



**COMMON COUNCIL MEETING
PLANNING, ECONOMIC DEVELOPMENT AND LAND USE
Alfredo Balarin, Chair**

DATE: WEDNESDAY, JUNE 4, 2025

TIME: 5:30PM

LOCATION: Council Chambers-2nd Floor, City Hall

LIVESTREAM: YouTube—<https://www.youtube.com/@albanycommoncouncil>
Facebook—<https://www.facebook.com/albany.commoncouncil>

TOPICS OF DISCUSSION:

- **Ordinance 68.121.24 (Pending Amendment 06/16/25)**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PERMITTING ACCESSORY DWELLING UNITS

PUBLIC COMMENT PERIOD: YES

Council Members Anane, Adams, Johnson, Keegan, Love, and Robinson introduced the following:

ORDINANCE 68.121.24 (Pending Amendment 06/16/2025)

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PERMITTING ACCESSORY DWELLING UNITS

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

Section 1. Section 375-302 (Permitted Use Table) of Chapter 375 of the Code of the City of Albany is amended to read as follows:

Zoning District	Residential										Mixed-Use								Special Purpose	Use-Specific Standard in Article <u>III</u>	
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM	I-1	I-2	LC		
LAND USE CATEGORY																					
ACCESSORY USES																					
Accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	§ 375-303(6)(a)	

Section 2. Paragraph (a) (Accessory Dwelling Unit) of Subsection (6) (Accessory Uses) of Section 375-303 (Use-specific standards) of Chapter 375 of the Code of the City of Albany is amended as follows:

(a) Accessory dwelling unit. No accessory dwelling unit shall be allowed until stated otherwise.

- (i) This use shall be accessory to a single-unit detached dwelling or shall be a caretaker unit for a nonresidential use.
- (ii) The property owner shall occupy either the primary or the accessory dwelling unit as their primary residence and certify such occupancy biennially with the Department of Buildings and Regulatory Compliance.
- (iii) On lots containing an accessory dwelling unit, neither the primary nor accessory dwelling unit may be made available for rent by guests for less than thirty consecutive days where the unit is offered for tourist or transient use.

- (iv) No more than two dwelling structures, including structures containing an accessory dwelling unit, may be permitted on a single lot.
- (v) For the purpose of providing adequate fire protection access, the distance from the nearest street frontage to the center of the rear wall of the accessory dwelling unit shall not exceed 150 feet of travel distance.
- (vi) An accessory dwelling unit shall not exceed 800 square feet of gross floor area.
- (vii) A detached accessory dwelling unit shall not occupy more than 30 percent of the rear yard.
- (viii) A detached accessory dwelling unit shall not exceed the height of the principal dwelling structure or 24 feet, whichever is less.
- (ix) An attached accessory dwelling unit shall be subject to the same setback, height and impervious lot coverage regulations as the primary structure.
- (x) A detached accessory dwelling unit shall be subject to the same setback regulations as accessory structures.
- (xi) An accessory dwelling unit, whether detached or attached to a primary dwelling structure, may be directly accessed from an alley, but shall not be accessed via a driveway separate from that serving the primary dwelling structure.
- (xii) When an accessory dwelling unit is attached to a principal dwelling structure, only one entrance structure may face the front lot line.
- (xiii) An existing accessory structure whose height, setbacks, or impervious lot coverage do not meet the requirements of a dwelling in its zoning district, may be converted into an accessory dwelling unit, but the structure may not be altered in any way that increases the noncompliance.
- (xiv) Mobile homes, trailers, or other wheeled and transportable structures may not be used as an accessory dwelling unit.

Section 3. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
22ND DAY OF AUGUST, 2024**

Corporation Counsel

To: **Shaniqua Jackson, City Clerk**

From: **Jake Eisland, Research Counsel**

Re: **Common Council Legislation**
Supporting Memorandum

Date: **November 21, 2024**

Sponsor: **Council Member Anane**

ORDINANCE 68.121.24

TITLE

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PERMITTING ACCESSORY DWELLING UNITS

GENERAL PURPOSE OF LEGISLATION

This ordinance seeks to increase permit Accessory Dwelling Units in Zoning Districts

NECESSITY FOR LEGISLATION AND CHANGE TO EXISITING LAW

In order to effect a change to the USDO, an ordinance would be required alongside all requisite reviews and public hearings.

FISCAL IMPACT

None.