

Albany 2030 Comprehensive Plan Cross-Walk

Plan Element		Implementing Regulations
Implementation		
IT-1	Prepare a comprehensive update to the City's zoning ordinance	
	New zoning techniques and incentives appeared as strategies or actions within strategies across multiple systems, including Community Form, Economy, Transportation, Natural Resources, Housing and Neighborhoods, and Utilities and Infrastructure. Preparing a comprehensive update to the city's zoning ordinance that incorporates all of the recommended strategies and actions is a logical implementation project.	Ordinance # 26.31.17: Unified Sustainable Development Ordinance
Systems		
COMMUNITY FORM		
LAND USE PATTERN		
LU-1	Use the Land Use Framework Map to guide land use decisions	
Action B	Revise the zoning ordinance and map to be consistent with the land use framework map and related strategies and actions. This may include creation of new zoning or overlay districts, density evaluation and adjustment to bring about desired community vision, elimination of existing zoning districts that are obsolete or ineffective, and re-zoning of areas of the City to existing or new districts. Form-based codes should be considered.	Section 375-2(B): Existing commercial zone districts are reframed to reflect existing development patterns; commercial zone districts are renamed as mixed-use zone districts to reflect the broad mix of uses within each district, including allowing residential uses in each of the districts. Section 375-4(A)(3): Dimensional standards governing lot sizes and building mass have been revised to better match existing built conditions. Section 375-2(F): Several existing regulations that function as overlay zone districts but are in codified in other sections of the City code have been re-constituted as overlay zone districts in the USDO.
Action C	Establish criteria to guide land use decision-making (e.g., fiscal costs/benefits and impacts on the tax base; coordination with transportation investments; provision of needed neighborhood services).	Section 375-4: Development standards applicable to all buildings, lots, and land. Section 375-5(E): General review standards and procedures for required permits and procedures, including development plan and conditional use permit review standards.
Action D	The land use map should take into account changing land patterns due to climate change (i.e. updated FEMA maps, waterfront areas, areas prone to flooding).	Section 375-2(F)(3): The Flood Protection Overlay carries over the current floodplain protection standards, which have recently been updated to incorporate many elements of the new New York State model floodplain ordinance.
LU-2	Land use transportation connection	
Action A	Use zoning to promote mixed use development in neighborhood commercial centers, the downtown, and along transit corridors.	Section 375-2(D)(5)(d): Ground floor street frontage of a primary building shall be constructed to accommodate retail or personal service uses in the MU-DT, MU-FW, MU-FS, MU-FM and MU-FC districts. This requires a minimum first floor height of 11 feet and an occupiable space extending at least 20 feet from the street frontage façade and at least one pedestrian entrance on that frontage. Section 375-3(A)(2): Development in a Mixed-Use District or Special Purpose District may include multiple principal uses, including a combination of residential and nonresidential uses. Section 375-4(E)(3)(b): Where two or more uses share a parking lot or structure, the total off-street automobile parking requirement for those uses may be reduced.
Action B	Prioritize land use investments (i.e., vacant and abandoned properties acquisition and redevelopment) along transit corridors.	Section 375-2(D)(7): Mixed-Use Form-Based Warehouse (MU-FW) district is focused around proposed Blue Line Corridor bus rapid transit station at Pleasant Street and Broadway. Section 375-2(D)(9): Mixed-Use Form-Based South End (MU-FS) district is focused around proposed Blue Line bus rapid transit station at Morton Avenue & South Pearl Street. Section 375-2(D)(10): Mixed-Use Form-Based Midtown (MU-FM) district is focused around proposed Purple Line bus rapid transit stations at Western Avenue/Thurlow Terrace and Quail Street. Section 375-2(D)(8): Mixed-Use Form-Based Central Avenue (MU-FC) district is focused around Red Line bus rapid transit stations at Central Avenue/Quail Street, North Manning Boulevard and North Allen Street.
URBAN DESIGN		
UD-1	Create design guidelines and a design review process	
Action A	Apply additional design standards in areas not included in the TND overlay or within a historic district, such as the Harriman Campus development opportunity site and the waterfront districts. Standards will need to be tailored to the unique areas and should be flexible and based on context sensitivity.	Section 375-4(G)(2): Building and streetscape design standards apply to any construction, expansion, or renovation of a building that is visible from a public right-of-way. Section 375-4(B)(1): Form-Based zoning standards specify standards for buildings that impact walkability and the quality of the public realm as well as parking requirements and the design of signage, lighting, and public open space.
Action B	Create Transit Oriented Development (TOD) overlay districts along existing and proposed transit corridors to encourage mixed use development with higher densities, reduced parking, and walkable streets. Work with community stakeholders to determine the appropriate density levels and mix of uses as well as appropriate locations for TOD.	Section 375-4(E)(3): The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 20 percent if the proposed development is located within ¼ mile of any transit stop with a peak service frequency of 15 minutes or better. Section 375-4(E)(3)(e): The Chief Planning Official may approve an alternative parking plan that reduces off-street parking requirements based on a Transportation Demand Management (TDM) program, which shall include facts and/or projections including proximity to transit.
UD-3	Create multi-modal design guidelines	
Action A	Allow for mixed-use, compact development to minimize distances and accommodate walking, biking, and transit connections between neighborhoods, jobs, school, and commercial activity.	Section 375-2(B): Existing commercial zone districts are reframed to reflect existing development patterns; commercial zone districts are renamed as mixed-use zone districts to reflect the broad mix of uses within each district, including allowing residential uses in each of the districts. Section 375-4: New design standards promote compact infill development, improve street connectivity, enhance pedestrian walkability, strengthen bicycle parking availability, implement Complete Streets principles and support alternative transportation modes. Section 375-4(A)(3): Revised dimensional standards encourage more compact development with pedestrian-friendly streets.

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Action B	Require build-to lines, which are flexible based on scalable indicators such as building height, right-of-way and sidewalk width, along transit corridors, downtown, in neighborhood commercial areas, the waterfront, and other areas as appropriate to enhance the pedestrian experience.	Section 375-4(B)(2)(c): Build-to lines established within Form-Based districts. Section 375-4(G)(5)(b): Streetscapes must be designed to comply with the provisions of the Albany Complete Streets Policy and Design Manual.
Action C	Require parking to be located behind or to the side of buildings where feasible to enhance the pedestrian experience. Where it is not feasible to locate parking behind buildings, require decorative screening.	Section 375-4(E)(4)(c): Parking spaces for any single-family detached, single-family attached, or two-family residential structure shall not be provided in the front setback area or any area forward of the front wall plane of the structure. Section 375-4(E)(4)(e): In the R-M, R-V, MU-NE, MU-NC, MU-I, MU-CU, MU-DT, and I-1 districts, off-street parking and vehicle maneuvering areas shall be provided behind the front wall plane of new and redeveloped buildings, or shall be located within the principal building or within a garage structure, to the maximum degree practicable. Section 375-4(E)(4)(f): In the MU-FW, MU-FC, MU-FS, and MU-FM districts, off-street parking facilities shall be located to the rear of the primary building, within the principal building, or within a garage structure. Section 375-4(E)(5)(i): All parking shall be accessed from rear alleys where they exist and/or from side streets if the lot is located on a corner in all districts except MU-CH. If no rear alley or side street exists, then efforts should be made to demonstrate an attempt to gain access across neighboring properties.
Action D	Require alternative transportation amenities and parking (e.g. bike racks, shower and changing facilities, bike lockers, bus shelters, crosswalks) for projects that meet designated thresholds.	Section 375-4(E)(2): In all zoning districts, bicycle parking shall be provided as required. Section 375-4(H)(1)(d): In the R-M, R-V, and Mixed-Use districts, each property with a street frontage of 50 linear feet or more shall install at least one bench, bicycle rack, planter, trash receptacle, or piece of public art per 50 feet of street frontage.
Action E	Require electric vehicle and compressed natural gas (CNG) infrastructure for projects that meet designated thresholds.	Section 375-3(B): Electric Vehicle Charging Stations - a facility or area at which electric powered or hybrid powered motor vehicles can obtain electrical current to recharge batteries, when accessory to a principal use of the property - allowed as an accessory use in most zoning districts.
ECONOMY		
EMPLOYMENT		
EMP-5	Coordinate economic development and energy/sustainability efforts	
Action E	Streamline permitting and other regulatory procedures and provide incentives for buildings incorporating green improvements into their construction or renovation plans.	Section 375-4(A)(4)(a): New development or redevelopment of a primary building that is registered, designed, and documented for a LEED Platinum or LEED Gold certification, or equivalent, may increase the maximum impervious lot coverage by 20 percent or the maximum height of any primary building by one story or 13 feet. Section 375-4(A)(4)(b): New development or redevelopment of a site that incorporates a blue (water retaining) roof, or a green (vegetated) roof, or other building or site features reduce any required building setback from any zoning district other than a Residential zoning district by 20 percent or may increase the maximum height of any primary building by one story or 13 feet, whichever is less.
INVESTMENT		
INV-1	Make Albany attractive for business development	
Action B	Use zoning and development regulations as tools to create incentives for business development.	Section 375-2(D)(2)(d): Removal of restriction on upper floor expansion in neighborhood commercial districts (current C-1 zoning district); replaced with a Conditional Use Permit required for non-residential uses with a gross floor area of more than 5,000 square feet (proposed MU-NC district). Section 375-2(D)(1): Replacement of the R-O (Residential Office) with a more dynamic MU-NE (Mixed-Use Neighborhood Edge) district providing for moderate density in housing options and limited mixed-use development, in areas often located along principal transit corridors and closely abutting residential districts.
Action C	Build the downtown residential population by incentivizing high density residential and mixed use development/redevelopment.	Section 375-5(E)(4)(a)(iv): Conversions of an existing nonresidential structure to a residential use containing between five and nineteen dwelling units now subject to streamlined Minor Development Plan Review. Section 375-2(D)(5)(c): Mixed-Use Downtown (MU-DT) district removes 85-foot height limit previously applicable to the downtown district.
INV-2	Encourage investment in urban land and buildings for employment and housing	
Action D	Provide a variety of housing types to meet the varied needs of Albany's households, including market, moderate and low income housing	Section 375-3(B); 375-3(C)(2)(d); Section 375-6(B): Added permission for live-work dwellings, pursuant to specific use standards. Section 375-3(B); Section 375-3(C)(6)(i); Section 375-6(B): Broadened allowances for home occupations, pursuant to specific use standards Section 375-2(C)(4)(d) - Dwelling square floor area limitations now applied as average of gross improved floor area, rather than by limiting the minimum size of individual units.
INV-3	Reinforce, enhance and promote Albany's distinctive character and identity	
Action F	Create design guidelines to ensure that gateways to the City along the region's major arterials develop and redevelop in ways that respect existing businesses, create opportunity for new enterprises, and creates an aesthetically appealing welcome to Albany.	Section 375-4(G)(2): Building and streetscape design standards apply to any construction, expansion, or renovation of a building that is visible from a public right-of-way. Section 375-4(B)(1): Form-Based zoning standards specify standards for buildings that impact walkability and the quality of the public realm as well as parking requirements and the design of signage, lighting, and public open space.
INV-4	Foster coalitions and community-initiated economic development partnerships	
Action C	As part of a citywide zoning update, involve area businesses and community stake-holders in a review of the impact of Albany's regulatory system. Evaluate the impact of zoning regulations and procedures on neighborhoods, businesses, and retailers.	Over 100 public hearing held to date.
SOCIAL		
COMMUNITY HEALTH AND RECREATION		
CHR-2	Promote walkable neighborhoods and complete streets	
Action A	Adopt policies or guidelines to increase safe, comfortable mobility options for bicyclists, transit users	Section 375-4(C)(b): A sidewalk of at least five feet in width shall be installed along each street frontage.

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	and pedestrians.	Section 375-4(C)(c): Each required street, alley, driveway, sidewalk, walkway, and bicycle route shall comply with the requirements of the Americans with Disabilities Act. Section 375-4(C)(3)(e): All streets shall be designed to comply with the Albany Complete Streets Policy and Design Manual. Section 375-4(E)(2): In all zoning districts, bicycle parking shall be provided as required.
CHR-3	Increase access to healthy food options	
Action C	Promote and incentivize community gardens, rooftop gardens, seasonal and year-round farmers markets, and urban gardening.	Section 375-3(B): Urban Agriculture - The raising, keeping or production of fruit, vegetable, flower, and other crops; composting; and the processing of those agricultural products - allowed as a permitted or accessory use in most zoning districts.
Action E	Revise zoning to permit farmers markets in commercial or industrial zoning districts, with appropriate performance standards to minimize any potential negative impacts.	Section 375-3(B): Farmer’s Market allowed as a temporary use in most zoning districts.
CHR-9	Develop active design guidelines to promote physical activity and health	
Action B	Incorporate opportunities for physical activity (e.g., walking, stair climbing, plazas and recreation areas, visible activity areas) into new development, while still ensuring universal access.	Section 375-4(D)(5)(c)(vi) - When a lot abuts public open space that includes existing or planned trails, a direct pedestrian connection from the development to the existing or planned trail shall be provided. Section 375-4(D)(6)(a) - If a new subdivision will contain more than 20 residential dwelling units, the developer shall either donate land or make a payment to the City for the provision of open space benefitting the subdivision. Section 375-4(D)(7)(b)(iii) - For cluster subdivisions, at least 25 percent of the gross land area of the subdivision shall be set aside and deed restricted as open space.
Action C	Consider placement of parking, signage for transit stops, and bike racks when designing sites.	Section 375-4(E)(4)(e): In the R-M, R-V, MU-NE, MU-NC, MU-I, MU-CU, MU-DT, and I-1 districts, off-street parking and vehicle maneuvering areas shall be provided behind the front wall plane of new and redeveloped buildings, or shall be located within the principal building or within a garage structure, to the maximum degree practicable. Section 375-4(E)(6): Bicycle parking design standards provided.
PUBLIC SAFETY		
PS-2	Promote walkable neighborhoods and complete streets	
Action A	Implement complete street design standards (e.g., using design guidelines for different types of streets) to increase visibility and safely accommodate a range of users (e.g., walkers, bikers, transit users, and drivers) as streets are targeted for improvements.	Section 375-4(G)(5)(b): Streetscapes shall be designed to comply with the provisions of the Albany Complete Streets Policy and Design Manual (2015) by organizing elements into a Frontage Zone, Pedestrian Zone, Buffer Zone, and Curb Zone. In addition, new development shall incorporate those Streetscape and Sidewalk Elements listed in the Albany Complete Streets Policy and Design Manual to the maximum extent practicable. Section 375-4(C)(3)(e): All streets shall be designed to comply with the Albany Complete Streets Policy and Design Manual.
ARTS AND CULTURE		
AC-3	Foster opportunities for public art	
Action D	Explore the creation of a Public Art Review Process to streamline the installation of new public art projects.	Section 375-4(I)(7): Review process for displays on walls or structures that exceed the height, size, duration, or another physical standard for an attached sign, including murals; applications shall be reviewed by the Planning Board, unless the Planning Board has delegated such duties to the Albany Arts Commission.
AC-6	Provide opportunities for live-work space for artists	
Action B	Encourage construction of affordable live-work space through the reuse of vacant land and the City’s proposed Land Banking Program.	Section 375-3(B); 375-3(C)(2)(d); Section 375-6(B) - Live-work dwellings - A residential dwelling unit that includes a dedicated work space that is accessible from the living area or from the outside, reserved for and regularly used by one or more residents of the dwelling unit, and in which the type or size of the work performed is larger or more extensive than that permitted as a home occupation - are allowed pursuant to specific use standards.
AC-7	Create a welcoming atmosphere for artists	
Action A	Use zoning, such as a live-work overlay, and development regulations to encourage mixed-income and affordable housing units throughout the City.	Section 375-3(B); 375-3(C)(2)(d); Section 375-6(B): Added permission for live-work dwellings, pursuant to specific use standards. Section 375-4(A)(4)(c): New residential or mixed-use development or redevelopment of a site in which at least 20 percent of all new dwelling units are rent or deed restricted so that they are affordable to households earning no more than 80 percent of the area median income (AMI) for the Albany metropolitan area may reduce the off-street parking required by 20 percent and may increase the maximum height of any primary building by one story or 13 feet, excepting certain circumstances. Sections 375-3(B); 375-3(C)(6)(a); 375-6(B): Accessory dwelling units - residential units that are located on the same lot as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure, with a complete housekeeping unit and shared or separate entrance, separate kitchen, sleeping area, closet space, and sanitation facilities – are allowed pursuant to specific use standards
TRANSPORTATION		
MULTI-MODAL CONNECTIONS		
MM-1	Develop a Complete Streets policy	
Action A	Develop a Complete Streets program including design standards, land use plans, and zoning regulations that provide the highest level of integration between pedestrians, cyclists and transit riders as appropriate based on the surrounding land use and street types.	Section 375-4(G)(5)(b): Streetscapes shall be designed to comply with the provisions of the Albany Complete Streets Policy and Design Manual (2015) by organizing elements into a Frontage Zone, Pedestrian Zone, Buffer Zone, and Curb Zone. In addition, new development shall incorporate those Streetscape and Sidewalk Elements listed in the Albany Complete Streets Policy and Design Manual to the maximum extent practicable. Section 375-4(C)(3)(e): All streets shall be designed to comply with the Albany Complete Streets Policy and Design Manual.
MM-2	Coordinate transportation investments to support preferred land uses	
Action A	Review all new development from a transportation perspective to ensure adequate roadway facilities,	Section 375-4(C): Access, Circulation and Connectivity section added with the purpose of reducing the number and length of automobile trips and

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	and to advance the implementation of facilities for pedestrians, cyclists, transit and other alternatives to the automobile.	to encourage walking and bicycling by integrating sidewalks and bicycle routes in new development and redevelopment. Section 375-4(C)(3)(e): All streets shall be designed to comply with the Albany Complete Streets Policy and Design Manual.
Action B	Use zoning to promote mixed use and transit-oriented development around transit hubs and along transit corridors, such as neighborhood commercial centers, the downtown, and along bus rapid transit (BRT) corridors.	Section 375-4(E)(3): The minimum number of off-street parking spaces required for new development or redevelopment shall be reduced by 20 percent if the proposed development or redevelopment is located within ¼ mile of any transit stop with a peak service frequency of 15 minutes or better. Section 375-4(E)(3)(e): The Chief Planning Official may approve an alternative parking plan that reduces off-street parking requirements based on a Transportation Demand Management (TDM) program, which shall include facts and/or projections including proximity to transit. Section 375-4(G)(5)(b): Streetscapes shall be designed to comply with the provisions of the Albany Complete Streets Policy and Design Manual.
Action C	Promote patterns of land uses, such as high density clustered development and mixed-use zoning that encourage maximum potential for pedestrian, bicycling, and transit mobility throughout the city and reduce automobile usage.	Section 375-2(B): Existing commercial zone districts are reframed to reflect existing development patterns; commercial zone districts are renamed as mixed-use zone districts to reflect the broad mix of uses within each district, including allowing residential uses in each of the districts. Section 375-4(C): Access, Circulation and Connectivity section added with the purpose of reducing the number and length of automobile trips and to encourage walking and bicycling by integrating sidewalks and bicycle routes in new development and redevelopment.
Action D	Develop contextual design standards for complete streets that provide adequate capacity for all users and are coordinated with the type of land use in which the street is located. This includes creating walkable neighborhoods where all trips need not be made by car, and encouraging transit use through easy, user-friendly service and appropriately sized streets that naturally calm traffic while facilitating circulation and improving safety.	Section 375-4(C): Access, Circulation and Connectivity section added with the purpose of reducing the number and length of automobile trips and to encourage walking and bicycling by integrating sidewalks and bicycle routes in new development and redevelopment. Section 375-4(G)(5)(b) - Streetscapes shall be designed to comply with the provisions of the Albany Complete Streets Policy and Design Manual (2015) by organizing elements into a Frontage Zone, Pedestrian Zone, Buffer Zone, and Curb Zone. In addition, new development shall incorporate those Streetscape and Sidewalk Elements listed in the Albany Complete Streets Policy and Design Manual to the maximum extent practicable.
BICYCLING		
BIC-1	Promote and Implement the Bicycle Master Plan	
Action B	Encourage bicycle-friendly development by adopting site plan review criteria requiring bikeway routes, bike parking, and other end of trip facilities.	Section 375-4(E)(6): Bicycle parking design standards provided.
Action B	Develop bicycle infrastructure through design guidelines, implementing the bike-way network, signage, transit integration, and the development and implementation of a Complete Streets program.	Section 375-4(C)(3)(e): All streets shall be designed to comply with the Albany Complete Streets Policy and Design Manual.
Action B	Encourage cycling through transportation demand management initiatives, web based information, bike week/month campaigns, and providing bike parking at City events.	Section 375-5(D)(4)(d) - The Chief Planning Official may require a traffic study performed by a licensed professional engineer or traffic consultant, and a Transportation Demand Management agreement, when the application is for a project that meets certain thresholds.
TRANSIT		
TR-2	Promote Transportation Demand Management to improve transit choices	
Action C	Create Transit Oriented Development (TOD) overlay districts along existing and pro-posed transit corridors (such as BRT routes) to encourage mixed use development with higher densities, reduced parking, and walkable streets. Work with community stakeholders to determine the appropriate density levels and mix of uses as well as appropriate locations for TOD.	Section 375-2(D)(7); Section 375-2(D) (8); Section 375-2(D) (9); Section 375-2(D) (10): Mixed-Use Form-Based districts focused around proposed bus rapid transit corridors. Section 375-4(E)(3): The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 20 percent if the proposed development is located within ¼ mile of any transit stop with a peak service frequency of 15 minutes or better. Section 375-4(E)(3)(e): The Chief Planning Official may approve an alternative parking plan that reduces off-street parking requirements based on a Transportation Demand Management (TDM) program, which shall include facts and/or projections including proximity to transit.
VEHICULAR		
VEH-2	Implement a comprehensive parking strategy	
Action C	As part of the complete parking study, review off-street parking standards and required ratios and consider the use of maximum parking requirements where other modes provide accessibility options, incentives for shared and/or off-site parking, and fees “in lieu of” on-site parking.	Section 375-4(E)(2)(b): Surface parking spaces shall not exceed 115 percent of the minimums required. Section 375-4(E)(3)(b): Where two or more uses share a parking lot or structure, the total off-street automobile parking requirement for those uses may be reduced. Section 375-4(E)(3)(d): In the Mixed-Use zoning districts, as an alternative to providing on-site parking, required parking spaces may be provided at a location up to 1,000 feet walking distance from the development or redevelopment it serves. Section 375-4(E)(3)(f): In the Mixed-Use zoning districts, the applicant may pay a fee-in-lieu of providing some or all of the required off-street parking as established by the Common Council.
Action D	Develop parking policies and standards that support and encourage the land use and community form desired by the City. This includes development of parking behind buildings, rather than between buildings and the street, structured parking when feasible, encouraging good parking lot/structure design, facilitating pedestrian access and improving traffic circulation.	Section 375-4(E)(4)(e): In the R-M, R-V, MU-NE, MU-NC, MU-I, MU-CU, MU-DT, and I-1 districts, off-street parking and vehicle maneuvering areas shall be provided behind the front wall plane of new and redeveloped buildings, or shall be located within the principal building or within a garage structure, to the maximum degree practicable. Section 375-4(E)(4)(f): In the MU-FW, MU-FC, MU-FS, and MU-FM districts, off-street parking facilities shall be located to the rear of the primary building, within the principal building, or within a garage structure. Section 375-4(E)(5): Parking lot and garage design standards.
FREIGHT MOVEMENT / PORT		
FMP-1	Leverage port assets and integrate with freight rail	
Action A	Encourage land use support for development of major distribution facilities. This could include evaluating land uses near the port to preserve land and locations that are appropriate for the needs of freight distribution companies.	Section 375-2(E)(2): General Industrial (I-2) zoning district is largely specific to the Port of Albany. Section 375-3(B): Broadened the areas in which distribution facilities could be allowed (MU-CH, MU-CI, MU-FW, I-1 & I-2 districts)
NATURAL RESOURCES		
WATERWAYS		

Plan Element		Implementing Regulations
WW-1	Implement Long-Term Control Plan to mitigate water quality impacts of CSO's	
Action A	Implement New York State Best Management Practices (BMPs) for combined sanitary and storm sewers. Include BMPs that reduce stormwater runoff, restore wetlands, improve riparian corridors, and reduce costs associated with CSO solutions.	Section 375-2(F)(4)(c): All deposit of waste or sewage, all construction of public or private sewers, all connections to public sewer systems, and all other matters related to the disposal of stormwater or sanitary sewer effluent shall comply with the terms of The Albany Pool Communities Combined Sewer Overflow Long Term Control Plan Order on Consent (DEC Case #CO 4-20120911-01), entered into by the Albany Pool Communities, Albany County Sewer District, the Rensselaer County Sewer District, and The New York State Department of Conservation on January 15, 2014., and actions inconsistent with the terms of that Order are violations of this USDO, as amended, until such time as the terms of that Order are no longer binding on the City
WW-2	Control sources of negative environmental impact	
Action A	Strengthen development standards to minimize site disturbance during construction near sensitive environmental areas such as waterways, steep slopes, and natural habitat. In general, Albany's waterways are located in highly developed areas where urban runoff from construction, past and current industrial activities, residential and commercial development, and golf courses are a concern.	Section 375-2(F)(6)(c): Any land use, structure, or activity that occurs or is proposed to occur on any lands within 1000 feet of the mean high water line of Normans Kill Creek, or within the 100 year floodplain of Normans Kill Creek, and that is anticipated or could result in the disturbance of more than of 10,000 square feet of surface land area, or to the excavation of more than 100 cubic yards of dirt or fill, shall be required to apply for Minor Development Plan approval, and shall be required to avoid or mitigate any potential adverse impacts on the Normanskill Creek watershed or waterway, including but not limited to soil erosion, soil slippage, and impacts to the floodway or floodplain. Section 375-4(J)(2)(b)(iv): On any parcel in excess of one acre in size, no clear-cutting shall be permitted without development plan review and the Planning Board shall consider whether there are adequate buffers on the shorelines of lakes, ponds, rivers or streams; along major travel corridors; and, if necessary, along property boundaries around dwellings on adjacent lands, so as to preserve water quality and visual quality, to control noise and to prevent drainage or erosion problems. Section 375-5(E)(12)(c): No person shall commence or perform any grading and no person shall import or export any earth materials to or from any grading site without first having obtained a Stormwater, Grading, and Erosion Permit, which shall be approved only if the City Engineer determines that the proposed development will not create a hazard, slides, or be located on unstable soil.
WW-3	Use zoning and environmental review to protect river and stream corridors	
Action A	Enforce the Stormwater Management and Erosion Control section of the Albany code (§133-100) which requires a stormwater pollution plan (including means of controlling erosion from construction) for all activities subject to subdivision and/or site plan review.	Section 375-4(F)(11)(a): All development and redevelopment in the City shall comply with the requirements of Article 14 of Chapter 133 (Stormwater Management and Erosion Control) of the City Code. Section 375-5(E)(12): No person shall commence or perform any grading and no person shall import or export any earth materials to or from any grading site without first having obtained a Stormwater, Grading and Erosion Permit.
Action B	Require native vegetation to be planted in landscape buffers and setbacks from river and stream corridors.	Section 375-2(F)(5)(c)(vii): Native species chosen from a list maintained by the Pine Bush Preserve Commission and included in the Administrative Manual will be used for required landscaping within the Pine Bush Overlay (PB-O) district. Section 375-4(F)(3)(a)(i): Tree and shrub species used to meet the landscaping requirements shall be from the City of Albany Selected Plant List as approved by the City Forester. Section 375-4(F)(3)(a)(ii): Plants listed on the City of Albany Prohibited Plant List, as amended, or on any state government list of invasive or prohibited species shall not be installed and shall not be counted towards meeting any landscaping requirement.
Action C	Continue to use the site plan review process to review proposed developments for any potential impacts on river and stream corridors.	Section 375-5(E)(14); Section 375-5(E)(14): Development Plan Review process.
URBAN FOREST		
UF-2	Use zoning and environmental review to protect the urban forest	
Action A	Adopt a tree preservation/landscape ordinance that limits disturbance to existing trees and vegetation, requires replacement of trees above a specified size that are removed (e.g., equal caliper inch replacement), and includes provisions requiring native trees and plants be retained in sensitive environmental areas (e.g., Pine Bush Preserve, floodplains, steep slopes).	Section 375-4(F)(7): In the event that existing, non-invasive vegetation meets the intent of the screening or landscaping requirements, preserved existing vegetation will be credited towards the landscaping required.
Action B	Develop a new landscape standards ordinance requiring new trees, appropriate landscape materials and the avoidance of invasive plant species.	Section 375-4(F)(3)(a): Tree and shrub species used to meet the landscaping requirements shall be from the City of Albany Selected Plant List as approved by the City Forester, as amended. Plants listed on the City of Albany Prohibited Plant List, as amended, or on any state government list of invasive or prohibited species shall not be installed and shall not be counted towards meeting any landscaping requirement. Section 375-4(F)(4): At least one shade tree shall be planted per 35 linear feet of street frontage. the Chief Planning Official may that substitute landscaping be installed elsewhere on the property where plantings are deemed unsafe or impracticable due to utility, slope, maintenance, location, visibility, alignment, or other factors. Section 375-4(J)(2)(b)(ii): Any trees required to be installed by this USDO that are lost to damage or disease shall be replaced by the property owner within six months.
NATURAL HABITAT		
NH-2	Limit encroachment into habitat areas through land use controls	
Action A	Continue to use the LC Land Conservation Zoning District to designate nature preserves, parks and recreation areas, and wildlife sanctuaries.	Section 375-2(E)(3)(b): The purpose of the LC district is to provide for and protect publicly-owned parks, open spaces, natural areas, wildlife refuges, and other green spaces throughout the City.
Action B	Revise the City's Site Plan review standards to require a landscape buffer and building setback for properties adjacent to properties in the LC Land Conservation District.	Section 375-2(F)(5)(c)(iii): New or redeveloped primary structures shall be set back at least 150 feet from each lot line with protected property in the PB-O district. Section 375-4(J)(2)(b)(iv): On any parcel in excess of one acre in size, no clear-cutting shall be permitted without development plan review and the Planning Board shall consider whether there are adequate buffers on the shorelines of lakes, ponds, rivers or streams; along major travel corridors; and, if necessary, along property boundaries around dwellings on adjacent lands, so as to preserve water quality and visual quality, to

Plan Element		Implementing Regulations
		control noise and to prevent drainage or erosion problems.
Action C	Include clear guidelines for applicants and the Planning Board to protect natural habitats.	<p>Section 375-5(D)(3): An application for development or redevelopment, or for a change of use, within the boundaries of the City’s adopted Local Waterfront Revitalization Plan (LWRP) area, shall be required to comply with all standards, criteria, and procedures required by New York State law for LWRP areas, and by the provisions of the City’s adopted LWRP.</p> <p>Section 375-2(F)(5): The purpose of the PB-O overlay district is to preserve and protect the unique and sensitive nature of the Pine Bush area environment, and to ensure that future development within the overlay area complies with all applicable protection requirements and is consistent with the recommendations of the Albany Pine Bush Preserve Management Plan.</p> <p>Section 375-2(F)(6): The purpose of the NC-O overlay district is to ensure careful planning in this area so as to protect people and the environment in the sensitive riparian area, and to prevent the degradation of water quality, increased erosion and flooding, loss of wildlife habitat, and reduced opportunities for recreation along the creek.</p> <p>Section 375-4(D)(3): Each applicant for subdivision or re-subdivision of a land area of five acres or more, either alone or contiguous with another subdivision by the same applicant, shall first prepare a Land Analysis Map identifying sensitive lands to be protected from development.</p>
AIR QUALITY		
AQ-1	Provide multi-modal transportation choices to reduce vehicle miles traveled	
Action B	Provide incentives for Transit Oriented Development at potential transit center sites and existing hubs.	Section 375-4(E)(3): The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 20 percent if the proposed development is located within ¼ mile of any transit stop with a peak service frequency of 15 minutes or better.
TOPOGRAPHY AND SOILS		
TS-1	Limit encroachment on steep slopes through land use controls	
Action A	Adopt a steep slope ordinance to limit development and construction on slopes over a certain percentage (e.g., greater than 15%) in areas such as Normans Kill.	<p>Section 375-2(F)(6)(c): Any land use, structure, or activity that occurs or is proposed to occur on any lands within 1000 feet of the mean high water line of Normans Kill Creek, or within the 100 year floodplain of Normans Kill Creek, and that is anticipated or could result in the disturbance of more than of 10,000 square feet of surface land area, or to the excavation of more than 100 cubic yards of dirt or fill, shall be required to apply for Minor Development Plan approval, and shall be required to avoid or mitigate any potential adverse impacts on the Normanskill Creek watershed or waterway, including but not limited to soil erosion, soil slippage, and impacts to the floodway or floodplain.</p> <p>Section 375-4(J)(2)(b)(iv): No person shall commence or perform any grading and no person shall import or export any earth materials to or from any grading site without first having obtained a Stormwater, Grading, and Erosion Permit, which shall be approved only if the City Engineer determines that the proposed development will not create a hazard, slides, or be located on unstable soil.</p>
OPEN SPACE		
OS-3	Support local food production	
Action A	Promote and incentivize community gardens, rooftop gardens, farmers markets, and urban farms.	<p>Section 375-3(B): Urban Agriculture - The raising, keeping or production of fruit, vegetable, flower, and other crops; composting; and the processing of those agricultural products - allowed as a permitted or accessory use in most zoning districts.</p> <p>Section 375-3(B): Farmer’s Market allowed as a temporary use in most zoning districts.</p>
HOUSING AND NEIGHBORHOODS		
HOUSING DIVERSITY AND CHOICE		
HDC-2	Use zoning as a tool to incentivize a diverse housing stock	
Action A	Adopt zoning and other development regulations (e.g., inclusionary zoning, density bonuses, streamlined development review) to maintain and increase housing diversity, promote mixed-income neighborhoods, and make home ownership more affordable by reducing development costs.	Section 375-4(A)(4)(c) - New residential or mixed-use development or redevelopment of a site in which at least 20 percent of all new dwelling units are rent or deed restricted so that they are affordable to households earning no more than 80 percent of the area median income (AMI) for the Albany metropolitan area may reduce the off-street parking required by 20 percent and may increase the maximum height of any primary building by one story or 13 feet, excepting certain circumstances.
Action B	Promote increased mixed-use housing in downtown, through zoning regulations and incentives, to sustain weekend and evening pedestrian activity and encourage evening hours for retailers.	<p>Section 375-5(E)(4)(a)(iv): Conversions of an existing nonresidential structure to a residential use containing between five and nineteen dwelling units now subject to approval by the Chief Planning Official pursuant to Minor Development Plan Review</p> <p>Section 375-2(D)(5)(c): Removal of 85-foot height limit previously applicable to the C-3 (Central Business) zoning district in the new MU-DT (Mixed-Use Downtown) district.</p>
Action C	Identify and remove barriers to aging in place.	Sections 375-3(B); 375-3(C)(6)(a); 375-6(B): Accessory dwelling units - residential units that are located on the same lot as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure, with a complete housekeeping unit and shared or separate entrance, separate kitchen, sleeping area, closet space, and sanitation facilities – are allowed pursuant to specific use standards.
HDC-3	Provide and maintain intergenerational/life-cycle housing options	
Action C	Provide opportunities for assisted living, supportive housing and shared services where appropriate.	Section 375-6(B): The Proposed Action updates all standards and definitions to comply with the requirements of the federal Fair Housing Amendments Act (FHAA), the Americans with Disabilities Act (ADA), and state fair housing laws. The terms for different types of group living situations covered by fair housing laws are consolidated under one definition for “community residential facility” and the definition of “family” is updated so that it cannot be interpreted to deny a person fair housing. Community residential facilities are a permitted use in all residential zone districts in the USDO in compliance with FHAA.
HDC-4	Develop creative financing tools to encourage mixed-income housing.	
Action D	Ensure that affordable housing options are provided in all City neighborhoods.	Sections 375-3(B); 375-3(C)(6)(a); 375-6(B): Accessory dwelling units - residential units that are located on the same lot as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure, with a complete housekeeping unit and shared or separate entrance, separate kitchen, sleeping area, closet space, and sanitation facilities – are allowed pursuant to specific use standards.
HDC-6	Use zoning to incentivize the development of affordable housing	

Plan Element		Implementing Regulations
Action A	Adopt zoning and other development incentives (e.g., density bonuses, streamlined development review, reduced fees) to encourage affordable housing and mixed-income development. While Albany is relatively affordable (median monthly costs are less than 30% of median incomes), efforts should be made to ensure all neighborhoods provide housing options for low, moderate and high income individuals and families.	Section 375-4(A)(4)(c) - New residential or mixed-use development or redevelopment of a site in which at least 20 percent of all new dwelling units are rent or deed restricted so that they are affordable to households earning no more than 80 percent of the area median income (AMI) for the Albany metropolitan area may reduce the off-street parking required by 20 percent and may increase the maximum height of any primary building by one story or 13 feet, excepting certain circumstances.
UTILITIES AND INFRASTRUCTURE		
ENERGY		
EN-3	Promote Multi-Modal transportation choices to reduce vehicle miles traveled	
Action A	Develop a Complete Streets program including design standards, land use plans, and zoning regulations that provide the highest level of integration between pedestrians, cyclists and transit riders.	Section 375-4(G)(5)(b) : Streetscapes shall be designed to comply with the provisions of the Albany Complete Streets Policy and Design Manual (2015) by organizing elements into a Frontage Zone, Pedestrian Zone, Buffer Zone, and Curb Zone. In addition, new development shall incorporate those Streetscape and Sidewalk Elements listed in the Albany Complete Streets Policy and Design Manual to the maximum extent practicable.
Action B	Provide incentives for Transit Oriented Development at potential transit center sites and existing hubs.	Section 375-4(E)(3) : The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 20 percent if the proposed development is located within ¼ mile of any transit stop with a peak service frequency of 15 minutes or better.
Action D	Employ transportation demand management techniques to encourage the use of bi-cycling, transit, carpooling, and car sharing.	Section 375-4(E)(3)(e)(i) - The Chief Planning Official may approve an alternative parking plan that reduces off-street parking requirements below those shown in Table 375-4-4 based on a parking demand study and Transportation Demand Management (TDM) program Section 375-5(D)(4)(d) - The Chief Planning Official may require a traffic study performed by a licensed professional engineer or traffic consultant, and a Transportation Demand Management agreement, when the application is for a project that meets certain thresholds.
EN-4	Incentivize energy-efficiency / renewable energy technologies in construction projects	
Action A	Consider a code revision to encourage all new development and major rehabilitation projects to have “cool” roofs (i.e., white or grey roofs with a high solar reflectivity index) or green roofs to reduce the urban heat island effect.	Section 375-4(A)(4)(b) : New development or redevelopment of a site that incorporates a blue (water retaining) roof, or a green (vegetated) roof, or other building or site features reduce any required building setback from any zoning district other than a Residential zoning district by 20 percent or may increase the maximum height of any primary building by one story or 13 feet, whichever is less.
Action B	Require that all new buildings, which meet certain size and/or density thresholds, built or rehabilitated with public-private funding be LEED Certified or meet some other established minimum level of energy-efficiency and sustainable site specifications established by the city.	Section 375-4(A)(4)(a) : New development or redevelopment of a primary building that is registered, designed, and documented for a LEED Platinum or LEED Gold certification, or equivalent, may increase the maximum impervious lot coverage by 20 percent or the maximum height of any primary building by one story or 13 feet.
Action H	Develop lighting standards that promote energy-efficiency, reduce light pollution, while provide adequate lighting for safety.	Section 375-4(H) : Outdoor lighting standards added to ensure that vehicle circulation areas, pedestrian circulation areas, parking areas, public gathering spaces, approaches to buildings, and other areas have adequate outdoor illumination to promote safety and walkability at night; to control the negative impacts associated with nuisance outdoor lighting, excessive lighting, dramatic contrasts between lit and unlit areas; to minimize objectionable light spillover onto adjacent properties; to promote energy efficiency and high-quality lighting with excellent color rendering; and utilize lighting to improve the nighttime aesthetics of site, landscape, and architectural design.
WATER AND SEWER		
WS-3	Control sources of negative environmental impact	
Action A	The City of Albany, along with other New York communities, will soon be required by the federal Clean Water Act to enact new local ordinances to regulate activities that discharge to municipal separated storm sewer systems (MS4s). These regulations will address illicit discharges of wastewater and toxic chemicals, construction site runoff control, and pollution prevention. The new ordinances should include strengthened development standards to minimize site disturbance during construction near water sources.	Section 375-4(F)(11)(a) : All development and redevelopment in the City shall comply with the requirements of Article 14 of Chapter 133 (Stormwater Management and Erosion Control) of the City Code. Section 375-4(F)(11)(c) : All New York State Department of Environmental Conservation Stormwater Management Design Manual applicable to properties one acre in size or larger shall also apply to properties in the City between one-quarter (1/4) and one acre in size.
STORMWATER		
SW-2	Incorporate green infrastructure practices in the Long Term Control Plan for CSO's	
Action B	Implement phased strategies to reduce stormwater runoff and ultimately mitigate CSOs impacts to comply with New York State water quality standards, and Clean Water Act requirements. Potential strategies include new street trees, underground cisterns, green roofs, and rainwater capture.	Section 375-2(F)(5)(d) : Properties one-quarter (1/4) acre in size or smaller located within the CS-O district boundaries shall be required to install at least one of several site design features to reduce stormwater flows into the combined sewer system, designed to detain the first one (1) inch of rainfall, as shown in this drawing, and design the site to direct all rooftop stormwater and at least 75% of surface stormwater flows into that site feature. Section 375-2(F)(4)(c) : All deposit of waste or sewage, all construction of public or private sewers, all connections to public sewer systems, and all other matters related to the disposal of stormwater or sanitary sewer effluent shall comply with the terms of The Albany Pool Communities Combined Sewer Overflow Long Term Control Plan Order on Consent (DEC Case #CO 4-20120911-01), entered into by the Albany Pool Communities, Albany County Sewer District, the Rensselaer County Sewer District, and The New York State Department of Conservation on January 15, 2014., and actions inconsistent with the terms of that Order are violations of this USDO, as amended, until such time as the terms of that Order are no longer binding on the City.
SW-3	Reduce impermeable surfaces through land development regulations	
Action A	Allow for permeable pavements to be used in low-volume traffic areas, such as sidewalks, driveways, parking lots, alleys, and when feasible, roadways.	Section 375-4(E)(4)(c) : Parking spaces for any single-family detached, single-family attached, or two-family residential structure shall not be provided in the front setback area or any area forward of the front wall plane of the structure or on a paved driveway that does not extend across more than 35 percent of the lot width. The maximum percentage of lot width used for parking may be increased to 50 percent if at least the additional 15 percent of lot width used for parking is surfaced with pervious pavers acceptable to the City, rather than with an impervious surface.

Plan Element		Implementing Regulations
		<p>Section 375-4(E)(5)(I)(ii): The use of pervious or semi-pervious surfacing materials including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided the surfacing is subject to an on-going maintenance program. In the PB-O district, use of pervious or semi-pervious paving materials is mandatory rather than optional.</p> <p>Section 375-6(B): Impervious lot coverage does not include parking areas and driveways with pervious or semi-pervious paving materials.</p>
Action B	Establish impervious coverage limits for buildings and pavement.	<p>Section 375-6(B): Lot coverage requirement revised to impervious lot coverage and redefined to include "all areas or areas covered with materials impervious to water including parking areas and driveways."</p> <p>Section 375-4(A)(3)(b): Each dimensional table contains maximum impervious surface limits designed to reduce off-site flows into the city's stormwater system by allowing a significant percentage of rainfall to infiltrate into the soil on individual lots and parcels.</p>
Action C	Where appropriate, allow reduced road widths and reduced and alternative parking strategies, such as shared parking, off-site parking, and allow on-street parking to count toward parking space requirements.	<p>Section 375-4(E)(5)(e): Every parking lot containing 20 or more spaces shall be provided with a two-way driveway not exceeding 20 feet in width or two one-way driveways not exceeding 12 feet in width.</p> <p>Section 375-4(E)(3)(b): Where two or more uses share a parking lot or structure, the total off-street parking requirement for those uses may be reduced.</p> <p>Section 375-4(E)(3)(c): In any Mixed Use or Special Purpose zoning district, the minimum amount of off-street parking otherwise required shall be reduced by the number of legal on-street parking spaces located immediately in front of the subject property.</p> <p>Section 375-4(E)(3)(d): In the Mixed-Use zoning districts, as an alternative to providing on-site parking, required parking spaces may be provided at a location up to 1,000 feet walking distance from the development or redevelopment it serves.</p>
SOLID WASTE MANAGEMENT		
SWM-2	Explore alternatives for solid waste reduction and disposal	
Action F	Increase the percentage of demolition material diversion required as part of demolition permit approval and develop a compliance tracking system.	Section 375-5(E)(17)(b): A minimum of 35 percent of construction and demolition debris generated from applicable construction, remodeling, or demolition projects shall be diverted from disposal to landfills through recycling, reuse, and diversion programs.
INSTITUTIONS		
FACILITIES AND PROJECTS		
FP-3	Work together to reduce potential negative impacts of institutional projects	
Action A	Create neighborhood-level forums to address potential plans and impacts of institutions on adjacent neighborhoods. Encourage institutions to work with the City and community stakeholders early in the project planning phase to address potential concerns. Potential negative impacts include conflicts between institutional expansion and surrounding neighborhoods (e.g., traffic concerns, higher density adjacent to lower density neighborhoods).	<p>Section 375-2(D)(6)(d)(ii)(B): Any proposed rezoning of land from a Residential district into the Mixed-Use Campus Institutional (MU-CI) district shall require the preparation of a plan addressing how traffic, parking, and view impacts from the proposed redevelopment will be minimized for nearby Residential district properties.</p> <p>Section 375-5(E)(15)(b)(ii)(A): Applicant must hold at least one community meeting to discuss a proposed District Plan before submitting the application for review by the City and shall submit with the application documentation that the community meeting has taken place.</p>