

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(Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is **REPEALED**.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

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**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.