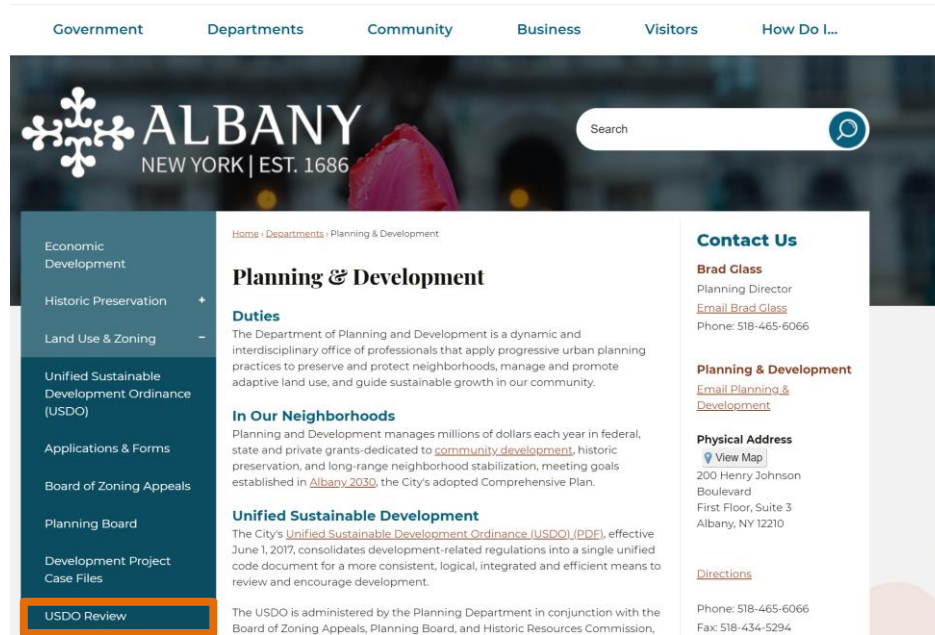




USDO Comprehensive Edits

Article V – Administration and Enforcement

USDO Review Web Page



The screenshot shows the Albany, NY website with a navigation menu at the top containing: Government, Departments, Community, Business, Visitors, and How Do I... The main header features the Albany logo and a search bar. A left-hand navigation menu lists various city services, with 'USDO Review' highlighted in orange and indicated by a blue arrow. The main content area is titled 'Planning & Development' and includes sections for 'Duties', 'In Our Neighborhoods', and 'Unified Sustainable Development'. A 'Contact Us' sidebar on the right provides information for Brad Glass, the Planning Director.

Government Departments Community Business Visitors How Do I...

ALBANY
NEW YORK | EST. 1686

Economic Development
Historic Preservation +
Land Use & Zoning -
Unified Sustainable Development Ordinance (USDO)
Applications & Forms
Board of Zoning Appeals
Planning Board
Development Project Case Files
USDO Review

Home » Departments » Planning & Development

Planning & Development

Duties

The Department of Planning and Development is a dynamic and interdisciplinary office of professionals that apply progressive urban planning practices to preserve and protect neighborhoods, manage and promote adaptive land use, and guide sustainable growth in our community.

In Our Neighborhoods

Planning and Development manages millions of dollars each year in federal, state and private grants-dedicated to [community development](#), historic preservation, and long-range neighborhood stabilization, meeting goals established in [Albany 2030](#), the City's adopted Comprehensive Plan.

Unified Sustainable Development

The City's [Unified Sustainable Development Ordinance \(USDO\) \(PDF\)](#), effective June 1, 2017, consolidates development-related regulations into a single unified code document for a more consistent, logical, integrated and efficient means to review and encourage development.

The USDO is administered by the Planning Department in conjunction with the Board of Zoning Appeals, Planning Board, and Historic Resources Commission.

Contact Us

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<http://albanyny.gov/1919/USDO-Review>

Article V Changes

- Clarifying Eligible Types of Applicants
 - Adding a Process to Designate Archaeological Districts
 - Creating Specific Procedures for USDO Text Interpretations, Administrative Appeals, and Administrative Adjustments
 - Added new General Section describing Article 506
 - Reorganization and Strengthening of Intent for Nonconforming Signs Section
- 

Article V Changes


- **Clarifying Eligible Types of Applicants**
- Adding a Process to Designate Archaeological Districts
- Moving USDO Text Interpretations, Administrative Appeals, and Administrative Adjustments Review Procedures to Specific Procedures
- Added new General Section describing Article 506
- Reorganization and Strengthening of Intent for Nonconforming Signs Section

Eligible Types of Applicants



- (a) Authority to submit applications.
 - (i) Unless expressly stated otherwise in this USDO, applications reviewed under this USDO shall be submitted by:
 - A. The Common Council or a member of the Common Council; or
 - B. The City of Albany Planning Board; or
 - C. The owner, contract purchaser, or any other person having a recognized property interest in the land on which an application is proposed; or
 - D. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, **as evidenced by an original and notarized owner and interested party consent form**; or

Article V Changes

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Archaeological District Designation

(19) Designation of a historic landmark, historic district or archaeological district.

(a) Applicability. This § **375-505(25)** applies to all applications to designate a City of Albany landmark, historic district or archaeological district.

(b) Procedure.

(i) A application to designate a historic landmark, historic district or archaeological district shall be reviewed and decided pursuant to the procedures outlined in Table 375.502.1 (Summary

(ii) For an archaeological district. The Historic Resources Commission may recommend designation of a group of properties as a historic district if it determines that the area:

A. [Insert Content]



Article V Changes

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Specific Procedures – Interpretation of USDO Text

- (#) Interpretation of USDO text.
- (a) **Purpose.** A written interpretation allows for a process to interpret the regulations of this Ordinance, which, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they are applied. The interpretation authority is not intended to add or change the essential content of this Ordinance, but only to allow authoritative application of that content to specific cases.
 - (b) **Applicability.** Any review body, ordinance administrator, property owner, or person expressly authorized by the property owner in writing, may initiate a written interpretation. The interpretation must be for the purpose of furthering an actual development proposal.
 - (c) **Procedure.**
 - (i) A request for an Interpretation of USDO text shall be reviewed and decided pursuant to the procedures outlined in Table 375.502.1 (Summary of Development Review Procedures).
 - (ii) A request for a written interpretation of any provision of this USDO must set forth the specific provision or provisions to be interpreted and the facts of the specific situation concerning the request for an interpretation. The Chief Planning Official may require further facts and information as are, in their judgment, necessary to provide a meaningful interpretation of the provision in question.
 - (d) **Review criteria.**

Interpretation of USDO Text

Chief Planning Official
Review and Decision

Appeal to BZA



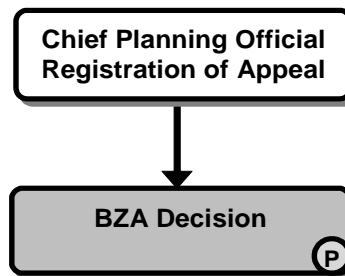
(P) Indicates Public
Hearing Required

Specific Procedures – Administrative Appeal

- (#) Administrative appeal.
- (a) Purpose. An administrative appeal allows for a redress of a decision made by the Zoning Administrator or Commissioner of Permit and Inspection Services where an alleged error or misinterpretation has been made in the enforcement or application of the zoning provisions of this Ordinance.
 - (b) Applicability. Any party aggrieved, or officer, department, board, or bureau of the City affected, by an order, requirement, decision, interpretation, or determination of the Chief Planning or Building Official may initiate an administrative appeal.
 - (c) Procedure.
 - (i) An Administrative appeal shall be reviewed and decided pursuant to the procedures outlined in Table 375.502.1 (Summary of Development Review Procedures).
 - (ii) An administrative appeal must be filed with the Chief Planning Official within 60 days of the decision, interpretation, or determination being appealed.
 - (iii) An administrative appeal stays all administrative proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies, after the appeal is filed, by reason of facts stated, that a stay would cause imminent peril to life or property, in which case proceedings may only be stayed by the issuance of a restraining order, which may be granted by the court of record on the application.



Administrative Appeal



P Indicates Public Hearing Required

Specific Procedures – Administrative Appeal

- (iv) A request for a written interpretation of any provision of this USDO must set forth the specific provision or provisions to be interpreted and the facts of the specific situation concerning the request for an interpretation. The Chief Planning Official may require further facts and information as are, in his/her judgment, necessary to provide a meaningful interpretation of the provision in question.

- (d) Review criteria.

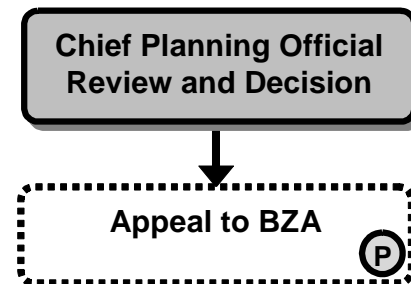


Specific Procedures – Administrative Adjustment

- (#) Administrative adjustment.
 - (a) Purpose.
 - (b) Applicability.
 - (i)
 - (ii) An application for an administrative adjustment may only be submitted and reviewed concurrently with applications for other types of site development permits.
 - (c) Procedure.
 - (i) An administrative adjustment shall be reviewed and decided pursuant to the procedures outlined in Table 375.502.1 (Summary of Development Review Procedures).
 - (ii) The Chief Planning Official may approve an administrative adjustment within the limits established in Table 375.504.1 if the Chief Planning Official determines that the criteria in Subsection (5)(e)(ii) below have been met.
 - (iii) Where the primary application is subject to review and approval by the Planning Board, the Chief Planning Official shall review and decide the administrative adjustment application before distributing the primary application to the Board and/or Council.



Administrative Adjustment



P Indicates Public Hearing Required

Specific Procedures – Administrative Adjustment

- (d) Review criteria. An application for an administrative adjustment shall be approved only if the Chief Planning Official determines that the adjustment falls within the limitations in Table 375.504.1 and that:
- (i) The administrative adjustment is consistent with the character of development in the surrounding area; and
 - (ii) Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent practicable; and
 - (iii) The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
 - A. Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally;
 - B. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - C. Required to eliminate a minor inadvertent failure to fully comply with a standard; and
 - (iv) 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.

Administrative Adjustment

Chief Planning Official
Review and Decision

Appeal to BZA

(P) Indicates Public
Hearing Required

Article V Changes

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- **Added new General Section describing Article 506**
- Reorganization and Strengthening of Intent for Nonconforming Signs Section

Addition of General Section

§ 375-506 **Preexisting development and nonconformities.**

(1) General.

- (a) **Authority to Continue.** Any use, structure, lot, sign or other site improvement that was lawfully established prior to, and has been made nonconforming as of, the effective date or subsequent amendment of this Ordinance, may continue so long as the nonconformity remains otherwise lawful and complies with this section. Any rights conferred upon a nonconformity run with the property and are not affected by changes in tenancy or ownership.
- (b) **Burden of proof.** It shall be the applicant or property owner's responsibility to provide any and all documentation of evidence required to support a nonconformity claim.
- (c) **Determination of nonconformity.** Any person having a legal or equitable interest in a nonconforming property may apply for a certificate of nonconformity from the Chief Planning Official by complying with the procedure set forth in [this section].
- (d) **Illegality.** Any use, structure, lot, or sign that was illegal prior to the effective date of this Ordinance remains illegal if it does not conform to the provisions of this Ordinance.

Article V Changes

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- Added new General Section describing Article V
- **Reorganization and Strengthening of Intent for Nonconforming Signs Section**

Reorganization of Nonconforming Signs

- (5) Nonconforming signs.
 - (a) All signs that have been lawfully erected shall be deemed to be legal and lawful signs and shall be maintained subject to the provisions of this section.
 - (b) Maintenance. On-premises signs legally erected before the adoption of this USDO that do not conform to the provisions of § 375-409 may continue to be maintained as long as the specific business to which any sign pertains continues to operate at the same property.
 - (c) Alteration. A nonconforming sign may remain in use for a business or entity located on the same property, so long as the sign is not altered to expand or create a new nonconformity. A nonconforming sign may be otherwise be maintained and repaired, and the sign face and sign message may be changed, however, they shall not be enlarged, increased in height, redesigned or altered in any way, unless to conform to the requirements of this USDO.
 - (c) Relocation. No nonconforming sign may be relocated in whole or part to any other location on the same or any other lot, unless the sign conforms to the standards of this USDO.

Reorganization of Nonconforming Signs

- (d) Damage or destruction.
 - (i) When a nonconforming sign is damaged or destroyed to the extent of 50% or more of its replacement value, the sign may be repaired or rebuilt only if it conforms to the provisions of this USDO.
 - (ii) When a nonconforming sign is damaged or destroyed to the extent of less than 50% of its replacement value, it may be repaired and rebuilt to its previous condition, so long as the nonconformity is not expanded and no new nonconformity is created.
- (e) Abandonment.
 - (i) Any nonconforming sign that is located on a property that becomes vacant and unoccupied for a period of one year or more is deemed abandoned.
 - (ii) Abandoned nonconforming signs must be removed by the owner of the sign or the property owner of the premises.
 - (iii) No permits or approvals may be issued for properties with nonconforming abandoned signs until such signs are removed.



USDO Review Website

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