

ORDINANCE NO. 3208

TITLE: An Ordinance to Amend Ordinance No. 2916 by Addition of Section 200 to provide for "Planned Development"; amending Section 300 by re-defining "Lot" and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Ordinance No. 2916 is amended to read as follows:

"Section 200: CREATION OF PLANNED DEVELOPMENT.

Purpose: The purpose of "Planned Development" is to permit the application of new technology and greater freedom of design in land development than may otherwise be possible under a strict interpretation of the provisions of this ordinance. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurances it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the development plan for the area.

Standards and Requirements: The following standards and requirements shall govern the application of a planned development in a district in which it is permitted:

- (1) A planned development may include any uses permitted in any district, except uses permitted only in the M-2 district are excluded from all other districts. Standards governing area, density, yards, off-street parking or other requirements shall be guided by the standards of the district that most nearly portray the intent of the use of the property as shown on the development plan for the area.
- (2) There shall be no restriction on area in planned development, however, it shall be recognized that planned development in areas less than one acre should be discouraged.
- (3) Assurances, in the form of performance bonds, may be required to insure that a development proposal as submitted is completed within the time limit agreed upon by the developer and the Planning Commission.
- (4) After approval of the planned development of the Planning Commission, no change in the plan may be made without obtaining approval of the Planning Commission. Any partitioning of the land included in such planned development, if it results in change in ownership of any portion of the land in the planned development, will be approved only if it is accomplished in accordance with City subdivision regulations. Failure to comply with this paragraph shall result in forfeiture of a performance bond, if required, or may result in withdrawal of Planning Commission approval of the planned development.

Procedure: The following procedures may be required when a planned development proposal is submitted for consideration.

- (1) An applicant shall submit a preliminary development plan to the commission for study. The Planning Commission may require the preliminary plan to include the following information:
 - (a) Proposed land uses, building locations and housing unit densities.
 - (b) Proposed circulation pattern indicating the status of street ownership.
 - (c) Proposed open space uses.
 - (d) Proposed grading and drainage pattern.
 - (e) Proposed method of water supply and sewage disposal.
 - (f) Economic and supporting data to justify any proposed commercial and industrial elements in an area not so zoned.
 - (g) Relation of the proposed development to the surrounding area and the general plan.

(2) Prior to discussion of the plan at a Planning Commission meeting, copies shall be submitted by the secretary of the Planning Commission to the County Sanitarian, the City Engineer and the City Planner for study and comment.

(3) The Planning Commission shall consider the preliminary development plan at a meeting at which time the findings of the Sanitarian, Engineer and the Planner shall also be considered. In considering the plan, the Commission will seek to determine that:

(a) There are special physical conditions or objectives of the development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.

(b) Resulting development will not be inconsistent with the general plan provisions or zoning objectives of the area.

(c) The area around the development can be planned to be in substantial harmony with the proposed plan.

(d) The plan can be completed within a reasonable period of time.

(e) Any proposed commercial or industrial development can be justified economically.

(f) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

(g) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

(4) If, in the opinion of the commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds it to the contrary, they may recommend the application be denied or return the plan to the applicant for revision.

(5) In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the purpose of this Ordinance.

(6) Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in this Ordinance.

(7) Building permits in a planned development shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Commission for processing as an amendment to this Ordinance.

(8) An approved planned development shall be identified on the zoning map in addition to the existing zoning.

Section 2: Section 300 of Ordinance No. 2916 shall be amended to read as follows:

DEFINITION OF LOT.

Lot = A parcel or tract of land which is or may be occupied by principal and accessory structures, together with the yards or open spaces required by this Ordinance, which has legal access to public right-of-way, and exists as a unit under ownership of record.

Section 3: EMERGENCY CLAUSE

WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this Ordinance become in full force immediately upon passage, an emergency is hereby declared to exist and this Ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: July 14, 1965
Approved by the Mayor: July 14, 1965

Russell W. Sipp
Mayor

Effective Date of Ord: July 14, 1965

ATTEST:

Ernest W. Deane
City Recorder