

Council Member Balarin, on behalf of the Committee on Planning, Economic Development, and Land Use, introduced the following, which was approved:

ORDINANCE 17.82.25

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXCEPTIONS FOR VEHICLE FUELING STATIONS.

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

Section 1. Paragraph (h) (Exceptions) of Subsection (4) (Legally nonconforming uses) of Section 375-506 (Preexisting development and nonconformities) of Article V (Administration and Enforcement) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

(4) Legally nonconforming uses.

(e) Damage or destruction.

(i) In the event that any structure containing a legally nonconforming use is damaged or destroyed to the extent of more than 50% of the cost of replacement of the structure, as determined by the City Tax Assessor, any reuse of the structure shall conform to all regulations of the zoning district in which it is located per this USDO.

(ii) Where any such structure is damaged or destroyed to the extent of 50% or less of the cost of replacement of the structure new, repair or restoration of such structure may be made; to enable continued operation of the nonconforming use, provided that no repairs or restorations shall be made which would create or increase any parking, yard or space and bulk nonconformity, nor shall any repairs or restoration (except in conformity with the applicable zoning district regulations) be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

(f) Repair and maintenance. Normal maintenance and repairs, including but not limited to replacement, and installation or relocation of walls, partitions, fixtures, wiring or plumbing, may be performed on mechanical systems or existing portions of any structure devoted in whole or in part to a nonconforming use.

(g) Enlargement of structure. No structure devoted in whole or in part to a nonconforming use shall be altered, enlarged or added to in any manner which would enlarge the nonconforming portion or create a new nonconformity.

(h) ~~Multi-unit dwelling exception. Any conforming multi-unit dwelling use in the R-2 or R-T Zoning District in existence on June 1, 2017, will be considered a conforming use of property notwithstanding any provisions of this USDO limiting the availability of multi-unit uses or the number of units permitted in the R-2 or R-T District in the future.~~ Exceptions.

(i) Multi-unit dwelling exception. Any conforming multi-unit dwelling use in the R-2 or R-T Zoning District in existence on June 1, 2017, will be considered a conforming use of property notwithstanding any provisions of this USDO limiting the availability of multi-unit uses or the number of units permitted in the R-2 or R-T

Matter in ~~strike through~~ to be deleted. Matter underlined is new material.

District in the future.

(ii) Vehicle fueling station exception. Any legally established vehicle fueling station use in operation as of June 1, 2025, and located within the MU-CH zoning district shall be considered a conforming use of property, notwithstanding any provisions of this USDO that limit the availability of vehicle fueling station uses in the future. Such uses may be redeveloped or expanded on the existing lot or onto an adjacent lot provided that the redevelopment or expansion brings the site into compliance with all applicable dimensional and development standards of this USDO.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote of all the Council Members elected voting as follows:

Affirmative - Adams, Anane, Balarin, Conti, Farrell, Flynn, Frederick, Hoey, Johnson, Keegan, Kimbrough, Love, Robinson, and Zamer

Negative - Clarke

Affirmative: 14 | Negative: 1 | Abstain: 0