

1. Agenda

Documents:

[PLANNING, ECONOMIC DEVELOPMENT AND LAND USE NOTICE 021621 -
REVISED 020321 \(PDF\).PDF](#)

2. Supporting Document

Documents:

[ORDINANCE 46.122.20 USDO RENUMBERING \(PDF\).PDF](#)
[REQUESTED CHANGES TO COPYEDIT USDO 02-02-21 \(UPDATED 02-03-21\)
\(PDF\).PDF](#)

This meeting is being held in accordance to Governor Cuomo’s Executive Order and other Federal and State Orders that impact in-person attendance at public meetings, if applicable orders expire or are revoked before February 16, 2021, this will be an in-person meeting in City Hall, please check our website and Facebook for updates. Please submit your public comment via email commoncouncil@albanyny.gov or on our [website](#) by February 16, 2021 12pm. These comments will be shared with members and/or read for the record at the meeting. The meeting will be held using Zoom and streamed through the Albany Common Council’s Facebook. To stream this video please visit: <https://www.facebook.com/albany.commoncouncil>. If we experience any technical difficulties on Facebook, the video will be streamed to [YouTube](#).



COMMON COUNCIL MEETING

PLANNING, ECONOMIC DEVELOPMENT AND LAND USE COMMITTEE

Cathy Fahey, Chair

DATE: Tuesday, February 16, 2021

TIME: 5:30 p.m.

TOPIC(S) OF DISCUSSION/CONSIDERATION:

LOCAL LAW M of 2020

A LOCAL LAW AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF ARTICLE XII (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS TO THE HISTORIC RESOURCES COMMISSION AND THE JURISDICTION OF SUCH BODY TO REVIEW EMERGENCY ACTIONS WITHIN HISTORIC RESOURCES OVERLAY DISTRICTS AND FURTHER PROVIDING FOR A REPORT ON EMERGENCY DEMOLITION AND STABILIZATION PROCEDURES

ORDINANCE 21.92.20

AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION REGULATION) AND ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMERGENCY BUILDING ACTIONS IN HISTORIC DISTRICTS

ORDINANCE 46.122.20

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY BY RENUMBERING SUCH CHAPTER

PUBLIC COMMENT PERIOD: YES

Council Members Conti, Fahey and Doesschate noticed the introduction of the following:

Local Law M of 2020

A LOCAL LAW AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF ARTICLE XII (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS TO THE HISTORIC RESOURCES COMMISSION AND THE JURISDICTION OF SUCH BODY TO REVIEW EMERGENCY ACTIONS WITHIN HISTORIC RESOURCES OVERLAY DISTRICTS AND FURTHER PROVIDING FOR A REPORT ON EMERGENCY DEMOLITION AND STABILIZATION PROCEDURES

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Paragraph (5) of subsection A of section 42-85 of Part 4 of Article XII of Chapter 42 of the Code of the City of Albany is amended, and new subparagraphs (a) and (b) are added, to read as follows:

(5) ~~A vacancy~~ Vacancies occurring in the membership of the Commission shall be filled ~~by a person appointed by the Mayor for the unexpired term as follows:~~

- a. Upon the expiration of a term of membership, the Mayor shall appoint or re-appoint a person for the new term within thirty (30) days of the expiration of the term, with the advice and consent of the Common Council, in accordance with this subsection.
- b. When a vacancy in the membership of the Commission occurs for any cause during a term of membership, the Mayor shall appoint a person to serve the remainder of such term within thirty (30) days of the vacancy, with the advice and consent of the Common Council, in accordance with this subsection

Section 2. Subsection B of section 42-85 of Part 4 of Article XII of Chapter 42 of the Code of the City of Albany is amended by adding a new paragraph (13) to read as follows:

(13) Review of emergency actions within historic resources overlay districts under section 133-55 of Article IX of Chapter 133 of this Code and may periodically make such recommendations with regard to the policy and procedure thereunder to the Mayor and the Common Council. Such review shall be a standing agenda item at each meeting of the Commission.

Section 3. The Historic Resources Commission established under Part 4 of Article XII of Chapter 42 of the Code of the City of Albany shall review and assess the policy and procedures related to emergency actions taken under section 133-55 of Article IX of Chapter 133 of the Code of the City of Albany with regard to structures within historic resource overlay districts established under Part 4 of Article XII of Chapter 42 of the Code of the City of Albany. No later than 180 days after the effective date of this local law, the Commission shall submit a report of its findings and any recommendations with regard thereto to the Mayor and Common Council.

Section 4. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
10TH DAY OF SEPTEMBER, 2020**

CORPORATION COUNSEL

To: Danielle Gillespie
From: Council Member Richard Conti
Re: Request for Common Council Legislation
Supporting Memorandum
Date: September 10, 2020

Local Law M of - 2020

SPONSORS Council Members Conti Fahey, and Doesschate

TITLE

A LOCAL LAW AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF ARTICLE XII (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS TO THE HISTORIC RESOURCES COMMISSION AND THE JURISDICTION OF SUCH BODY TO REVIEW EMERGENCY ACTIONS WITHIN HISTORIC RESOURCES OVERLAY DISTRICTS AND FURTHER PROVIDING FOR A REPORT ON EMERGENCY DEMOLITION AND STATBILIZATION PROCEDURES

PURPOSE

To strengthen the Historic Resources Commission's oversight of emergency building demolitions and stabilizations in historic district neighborhoods.

SUMMARY

Section 1 amends sec. 42-85(A)(5) of Chapter 42 to establish a timeframe within which a vacancy on the HRC is filled.

Sec. 2 amends sec. 42-85(B) of Chapter 42 by adding a new paragraph (13) to review of emergency building and stabilization actions under the HRC's oversight function.

Sec. 3 requires the HRC to review and assess the policies and procedures related to emergency building demolitions and stabilizations with regard to structures in historic districts and to submit a report with findings and recommendations to the Mayor and Common Council.

Sec. 4 provides for an effective date.

JUSTIFICATION

The Common Council established the HRC to preserve, protect and nurture Albany's historic infrastructure. Included under the HRC's jurisdiction are "Certificates of Appropriateness" for structural modification or demolitions in certain instances. Emergency demolitions or stabilizations under the Building Code are not subject to HRC review. It is appropriate that the HRC exercise a certain level of oversight and review of the policy and procedures of such actions within historic districts. The amendments made by this local law would establish HRC policy oversight and allow them to periodically make recommendations. An accompanying ordinance would provide that the HRC have access to relevant information including engineering reports. Additionally, this local law is intended to assure that appointments to the HRC are submitted to the Common Council on a timely basis for confirmation. This is essential part of the Council's oversight function when members serve significantly beyond their term of appointment.

FISCAL IMPACT

Minimal.

EFFECTIVE DATE

Upon final passage, public hearing and filing with the Secretary of State.

Council Members Conti, Fahey, and Doesschate introduced the following:

ORDINANCE 21.92.20

AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION REGULATION) AND ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMERGENCY BUILDING ACTIONS IN HISTORIC DISTRICTS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsections A and B of section 133-55 of Article IX of Chapter 133 of the Code of the City of Albany are amended, and a new subsection E is added, to read as follows:

A. Whenever the Commissioner finds that a violation of this Part 2 exists which, in his opinion, requires immediate action to abate a direct hazard or an immediate danger to the health, safety or welfare of the occupants of a building or of the public, the Commissioner may, without prior notice or hearing except as provided in Subsection B of this section, take any action authorized herein which is reasonably necessary to abate or remove the condition. A direct hazard or an immediate danger to the health, safety or welfare of the occupants of a building or of the public shall exist when utilizing the time periods and notice otherwise provided under this Code would cause an immediate and irreparable danger to life, health or property.

B. Such action may include but is not limited to demolition of the building or structure, vacating the occupants of the premises and of surrounding premises, closing of public or private streets or rights-of-way, termination of utility service, erection of barricades and other protections and the performance of physical work on the premises. Demolition of the building or structure shall only be used as a last resort when no other method will serve to protect the occupants or the public from a direct hazard or immediate danger. In the event that the Commissioner shall order a demolition under this section, the Commissioner shall make a reasonable attempt to notify the property owner prior to the demolition. The notification shall in no way impair the ability of the Commissioner to demolish the building or structure.

E. Whenever an action is proposed to be taken under this section within an historic resources overlay district established in accordance with section 375-2(F)(1) of Chapter 375 of this Code the Commissioner shall immediately notify members of the Historic Resources Commission established under Part 4 of Article XII of Chapter 42 of this Code prior to such action. Such notification shall include transmittal of any structural or engineering reports, and the Commissioner's findings and considerations which are the basis of any action.

Section 2. Section 133-78.6 of Article XIA of Part 2 of Chapter 133 of the Code of the City of Albany is amended to read as follows:

§ 133-78.6. Quarterly reports.

The chief building official shall submit a quarterly report not later than January 15, April 15, July 15 and October 15 of each year to the Mayor ~~and~~, Common Council and Historic Resources Commission established under Chapter 42 of this Code containing not less than the following information:

A. The number of buildings in the City declared vacant in each category set forth in § 133-78.3E(2) under the provisions of this article; and

B. The number of vacant building registrations filed or annually renewed with the Department of Buildings and Regulatory Compliance within each category; and

C. The number of vacant building registrations in each category by historic resources overlay districts established in accordance with section 375-2(F)(1) of Chapter 375 of this Code both by individual district and total for all such districts. In addition, such quarterly report shall include the number of buildings by historic resources overlay district subject to an emergency demolition or stabilization in accordance with section 133-55 of this chapter for the reporting quarter and in the preceding quarter.

Section 3. This ordinance shall take effect thirty (30) days after its enactment.

**APPROVED AS TO FORM THIS
10TH DAY OF SEPTEMBER, 2020**

Corporation Counsel

To: Danielle Gillespie, City Clerk
From: Council Member Conti
Re: Request for Common Council Legislation
Supporting Memorandum
Date: September 10, 2020

SPONSORS Council Members Conti, Fahey, and Doesschate

ORDINANCE 21.92.20

TITLE

AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION REGULATION) AND ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMERGENCY BUILDING ACTIONS IN HISTORIC DISTRICTS

PURPOSE

To strengthen oversight of emergency demolition and stabilization actions in historic district neighborhoods.

SUMMARY

Section 1 amends sec. 133-55(A) and (B) of Chapter 133 and adds a new subsection (E) to establish standards of a finding of “direct hazard” which is the basis of an emergency action under the building code and to additionally require notification to the Historic Resources Commission of any emergency action to be taken within an historic district and to require the transmittal of structural or engineering reports related thereto.

Section 2 amends sec. 133-78.6 of Chapter 133 in relation to Quarterly Vacant Building Registry Reports to require additional information with regard to building registrations in historic districts and to require the transmission of such reports to the Historic Resources Commission.

Section 3 provides for an effective date.

JUSTIFICATION

A significant number of emergency building demolitions are occurring in historic neighborhoods without a consistent review of impacts on those neighborhoods. This ordinance, along with a separate proposed local law, seeks to provide the Historic Resources Commission with the resources necessary to review such actions and policies. While the proposed amendments do not require prior approval of the HRC for emergency actions, by providing the Commission resources to assess such actions it can impact future policy. The amendments proposed in this ordinance and a separate local law are part of a larger discussion that needs to take place regarding the preservation of Albany’s historic fabric.

FISCAL IMPACT

Minimal.

EFFECTIVE DATE

Thirty (30) days after enactment.

Council Member _____ introduced the following:

ORDINANCE 46.122.20

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY BY RENUMBERING SUCH CHAPTER

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended, such that it is renumbered in accordance with the document attached hereto as Exhibit “A.”

Section 3. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
11TH DAY OF DECEMBER, 2020**

Corporation Counsel

To: Danielle Gillespie, City Clerk
From: Brett Williams, Esq., Sr. Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: December 11, 2020

SPONSOR Council Member _____

ORDINANCE 46.122.20

TITLE

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY BY RENUMBERING SUCH CHAPTER

GENERAL PURPOSE OF LEGISLATION

The USDO has a number of inconsistencies in the way that the ordinance, as originally passed, is internally numbered. This legislation corrects, simplifies, and makes consistent, the numbering of the USDO's provisions. Tables within the USDO have also been simplified to make them more orderly, readable, and user friendly. The update also corrects certain copy editing issues from the original USDO.

The changes have already been approved by General Code, the City's code consolidation service; indeed, General Code drafted the document that makes the changes to the numbering by incorporation herewith as Exhibit "A." General Code has also provided a redlined version of the document showing exactly where changes were made, which is attached hereto as Exhibit "B."

Upon passage, the revised ordinance will be fully integrated into the existing City Code, available online.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

This legislation is necessary to give the USDO consistent numbering and to increase user friendliness in terms of layout and readability.

This ordinance makes no substantive or policy changes to the USDO.

FISCAL IMPACT(S)

None.

Council Member Fahey on behalf of the Planning, Economic Development and Land Use Committee introduced the following:

ORDINANCE 46.122.20 (As Amended 02/04/2021)

AN ORDINANCE REPEALING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY AND ENACTING A NEW CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) WITH NEW NUMBERING

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is **REPEALED**.

Section 2. Part II (General Legislation) of the Code of the City of the Albany is hereby amended, enacting Chapter 375 (Unified Sustainable Development Ordinance) attached hereto as Exhibit "A."

Section 3. Any actions, decisions or permits issued pursuant to Chapter 375 (Unified Sustainable Development Ordinance) of the Code of the City of Albany as in effect prior to the effective date of this ordinance are hereby ratified, continued and approved.

Section 4. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
4TH DAY OF FEBRUARY, 2021**

Corporation Counsel

To: Danielle Gillespie, City Clerk
From: Council Member Judy Doesschate
Re: Request for Common Council Legislation
Supporting Memorandum
Date: December 11, 2020; Amended February 4, 2021

SPONSOR Council Member Fahey, on Behalf of the Planning, Economic Development and Land Use Committee

ORDINANCE 46.122.20 (As Amended 02/04/2021)

TITLE

AN ORDINANCE REPEALING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY AND ENACTING A NEW CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) WITH NEW NUMBERING

GENERAL PURPOSE OF LEGISLATION

The purpose of this legislation is to repeal the USDO in its entirety and replace it with a newly renumbered version of the USDO while also correcting numerous typographical, grammatical, formatting, and cross-citation errors that were contained in the USDO at the time of its adoption in 2017. The revised USDO also simplifies the Tables contained in the USDO to make them more orderly, readable, and user friendly. The revised document also fully incorporates all amendments adopted by the Common Council since 2017.

A repeal and replace of the entire ordinance is necessary because an accurate copy of the red-lined version of the ordinance showing individual changes throughout the document could not be produced by staff or the City's consultant without significant additional work.

Upon passage, the revised ordinance will be fully integrated into the existing City Code available online. The posting of this revised version on-line will eliminate the need to refer to the five subsequent amendments posted separately on GenCode as those amendments have now been fully merged into the attached revised USDO.

The amendments to the USDO contained in this ordinance are not intended to change the standards or content of the USDO as it was adopted in 2017. However, because the USDO contained some inconsistencies that the administration and the Common Council felt were important to address, some minor modification to the standards and content has been incorporated into this version of the USDO. The changes that could be said to go beyond numbering and technical corrections are:

- 1. Page 375:II-13: §375-203(d)(iii)** (Residential conversions) (in R-T districts). Paragraph A is amended to make it clear it pertains to the conversion of a single-family dwelling to a two-family dwelling whereas it previously stated it was addressing the conversion of a single family dwelling to a two or three family dwelling.

Since paragraph B. addresses the conversion of a single family dwelling to a two or three family dwelling, it is clear that A. was intended to address just the conversion of a single-family dwelling to a two-family dwelling. Otherwise these 2 provisions would conflict.

2. Page 375-II-41: § 375-204(6)(d)(i)G. MU-CI District Standards. Development Standards. Paragraph G has been amended to establish a 15 foot rear minimum setback (instead of a 10 foot rear setback) where any structure abuts a residential zone district. This change is needed because the adopted provision was in conflict with the 15 foot setback for such districts established in 375-204; Table 375-2-25 and Table 375-4-2 chart.

3. Page 375: IV-2: §375-401 (3)(a)(i) Table 375-4-1 Development standards. Dimensional Standards Summary Tables. Residential Districts. R-V. The minimum front setback has been changed from 20 feet to 10 feet to be consistent with Table 375-2-25. Since the 10 foot front yard setback minimum still allows developers to increase the setback to 20 or more feet and the choice gives developers greater flexibility, the 10 foot setback was chosen as between the two conflicting standards that are now being made to be consistent.

4. Page 375: IV-5: §375-401 (3)(b), chart 375-4-2 (Mixed Use Dimensional Standards) has been amended to: add a footnote “[2]” to the “5 ½ stories” under MU-CH column for the row entitled “Maximum height, principle building” to be consistent with Table 375-2-21 in Article II.

5. Page 375:V-20; §375-504(6)(c)(v). General Procedures. Scheduling and notice of public hearing. Notice format and content. Posted notices. This has been amended to add in “or initial public meeting” to the 10 day notice requirement that currently only applies to public hearings. This change has been made in recognition of the fact that applications are often presented before there is a formal public hearing and it is appropriate to give the public notice of the initial meeting when the details of a project are initially discussed.

6. Page 375: V-26: §375-504(12)(b) Appeal. The title and contents of this provision has been amended to make it clear that it applies equally to the appeal of decisions of the Chief Building Official (as well as the Chief Planning Official that is currently stated in this provision) and that some decisions are appealable to the Historic Resources Commission or Planning Board. This is implicit in other provisions of the USDO; this change adds clarity to the appeals process to be followed.

7. Page 375: VI- 7: Definitions. The definition for “City of Albany Comprehensive Plan” has been eliminated as it is largely duplicative of the definition for “Comprehensive Plan” that being retained and is clearer.

8. 375:VII-1: §375-701(1)(a) Application Fees. Grading and mining. The chart is being revised slightly to eliminate a conflict or ambiguity and make it clear that

the \$50 fee is intended to be “for the initial 1,000 cubic yards, plus \$15 for each additional 1,000 cubic yards or fraction thereof.”

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

This legislation is necessary to give the USDO consistent numbering, to correct inadvertent typographical, grammatical, and citation errors, to increase user friendliness in terms of layout and readability, and allow the entire USDO, including all subsequent amendments, to be published on line along with the rest of the Albany City Code.

This ordinance makes no significant or substantive or policy changes to the USDO except as noted above.

FISCAL IMPACT(S)

None.

375: I-3	Definitions and rules of construction used in this USDO are in Article VI (Definitions and Rules of Construction) (<u>Rules of Construction; Definitions</u>).																										
375: II-1	MU-D <u>MU-DT</u>		Mixed-Use Downtown																								
375: II-21	Three <u>Four</u> mixed-use districts, Form-Based Warehouse, Form-Based Central Avenue, and Form-Based South End, and Form-Based Midtown are regulated based on their form and therefore are organized differently																										
375: II-33	Within 100 feet of property line of R-1L and R-1M zoned lot on portions of lots more than 300 <u>200</u> feet in depth.																										
375: II-49	<p style="text-align: center;">Table # Compliance with Other Standards Required</p> <table border="1"> <thead> <tr> <th><u>Standard</u></th> <th><u>USDO Section</u></th> </tr> </thead> <tbody> <tr> <td><u>Use regulations</u></td> <td><u>Article III</u></td> </tr> <tr> <td><u>Dimensional standards</u></td> <td><u>§ 375-401</u></td> </tr> <tr> <td><u>Form-based zoning standards</u></td> <td><u>§ 375-402</u></td> </tr> <tr> <td><u>Access, circulation, and connectivity</u></td> <td><u>§ 375-403</u></td> </tr> <tr> <td><u>Parking and loading</u></td> <td><u>§ 375-405</u></td> </tr> <tr> <td><u>Landscaping, screening, and buffering</u></td> <td><u>§ 375-406</u></td> </tr> <tr> <td><u>Outdoor lighting</u></td> <td><u>§ 375-408</u></td> </tr> <tr> <td><u>Signs</u></td> <td><u>§ 375-409</u></td> </tr> <tr> <td><u>Operating and maintenance</u></td> <td><u>§ 375-410</u></td> </tr> </tbody> </table>							<u>Standard</u>	<u>USDO Section</u>	<u>Use regulations</u>	<u>Article III</u>	<u>Dimensional standards</u>	<u>§ 375-401</u>	<u>Form-based zoning standards</u>	<u>§ 375-402</u>	<u>Access, circulation, and connectivity</u>	<u>§ 375-403</u>	<u>Parking and loading</u>	<u>§ 375-405</u>	<u>Landscaping, screening, and buffering</u>	<u>§ 375-406</u>	<u>Outdoor lighting</u>	<u>§ 375-408</u>	<u>Signs</u>	<u>§ 375-409</u>	<u>Operating and maintenance</u>	<u>§ 375-410</u>
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375: II-75	Unless specifically defined in Article VI (Definitions and Rules of Construction) (<u>Rules of Construction; Definitions</u>), words or phrases used in this § 375-206(3) shall be interpreted so as to give them the meaning they have in common usage and to give this subsection its most reasonable application.																										
375: II-81	Install one of the following, designed to detain the first one inch of rainfall, as shown in this drawing , and design the site to direct all rooftop stormwater and at least 75% of surface stormwater flows into that site feature.																										
375: II-82	Install a green roof or blue roof as described in § 375-602 <u>§375-401(4)(a)(ii)</u> (Definitions).																										
375: II-84	<u>Standards.</u> Any land use, structure, or activity that occurs or is proposed to occur on any lands within 1,000 feet of the mean high-water line of the Normans Kill, or within the one-hundred-year floodplain of the Normans Kill...																										
375: III-4	RESIDENTIAL USES		Use-Specific Standard in Article III																								
	Dormitory		§ 375-303(2)(b)(iii) (C)(2)(b)(iii)																								
375: III-12	TEMPORARY USES		MU-NC																								
	Mobile vendor		⌘																								
375: IV-2	<p style="text-align: center;">Table 375-4-1 Residential District Dimensional Standards</p> <table border="1"> <thead> <tr> <th><u>Zone District</u></th> <th><u>R-1L</u></th> <th><u>R-1M</u></th> <th><u>R-2</u></th> <th><u>R-T</u></th> <th><u>R-M</u></th> <th><u>R-V</u></th> </tr> </thead> </table>							<u>Zone District</u>	<u>R-1L</u>	<u>R-1M</u>	<u>R-2</u>	<u>R-T</u>	<u>R-M</u>	<u>R-V</u>													
<u>Zone District</u>	<u>R-1L</u>	<u>R-1M</u>	<u>R-2</u>	<u>R-T</u>	<u>R-M</u>	<u>R-V</u>																					

Development Type	Detached	Detached	Single-or Two-Family	Townhouse	Multifamily	Multifamily
Lot Standards						
<u>Minimum lot area</u>	<u>6,500 square feet</u>	<u>3,500 square feet</u>	<u>2,250 square feet</u>	<u>1,150 square feet</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum lot depth</u>	<u>110 feet</u>	<u>100 feet</u>	<u>90 feet</u>	<u>55 feet</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum lot width</u>						
<u>Infill on lots platted before June 1, 2017</u>	<u>55 feet</u>	<u>30 feet</u>	<u>25 feet</u>	<u>18 feet</u>	<u>20 feet</u>	<u>100 feet</u>
<u>Infill on lots platted on or after June 1, 2017</u>	<u>Contextual [1]</u>					
<u>General</u>	<u>70 feet</u>	<u>40 feet</u>	<u>25 feet</u>	<u>18 feet</u>	<u>22 feet</u>	<u>100 feet</u>
Maximum impervious lot coverage	30%	40%	70%	80%	80%	50%
Setbacks						
Minimum front						
Infill	Contextual [2]					
General	25 feet	15 feet	10 feet	0 feet	0 feet	10 feet
Minimum and maximum, side						
Minimum 1 side						
Infill	5 feet	3 feet from principal building on abutting lot	3 feet from principal building on abutting lot	0 feet	Contextual [2] [3]	15 feet
General					0 feet	
Minimum 2 sides						
Infill	20 feet	10 feet	10% of lot width	0 feet	Contextual [2] [3]	15 feet
General					0 feet	
Maximum each side	N/A	N/A	N/A	N/A	3 feet 6 inches	N/A

	Maximum rear	40 feet	25 feet	20% of lot depth	10% of lot depth	15 feet	2- feet
Building Standards							
	Maximum height, principal building	2 ½ stories	2 ½ stories	2 ½ stories	3 ½ stories	4 stories [3] [4]	5 stories [4] [5]
	Maximum height, accessory buildings	1 ½ stories	1 ½ stories	1 ½ stories	1 ½ stories	1 ½ stories	1 ½ stories
Maximum number of dwelling units							
	Fewer than 3 stories	1	1	2	1 per non-commercial floor, up to 2	1 per 750 square feet of gross floor area	Per building code
	3 or more stories	N/A	N/A	2	1 per non-commercial floor, up to 3		
Notes: [1] See § 375-401(3)(a)(ii) (Contextual lot widths). [2] See § 375-401(3)(a)(ii) (Contextual front yards). [2] [3] See § 375-401(3)(a)(iv) (Contextual side setback in R-M District). [3] [4] Where a building abuts the R-1L or R-1M Districts on a side or rear lot line, maximum height is three stories within 50 feet of those lot lines. [4] [5] Where a building abuts the R-1L or R-1M Districts on a side or rear lot line, maximum height is 3 stories within 500 feet of those lot lines.							
375: IV-4	Where the subject lot has only one adjacent lot facing the same street that has a primary building located within 25 feet of the side lot line <u>of a lot</u> with a primary structure, the required front setback shall match that of the adjacent structure. Where the subject lot has no adjacent lots <u>that are improved with a primary building that are facing the same street</u> and improved with a primary building , the required front setback shall match that of the adjacent structure.						
375: IV-5	Setbacks				MU-DT		
	Minimum rear				0 feet [5]		
Building Standards				MU-CH			
	Maximum height, principal building				5 ½ stories [2]		
375: IV-6	Where the conditions in Subsection (3)(b)(iii)A do not apply, the minimum general lot widths in Table 375-4-1 <u>Table 375-4-2</u> shall apply.						
	New Zone District		I-1	I-2	LC		

	Current Zone District	C-M	M-1	LC
	Minimum rear	20 feet [1]	40 feet [2]	N/A [3]
	General	20 feet	40 feet	N/A
	From residential district	100 feet if not completely enclosed within a building	200 feet if not Completely enclosed within a building	20 feet
375: IV-71	(iii) No loading space shall be located within any required front or corner side yard.			
375: IV-78	An area equal to at least 7% of the surface area occupied by vehicle parking spaces, inclusive of driving aisles and driveways necessary for access to and circulation among those spaces, shall be landscaped. Landscaping shall include a minimum of one tree island containing at least 80 square feet of land area, which shall include at least one medium shade tree or larger for every 20 parking spaces. Parking lot screening provided under Subsection (6)(b) below shall not be used to meet this 17% <u>7%</u> landscaping requirement.			
375: IV-86	Windows and doors shall not be boarded up or otherwise visibly blocked.			
375: IV-90	Applicability. The standards in this § 375-408(4) apply in the MU-FW, MU-FC, MU-FS, MU-FM, MU-NE, MU-NC, MU-CU and MU-DT Zone Districts.			
375: IV-92	Severability. If any decision, subsection, sentence, phrase or portion of this § 375-409 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion of these regulations shall be deemed separate and distinct, and <u>any such</u> holding shall not affect the validity or constitutionality of the remaining portions of this § 375-409, which shall remain in full force and effect.			
375: IV-98	General provisions. This § 375-409(7) applies to all displays on walls or structures that are not exempt from the requirements of this § 375-409, that exceed the height, size, duration, or another physical standard in this <u>section</u> for an attached sign in the zoning district where the wall or structure is located, and that do not qualify for approval through a special sign program under § 375-409(6).			
375: IV-100	Relocation. Off-premises signage removed from the prohibited areas in accordance with the provisions of this § 375-409(8) may be relocated and reconstructed in the areas listed in Subsection (8)(b) <u>(8)(a)</u> above.			
375: V-7	Application Type	Historic Resources Commission		
	Designation of historic landmarks	R <u>[R]</u>		
375: V-9	To interpret the provisions of this USDO in accordance with § 375-301(3), Article VI (Definitions and Rules of Construction) <u>(Rules of Construction; Definitions)</u> , and the intent and purpose statements included in this USDO;			
375: V-14	Change in applicant. If circumstances change so that the applicant of a pending application no longer meets the requirements of § 375-504(4)(a), any change in <u>the</u> applicant or person authorized to submit the application shall be documented in an original and notarized owner			

	<p>and interested party consent form delivered to the City before the application may advance to the next stage in the review process.</p> <p>Successive applications. If an application pursuant to this USDO has been denied by the City <u>pursuant to this USDO</u>, an application requesting the same or essentially the same approval shall not be accepted within 12 months after such denial.</p> <p>If deficiencies in complying with the applicable requirements are identified, the Chief Planning Official shall notify the applicant within 10 days of <u>the identification of</u> such deficiencies, and shall provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them.</p>
375: V-18	<p>A. The administrative adjustment is consistent with the character of development in the surrounding area-; <u>and</u></p> <p>B. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent practicable-; <u>and</u></p> <p>C. The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:</p> <ol style="list-style-type: none"> 1. Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally; 2. Proposed to protect sensitive natural resources or save healthy existing trees; or 3. Required to eliminate a minor inadvertent failure to fully comply with a standard-; <u>and</u> <p>D. The administrative adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.</p>
375: V-26	<p>Decisions of the Chief Planning Official <u>or Chief Building Official</u>.</p> <p>A party aggrieved or adversely affected by any decision of the Chief Planning Official <u>or Chief Building Official</u> may seek review of the decision by the Board of Zoning Appeals, <u>or in the case of a minor certificate of appropriateness to the Historic Resources Commission, or in the case of a minor development plan review to the Planning Board</u>.</p> <p>C. The Board of Zoning Appeals, <u>Historic Resources Commission, or Planning Board, as appropriate</u>, shall decide each appeal applying the same criteria applied by the Chief Planning Official or Chief Building Official in making its decision.</p> <p>D. The Board of Zoning Appeals, <u>Historic Resources Commission, or Planning Board</u>, may affirm, reverse, or modify the decision being appealed to bring it into conformance with the USDO criteria applicable to approval of that type of application.”</p>
375: V-30	<p>Applicability. The minor development plan <u>review</u> procedures and standards in this § 375-505(4) shall apply to any development plan associated with the following:</p>

375: V-33	(iv) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this USDO, the proposed adjustment will not create any new nonconformity between the requirements of this USDO and any of the lots or any of the structures on the lots whose lot lines are to be adjusted; <u>and</u>
375: V-34	<p>Review criteria. An application for the lot consolidation shall be approved only if the Chief Planning Official determines that:</p> <ul style="list-style-type: none"> (i) It is consistent with the Comprehensive Plan; <u>and</u> (ii) It is consistent with any provisions of this USDO and the Code of the City of Albany; <u>and</u> (iii) Each of the existing lots and the structures on those lots complies with the requirements of this USDO, and after the consolidation the resulting lot will still comply with the requirements of this USDO; Either: <ul style="list-style-type: none"> A. <u>Each of the existing lots and the structures on those lots complies with the requirements of this USDO, and after the consolidation the resulting lot will still comply with the requirements of this USDO; or</u> B. <u>If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this USDO, the proposed consolidation will not create any new nonconformity between the requirements of this USDO and any of the lots of any of the structures on the lots being consolidated.</u> <p>If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this USDO, the proposed consolidation will not create any new nonconformity between the requirements of this USDO and any of the lots of any of the structures on the lots being consolidated.</p>
375: V-35	(11) Tree and vegetation permit. <u>All applicable provisions of § 375-504 (General procedures) apply unless specifically modified by the provisions of this subsection.</u>
375: V-36	The excavation or fill does not exceed two feet in vertical depth at its deepest point measured from the original ground surface and does not exceed 50 cubic yards of material on any one lot; however, no fill shall be placed on a surface having a slope steeper than one vertical to 10 horizontal, and no fill shall be placed that will <u>after alter</u> the existing drainage pattern.
375: V-48	Demolition of a structure that is not located on property owned by the Albany County Land Bank;
375: V-57	The requested relief, if granted, will not <u>after alter</u> the essential character of the neighborhood; and
375: V-60	Designation of historic landmarks <u>and historic districts</u> . All applicable provisions of § 375-504 (General procedures) apply unless specifically modified by the provisions of this subsection.
375: V-64	Evidence may include but is not limited to photographs of the property or use (dated or with an affidavit as to the date of the photograph), utility bills, property tax statements or receipts,

	copies of leases or subleases, evidence of goods and services rendered from the property (dated or with an affidavit as to the date <u>date</u> of the evidence), or notarized affidavits from the owner(s) of <u>property one or more properties</u> within 300 feet of the subject property.				
375: V-69	A complaint registered by the Chief Planning Official signed by 50% of the property owners within 200 feet of a lot or building, or the Common Council member in whose ward such lot or building is situated, that the lot or the use of the property or building is considered to be a general nuisance or a hazard to the health, safety, welfare of uses or structures within 200 feet of such <u>use lot</u> or uses; or				
375: VI-12	DWELLING, TWO-FAMILY DETACHED — A detached or semidetached building with not more than two dwelling units that are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common hallway or cellar. Side-by-side or duplex dwellings are considered "two-family dwellings" regardless of individual ownership of either half of its structure, provided that they are on the same zoned lot of record.				
375: VI-22	NONCOMMERCIAL FLOOR — A horizontal internal surface of a building that is at least 50% as large as the footprint of the building on the lot at ground level, and that is only occupied by a group living use, a household living use, and <u>an</u> accessory dwelling unit, and/or by a permitted home occupation.				
375: VI-25	PRINCIPAL USE — The primary or predominant use to which the lot or building is or may be devoted and to which all other uses are accessory. <u>A lot or building may have only one principal use.</u>				
375: VII-1	§ 375-701. Review of applications; exemptions <u>Application Fees.</u> <table border="1" data-bbox="331 1125 1458 1270"> <thead> <tr> <th>Cubic Yards</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td>1,001 – 10,000</td> <td>\$50 <u>for the initial 1,000 cubic yards</u>, plus \$15 for each additional 1,000 cubic yards or fraction thereof</td> </tr> </tbody> </table>	Cubic Yards	Fee	1,001 – 10,000	\$50 <u>for the initial 1,000 cubic yards</u> , plus \$15 for each additional 1,000 cubic yards or fraction thereof
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