

Memo

To: City of Albany Common Council
Planning, Economic Development & Land Use Committee
From: Department of Planning & Development
Re: Proposed Content Changes, Article III: §375-303 (Use-Specific Standards)
Date: May 19~~8~~, 2021

The following constitutes a list of suggested changes to Section 303 of Article III of Chapter 375 (Unified Sustainable Development).

§ 375-303. Use-Specific Standards.

- (1) General.
- (a) All uses shall comply with City ordinances regulating noise, odors, vibration, glare, heat, and other nuisance-generating conditions negatively affecting other properties, as well as the requirements of § 375-410 (Operating and maintenance) unless specifically exempted from one or more of those requirements.
- (b) In addition to any other applicable regulations, the following use-specific standards shall apply where the particular section is referenced in the far right column of Table 375.302.1 (Permitted Use Table).

(2) Residential Uses.

(a) Household living.

(i) Dwelling, single-~~family unit~~ detached¹.

~~A. A manufactured home that is less than 18 feet in width is only permitted in a mobile home park or manufactured home park existing on June 1, 2017.~~

(ii) Dwelling, two-~~family unit~~ detached¹.

~~A. No single family detached dwelling may be converted to a two family detached dwelling without approval of a conditional use permit. No conditional use permit for such conversion shall be approved unless it is determined that:~~

~~1. The lot on which the dwelling structure is located contains at least the minimum lot area required in the zone district where the structure is located.~~

~~2. The dwelling structure contains no fewer than 1,600 square feet of living space, and after the conversion, no dwelling unit in the structure shall contain less than 600 square feet of living space.~~

~~3. After the conversion, there shall not be more than the maximum number of dwelling units that are permitted in the zone district where the structure is located.~~

~~1. At this time, there are no use-specific standards for this use.~~

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~~4. If required as a result of the conversion, no fire escape or second means of egress shall be attached to that portion of the dwelling bordering the front yard and visible from the street right-of-way.~~

Commented [ZP1]: Residential Conversion Standards to be Moved to Article 4

~~(iii) Dwelling, three-unit detached¹.~~

~~(Reserved)~~

(iv#) Dwelling, townhouse¹.

~~A. (Reserved)~~

(iv) Dwelling, live-work.

A. The building may be used for both residence and for a business that does not qualify as a home occupation being conducted by a resident of the building, but shall not include the following business activities:

1. Any lodging use;
2. Any motor vehicle-related use;
3. Animal agricultural or animal-related use;
4. Any food, beverage, or indoor entertainment use;
5. Adult retail;
6. Liquor store;
7. Funeral home or crematorium;
8. Outdoor storage as a primary use; or
9. Any industrial use except artisan manufacturing.

B. Portions of the structure used for residential and nonresidential uses shall have a connection between them located inside the building.

C. ~~In residential zone districts, A~~ wall sign no more than two square feet in size and located no higher than the first floor of the building is permitted.

(vi) Dwelling, ~~multifamily~~Multi-unit.

A.

~~[Image]~~

After June 1, 2017, any ~~multifamily~~ multi-unit structure containing more than 20 dwelling units:

1. Shall include outdoor or indoor passive or active recreation space(s) that total at least 10% of the site area; and
2. Shall provide on-site laundry facilities in each unit or as a shared facility accessible to all residents.

B. In the area bounded by Myrtle Avenue, Lark Street a perpendicular line drawn 100 feet southerly of the Madison Avenue right-of-way, and the rear boundary of lots fronting on New Scotland Avenue, this use is only permitted in a new structure constructed after June 1, 2017.

C. ~~In the R-2 or R-T District, a structure that was originally designed and constructed as a multifamily dwelling shall be considered legally conforming as to the number of units for which it was originally designed, but shall be required to meet building code requirements as to the size and construction of each unit.~~

Commented [ZP2]: Duplicative of content in [§ 375-506\(3\)\(b\)](#)

(b) Group living.

(i) Assisted living facility or nursing home¹.

~~A. (Reserved)~~

(ii) Community residential facility.

A. A facility housing more than eight unrelated individuals receiving services, plus those providing services, is permitted only in the R-M, R-V and Mixed-Use Zone Districts.

B. A facility that would otherwise qualify as a community residential facility but that houses more than 14 unrelated individuals receiving services shall be considered a group living, other use, but shall not be subject to the minimum spacing requirements in § 375-303(2)(b)(iv).

C. Notwithstanding other provisions of this USDO, in those zoning districts where community residential facilities are permitted uses, the dimensional and design standards applicable to a facility occupied by or constructed for those uses shall be the same as those dimensional and design standards applicable to the type of structure being constructed or occupied (e.g., single-family detached, two-family detached, townhouse, or multifamily) if it were occupied by a household living use.

(iii) Dormitory.

A. A resident manager who lives on site shall be employed or appointed in a full- or part-time capacity.

B. Kitchen facilities, common areas for meeting and social space, or handicap accessibility may be expanded by 10% of the floor area or 1,000 square feet, whichever is less, without securing or modifying a conditional use permit if current parking standards are met. _

(iv) Group living, other.

A. After June 1, 2017, no new group living, other facility shall be located within 500 feet of an existing group living, other facility.

(v) Rooming house.

A. A unit within a building containing multiple single-room dwelling units may be occupied by only one person if the unit is less than 100 square feet, and by no more than two persons if the unit is larger than 100 square feet.

(3) Civic and institutional uses.

(a) Cemetery.

(i) ~~(Reserved)~~ Cemeteries shall meet at a minimum the Green Burial Council's standards for natural burial grounds or conservational burial grounds.

(b) Club.

(i) Any food and beverage service provided by a club, including alcohol, shall be served on the premises and limited to dues-paying members and their guests.

(ii) A copy of the Club charter and a list of all dues-paying members shall be submitted with an application and kept on file with City of Albany. The club must keep and maintain an updated list of dues-paying members at all times.

(c) Community center¹.

~~(i) In zone district(s) where this is shown as a V use, a V use may only be approved in an existing structure that was not originally constructed as a single family detached or two family detached dwelling. (Reserved)~~

(d) Cultural facility¹.

~~(i) In zone district(s) where this is shown as a V use, a V use may only be approved in an existing structure that was not originally constructed as a single family detached or two family detached dwelling. (Reserved)~~

(e) Day-care center¹.

~~(i) In zone district(s) where this is shown as a V use, a V use may only be approved in an existing structure that was not originally constructed as a single family detached or two family detached dwelling. (Reserved)~~

(f) Higher education institution¹.

~~(i) (Reserved)~~

(g) Hospital¹.

~~(i) (Reserved)~~

(h) Natural area or preserve¹.

~~(i) (Reserved)~~

(i) Park or playground¹.

~~(i) (Reserved)~~

(j) Police or fire station¹.

~~(i) (Reserved)~~

~~(k) Public utility or services, major.~~

~~(i) (Reserved)~~

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~~(l) Public utility or services, minor.~~

~~(i) (Reserved)~~

~~(k) Religious institution¹.~~

~~(j) (Reserved)~~

~~(l) School¹.~~

~~(i) (Reserved)~~

~~(o) Stadium or arena¹.~~

~~(i) In the MU-CU District, this use is limited to existing buildings originally designed and constructed for nonresidential uses. (Reserved)~~

(4) Utilities & Infrastructure

(a) Public Utility or Services, Major¹.

(b) Public Utility or Services, Minor¹.

(c) Small Wireless Facility.

(i) All Small Wireless Facilities must comply with all relevant standards of Article VII of Chapter 323 (Streets and Sidewalks) of the City of Albany Code.

(d) Solar Farm¹.

~~(p) Towers.~~

~~(i) Telecommunication towers.~~

~~A. Regulatory compliance. All antennas and towers and associated antennae shall meet or exceed current applicable standards and regulations of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and any other state or federal agency with the authority to regulate communications antennas and towers, and. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards or regulations, as amended, within the time period mandated by the controlling agency.~~

~~(ii) B. Security. All antennas and towers and associated antennae shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or alter antennas or towers. Additional measures may be required as deemed necessary by the decisionmaking body.~~

~~C. Lighting. Antennas and towers and associated antennae shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will shall be made a part of the any application to install, build or alter the antenna or tower. Strobe lights shall not be used unless required by the FAA or other state or federal agency with authority to regulate.~~

Commented [ZP3]: Moved to new §375-303(4) (Utilities & Infrastructure)

Commented [BG4]: Moved to footnote in Permitted Use Table

Commented [ZP5]: References current legislation related to Small Wireless Facilities.

- D. ~~Advertising.~~ Placement of advertising signage or logos on any tower structure ~~regulated by this § 375-303(43)(c)(i)~~ is prohibited.
- E. ~~Collocation.~~
- ~~1.~~ All new ~~towers~~ shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one provider based upon the ~~following tower heights:~~
- ~~a.~~ Forty feet to 120 feet shall support at least four antenna arrays;
- ~~b.~~ One hundred twenty-one feet to 150 feet shall support at least five antenna arrays; and
- ~~c.~~ Greater than 151 feet shall support at least six antenna arrays.
- ~~2.F.~~ All applications for collocation of an additional antenna on an existing structure that constitute an "eligible facilities" request, and that do not constitute a "substantial change" to the existing structure, as those terms are defined in federal law, shall be approved by the City administratively within 60 days after receipt of an application for such collocation.
- ~~F.G.~~ Height. ~~The height of a tower shall be governed by the underlying zoning district, however, when~~ When rendering its decision on a conditional use approval for a new tower, the Planning Board may allow an increase in height beyond that allowed in the underlying zoning district as required to allow effective functioning of the equipment, as required by the Federal Telecommunications Act.
- ~~G.H.~~ ~~Color and finish.~~ Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable state or federal agency, be painted a neutral color consistent with the natural or built environment of the site.
- ~~H.I.~~ ~~Screening.~~ Equipment shelters, cabinets and guy anchors shall be screened from view by a permanent screen consisting of an architecturally compatible masonry wall, wood fence, landscaping material, or combination thereof, at least eight feet in height. ~~The required screening shall have and an achieving a minimum year-round opacity of 80% year round and, if landscaping is used, the 80% opacity and eight foot minimum height shall be achieved within four full growing seasons. Screening shall be compatible with the architectural style of the surrounding structures to the maximum extent practicable.~~
- ~~I.J.~~ ~~Setbacks.~~ All towers shall meet the setback and yard requirements of the applicable zoning district. In addition, ~~all towers~~ Towers shall be separate from any off-site residential structure, or the boundary of any residentially zoned property lot, either a) by a distance equal to at least the height of the tower, or b) if the tower is of a self-collapsing design, then the maximum distance from the base of the tower that any portion of the tower could fall, based on information provided by the tower manufacturer.
- ~~J.K.~~ ~~Anchoring.~~ Ground anchors of all guyed towers shall be located on the same parcel as the tower and meet the setbacks of the applicable zoning district. All such wires shall be visible and protected at ground level.
- ~~K.~~ ~~Cabinets.~~ The horizontal dimensions of a communication equipment cabinet shall not exceed four feet by six feet.
- ~~L.~~ ~~Replacement.~~ The replacement or modification of any tower, on the same site, is permitted so long as the purpose of the replacement is to accommodate shared use of the tower or to eliminate a safety hazard and a building permit for the replacement is obtained.

~~M. Obsolete tower structures and antennas.~~

- ~~1. If the Chief Planning Official determines, based on the location or cost of a telecommunications tower, or the past performance of the applicant or telecommunications tower operator, that there is significant risk that the telecommunications tower may not be removed at the owner's expense after it has been not active for a period of 12 months, the Chief Planning Official may require that the applicant provide financial guaranties or a bond in an amount adequate to cover the costs of removal by the City. If such financial guaranty or bond is required and provided, and the telecommunications structure is later removed at the owner's expense, the City shall release the financial guaranty or bond.~~
 - ~~2. Any tower or disguised support structure that is not occupied by active antennas for a period of 12 months or any antenna that is not used for a period of 12 months shall be removed at the owner's expense. The Chief Planning Official is authorized to order the owner of any private property to remove any unused tower or antenna on the owner's property within a reasonable time specified by the Chief Planning Official. The order shall require the tower or antenna to be removed unless the owner, within 10 days of receipt of the order, appeals the matter to the Board of Zoning Appeals pursuant to § 375-504(12)(b) (Appeal). If the Board finds that a tower has not been occupied by active antennas for 12 months or an antenna has not been used for 12 months, it shall order the tower or antenna to be removed within a specified time.~~
 - ~~3. If the unused tower or antenna is not removed as specified in an unappealed order of the Chief Planning Official or as specified by the Board, the Chief Planning Official may cause the tower or antenna to be removed. The Chief Planning Official shall submit the actual cost of such removal to the owner of the property. If the owner does not pay the cost within 30 days of receipt, the Chief Planning Official shall certify the cost to the City who shall cause a special tax bill against the property to be prepared and collected. The tax bill shall be due and payable from the date of issuance and shall be a lien on the property from the date of issuance until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of 9% per annum.~~
- ~~L.N. Conditional uses.~~ Decisions on applications for conditional use permits for the collocation of an additional antenna or equipment on an existing tower shall be made within 90 days after receipt of a complete application. Decision on applications for conditional use permits for the erection of a new communications tower shall be made within 150 days after receipt of a complete application.

~~(ii) Tower structures, other.~~

- ~~A. The exterior appearance of all accessory buildings shall be similar to the predominant building materials in the surrounding area.~~
- ~~B. Towers shall not be lighted unless the FAA requires or requires that obstruction lighting be installed, and shall be shielded to the extent permitted by the FAA.~~
- ~~C. Towers and antennas shall be neutral in color unless obstruction marking is required by the FAA.~~
- ~~D. No advertising sign or logo shall be permitted on any tower.~~
- ~~E. In residential districts, accessory buildings shall not be used as the regular place of employment for any worker.~~
- ~~F. Off street parking is not required. However, if off street parking is provided, it shall meet the requirements of § 375-406 (Landscaping, screening and buffering).~~
- ~~G. The following additional standards apply where this use is listed as an accessory use:~~

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Commented [BG7]: Covered in Table 375.405.1

~~1. Where this use is listed as an accessory use in the residential districts, it is limited to amateur (noncommercial) radio and other antennas that do not meet the definition of a telecommunications tower.~~

~~2. Where this use is listed as an accessory use in the mixed-use or special-purpose districts, it is limited to radio and other antennas that do not meet the definition of a telecommunications tower.~~

~~3. All installations shall be ground-mounted.~~

~~4. The height of a tower shall be governed by the underlying zoning district.~~

~~5. Placement, including all screening treatments at the base and guy-wire bases, shall be in the rear yard of the property and shall maintain a minimum ten-foot setback from all lot lines.~~

~~6. Equipment shelters, cabinets, and guy anchors shall be screened from view by a permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination of these features, at least eight feet in height. The required screening shall have an opacity of 80% year-round and, if landscaping is used, the 80% opacity and eight-foot minimum height shall be achieved within four full growing seasons.~~

(4) Commercial uses.

(a) Agriculture and animal-related.

(i) Agriculture, urban.

~~A. Greenhouses are not permitted in the residential zone districts.~~

~~B.A.~~ B.A. In those zone districts where they are permitted, ~~C.~~ greenhouses, hoop houses, cold frames, storage sheds, and other accessory structures are limited to a maximum height of 12 feet, and shall be set back at least five feet from any abutting lot with an occupied residential use.

~~C.B.~~ C.B. The cumulative area covered by structures more than four feet above grade shall not exceed 25% of the site (for a principal use) or 25% of the side yard or back yard area in which the structures are located, and which are not already occupied by an accessory structure (for an accessory use).

~~D.C.~~ D.C. Operation of power equipment or generators is not permitted in the Residential zone districts other than on a temporary emergency basis, or for routine maintenance. In those zone districts where they are permitted, operation of power equipment or generators may occur between 7:00 a.m. and no later than 10:00 p.m.

~~E.D.~~ E.D. Sales of products grown on site is permitted on site, provided that the structure used for sales is no larger than 100 square feet and is not located in a required front setback area.

~~F.F.~~ F.F. Food products may be grown in soil present on the site if:

1. The City determines through Sanborn Insurance maps or other maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or

2. A composite sample of the soil, consisting of no fewer than five individual subsamples from zero to six inches in depth collected from throughout the site or proposed growing area, has been tested by a laboratory certified by the State of New York Environmental Laboratory Approval Program for lead content using the appropriate method and that lead content of the sample is less than 200 ppm; or

3. For sites or growing areas less than one acre in size, five individual samples of the soil from zero to six inches in depth collected from throughout the site or proposed growing area are tested for the metals arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, and zinc, and their concentrations are determined to be at or below the thresholds listed in the table in § 375-303(4)(a)(i)G below, as amended. For sites or proposed growing areas from one to two acres in size, 10 samples shall be tested; for sites two to three acres in size, 15 samples shall be tested. All results and a map showing sampling locations within the site shall be provided to the City; or
 4. As an alternative to meeting the standards below, the site may be used for growing food products if clear soil (as established by testing or other means) 12 or more inches deep is added (e.g., in raised beds) to any portion of the site to be used for that purpose with an underlayment of landscape fabric at least 22 mm thick, and any adjacent pathways and any exposed soil are covered with grass, ground cover, mulch, clean soil and/or landscape fabric.
- EG.** Soil shall be tested by a laboratory certified by the State of New York for metal content using the appropriate method. Gardening may be conducted if the test results for all samples and all metals are below the levels identified in the following table. Note that New York State Residential Soil Cleanup Objective values listed below may be amended from time to time, and the latest levels should be used.

| New York State Residential Soil Cleanup Objectives | |
|---|----------------------------|
| Metal Name | (parts per million) |
| Arsenic | 16 |
| Barium | 350 |
| Cadmium | 2.5 |
| Chromium | 36 |
| Copper | 270 |
| Lead | 400 |
| Mercury | 0.81 |
| Nickel | 140 |
| Zinc | 2,200 |

(ii) Plant nursery¹.

~~A. (Reserved)~~

(iii) Veterinarian or kennel.

A. Veterinary facilities shall be limited to serving domestic pets and household animals except within the I-1 and I-2 Districts.

B. No such use shall be located closer than 300 feet to any residential district, unless all animals are kept indoors.

(b) Food and beverage service.

(i) Bar or tavern¹.

~~A. (Reserved)~~

(ii) Restaurant.

- A. Any bar area shall be secondary and incidental to food service.
 - B. No restaurant shall continue to serve alcohol for more than one hour after the normal menu food service has closed, or it shall seek approval to operate as a bar or tavern.
 - C. Restaurants shall be required to obtain a permit from the Albany County Department of Health pursuant to Part 14-1 of the New York State Sanitary Code and Article IV of the Albany County Sanitary Code, or other such prevailing regulations.
- (c) Guest accommodations.
- (i) Bed-and-breakfast.
 - A. No alteration to either the exterior or the interior of any principal or accessory structure shall be made to change the character and appearance of the residential premises.
 - B. No more than seven guest rooms shall be allowed in the R-1L, R-1M, R-2, and R-T Districts.
 - C. Guest(s) may not stay at the bed-and-breakfast for a period exceeding 14 consecutive days.
- (ii) Hotel.
- ~~A. In zone district(s) where this is shown as a V use, a V use may only be approved in an existing structure that was not originally constructed as a single family detached or two family detached dwelling.~~
- ~~A.B.~~ Facilities where individual guest rooms have direct access to an outdoor area, rather than accessing guest rooms from an interior hallway or corridor, shall only be permitted in the MU-CH Zone District.
- (d) Office and services.
- (i) Funeral home¹ ~~or crematorium.~~
- ~~A. (Reserved)~~
- (ii) ~~Laboratory or Research Facility~~
- ~~(A) If a Laboratory or Research Facility involves dangerous or hazardous materials and/or procedures subject to federal or state safety regulations, then a conditional use permit shall be required.~~
- ~~(B) In the PK and OS zoning districts, no new principal structures are permitted to be constructed for a Laboratory or Research Facility use.~~
- (iii) ~~Medical Clinic~~
- ~~(A) If a Medical Clinic involves dangerous or hazardous materials and/or procedures subject to federal or state safety regulations, then a conditional use permit shall be required.~~
- ~~(B) All equipment, samples and products must be stored inside the building.~~
- ~~(C) Facilities must provide and follow a management plan for handling litter, indoor queuing, security and loitering.~~

(iv) Office.

- A. If an office use involves dangerous or hazardous materials and/or procedures subject to federal or state safety regulations, then a conditional use permit shall be required.
- B. If the use includes the selling or providing of transportation services, it shall include an inside waiting area large enough to accommodate all passengers expected to be awaiting transportation and shall include an off-street loading area large enough to accommodate all vehicles providing transportation. Loading of transportation vehicles larger than a passenger car or light truck on the public right-of-way shall not be permitted.

(iii) Personal or business service.

- A. Tattoo parlors are subject to regulation pursuant to New York State Public Health Law Article 4-A, Albany County Local Law 4 for 1999, or other such prevailing regulations.
- B. Tanning facilities are subject to regulation pursuant to New York State Public Health Law, Article 35-A or other such prevailing regulations.

(iv) Trade school¹.

~~A. (Reserved)~~

(v) Blood plasma center

- A. ~~Facilities~~Blood plasma centers must be at least 1,000 feet from the nearest boundary line of a lot with a household living use, a group living use, a religious institution or a school or a park.
- B. All equipment, samples and products must be stored inside the building.
- C. Blood plasma centers~~Facilities~~ must provide and follow a management plan for handling litter, indoor queuing, security and loitering.
- D. Blood plasma centers~~Facilities~~ shall include a waiting and departure lounge sufficient in size, but a minimum of 1,000 square feet, to accommodate all scheduled donors within one hour of their appointment and one hour after, as well as any anticipated drop-in customers. Such waiting areas shall include restroom facilities and be open at least one hour prior to the opening of the center for the use of waiting patrons.
- E. Blood plasma centers~~Facilities~~ shall continuously comply with all applicable laws and regulations for safe disposal of blood products and human tissue and shall provide and follow written protocols for such compliance. Facilities shall continuously comply with all applicable licensing and certification requirements, including those of the Albany County and New York State Health Departments.

(e) Recreation and entertainment.

(i) Adult entertainment.

- A. Adult entertainment ~~establishments~~uses shall be located at least 1,000 feet from a religious institution, a school, a residential zoning district or a park ~~or~~ or playground ~~or playing field~~.
- B. Adult entertainment ~~establishments~~uses shall be located at least 1,000 feet from another adult entertainment

establishment.

C. Adult entertainment ~~establishments-uses~~ shall not exceed 10,000 square feet of gross floor area.

(ii) Indoor recreation or entertainment.

A. Conditional use approval pursuant to § 375-505(16) (Conditional use permit) shall be required for indoor recreation or entertainment uses of 5,000 square feet or greater when adjacent to any residential district.

B. Conditional use approval pursuant to § 375-505(16) (Conditional use permit) shall be required for indoor recreation or entertainment uses of 15,000 square feet or greater.

(iii) Outdoor recreation or entertainment.

A. ~~(Reserved) Conditional use approval pursuant to § 375-505(16) (Conditional use permit) shall be required for outdoor recreation or entertainment uses adjacent to any residential district.~~

(f) Retail.

(i) ~~RAdult-retail, Adult.~~

A. Adult retail ~~establishments-uses~~ shall be located at least 1,000 feet from a religious institution, ~~a~~ school, ~~a~~ residential zoning district, ~~or a~~ park, or playground or playing field.

B. Adult retail ~~establishments-uses~~ shall be located at least 1,000 feet from another adult entertainment or retail establishment.

C. Adult retail ~~establishments-use~~ shall not exceed 10,000 square feet of floor area.

(ii) ~~Convenience-Retail, Convenience.~~

A. ~~After June 1, 2017, no~~ No new convenience, retail use shall be located within 1,000 feet of an existing convenience, retail use.

~~B. The owner of the property shall keep on file with the Police Department and the Department of Buildings and Regulatory Compliance the following information, and shall keep the information provided to those departments current at all times:~~

~~1. The name, address, telephone, and electronic notice information of the owner of the property and the operator of the convenience store (if it is not the property owner).~~

~~2. If the property owner resides more than 30 miles away from the property, the name, address, telephone, and electronic notice information for a designated local contact located closer to the property and authorized to accept and respond to any complaints about the operation of the property or business.~~

~~C. Any use established or first occupying a property after June 1, 2017, shall be required to comply with the following standards before a certificate of occupancy will be issued. Any use established or first occupying a property before June 1, 2017, shall be required to comply with the following standards within two years after June 1, 2017.~~

Commented [BG8]: Content will be underscored with a footnote in the Permitted Use Table.

~~1. Install a surveillance camera system with at least three cameras: one overlooking the cash register, one overlooking each public entrance to the convenience store, and one overlooking any on-site parking area. Cameras shall be operational 24 hours of each day or shall be triggered by motion detectors; recordings shall include the date and time the image was taken, and shall be retained for at least 30 days after each image is taken. Only the owner and facility operator shall have access to the recorded images.~~

~~2. Install a drop safe bolted to the floor near the cash register in a location visible by the security camera overlooking the cash register.~~

~~3-B. Be designed~~The use shall be designed to allow a clear line of site from the public right-of-way to each cash register area, and that clear line of site shall remain unobstructed by goods, materials, shelves, or anything hung from the ceiling or attached to a window or door.

~~4. Install trash receptacles in locations that are not visible from public rights-of-way.~~

~~5. Install signage near the front entrance (no larger than one square foot) that reads: "No Loitering."~~

~~C4.6. Keep~~The exterior of the premises shall be kept free of vending machines, ~~merchandise,~~ or open storage ~~and maintain a minimum unobstructed pedestrian clearance of 5 feet.~~

~~57. Ensure that in compliance with § 275-409(4)(e), window signs do not obstruct more than 15% of any individual window, or collectively more than 10% of the window area on any floor of the building, exclusive of any notices required by federal, state, or local law.~~

~~68. All original window openings must be transparent and comply with Subsection (4)(f)(iii) C3 and 7 above.~~

~~9. Remove all litter from the premises, public sidewalks, curbs and alleys along the perimeters of the property, at least once each week.~~

~~ZD10.~~ Any convenience retail disallowed under the provisions of § 375-507(5) shall not be reestablished within one year or closure and shall require a conditional use permit to be reopened.

(iii) ~~RGeneral~~retail, General.

A. Merchandise may not be displayed, stored, or offered for sale on any yard adjacent to a residential district or within a public right-of-way.

(iv) Controlled substance dispensary.

A. Marijuana Dispensary

1. No person or entity shall produce, grow, or sell ~~medical~~ marijuana or hold itself out as a New York State registered organization unless it has complied with Article 33 of the New York Public Health Law and this USDO, and is registered by the New York State Department of Health.

2. A registered organization shall only dispense approved ~~medical~~ marijuana products in accordance with Article 33

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of the Public Health Law.

3. A registered organization shall only dispense approved ~~medical~~-marijuana products in an indoor, enclosed, secure facility.

4. A registered organization shall not dispense approved ~~medical~~-marijuana products from the same location where the marijuana is grown or manufactured.

5. ~~A registered organization shall not locate a dispensing facility on the same street or avenue and within 1,000 feet of a building occupied exclusively as a school or religious institution. This measurement shall be taken in straight lines from the center of the nearest entrance of the premises sought to be used as a dispensary to the center of the nearest entrance of the school or religious institution.~~

6. Dispensaries shall not sell items other than approved ~~medical~~-marijuana products and related products necessary for the approved forms of administration of ~~medical~~-marijuana without prior written approval from the New York State Department of Health.

7. ~~No approved medical marijuana products shall be vaporized or consumed on the premises of a dispensary.~~

Commented [ZP9]: To be confirmed or modified based on State requirements.

8. All dispensaries shall have a security system to prevent and detect diversion, theft, or loss of marijuana and/or medical marijuana products, using commercial grade equipment.

9. ~~Dispensaries shall be restricted to only a single external sign with only black and white colors that shall not be illuminated at any time.~~

B. Methadone dispensary.

1. This facility shall not be permitted in locations where its busiest hours of operation would cause significant traffic congestion on any public street at peak traffic hours, as determined by the Albany Police Department, unless the facility enters into an agreement with the City to schedule or limit hours of operation to avoid such significant traffic congestion.

(v) ~~Pawn shop.~~

A. ~~(Reserved)~~

(vi) ~~Specialty Retail, Specialty.~~

A. ~~(Reserved)~~

(vii) Supermarket.

A. ~~(Reserved)~~

(g) Vehicles and equipment.

(i) Automobile wash.

A. The establishment shall not be closer than 400 feet to a residential district.

- B. The establishment shall be located on a public street having a pavement width of not less than 36 feet and shall provide ingress and egress so as to minimize traffic congestion.
- C. In addition to meeting the standard off-street parking and loading requirements, the establishment shall provide at least three off-street automobile waiting spaces on the lot in the moving lane to the automobile washing building entrance so as to reduce the number of automobiles waiting in the public right-of-way.

(ii) Dispatch service¹ ~~or freight truck terminal.~~

~~A. (Reserved) (iii) Freight Truck Terminal¹.~~

(iv~~ii~~) Heavy vehicle and equipment sales, rental and servicing¹.

~~A. (Reserved)~~

(iv) Light vehicle ~~and equipment sales, rental and servicing~~

A. All repair and service operations shall be performed within a fully enclosed building.

B. No motor vehicles shall be stored and no repair work shall be conducted within a public right-of-way.

~~C. In any zoning district, and notwithstanding any provision of § 375-406(8) (Walls and fences) and § 375-406(9) (Screening of service areas and equipment) to the contrary, the establishment shall be screened along the side and rear lot lines by an opaque wall or fence of at least six feet in height and no more than eight feet in height.~~

Commented [ZP10]: Move to § 375-406(9)(a)

~~(vii) Light Vehicles Sales or Rental¹.~~

(vii) Parking lot, Surface.

A. This use must meet all requirements for location, layout, and design of parking lots in § 375-405 (Parking and loading).

(viii) Parking structure.

A. This use must meet all requirements for location, layout, and design of parking structures in § 375-405 (Parking and loading).

(viii~~x~~) Transit facility¹.

~~A. (Reserved)~~

(viii~~x~~) Vehicle fueling station.

A. No new vehicle fueling stations may include underground gasoline storage or sale of gasoline.

B. For any service station located on a corner lot, only one curb cut access location per street frontage is permitted.

~~B. No access driveway curb cut shall exceed 25 feet in width.~~

~~C.C.~~ All exterior light sources must be stationary and shielded, or recessed within the roof canopy, directed downward and away from adjacent residential districts and public streets.

~~D.D.~~ If this use includes convenience retail activities, it shall be subject to those use-specific standards in § 375-303(4)(f) (ii) (~~Convenience-retail~~ Retail, convenience); ~~except that any required separation distance from a convenience retail use shall not apply.~~

(5) Industrial uses.

(a) Commercial services.

(i) Heavy commercial services.

A. Outdoor storage shall only be permitted within the I-1 and I-2 Districts and shall be screened according to the standards set forth in § ~~375-406~~ (Landscaping, screening and buffering).

(ii) Self-storage facility.

A. All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two gallons, which shall be stored only in exterior areas screened from the view from any street frontage.

B. Where the site is adjacent to residentially zoned land, a permanent screen shall be required and shall conform to the provisions § ~~375-406~~ (Landscaping, screening and buffering).

C. Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels is prohibited.

D. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited, other than for the repair and maintenance of the facility itself.

E. In all zone districts except the MU-CH, I-1, and I-2 Districts, this use must be conducted in a facility where access to individual storage units is from an internal hallway or walkway. The facility shall not permit individual storage units to be accessed through doorways or garage doors accessed from outside a primary or accessory building; however, the facility may include garage doors allowing access to internal vehicle loading/unloading areas that do not serve as storage areas.

(iii) Storage and wholesale distribution.

~~A. The maximum single container capacity is 1,000 gallons.~~

~~B. The maximum aggregate multi-container storage capacity is 12,000 gallons.~~

~~C. Installations in excess of 1,000 gallons shall be installed below ground.~~

~~D.A.~~ Aboveground installations shall be enclosed within a chain-link fence with a minimum height of six feet and a minimum of two gates on opposite ends.

~~EB.~~ All outdoor storage facilities shall be enclosed by a solid fence or wall six feet in height and not less than 10 feet from each lot line adequate to conceal such facilities and the contents stored from adjacent property.

~~FC.~~ No materials or wastes shall be deposited on any premises in a manner that they may be transferred off such premises by natural causes or forces.

~~GD.~~ All materials or wastes that might cause fumes, dust, that constitute a fire hazard, or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, weather-tight containers.

~~HE.~~ Storage of inflammable, explosive liquids and gases, including but not limited to liquefied petroleum, shall comply with the New York State Uniform Fire Prevention and Building Code, and shall require the approval of the Albany Fire Department (in addition to compliance with all other provisions of this USDO).

~~IE.~~ In all other respects, the standards as set forth in Standard No. 58 of the National Fire Protection Association shall apply to this use.

~~JG.~~ Outdoor storage shall only be permitted within the Light Industrial (I-1) and General Industrial (I-2) Districts and shall comply with the screening standards in § 375-406 (Landscaping, screening and buffering).

~~KH.~~ This use may not be located in areas where truck access to or from the property is through local streets.

(b) Manufacturing, processing and extraction.

(i) Artisan manufacturing.

A. No outdoor storage shall be permitted except in the I-1 and I-2 Districts.

(ii) Heavy manufacturing.

A. All mining and related operations shall comply with Chapter 211, Article III (Mining Operations) of the City Code.

(iii) Light manufacturing.

A. No outdoor storage shall be permitted except in the I-1 and I-2 Districts.

(iv) Marijuana manufacturing facility.

A. No person or entity shall produce, grow, or sell medical marijuana or hold itself out as a New York State registered organization unless it has complied with Article 33 of the New York Public Health Law and this USDO, and is registered by the New York State Department of Health.

B. A registered organization shall only manufacture approved ~~medical~~ marijuana products in accordance with Article 33 of the Public Health Law.

C. A registered organization shall only manufacture approved ~~medical~~ marijuana products in an indoor, enclosed, secure facility.

D. A registered organization shall not dispense approved ~~medical~~ marijuana products from the same location where the marijuana is grown or manufactured.

E. All marijuana manufacturing facilities shall have a security system to prevent and detect diversion, theft, or loss of marijuana and/or ~~medical~~ marijuana products, using commercial grade equipment.

~~F. Marijuana manufacturing facilities shall be restricted to only a single external sign with only black and white colors that shall not be illuminated at any time.~~

(c) Waste and salvage.

(i) Recycling dropoff center¹.

~~A. (Reserved)~~

(ii) Landfill.

A. Hazardous waste material or natural gas exploration and production wastes shall not be deposited in any landfill facility.

(iii) Vehicle towing, wrecking or junkyard.

A. Junkyards and vehicle towing or wrecking lots shall not be located within 500 feet of any residential district.

B. The location, design and operation of the use shall comply with all applicable provisions of § 136 of the New York State General Municipal Law.

(iv) Waste/recycling processing facility.

A. All scrap metal processing facilities shall be licensed as required by Chapter **239** of the City Code.

(6) Accessory uses.

(a) Accessory dwelling unit. ~~No accessory dwelling unit shall be approved until after the six month review of this USDO described in § 375-505(24)(d)(i) and shall not be automatic. This use is subject to the following standards:~~

(i) This use must be accessory to a single-family detached dwelling use, or, if located in a mixed-use or special purpose zoning district, shall be a caretaker unit for a nonresidential use.

(ii) The property owner shall occupy either the primary or the accessory dwelling unit as his or her primary residence. ~~A Residential Occupancy Permit shall not be issued for an accessory dwelling unit without the property owner having supplied proof of residency to the Chief Building Official.~~

(iii) No more than two dwelling structures, including a structure containing an accessory dwelling unit, may be permitted on a single lot.

(iv) ~~On corner lots, the accessory dwelling unit shall be set back from side streets not less than the distance required for the principal residence.~~ 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.

(v) An accessory dwelling unit shall not exceed 800 square feet of gross floor area.

- (vi) A detached accessory dwelling unit shall not occupy more than 30% of the rear yard.
- (vii) A detached accessory dwelling unit shall not exceed the height of the principal dwelling or 24 feet, whichever is less.
- (viii) 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.
- (ix) When an accessory dwelling unit is attached to a principal dwelling structure, only one entrance to the structure may face the front lot line.
- (x) ~~Within 30 days following the approval of a zoning clearance for an accessory dwelling unit, the property owner shall mail notice of the approval to the owner of each abutting property as shown on the most recent tax records.~~
- (b) Alternative energy generation equipment or facility.
 - (i) Installations of solar energy equipment in any residential district, MU-NE or MU-NC District shall comply with the following requirements:
 - A. Placements of solar collectors on a gabled, hipped, or mansard roof shall be mounted parallel to and no more than 12 inches from the roof surface, and shall not extend more than 18 inches above the maximum permitted building height in the zone district.
 - B. Placement of solar collectors on flat roofs shall be allowed in nonhistoric districts, provided that panels do not extend more than 18 inches above the maximum building height permitted in the zone district, or 18 inches above the existing structure, whichever is less.
 - C. Installations in designated historic districts shall require a certificate of appropriateness from the Historic Resources Commission under § 375-505(19) (Major certificate of appropriateness).
 - D. Installations of rooftop and building-mounted solar energy equipment in all other districts shall be permitted as an accessory use.
 - E. Building-integrated photovoltaic (BIPV) systems shall be permitted in all districts subject to all necessary permit and Building Code requirements.
 - F. Solar energy equipment shall be located in a manner to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
 - (ii) Ground-mounted solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:
 - A. The solar collector is located in a side or rear yard.
 - B. The location of the solar collector meets all applicable setback requirements for accessory structures as identified in § 375-401 (Dimensional standards) or § 375-402 (Form-based zoning standards), as applicable.
 - C. The solar collectors do not emit unreasonable glare and negatively impact adjacent properties.

(iii) If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment no later than 90 days after the end of the twelve-month period.

(iv) Wind energy-generating equipment may be installed in the side or rear yard area of any lot in the MU-CI, I-1, and I-2 Zone Districts, may extend up to 30 feet above the maximum permitted building height in those districts, and shall be set back from structures on adjacent lots a distance at least equal to the height of the wind energy-generating equipment.

(v) Wind energy-generating equipment may be installed in the rear yard area of any lot in any district other than the MU-CI, I-1, and I-2 Zone Districts, but are subject to the requirements of § 375-401 (Dimensional standards) or § 375-402 (Form-based zoning standards), as applicable, and shall be set back from structures on adjacent lots a distance at least equal to the height of the wind energy-generating equipment.

(c) Cabaret.

(i) Dancing and/or the use of a disc jockey (DJ), karaoke machine, or live music entertainment that is amplified and/or performed by three or more people is permitted only where an establishment has sought and obtained a cabaret license from the City Clerk as set forth in Chapter 111 of the City Code.

(d) Composting of household waste generated on site.

(i) All compost containing food waste must be stored in weather-tight and rodent-proof containers.

(ii) Materials placed in composting containers may contain only organic and inorganic nonhazardous household waste, and may not contain meat and meat by-products.

(e) Crematorium.

(i) A crematorium shall not emit any visible air emissions nor generate odors which are discernable beyond the boundaries of the lot.

(f) Customary accessory uses and related structures. This use is subject to the following standards.

(i) All customary accessory uses and structures must be clearly subordinate to the primary structure(s) and primary use(s) on the property.

(ii) All customary accessory uses and structures shall comply with all dimensional regulations (i.e., building height, lot coverage, and setbacks) applicable to the primary structure(s) on the property unless this USDO provides a specific exception to those regulations.

~~(iii) An accessory use may not begin operation before a permitted principal use or an approved conditional principal use begins operation on the property. An accessory structure may not be constructed before a permitted primary structure is constructed on the property.~~

(iiv) In any residential district, a detached accessory structure shall not occupy more than 30% of a rear yard.

(iv) A driveway to provide access to premises in commercial or industrial districts shall not be permitted through residential districts.

Commented [BG11]: Move to definition of Accessory Use or Structure, §375-602

- (f) Day-care home. In the residential districts and residential dwelling units in mixed-use districts, this use is subject to the following standards:
 - (i) No more than 10 children unrelated to the operator shall be kept on the premises. Up to three additional children over the age of two may be kept for up to two hours per day. Up to three additional school-age children may be kept on unscheduled days of school closings; provided that at no time shall more than 13 children unrelated to the operator be kept there at one time.
 - (ii) The use shall be located in a dwelling used by the operator as his or her private residence.
 - (iii) The operator shall not employ more than one full-time (40 hours per week) assistant who does not reside on the premises or more than two half-time (20 hours per week) assistants who do not reside on the premises.
 - (iv) No advertising or identification sign shall be placed on the premises.
- (g) Delivery service.
 - (i) Businesses shall provide at least one off-street parking space per delivery vehicle or shall secure one dedicated on-street parking space per vehicle where approved by the Division of Traffic Engineering.
 - (h) Drive-in or drive-through facility.
 - (i) In addition to complying with all requirements for design, layout, and vehicle stacking distances in § 375-405 (Parking and loading), any menu boards or order stations that are not attached to the primary building shall be oriented so that light and sound impacts are directed away from any adjacent lot in a residential zone district.
 - (i) Electric vehicle charging station¹.
 - ~~(i) (Reserved)~~
 - (j) Home occupation.
 - (i) The home occupation shall be located in the primary dwelling structure, or in an approved accessory building on the same lot, and shall not use more than 25% of the gross floor area of the dwelling unit or 500 square feet, whichever is less.
 - (ii) The home occupation shall only be operated by the person or persons maintaining the primary dwelling structure as his or her primary place of residence. For purposes of this provision only, "person" shall be limited to a natural person and shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.
 - (iii) An approved home occupation shall automatically expire at such time as the applicant no longer maintains the primary dwelling structure in which the home occupation is located as his or her primary residence.
 - (iv) The home occupation use shall not display or create outside the building any evidence of the home occupation, except that one unanimated, nonilluminated flat or window sign having an area of not more than one foot shall be permitted inside or affixed to the building on each street front of the lot on which the building is situated.
 - (v) The home occupation shall not be conducted or advertised in a manner that generates a substantially greater volume of vehicular and pedestrian traffic than normally occurs in the residential district in which the home

occupation is located.

- (vi) No more than one employee or assistant in addition to the home occupant may be engaged on the premises in the home occupation at any given time. No other partner, principal or professional may be employed on site.
- (vii) No alteration of the principal residential building shall be made that changes the character and appearance of the dwelling.
- (viii) There shall be no outdoor storage of equipment or materials used in the home occupation.
- (ix) Not more than one commercial vehicle shall be permitted in connection with any home occupation and shall be stored in an enclosed garage.
- (x) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
- (xi) If the home occupation produces any visible or audible impacts beyond the lot line on which it is located (including arrival and departure of delivery vehicles), the portion of the occupation generating the visible or audible impacts shall only operate between 8:00 a.m. and 8:00 p.m.
- (xii) The following activities are not permitted as home occupations:
 - A. Automobile, vehicle, small engine, or heavy equipment repair or storage.
 - B. Dog grooming, care or boarding.
 - C. Custom sign shop.
 - D. Any business where the majority of revenue is from retail sales of goods to patrons who visit the premises to choose, purchase, or pick up those goods.
 - E. Any business that requires delivery of goods or materials, or shipping of finished goods, in a truck with a gross vehicle weight over 10,000 pounds, or that generates more than 10 visits by a delivery truck of any size per week.
- (k) Rain barrel¹.

~~(i) (Reserved)~~

(l) Satellite Dish Antenna.

(i) The installation of satellite receiver dishes up to one meter in diameter in any zone district, provided that the following conditions are met.

A. Satellite dishes mounted on buildings or structures may not be installed on a front or corner side facade of a building or structure unless such placement is required for reception of an acceptable signal, according to a written statement from a licensed, authorized installer on company letterhead that includes the installer's signature.

B. Satellite dishes mounted on the ground shall comply with setback requirements for accessory structures and shall be installed in a rear yard unless location in a side yard is required for proper functioning of the dish, in which case

the satellite dish may be installed in a side yard or setback area.

C. All satellite dishes must be of a neutral color, such as white or grey, or must be covered by a neutral color covering.

D. No satellite dish shall be installed on a portable or movable structure, such as a trailer.

E. No satellite dish antenna shall be visible between ground level and six feet above ground level from any public right-of-way abutting the lot. They shall be screened from view by a six-foot high wood fence, wall, or by natural evergreen vegetation. Berms may be employed in conjunction with the landscaping plan.

(j) Satellite dish antennas not in active service must be removed within 30 days of ending the service subscription. Proof of active service is demonstrated by a current invoice, or active contract, demonstrating such service to be in effect.

(k) Sidewalk or outdoor cafe.

(i) ~~Cafes~~ Sidewalk or outdoor cafes located within 300 feet of a residential district shall not be open for business before 8:00 a.m. and shall close by 11:00 p.m.

(ii) Where Subsection (6)(l)(i) above does not apply, sidewalk or outdoor cafes ~~located in nonresidential zoning districts~~ shall not be open for business before 6:00 a.m. and shall close by 2:00 a.m. ~~unless Article II, (Zoning Districts) establishes different hours of operation for nonresidential uses, in which case the provisions of Article II shall apply.~~

(iii) Sidewalk or outdoor cafes shall not use music or noise amplification devices, ~~and no music or entertainment of any type is permitted outdoors.~~

(iv) No outdoor cooking of any type is permitted in sidewalk or outdoor cafes.

(v) In deciding whether to approve or deny an application for a revocable sidewalk privilege for a sidewalk café, the Chief Planning Official may consider previous violations, the potential impact of the sidewalk café on the surrounding neighborhood, and may impose restrictions on the operation of the café to ensure that the café does not result in adversely impacting the surrounding neighborhood.

(vi) For sidewalk or outdoor cafes occupying a City property or right-of-way:

A. A revocable sidewalk privilege must be obtained pursuant to § 375-505(9), ~~or, if the City has not yet implemented the revocable street privilege procedure, then a sidewalk cafe permit must be obtained pursuant to Chapter 303 of the City Code that shall be good for a period determined by the Chief Planning Official not to exceed one year. The application and renewal application for a Revocable Sidewalk Privilege for a sidewalk café shall be accompanied by a fee based upon the amount of City right-of-way the applicant proposes to use at a rate of \$50 for the initial 100 square feet, \$100 for the next 100 square feet, and \$50 for each additional 100 square feet thereafter.~~

~~B. All fixtures and furnishings must be of a temporary nature, and must be brought in and stored or stacked and secured during nonoperational hours.~~

C. No objects, except a retractable awning and lighting fixtures, may be permanently attached to the exterior.

- D. All planters, railings and fences must be temporary and not exceed a height of four feet.
- E. No ~~additional~~ signage shall be permitted to be affixed to a cafe's temporary structures or accessories.
- F. At least four feet or 50% of the total sidewalk width, whichever is larger, shall remain free of all obstructions to allow for pedestrian passage. This measurement is made from the outermost point of the cafe to the unobstructed inner edge of the curb, ~~or, if closer, to the edge of~~ ~~excluding~~ brick or grass carpets, United States mailboxes, fire hydrants, bus shelters, street trees, and other fixed objects. The Chief Planning Official or Corporation Counsel may require that a larger space be left unobstructed if necessary to accommodate anticipated pedestrian volume in that location or to comply with the requirements of the Americans with Disabilities Act and ADA Public Right-of-Way Accessibility Guidelines.
- G. The area shall be cleaned, kept refuse-free, and no large containers for trash shall be placed on the cafe premises.
- H. Public property shall not be altered in any way during the term of the revocable street privilege. At the expiration of the term of the permit, all City-owned property shall be returned to the City in good condition, except for damage by the elements.

I. The Chief Planning Official or Corporation Counsel may require the property owner to obtain and maintain liability insurance protecting the City from loss or damage based on Corporation Counsel's evaluation of potential risk to the City.

~~(m)~~ Storage shed.

(i) In the residential zone districts, the structure shall be no larger than 200 square feet in area.

~~(ii) In all zone districts, this structure shall not be located closer to any street than the primary building on the lot.~~

~~(n)~~ Swimming pool.

~~(i) The pool must be erected on the same lot as the principal structure.~~

(ii) ~~The A swimming pool must be erected in the rear yard of~~ may not be located forward of the front wall plane of any principal structure on the same lot.

(iii) The swimming pool must be a minimum of six feet from any side lot line and a minimum of 10 feet from the rear lot line.

~~(iii)~~ The swimming pool shall be enclosed in a manner consistent with the Building Code.

(iv) Each swimming pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices and shall be so located, constructed, and operated as to not interfere with the peace, comfort, and repose of the occupant of any adjoining property. This requirement does not apply to temporary pools with nonrigid walls designed to be filled by garden hoses rather than a piped water connection, provided that the pool is not designed to contain water more than 18 inches deep.

(v) No lighting or spotlighting shall be permitted that is capable of projecting light beyond the boundaries of the lot on which said pool is located.

Commented [BG12]: Covered in [§ 375-401\(2\)\(a\)\(iii\)](#)

Commented [BG13]: Covered in definition of Accessory Use or Structure, [§375-602](#)

(e) Telecommunications antenna ~~or satellite dish as an accessory use~~. The following uses shall be permitted in any zoning district, subject to the issuance of a building permit:

~~(i) The mounting of telecommunications antennas on the ground, or on a tower, building, utility pole, or light pole, provided that the following conditions are met.~~

~~A. The antennas are enclosed, camouflaged, obscured, fully screened from view, or otherwise not readily apparent to a casual observer located on any abutting public right-of-way or open space; or~~

~~B. The antennas are mounted on or in a permitted structure or building feature, such as a water tower, belfry, elevator, penthouse, or steeple, provided that the antennas do not increase the overall height of the structure and are fully screened from view or otherwise not readily apparent to a casual observer located on any abutting public right-of-way or open space; or~~

~~C. The antennas are located on an existing wireless communications tower, provided that the antennas do not create a "substantial change" in the height or width of the existing tower, as defined in federal law, and are fully screened from view or otherwise not readily apparent to a casual observer located on any abutting public right-of-way or open space.~~

~~(ii) The construction of an enclosed support structure designed to match the color and perceived façade texture of an existing adjacent accessory structure, provided that any support structure does not exceed the height of the adjacent support structure.~~

~~(iii) The installation of antennas or towers on structures or land owned by the City.~~

~~(i) The installation of a satellite dish under one meter in diameter in any residential, mixed-use, or LC District.~~

~~(ii) The installation of a satellite dish under two meters in diameter in the L-1 or L-2 District.~~

~~(iii) The mounting of antennas that are covered or colored to match the color and texture of the background surface on any existing building or antenna support structure, provided that any antenna mounted on the exterior wall of a structure does not exceed the height of the wall. This shall not include the mounting of antennas on signs.~~

~~(iv) The construction of an enclosed support structure designed to match the color and texture of an existing adjacent accessory structure, provided that any support structure does not exceed the height of the adjacent support structure.~~

~~(v) The installation of antennas or towers on structures or land owned by the City.~~

~~(vi) The installation of satellite receiver dishes up to one meter in diameter in any zone district, and the installation of satellite receiver dishes up to two meters in diameter in any mixed-use or special-purpose zone district, provided that the following conditions are met.~~

~~A. The satellite dish shall be located behind the back wall of a primary structure unless location in a side yard is required for proper functioning of the dish, in which case the satellite dish may be installed in a side yard.~~

~~B. Placement of the satellite dish must comply with setback requirements for accessory structures unless location in a side yard is required for proper functioning of the dish, in which case the satellite dish may be installed in a setback area.~~

~~C. No satellite dish shall be installed on a portable or movable structure, such as a trailer.~~

~~D. No satellite dish antenna shall be visible between ground level and six feet above ground level from any public right-of-way adjoining the lot. They shall be screened from view by a six-foot high wood fence, wall, or by natural evergreen vegetation. Berms may be employed in conjunction with the landscaping plan.~~

(pa) Trash storage, outdoor. All trash and recycling storage accessory to all multifamily buildings with more than four dwelling units and all buildings having a primary commercial or industrial use shall:

- (i) Be enclosed on all sides so as not to be visible from a public street or other publicly accessible area. At least one side of the enclosure must include a gate or door that can be securely closed.
- (ii) For multifamily uses only, the required enclosure shall be sufficient based on the number of units, compaction capability, and frequency of trash pick-up.
- (iii) The enclosure shall not be located in any required front yard, side yard, or other landscaped area, or any other area required to be maintained by applicable law.
- (iv) Be architecturally compatible to the primary structure(s) and constructed using similar or compatible materials.
- (v) If the trash or recycling enclosure is located within 50 feet of a residential zone district, removal of trash or recycling materials by a commercial contractor is prohibited between the hours of 11:00 p.m. and 6:00 a.m.

(vi) Dumpsters must be secured from wildlife.

(7) Temporary uses.

(a) Farmers' market. Temporary farmers' markets, open no longer than 10 hours per week, ~~are permitted in all commercial districts~~, provided that there shall be no offensive odors or dust and there shall be no permanent outdoor storage of equipment or products.

(b) Mobile vendor.

(i) Mobile vendors that serve food or drinks shall be required to obtain a permit from the Albany County Department of Health pursuant to Part 14-4 of the New York State Sanitary Code and Article IV of the Albany County Sanitary Code, or other such prevailing regulation.

(ii) The operator shall have the written consent of the property owner to conduct the activity.

(iii) ~~Mobile-A mobile~~ vendors may locate along the perimeter of an approved off-street parking areas or upon an undeveloped lots ~~in nonresidential zone districts that have~~ has been vacant in excess of two years.

(iv) A mobile vendor shall not operate from a single private property for a period in excess of 30 days unless a conditional use permit is obtained under § **375-505(16)**.

(v) If the mobile vendor serves food or drinks, waste receptacles shall be provided, and waste shall be removed daily from the site by the mobile vending operator.

(vi) Outdoor seating may be provided, but none shall be permanently installed. Provision of seating on public rights-of-way shall require approval of a revocable street privilege under § **375-505(9)**.

- (c) Portable storage container.
 - (i) Portable storage containers are prohibited upon a lot within a residential district or upon a vacant commercial lot, except where the containers provide necessary storage for an active construction project, are necessitated by an unforeseen and uncontrollable event, or to assist in moving in or out of a residence.
 - (ii) A portable storage container shall not be placed on any property more than two times per calendar year and not more than 30 days at a time. The Building Inspector may approve an extension of up to three months for good cause shown.
 - (iii) All portable storage containers shall be securely closed when not in use. No materials, property, or goods shall be stored outside of a container during the hours between sunset of one day and sunrise of the next day, except if the container is being used in conjunction with construction, and in such case only construction materials may be left outside of the container.
- (d) Temporary construction office or yard. The temporary use shall be permitted from the time a building permit is approved until 30 days after a certificate of occupancy is issued.
- (e) Temporary real estate sales/leasing office.
 - (i) This use shall be located on property being sold or leased and limited to a period of sale or lease, but not exceeding two years.
 - (ii) The temporary use shall be permitted from the time a building permit is approved until 30 days after a certificate of occupancy is issued.
- (f) Temporary/seasonal sales.
 - (i) In any residential district, not more than six garage or estate sales, each lasting no longer than 72 hours, shall take place within one calendar year at any residence.
 - (ii) A temporary art installation or pop-up facility that does not include retail sales activity is permitted for a period of no longer than one calendar week in any zone district.