

ORDINANCE NO. 4958

TITLE: AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE, TITLE 20, KNOWN AS THE "CITY OF ALBANY DEVELOPMENT CODE," RELATIVE TO RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council has directed staff to perform an update of the Albany Development Code; and

WHEREAS, the proposed amendments (Case Nos. DC-04-91 and DC-05-91) are a portion of that Development Code and Zoning Map update; and

WHEREAS, the Planning Commission, following a public hearing on March 18, 1991, recommended approval of proposed amendments to the Development Code (Case No. DC-04-91) relative to existing Articles 5, 6, 7 and 16 relating to residential districts. The amendments separate out standards for residential development and combine them into one article and establish three new zoning districts -- two large lot districts and one high density multi-family district; and

WHEREAS, the Planning Commission, following a public hearing on April 15, 1991, recommended approval of proposed amendments to the Development Code (Case No. DC-05-91) relative to existing Articles 5, 6, 7, and 16 relating to commercial and industrial districts. The amendments separate out standards for commercial and industrial zoning districts. Changes include reduction of setback requirements in some districts; reduction of minimum lot size in the industrial park district; new fence standards for commercial and industrial developments, and changes in the application procedure for some uses.

WHEREAS, notices of the City Council public hearings have been published and posted, and

WHEREAS, the Albany City Council held public hearings on April 24 on residential districts and on May 8 and June 12 on commercial and industrial districts and members of the public were given an opportunity to be heard, and

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Articles 5, 6, 7 and 16 of the Albany Municipal Code, Title 20, known as the "City of Albany Development Code," are amended by the adoption of Exhibit "A" as new Articles 3, 4, and 5. This amendment deletes existing Articles 5 and 16 in their entirety and affects portions of Articles 6 and 7.

Section 2: The Findings below are hereby adopted in support of this decision:

- A. The proposed amendments are in compliance with Comprehensive Plan policies on provision of development opportunities to meet housing needs, economic development and landscaping.
- B. The proposed amendments are in compliance with Development Code policies on ensuring safe and serviceable growth and development within the City.
- C. The proposed amendments will clarify the text of the Code and improve readability of the regulations.
- D. The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

Section 3: The residential zoning district boundaries shown on the City's official Zoning Map will not change. Those areas designated by the previous Code as R-1, R-2 or R-3 will change as follows:

<u>Old</u>	<u>New</u>
R-1	RS-6.5
R-2	RM-5
R-3	RM-3

Section 4: The commercial zoning district boundaries shown on the City's official Zoning Map will not change. Those areas designated by the previous Code as RP, C-1, C-2, or C-3 will change as follows:

<u>Old</u>	<u>New</u>
RP	OP
C-1	NC
C-2	CC
C-3	CB

Areas designated CH will not change.

Section 5: The industrial zoning district boundaries shown on the City's official Zoning Map will not change. Those areas designated by the previous Code as MP, ML, or MH will change as follows:

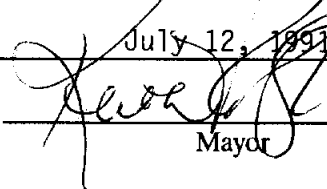
<u>Old</u>	<u>New</u>
MP	IP
ML	LI
MH	HI

Section 6: A copy of this ordinance will be forwarded to the Department of Land Conservation and Development.

Passed by the Council: June 12, 1991

Approved by the Mayor: June 13, 1991

Effective Date: July 12, 1991

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

**CITY OF ALBANY  
DEVELOPMENT CODE AMENDMENTS  
DC-04-91  
STAFF REPORT**

<u>HEARING BODIES</u>	<u>DATES</u>	<u>TIMES</u>
Albany Planning Commission	March 18, 1991	7:15 P.M.
Albany City Council	April 24, 1991	7:15 P.M.

**HEARING LOCATION:** 250 Broadalbin SW, City Hall II Council Chambers

**GENERAL INFORMATION:**

Staff-initiated amendments to the Albany Development Code, Articles 5, 6, 7, and 16. On March 18, 1991, the Planning Commission held a work session and public hearing to consider the proposed amendments. As a result of the work session, the Commission requested that staff make some changes to the amendments and bring those changes to the April 1st meeting. On April 1st, after reviewing the changes to the amendments, the Planning Commission voted unanimously to recommend approval of the amendments as attached.

**PROPOSAL FOR CONSIDERATION:**

To amend portions of existing Articles 5, 6, 7 and 16, separating out standards for residential development and combining them into one article. Establish three new zoning districts -- two large lot districts and one high density multi-family district. Clarify existing regulatory language and improve format and readability of the document. The new article will be called Residential Zoning Districts.

**DEVELOPMENT CODE AMENDMENT CRITERIA:**

Staff has evaluated the proposed amendments and found them to be in compliance with the following Development Code policies on purpose and legislative intent:

- 1.020 (1): Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner which protects the health, safety, and welfare of the citizens of Albany.
- 1.020 (3): Facilitate prompt review of development proposals and the application of clear and specific standards.
- 1.020 (5): Guide public and private planning policies and actions to assure provision of adequate water, sewerage, transportation, drainage, parks, open space and other public facilities and services for each development.
- 1.020 (8): Ensure that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other natural hazards as well as prevent the spread of blight, and aid in the prevention of crime.

Staff has also found the proposed amendments to be in compliance with the following goals and policies in the Comprehensive Plan:

- GOAL 5: Ensure vegetation is and remains an integral part of Albany's environment.

Policy 4: Require new development to utilize landscaping and encourage the improvement of existing development sites to current Development Code standards, especially by planting trees. Landscaping shall address the need to:

- a. Visually enhance development projects.
- b. Provide buffering and foster compatibility between different land uses.
- c. Reduce water runoff and maintain soil stability.
- d. Reduce energy use by using vegetation for shading, windbreaks and insulation.

GOAL 10: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

Policy 10: Encourage a mix of housing types and residential densities within the Urban Residential Reserve which conform with the population and density projections adopted by the City of Albany.

**PROPOSED FINDINGS FOR APPROVAL:**

1. The proposed amendments are in compliance with Development Code policies on ensuring safe and serviceable growth and development within the City.
2. The proposed amendments are in compliance with Comprehensive Plan policies regarding landscaping and provision of development opportunities that meet housing needs.
3. The proposed amendments result in a Code structure that is easy to follow and utilize.
4. The proposed amendments will clarify the text of the Code and improve readability of the regulations.
5. The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

**PLANNING COMMISSION AND STAFF RECOMMENDATION:** That the City Council **ADOPT** the attached amendments to the Albany Development Code (Casefile DC-04-91) relative to residential zoning districts based on the findings listed in the staff report.

**PROPOSED CITY COUNCIL MOTION:** I move that the City Council **APPROVE** the attached amendments to the Albany Development Code (Casefile DC-04-91) relative to residential zoning districts by **ADOPTING** the attached ordinance, which contains findings in support of the decision.

**CITY OF ALBANY  
DEVELOPMENT CODE AMENDMENTS  
DC-05-91  
STAFF REPORT**

**HEARING BODIES**

**DATES**

**TIMES**

Albany Planning Commission  
Albany City Council (Public Hearing)

April 15, 1991  
May 8, 1991

7:15 P.M.  
7:15 P.M.

**HEARING LOCATION:**            250 Broadalbin SW, City Hall II Council Chambers

**GENERAL INFORMATION:**

Staff-initiated amendments to the Albany Development Code, Articles 5, 6, 7, and 16. The Planning Commission held a work session on these proposed amendments on April 1, 1991. The attached amendments include changes recommended by the Planning Commission at that work session.

**PROPOSAL FOR CONSIDERATION:**

The proposed amendments to the Development Code restructure the Code in order to improve readability and clarify the regulatory language. Substantive changes include reduction of setback requirements in some districts, reduction of minimum lot size in the Industrial Park district, new fence standards for commercial and industrial developments, and changes in the application procedure for some uses.

**DEVELOPMENT CODE AMENDMENT CRITERIA:**

Staff has evaluated the proposed amendments and found them to be in compliance with the following Development Code policies on purpose and legislative intent:

- 1.020 (3): Facilitate prompt review of development proposals and the application of clear and specific standards.
- 1.020 (5): Guide public and private planning policies and actions to assure provision of adequate water, sewerage, transportation, drainage, parks, open space and other public facilities and services for each development.

Staff has also found the proposed amendments to be in compliance with the following goals and policies in the Comprehensive Plan:

GOAL 5: Ensure vegetation is and remains an integral part of Albany's environment.

Policy 4: Require new development to utilize landscaping and encourage the improvement of existing development sites to current Development Code standards, especially by planting trees. Landscaping shall address the need to:

- a. Visually enhance development projects.
- b. Provide buffering and foster compatibility between different land uses.
- c. Reduce water runoff and maintain soil stability.
- d. Reduce energy use by using vegetation for shading, windbreaks and insulation.

GOAL 9: Assure that regulatory requirements provide for high standards of public health, safety, and

welfare but are not detrimental to economic development opportunities.

Policy 15: Ensure that all building permit and planning regulations and procedures are clear, uncomplicated, concise, and are administered in a timely manner to avoid unnecessary delays.

**PROPOSED FINDINGS FOR APPROVAL:**

1. The proposed amendments are in compliance with Development Code policies on ensuring safe and serviceable growth and development within the City.
2. The proposed amendments are in compliance with Comprehensive Plan policies regarding economic development and landscaping.
3. The proposed amendments result in a Code structure that is easy to follow and utilize.
4. The proposed amendments will clarify the text of the Code and improve readability of the regulations.
5. The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

**PLANNING COMMISSION AND STAFF RECOMMENDATION:** That the City Council **APPROVE** the attached amendments to the Albany Development Code (Casefile DC-05-91) relative to commercial and industrial zoning districts based on the findings listed in the staff report.

**PROPOSED CITY COUNCIL MOTION:** I move that the City Council **APPROVE** the attached amendments to the Albany Development Code (Casefile DC-05-91) relative to commercial and industrial zoning districts by **ADOPTING** the attached ordinance, which contains findings in support of the decision.