

Amendments to the Albany Development Code (ADC)

*Draft code amendments are written as follows: additions **bold red underlined** and deletions in ~~strike-out~~. Sections not amended are omitted unless needed for context. Omitted sections are indicated by asterisks: ****

**ARTICLE 22
USE CATEGORIES AND DEFINITIONS**

Commentary
Proposed amendments to Article 22 include adding a new definition of Crime Prevention Through Environmental Design (CPTED) to support new design standards in Article 8; updating language to be gender-neutral; updating terminology for review procedures; renumbering tables and figures to follow the new numbering protocol; and updating cross-references.

The following is a list of content in this article.

- Use Categories 22.030 – 22.370
- Definitions 22.400
- Natural Resource Definitions 22.500

USE CATEGORIES

INDUSTRIAL USE CATEGORIES

COMMERCIAL USE CATEGORIES

INSTITUTIONAL USE CATEGORIES

RESIDENTIAL USE CATEGORIES

22.320 Residential Accessory Buildings

- (1) A detached building that is subordinate to and consistent with the principal use of the property located on the same property as the principal dwelling. Residential accessory buildings are permitted in residential and mixed-use zones if they meet the following standards:
 - (a) Detached residential accessory buildings, garages, and carports are allowed outright if they are less than 750 square feet and have walls equal to or less than eleven feet in height. Larger buildings may be permitted through ~~site plan review~~ **Site Plan Review**, refer to the following standards:
 - In residential zoning districts in Article 3, refer to Section 3.080(9).
 - In commercial or industrial zones in Article 4, refer to Section 4.060(21).
 - In mixed-use zones in Article 5, refer to Section 5.070(18).
 - (b) Accessory apartments have special conditions in Articles 3 and 5, Sections 3.080(4) and 5.070(15) ~~respectfully~~ **respectively**. [Ord. 5742, 7/14/10]

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OTHER USE CATEGORIES

22.325 Non-Residential Accessory Buildings

- (1) A detached building that is subordinate to and consistent with the principal use of the property. Depending on the size and zoning district, non-residential accessory buildings may require ~~site plan review~~ **Site Plan Review**. See Article 4, the Schedule of Permitted Uses in 4.050, and 4.060 (18) and Article 5, the Schedule of Permitted uses in 5.060 and ~~5.070~~(24). [Ord. 5742, 7/14/10]

22.340 Communication Facility

- (1) A Communication Facility use provides signals or messages through the use of electronic and telephonic devices. It includes all devices, equipment, machinery, structures or supporting elements necessary to produce signals or messages. Towers may be self-supporting, guyed, or mounted on poles or buildings. See Article 8, Section ~~8.400~~ **8.500**, for site design standards. [Ord. 5742; 7/14/10]
- (2) *Use Examples.* Types of uses include, but are not limited to: broadcast towers, telecommunication towers or poles or antennae, and point-to-point microwave towers.
- (3) *Exceptions.*
 - (a) Receive-only antennas and satellite dishes are not included in this category.
 - (b) Radio and television studios are classified in the Office category.
 - (c) Radio frequency transmission facilities that are public safety facilities are classified as Basic Utilities.

DEFINITIONS

22.400 Definitions. As used in this Code, the following words and phrases shall have the following meanings:

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of environmentally or historically sensitive features. See Article 11, Sections 11.400 through ~~11.510~~ **11.530**. [Ord. 5742, 7/14/10]

Crime Prevention Through Environmental Design (CPTED): The proper design and effective use of the built environment that can lead to a reduction in the fear and incidence of crime, and an improvement of the quality of life. The four basic elements of CPTED are natural surveillance, natural access control, territorial reinforcement, and image.

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Height of Building: The vertical distance above “Grade” as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (Figure 22.400-1). The “grade” measurement is taken from the highest adjoining sidewalk to ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above grade. When the sidewalk or ground surface is more than 10 feet above the lowest grade, the “grade” measurement is taken 10 feet above the lowest grade (Figure 22.400-2). The height of a stepped or terraced building is the maximum height of any segment of the building. [Ord. 5742, 7/14/10]

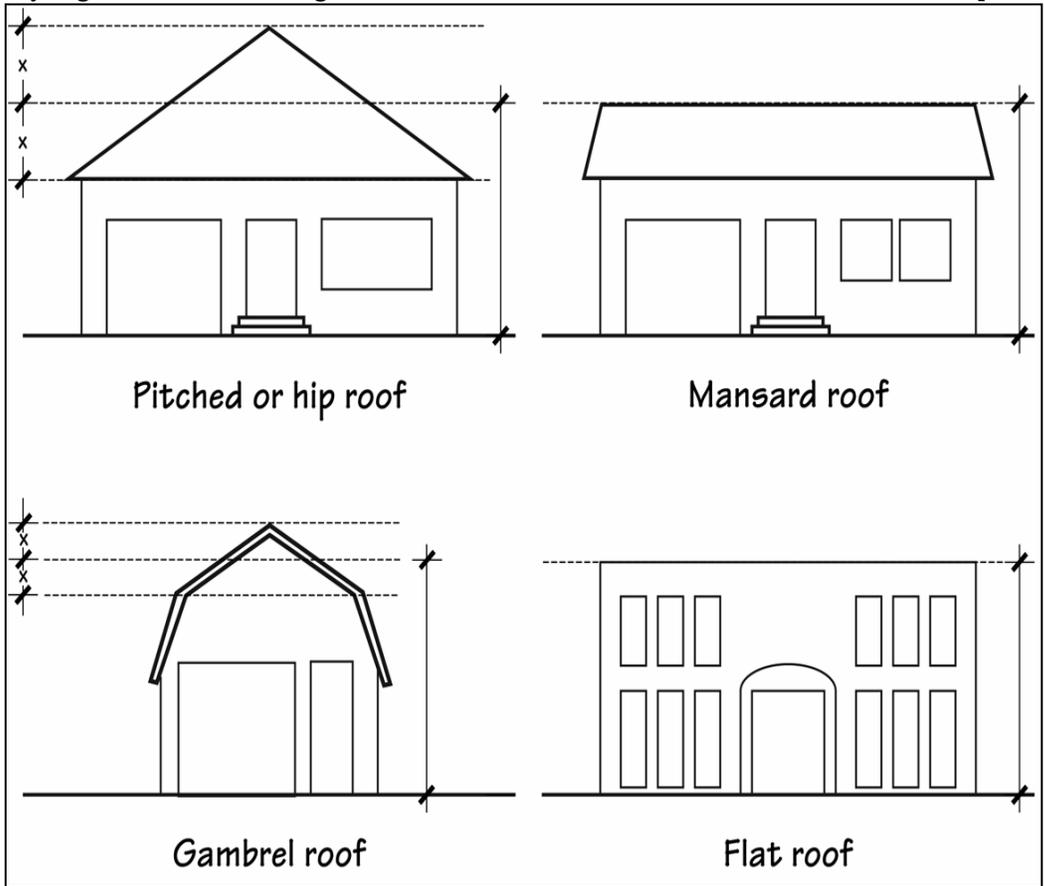


FIGURE 22.400-1. Measure building height by roof types.

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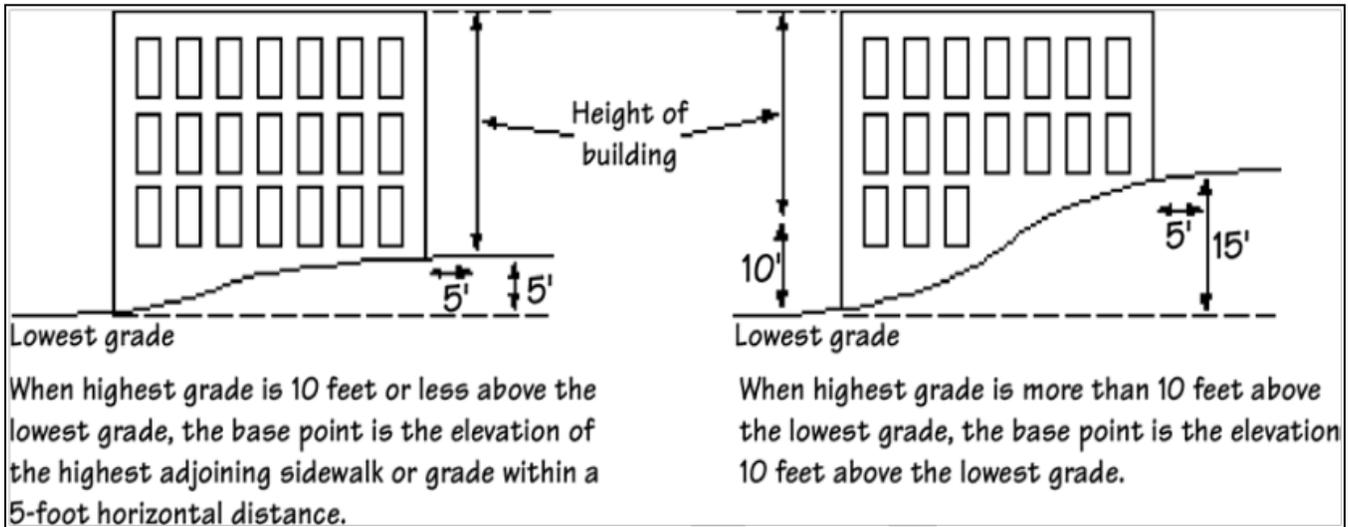


FIGURE 22.400-2. Measuring the height of buildings that have a portion below grade.

[Ord. 5742, 7/14/10]

Manager: The City Manager of the City of Albany or **their** ~~his~~ designee or person otherwise appointed by the City Council.

[Ord. 5742, 7/14/10]

Person: A person, **their** ~~his~~ heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid and the singular includes the plural.

Temporary Residence: A residence, which may be a manufactured home, that is: a) located on the same property as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or b) located on the same property as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or c) located on a non-residential site and occupied by persons having construction or security responsibilities over such site. See Article 10, Sections ~~10.420~~ **10.440**-10.510.

NATURAL RESOURCE OVERLAY DISTRICT DEFINITIONS
