

• TITLE: An ordinance amending Section 201 of Ordinance 2916, replacing the Residential R-6 zone with Single Family Residential Zones R-1 (); amending Section 202 of Ordinance 2916, replacing the Residential R-5 zone with a Residential Zone R-2; amending Section 203 of Ordinance 2916 by replacing the Multiple Family R-A zone with Multiple Family Residential Zones R-A (); reclassifying the districts currently zoned Residential R-6, Residential R-5, and Multiple Family R-A; adding the definition of "density" to Section 300 of Ordinance 2916; and establishing an effective date.

WHEREAS, the Comprehensive Development Plan of the City of Albany was adopted by the Council of the City of Albany on June 16, 1971; and

WHEREAS, said Comprehensive Development Plan recommended the study of the City Zoning Ordinance for possible changes which could be made in the City's zoning regulations in order to achieve the objectives outlined in the Comprehensive Development Plan; and

WHEREAS, the Planning and Zoning Commission of the City of Albany, composed of seven citizens of the community, the City Attorney and Public Works Director, has completed a study of the City's residential zoning regulations; and

WHEREAS, the Planning and Zoning Commission made the following findings in its study of residential zoning regulations:

1. The current intermixture of two-story tri-plexes and four-plexes with single family homes is not desirable and has created problems in areas of the City which has resulted in public outcry; therefore, they will only be allowed when an acceptable site plan review has been submitted and approved by the Planning Commission.
2. Single family subdivisions with lots larger than the current minimum of 6,000 square feet are desirable and needed;
3. The dispersing of multiple-family dwellings throughout the City should be accomplished only through strictly regulated developments -- accomplished through carefully considered rezoning and site plan review;
4. It is desirable to have more than one multiple-family zone allowed within the City, providing for density variation, particularly providing the ability to have increased density in the core area of the City, if desired;
5. There is a need for site-plan review of multiple-family development in order to insure compatibility between neighborhoods and to encourage the application of new concepts of design while preserving the residential need for open space and a comfortable environment;

6. Landscaping and recreation space must be provided in multiple family developments and specific minimum requirements must be included in the zoning regulations;

7. Density must be defined within residential zones to provide guidelines for planned developments when new design concepts are to be utilized in such residential zones; and

WHEREAS, the Planning and Zoning Commission held a public hearing on this proposed amendment on August 11, 1971 and recommended that the Council adopt it; and

WHEREAS, the Council of the City of Albany held a public hearing on this amendment on October 27, 1971 and November 3, 1971.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Section 201 of Ordinance 2916 is hereby amended to read as follows:

SECTION 201 SINGLE FAMILY RESIDENTIAL ZONES R-1 ()

Section 201.01 Purpose. The purpose of the Single Family Residential zone R-1 () is to provide for healthful, safe, and pleasing low density (2-6 dwelling units per acre) single-family residential development, plus certain uses, such as schools, churches, parks, and other necessary public facilities. The basic provisions of the zone are uniform. However, a sub-series of zones are created which are designed to vary density and other developmental standards to (1) insure greater compatibility between new developments and the existing patterns of neighborhoods or (2) establish appropriate density for new areas in relation to the character of the area, its location in the City, and services that can be provided.

Section 201.02 Principal Uses Permitted. Single family dwelling.

Section 201.03 Accessory Buildings & Uses Permitted. The following accessory buildings and uses are permitted in an R-1 () zone:

- a. Home occupations, provided that:
 1. it is conducted entirely in the dwelling unit and carried out by the inhabitants residing there and no others
 2. such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character of the dwelling.
 3. there shall be no advertising, display or other external indication of a home occupation on the premises
- b. Garage, carport with setback same as main building.
- c. Greenhouses, woodsheds, or other storage structures, setback same as main building.

- d. Servants quarters, caretakers quarters used for dwelling purposes:
 - 1. if lot size for principal use and accessory use is 10,000 square feet
 - 2. with setback same as main building
- e. Swimming pools, tennis courts, patios, cabanas, and other recreation structures

Section 201.04 Conditional Uses Permitted. Any conditional use as provided in Part 2, Section 211 may be permitted in an R-1 () zone contingent upon conforming to regulations as set forth and when authorized by the Planning & Zoning Commission in accordance with Part 1, Section 110, except institutions and mobile home parks.

Section 201.05 Development Standards. The following standards shall be met by each principal use in the R-1 () zone:

<u>Lot Standards:</u>	<u>ZONES:</u>	<u>R-1 (6)</u>	<u>R-1 (8)</u>	<u>R-1 (10)</u>
Min. area (sq. ft.)		6,000	8,000	10,000
Min. width (front setback line in ft.)		60	80	100
Min. width (front setback of lots on cul-de-sacs in ft.)		43	53	62
Coverage (% of lot area)		35	35	35
Min. Depth in ft.		90	95	100

Building Standards:

Max. Height	2½ stories of 25 feet from plate to sill		
Min. front yard (in ft.)	20	25	30
Min. at least one side yard (in ft.)	10	10	15
Min. total of side yards (in ft.)	15	20	25
Min. side yard abutting street (in ft.)	10	10	15
Min. rear yard (in ft.)	20	20	30

Accessory Building Standards:

Accessory buildings containing less than 600 sq. feet, located more than 50 feet from a street line and separate from the principal use by at least 10 ft., may have side and rear yards of 5 ft. ALL ZONES

Fences:

Fences may be located on property lines provided that in required front yards they do not exceed a height of 48 inches (36 inches on corner lots) or 72 inches a required side or rear yard. ALL ZONES

Section 201.06 Off-Street Parking. In an R-1 () zone, off-street parking spaces shall be provided as required in Part 2, Section 212.

Section 2. Section 202 of Ordinance 2916 is hereby amended to read as follows:

SECTION 202 RESIDENTIAL ZONE R-2

Section 202.01 Purpose. The purpose of the Residential R-2 zone is to provide for the development of medium density (7-13 dwelling units per acre) single-family homes, duplexes, tri-plexes, and four-plexes, together with related residential support facilities, such as churches, schools, parks, and other public facilities. The R-2 zones may be used as a buffer zone between R-1 () zones and R-A or Commercial zones. Other appropriate uses of the zone may be to provide for a higher density in and near the core areas of the City or along major traffic arteries where it is impossible to develop R-1 () sub-divisions with rear yards facing the major streets.

Section 202.02 Principal Uses Permitted.

- a. Any principal use permitted in the R-1 () zone
- b. Two-family dwellings (duplexes)
- c. Three and four-plexes with plat plan required per Section 203.05

Section 202.03 Accessory Buildings and Uses Permitted. Any accessory building or use permitted in an R-1 () zone is permitted in an R-2 zone.

Section 202.04 Conditional Uses Permitted. Any conditional use permitted in Part 2, Section 211 may be permitted in an R-2 zone when authorized in accordance with Part 1, Section 110.

Section 202.05 Development Standards. The following standards shall be met for all permit uses in the R-2 zone:

	<u>Single</u>	<u>Duplex</u>	<u>3-Plex</u>	<u>4-Plex</u>
<u>Lot Standards:</u>				
Min. lot area (sq. ft.)	5,000	7,000	10,500	13,000
Min. width (setback line in ft.)	50	70	80	90
Min. width (setback front lot line for cul-de-sac type lots in ft.)	35	50	60	60
Min. depth in ft.	90	90	90	90
Lot coverage (% of lot area)	35	35	35	35
Max. height (except for uses permitted by conditional use)	2½ stories or 25 ft. from plate to sill - whichever is less restrictive			
<u>Main Building Standards (in ft.):</u>				
Min. front	20	20	20	20
Min. at least one side yard	5	10	10	10
Min. total of both side yards	10	15	15	15
Side yard abutting a street	10	10	10	10
Min. rear	20	20	20	20

Single Duplex 3-Plex 4-Plex

Accessory Building Setbacks:

(Same as R-1 ())

Fences:

(Same as R-1 ())

Section 202.06 Off-Street Parking. In an R-2 zone, off-street parking spaces shall be provided as required by Part 2 ,Section 212.

Section 3. Section 203 of Ordinance 2916 is hereby amended to read as follows:

SECTION 203 MULTIPLE FAMILY RESIDENTIAL ZONES R-A ()

Section 203.01 Purpose. The purpose of the Multiple Family Residential Zones R-A () is to provide for high density (more than 13 units per acre) residential development, characterized by multiple family apartment structures. The basic provisions of the zone are uniform. However, a sub-series of zones are created which are designed to vary density and other developmental standards to insure compatibility between neighborhoods and to encourage the application of new concepts of designs while preserving the residential need for open space and a comfortable environment. Site plan approval is required in order to insure that these objectives are met.

Section 203.02 Principal Uses Permitted.

- a. Two , three, and four-family dwellings.
- b. Multiple-family dwelling.
- c. Boarding and rooming house.

Section 203.03 Accessory Buildings and Uses Permitted. Any accessory building or use permitted in an R-1 () zone is permitted in an R-A zone.

Section 203.04 Conditional Uses Permitted. Any conditional use permitted in Part 2, Section 211 is permitted in an R-A zone contingent upon conforming to regulations as set forth and when authorized by the Planning Commission in accordance with Part 1, Section 110.

Section 203.05 Property Development Plan Required. Where a total of three or more dwelling units are to be constructed upon one building site, a property development plan shall be submitted to and approved by the Planning Commission prior to the issuance of a building permit. Building permits shall be issued only for construction plans which are in substantial conformity with the approved property development plan. The property development plan shall show:

- 1. The entire proposed building site, showing all lot lines, the

- dimensions thereof and the lot area.
- 2. The dimensions and grade of all roadways, driveways, and walkways proposed.
- 3. The design and dimensions of all off-street parking areas.
- 4. The layout and exterior dimensions of all buildings to be erected and the size, in feet, of each dwelling unit, the total number of dwelling units existing and proposed to be erected on the building site; also, the location and dimensions of all yards and courts.
- 5. The grading plan, if any, shall include location and size of retaining walls to be erected and all cut and fill areas created.
- 6. General landscaping to be provided.
- 7. Construction schedule.

Section 203.06 Lot Area. The minimum lot area in an R-A () zone shall be not less than 6,000 square feet.

Section 203.07 R-A () Development Standards. The following standards shall be met for all developments in the R-A () zones:

	<u>R-A (1)</u>	<u>R-A (2)</u>	<u>R-A (3)</u>
Lot area per dwelling unit(in sq. ft.)	3,000	2,000	1,500
Building Height	2 story	2 story	6 story
Front Yards	20 ft.	20 ft.	20 ft. + 5 ft. for each story over 2
Side Yards:			
1. For buildings without doorways entering into the yard	10 ft.	1 story - 10 ft. 2 story - 15 ft.	10 ft. + 5 ft. for each story over 1
2. For buildings with doorways entering into the yard	15 ft.	1 story - 15 ft. 2 story - 20 ft.	15 ft. + 5 ft. for each story over 1
3. Side yards that abut a street	10 ft.	1 story - 10 ft. 2 story - 15 ft.	10 ft. + 5 ft. for each story over 1
Rear Yards:			
1. For buildings without doorways entering into the yard	10 ft.	1 story - 10 ft. 2 story - 15 ft.	10 ft. + 5 ft. for each story over 1
2. For buildings with doorways entering into the yard	15 ft.	1 story - 15 ft. 2 story - 20 ft.	15 ft. + 5 ft. for each story over 1
Min. Yard space between buildings	10 ft. + 1 ft. for every 10 linear feet of building length facing another building	1 story - same as R-A (1) 2 story - 10 ft. + 1.5 ft. for each 10 linear ft. building facing another building	10 ft. + 1 ft. for each 10 ft. of linear buildings opposed and ½ ft. for each additional story over one for every 10 linear ft. opposing another building.

R-A (1)

R-A (2)

R-A (3)

Landscaping & Recreation Space:

All yards are required to be landscaped. In addition, the total area devoted to landscaping or recreational areas may be no less than as shown. Minimum landscaping acceptable per 2,000 sq. ft. of required area is:

.75 sq. ft. for each sq. ft. of bldg. area

.75 sq. ft. for each sq. ft. of bldg. area

.50 sq. ft. for each sq. ft. of bldg. area

1. One specimen tree (8-10 ft.)
2. Five 5-gallon trees, shrubs, or accent plants
3. The remaining area treated with suitable living ground cover, or lawn, decorative treatment of bark, gravel, rock, etc.
4. Installation of piped underground sprinkling system in R-A (3) zone only.

Section 203.08 Off-Street Parking. In an R-A () zone, off-street parking spaces shall be provided as required in Part 2, Section 212.

Section 4. The following zones, existing prior to the effective date of this ordinance, are eliminated and repealed, and districts so zoned are re-classified to the new zones designated below:

OLD DISTRICT ZONES

NEW DISTRICT ZONES

Residential R-6

Single-Family Residential R-1 (6)

Residential R-5

Residential Zone R-2

Multiple Family R-A

Multiple Family Residential Zone R-A (2)

Section 5. The following definition is hereby added to Section 300 of Ordinance 2916:

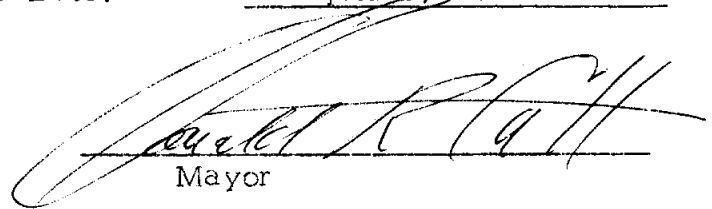
DENSITY: In residential zones, density shall refer to the number of dwelling units per acre of land, excluding public right-of-ways.

Section 6. The effective date of this Ordinance shall be April 6, 1972.

Passed by the Council: December 8, 1971

Approved by the Mayor: December 8, 1971

Effective Date: April 6, 1972



Mayor

ATTEST:



City Recorder