

Appendix E

City of Albany
Draft Stormwater Code

CLARION

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ALBANY, NEW YORK

Modules 1 and 2: Districts, Uses, and Development Standards

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vi. CRITICAL FACILITIES

In order to prevent potential flood damages to certain facilities that would result in serious danger to life and health or widespread social or economic dislocation, no new critical facility shall be located within any area of special flood hazard or within any 500-year flood zone shown as a B Zone or as a shaded X Zone on the Community's Flood Insurance Rate Maps.

(5) CS-O COMBINED SEWER OVERLAY⁶⁷

(a) PURPOSE

The purposes of the CS-O overlay district are:

- i. To prohibit excessive volumes and/or inordinate rates of flow of wastewater into the City and/or county sewerage system.
- ii. To prohibit the contribution of sewage, industrial wastes and other wastes of a flammable nature or that create in any way a poisonous or hazardous environment for sewerage maintenance, operation and personnel.
- iii. To prohibit the contribution of sewage, industrial wastes or other wastes that may cause maintenance difficulties in the lateral and trunk sewers, force mains, pumping stations, sewage regulators and the structures and appurtenances of the City and/or county sewerage system.
- iv. To prohibit the contribution of sewage, industrial waste or other wastes that may create operating difficulties at the water pollution control plants as they exist or may be constructed, modified or improved in the future.
- v. To prohibit and/or regulate the contribution of sewage, industrial wastes or other wastes that require greater expenditures for treatment at the plants than are required for equal volumes of normal sewage, as hereinafter defined.
- vi. To require the pretreatment, before introduction into the City sewers, of such wastes as may otherwise impair the strength, durability and/or purpose of the structures and/or appurtenances of the sewer system or interfere with the normal treatment processes.
- vii. To provide cooperation with the Albany County Sewer District, the Albany County Department of Health and any other agencies that have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of watercourses within or bounding the county.
- viii. To ensure that future development in in the Combined Sewer Overflow area complies with the terms of any Consent Agreements or other agreements between the City and the state or federal

⁶⁷ Chapter 299 has been brought in here, with the exception of Article VI Inspections and Article VII Sewer Charges (which are more concerned with City operations and finance), Article VIII Enforcement and Penalties (which will be consolidated with similar provisions in the Administration and Enforcement chapter) and Article IX Severability, Repealer (which is unnecessary because covered in Section 375-1). This section is under continuing discussion with Albany Water as to whether an overlay district is the most effective way to address combined sewer overflows, whether additional overlays or sub-sections are needed to address storm sewer overflows, and related issues, and may be revised before final adoption.

governments designed to prevent negative environmental impacts from overflow events of the City's combined sewer system.⁶⁸

- ix. To protect the public health and to prevent nuisances.
- x. To abate combined sewer overflow discharges and stormwater overflow during wet weather events through the use of practices that reuse, infiltrate, and defray the release of storm water into the combined sewer system.⁶⁹

(b) DEPOSIT OF OBJECTIONABLE WASTE ON PROPERTY

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.

(c) DISCHARGE OF POLLUTED WASTES TO NATURAL OUTLETS

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted wastes except where permitted or⁷⁰ suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(d) USE OF INDIVIDUAL SEWAGE DISPOSAL FACILITIES

Except as otherwise provided in this Section 375-2.F(5), it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(e) CONNECTION TO PUBLIC SEWER REQUIRED WHERE AVAILABLE

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City are hereby required at the owner's expense to install suitable toilet facilities and to connect such facilities directly with the proper public sewer in accordance with the provisions of Section 375-2.F(5), within 90 days after the date of the official notice to do so, unless a longer period is authorized in writing by the City Engineer, provided that said public sewer is within 100 feet of the property line.

(f) PRIVATE SEWAGE DISPOSAL

i. CONDITIONS UNDER WHICH AUTHORIZED; COMPLIANCE REQUIRED

Where a public sanitary or combined sewer is not available under the provisions of Section 375-2.F(5)(e), the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Albany County Health Department.

⁶⁸ New provision.

⁶⁹ New purpose.

⁷⁰ Words "permitted or" have been added.

Whenever sewage, industrial wastes or other wastes having characteristics other than prescribed for normal sewage as defined in Section 375-6 (Definitions), or falling within the categories of waste prohibited from public sewers pursuant to these rules and regulations, are discharged into public sewers from any premises, the City Engineer and/or the Director shall have the right to take samples and tests as may be necessary to determine the nature and concentration of such wastes, and he shall have the right to reassess his determinations by taking samples and tests at any time or by periodic rechecks without notice to the person discharging such wastes.

- (a) Normally, samples shall be taken and flow measurements made at the control manhole or manholes.
- (b) In the event that the requirement for a control manhole or manholes has been specifically waived, the samples shall be taken at a point or points to be selected by the City Engineer and/or Director.

vi. CONTROL MANHOLES

When required by the City Engineer and/or the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such meters and other appurtenances in the building sewer, as are necessary to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City Engineer and/or Director. The manhole shall be installed by the owner at his own expense and shall be maintained by him so as to be safe and accessible at all times.

vii. MEASUREMENTS, TESTS AND ANALYSES

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Inc., and shall be determined at the control manhole, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest suitable one downstream in the public sewer at the point at which the building sewer is connected. Samplings shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

viii. DAMAGE TO SEWAGE SYSTEM

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the City of Albany sewage system. Any person violating this provision shall be subject to immediate arrest under charge of criminal tampering.

(i) COMPLIANCE WITH CONSENT ORDER⁷²

⁷² New.

All deposit of waste or sewage, all construction of public or private sewers, all connections to public sewer systems, and all other matters related to the disposal of storm water or sanitary sewer effluent within the Beaver Creek Sewer District, the Karlsfeld Sanitary Sewer District, and the Krumkill Sanitary Sewer Districts, shall comply with the terms of The Albany Pool Communities Combined Sewer Overflow Long Term Control Plan Order on Consent (DEC Case #CO 4-20120911-01), entered into by the Albany Pool Communities, Albany County Sewer District, the Rensselaer County Sewer District, and The New York State Department of Conservation on January 15, 2014., and actions inconsistent with the terms of that Order are violations of this USDO, as amended, until such time as the terms of that Order are no longer binding on the City.⁷³

(6) PB-O PINE BUSH OVERLAY⁷⁴

(a) PURPOSE

The area of Albany west of Fuller Road is designated as the Pine Bush area. The unique and sensitive nature of the Pine Bush environment requires that special development controls be established to protect and preserve the environmental integrity of the Pine Bush, to the greatest extent possible, while still allowing for appropriate development to occur. The purpose of the PB-O overlay district is to preserve and protect the unique and sensitive nature of the Pine Bush area environment, and to ensure that future development within the overlay area complies with all applicable state and federal environmental protection requirements related to the area.

(b) REGULATIONS

- i. General leveling and clearing of sites in the PB-O district is not permitted. New construction or redevelopment shall not remove existing indigenous trees or natural features except where necessary for the approved building of foundations, parking areas, and access driveways.
- ii. New or redeveloped primary structures are limited to one story in height in order to reduce impacts from smoke arising from prescribed burns required to maintain the health of the Pine Bush Preserve.⁷⁵
- iii. New or redeveloped primary structures shall be set back at least 150 feet from each property line with an adjacent undeveloped property in the PB-O district.⁷⁶ All portions of the setback area not occupied by parking areas, driving lanes, or stormwater management facilities shall be vegetated by retaining any existing natural vegetation to the maximum extent practicable. Where existing vegetation is more sparse or less biologically diverse than that on the adjacent undeveloped PB-O district property, it shall be supplemented through the planting of indigenous species, primarily oak and pitch pines, to a similar density and biological diversity as that on the adjacent undeveloped property.

⁷³ Description of the Consent Order has been revised.

⁷⁴ Combines standards from Section 375-77 Commercial Pine Bush District and the Pine Bush Site Plan Overlay district in Section 375-36.A.1. Revised since Module 1 based on review by Pine Bush _____.

⁷⁵ Staff is exploring allowing a second story in exchange for smaller building footprints, and similarly appropriate incentives.

⁷⁶ New provision.

Section 375-2 Zoning Districts
Section 375-2F. Overlay Districts
Section 375-2F. (7) NC-O Normans Kill Creek Overlay

- iv. New or redeveloped primary structures shall be set back no more than _____ feet from the front property line, in order to group traffic and occupancy impacts near those areas where the PB-O district is already fragmented by existing roads.
- v. New or redeveloped primary and accessory structures shall not occupy more than _____ percent of the site areas.
- vi. All surface parking areas and access driveways shall be located behind the front wall plane of the primary structure, and shall be constructed of pervious paving materials unless the applicant demonstrates that the use of such materials is inconsistent with the type and level of vehicle use required for the permitted primary use. If the use of impervious paving materials is approved, the total area occupied by building footprints and impervious paving shall not exceed _____ percent of the site area.
- vii. Native species chosen from a list maintained by the Pine Bush Preserve Commission will be used for required landscaping. New landscaping shall not consist of introduced or invasive species.
- viii. Dumpsters must be secured from wildlife.

(7) NC-O NORMANS KILL CREEK OVERLAY⁷⁷

(h) PURPOSE⁷⁸

- i. The purpose of the NC-O overlay district is to ensure careful planning in this area so as to protect people and the environment in the sensitive riparian area. A failure to do so has the potential to result in the degradation of water quality, increased erosion and flooding, loss of wildlife habitat, and reduced opportunities for recreation along the creek.
- ii. The Normans Kill is one of the major freshwater tributaries of the upper Hudson River, which is accessible to anadromous fishes and contains freshwater tidal wetland areas. The fish and wildlife habitat is an approximate two mile segment of this freshwater tributary, extending from its mouth on the Hudson River to a falls that is located just downstream from the New York State Thruway (Interstate Route 87) bridge. It is significant spawning habitat for migratory fishes in the upper Hudson River.
- iii. Erosion and landslides are persistent problems along the Normans Kill, particularly where there is streamside development or significant clearing of slopes. Soils composed of a high percentage of clay have moderate to severe limitations and have high potential erosion. As the slope of these soils increases, the limitations and erosion hazard also increase. The urban areas of the City are particularly vulnerable to erosion from stormwater runoff.

(i) STANDARDS⁷⁹

⁷⁷ From current Section 375-36.B with changes as noted.

⁷⁸ Significantly expanded and revised from current Section 375-36.B for clarity.

⁷⁹ New standards from Bethlehem grading, erosion, and sediment control provisions.

i. DEVELOPMENT PERMIT REQUIRED

Land disturbance within 100 feet of the mean high water line of Normans Kill Creek, or within the 100 year floodplain of Normans Kill Creek shall require a NC-O development permit.

ii. PROHIBITED ACTIVITIES

The following activities are prohibited and no NC-O development permit shall be approved by the City:

- (a) Construction of improvements and land disturbance activities on an area within the angle of repose of 20 percent or greater. A waiver from this prohibition may be obtained upon review and acceptance of a report from the applicant's professional engineer certifying that such construction or land disturbance activities will not result in a failure of the slope or result in a danger to human health, welfare or property.
- (b) Land disturbance activities that would alter or change the direction and/or quantity of water flow within any established drainage channel or that would change the direction and/or quantity of water flow across neighboring properties.

iii. EXEMPTIONS

The following activities shall be exempt from the provisions of this section and no NC-O development permit shall be required:

- (a) Activities performed in conjunction with special use permit, site plan, or subdivision approvals granted by City, provided those activities have been reviewed for compliance with the standards in this Section 375-2(F)(7) and are not commenced until after the grant of the City's permit or approval.
- (b) Activities performed in conjunction with special use permit, site plan, or subdivision approvals granted by the City before [the effective date of the USDO], provided that such activities are commenced within one year of the date of approval.
- (c) Activities performed in conjunction with the erection, structural alteration or movement of a structure or building for which a building permit is granted after [the effective date of the USDO] provided those activities have been reviewed for compliance with the standards in this Section 375-2(F)(7) and are not commenced until after the grant of the City's permit or approval.
- (d) Clearing or timber harvesting for the purpose of cutting firewood for personal use by a single household.
- (e) Selective cutting of marketable timber.
- (f) Household gardening.
- (g) Removal of dead wood and diseased trees or cutting of trees on a scale that does not constitute timber harvesting.
- (h) Repairs to occupied buildings.
- (i) Routine road, highway or street maintenance.

- (j) Routine maintenance and repair of existing structures or facilities.
- (k) The placement, use and maintenance of improvements used in agricultural production.
- (l) The removal of trees and vegetation in accordance with a forestry management plan approved by the State Department of Environmental Conservation.
- (m) The removal of vegetation as required to establish safe sight line distances for driveway entrances.
- (n) The removal of vegetation that threatens resident or public safety and removal of non-native plant species designated as "invasive."
- (o) The removal of vegetation to comply with a governmental order.
- (p) Activities performed in conjunction with the use of land for agricultural purposes, including tree plantations and tree harvesting and forestry.

iv. PERMIT PROCEDURE

[To be included as part of Module 3]

Section 375-4 DEVELOPMENT STANDARDS

(A) DIMENSIONAL STANDARDS

(1) APPLICABILITY

- (a) Unless otherwise stated in this USDO, the requirements in this Section 375-4(A) apply to all buildings, lots, and land in all zoning districts.²³⁰
- (b) No site plan shall be approved and no permit shall be issued for the erection or occupancy of a building or structure unless the development conforms to the dimensional standards of this Section 375-4(A).
- (c) No part of a yard or other open space required to comply with the provisions of this Section 375-4(A) shall be counted towards meeting the yard or open space requirements of another building.
- (d) Any encroachments into the public right-of-way shall require approval by the City and an agreement with the City that the property owner(s) shall be accept any and all liability for accidents or damage occurring in the public right-of-way due to the encroachment or related activity.²³¹

(2) GENERAL²³²

(a) SETBACK AND YARD REQUIREMENTS

- (i) The building setback areas required under this Section 375-4(A) shall be unobstructed from their lowest point to the sky, except for fences, landscaping, and other building features specified in this Section 375-4(A).
- (ii) Accessory structures shall comply with front yard requirements for the principal building to which they are accessory.²³³
- (iii) In addition to the dimensional standards in this Section, landscaped buffers may be required per Section 375-4(F) (5)

(b) IMPERVIOUS SURFACE²³⁴

Because some areas of the city are subject to combined sewer overflows and to surface storm water flooding, it is important that the maximum amount of impervious surface on each lot is carefully regulated. Each dimensional table in subsection (3) below contains maximum impervious surface limits designed to reduce off-site flows into the city's stormwater system by allowing a significant percentage of rainfall to infiltrate into the soil on individual lots and parcels. **Error! Reference source not found.** provides incentives for hose developments that further reduce the amount of off-site storm water flows through the use of Low Impact Development.

²³⁰ General 85 foot height cap from Section 375-130 was not carried over; all maximum heights are now in tables.

²³¹ New provision.

²³² Current 375-45.A and G on compatibility of infill, additions, or expansions were not carried over because too vague to enforce. Other code provisions now address design and scale of development.

²³³ Existing minimum 4 ft. setback was deleted.

²³⁴ New provision.

(c) EMERGENCY VEHICLE ACCESS²³⁵

- (i) All buildings or groups of buildings in all zoning districts shall be constructed with emergency vehicle access.
- (ii) Access to any building or structure that does not abut a public right-of-way shall have a width of at least 20 feet
- (iii) Access to any building or structure that does not abut a public right-of-way shall have a vertical vehicle clearance of at least 14 feet.

(3) DIMENSIONAL STANDARDS SUMMARY TABLES²³⁶

(a) RESIDENTIAL DISTRICTS

(i) GENERAL STANDARDS

Dimensional standards for residential zoning districts are shown in Table 375-4-1 below.

Table 375-4-1: Residential District Dimensional Standards						
New District	R-1L	R-1M	R-2	R-T	R-M	R-MH
Current District	R-1LL & R-1A	R-1B	R-2A	R-2B & R2C	R-3A & R-3B	R-4
Development Type	Detached	Detached	Single- or Two-Family	Row House	Multi-Family	Multi-Family
Lot Standards						
Min. lot area	7,700 sq. ft. ²³⁷	4,000 sq. ft. ²³⁸	2,250 sq. ft. ²³⁹	1,260 sq. ft. ²⁴⁰	1,760 sq. ft. ²⁴¹	20,000 sq. ft.
Min. lot depth	110 ft. ²⁴²	100 ft.	75 ft. ²⁴³	70 ft. ²⁴⁴	80 ft.	200 ft.
Min. lot width	70 ft. ²⁴⁵	40 ft. ²⁴⁶	30 ft. ²⁴⁷	18 ft.	22 ft. ²⁴⁸	100 ft.
Max. impervious lot coverage	20% (Res.) 30% (Non-res.)	35% ²⁴⁹	45% ²⁵⁰	65%	65% ²⁵¹	33%
Setbacks						
Min. front						

²³⁵ Carried over from current Section 375-133. This provision may be deleted if the Fire Department believes it is no longer necessary in light of fire code requirements.

²³⁶ Aside from the new standards for R-2, R-T, MU-NA, MU-NC, and MU-C, these are the current dimensional standards. R-2, R-T, MU-NA, MU-NC, and MU-C standards have been significantly revised based on an analysis of conforming and nonconforming lots and structures.

²³⁷ To bring more properties into conformity with this Code, the minimum lot size has been reduced from 15,000 sq. ft.

²³⁸ To bring more properties into conformity with this Code, the minimum lot size has been reduced from 6,000 sq. ft.

²³⁹ To bring more properties into conformity with this Code, the minimum lot size has been reduced from 5,000 sq. ft.

²⁴⁰ To bring more properties into conformity with this Code, the minimum lot size has been reduced from 3,000 sq. ft.

²⁴¹ To bring more properties into conformity with this Code, the minimum lot size has been reduced from 6,000 sq. ft.

²⁴² To bring more properties into conformity with this Code, the minimum lot depth has been reduced from 150 ft.

²⁴³ To bring more properties into conformity with this Code, the minimum lot depth has been reduced from 100 ft.

²⁴⁴ To bring more properties into conformity with this Code, the minimum lot depth has been reduced from 100 ft.

²⁴⁵ To bring more properties into conformity with this Code, the minimum lot width has been reduced from 100 ft.

²⁴⁶ To bring more properties into conformity with this Code, the minimum lot width has been reduced from 60 ft.

²⁴⁷ To bring more properties into conformity with this Code, the minimum lot width has been reduced from 50 ft.

²⁴⁸ To bring more properties into conformity with this Code, the minimum lot width has been reduced from 60 ft.

²⁴⁹ To bring more properties into conformity with this Code, the maximum impervious lot coverage has been increased from 30%.

²⁵⁰ To bring more properties into conformity with this Code, the maximum impervious lot coverage has been increased from 35%.

²⁵¹ To bring more properties into conformity with this Code, the maximum impervious lot coverage has been increased from 50%.

Section 375-4 Development Standards
 Section 375-4(A) Dimensional Standards
 Section 375-4(A) (3) Dimensional Standards Summary Tables

Table 375-4-1: Residential District Dimensional Standards

New District	R-1L	R-1M	R-2	R-T	R-M	R-MH
Current District	R-1LL & R-1A	R-1B	R-2A	R-2B & R2C	R-3A & R-3B	R-4
Development Type	Detached	Detached	Single- or Two-Family	Row House	Multi-Family	Multi-Family
Infill	The average setback of the two improved lots with primary buildings located within 25 feet of the side lot line.					
New	25 ft. ²⁵²	15 ft. ²⁵³	10 ft. ²⁵⁴	0 ft. ²⁵⁵	0 ft. ²⁵⁶	20 ft.
Min. and Max. side						
Min. 1 side	15 ft.	8 ft.	5 ft.	0 ft.	0 ft.	15 ft.
Min. 2 sides	40 ft.	20 ft.	16 ft.	0 ft.	0 ft.	40 ft.
Max. each side	N/A	N/A	N/A	3 ft. 6 in. ²⁵⁷	N/A	N/A
Min. rear	70 ft.	25 ft.	25 ft.	25 ft.	25 ft.	40 ft.
Building Standards						
Max. height, principal building	Lesser of 35 ft. or 2 ½ stories	Lesser of 35 ft. or 2 ½ stories	35 ft.	35 ft. ²⁵⁸	5 stories	85 ft.
Max. height, accessory buildings	16 ft.	16 ft.	16 ft.	16 ft.	16 ft.	16 ft.
Max. No. of Dwelling Units						
< 3 stories	1	1	2	1 per non-commercial floor, up to 2 ²⁵⁹	1 per 750 sq. ft. of floor area	Per building code
≥ 3 stories	N/A	N/A	N/A	1 per non-commercial floor up to 3 ²⁶⁰		Per building code

(ii) CONTEXTUAL FRONT YARD ADJUSTMENT²⁶¹

- A. Any unimproved lot located between two improved lots with primary buildings located within 25 feet of the side lot line of the improved lot may reduce the front yard to the greatest depth of the front yard of the two adjacent improved lots.
- B. Where an unimproved lot is in an area where no side yard is required, the front yard may be reduced to the average depth of the two adjacent improved lots.

(iii) RESIDENTIAL CLUSTER SUBDIVISIONS²⁶²

As an alternative to complying with the standards contained in Table 375-4-1 and subsection (ii) above, a residential subdivision containing only single-family detached, two-family, or row house dwellings, may be designed as a residential cluster subdivision with lots and parcels that comply with the standards in Section 374-4(D)(7) (Cluster Subdivision).

²⁵² To ensure new development fits with the intended character of the district, the minimum front setback was reduced from 30 ft.

²⁵³ To ensure new development fits with the intended character of the district, the minimum front setback was reduced from 25 ft.

²⁵⁴ To ensure new development fits with the intended character of the district, the minimum front setback was reduced from 20 ft.

²⁵⁵ To ensure new development fits with the intended character of the district, the minimum front setback was reduced from 10 ft.

²⁵⁶ To ensure new development fits with the intended character of the district, the minimum front setback was reduced from 10 ft.

²⁵⁷ New standard to preserve close-knit character of predominantly townhouse blocks.

²⁵⁸ Revised from lesser of 35 ft. or 2 ½ stories because many of these structures appear to exceed 2 ½ stories.

²⁵⁹ New standard.

²⁶⁰ New standard.

²⁶¹ Clarifies current Section 375-132 and removed 10 ft. minimum provision.

²⁶² New standards appear in the cross-referenced section.

(b) MIXED-USE DISTRICTS

The dimensional standards for the Mixed-Use districts other than the MU-FW, MU-FC, and MU-FS districts are shown in Table 375-4- below. The dimensional standards for the MU-FW, MU-FC, and MU-FS districts are shown in Section 375-4(B).

Table 375-4-2: Mixed-Use Dimensional Standards						
Std. = Standard High. = Highway						
New District	MU-NA	MU-NC	MU-PI	MU-C²⁶³		MU-DT
Current District	R-O	C-1	C-O	C-2		C-3
Development Type	All	All	All²⁶⁴	Standard	Highway²⁶⁵	All²⁶⁶
Lot Standards						
Min. lot area	5,000 sq. ft.	3,200 sq. ft.	8,000 sq. ft.	1,440 sq. ft.	10,000 sq. ft.	3,200 sq. ft.
Min. lot depth	75 ft. ²⁶⁷	80 ft.	100 ft.	80 ft.	100 ft.	80 ft.
Min. lot width	30 ft. ²⁶⁸	20 ft. ²⁶⁹	80 ft.	20 ft.	50 ft.	40 ft.
Max. impervious lot coverage	50%	50%	60%	50%	30%	100% ²⁷⁰
Setbacks						
Min. and Max. front	Max 10 ft. ²⁷¹	Max 10 ft. ²⁷²	No Max.	Max 10 ft. ²⁷³	20 ft.	Max. 10 ft. ²⁷⁴
Min. side	8 ft. for 1 side; 20 ft. for both	0 ft.	4 ft. for 1 side; 16 ft. for both	0 ft.		0 ft.
Min. rear	Min 0 ft.; Adjacent to R District Min. 10 ft. ²⁷⁵	Min 0 ft.; Adjacent to R District Min. 10 ft. ²⁷⁶	Min 0 ft.; Adjacent to R District Min. 10 ft. ²⁷⁷	Min 0 ft.; Adjacent to R District Min. 10 ft. ²⁷⁸	25 ft.	0 ft. ²⁷⁹
Building Standards						
Max. height, principal building	35 ft.	40 ft.	85 ft.	55 ft.	35 ft.	N/A ²⁸⁰
Max. height, accessory buildings	16 ft.	16 ft.	16 ft.	16 ft.		16 ft.

²⁶³ Within the MU-C District there are two separate set of standards for areas that have distinctively different character.

²⁶⁴ Single-family detached standard in current Code now applies to all development in this district.

²⁶⁵ Highway standards are new, to reflect development patterns on outer Central Avenue. The Highway area will be mapped.

²⁶⁶ Current commercial standards deleted in favor of more flexible residential standards.

²⁶⁷ To bring more properties into conformity with this Code, the minimum lot depth has been reduced from 100 ft.

²⁶⁸ To bring more properties into conformity with this Code, the minimum lot width has been reduced from 50 ft.

²⁶⁹ To bring more properties into conformity with this Code, the minimum lot width has been reduced from 40 ft.

²⁷⁰ Current 75% lot coverage for residential not carried forward as unnecessary.

²⁷¹ Revised from 20 ft. min in current Code.

²⁷² New standard.

²⁷³ New standard for less auto-oriented areas.

²⁷⁴ Revised from current 10 ft. min. for walkability.

²⁷⁵ Revised from 25 ft. min. in current Code.

²⁷⁶ Revised from 20 ft. min. in current Code.

²⁷⁷ Revised from 25 ft. min. in current Code.

²⁷⁸ New standard for less auto-oriented areas.

²⁷⁹ Current 25 ft. standard for residential not carried forward as unnecessary.

²⁸⁰ Revised from 85 ft. in current Code.

(c) SPECIAL PURPOSE DISTRICTS

The dimensional standards for Special Purpose districts are shown in Table 375-4- below.

Table 375-4-3: Special Purpose Dimensional Standards			
New Zone District	I-1	I-2	LC
Current Zone District	C-M	M-1	LC
Lot Standards			
Min. lot area	5,000 sq. ft. ²⁸¹	20,000 sq. ft.	N/A
Min. lot depth	100 ft.	200 ft.	N/A
Min. lot width	50 ft. ²⁸²	100 ft.	N/A
Max. impervious lot coverage	N/A	N/A	10% ²⁸³
Setbacks			
Min. front	20 ft.	20 ft.	N/A
Min. side	10 ft. for 1 side; 30 ft. for both	15 ft. for 1 side; 40 ft. for both	N/A
Min. rear	20 ft.	40 ft.	N/A
From Residential district	100 ft. if not completely enclosed within a building ²⁸⁴	200 ft. if not completely enclosed within a building	20 ft. ²⁸⁵
Building Standards			
Max. height, principal building	30 ft. ²⁸⁶	55 ft.	20 ft. ²⁸⁷
Max. height, accessory buildings	16 ft.	N/A ²⁸⁸	16 ft. ²⁸⁹

(4) INCENTIVES²⁹⁰

Inclusion of the following types of building or site features will enable the applicant to vary the dimensional standards otherwise applicable to the project as described in this Section 375-4(A)(4).

(a) ENERGY EFFICIENT DEVELOPMENT

New development or redevelopment of a primary building that is registered, designed, and documented for a LEED Platinum or LEED Gold certification shall receive the following benefits, regardless of whether the final structure received a LEED Platinum or LEED Gold certification.²⁹¹

- (i) The project may reduce any required building setback from any zoning district other than a Residential zoning district by 20 percent; and
- (ii) The project may increase the maximum height of any primary building (or part of a primary building) located more than 100 feet from the R-1L, R-1M, R-2, and R-T zoning districts by one story or 13 feet, whichever is less.

²⁸¹ Revised from 10,000 sq. ft. in current Code.

²⁸² Revised from 100 ft. in current Code.

²⁸³ New standard.

²⁸⁴ Revised from 100 ft. in current Code.

²⁸⁵ New standard.

²⁸⁶ Revised from 20 ft. in current Code.

²⁸⁷ New standard.

²⁸⁸ Revised from 16 ft. in current Code because of wide variety of accessory buildings necessary for heavy industrial uses.

²⁸⁹ New standard.

²⁹⁰ New provisions to encourage innovative and environmentally responsible design and development.

²⁹¹ Final certification is not required to avoid the risk of granting incentives to a building that is anticipated to receive certification, and designed and constructed to receive certification, but that does not in the end generate the intended savings. If final certification is required, then the validity of the incentives granted would be in doubt.

(b) LOW IMPACT DEVELOPMENT²⁹²

New development or redevelopment of a site that incorporates a blue (water retaining) roof, or a green (vegetated) roof, or other building or site features that are designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50 percent shall receive the following benefits:

- (i) The project may increase the maximum impervious lot coverage on the site by 20 percent (provided the required reduction in off-site water flow is still achieved); and
- (ii) The project may increase the maximum height of any primary building (or part of a primary building) located more than 100 feet from a Residential zoning district by one story or 13 feet, whichever is less.

(5) ENCROACHMENTS AND EXCEPTIONS²⁹³

The encroachments into required setbacks and exceptions to height limits shown in Table 375-4-4 are permitted.

Table 375-4-4: Exceptions and Encroachments	
Structure or Feature	Conditions or Limits
Encroachments into Required Setbacks	
Accessory clotheslines, play equipment, and rainwater harvesting barrels	May encroach into the side or rear setback.
Accessory rain garden	May encroach into front, side and rear setbacks.
Architectural features (sills, belt courses, eaves, cornices, chimneys, bay windows)	May project up to 2 ft. into side and rear setbacks
Awnings and canopies	May project up to 4 feet into front, side, and rear setbacks ²⁹⁴
Composting bin	May encroach into side and rear setback to within 2 ft. of property line.
Little Library	If no more than 4 cubic feet in enclosed area, may encroach into front setback but not closer than 1 ft. from front lot line
Minor Residential Structure that is less than 18 in. above grade	Except as listed for specific accessory structures, Minor Residential Structure may be located in any of the following areas that are not within an easement: (a) not more than 6 ft. into front yard from the facade, or (b) no closer than 5 ft. to any rear lot line, or (d) no closer than 2 ft. to any side lot line
Minor Residential Structure, Temporary placement less than 10 consecutive workdays	Except as listed for specific accessory structures, may be located in any front, side, or rear setback
Alternative Energy Facility, Geothermal	May encroach into front, side, or rear setbacks
Alternative Energy Facility, Solar	May encroach into side and rear setbacks but no closer than 2 ft. of side lot line and no closer than 5 ft. of rear lot line
Alternative Energy Facility, Wind	May encroach into required rear yards but no closer than 2 ft. of side lot line and not closer than 5 feet of rear lot line

²⁹² These two Qualifying Criteria will be drafted following further decisions with Staff and Sherwood Engineering regarding LID and green infrastructure and may include some or all of the menu options for Small Projects contained in the SWM section. This section is still under review and part of ongoing discussions with the City.

²⁹³ Expands current Section 375-133 to include many additional potential encroachments (including sustainable design elements such as solar and wind devices, rain gardens and barrels)

²⁹⁴ From current Section 375-46E.(9)(d)[2], now extended from R-O, C-1, C-2, and C-3 to all districts.

(3) STANDARDS APPLICABLE DURING SUBDIVISION OF LAND³⁰³

- (a) Streets shall be designed to allow the continuation of the existing local, collector, and arterial street network through the subdivision to the maximum extent practicable.
- (b) In portions of the City where adjacent blocks contain alleys, alleys with the same orientation and alignment shall be included in the subdivision design.
- (c) A maximum of 30 lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City Fire Department.
- (d) Each street or continuation of a street designated for an on-street bicycle route in a plan adopted by the City shall be designed to incorporate a bicycle route complying with the City's adopted design, engineering, and construction standards.
- (e) All streets shall be designed to comply with the Albany Complete Streets Ordinance (adopted 2013) Policy and Design Manual (adopted December 2015), as those documents may be amended or replaced over time, using the street typologies (Downtown, Neighborhood Mixed Use, Neighborhood Residential, Boulevard, Community Mixed Use, Community Commercial, or Industrial), most applicable to the proposed uses in the area being subdivided. In addition, new subdivision streets shall incorporate those Street Elements and Streetscape and Sidewalk Elements listed in the Albany Complete Streets Policy and Design Manual to the maximum degree practicable.

The design of each new subdivision street shall comply with the dimensions shown in the City's adopted design, engineering, and construction standards.³⁰⁴

- (f) Each new street shall be designed to incorporate stormwater retention, detention, and/or infiltration features to the maximum extent practicable, in order to reduce combined sewer overflows during heavy rainfall events.
- (g) Street signs shall be installed at each new street intersection and at each point at which a subdivision street meets an existing boundary street, unless a street sign already exists in that location.
- (h) All subdivisions that include a new street shall provide street lights at each access point to the existing street network, at each street intersection within the subdivision, and along each subdivision street at a maximum spacing of 250 feet.³⁰⁵

(4) STANDARDS APPLICABLE ON PLATTED LOTS IN THE MU-FW, MU-FC, AND MU-FS DISTRICTS³⁰⁶

(a) STREET HIERARCHY

On each parcel that has multiple street frontages, a street hierarchy will determine the highest priority (primary) street frontage where the Front Build-to Zone or Setback shall apply. Along the lower priority frontages, the side or rear (secondary) Build-to Zones or Setbacks shall apply. The designated street hierarchy for the form-based districts is as follows:

³⁰³ New standards to replace outdated provisions in subdivision handbook and to cross-reference current design and engineering standards.

³⁰⁴ From Albany Complete Streets Policy and Design Manual.

³⁰⁵ Staff is exploring whether or not the City will want to assume the cost of these provisions.

³⁰⁶ New standards for the new form-based zoning districts.

(5) STREETS, ALLEYS AND SIDEWALKS³¹¹

The subdivision shall comply with those standards applicable to the subdivision of land in Section 375-4(C) (Access, Circulation, and Connectivity).

(6) OPEN SPACE³¹²

- (a) If a new subdivision will contain more than 20 residential dwelling units, or a resubdivision of land will increase the residential density of the subdivision by more than 20 dwelling units, the developer shall either donate land or make a payment to the City for the provision of open space benefitting the subdivision. This requirement does not apply to residential cluster subdivisions created under Section 375-4(D)(7).³¹³
- (b) The Board shall determine whether a donation of land, a payment in lieu of land dedication, or a combination of both, will be required, based on which will best meet the needs of the subdivision residents.
- (c) If a land dedication is required:
 - (i) The amount of land required shall not exceed:
 - A. Ten percent of the gross area of the subdivision; or
 - B. That amount needed to serve the residents of the subdivision with open space at the same level enjoyed, on average, by other residents of the City, whichever is less.
 - (ii) The land dedicated shall not be located in the FP-O district, and shall not include any environmentally sensitive lands (as described in Subsection (3) above) unless the Board determines that the inclusion of those areas is more consistent with the Comprehensive Plan than the inclusion of alternative areas, and that the inclusion of those areas will not harm the public health, safety, or welfare.
- (d) If a payment-in-lieu is required:
 - (i) The payment shall not exceed:
 - A. Ten percent of full value of the land to be subdivided; or
 - B. That amount needed to acquire land needed to serve the residents of the subdivision with open space at the same level enjoyed, on average, by other residents of the City, whichever is less.
 - (ii) All funds received shall constitute a trust fund to be used by the Common Council exclusive for open space, neighborhood park, playground or recreation purposes, which may include the acquisition of land, the construction of facilities, or both.

(7) RESIDENTIAL CLUSTER SUBDIVISION³¹⁴

As provided in Section 37 of the General City Law, and as an alternative to compliance with the Dimensional Standards of Section 375-4(A), a residential subdivision containing only single-

³¹¹ New standards to replace obsolete standards in handbook with current engineering standards. Street tree requirements are now located in the landscaping section.

³¹² Handbook requirement revised for clarity and to comply with legal requirements.

³¹³ New exclusion, since Cluster Subdivisions provide adequate open space by design.

³¹⁴ From current Section 27-98.2 through 98.4, revised and updated for clarity.

family detached, two-family detached, or row house dwellings, may be designed as a residential cluster subdivision that complies with the standards in this Section 374-4(D)(5).

(a) PURPOSE³¹⁵

The purpose of cluster development is to promote the preservation of larger areas of open space and stronger protection of environmentally sensitive lands than is otherwise required by this USDO, and the more efficient use of land requiring smaller networks of streets and utilities.

(b) STANDARDS

- (i) The proposed subdivision must contain a minimum of four acres of land.
- (ii) The subdivision shall contain only single-family detached dwellings, two-family detached dwellings, and or row houses in clusters of not more than five units.
- (iii) At least 25 percent³¹⁶ of the gross land area of the subdivision shall be set aside and deed restricted as open space, using a form of deed restriction acceptable to the Corporation Counsel. All deed restricted open space shall be managed and maintained by the residents of the cluster subdivision, or by a non-profit, land trust, or other land management organization, through a form of legal ownership acceptable to the Corporation Counsel.
- (iv) The proposed density of development shall not exceed the density permitted for a conventional subdivision in the zoning district where the property is located after the avoidance of sensitive lands as required by Section 475-4(D)(3).
- (v) Minimum lot widths and sizes otherwise applicable in the zone district where the property is located may be adjusted downward to allow the number of lots permitted by Subsection (iv) above.

(8) STORM SEWERS AND DRAINAGE³¹⁷

The developer shall install, at the developer's expense, all site features and infrastructure necessary to retain, detain, and/or infiltrate stormwater to ensure that the new subdivision does not create additional burdens on the City's storm sewer system and does not create additional surface flooding. All stormwater site features and infrastructure shall comply with:

- (a) The City's adopted design, engineering, and construction standards; and
- (b) The requirements of the FP-O and CS-O districts, if applicable.

(9) WATER SERVICE³¹⁸

The developer shall install, at the developer's expense, all infrastructure necessary to connect each subdivision lot to the City's existing water supply system. All required connections shall comply with the City's adopted design, engineering, and construction standards.

³¹⁵ Current purposes significantly simplified.

³¹⁶ New provision; the current text has no minimum set-aside.

³¹⁷ Current provisions updated to align with requirements of CS-O and FP-O districts.

³¹⁸ Current practice codified.

(g) PROTECTION OF RESIDENTIAL DISTRICTS

- (i) On lots in the Mixed Use or Special Purpose zoning districts that are adjacent to a Residential zone district, parking spaces shall not be located within ten feet of the front lot line.³⁶⁷
- (ii) Parking lots may be constructed in any Residential district to serve a use that is not a Permitted or Conditional use in that zoning district, provided that the parking lot:
 - A. Abuts the Mixed Use or Special Purpose district where the use to be served is located, abuts an existing nonconforming nonresidential use in the Residential district, or abuts a property that is operating as a nonresidential use under a use variance; and
 - B. Has vehicular access only through the abutting Mixed Use or Special Purpose district or the property containing the abutting nonresidential use or by way of a street upon which the Mixed Use or Special purpose district or nonresidential use fronts.

(h) SURFACING AND DRAINAGE³⁶⁸

- (i) Except as provided for in Subsection (ii) below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, all-weather, and bonded surface material approved by the City. Use of surfacing that includes recycled materials such as glass, rubber, used asphalt, brick, block, and concrete is encouraged.
- (ii) The use of pervious or semi-pervious surfacing materials including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided the surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be approved by the City as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with onsite stormwater control devices. In the PB-O district, use of pervious or semi-pervious paving materials is mandatory rather than optional.

(i) LANDSCAPING AND SCREENING

All parking lots and garages shall comply with the landscaping and screening standards in Section 375-4(F) (6) .

(j) LIGHTING

All parking lots and garages shall comply with the outdoor lighting standards in Section 375-4(H).

(k) SNOW STORAGE

All surface parking lots shall provide a snow storage area sized to accommodate expected snowfall and located to ensure that fencing, landscaping, and other screening devices are protected from damage.

³⁶⁷ Revised for clarity.

³⁶⁸ Expansion of Section 375-180l. to include surfacing alternatives. Text on maintenance is now covered in Section 375-12.

(l) PARKING LOT WALKWAYS³⁶⁹

Each surface parking area containing 100 or more parking spaces, any of which are located more than 300 feet from the front façade of the building shall contain at least one walkway that enables a pedestrian to travel from the farthest row of parking to the primary building entrance without crossing any parking spaces or drive aisles. Additional walkways shall be included and spaced 200 feet apart to ensure that no parking space in the farthest row of the parking lot is more than 200 feet from any walkway. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk.

(m) PARKING GARAGE DESIGN³⁷⁰

Aboveground parking garages or portions of structures occupied by automobile parking shall meet the following standards:

- (i) The height of an accessory parking garage shall not exceed the height of the principal structure it is intended to serve.
- (ii) All vehicle parking surfaces along any street frontage of the garage shall be horizontal, rather than an angled surface or ramp leading to a higher or lower level of the garage.
- (iii) Elements such as decorative grillwork, louvers, or translucent materials shall be used on the upper floor façades, or the upper parking floors shall be designed with a pattern of window-like openings on the parking garage façade. The design and materials shall conceal the view of all parked cars below the hoodline through the use of opaque or semi-opaque façade materials that extend at least three feet in height above the vehicle parking surface.
- (iv) When located in any mixed-use zoning district, the ground floor of a parking garage shall be designed so that any frontage adjacent to a public street has a minimum floor to ceiling height of 13 feet and a minimum bay depth (not required for vehicle circulation inside the garage) of 20 feet, in order to accommodate commercial or institutional uses along the street frontages, or to allow conversion of street frontage spaces to commercial or institutional uses in the future.

(6) BICYCLE PARKING STANDARDS³⁷¹

- (a) Bicycle parking spaces shall be provided as shown in Table 375-4-1.
- (b) When the off-street parking requirements in Table 375-4-2 are applied in the MU-FW, MU-FC, and MU-FS districts, the bicycle parking requirements for the most similar use listed in Table 375-4-1, as determined by the Director, shall apply.
- (c) Bicycle parking shall be located in highly visible areas near the intended use.
- (d) Bicycle parking racks shall be positioned out of walkway clear zones.
- (e) Bicycle parking racks shall be located to avoid potential conflict with parking and circulation of motor vehicles.
- (f) Bicycle parking racks shall support the frame of a bicycle upright in two places.

³⁶⁹ New provision.

³⁷⁰ New provision.

³⁷¹ New standards to accompany the minimum required bicycle parking.

- (g) Bicycle parking racks shall enable the bicycle frame and one or both wheels to be secured through use of a "U" type lock.
- (h) Bicycle parking racks shall be securely anchored to an approved hard surface.
- (i) A two foot by six foot space is required to accommodate two bicycles.
- (j) Parallel bike racks shall have a minimum on-center spacing of 30 inches. Spacing of 48 inches is optimal.
- (k) Required enclosed bicycle parking shall mean bicycle parking that is located in one of the following:
 - (i) In a locked room;
 - (ii) In an individual or community storage area;
 - (iii) In a bicycle locker;
 - (iv) In a locked area that is enclosed by a fence or wall with a minimum height of eight feet;
 - (v) In a private garage serving a dwelling within a multi-unit (residential) building; or
 - (vi) Inside a residential dwelling unit if the dwelling unit has an exterior ground floor entry.

(7) OFF-STREET LOADING STANDARDS ³⁷²

The following provisions apply in all zoning districts.

(a) GENERAL REQUIREMENT

- (i) A minimum of one loading space shall be provided for each public/institutional, commercial and industrial use exceeding 25,000 square feet of gross floor area,
- (ii) Each off-street loading space shall comply with Table 375-4-7 and Table 375-4-8 below:

Table 375-4-7: Off-Street Loading Requirements	
Use Size (GFA)	Loading Spaces Required
Under 25,000 sq. ft.	None
25,000 – 49,999 sq. ft.	1
50,000+	2

Table 375-4-8: Dimensions of Loading Spaces	
Dimension	Size (feet)
Width	12
Length	35 (55 for tractor-trailers)
Height	14

- (iii) Owners of two or more uses requiring the joint use of off-street loading facilities may file an executed agreement with the Director, in a form approved by the City, providing for joint use of loading facilities and demonstrating the adequacy of the facility to serve anticipated loading needs.³⁷³

³⁷² Simplified and streamlined language from Section 375-191 including changing minimum size threshold from 15,000 sq. ft. to 25,000 sq. ft. per the Annotated Outline.

³⁷³ Revised for clarity.

(b) DESIGN AND USE OF OFF-STREET LOADING AREAS³⁷⁴

- (i) Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided.
- (ii) Loading spaces and maneuvering areas shall be designed so that loading operations:
 - A. Do not encroach upon any sidewalk, street, public right-of-way, or fire lane; and
 - B. Do not occupy any required off-street parking spaces or access driveways.
- (iii) No loading space shall be located within any required front yard.
- (iv) No loading space shall be located closer than eight feet from a lot line abutting any Residential zoning district.³⁷⁵
- (v) All loading areas shall comply with the landscaping and screening standards in Section 375-4(F) (6) .
- (vi) All loading areas shall comply with the outdoor lighting standards in Section 375-4(H).
- (vii) All loading areas shall provide a snow storage area sized to accommodate expected snowfall and located to ensure that fencing, landscaping, and other screening devices are protected from damage.

(8) DRIVE-THROUGH VEHICLE STACKING STANDARDS

The following standards apply to all properties with a drive-through facility designed for access from a vehicle (rather than a walk-up facility).

(a) STACKING SPACE REQUIREMENTS

Vehicle stacking spaces for drive-through facilities shall be provided to comply with Table 375-4-9.

Table 375-4-9: Drive-Through Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured From
Bank, Financial Institution, or Automated Teller Machine (ATM)	MU-C: 3 Other districts: 2	ATM or Window
Restaurant/Retail Store	MU-C: 3 Other districts: 2	Pick-Up Window
Full Service Vehicle Washing Establishment	MU-C: 3 Other districts: 2	Outside of Washing Bay
Self-Service or Automated Vehicle Washing Establishment	1	Outside of Washing Bay
Other	Determined by the Director based on anticipated need and avoidance of traffic congestion on adjacent streets	

(b) LOCATION AND DESIGN OF STACKING LANES

- (i) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.

³⁷⁴ Incorporated some sections of Section 375-191, plus new provisions including some neighborhood protection standards.

³⁷⁵ Revised to apply to Residential zoning districts rather than residentially zoned property.

- (ii) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the non-corner sides and/or rear of the principal building.
- (iii) Drive-through stacking lanes shall have a minimum width of ten feet and a minimum length of 20 feet.

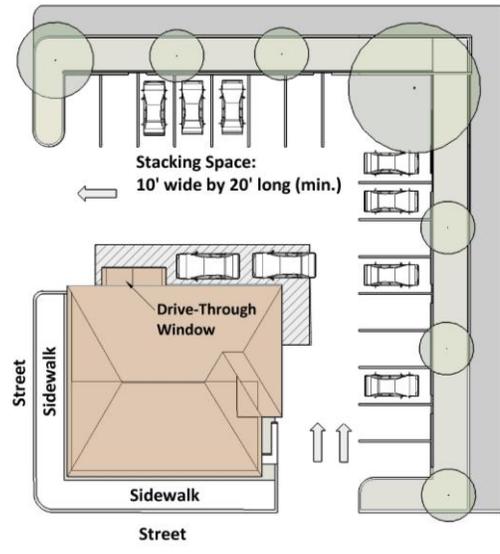


Figure 375-4-10

(F) LANDSCAPING, SCREENING AND BUFFERING³⁷⁶

(1) PURPOSE

The intent of this Section 375-4(F) is to:

- (a) Promote a healthy environment by providing shade, air purification, oxygen regeneration, groundwater recharge, stormwater runoff management, erosion control, and noise, glare and heat abatement;
- (b) Provide visual buffering from streets, buffering of potentially incompatible land uses, and generally enhance the quality and appearance of the City;
- (c) Encourage the preservation of existing trees and vegetation that offer environmental, aesthetic, habitat, sustainability, and economic benefits to the City and its citizens.

(2) APPLICABILITY

- (a) Provisions of this Section shall apply to all lots and parcels in any zone district that contain a primary structure with a primary use other than a single-family detached, single-family attached, two-family residential, or live-work primary use and that contains:
 - (i) A parking area or lot used for or ancillary to a commercial, industrial or institutional use; or
 - (ii) A parking area or lot for 5 or more vehicles that is ancillary to a residential use (see Section 375-4(F) (6) below); or
 - (iii) A lot with more than 10,000 square feet of lot area.
- (b) Compliance with the provisions of this Section is required when:
 - (i) A new primary structure is constructed; or

³⁷⁶ New section except as noted.

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Section 375-4(F) Landscaping, Screening and Buffering
Section 375-4(F) (3) General Landscaping Standards

- (ii) The gross floor area of an existing primary structure is increased by more than 25 percent; or
 - (iii) An existing primary structure is relocated on the lot or parcel; or
 - (iv) The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood, or other damage), and the value of that renovation or redevelopment, as indicated by the building permits, is more than 25 percent of the actual value of the property, as indicated by tax assessor's records; or
 - (v) A new parking lot containing four or more spaces is constructed; or
 - (vi) An existing parking lot containing four or more spaces is redesigned or reconstructed with significant changes to the layout of parking spaces, driving aisles, and access drives.
- (c) In case of any conflict between the various landscaping standards in this Section 375-4(F), the stricter standard shall apply. Wherever the requirement for two or more landscaping standard overlap, the same plant material may be counted toward meeting the requirements of both standards.
- (d) Vacant lots shall comply with the requirements of Section 151-20C (Vacant Lots).³⁷⁷

(3) GENERAL LANDSCAPING STANDARDS

(a) REQUIRED PLANT MATERIALS³⁷⁸

- (i) Tree and shrub species used to meet the landscaping requirements shall be from the City of Albany Selected Plant List as approved by the City Forester, as amended. Upon presentation of evidence, the Director may, upon consultation with the City Forester, authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and equally hardy and capable of withstanding the local climate.
- (ii) Plants listed on the City of Albany Prohibited Plant List, as amended, or on any state government list of invasive or prohibited species shall not be installed and shall not be counted towards meeting any landscaping requirement.
- (iii) All plant material shall be hardy to the Albany region, suitable for the site, free of disease and insects, and conform to the American Standard for Nursery Stock (ASNS) of the American Nursery and Landscape Association standards for the quality and installation of that plant.
- (iv) In all areas where landscaping is required, a minimum of 60 percent of the surface area shall be covered by living materials, rather than bark, gravel, or other non-living material.
- (v) The use of synthetic vegetation (plastic plants, etc.) shall not be used to meet any of the required landscaping, screening, or buffering standards.
- (vi) Landscape areas as required by this USDO shall be designed to be drought tolerant.

(b) SOIL CONDITION AND PLANTING BEDS

- (i) All landscaping required by this Code shall be planted in uncompacted soil.

³⁷⁷ Staff is considering changes to current Code provisions on vacant lots.

³⁷⁸ Staff is considering creating plant lists as suggested, but they will be published in a separate, more easily editable document and not included in the USDO.

- (ii) The planting bed of required trees and shrubs shall be mulched with shredded bark or wood mulch. The planting bed for groundcover plantings, including perennial and annual flowers, shall be mulched.
- (iii) All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. Curbs shall be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.

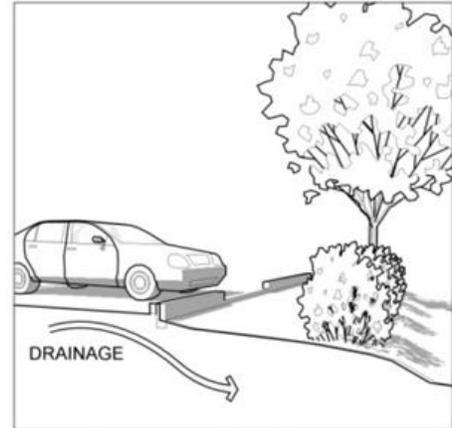


Figure 375-4-11: Curb stops and drainage

(c) MINIMUM PLANT SIZES AT INSTALLATION

Unless otherwise specifically noted, the minimum plant size of required landscaping at the time of installation shall be according to the following table.

Table 375-4-10: Minimum Plant Size	
Plant Type (ASNS types)	Minimum Size
Large Deciduous Shade Tree – mature height greater than 45 ft.	Two inch caliper, measured six inches above the ground, as specified by the American Standard of Nursery Stock.
Medium Deciduous Shade Tree – mature height greater than 30 ft.	Two inch caliper, measured six inches above the ground, as specified by the American Standard of Nursery Stock.
Small Deciduous Shade Tree – mature height greater than 20 ft.	As specified by the American Standard of Nursery Stock, except for true dwarf species.
Ornamental Tree	Four feet in height, as specified by the American Standard of Nursery Stock, except for true dwarf species
Conifers	Six ft. in height
Shrubs	Five gallon container size
Ground Cover Plants (crowns, plugs, containers)	A species appropriate number to provide 50% surface coverage after two growing seasons
Grass Seeding or Sod	Seed mix shall be of pure live seed weight and 99% weed free.

(d) PLANT MATERIAL SPACING³⁷⁹

- (i) A minimum three-foot radius shall be provided free of trees or shrubs around fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections.
- (ii) Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and all trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas.

³⁷⁹ Current requirement that landscaping be placed at least 4 feet from each lot line was not carried forward. 4 ft. protection radius replaced by 3 ft. radius.

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Section 375-4(F) (4) Street Trees and Lot Frontage Landscaping

- (iii) The Director may authorize adjustments to these spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced.

(e) VEGETATIVE COVERAGE

Any development or redevelopment site that triggers the requirements of this Section shall ensure that landscaping, screening, and/or buffering achieves at least the equivalent of 30 percent lot coverage by vegetated material.

(f) SNOW STORAGE AREAS

Snow storage area(s) shall be provided to ensure that landscaping, fencing and other screening devices are protected from damage during snow storage operations.

(g) LOW IMPACT DEVELOPMENT / STORM WATER TREATMENT³⁸⁰

- (i) On any development or redevelopment site larger than two acres, at least 25 percent of required landscaped areas shall be designed and constructed to serve as storm water infiltration and treatment facilities for storm water falling on impervious surfaces on the lot or parcel, and the remainder of required landscaped areas shall be designed and constructed to serve as storm water infiltration and treatment facilities for storm water falling on impervious surfaces on the lot or parcel to the maximum degree practicable.
- (ii) On smaller development or redevelopment sites, required landscaping shall be designed and constructed to serve as on-site storm water infiltration and treatment facilities to the maximum degree practicable.

(4) STREET TREES AND LOT FRONTAGE LANDSCAPING³⁸¹

- (a) Where a detached sidewalk and a planting area between the sidewalk and street or curb exists, at least one shade tree shall be planted per 35 linear feet of street frontage. Required trees shall be planted with 35 foot on-center spacing to the maximum degree practicable. Where the planting of shade trees would interfere with overhead electric power lines, at least one ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage.

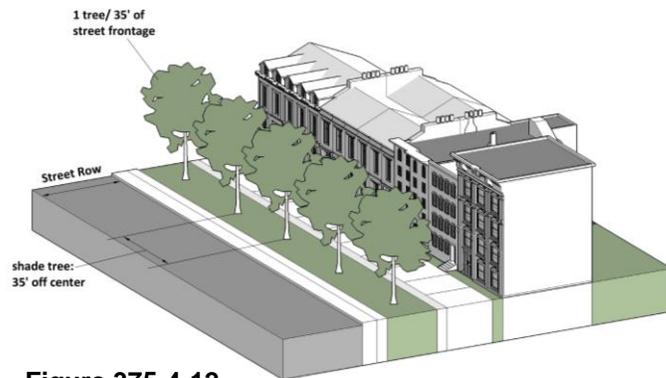


Figure 375-4-12

- (b) Where a detached sidewalk does not exist, one shade tree per 35 linear feet of street frontage shall be planted in alignment with any similar street frontage landscaping on adjacent lots, or if that is not possible or adjacent lots do not contain front yard landscaping, then the trees shall be planted with 35 foot

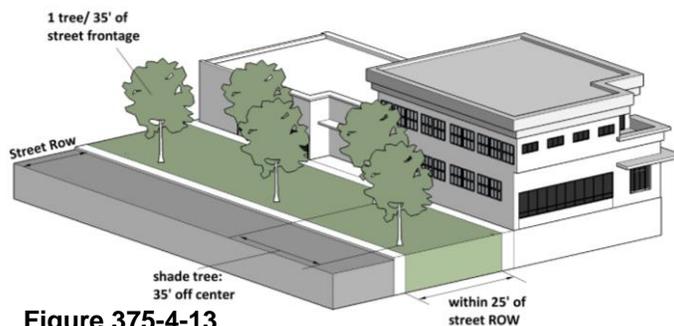


Figure 375-4-13

³⁸⁰ New provision.

³⁸¹ New standards for street trees and lot frontage landscaping reserved for "significant" projects at the Director's discretion. Staff is reviewing these thresholds and standards with internal staff.

Section 375-4 Development Standards
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on-center spacing and within 25 feet of the right-of-way to the maximum degree practicable.

- (c) Where the sidewalk extends from the back of curb to the lot line or building frontage, tree wells shall be installed in the sidewalk to allow planting of one shade tree per 35 feet of linear street frontage. Tree wells in sidewalks five feet wide or less shall be covered with a tree grate or pervious pavement, and the opening in a tree grate for the trunk must be expandable.
- (d) All plantings in the public right-of-way require City approval, and plantings deemed unsafe or impracticable by the City due to utility, slope, maintenance, location, visibility, alignment, or other factors are not required to be installed.
- (e) In addition to the provisions for street trees above, where the primary structure is located more than 20 feet from the street, a minimum of 20 percent of the area between the front lot line and the primary building facade must be landscaped with vegetative cover, shrubs, or trees in the following situations.
 - (i) All multi-family structures and non-residential primary structures in Residential zoning districts;
 - (ii) All primary structures in the Mixed Use districts and the I-I district.

(5) SIDE AND REAR LOT LINE BUFFERS³⁸²

- (a) A landscaped buffer shall be provided along each side or rear lot line, by the applicant seeking City approval for development or redevelopment, where the following abutting conditions occur and the two properties are not separated by a street, alley, stream, or railroad right-of-way.
 - (i) In the Residential zoning districts, where any lot containing a multi-family dwelling structure or any non-residential structure abuts a lot containing an occupied single-family detached dwelling, two-family detached, or row house structure.
 - (ii) In the Mixed Use zoning and Special Purpose zoning districts, but excluding the MU-DT district, where any lot containing a primary use categorized in Table 375-3-I as an industrial use (other than Artisan Manufacturing) abuts a lot containing an occupied primary use categorized in Table 375-3-I as anything other than an industrial use or categorized as Artisan Manufacturing.
 - (iii) In all zoning districts, where a new or redeveloped primary structure will contain four or more stories, and the abutting property contains an occupied primary structure containing two or fewer stories.
- (b) Where side or rear lot line buffer landscaping is required, the buffer landscaping shall comply with either Option 1 or Option 2 below.
 - (i) Option 1: Available in the Residential, MU-PI, MU-C, and Special Purpose Districts.

A landscape buffer area at least ten feet wide, containing at least one medium shade tree for every 35 linear feet of lot line and three large shrubs per 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts, and with living materials covering at least 50 percent of the ground surface. In any case where the abutting property is a single-family detached dwelling, a two-family detached dwelling, or a row-house, and a fence separates the two properties, the required landscaping

³⁸² New standards for side and rear lot line buffering. Staff is reviewing the enforceability of these standards and their practicality.

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 Section 375-4(F) (6) Parking Lot Landscaping

shall be installed on the side of the fence facing the single-family detached dwelling, two-family detached dwelling, or row house.

- (ii) Option 2: Available in the R-2, R-T, R-M, R-MH, MU-NA, MU-NC, MU-FW, MU-FC, and I-I districts.

An opaque wall, fence, or a vegetative screen with at least 50 percent opacity, six feet in height in areas behind the front façade of the primary building, and four feet in height forward of the front façade of the primary building, meeting the requirements of Section 375-4(F) (8) below. If a wall or fence is used to meet this requirement, the side facing away from the applicant's property shall be at least as finished in appearance as the side facing the applicant's property; the wall or fence shall be placed at least three feet inside the property line; and three small shrubs per 25 linear feet of lot line shall be provided between the wall or fence and the property line. If a dense vegetative screen is proposed, it shall be at least four feet in height at the time of planting.

(6) PARKING LOT LANDSCAPING³⁸³

All development required to provide parking for five or more vehicles shall comply with the following requirements, in addition to the requirements of Section 375-4(E) Parking and Loading above.

(a) LANDSCAPING

An area equal to at least seven percent of the surface area occupied by vehicle parking spaces and the driving aisles and driveways necessary for access to and circulation among those spaces shall be landscaped. Landscaping shall include at least one tree island

containing at least 80 square feet of land area, each containing at least one medium shade tree or larger, for every 20 parking spaces. Parking lot screening provided under Subsection (b) below shall not be used to meet this seven percent landscaping requirement.

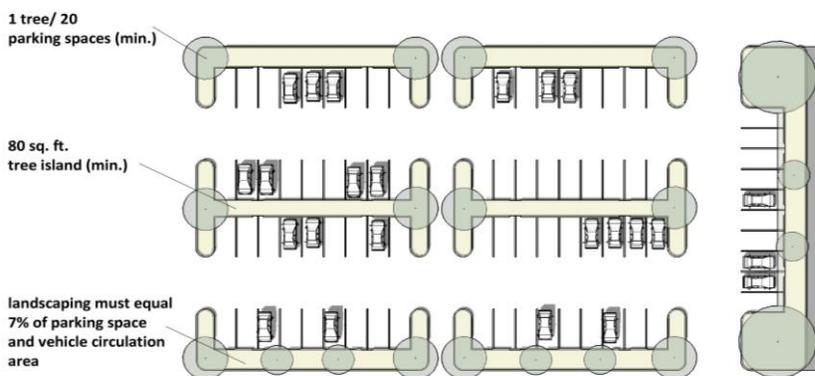


Figure 375-4-14

(b) SCREENING³⁸⁴

- (i) Where a parking area or lot for five or more vehicles is adjacent to a lot in a Residential district or a lot containing a primary Residential use, and the parking lot is not separated from the adjacent property by a primary or accessory structure, the parking area or lot shall be screened from the adjacent district or use using one of the two

³⁸³ Reorganized Section 375-180 for clarity and user-friendliness. Additional language has been added to address this Subsection's relationship to the preceding Subsection. Threshold reduced from 10 to 5 vehicles.

³⁸⁴ Section 375-180(G) requires screening for only sides facing residential districts and institutional uses as reflected here. However this differs from Subsection (5) above that states "any property edge occupied by surface parking."

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 Section 375-4(F) (7) Preservation of Existing Landscaping

options in Subsection (5) (b) above, as applicable to the zoning district where the parking area or lot is located.

- (ii) Where a parking area or lot (excluding driveways) in a Mixed Use zoning district is located within 30 feet of a front lot line, and is not separated from the front lot line by a primary or accessory structure, the parking area or lot shall be screened from the street by a masonry wall (not including CMU) between 30 and 42 inches in height, located within five feet of the front property line.

(7) PRESERVATION OF EXISTING LANDSCAPING

- (a) In the event that existing, non-invasive vegetation meets the intent of the screening or landscaping requirements, preserved existing vegetation will be credited towards the landscaping required by this Section Section 375-4(F) Landscaping, Screening and Buffering. No credit shall be given for existing vegetation that is invasive or listed in the City of Albany Prohibited Plant List or any state list of prohibited or invasive plants.
- (b) Existing vegetation used to meet the requirements of this Section 375-4(F) shall be protected during construction by a fence erected around an area one foot beyond the dripline of the preserved vegetation.³⁸⁵
- (c) Preservation of trees shall be given credit toward required landscaping as follows:
 - (i) Trees may be credited only one time towards one buffer, screen, or other landscape requirement.
 - (ii) Trees shall be located within the required landscape area to which they will be credited.
 - (iii) Tree credits shall be awarded in the quantities shown in Table 375-4-11 below.

Table 375-4-11: Tree Preservation Credits	
Caliper of Preserved Tree (in.)	Reduction in Number of Required Trees
Over 12 in. DBH	3
Over 8 in. to 12. In DBH	2
5 in. to 8 in. DBH	1

(8) WALLS AND FENCES

(a) APPLICABILITY

All walls and fences shall conform to the provisions of this Section 375(F)(8), except temporary fences and barricades around construction sites, which are governed by the International Building Code as amended and adopted by the City, and fences required to be erected by any state, federal, or other agency and are governed by the standards of that agency.

(b) GENERAL STANDARDS

- (i) On any lot with an occupied primary structure in any zoning district except the I-1 and I-2 zoning districts:
 - A. Walls and fences may be located in any front yard area (forward of the front wall plane of the primary building), and in any side yard area facing a street (forward of the wall plane of the primary building) provided they are no more than four feet in

³⁸⁵ These provisions aligned with industry standard and are more prescriptive than existing Code Section 345-13 Protection of trees during construction. Staff is discussing internally for consistency with current City standards and practice.

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Section 375-4(F) (9) Screening of Service Areas and Equipment

height and no more than 60 percent opaque, except as required to comply with screening requirements in Sections 375-4(F)(5) and (6) above.

- B. Walls and fences behind the front wall plane of the building, and behind the side wall plane of the building on any side facing a street, shall not exceed six feet in height.
- (ii) On any lot with an occupied primary structures in the I-1 and I-2 zoning districts, and on any vacant lot:
 - A. Walls and fences may be located in any front yard area (forward of the front wall plane of the primary building), and in any side yard area facing a street (forward of the wall plane of the primary building) provided they are no more than six feet in height.
 - B. Walls and fences behind the front wall plane of the building, and behind the side wall plane of the building on any side facing a street, shall not exceed eight feet in height.
- (iii) Notwithstanding Subsections (ii) and (iii) above, fences constructed for the purposes of enclosing an Outdoor Recreation or Entertainment use may exceed the maximum height but shall not be located closer than ten feet from any property line.³⁸⁶
- (iv) No minimum distance shall be required between a wall or fence and a lot line unless otherwise specified in this Section 375-4(F)(8).

(c) MATERIALS³⁸⁷

- (i) No wall or fence shall include barbed wire, broken glass, electrification, or other material or device intended to cause injury, except as otherwise stated in this Section 375-4(F) or required by state or federal law.
- (ii) Barbed (not razor) wire is permitted within the I-2 General Industrial District, or as required for public safety in and around Major Public Utility or Services uses.³⁸⁸
- (iii) No wall or fence shall be constructed of scrap or waste materials unless those materials have been recycled or reprocessed into building materials for sale to the public.
- (iv) No fence intended as a permanent structure shall be constructed of canvas, cloth, wire mesh, chicken wire, snow fencing, or any other similar material.
- (v) A fence designed to be structurally supported by posts, cross members, or rails on one side only shall be erected with the posts, cross members, or rails on the fence owner's side. The finished side of the fence (without supporting posts, cross-members, or rails) shall face adjacent properties or the public right-of-way.

(9) SCREENING OF SERVICE AREAS AND EQUIPMENT

(a) LOADING, SERVICE, AND TRASH ENCLOSURE AREAS

- (i) Where a loading, service, or trash enclosure area in a Mixed Use zoning district is adjacent to a lot in a Residential district or a lot containing a primary Residential use, the loading or service area shall be screened from the adjacent district or residential use by an opaque wall or fence eight feet in height, or by a vegetated screen with at least 80 percent opacity and at least six feet in height at the time of planting.

³⁸⁶ This provision expands this exception (Section 375-98F) from tennis courts to Outdoor Recreation or Entertainment uses.

³⁸⁷ Current Section 375-99.

³⁸⁸ Current Section 375-98C.

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Section 375-4(F) (10) Vision Clearance and Public Safety

- (ii) Where a loading, service, or trash enclosure area in the I-1 or I-2 zoning district is adjacent to a lot in a Residential or Mixed Use zoning district or a lot containing a primary Residential use or a non-industrial use, the loading or service area shall be screened from the adjacent district or residential use by an opaque wall or fence eight feet in height, or by a vegetated screen with at least 100 percent opacity and at least six feet in height at the time of planting.

(b) ROOF-MOUNTED MECHANICAL EQUIPMENT³⁸⁹

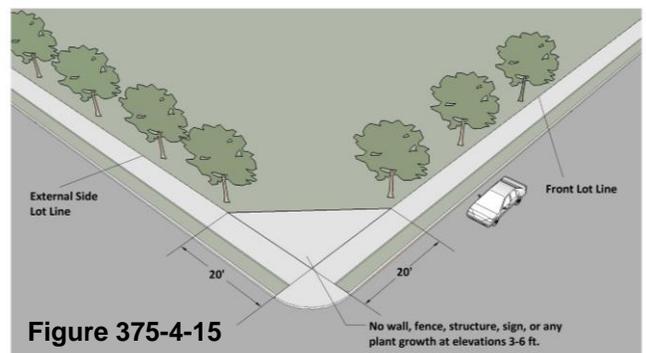
- (i) Roof-mounted mechanical equipment for any multi-family or non-residential primary use, not including solar collectors or wind energy devices, shall be screened by a parapet wall or similar building feature that is an integral part of the building's architectural design.
- (ii) The parapet wall or similar screening feature shall be of sufficient height to screen the mechanical equipment from all sides when viewed from ground level from any public right-of-way adjacent to the property.

(c) GROUND-MOUNTED MECHANICAL EQUIPMENT

- (i) In the Multi-Family, Mixed-Use, and I-1 Light Industrial Districts, ground-mounted mechanical equipment shall be screened from ground level view from adjacent properties and from all public rights-of-way adjacent to the property, by landscaping or by decorative wall or fence that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure.
- (ii) The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened.
- (iii) If landscaping is used for screening, the screening material shall be designed to provide 80 percent opacity within one year of planting along the full required height and length of the screening buffer.

(10) VISION CLEARANCE AND PUBLIC SAFETY³⁹⁰

On any corner lot on which a front and side yard are required, no wall, fence, structure, sign, or any plant growth that obstructs sight lines at elevations between 3 feet and 6 feet above the driving surface of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 20 ft. along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.



³⁸⁹ New standards to enhance aesthetic quality of roof- and ground-mounted mechanical equipment.

³⁹⁰ New provision.