail connections are provided to any adjacent trail or any planned trail alignment.
3. Detention ponds and required stream buffers shall not be used in OPEN SPACE calculations.
4. The owner shall submit a maintenance agreement establishing a mechanism for maintaining OPEN SPACE dedication located within subject development, as otherwise approved by the Director.
5. OPEN SPACE requirements shall be constructed or dedicated as part of the first phase construction, at a minimum in an amount equivalent to the first phase proportion of the total development.
6. Where parks, plazas and squares are not indicated on the RIVERFRONT DISTRICT PLAN, OPEN SPACE dedication shall be guaranteed through bonds, conservation easements, land donation or permanent deed restriction. In lieu of OPEN SPACE dedication, cash value contribution shall be provided to the City's open space bank, which contribution shall be equivalent to the square footage value of subject land multiplied times the square feet of such OPEN SPACE.
7. Non-residential development shall provide PUBLIC OPEN SPACE, which shall be open to the public during daylight hours and other hours as determined by the City. Open Space shall be created and preserved to be used as family friendly space suitable for concerts and other district events.

#### PARKING, DRIVEWAY, AND ACCESS REQUIREMENTS

1. No parking shall be permitted between a building and the street without an intervening building.
2. Developments are permitted a maximum of one (1) curb cut per block face or one (1) curb cut per four hundred (400) linear feet of block face, whichever is greater. For the purposes of this Section, two (2) curb cuts serving two (2) one-way driveways shall only be counted as one (1) curb cut.
3. No curb cuts, driveways or circular drives shall be permitted on retail streets or when access can be provided from a side or rear street. Circular drives are prohibited, with the exception of hotel and hospital uses.
4. Curb cuts shall be limited to a one-way a maximum width of twelve (12) feet or a two-way maximum width of twenty-four (24) feet.
5. Any parking not screened from the street by a building shall have a minimum seven (7) foot wide landscaped area between such parking and the street. Such landscaped area shall have a minimum of one (1) shade tree per fifty (50) linear feet, groundcover, and an evergreen hedge at a maximum of thirty-six (36) inches or decorative wall or fence with a minimum height of thirty (30) inches. Trees shall be planted and street lighting placed in line with the stripes of adjacent parking spaces. Existing parking lots that are not part of the redevelopment of a site and have limited space, may use a STREET WALL to provide screening, when approved by the Director.
6. Where the end of a parking space has a permanent concrete or masonry curb and abuts a landscaped area that is a minimum width of six (6) feet, the required minimum depth of such space shall be reduced by two (2) feet.
7. Commercial parking lots are not permitted except where individual businesses lease spaces under a shared parking arrangement.

8. Paving materials used for parking and loading areas other than asphalt or concrete shall be subject to an Administrative Approval.
9. Required parking may be provided off-site within one thousand (1,000) feet of the use it serves.
10. Angled on-street parking shall be permitted on both sides of new streets or as otherwise permitted by an Administrative Approval. Forty-five (45) degree angled parking shall require parking space length of nineteen (19) feet and two (2) travel lanes width of ten (10) feet. Sixty (60) degree angled parking shall require parking space length of twenty (20) feet and two (2) travel lanes width of eleven (11) feet. Ninety (90) degree angled parking shall require parking space length of eighteen (18) feet and two (2) travel lanes width of twelve (12) feet.
11. Reduction of parking requirements may be permitted, subject to a shared parking arrangement under the following criteria:
  - a. The minimum number of parking spaces for a development where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Report or Institute of Transportation Engineers (ITE) Shared Parking Guidelines. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys shall consider the seasonal peak period for the combination of land uses involved.
  - b. All shared parking spaces shall be clearly marked as such; and
  - c. An applicant shall submit the following information as part of an application to reduce parking requirements and avoid conflicting parking demands:
    - 1.) A to-scale map indicating location of proposed parking spaces;
    - 2.) Hours of business operation of nonresidential parking users;
    - 3.) Written consent of property owners agreeing to the shared parking arrangement (when provided off-site);
    - 4.) Copies of parking lease agreement, easements for parking, or notarized letter or sworn affidavit as to the intent of lease agreement, including renewed leases, shall be filed with the Director of Planning and Zoning, or designee. Lapse of a required lease agreement, or failure to file leases, shall terminate approval for shared parking.
12. Rear alleys shall be provided to access TOWNHOUSE and MULTIFAMILY garages, single-family dwelling garages, and commercial loading and service areas, where such access is feasible. See **Table II.3.03 b New Alley Requirements**.
13. The section of the Riverfront District, which lies within the Central Business District, is exempt from off-street parking requirements. However, all required off-street parking for residential use, including single or two-family, TOWNHOUSES, MULTIFAMILY dwellings, and ACCESSORY



DWELLING UNITS, shall be met on-site or in an adjacent garage or parking structure.

14. Bicycle or moped parking spaces are required as follows:

- a. All new non-residential uses shall provide one (1) such space for every twenty (20) automobile spaces and new MULTIFAMILY uses shall provide one (1) such space for every five (5) units provided that no such uses shall have fewer than two (2) such spaces or be required to exceed thirty (30) spaces.
- b. Such spaces shall be located within the SIDEWALK LANDSCAPE ZONE a maximum distance of one hundred (100) feet from the primary pedestrian entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces.
- c. Bicycle parking spaces shall include a bike rack with a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.

15. Garages and carports shall not face adjacent streets except where alley access is not feasible, in which case such garages and carports shall be setback a minimum of ten (10) feet from the BUILDING STREET FAÇADE and a minimum of eighteen (18) feet from the required sidewalk.

## NEW STREET REQUIREMENTS

1. Every effort shall be made to restore and maintain the historic street grid pattern within the Riverfront District west of Front Street.
2. Whenever a development five (5) acres or greater is to be developed or redeveloped, block sizes shall not exceed a total perimeter of two thousand (2000) linear feet as measured from the edge of street and a total of six hundred (600) feet on any one side. The property owner is responsible for the dedication of the right-of-way in accordance with the provisions of the Albany Dougherty Subdivision Regulations. The entire dedicated right-of-way shall be shown as such on a final survey plat that is submitted to and approved by the City. Measurements involving minimum lot standards shall be made at the edge of the full right-of-way. Prior to the issuance of a Certificate of Occupancy (CO) for any new development on such lot, the street shall be either constructed or guaranteed through bonds to the standards established herein. Alleys shall be provided to serve parking and service areas at the rear of building.
3. New streets shall be minor streets.
4. Dead-end and cul-de-sac streets are prohibited.
5. All streets shall meet SIDEWALK AREA requirements

## ALLEYS

1. Alleys in the Riverfront District are for service and parking area access only and, except for private alleys, will not be used for ordinary street traffic.
2. Alleys will accommodate delivery and waste removal where reasonable, so as not to impede motor vehicles or pedestrians on principal streets.

3. Loading and Service: Where alleys provide inadequate space and access to accommodate service and delivery, curb space may be marked to accommodate delivery and service vehicle; such request must be reviewed and approved by the Director of the City Engineering Department, or designee.

## SIDEWALK AREA REQUIREMENTS

In addition to the City's general sidewalk requirements, special requirements for streets in the Riverfront District apply. Such requirements may result in a reduction of curb to curb street width or traffic lane width as approved by the City. Where practical and reasonable, the Riverfront District will accommodate bike and non-motorized vehicle traffic and parking.

1. A SIDEWALK AREA shall be located along all streets and shall consist of a SIDEWALK LANDSCAPE ZONE with street trees, an unobstructed SIDEWALK CLEAR ZONE, and a SUPPLEMENTAL YARD with width requirements as indicated on Table II.2.06 General Sidewalk Area Requirements
2. Any paving, including concrete, special or decorative paving, within the SIDEWALK LANDSCAPE ZONE, SIDEWALK CLEAR ZONE, or SIDEWALK SUPPLEMENTAL YARD shall continue across any intervening driveway, at width equal to the SIDEWALK AREA paving.
3. Within the SIDEWALK LANDSCAPE ZONE:
  - a. Street trees are required as indicated in Table II.2.06 General Sidewalk Area Requirements. Street trees shall be planted a maximum of fifty (50) feet on center and spaced equal distance between streetlights and in line with stripes of parallel parking spaces. All newly planted trees shall be a minimum caliper of three and one-half (3.5) inches measured twelve (12) inches above ground, shall be limbed up to a minimum height of seven (7) feet and shall have a minimum mature height of forty (40) feet. Trees planted in front of STOREFRONT TREATMENTS shall be limbed up to a minimum height of ten (10) feet and have a minimum mature height of fifty (50) feet. Trees shall have a minimum planting area of forty (40) square feet.
  - b. Tree planting areas shall be planted with evergreen ground cover such as Liriope Spicata, Mondo Grass, or other evergreen ground cover as approved by the City.
  - c. All street furniture and pavers, where installed and all street trees shall have a location and type subject to approval by the Director, or designee, including but not limited to the following: benches, waste receptacles, bicycle racks, newspaper stands, tree grates, and pedestrian lights. Generally, tree grates, where permitted, shall be a minimum of eight (8) feet by five (5) feet; and decorative pedestrian lights shall be placed a maximum of fifty (50) feet on center and shall be spaced equal distance between required street trees.
  - d. Street tree requirements within the SIDEWALK LANDSCAPE ZONE may be met or exceeded through landscape bulb-outs between on-street parking spaces and behind sidewalk extensions at street intersections on streets that have on-street parking, with an Administrative Approval by the Director.
4. Within the SIDEWALK CLEAR ZONE:
  - a. The paving type shall extend across any intervening driveway at the same width as the SIDEWALK CLEAR ZONE, and handicapped access across driveways shall be provided within the

clear zone area.

- b. Buildings with no adjacent SIDEWALK SUPPLEMENTAL YARD and that existed before October 1, 2007, may have outdoor dining areas encroach a maximum of two (2) feet into the SIDEWALK CLEAR ZONE, measured from the BUILDING STREET FAÇADE.
- c. Nothing shall be placed on the surface of the SIDEWALK CLEAR ZONE except as otherwise specifically permitted.

5. Within the SIDEWALK SUPPLEMENTAL YARD:

- a. The maximum depth that terraces, porches and stoops, not including stairs, permitted to encroach shall equal sixty (60) percent of the total zone depth.
- b. Terraces, porches, and stoops that are not a required “accessible route into and through the dwelling unit”, as established by Sec. 804. [42 U.S.C. 3604] (3) (C) (iii) (I) of the Fair Housing Act shall have a minimum finished floor height of twenty-four (24) inches above the SIDEWALK AREA finished grade.
- c. Adjacent to sidewalk level RESIDENTIAL TREATMENTS, landscaping shall be provided for a minimum of forty (40) percent of the horizontal area
- d. Adjacent to STOREFRONT TREATMENTS, paving shall be provided for a minimum of eighty (80) percent of the horizontal area.
- e. SIDEWALK SUPPLEMENTAL YARD width requirements may be administratively reduced where the SIDEWALK LANDSCAPE ZONE is increased to a minimum width of ten (10) feet for purposes of locating outdoor dining.

## BUILDING STREET FACADE REQUIREMENTS

All property with street frontage on Storefront / Retail Streets (listed below) shall have a continuous BUILDING STREET FACADE, along such streets, except that the BUILDING STREET FACADE may be interrupted as needed for approved intervening driveways. Where these requirements are satisfied by existing principal buildings, additional principle buildings shall be exempt from these requirements.

### STOREFRONT / RETAIL STREETS

<u>Street Name</u>	<u>Section</u>
Flint Avenue	From Jefferson Street to Front Street
Pine Avenue	From Jefferson Street to Front Street
W. Broad Avenue	From Jefferson Street to the West Bank of the Flint River
W. Oglethorpe Blvd.	From Jefferson Street to Front Street
W. Highland Avenue	From Jefferson Street to S. Washington Street

Jackson Street	From Flint Street to Whitney Avenue
Washington Street	From Roosevelt Avenue to Highland Avenue
Front Street	From Pine Avenue to W. Oglethorpe Blvd.
Booker Ave	East of North Washington Street

Along the BUILDING STREET FACADE of all new and renovated buildings and structures the following standards shall apply. Where a historic structure is being renovated and these requirements are not in keeping with historic elements of such building, such historic elements may be administratively approved by the Director of Planning and Development or his/her designee: In addition to these BUILDING STREET FACADE requirements, additional guidelines for facade are set forth by the Albany Dougherty Inner City Authority.

1. The first two (2) stories of building facades shall be brick, cast stone, concrete siding such as Hardiplank, natural wood or stone, with the exception of pedestrian entrances and windows. On buildings along Front Street such requirements shall apply to the entire building street facade and along building street facades seen from Front Street.
2. Exposed building foundation materials shall be masonry, stone, or hard-coat stucco.
3. Awnings shall be of fabrics, canvas, fixed metal, or similar material. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.
4. Blank, windowless walls are prohibited. All building stories with the exception of STOREFRONT TREATMENT shall have windows and doors that equal a minimum of thirty (30) percent and maximum of sixty (60) percent of the total facade area with each story being calculated independently.
5. All windows shall be vertically shaped with a height greater than width, including display windows but not transoms or decorative attic windows.
6. Glass panels in windows and storefronts shall be clear and unpainted, and shall not be tinted such that views into the building are obstructed, with the exception of transoms, which may be prism glass.
7. Window trim shall not be flush with the exterior wall and shall have a minimum relief of one-quarter (1/4) inch from the exterior wall.
8. Doors and windows that operate as horizontal sliders are prohibited except where renovating a historic building with this window type.
9. Window frames shall be recessed a minimum of two (2) inches from the exterior façade.
10. Stoops and entry-level porches shall not be enclosed with screen wire or glass.
11. Porch and arcade columns shall be a minimum width of eight (8) inches.
12. Residential porches shall be covered and have a minimum depth of five (5) feet, a minimum length of six (6) feet and a minimum area of forty (40) feet.

13. Exterior entry steps shall have enclosed risers.
14. Parking structures shall conceal automobiles from visibility; shall have the appearance of a horizontal storied building on all levels; shall be faced in brick, stone, cast stone, poured-in-place rubbed concrete, or pre-cast concrete faced in or having the appearance of brick or stone.
15. The minimum building height as measured along the BUILD-TO LINE shall be eighteen (18) feet.
16. All buildings shall have BUILDING STREET FACADES with continuous STOREFRONT TREATMENT or RESIDENTIAL TREATMENT requirements as indicated in Table II.3.04 Building Façade and Materials Requirements.
17. Building facade materials shall be combined only horizontally, with the heavier below the lighter.

## BUILDING ENTRANCE REQUIREMENTS

1. Sidewalk level uses, including but not limited to dwelling units, multifamily lobbies, individual business establishments, and public institutions, shall have a primary pedestrian entrance, which shall face and be visible from, and directly adjoin the required SIDEWALK AREA or adjoining OPEN SPACE. Where an individual use has a BUILDING STREET FACADE on more than one (1) street, such entrance requirement shall apply along a retail street. Where a historic structure is being renovated, such entrance locations may reflect the historic entrances to such structure.
2. All buildings with more than four (4) SIDEWALK AREA level residential units along a single street shall have individual entrances to such units directly accessible from the required SIDEWALK AREA or adjoining OPEN SPACE. All walkways providing such access shall be shared between no more than two (2) adjacent units.
3. The primary pedestrian entrance to all sidewalk level retail, and bars/eating premises and establishments shall remain unlocked during business hours.

## GENERAL SITE AND BUILDING REQUIREMENTS

1. Chimneys shall extend to the ground.
2. All visible roofs shall have a minimum 25-year roof and no visible roll roofing.
3. The height of fences and walls located between the STREET FACADE of principal structures and a street shall not exceed forty (40) inches and in other areas shall not exceed six (6) feet.
4. Brick piers shall not be utilized for fences.
5. Fences and walls located along the alley right-of-way line or adjacent property line shall be a minimum height of six (6) feet and seventy-five (75) percent opaque.
6. The use of barbed wire, razor wire, chain link or similar elements shall be prohibited.
7. Loading docks and dumpsters shall be entirely screened from view of any PUBLIC OPEN SPACE or SIDEWALK AREA, with vertically enclosed opaque walls.

8. Utilities shall be placed underground or in alleys wherever feasible.
9. Building mechanical and accessory features:
  - a. Shall be located to the side or rear of the principal structure or on rooftops and shall not be visible from any PUBLIC OPEN SPACE or SIDEWALK AREA.
  - b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.
10. Balconies, awnings and bay windows may encroach into any SIDEWALK SUPPLEMENTAL ZONE or required setback a maximum depth of five (5) feet.
11. Walkways with a minimum width of four (4) feet shall be provided from the closest public SIDEWALK CLEAR ZONE to the primary entrance of all buildings and structures not built to the SIDEWALK AREA, including parking structures.
12. Each building shall have a sidewalk level story at each BUILDING STREET FACADE, which shall have a minimum floor to finished ceiling height of eighteen (18) feet for STORFRONT TREATMENTS and a minimum ceiling height of fourteen (14) feet for RESIDENTIAL TREATMENTS. All other building stories above grade shall have a minimum floor to ceiling height of ten (10) feet.
13. New developments shall be served by an alley or private drive to off-street parking.

## **DOWNTOWN OUTDOOR DINING STANDARDS**

The following standards shall apply to all establishments located within the Riverfront District that are seeking to offer outdoor dining within the City's right-of-way or on City owned property.

All establishments seeking to offer outdoor dining within the City's right-of-way or property shall submit an application to the City for approval by the Planning Department and Downtown Managers Office. No establishment shall offer outdoor dining within the City's right-of-way or on City owned property until such time as the establishment has been granted Approval by the Planning Department and Downtown Managers Office.

1. **Application Process:** The Planning Department shall administer the Downtown Outdoor Dining Standards. All applications for Outdoor Dining will be reviewed by the Planning Department and Downtown Managers Office for completeness and clarity.
2. **Application Requirements:** All establishments seeking to offer outdoor dining shall submit the following for review by the Planning Department:
  - a. **Site Plan:** Applicants shall provide a site plan/drawing showing the proposed outdoor dining area with measurements (including a representation showing that at least 4 feet of unobstructed sidewalk space will remain for pedestrians and ADA accessibility compliance.
  - b. **Photos or Drawing of Furniture:** Applicants shall provide photos or other graphic representation (including color and material) of barriers, planters, furniture and umbrellas, needed for the City to verify that the proposed furniture conforms to these Design Guidelines.

- c. **Liability Coverage:** Applicant shall provide proof of liability insurance of not less than One Million Dollars (\$1,000,000.00) per occurrence, further naming the City of Albany as an additional insured party. Completion of a hold harmless agreement is also required prior to occupancy or use of City right-of-way.

### 3. Downtown Outdoor Dining Standards:

- a. **Planters:** Planters may be used in order to provide added visual interest and create a more attractive and welcoming atmosphere.

Planters and the plants contained within them shall meet the following requirements:

- 1.) **Planted Material:** All planters shall be constructed of metal, concrete, plastic, or wood. All Planters shall have plants contained within them. If the plants within a planter die, the plants shall be replaced or the planter removed from the public right-of-way.
- b. **Furniture and Fixtures:** Outdoor dining furniture becomes a prominent part of the streetscape when used in the front of buildings, and such furniture needs to uphold the high standards applied to buildings and other improvements in and around the Riverfront District. A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures shall be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures shall be maintained in a clean condition at all times. All furniture and fixtures shall be durable and of sufficiently sturdy construction as not to blow over with normal winds.

To ensure a quality visual appearance in keeping with the historic context of downtown Albany's architecture, the following requirements apply to all furniture used for outdoor dining:

- 1.) **Types of Furniture Prohibited Furniture:** All furniture other than tables, chairs and umbrellas are prohibited. Examples of prohibited furniture include, but are not limited to, serving stations, bar counters, shelves, racks, sofas, and televisions.
- 2.) **Freestanding:** Furniture and fixtures shall not be secured to trees, lampposts, street signs, hydrants, or any other street infrastructure by means of ropes, chains or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.
- c. **Tables:** Tables need to be functional, not only for patrons, but also for pedestrians, given the limited space available for outdoor dining on many downtown sidewalks. Outdoor dining furniture must also contribute to the overall atmosphere of the downtown commercial district and be complementary in both appearance and quality.
  - 1.) **Color:** Tables may be colored or of a natural unpainted material (i.e., wood, metal etc.) Tables are not permitted to be any fluorescent or other strikingly bright or vivid color.
  - 2.) **Size and Shape:** The size and shape of tables strongly affects the functionality of an outdoor dining area. Due to downtown Albany's narrow sidewalks, restaurants should strive for space-efficient seating layouts and furniture configuration.
  - 3.) **Square or Rectangular Tables Preferred:** Square or rectangular tables are strongly recommended for use in outdoor dining areas. Square or rectangular tables may fit flush

against a building's wall and can permit more usable surface area for patrons while at the same time leaving more space available for pedestrians. Square or rectangular tables are more flexible for use in outdoor dining areas. Such tables may be combined to seat larger parties much more effectively than can round tables.

- d. **Chairs:** Chairs, like other outdoor dining elements, must contribute to the overall atmosphere of the downtown commercial district and must be complementary in both appearance and quality. Chairs shall be colored or of a natural unpainted material (i.e. wood, metal etc.) Chairs are not permitted to be of any fluorescent or other strikingly bright or vivid color. Upholstered chairs are permitted. Upholstery is not permitted to be of any fluorescent or other strikingly bright or vivid color.
- 1.) **Matching or Harmonious:** All chairs used within a particular establishment's outdoor seating area must match or be harmonious with each other by being of visually similar design, construction and color.
- e. **Umbrellas:** Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements, making their use desirable for outdoor dining applications. Appropriately designed and sized umbrellas are permitted for use under this outdoor dining program. Umbrellas must be contained within the outdoor dining area, and the lowest dimension of an extended umbrella must be at least 7 feet above the sidewalk surface. All umbrellas shall comply with the following conditions.
- 1.) **Contained Within the Outdoor Seating Area:** To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.
  - 2.) **Minimum Height for Sidewalk Clearance:** When extended, the umbrella must measure at least 7 feet above the surface of the outdoor dining area in order to provide adequate circulation space below. This measurement must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.
  - 3.) **Maximum Height:** Any part of an umbrella used in an outdoor seating area shall not exceed a height of 120" (10 feet) above the level of the sidewalk, in order to avoid causing an undue visual obstruction of other businesses.
  - 4.) **Colors:** Umbrellas must blend appropriately with the surrounding built environment. Umbrella fabric shall not be of any fluorescent or other strikingly bright or vivid color.
- f. **Signage:** No extra or additional signage shall be permitted as a result of an establishment's participation in this outdoor dining program. Moveable sandwich boards in compliance with the SANDWICH BOARD SIGN REGULATIONS are permissible within and adjacent to outdoor dining areas. Signage shall not be placed within any portion of the minimum 4' of unobstructed pedestrian space.
- g. **Setback from other Businesses:** Restaurants need to be mindful of adjoining businesses when using outdoor dining areas, making sure that neighboring businesses remain visible to pedestrians and motorists. The limits of an outdoor dining area shall not exceed the width and side to side position of the space occupied by the operating dining establishment responsible



for the outdoor dining area at the point where the storefront/front wall of the establishment contacts the outdoor dining area.

## GENERAL USE REQUIREMENTS

### Alcoholic Beverages

1. Proximity Requirements for Sale of Alcoholic Beverages: Business establishments selling alcoholic beverages for on-premises or off-premises consumption shall not be subject to any minimum requirements for distances between such businesses. All other proximity rules such as distances between such businesses and schools and churches remain in effect, except as provided for below. The City Commission will approve or disapprove all alcohol licenses based on recommendations from the Downtown Manager, the Enforcement Director, and policing officials, and shall consider in its deliberation other information and issues to include but not limited to the following:
  - a. Whether the proposed establishment will provide or is capable of providing live music; and how close this establishment is to other establishments that offer or are capable of offering live music.
  - b. Confirmation of the establishment's ability to comply with the Riverfront Districts noise ordinance, considering building location, design and sound retarding material uses in its design/redesign.
  - c. The impact of the proposed establishment on the mixed-use goals and plans for the District; each area must host retail and/or residential establishments, as well as entertainment amenities.
  - d. No area shall be exclusively bars, taverns, clubs or other liquor/Alcohol selling/serving establishments. To meet this standard there shall be no more than three liquor selling establishments on any single side of a city block; no more than four in each facing block and no more than two that feature live or amplified sound.
  - e. The Commission will not authorize Alcohol sales in the Front Street Area exclusive of the hotels, restaurants, the Civic Center and City sanctioned special events. The Front area must remain both child and pedestrian friendly areas.
2. Alcohol beverage licensees located within the Albany Downtown Riverfront District as provided in paragraph 1 above shall not be subject to the provisions of Sections 4-3(a) and (b) and Section 4-43 of the City Code.
3. Any church or school established in the district after the district is established will not have benefit of the Alcohol License Proximity Ordinance, in that an alcohol selling establishment may be able to locate next door to the subject churches or schools without having violated District Proximity Ordinances.

### Outdoor Storage Requirements

Unless otherwise specified by Article 10. Section 10.02, outdoor storage shall comply with the following requirements:

1. Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
2. Outdoor storage shall be set back at least 15 feet from any side interior or rear property line. The side corner setback shall at least equal the front yard setback.
3. The setback distance shall be landscaped to provide a year-round vegetative screen.
4. Outdoor storage area shall be screened by a solid fence or wall at least six feet high or as required to screen view from adjacent property and public streets.
5. Outdoor storage shall not be located within any required buffer or landscaped areas.
6. Outdoor storage existing at the effective amended date of this Ordinance shall comply with the requirements set forth herein within two (2) years of the effective amended date.

### **Outdoor Display(s) Requirements**

1. Outdoor Displays:
  - a. shall not be located within public or private right(s)-of-way or any required buffer or landscaped area
  - b. shall not obstruct the sidewalk clear zone
  - c. shall be limited to the business hours of the primary establishment
2. Outdoor Displays (generally not an accessory to the primary use of the establishment) for which an occupational tax certificate may be granted include (by way of example and not by way of limitation) the following: sidewalk sales, farmers markets, outdoor display and sale of seasonal merchandise, and outdoor sales by charitable organizations.

### **Temporary Use, Commercial Retail (Vendors):**

1. A temporary commercial retail use shall require an occupational tax certificate for a time period not to exceed 14 days, up to six times a year, pending approval of the Director of Planning and Development and the Down Town Manger. A temporary use for certain special events, which falls outside the 14-day time allotment, requires approval of the Downtown Manager.
2. Temporary commercial retail uses shall operate in accordance with the following regulations:
  - a. No temporary commercial retail use activities or vehicles shall be permitted to operate in the following areas:
    - 1.) Within 10 feet from the right-of-way of any city roadway or street.
    - 2.) Within a required landscape strip or buffer or improvement setback.
    - 3.) Within 10 feet of any street intersection or crosswalk.
    - 4.) Within 10 feet of any driveway or other curb cut access, loading zone or bus stop.

- 5.) In any area within 15 feet of a building entrance.
  - 6.) On the median strip of a divided roadway.
  - 7.) In front of display windows of a fixed location business.
  - 8.) Any area within 100 feet of a hospital, college, university, elementary, middle or high school.
  - 9.) Within 10 feet of any fire hydrant or fire escape.
  - 10.) Within 10 feet of any parking space or access ramp designated for persons with disabilities
- b. **Size of Vending Carts.** Vending carts used by vendors engaged in temporary commercial retail uses shall not exceed 6 feet in length or 5 feet in heights (exclusive of umbrellas or canopies).
  - c. **Size of Stands:** Vending stands dimensions shall not exceed 8 feet in length by 6 feet in height.
  - d. No vending cart or stand, or other item related to the operation of a temporary commercial retail use shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.
  - e. Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind generated from their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.
    - 1.) Vendors engaged in food vending shall provide a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.
  - f. **Prohibited Conduct.** No temporary commercial retail use may do any of the following:
    - 1.) Obstruct pedestrian or motor vehicle traffic flow.
    - 2.) Obstruct traffic signals or regulatory signs.
    - 3.) Stop, stand or park any vehicle, pushcart or other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
    - 4.) Leave any vending cart or stand unattended at any time or store, park, or leave such conveyance in a public way overnight.
    - 5.) Use any vending cart or stand that when fully loaded with merchandise cannot be easily moved and maintained under the control of licensed Vendor.
    - 6.) Sound any device that produces a loud or raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.
    - 7.) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay,

constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

3. A drawing showing the dimensions of the proposed sales area, required parking spaces, and location of the vending stand, vending car, or motor vehicle used for sales, shall accompany the administrative permit application and shall depict compliance with the standards of this subsection.
4. The applicant shall provide a notarized written permission statement from the property owner or lease holder of the subject site and a 24-hour contact number of the property owner or lease.

### **Sandwich Board Sign Regulations**

Sandwich board signs are permitted in the Riverfront District subject to the following standards:

1. Sandwich board signs require a sign permit prior to the placement of the sign.
2. Sandwich board signs shall be no larger than thirty-two inches in width and forty-eight inches in height and no materials such as papers, balloons, wind socks, etc., may be added to the sign to increase its height and/or width. The height of such signs may not be artificially increased above the allowed maximum by placing material underneath the base of such sign.
3. One (1) sandwich board sign per business.
4. Sandwich board signs must be secured to withstand strong winds and to prevent a roadway hazard.
5. No sandwich board sign shall be placed in the public street right-of-way or in any public parking place.
6. Sandwich board signs may be used only during the hours when the business is open to the public.
7. No sandwich board sign shall be placed so as to obstruct vehicular traffic sight.
8. All sandwich boards signs shall be constructed of weather resistant material and shall not contain any neon material and color.
9. No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorist, bicyclist, or pedestrians.
10. No sandwich board sign may contain lights of any kind.

### **Incompatible uses**

The following uses are expressly prohibited within the District:

1. Adult Entertainment or Businesses as regulated by Ordinance 10-120, adopted June 22, 2010, by the Board of City Commissioners
2. Drive-In and Drive-Thru Windows

3. Pawnshops and Pawnbroker Services
4. Payday Loan, Check Cashing, Cash Advance, Title Loan and similar operations
5. Tattoo Parlors
6. Motor Vehicle Sales and Services
7. Trucking/Warehousing
8. Day Labor Services

## NOISE RESTRICTIONS

With the exclusion of special events approved by the City, such as City parades, festivals and ceremonies; and in addition to the general noise ordinances of the City, special Riverfront District noise requirements apply as follows. It is the intent of the Riverfront District regulations to ensure that the quality of life of residents, workers, visitors and tourist is not diminished by excessive or inappropriate noise from any source, whether amplified or not amplified. Additional fines may be levied for violations of noise restrictions in the Riverfront District, and violations may result in loss of alcohol or business licenses. Noise sources include boom boxes and car stereos or radios and similar devices audible outside of a vehicle at a distance greater than twenty (20) feet in the Riverfront District, and such violations may be punished by greater fines, loss of driving license, and/or confiscation of vehicle.

1. Amplified or live music from any source shall be permitted at a maximum of ten (10) decibels above background sound level in the area, which shall be known as the ten-decibel rule.
2. As a general rule amplified music shall be permitted only during the hours of 10 a.m. to 10 p.m. Monday through Thursday and to 10 a.m. to 12 p.m. Friday, Saturday and locally observed holidays. The following exceptions to the general rule for amplified music hours may be extended to 2:55am Friday, Saturday and locally observed holidays, when there are no proximate residences to the establishment and when the establishment has demonstrated that the music will not adversely affect residences because of distance. Additionally, the establishment will be permitted extend hours, if it is able to demonstrate that structural noise/sound impeding material has been included in the facility to ensure that amplified music/sound emanating from the structure can meet the "10 decibels rule".
3. External speakers are prohibited except at restaurants with outdoor seating, where they shall contain noise levels exceeding the ten-decibel rule to a one-hundred (100) square foot area. Restaurants and bars which are located in the Riverfront District are specifically directed to manage the level of noise emanating from these businesses such that they do not impede traffic, or annoy neighboring business or residences. Restaurants and bars with live or amplified music may be required to include sound reducing material, so as to ensure that maximum sound levels do not exceed the 10 decibel above background sound and/or 100 foot sound rule.
4. Businesses that will or have provided for live and/or amplified, are required to report the same when applying for Alcohol License or making Occupational Tax payment to the issuing office, the Finance or Marshal's Office. Additionally, the noise restrictions will be considered and shall impact the approval of licensing of alcohol for such establishments that provide live or amplified sound.

## GENERAL UPKEEP AND CARE

### Dumpsters and Recycling

Property owners are responsible for ensuring that daily clean up and removal of trash and debris in front and around their buildings is practiced by themselves, their tenants, or other designation persons.

Solid waste disposal and recycling shall be required in the form of bulk container service (garbage and recycling receptacles) for all establishments not receiving curbside garbage and recycling pickup. All individual units must have an enclosed location other than the residential structure, such as a carport or garage for the storage of individual solid waste containers, or as otherwise permitted below.

1. Trash container location requirements:
  - a. All trash or recycle receptacles shall be located so as to be easily accessible to property occupants and the solid waste hauler.
  - b. Trash or recycle receptacles shall not be located within front yards or required side corner yards, or between a building and the street, or be visible from any public sidewalk. Residences not served by allies on days of trash pick-up until 7 p.m. are exempt from this provision.
  - c. Dumpsters and their enclosures may be located within a required interior or rear yard provided that they do not encroach into a required landscape area and that there is no blockage of view of motorists or pedestrians that would constitute a safety hazard.
  - d. Dumpsters and their enclosures shall not be located within front yards or required side corner yards
2. Container screening:
  - a. Except as noted below, all receptacles/dumpsters shall be screened on at least 3 sides. All enclosures must have a cement pad as the floor of the enclosure.
  - b. Permitted screening materials include the following: wood fence, concrete block and stucco wall, brick wall, masonry wall, or walls of similar material. Trash enclosure walls or gates made of chain link or wood are not acceptable.
3. Non-Compliance:
  - a. In the event that a property owner experiences a Substantial Hardship due to specific site conditions is unable to conform with the provisions contained herein, the property owner, or his designee, shall complete and submit an application for an administrative variance pursuant to Title II. Article 6. Section 6.02.2 of this Ordinance.
  - b. The process for requesting an administrative variance shall be as follows:
    - 1.) Complete an administrative variance form.
    - 2.) Submit a site plan showing proposed location of dumpster and enclosure.
    - 3.) The Planning Director or his/her designee and the property owner, or his/her designee shall jointly develop a solution that meets the intent of this section (Article 10) of the Albany Dougherty Zoning Ordinance.

