

Council Members Conti and Fahey introduced the following:

ORDINANCE XX.112.18

AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NEW CONSTRUCTION IN R-T TOWNHOUSE DISTRICTS

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

Section 1. Subparagraph (d) (District Standards) of paragraph (4) (R-T Townhouse) of subsection (C) (Residential Districts) of section 375-2 (Zoning Districts) of Chapter 375 of the Code of the City of Albany is amended by adding a new item (iv) to read as follows:

(iv) New Construction

- A. New construction of a three-family dwelling is permitted with approval of a Conditional Use Permit, provided that such new construction may occur by right on lots with frontage on Clinton Avenue.
- B. New construction of a three-family dwelling, on lots other than those with a frontage on Clinton Avenue, is permitted with approval of a Conditional Use Permit provided that the building will have at least three stories and that new units each have a minimum size of at least 1,000 sq. ft. per unit or each occupy at least 80 percent of a single floor plate.

Section 2. This ordinance shall take effect thirty (30) days after enactment.

APPROVED AS TO FORM

Corporation Counsel

**COMMON COUNCIL
SUPPORTING MEMORANDUM**

ORDINANCE NUMBER: 36.102.18

SPONSOR(S): Council Members Conti and Fahey

TITLE: AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO NEW CONSTRUCTION IN R-T TOWNHOUSE DISTRICTS

GENERAL PURPOSE OF LEGISLATION: To clarify that new construction of 3-family residential dwellings in an R-T Townhouse District is subject to a Conditional Use Permit (CUP) similar to the process for conversions of 1- or 2-family residential dwelling units to a 3-family residential dwelling unit.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW: Prior to adoption of the USDO, R-T Townhouse Districts were predominantly R2-C Rowhouse Districts under the previous zoning code establishing 1- and 2-family rowhouse buildings as the permitted residential use. The USDO added provisions to the R-T Districts allowing conversion of 1- and 2-family dwelling units to 3-family use pursuant to a CUP and also grandfathered in existing 3-family dwellings. The USDO established 3-family family units as a permitted use for new construction but did not include a public review process through a CUP similar to what's in place for conversions. This ordinance seeks to correct that omission. The expansion of new 3-family dwellings in what otherwise are predominantly 1- and 2-family neighborhoods can have potential negative impacts, especially if it leads to concentrated volume. In addition, if new multiple townhouse construction occurs on contiguous lots it can have the de facto effect of establishing small apartment buildings in a neighborhood. This ordinance would establish a public review process that would allow the Planning Board to consider potential impacts.

TIME FRAME FOR PASSAGE: As soon as possible.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS: N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION: N/A

FISCAL IMPACTS: To be determined