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## Article IV Development Standards

### § 375-401 Dimensional standards.

(1) Applicability.

- (a) Unless otherwise stated in this USDO, the requirements in this § 375-401 shall apply to all buildings, lots, and land in all zoning districts.
- (b) No development plan shall be approved and no permit shall be issued for the erection or occupancy of a building or structure unless the development conforms to the dimensional standards of this § 375-401.
- (c) Unless expressly stated otherwise in this USDO, no part of a yard or other open space required to comply with the provisions of this § 375-401 shall be counted towards meeting the yard or open space requirements of another building.

(2) General standards.

(a) Setback and yard requirements.

- (i) Minimum building setbacks shall apply to all portions of each building, except for encroachments and exceptions permitted by § 375-401(5).
- (ii) Required building setback areas shall be unobstructed from their lowest point to the sky, except for fences, landscaping, and other building features specified in this Article IV.
- (iii) Accessory structures shall comply with required front setbacks for the principal building to which they are accessory.
- (iv) Accessory structures shall be set back a minimum of two feet from side and rear lot lines, excepting the following circumstances:
  - A. Where § 375-401(5) (Encroachments and exceptions) permits a smaller exception; and
  - B. In the R-T District, side and rear setbacks shall not apply.

- (b) Right-of-way encroachment. Any encroachments into the public right-of-way shall require approval by the City and an agreement with the City that the property owner(s) shall accept any and all liability for accidents or damage occurring in the public right-of-way due to the encroachment or related activity.

(c) Number of principal structures per zone lot.

(i) In the R-1L, R-1M, R-2, R-T, and R-M Districts, only one principal structure is permitted on a platted lot.

(ii) In other zone districts, more than one principal structure is permitted on a platted lot if each primary structure complies with all applicable dimensional standards or with the provisions of an approved district plan.

(d) Impervious surface. Because some areas of the City are subject to combined sewer overflows and to surface stormwater flooding, it is important that the maximum amount of impervious surface on each lot is carefully regulated. Each dimensional table in Subsection (3) below 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.

(3) Dimensional and Frontage Standards Summary Tables.

(a) Residential districts. Dimensional standards for residential zoning districts are shown in Table 375.401.1 below.

Table 375.401.1 Residential District Dimensional Standards						
Zone District	R-1L	R-1M	R-2	R-T	R-M	R-V
<b>Lot Standards</b>						
Lot area, minimum	6,500 square feet	3,500 square feet	2,250 square feet	1,150 square feet	N/A	N/A
Lot depth, minimum	110 feet	100 feet	90 feet	55 feet	N/A	N/A
Lot width, minimum	55 feet <sup>[1]</sup>	30 feet <sup>[1]</sup>	25 feet <sup>[1]</sup>	18 feet <sup>[1]</sup>	20 feet <sup>[1]</sup>	100 feet <sup>[1]</sup>
Impervious lot coverage, maximum	30%	40%	70%	80%	80%	50%
<b>Setbacks</b>						
Front, minimum	25 feet <sup>[2]</sup>	15 feet <sup>[2]</sup>	10 feet <sup>[2]</sup>	0 feet <sup>[2]</sup>	0 feet <sup>[2]</sup>	10 feet <sup>[2]</sup>
Side, minimum	5 feet	0 feet <sup>[3]</sup>	0 feet <sup>[3]</sup>	0 feet	0 feet <sup>[4]</sup>	15 feet
Combined side, minimum	20 feet	10 feet	10% of lot width	0 feet	0 feet <sup>[4]</sup>	40 feet
Side, maximum	N/A	N/A	N/A	3.5 feet	N/A	N/A
Rear, minimum	40 feet	25 feet	20% of lot depth	10% of lot depth	15 feet	20 feet
<b>Building height</b>						
<b>Principal structure</b>						
Height, maximum (stories)	2.5 stories	2.5 stories	2.5 stories	3.5 stories	4 stories <sup>[4]</sup>	5 stories <sup>[5]</sup>
Height, maximum (feet)	35 feet	35 feet	35 feet	45 feet	55 feet	65 feet
<b>Accessory structure</b>						

Table 375.401.1 Residential District Dimensional Standards						
Zone District	R-1L	R-1M	R-2	R-T	R-M	R-V
Height, maximum (stories)	1.5 stories	1.5 stories	1.5 stories	1.5 stories	1.5 stories	1.5 stories
Height, maximum (feet)	16 feet	16 feet	16 feet	16 feet	16 feet	16 feet
Number of dwelling units						
Dwelling units, maximum	1	1	2	3 <sup>[7]</sup>	1 per 750 square feet of gross floor area	Per building code
NOTES:						
[1]	Where more than 50% of the lots on a block face are improved with a principal structure, each lot shall have a minimum width equal to no less than 75% and no more than 125% of the median width of lots on the block face.					
[2]	Where the subject lot is adjacent to a developed lots facing the same street and having a principal building located within 25 feet of the lot line, the required front setback shall be no closer nor further back from the street than the structures on the adjacent lots.					
[3]	Structures must be setback a minimum of 3 feet from any principal building on abutting lot.					
[4]	Where the subject lot has one or more adjacent lots facing the same street with a primary building between one and five feet from the side lot line, the required side setback on the subject lot shall not be closer than the side setback on the adjacent improved lot.					
[5]	Where a building abuts the R-1L or R-1M Districts on a side or rear lot line, maximum height is three stories within 50 feet of those lot lines.					
[6]	Where a building abuts the R-1L or R-1M Districts on a side or rear lot line, maximum height is 3 stories within 500 feet of those lot lines.					
[7]	One dwelling unit is allowed per non-commercial building story, up to 3					

(b) Mixed-use districts. The dimensional standards for the mixed-use districts are shown in Table 375.401.2.

Table 375.401.2 Mixed-Use Dimensional Standards						
Zone District	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI
Lot Standards						
Lot width, minimum	22 feet	20 feet	20 feet	50 feet	20 feet	80 feet
Impervious lot coverage, maximum	70%	90%	90%	80%	100%	60%
Setbacks						
Front yard, minimum	0 feet <sup>[1]</sup>	0 feet	0 feet	0 feet	0 feet	0 feet

**Table 375.401.2  
Mixed-Use Dimensional Standards**

Zone District	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI
Front yard, maximum	10 feet <sup>[1]</sup>	10 feet	10 feet	100 feet	10 feet	20 feet
Side yard, minimum	3 feet <sup>[2]</sup>	0 feet	0 feet	10 feet	0 feet	0 feet
Combined side yards, minimum	8 feet <sup>[2]</sup>	0 feet	0 feet	20 feet	0 feet	0 feet
Rear yard, minimum	0 feet <sup>[3]</sup>	0 feet <sup>[3]</sup>	0 feet <sup>[3]</sup>	20 feet	0 feet	0 feet <sup>[3]</sup>
<b>Building height</b>						
<b>Principal structure</b>						
Height, maximum (stories)	3 stories	3 stories	5 stories <sup>[4]</sup>	5 stories <sup>[4]</sup>	N/A <sup>[5]</sup>	8 stories <sup>[4]</sup>
Height, maximum (feet)	50 feet	50 feet	75 feet	75 feet	N/A	105 feet
<b>Accessory structure</b>						
Height, maximum (stories)	1.5 stories	1.5 stories	1.5 stories	1.5 stories	1.5 stories	1.5 stories
Height, maximum (feet)	16 feet	20 feet	20 feet	20 feet	20 feet	20 feet
<b>Number of dwelling units</b>						
Dwelling units, maximum	1 per 750 square feet of gross floor area	N/A	N/A	N/A	N/A	N/A

**NOTES:**

- [1] Where the subject lot is adjacent to a developed lot facing the same street and having a principal building located within 25 feet of the lot line, the required front setback shall be no closer nor further back from the street than the principal building on either of the adjacent lots.
- [2] Where the subject lot has one or more adjacent lots facing the same street with a primary building between one and five feet from the side lot line, the required side setback on the subject lot shall not be closer than the side setback on the adjacent improved lot.
- [3] Where the site abuts a residential zone district, the required rear yard setback is 15 feet.
- [4] Any portion of a building located within 100 feet of an abutting an R-1L or R-1M District is limited to three stories.
- [5] Buildings over 10 stories require design review; see § 375-505(20).

(c) Industrial districts. The dimensional standards for special purpose districts are shown in Table 375.401.3 below.

**Table 375.401.3  
Industrial Dimensional Standards**

Zone District	I-1	I-2
<b>Lot Standards</b>		
Lot width, minimum	25 feet	50 feet

**Table 375.401.3  
Industrial Dimensional Standards**

Zone District	I-1	I-2
Impervious lot coverage, maximum	N/A	N/A
<b>Setbacks</b>		
Front yard, minimum	0 feet	10 feet
Side yard, minimum	10 feet	15 feet
Rear yard, minimum	20 feet <sup>[1]</sup>	40 feet <sup>[2]</sup>
<b>Building Standards</b>		
Maximum height, principal building	30 feet	85 feet
<b>NOTES:</b>		
[1]	Where the site abuts a residential zone district and the use is not completely enclosed within a building, the required rear yard setback is 100 feet.	
[2]	Where the site abuts a residential zone district and the use is not completely enclosed within a building, the required rear yard setback is 200 feet.	

(d) Open space districts. The dimensional standards for open space districts are shown in Table 375.401.4 below.

**Table 375.401.4  
Open Space Dimensional Standards**

Zone District	OS	NA
<b>Lot Standards</b>		
Impervious lot coverage, maximum		10%
<b>Setbacks</b>		
Front yard, minimum		0 feet
Side yard, minimum		0 feet
Rear yard, minimum		0 feet <sup>[1]</sup>
<b>Building Height</b>		
Maximum height, principal building		2 stories
Maximum height, accessory buildings		1.5 stories
<b>NOTES:</b>		
[1]	Where the site abuts a residential zone district, the required rear yard setback is 20 feet.	

(e) Form-based districts. The frontage standards for form-based districts are shown in Table 375.401.5 below. All new buildings in form-based districts must comply with the frontage standards in this section based on the frontage designation shown on the regulating plan.

**Table 375.401.5  
Form-Based Frontage Standards**

Zone District	FB-TC	FB-WC	FB-NG	FB-CE	FB-WE	FB-IW
<b>Building height</b>						
Building height, maximum	5 stories	4 stories	3.5 stories	2.5 stories	10 stories	3 stories

**Table 375.401.5  
Form-Based Frontage Standards**

Zone District	FB-TC	FB-WC	FB-NG	FB-CE	FB-WE	FB-IW
Commercial ground floor height, minimum	13 feet	13 feet	10 feet	10 feet	13 feet	N/A
Residential finished floor height (above grade)	2 feet	2 feet	2 feet	2 feet	2 feet	0 feet
<b>Building Placement</b>						
Frontage build-out, minimum	80%	60%	60%	40%	80%	N/A
Rear frontage build-out (street only)	60%	60%	40%	N/A	60%	N/A
Front build-to zone, minimum	0 feet	0 feet	See § 375-401 (3)(a)(iii)	See § 375-401 (3)(a)(iii)	0 feet	8 feet
Front build-to zone, maximum	6 feet	10 feet	See § 375-401 (3)(a)(iii)	See § 375-401 (3)(a)(iii)	6 feet	N/A
Side build-to zone (corner), minimum	0 feet	0 feet	0 feet	10 feet	0 feet	0 feet
Side build-to zone (corner), maximum	10 feet	10 feet	10 feet	N/A	10 feet	8 feet
Rear build-to zone (street), minimum	0 feet	6 feet	6 feet	12 feet	0 feet	8 feet
Rear build-to zone (street), maximum	10 feet	18 feet	18 feet	N/A	10 feet	N/A
Side setback, minimum	0 feet	0 feet	0 feet	5 feet	0 feet	8 feet
Rear setback (lot or alley), minimum	5 feet	5 feet	5 feet	5 feet	5 feet	24 feet
<b>Parking Location</b>						
Front setback, minimum	30 feet	30 feet	20 feet	24 feet	30 feet	20 feet
Side setback (mid-block), minimum	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet
Side setback (corner), minimum	30 feet	30 feet	20 feet	20 feet	30 feet	20 feet
Rear setback (lot), minimum	5 feet	5 feet	5 feet	5 feet	5 feet	0 feet
Rear setback (alley), minimum	0 feet	0 feet	3 feet	3 feet	0 feet	0 feet
Rear setback (street), minimum	30 feet	20 feet	20 feet	20 feet	20 feet	0 feet
<b>Frontage Elements</b>						
Allowed frontage elements <sup>[1]</sup>	Forecourt, stoop, shopfront, gallery, arcade	Terrace or light well, forecourt, stoop, shopfront, gallery, arcade	Porch, terrace or light well, forecourt, stoop, shopfront	Porch, stoop, common yard	Terrace or light well, forecourt, stoop, shopfront, gallery, arcade	N/A

**NOTES:**

[1] Frontage elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.

(f) Overlay districts. The dimensional standards for overlay districts are shown in Table 375.401.6

below. Where a standard is applied in Table 375.406, it shall supersede that same standard applied in the preceding Tables 375.401.1, 375.401.2, 375.401.3, 375.401.4, and 375.401.5.

Table 375.401.6 Overlay District Dimensional Standards	
Zone District	PB-O
Lot Standards	
Impervious lot coverage, maximum	30% <sup>[1]</sup>
Setbacks	
Front yard, maximum	50 feet
Side yard, minimum	150 feet <sup>[2]</sup>
Rear yard, minimum	150 feet <sup>[2]</sup>
Building Height	
Maximum height, principal building	1 story <sup>[3]</sup>
Maximum height, accessory buildings	1 story
NOTES:	
[1]	The maximum impervious lot coverage shall be 20% for lots larger than 10,000 square feet.
[2]	This standards only applies where the lot boundary abuts a property that is protected or designated as a priority for protection in the Albany Pine Bush Preserve Management Plan.
[3]	The Planning Board may approve additional stories if it would result in a smaller total building footprint and less impervious surface on the lot or the dedication of additional lands for conservation.

- (4) Incentives. The following incentives apply to new development and redevelopment in the R-M, mixed-use, industrial, and form-based zone districts. Inclusion of the following types of building or site features will enable the applicant to vary the dimensional standards otherwise applicable to the project as described in this § 375-401(4). Only one of these incentives may be used on a single lot or parcel.
- (a) Energy efficient development. New development or redevelopment of a primary building that is registered, designed, and documented for a LEED Platinum or LEED Gold certification, or equivalent as determined by the Chief Planning Official, shall receive the following benefits:
    - (i) The project may increase the maximum impervious lot coverage by 20%; and
    - (ii) The project may increase the maximum height of any primary building (or part of a primary building) located more than 100 feet from a residential zoning district other than the R-M District by one story.
  - (b) Low-impact development. New development or redevelopment of a site that incorporates a green (vegetated) roof designed so that off-site flow of the first one inch of rainfall during the first 24 hours after rainfall ends is reduced by at least 50% shall receive the following benefits:
    - (i) The project may increase the maximum impervious lot coverage by 20%; and

(c) Affordable housing. New residential or mixed-use development or redevelopment of a site in which at least 20% of all new dwelling units are rent or deed restricted so that they are affordable to households earning no more than 80% of the area median household income for the City of Albany shall receive the following benefits:

- (i) The project may increase the maximum impervious lot coverage by 20%; and
- (ii) The project may increase the maximum height of any principal building by one story.

(5) Encroachments and exceptions. The encroachments into required setbacks and exceptions to height limits shown in Table 375.401.4 are permitted.

Table 375.401.4 Exceptions and Encroachments			
Structure or Feature	Encroachment Allowance		
Encroachments Into Required Setbacks	Front	Side	Rear
Accessory clotheslines, play equipment, and rainwater harvesting barrels	No	Yes	Yes
Accessory rain garden or rain barrel	Yes	Yes	Yes
Architectural features (sills, belt courses, eaves, cornices, chimneys, bay windows)	3 feet	3 feet	3 feet
Alternative energy equipment or facility, geothermal	Yes	Yes	Yes
Alternative energy equipment or facility, solar	No	Up to 2 feet from side lot line	Up to 5 feet from rear lot line
Alternative energy equipment or facility, wind	No	Up to 2 feet from side lot line	Up to 5 feet from rear lot line
Awnings and canopies	4 feet	4 feet	4 feet
Composting bin	No	Up to 2 feet from side lot line	Up to 2 feet from rear lot line
Little library or little pantry (no more than 4 cubic feet in enclosed area)	Up to 1 foot from front lot line	No	No
Minor residential structure that is less than 18 inches above grade	6 feet	5 feet	2 feet
Minor residential structure, temporary placement less than 10 consecutive workdays	Yes	Yes	Yes
Porch, unenclosed	10 feet or 50% of the required setback <sup>[1]</sup>	6 feet or 50% of the required setback <sup>[1]</sup>	10 feet or 50% of the required setback <sup>[1]</sup>
Satellite dish antenna	No <sup>[2]</sup>	Up to 2 feet from lot line <sup>[2]</sup>	Up to 5 feet from lot line <sup>[2]</sup>
Secondary means of escape, unenclosed or lattice-enclosed stairs, fire escapes	No	5 feet <sup>[3]</sup>	5 feet <sup>[3]</sup>
Walls and fences meeting the standards of § 375-406(8)	Yes	Yes	Yes
Exceptions to Building Height Limits			
Structure or Feature	Encroachment Allowance		
Chimneys, flagpoles; ornamental towers; religious institution spires; towers;	25 feet		



Table 375.401.4  
Exceptions and Encroachments

Structure or Feature	Encroachment Allowance
belfries; monuments; television and radio antennas	
Unoccupied roof structures for the housing of elevators, stairways, air-conditioning apparatus, cooling towers, ventilating fans, skylights, or similar equipment to operate and maintain the structure	10 feet
Alternative energy equipment or facility, solar	1.5 feet
Alternative energy equipment or facility, wind	30 feet <sup>[4]</sup>
Parapets	4 feet

NOTES:	
[1]	When a porch encroaches into any required setback, no side of the porch that is adjacent to the primary structure may be more than 50% enclosed by opaque walls, windows, or screens.
[2]	Unless necessary for compliance with Federal Telecommunications Act.
[3]	Except as required to comply with fire code or Americans with Disabilities Act.
[4]	Excludes residential zone districts.

§ 375-403 Access, circulation, and connectivity.

- (1) Purpose. The purpose of the standards in this § 375-403 is to reduce the number and length of automobile trips and related greenhouse gas emissions by encouraging walking and bicycling by integrating sidewalks and bicycle routes in new development and redevelopment, and by providing for shorter and more direct routes between many destinations.
- (2) Applicability.
  - (a) All development and redevelopment in the City shall comply with the following standards.
  - (b) If the provisions of this § 375-403 conflict with the provisions of § 375-402 (Form-based zoning standards) applicable to the MU-FW, MU-FC, MU-FS, or MU-FM Zone Districts, the provisions of § 375-402 shall apply.
- (3) Compliance with other standards.
  - (a) In addition to the standards set forth in this section, all applications shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and all applicable local, state, and federal regulations.
  - (b) Each required street, alley, driveway, sidewalk, walkway, and bicycle route shall comply with the City's adopted design, engineering, and construction standards, as amended, as well as the requirements of the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.).
  - (c) All "places of public accommodation," as defined in the Federal Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) shall comply with the requirements of that Act concerning on-site circulation and access.
  - (d) Where the City or another entity is implementing a program in support of walkability, and that program includes a sidewalk, walkway, or trail adjacent to the boundaries of a development or redevelopment involving residential uses, the project design shall allow citizens to access the route in a convenient and relatively direct manner.
- (4) Emergency vehicle access required. All buildings or groups of buildings in all zoning districts shall be constructed with an approved emergency vehicle access. Access to any building or structure that does not abut a public right-of-way shall have a width of at least 20 feet and vehicle clearance of 14 feet.
- (5) Sidewalks required.
  - (a) Except in the LC District, and unless otherwise provided in this USDO, a sidewalk of at least five feet in width shall be installed along each street frontage.
  - (b) Each sidewalk shall align with any existing sidewalks along the street frontages of adjacent properties.

(c) All sidewalks shall have a minimum width of five feet, and a continuous unobstructed area of a width no less than 60 inches. This area shall be unobstructed by utility poles, fire hydrants, benches or any other temporary or permanent structures.

(6) Right-of-way access.

(a) Access location.

- (i) All right-of-way access locations shall require a permit pursuant to § 375-505(10) (Right-of-way access permit).
- (ii) Right-of-way access locations shall be located to minimize conflict with pedestrian, cyclist, and vehicular traffic on the abutting public right-of-way.
- (iii) Right-of-way access locations shall be at least 60 feet from any intersection.
- (iv) The number of access locations shall be the minimum necessary to provide reasonable access to the site.
- (v) Direct vehicular access to a lot occupied or proposed to be occupied by a household living use shall be from a local street, unless no practicable alternative exists.
- (vi) Direct vehicular access to a lot occupied or proposed to be occupied by a multifamily residential structure or group of structures shall not be from a local street, but shall instead be from an alley or an arterial or collector street, unless no practicable alternative exists.
- (vii) Direct vehicular access to a lot containing a primary structure or group of structures shall not be from a local street, but shall instead be from an alley or an arterial or collector street, unless no practicable alternative exists.
- (viii) Where a lot in the I-1 or I-2 District contains multiple principal structures, and a residential zone district is located across a street from the I-1 or I-2 lot boundary, entries serving the I-1 or I-2 lot shall be placed out of alignment with streets or internal driveways serving the residential zone district to keep heavy commercial traffic out of residential neighborhoods.
- (ix) No local street adjacent to or passing through an R-1L, R-1M, R-2, or R-T shall be used to access a parking garage or a parking lot containing more than 100 vehicle spaces.
- (x) Where alleys provide rear access, no curb cuts, driveways or access shall be permitted from the front.
- (xi) Location and spacing of access points to individual lots containing residential uses shall comply with the standards in the City's adopted design, engineering, and construction standards.

(b) Access width.

- (i) Right-of-way access to individual lots shall be permitted as follows:

Table 375.403.X  
Exceptions and Encroachments

Access Type	Access width (maximum)
Single-lane access	12 feet
Double-lane access	20 feet

- (ii) Where § 375-405(4)(c) (Parking restrictions) applies, the driveway may widen to a driveway/parking area where it extends into the lot beyond the sidewalk.
- (iii) Right-of-way access driveways intended to accommodate multiple-axle vehicles may exceed allowable widths, where determined necessary. Vehicle turning and movement templates shall be provided for use in making a determination of appropriate width.

(8) Circulation and connectivity.

- (a) Where more than four primary structures are located on a lot, internal streets or driveways shall be located to allow vehicle access between individual primary buildings and parking areas to avoid the need to use public boundary streets to move between different buildings or areas of the development site.
- (b) Where more than one primary structure is located on a lot, internal sidewalks or walkways shall be located to allow pedestrian access between individual principal buildings and parking areas and from individual principal buildings to the closest sidewalk or pedestrian facility along the boundary of the lot.
- (c) 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.

(9) Traffic study.

- (a) The Chief Planning Official may require a traffic study, including an analysis of impacts to transit, to be performed by a licensed professional engineer or traffic consultant, and a transportation demand management agreement, when the application is for a project that:
- (i) Contains more than 20 dwelling units; and/or
  - (ii) Contains more than 25,000 square feet of nonresidential gross floor area; and/or
  - (iii) Is located on an arterial street; and/or
  - (iv) Is located on a collector street that has experienced peak hour traffic congestion; and/or
  - (v) The Chief Planning Official determines may otherwise have an adverse impact on traffic

congestion or traffic safety in the surrounding area.

- (vi) If the proposal exceeds the parking minimum by more than 10%.
- (b) Additional fees may be assessed to defray the additional processing costs in reviewing a parking demand study, including any third party review determined by the Chief Planning Official to be required because of the complexity of the study or the surrounding context, and any subsequent agreements.

§ 375-404 Subdivision of land.

- (1) Applicability. The standards in this § 375-404 shall apply to land in all zone districts whenever land is subdivided or resubdivided to create or change the boundaries of parcels for development or redevelopment, and when two or more platted lots are consolidated to create a larger parcel for development or redevelopment, unless exempted by another provision of this USDO.
- (2) General standards.
  - (a) Each subdivision shall be consistent with the adopted Comprehensive Plan and shall comply with all applicable standards in this USDO for properties located in the zone district where the property is located, as shown on the official Zoning Map.
  - (b) These standards shall apply to all form-based districts unless addressed within the form-based standards in which case the form-based standards will prevail.
- (3) Land analysis map.
  - (a) Each applicant for subdivision or resubdivision 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.
  - (b) The land analysis map shall identify as sensitive lands to be protected from development all of the following:
    - (i) Any lands located in the FP-O Floodplain Overlay District;
    - (ii) Any lands located in the NK-O Normans Kill Overlay District;
    - (iii) Wetland areas, including but not limited to waters of the United States under the jurisdiction of the United States Army Corps of Engineers, and freshwater wetlands and streams subject to the jurisdiction of the New York State Department of Environmental Conservation;
    - (iv) Stream corridors, which shall include all land from top-of-bank to top-of-bank of any waterway that exceeds two feet in width at any time of year;
    - (v) Steep slopes, which shall include all land with an average vertical slope of 25% or more, measured from top-of-slope to foot-of-slope;
    - (vi) Areas containing cultural or paleontological resources, including but not limited to structures designated by the National Register of Historic Places or within the AR-O Archaeological Resources Overlay District;
    - (vii) Any lands identified as unstable soils or designated by the state or a governmental agency as unsuitable for development; and

(viii) Any lands identified as habitat for species listed as threatened or endangered by the state or federal governments.

(4) Avoidance of sensitive areas.

(a) All subdivisions shall be designed to avoid the placement of development lots on sensitive lands, including but not limited to areas within the FP-O Floodplain Overlay District, NK-O Normans Kill Overlay District, wetlands, steep slopes, and rock formations.(b) Each subdivision or resubdivision shall be designed so that:

(i) No lot for development or redevelopment includes any land designated as sensitive lands on the land analysis map to the greatest degree practicable; and

(ii) If any lot does include such sensitive lands, the subdivision plat restricts construction of permanent structures to a designated building envelope area on that lot that does not include any designated sensitive land areas; and

(iii) Vehicular crossings of sensitive land areas are minimized to the maximum extent practicable.

(c) Adjustment of minimum lot sizes. If the avoidance of any sensitive lands other than floodways and flood fringe areas in the FP-O District results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the applicant may adjust the minimum lot size or lot width of lots in the subdivision by up to 25% in order to include as many lots as would have been possible if those sensitive lands were not avoided.

(d) The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard:

(i) Proposals shall be consistent with the need to minimize flood damage;

(ii) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage; and

(iii) Adequate drainage shall be provided to reduce exposure to flood damage.

(5) Lots and blocks.

(a) The perimeter of each block (excluding street rights-of-way) shall not exceed 1,500 feet.

(b) All lots shall comply with all requirements of this USDO for the zone district(s) and any overlay district(s) in which the property is located, as those requirements may be adjusted by other provisions of this USDO.

(c) All platted lots shall have actual frontage upon a street, unless the Chief Planning Official determines that due to topography, utilities, or other site-specific features, actual street frontage is not feasible and that lot access through an irrevocable access easement will not harm the public

health, safety, or welfare. The form of the irrevocable access easement must be acceptable to the Corporation Counsel.

(6) Streets, alleys and sidewalks.

- (a) Streets shall be designed to allow the continuation of the existing local, collector, and arterial street network through the subdivision to the maximum extent practicable.
- (b) In portions of the City where adjacent blocks contain alleys, alleys with the same orientation and alignment shall be included in the subdivision design.
- (c) Culs-de-sac and T-turnarounds are not permitted.
- (d) Dead-end streets are only permitted when the adjacent property has not been developed or redeveloped.
- (e) Where possible, there shall be parking lanes that can be used for on-street parking, dropoff areas, valet stands, or bus stops. On-street parking lanes shall not be closer than 20 feet to intersections measured from the intersecting lot lines.
- (f) A maximum of 30 lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise authorized by the City Fire Department.
- (g) Each street or continuation of a street designated for a bicycle route or multi-use path in the City's Bicycle and Pedestrian Master Plan shall be designed to incorporate a bicycle route or multi-use path complying with the City's adopted design, engineering, and construction standards.
- (h) Complete Streets
  - (i) All streets shall be designed to comply with the Albany Complete Streets Policy and Design Manual and the Administrative Manual, as those documents may be amended or replaced over time, using the street type most applicable to the proposed uses in the area being subdivided, as determined by the Chief Planning Official. In addition, new subdivision streets shall incorporate those street elements and streetscape and sidewalk elements listed in the Albany Complete Streets Policy Design Manual and Administrative Manual to the maximum degree practicable.
  - (ii) The design of each streetscape zone shall comply with the dimensions shown in Table 375.407.2 to the maximum extent practicable.

Table 375.407.2  
Design of Streetscapes and Sidewalks

Street Type	Frontage Zone	Pedestrian Zone	Buffer Zone	Curb Zone	Total Width
Downtown	2 feet	4 to 12 feet	5 to 6 feet	4 to 9 inches	11 feet 4 inches to 20 feet 9 inches



**Table 375.407.2  
Design of Streetscapes and Sidewalks**

Street Type	Frontage Zone	Pedestrian Zone	Buffer Zone	Curb Zone	Total Width
Neighborhood Mixed-Use	2 feet	4 to 12 feet	5 to 6 feet	4 to 9 inches	11 feet 4 inches to 20 feet 9 inches
Neighborhood Residential	N/A	4 to 7 feet	2 to 6 feet	4 to 9 inches	6 feet 4 inches to 13 feet 9 inches
Boulevard	N/A	4 to 7 feet	2 to 6 feet	4 to 9 inches	6 feet 4 inches to 13 feet 9 inches
Community Mixed-Use	2 feet	4 to 12 feet	5 to 6 feet	4 to 9 inches	11 feet 4 inches to 20 feet 9 inches
Community Commercial	2 feet	4 to 12 feet	5 to 6 feet	4 to 9 inches	11 feet 4 inches to 20 feet 9 inches
Industrial	N/A	4 to 7 feet	5 to 6 feet	4 to 9 inches	9 feet 4 inches to 13 feet 9 inches

(f) The design of each new subdivision street shall comply with the dimensions shown in the City's adopted design, engineering, and construction standards.

(g) Curb radius.

(ii) Streets with on-street parking shall have curb radii of 15 feet maximum. The effective turning radius is larger than the curb radius when parking is present. Thus, the turning radius is effectively 30 plus feet when the curb radius is 15 feet.

(iii) Corners without on-street parking require the turn and curb radii to be similar to the turning radii, with the curb radius between 20 feet and 30 feet.

(h) Alleys.

(iii) Where possible, alleys shall be used for access to parking and services at the rear of lots, and shall comply with the dimensions shown in the table below.

Alley Type	Right-of-Way (feet)	Pavement Width (feet)
Residential	20 maximum	12 to 18
Nonresidential	20 maximum	18 to 20

(iv) Where an alley provides access to a block with both residential and nonresidential uses, the alley shall be built to the nonresidential standard.

(v) Alleys shall meet the street with a design and construction allowing the sidewalk to continue

uninterrupted across a drive with a fixed elevation for pedestrians.

- (7) Natural areas and open space.
  - (a) Applicability. If a new subdivision will contain more than 20 residential dwelling units, or a resubdivision of land will increase the residential density of the subdivision by more than 20 dwelling units, the developer shall either donate land or make a payment to the City for the conservation of natural areas or provision of open space benefitting the subdivision. This requirement does not apply to residential cluster subdivisions created under § 375-404(7).
  - (b) The Planning Board shall determine whether a donation of land, a payment in lieu of land dedication, or a combination of both, will be required, based on which will best meet the needs of the subdivision residents.
  - (c) Land dedication.
    - (i) If a land dedication is required, the amount of land required shall not exceed:
      - A. Ten percent of the gross area of the subdivision; or
      - B. That amount needed to serve the residents of the subdivision with open space at the same level enjoyed, on average, by other residents of the City, whichever is less.
    - (ii) Dedicated lands shall not include any environmentally sensitive lands described in § 375-206(3) unless the Board determines that the inclusion of those areas is more consistent with the Comprehensive Plan than the inclusion of alternative areas, and that the inclusion of those areas will not harm the public health, safety, or welfare.
  - (d) Payment-in-lieu.
    - (i) If a payment-in-lieu is required, the payment shall not exceed:
      - A. Ten percent of full value of the land to be subdivided; or
      - B. That amount needed to acquire land needed to serve the residents of the subdivision with open space at the same level enjoyed, on average, by other residents of the City, whichever is less.
    - (ii) All funds received shall constitute a trust fund to be used by the Common Council exclusively for open space, neighborhood park, playground or recreation purposes, which may include the acquisition of land, the construction of facilities, or both.
- (8) Residential cluster subdivision. As provided in § 37 of the General City Law, and as an alternative to compliance with the dimensional standards of § 375-401, a residential subdivision containing only single-family detached, two-family detached, or townhouse dwellings may be designed as a residential cluster subdivision that complies with the standards in this § 375-404(7).

(a) Purpose. The purpose of cluster development is to promote the preservation of larger areas of open space and stronger protection of environmentally sensitive lands than is otherwise required by this USDO, and the more efficient use of land requiring smaller networks of streets and utilities.

(b) Standards.

(i) The proposed subdivision must contain a minimum of four acres of land.

(ii) The subdivision shall contain only single-family detached dwellings, two-family detached dwellings, and/or townhouses in clusters of not more than five units.

(iii) At least 25% of the gross land area of the subdivision shall be set aside and deed restricted as open space, using a form of deed restriction acceptable to the Corporation Counsel. All deed restricted open space shall be managed and maintained by the residents of the cluster subdivision, or by a nonprofit, land trust, or other land management organization, through a form of legal ownership acceptable to the Corporation Counsel.

(iv) The proposed density of development shall not exceed the density permitted for a conventional subdivision in the zoning district where the property is located after the avoidance of sensitive lands as required by § 375-404(3).

(v) Minimum lot widths and sizes otherwise applicable in the zone district where the property is located may be adjusted downward to allow the number of lots permitted by § 375-404(7)(b)(iv) above.

(8) Utilities and infrastructure.

(a) The developer shall install, at the developer's expense: (i) All infrastructure necessary to connect each subdivision lot to the City's existing water supply system. (ii) All infrastructure necessary to connect each subdivision lot to the City's existing sanitary sewer system.

(iii) All infrastructure necessary to connect each subdivision lot to the electric service system.

(iv) All site features and infrastructure necessary to retain, detain, and/or infiltrate stormwater to ensure that the new subdivision does not create additional burdens on the City's storm sewer system and does not create additional surface flooding.

(v) Street signs shall be installed at each new street intersection and at each point at which a subdivision street meets an existing boundary street, unless a street sign already exists in that location, and shall be designed and built to the standards in the Manual on Uniform Traffic Control Devices (MUTCD).

(vi) All subdivisions that include a new street shall provide street lights at each access point to the existing street network, at each street intersection within the subdivision, and along each

subdivision street at a maximum spacing of 250 feet.

- (b) With the exception of fire hydrants, utilities shall run underground, unless the City determines that is impracticable due to the location and design of utilities to which the subdivision must connect.
- (9) Monuments. The developer shall install standard City monuments set in concrete at each corner of each lot, parcel or tract. If that is not practicable, the developer shall install four-inch square, concrete or granite right-of-way markers with center punch or steel core along one side of all new streets, outlining the exact limits of the street and identifying each corner or change in direction. The maximum distance between markers shall be 500 feet.

§ 375-405 Parking and loading.

(1) Off-street parking requirements.

(a) Applicability

- (i) When a new primary building is constructed, the requirements of this § 375-405 shall apply to the entire structure.
- (ii) When the gross floor area of an existing primary structure on a site not otherwise exempt from these regulations is expanded by more than 25% of the existing floor area, the requirements of this section shall apply to the expansion area (not the entire building). Smaller expansions do not require additional expanded parking areas.
- (iii) When a change of a permitted use or approved conditional use results in an increase in required off-street parking of more than 50% above that required for the prior use, the requirements of this section shall apply to the increase in required parking (not to any shortage of required parking related to the previous use). Other changes of use do not require expanded parking areas.
- (iv) Off-street parking or loading spaces provided prior to adoption of this USDO shall not be permanently reduced in any way that would bring the property or use out of conformance with this section or would increase the degree of any existing nonconformity with the provisions of this section.

(b) Exceptions to off-street parking requirement. Off-street vehicle parking is not required where any of the following conditions apply:

- (i) A lot contains less than 5,000 square feet of gross site area. A property is located within the Mixed-Use Downtown (MU-DT) District. The gross floor area of a principal structure is expanded by less than 25% of the existing floor area. A change of use or approved conditional use results in an increase in required off-street parking of less than 50% of that required for the prior use. A change in use is proposed in a multitenant commercial, mixed-use, or industrial building larger than 50,000 square feet in gross floor area, unless the Chief Planning Official determines that the change of use is likely to create a significant increase in on-street parking in any surrounding residential neighborhood. If compliance with the form-based frontage standards would make it impossible to accommodate the minimum required number of off-street parking spaces on the site, the minimum number of required off-street parking spaces as necessary to comply with the intent of the form-based zoning standards, as determined by the Chief Planning Official.

(b) Required parking. In all zoning districts, off-street parking shall be provided in accordance with Table 375.405.1, Required Off-Street Parking, as follows:

Table 375.405.1  
Off-Street Parking Requirements

GFA = Gross Floor Area; NLA = Net Leasable Area

Land Use Category	Minimum # of Spaces Required	Maximum # of Spaces Allowed
<b>Household Living</b>		
Dwelling, single-unit detached	1	2
Dwelling, two-unit detached	2	3
Dwelling, three-unit detached	3	5
Dwelling, townhouse	0	2
Dwelling, multifamily	1 per unit	1.5 per unit
Dwelling, live-work	1 per unit	1.5 per unit
<b>Group Living</b>		
Assisted living facility or nursing home	1 per 600 square feet GFA	1 per 500 square feet GFA
Community residential facility	1 per 600 square feet GFA	1 per 500 square feet GFA
Group living, other	1 per 600 square feet GFA	1 per 500 square feet GFA
Dormitory	0.5 per unit	1 per unit
Rooming house	0.25 per guest bedroom	0.5 per guest bedroom
<b>CIVIC AND INSTITUTIONAL USES</b>		
Cemetery	0	n/a
Club	1 per 300 square feet GFA	1 per 250 square feet GFA
Community center	1 per 300 square feet GFA	1 per 250 square feet GFA
Cultural facility	1 per 500 square feet GFA	1 per 425 square feet GFA
Day-care center	1 per 300 square feet GFA	1 per 250 square feet GFA
Higher education institution	1 per 400 square feet GFA	1 per 350 square feet GFA
Hospital	1 per 3 inpatient beds	1 per 2.5 inpatient beds
Police or fire station	1 per 400 square feet GFA	1 per 350 square feet GFA
Religious institution	1 per 300 square feet GFA	1 per 250 square feet GFA
School	1 per 750 square feet GFA	1 per 625 square feet GFA
Stadium or arena	1 per 4 persons of maximum occupancy	1 per 3.5 persons of maximum occupancy
Natural area or preserve	0	n/a
Park or playground	0	n/a
Public utility or services, major	0	n/a
Public utility or services, minor	0	n/a
Towers	0	n/a
<b>COMMERCIAL USES</b>		
<b>Agriculture and Animal-Related</b>		
Agriculture, urban	0	n/a

Table 375.405.1  
Off-Street Parking Requirements

GFA = Gross Floor Area; NLA = Net Leasable Area

Land Use Category	Minimum # of Spaces Required	Maximum # of Spaces Allowed
Plant nursery	1 per 1,000 square feet NLA	1 per 850 square feet NLA
Veterinarian or kennel	1 per 400 square feet NLA	1 per 400 square feet NLA
<b>Food and Beverage Services</b>		
Bar or tavern	1 per 150 square feet NLA	1 per 125 square feet NLA
Restaurant	1 per 150 square feet NLA	1 per 125 square feet NLA
<b>Guest Accommodations</b>		
Bed-and-breakfast	0.75 per guest room	1 per guest room
Hotel	0.75 per guest room	1 per guest room
<b>Office and Services</b>		
Funeral home or crematorium	1 per 100 square feet of main assembly room	1 per 85 square feet of main assembly room
Office	1 per 400 square feet NLA	1 per 350 square feet NLA
Personal or business service	1 per 400 square feet NLA	1 per 350 square feet NLA
Trade school	1 per 400 square feet NLA	1 per 350 square feet NLA
<b>Recreation and Entertainment</b>		
Adult entertainment	1 per 300 square feet NLA	1 per 250 square feet NLA
Indoor recreation or entertainment	1 per 300 square feet NLA	1 per 250 square feet NLA
Outdoor recreation or entertainment	1 per 300 square feet GFA plus 1 per 10,000 square feet of outdoor activity area	1 per 250 square feet GFA plus 1 per 8,500 square feet of outdoor activity area
<b>Recreation and Entertainment</b>		
General retail	1 per 400 square feet NLA	1 per 350 square feet NLA
Specialty retail	1 per 400 square feet NLA	1 per 350 square feet NLA
Adult retail	1 per 300 square feet NLA	1 per 250 square feet NLA
Controlled substance dispensary	1 per 300 square feet NLA	1 per 250 square feet NLA
Convenience retail	1 per 300 square feet NLA	1 per 250 square feet NLA
Supermarket	1 per 300 square feet NLA	1 per 250 square feet NLA
<b>Vehicles and Equipment</b>		
Automobile wash	1 per 500 square feet NLA	1 per 425 square feet NLA
Dispatch service or freight truck terminal	1 per 500 square feet NLA	1 per 425 square feet NLA
Heavy vehicle and equipment sales, rental, and servicing	1 per 500 square feet NLA	1 per 425 square feet NLA
Light vehicle sales, rental, and servicing	1 per 500 square feet NLA	1 per 425 square feet NLA
Parking lot	0	n/a
Parking structure	0	n/a

Table 375.405.1  
Off-Street Parking Requirements

GFA = Gross Floor Area; NLA = Net Leasable Area

Land Use Category	Minimum # of Spaces Required	Maximum # of Spaces Allowed
Transit facility	0	n/a
Vehicle fueling station	1 per 200 square feet NLA	1 per 170 square feet NLA
<b>INDUSTRIAL USES</b>		
<b>Commercial Services</b>		
Heavy commercial services	1 per 1,000 square feet GFA	1 per 850 square feet GFA
Storage and wholesale distribution		
Self-storage facility	1 per 5,500 square feet GFA	1 per 4,675 square feet GFA
<b>Manufacturing, Production, and Extraction</b>		
Artisan manufacturing	1 per 500 square feet GFA	1 per 425 square feet GFA
Heavy manufacturing	1 per 1,000 square feet GFA	1 per 850 square feet GFA
Light manufacturing	1 per 1,000 square feet GFA	1 per 850 square feet GFA
Marijuana manufacturing facility	1 per 1,000 square feet GFA	1 per 850 square feet GFA
<b>Waste and Salvage</b>		
Waste/recycling processing facility	1 per 1,000 square feet GFA	1 per 850 square feet GFA
Recycling dropoff center	1	n/a
Landfill	None	n/a
Vehicle towing, wrecking, or junkyard	0	n/a
<b>ACCESSORY USES</b>		
Home occupation	0	n/a
All other accessory uses listed in Table 375.302.1	0	n/a
<b>TEMPORARY USES</b>		
Farmers' market	0	n/a
All other temporary uses listed in Table 375.302.1	0	n/a

- (c) Accessible parking. Within the requirements of [Tables 375.405.1 and 375.405.2](#) (not in addition to those requirements), accessible parking shall be provided for all multifamily and nonresidential uses as required by the International Building Code, the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities, and New York State statutes, as amended.
- (d) Parking for unlisted uses.
  - (i) For any use not specifically listed in Table 375.405.1, the parking provisions for a similar use, as determined by the Chief Planning Official, shall apply. The Chief Planning Official's decision shall be based on the location of the site, existing traffic congestion and parking levels, and



the anticipated timing and volume of parking demand for the use.

- (ii) For a new use where the Chief Planning Official determines that a similar parking rate is not stated in this USDO, the Chief Planning Official may establish a minimum parking requirement based on a parking study or parking reference guide in general use, or after consultation with other City officials regarding potential parking needs, or a combination of those methods.
- (e) Parking alternatives and adjustments. The minimum amounts of parking required by Table 375.405.1 may be adjusted as described in this § 375-405(3).
  - (i) Proximity to transit. The minimum number of off-street parking spaces required for new development or redevelopment shall be reduced by 20% if the proposed development or redevelopment is located within 1/4 mile of any transit stop with a peak service frequency of 15 minutes or better as determined by a map maintained by the Planning Department of areas within the City that qualify for the proximity to transit exemption. (ii) Shared parking. Where two or more uses listed in Table 375.302.1 (Permitted Use Table), share a parking lot or structure, the total off-street automobile parking requirement for the two uses with the largest off-street parking requirements may be reduced by the factors shown in Table 375.405.2 below.

**Table 375.405.2**  
**Shared Parking Reduction**  
 (Add the requirements and divide by these factors)

Property Use	Multifamily Dwelling	Civic and Institutional	Food and Beverage Service	Guest Accommodations	Recreation and Entertainment	Retail, Office and Services	Other Commercial Use
Multifamily dwelling	n/a	1.1	1.1	1.1	1.1	1.2	1.3
Civic and institutional	1.1	n/a	1.2	1.2	1.2	1.3	1.5
Food and beverage service	1.1	1.2	n/a	n/a	n/a	1.3	1.7
Guest accommodations	1.1	1.2	n/a	n/a	n/a	1.3	1.7
Recreation and entertainment	1.1	1.2	n/a	n/a	n/a	1.3	1.7
Retail, office and services	1.2	1.3	1.3	1.3	1.3	n/a	1.2
Other commercial use	1.3	1.5	1.7	1.7	1.7	1.2	n/a

**Example calculation:**

Shared parking proposed between a 60,000 square-foot school (civic and institutional use) and a 12,000 square-foot indoor recreation or entertainment facility (recreation use) would be calculated as follows:

60,000 square-foot school: standalone parking requirement: 1 space per 750 square feet of gross floor area

Table 375.405.2  
 Shared Parking Reduction  
 (Add the requirements and divide by these factors)

	Multiunit Dwelling	Civic and Institutional	Food and Beverage Service	Guest Accommodations	Recreation and Entertainment	Retail, Office and Services	Other Commercial Use
Property Use equals 80 spaces.							
12,000 square-foot indoor recreation or entertainment facility: standalone parking requirement: 1 space per 300 square feet of gross floor area equals 40 spaces.							
Shared parking calculation: 120 spaces divided by 1.2 (from table) equals 100 spaces.							

(iii) On-street parking.

- A. The minimum amount of off-street parking otherwise required by this § 375-405 shall be reduced by the number of legal, unmetered on-street parking spaces located along the street or streets on which the subject property fronts.
- B. Such area shall be measured between extensions of the side or rear lot lines of the subject property as extended into the public right-of-way.
- C. Credit against minimum required off-street parking shall only be given for an on-street space if at least 50% of the length of the on-street space, measured along the curb, is located between such side or rear lot lines as extended.
- D. No on-street parking space may be signed or otherwise restricted for the use of the subject property.

(iv) Off-site parking.

- A. In the mixed-use zoning districts, as an alternative to providing on-site parking, required parking spaces that are not required to be provided on-site by the Americans with Disabilities Act or state law may be provided at a location up to 1,000 feet walking distance from the development or redevelopment it serves, provided that parking is a permitted or approved use at the off-site location.
- B. Off-site parking for a nonresidential use shall not be located in a residential zoning district unless the use for which the parking is provided is a permitted or conditional use in that residential district.
- C. The applicant for approval of off-site parking shall provide evidence, at the Chief Planning Official's request, that the proposed off-site parking location will remain available for the proposed parking use for a period of at least two years.

(v) Transportation demand management program.

- A. The Chief Planning Official may approve an alternative parking plan that reduces off-street parking requirements below those shown in Table 375.405.1 based on a parking demand study and transportation demand management (TDM) program.
- B. The TDM plan shall include facts and/or projections, including the type of development, proximity to transit and/or other multimodal systems, anticipated number of employees and/or patrons, minimum parking requirements, and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and ease traffic congestion.
- C. The TDM plan shall demonstrate that the resulting traffic demand shall not result in traffic congestion in the surrounding area and that the resulting off-street parking provided shall not result in on-street parking congestion in the surrounding area.

(vi) Payment of fee in lieu of providing required parking.

- A. This § 375-405(3)(f) describes the City's system for accepting payment of fees in lieu of required parking, but will not be applicable until the Common Council adopts administrative procedures for assessing, collecting, accounting for, and spending fees in lieu of required parking in compliance with applicable law.
- B. Where any of the required parking is satisfied under an approved fee in lieu of parking, such satisfaction shall run with the land unless any agreement stipulates otherwise.
- C. Following such action by the Common Council, fees in lieu may be paid in accordance with the following:
  - 1. 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 required by Table 375.405.1. The fee-in-lieu to be charged shall be based on the average cost to the City of acquiring land and constructing parking spaces in a surface lot or parking structure within a reasonable distance of the proposed development or redevelopment, as established by the Common Council.
  - 2. A fee-in-lieu is available if the Planning Board determines that, due to the availability of transit, unique characteristics of the use or area, the availability of off-site public parking in the area, or other factors, the development or redevelopment will not result in traffic or parking congestion in the surrounding area. The Planning Board may require the preparation of a traffic or parking study, at the applicant's expense, before making this determination.
  - 3. The City shall not issue a certificate of occupancy for any portion of the project for which on-site parking or off-site parking has not been provided until the fee-in-lieu has been paid.
  - 4. Expenditure of fees-in-lieu of required parking.
    - a. The City shall deposit the fee in lieu of parking payments into an account designated

for the provision of parking spaces and shall not commingle the funds with other funds of the City.

- b. The City shall expend the fee-in-lieu payments to provide parking spaces within a reasonable distance of the development or redevelopment within 10 years after the payment is made, or shall refund the payments, with interest, at the end of that period.
- c. City costs for which fees in lieu of parking may be spent include but are not limited to the cost of land, leases, rights, easements and franchises; financing charges; interest paid before and during construction; cost of plans and specifications; cost of engineering and legal services and other expenses necessary or incidental for determining the feasibility or practicability of construction, reconstruction or use; cost of all labor and materials; and administrative expenses and such other expenses as may be necessary or incidental to the provision of public parking spaces.

(vii) Future parking area set-aside.

- A. Where it is unclear whether the full amount of required parking will be used by a proposed use or facility, a parking area set-aside may be designated through development plan review process.
- B. If a parking area set-aside is requested by either the applicant or the City, the Planning Board may approve a site layout that does not require all of the required parking to be constructed at once, but instead provides for grassed areas to be converted to parking spaces if the need for additional parking arises in the future. Stormwater and drainage requirements shall be based on full build-out of the parking area.

(2) Parking layout and design.

(a) General standards. The following provisions apply in all zoning districts:

- (i) No parking area shall be used for the sale, storage, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies, unless permitted under § 375-303.
- (ii) No surface parking area shall be used for sales of goods at retail or wholesale unless permitted under § 375-303.
- (iii) Boats, boat trailers, trailers, campers, and recreational vehicles shall only be stored in a rear yard.
- (iv) If on-site parking spaces are provided in an exempt area, the provisions of this § 375-405 addressing required layout, design, and quality of parking areas, and the provisions of this USDO addressing maintenance of parking areas, will apply to the parking provided.

(b) Parking access.

- (i) All parking shall be accessed from rear alleys where they exist (See Figure 375.405.2.) 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, efforts should be made to demonstrate an attempt to gain access across neighboring properties. In MU-NE and MU-NC Districts, side parking shall be no wider than the double-loaded maximum (60 feet).
- (ii) When access to rear parking must be directly from the primary street, driveways shall be located along the sides of the lot lines (See Figure 375.405.2.) and designed to meet the access driveway widths set forth in Subsection (5)(e) below.
- (iii) The Planning Board, through development plan review, may require cross-connection easements and connections to adjoining parking lots or commercial parcels.

(c) Parking location.

- (i) 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.
- (ii) 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.
- (iii) On lots in nonresidential zoning districts that are adjacent to a residential zone district, parking spaces shall not be located within 10 feet of the front lot line.
- (iii) Residential front yard parking.
  - A. Parking spaces for any single- 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 unless they are located on a paved area that does not exceed 35% of the lot width.
  - B. The maximum percentage of lot width used for parking may be increased to 50% if at least the additional 15% of lot width used for parking is surfaced with pervious pavers acceptable to the City, rather than with an impervious surface.
  - C. Parking of any motor vehicle on dirt, grass, or any surface other than paving material or pervious pavers acceptable to the City is not permitted.

(d) Parking lot and garage design standards.

- (i) Applicability. The standards contained in this § 375-405(5) shall apply unless in conflict with other applicable standards adopted by the City that take precedence over this USDO.

- (ii) General design standards.
  - A. Turnaround areas. Parking areas shall be arranged with turnaround areas to permit cars to exit the area without backing onto any street or sidewalk.
  - B. Access driveways. 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.
  - C. Marking of spaces. All parking space stalls shall be clearly marked on the pavement.
  - D. Car stops or other suitable devices, as determined by the Chief Planning Official, may be required to protect fencing, landscaping, and other screening devices from damage.
  - E. Lighting. All parking lots and garages shall comply with the outdoor lighting standards in § 375-408.
  - F. Snow storage. All surface parking lots shall provide a snow storage area sized to accommodate expected snowfall and located to ensure that fencing, landscaping, and other screening devices are protected from damage.
- (iii) Off-street parking layout dimensions. All required parking spaces shall comply with the minimum dimensions for spaces shown in Figure 375.405.1 and described Table 375.405.3 below.

Table 375.405.3  
Parking Layout Dimensions

		0°	30°	45°	60°	90°
(1)	Parking angle (degrees) <sup>[1]</sup>	0°	30°	45°	60°	90°
(2)	Space width (feet)	9	9	9	9	9
(3)	Curb length per space (feet)	22	20	14.2	11.5	10
(4)	Space depth (feet)	10	18.7	21.4	22.4	20
(5)	Access aisle width (feet)	12	11	14 <sup>[2]</sup>	19 <sup>[2]</sup>	24 <sup>[2]</sup>

NOTES:

- [1] If the degree of angle of parking provided is not listed, the aisle width required shall be the next largest angle of parking shown.
- [2] If parking spaces are located only on one side of the access aisle, the width of the access aisle may be reduced by 20% but not less than 12 feet wide, or 18 feet wide if a designated fire lane.

- (iv) Surfacing and drainage.
  - A. Except as provided for in Subsection (5)(i)(ii) below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, all-weather, and bonded surface material approved by the City. Use of surfacing that includes recycled materials such as glass, rubber, used asphalt, brick, block, and

concrete is encouraged.

B. Pervious or semipervious surfacing materials.

1. The use of pervious or semipervious 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 that the surfacing is subject to an ongoing maintenance program (e.g., sweeping, annual vacuuming).
2. Any pervious or semipervious surfacing used for aisles within, or driveways to, parking and loading areas shall be approved by the City as capable of accommodating anticipated traffic loading stresses, drainage and maintenance impacts.
3. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices, such as bioswales.
4. In the PB-O District, use of pervious or semipervious paving materials is mandatory rather than optional.

(v) Landscaping and screening. All parking lots for four or more spaces shall comply with the following requirements:

- A. Landscaping. An area equal to at least 7% of the surface area occupied by the parking lot, inclusive of any driving aisles and driveways, shall be landscaped.
1. Parking lot screening provided under Subsection (6)(b) below shall not be used to meet this 7% landscaping requirement.
  2. A minimum of one tree island containing at least 80 square feet of land area, which shall include at least one medium shade tree or larger, shall be provided for every 20 parking spaces.
  3. Any curbs installed at the edges of required perimeter and interior landscaped areas shall have openings that allow drainage from the pavement to enter and percolate through the landscaped areas.
  4. Mulch shall not be installed adjacent to any sidewalk, parking area, or driveway with less than a one-foot border of grass or other permanent live ground cover to ensure mulch is not washed into the drainage system.
- B. Screening of adjacent lots. Where a parking lot is adjacent a lot being occupied by a principal use categorized as a household living use in Table 375.302.1 (Permitted Use Table), and the parking lot is not separated from the adjacent property by a principal or accessory structure, buffer landscaping shall be required as provided for in 375- 5a.

C. Screening of frontages.

1. Where a parking area or lot (excluding driveways) is located within 30 feet of a front lot line, and is not separated from the front lot line by a principal or accessory structure, the parking area or lot shall be screened from the street by one or both of the following, located within five feet of the front lot line:
  - a. A masonry wall (not including concrete masonry unit blocks) between 30 and 36 inches in height; or
  - b. A decorative wrought-iron-style fence between 30 and 42 inches in height, with masonry piers that may extend to 48 inches in height but do not exceed 18 inches in width, viewed from the street, and do not occupy more than 20% of the length of the fence; or
  - c. A continuous line of shrubs that achieves 80% opaque screening between 30 and 48 inches in height during summer months.
2. The location of required parking lot landscaping shall allow visibility from adjacent streets and from at least one pedestrian entry to a principal building on the lot to the maximum extent feasible.
3. For sites in the historic resources overlay, parking lots should be screened by masonry walls or by more massive and permanent wood or metal fences. However, screening by fences, walls, and landscaping may be limited if they would obscure historic or important views of a building. Whenever practicable, parking lot fences or walls should be in line with the front plane of the buildings on the street and should visually screen parked vehicles from the street.

D. Pedestrian safety.

1. Each surface parking area containing 100 or more parking spaces, any of which are located more than 300 feet from the front facade of the building, shall contain at least one walkway that enables a pedestrian to travel from the farthest row of parking to the primary building entrance without crossing any parking spaces or drive aisles. Additional walkways shall be included and spaced 200 feet apart to ensure that no parking space in the farthest row of the parking lot is more than 200 feet from any walkway. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk.
2. The City may require installation of pedestrian safety devices, such as convex mirrors or other warning devices, if the Chief Planning Official determines that there would be a significant risk to public health or safety without the installation of those devices.

E. Parking garage design. Aboveground parking garages or portions of structures occupied by automobile parking shall meet the following standards:



1. The height of an accessory parking garage shall not exceed the height of the principal structure it is intended to serve.
2. Open-air, rooftop parking is permitted, but shall be screened by a parapet wall or similar building feature that is an integral part of the building's architectural design and is of sufficient height to screen the parked and circulating vehicles when viewed at ground level from any public right-of-way adjacent to the property.
3. All vehicle parking surfaces along any street frontage of the garage shall be horizontal, rather than an angled surface or ramp leading to a higher or lower level of the garage.
4. Elements such as decorative grillwork, louvers, or translucent materials shall be used to cover window-like openings on all elevations facing a public right-of-way. The design and materials shall conceal the view of all parked cars below the hoodline through the use of opaque or semi-opaque facade materials that extend at least three feet in height above the vehicle parking surface.
5. When located in any mixed-use zoning district and the ground floor of a building is intended for use as parking, it shall be designed so that any frontage adjacent to a public street has a minimum floor to ceiling height of 13 feet and a minimum bay depth (not required for vehicle circulation inside the garage) of 20 feet, in order to accommodate commercial or institutional uses along the street frontages, or to allow conversion of street frontage spaces to commercial or institutional uses in the future.
6. Any vehicle exit barrier, including but not limited to a gate or payment booth, shall be located at least 20 feet inside the exterior wall of the parking structure.

(3) Bicycle parking standards.

(a) Bicycle parking spaces shall be provided as shown in Table 375.405.2.

<b>Table 375.405.2</b> <b>Minimum Required Bicycle Parking</b> <b>GFA = Gross Floor Area; NLA = Net Leasable Area; Square Feet = Square Feet</b>		
Land Use Category	Bicycle Parking Spaces Required	Enclosed Spaces Required
<b>Household Living</b>		
Dwelling, single-family detached	0	n/a
Dwelling, two-family detached	0	n/a
Dwelling, townhouse	0	n/a
Dwelling, multifamily	2 spaces or 10% of required vehicle spaces, whichever is greater.	Minimum 60% enclosed
Dwelling, live-work	0	n/a
<b>Group Living</b>		

**Table 375.405.2**  
**Minimum Required Bicycle Parking**  
**GFA = Gross Floor Area; NLA = Net Leasable Area; Square Feet = Square Feet**

<b>Land Use Category</b>	<b>Bicycle Parking Spaces Required</b>	<b>Enclosed Spaces Required</b>
Assisted living facility or nursing home	3	0 spaces
Community residential facility	3	0 spaces
Group living, other	3	Minimum 60% enclosed
Dormitory	20% of required vehicle spaces	Minimum 60% enclosed
Rooming house	3 spaces or 10% of required vehicle spaces, whichever is greater	Minimum 30% enclosed
<b>CIVIC AND INSTITUTIONAL USES</b>		
Cemetery	0	n/a
Club	3 spaces or 10% of required vehicle spaces, whichever is greater;	Minimum 30% enclosed
Community center	3 spaces or 10% of required vehicle spaces, whichever is greater;	Minimum 30% enclosed
Cultural facility	3 spaces or 10% of required vehicle spaces, whichever is greater;	Minimum 30% enclosed
Day-care center	0	n/a
Higher education institution	20% of required vehicle spaces;	Minimum 30% enclosed
Hospital	5% of required vehicle spaces;	Minimum 30% enclosed
Police or fire station	0	n/a
Religious institution	10% of required vehicle spaces, whichever is greater	Minimum 30% enclosed
School	20% of required vehicle spaces	0 spaces
Stadium or arena	10% of required vehicle spaces, whichever is greater	0 spaces
Natural area or preserve	0	n/a
Park or playground	0	n/a
Public utility or services, major	0	n/a
Public utility or services, minor	0	n/a
Towers	0	n/a
<b>COMMERCIAL USES</b>		
<b>Agriculture and Animal-Related</b>		
Agriculture, urban	0	n/a
Plant nursery	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Veterinarian or kennel	3 spaces	0
<b>Food and Beverage Services</b>		
Bar or tavern	3 spaces or 10% of required vehicle spaces, whichever is greater	0

**Table 375.405.2**  
**Minimum Required Bicycle Parking**  
**GFA = Gross Floor Area; NLA = Net Leasable Area; Square Feet = Square Feet**

<b>Land Use Category</b>	<b>Bicycle Parking Spaces Required</b>	<b>Enclosed Spaces Required</b>
Restaurant	3 spaces or 10% of required vehicle spaces, whichever is greater	0
<b>Guest Accommodations</b>		
Bed-and-breakfast	3 spaces or 10% of required vehicle spaces	0
Hotel	3 spaces or 10% of required vehicle spaces	3 spaces or 10% of required vehicle spaces
<b>Office and Services</b>		
Funeral home or crematorium	0	n/a
Office	10% of required vehicle spaces	Minimum 60% enclosed
Personal or business service	10% of required vehicle spaces	Minimum 60% enclosed
Trade school	10% of required vehicle spaces	Minimum 60% enclosed
<b>Recreation and Entertainment</b>		
Adult entertainment	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Indoor recreation or entertainment	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Outdoor recreation or entertainment	3 spaces or 10% of required vehicle spaces, whichever is greater	0
<b>Retail</b>		
General retail	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Specialty retail	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Adult retail	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Controlled substance dispensary	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Convenience retail	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Pawn shop	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Supermarket	3 spaces or 10% of required vehicle spaces, whichever is greater	0
<b>Vehicles and Equipment</b>		
Automobile wash	0	n/a
Dispatch service or freight truck terminal	0	n/a
Heavy vehicle and equipment sales, rental, and servicing	0	n/a
Light vehicle sales, rental, and	0	n/a

**Table 375.405.2**  
**Minimum Required Bicycle Parking**  
**GFA = Gross Floor Area; NLA = Net Leasable Area; Square Feet = Square Feet**

<b>Land Use Category</b>	<b>Bicycle Parking Spaces Required</b>	<b>Enclosed Spaces Required</b>
servicing		
Parking lot	0	n/a
Parking structure	10% of required vehicle spaces	Minimum 60% enclosed
Transit facility	0	n/a
Vehicle fueling station	3 spaces	0
<b>INDUSTRIAL USES</b>		
<b>Commercial Services</b>		
Heavy commercial services	0	n/a
Storage and wholesale distribution	0	n/a
Self-storage facility	3 spaces	0
<b>Manufacturing, Production, and Extraction</b>		
Artisan manufacturing	3 spaces or 10% of required vehicle spaces, whichever is greater	0
Heavy manufacturing	0	n/a
Light manufacturing		
Marijuana manufacturing facility		
<b>Waste and Salvage</b>		
Waste/recycling processing facility	0	n/a
Recycling dropoff center	0	n/a
Landfill	0	n/a
Vehicle towing, wrecking, or junkyard	0	n/a
<b>ACCESSORY USES</b>		
Home occupation	0	n/a
All other accessory uses listed in Table 375.302.1	0	n/a
<b>TEMPORARY USES</b>		
Farmers' market	5 spaces or 10% of required vehicle spaces, whichever is greater	
All other temporary uses listed in Table 375.302.1	0	n/a

(b) Bicycle parking design standards.

- (i) Bicycle parking shall be located in highly visible areas near the intended use.
- (ii) Bicycle parking racks shall be positioned out of walkway clear zones.

- (iii) Bicycle parking racks shall be located to avoid potential conflict with parking and circulation of motor vehicles.
- (iv) Bicycle parking racks shall support the frame of a bicycle upright in two places.
- (v) Bicycle parking racks shall enable the bicycle frame and one or both wheels to be secured through use of a U-type lock.
- (vi) Bicycle parking racks shall be securely anchored to an approved hard surface.
- (vii) A two-foot-by-six-foot space is required to accommodate two bicycles.
- (viii) Parallel bike racks shall have a minimum on-center spacing of 30 inches. Spacing of 48 inches is optimal.

(c) Enclosed bicycle parking.

- (i) Required enclosed bicycle parking shall mean bicycle parking that is located in one of the following:
  - A. In a locked room;
  - B. In an individual or community storage area;
  - C. In a bicycle locker;
  - D. In a locked area that is enclosed by a fence or wall with a minimum height of eight feet;
  - E. In a private garage serving a dwelling within a multi-unit (residential) building; or
  - F. Inside a residential dwelling unit if the dwelling unit has an exterior ground floor entry.

(4) Off-street loading standards. The following provisions apply in all zoning districts.

(a) General requirement.

- (i) A minimum of one loading space shall be provided for each public/institutional, commercial and industrial use exceeding 25,000 square feet of gross floor area.
- (ii) Each off-street loading space shall comply with Table 375.405.4 and Table 375.405.5 below:

Table 375.405.4 Off-Street Loading Requirements	
Use Size (GFA)	Loading Spaces Required
Under 25,000 square feet	None
25,000 to 49,999 square feet	1

Table 375.405.4  
Off-Street Loading Requirements

Use Size (GFA)	Loading Spaces Required
50,000 or more square feet	2

Table 375.405.5  
Dimensions of Loading Spaces

Dimension	Size
Width	12 feet
Length	35 feet (55 feet for tractor-trailers)
Height	14 feet

- (iii) Owners of two or more uses requiring the joint use of off-street loading facilities may file an executed agreement with the Chief Planning Official, in a form approved by the City, providing for joint use of loading facilities and demonstrating the adequacy of the facility to serve anticipated loading needs.
  - (iv) Where it can be demonstrated that loading/deliveries will occur during times when parking areas will be used at less than 75% of capacity, or that deliveries will occur during hours when the establishment or facility is not open for normal business activities, the requirement for loading areas may be waived by the Planning Board.
- (b) Design and use of off-street loading areas.
- (i) Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided.
  - (ii) Loading spaces and maneuvering areas shall be designed so that loading operations:
    - A. Do not encroach upon any sidewalk, street, public right-of-way, or fire lane; and
    - B. Do not occupy any required off-street parking spaces or access driveways.
  - (iii) No loading space shall be located within any required front yard.
  - (iv) No loading space shall be located closer than eight feet from a lot line abutting any residential zoning district.
  - (v) All loading areas shall comply with the landscaping and screening standards in § 375-406(6).
  - (vi) All loading areas shall comply with the outdoor lighting standards in § 375-408.
  - (vii) All loading areas shall provide a snow storage area sized to accommodate expected snowfall and located to ensure that fencing, landscaping, and other screening devices are protected from

damage.

- (5) Drive-through vehicle stacking standards. The following standards apply to all properties with a drive-through facility designed for access from a vehicle (rather than a walk-up facility).
  - (a) Stacking space requirements. Vehicle stacking spaces for drive-through facilities shall be provided to comply with Table 375.405.6 and Figure 375.405.3.

Table 375.405.6 Drive-Through Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured From
Bank, financial institution, or automated teller machine (ATM)	MU-CH: 4 Other districts: 2	ATM or window
Restaurant/retail store	MU-CH: 4 Other districts: 2	Pick-up window
Full-service vehicle washing establishment	MU-CH: 4 Other districts: 2	Outside of washing bay
Self-service or automated vehicle washing establishment	1	Outside of washing bay

NOTE: If the use or activity that is being served by the drive through is not listed, the requirements shall be determined by the Chief Planning Official based on anticipated need and avoidance of traffic congestion on adjacent streets.

- (b) Location and design of stacking lanes.
  - (i) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the lot line of the site.
  - (ii) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers shall be served in vehicles through service windows or facility located on the noncorner sides and/or rear of the principal building.
  - (iii) Drive-through stacking lanes shall have a minimum width of 10 feet and a minimum length of 20 feet.

§ 375-406 Landscaping, screening and buffering.

(1) Purpose. The intent of this § 375-406 is to:

- (a) Promote a healthy environment by providing shade, air purification, oxygen regeneration, groundwater recharge, stormwater runoff management, erosion control, and reductions in noise, glare and heat island effects; and
- (b) Provide visual buffering from streets, buffering of potentially incompatible land uses, and generally enhance the quality and appearance of the City; and
- (c) Encourage the preservation of existing trees and vegetation that offer environmental, aesthetic, habitat, sustainability, and economic benefits to the City and its citizens.

(2) Applicability.

(a) Compliance with the provisions of this section is required when:

- (i) A new primary structure is constructed; or
  - (ii) The gross floor area of an existing principal structure is increased by more than 25%; or
  - (iii) An existing principal structure is relocated on the lot or parcel; or
  - (iv) The principal structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood, or other damage), and the value of that renovation or redevelopment, as indicated by the permit or application, is more than 25% of the actual value of the property, as indicated by City tax assessment records; or
  - (v) A new parking lot containing four or more spaces is constructed; or
  - (vi) An existing parking lot containing four or more spaces is redesigned or reconstructed with significant changes to the layout of parking spaces, driving aisles, and access drives.
- (b) In case of any conflict between the various landscaping standards in this § 375-406, the stricter standard shall apply. Wherever the requirement for two or more landscaping standards overlap, the same plant material may be counted toward meeting the requirements of both standards.

(3) General landscaping standards.

(a) Required plant materials.

- (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, and as may be amended from time to time. Upon presentation of evidence, the Chief Planning Official may authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and are



equally hardy and capable of withstanding the local climate.

- (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.
  - (iii) All plant material shall be hardy to the Albany region, suitable for the site, free of disease and insects, and shall conform to the American Standard for Nursery Stock (ASNS) of the American Nursery and Landscape Association for the quality and installation of that plant.
  - (iv) In all areas where landscaping is required, a minimum of 80% of the surface area shall be covered by living materials, rather than mulch, bark, gravel, or other nonliving material.
  - (v) The use of synthetic vegetation (plastic plants, etc.) shall not be used to meet any of the required landscaping, screening, or buffering standards.
  - (vi) In the PB-O Pine Bush Overlay District, species chosen from a list of species native to the Albany Pine Bush Preserve maintained by the Pine Bush Preserve Commission.
  - (vi) Landscape areas, as required by this USDO, shall be designed to be drought-tolerant.
- (b) Soil condition and planting beds.
- (i) All landscaping required by this USDO shall be planted in uncompacted soil.
  - (ii) The planting bed of required trees and shrubs shall be mulched with shredded bark or wood mulch. The planting bed for ground cover plantings, including perennial and annual flowers, shall be mulched.
  - (iii) All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. Curbs shall be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.
- (c) Minimum plant sizes at installation. Unless otherwise specifically noted, the minimum plant size of required landscaping at the time of installation shall be according to Table 375.406.1.

Table 375.406.1  
Minimum Plant Size

Plant Type (ASNS types)	Minimum Size
Deciduous shade tree (mature height greater than 30 feet)	2-inch caliper, measured 6 inches above the ground, as specified by the American Standard of Nursery Stock
Ornamental tree	4 feet in height, as specified by the American Standard of Nursery Stock, except for true dwarf species
Conifers	6 feet in height

Table 375.406.1  
Minimum Plant Size

Plant Type (ASNS types)	Minimum Size
Shrubs	5-gallon container size
Ground cover plants (crowns, plugs, containers)	A species-appropriate number to provide 50% surface coverage after 2 growing seasons
Grass seeding or sod	Seed mix shall be of pure live seed weight and 99% weed free

(d) Snow storage areas. Snow storage area(s) shall be provided to ensure that landscaping, fencing and other screening devices are protected from damage during snow storage operations.

(4) Frontage landscaping.

(a) Street trees required.

- (i) At least one shade tree shall be planted per 35 linear feet of street frontage, to be arranged as follows:
  - A. Shade trees shall be located in the planting area between the sidewalk and street or curb, and shall be planted with thirty-five-foot on-center spacing to the maximum degree practicable; or
  - B. Where a detached sidewalk does not exist, shade trees shall be planted in alignment with any similar street frontage landscaping on adjacent lots.
- (ii) Where the planting of shade trees would interfere with overhead electric power lines, ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage.
- (iii) Where the sidewalk extends from the back of curb to the lot line or building frontage, tree wells shall be installed in the sidewalk to allow planting of trees. Tree wells in sidewalks five feet wide or less shall be covered with a tree grate or pervious pavement, and the opening in a tree grate for the trunk must be expandable and level with the sidewalk or adjacent surface.
- (iv) Areas occupied by driveways shall be included when calculating the number of trees required to be planted, and all trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas.
- (v) Plantings in the public right-of-way shall be at the discretion of the Department of General Services. Plantings deemed unsafe or impracticable by the Department of General Services due to utility, slope, maintenance, location, visibility, alignment, or other factors are not required to be installed in those locations, but the Chief Planning Official or the City Forester may require that substitute landscaping be installed elsewhere on the property.
- (vi) The Chief Planning Official or the City Forester may authorize adjustments to these spacing requirements when required due to topography, drainage, utilities or obstructions, or because

of the space needs of different species of vegetation, provided that the total amount of required landscaping is not reduced.

(b) Front yard areas.

- (i) Where a principal structure is located more than 20 feet from the lot line, a minimum of 20% of the area between the front lot line and the primary building facade must be landscaped with vegetative cover, shrubs, or trees. (ii) The following standards shall apply to all lots in a residential zone containing a single-family or two-family dwelling that is located more than 20 feet from the front lot line or from a side street lot line:

- A. No more than 20% of the area between the primary structure and the street shall be covered with impervious surface, and the remainder of such areas shall be landscaped with vegetative cover, shrubs, trees, or other pervious treatment.
- B. A walkway of up to five feet in width shall be permitted to cross the area between each street frontage and primary structure or accessory structure, and one driveway of up to 20 feet in width shall be permitted to cross the area between one street frontage to a principal or accessory structure, even if the walkway(s) and driveway would result in more than 20% of the applicable yard having impervious surfaces.

(5) Side and rear lot line buffers.

- (a) Landscaped buffers required. A landscaped buffer shall be provided along each side or rear lot line by an applicant seeking City approval for development or redevelopment where any of the following abutting conditions occur:
- (i) A lot is occupied by a principal use not categorized as a household living use in Table 375.302.1 (Permitted Use Table) and abuts a lot that is occupied by a principal use categorized in Table 375.302.1 (Permitted Use Table) as a household living use.
- (iii) A lot is occupied by a principal use categorized in Table 375.302.1 (Permitted Use Table) as an industrial use, other than artisan manufacturing, and abuts a lot occupied by a principal use categorized in Table 375.302.1 (Permitted Use Table), as an artisan manufacturing, or anything other than an industrial use.
- (iv) Where a new or redeveloped principal structure will contain four or more stories and the abutting property contains a principal structure containing two or fewer stories.
- (b) Buffer options. Where buffer landscaping is required pursuant to Subsection (5)(a), the buffer landscaping shall comply with one of the following options:
- (i) A landscape buffer area at least 10 feet wide, containing at least one medium shade tree for every 35 linear feet of lot line and three large shrubs per 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts, and with living materials covering at least

75% of the ground surface of the required area; or

- (ii) An opaque wall, fence, or a vegetative screen with at least 50% opacity, six feet in height in areas behind the front facade of the primary building, and four feet in height forward of the front facade of the primary building, meeting the requirements of § 375-406(8) below.

- A. If a wall or fence is used to meet this requirement, the fence shall be placed on the applicant's property, the side facing away from the applicant's property shall be at least as finished in appearance as the side facing the applicant's property. B. If a dense vegetative screen is proposed, it shall be at least four feet in height at the time of planting.

(6) Preservation of existing landscaping.

- (a) In the event that existing, noninvasive vegetation meets the intent of the screening or landscaping requirements, preserved existing vegetation will be credited towards the landscaping required by this § 375-406. Preservation of trees shall be given credit toward required landscaping as follows:

- (i) Trees may be credited only one time towards one buffer, screen, or other landscape requirement.
  - (ii) Trees shall be located within the required landscape area to which they will be credited.
  - (iii) No credit shall be given for existing vegetation that is invasive or listed in the City of Albany Prohibited Plant List or any state list of prohibited or invasive plants
  - (iv) Tree credits shall be awarded in the quantities shown in Table 375.406.2 below based on diameter at breast height (DBH) approximately 4 1/2 feet from the ground.

Table 375.406.2  
Tree Preservation Credits

Caliper of Preserved Tree (inches DBH)	Reduction in Number of Required Trees
Over 12	3
Over 8 to 12	2
5 to 8	1

- (b) Existing vegetation used to meet the requirements of this § 375-406 shall be protected from damage during construction by a fence erected around an area one foot beyond the dripline of the preserved vegetation, or by other means approved by the Chief Planning Official.

(8) Walls and fences.

- (a) Applicability. All walls and fences shall conform to the provisions of this § 375-406(8), except temporary fences and barricades around construction sites, which are governed by the

International Building Code, as amended and adopted by the City, and fences required to be erected by any state, federal, or other agency, and that are governed by the standards of those agencies.

(b) Materials.

- (i) No wall or fence shall include barbed wire, broken glass, electrification, or other material or device intended to cause injury, except as otherwise stated in this § 375-406 or required by state or federal law.
- (ii) Chain-link fencing is prohibited in any front yard area except in the I-1 Light Industrial or I-2 General Industrial zoning districts.
- (iii) Barbed (not razor) wire is prohibited in all areas except the I-2 General Industrial zoning district, or as required for public safety in and around major public utility or services uses.
- (iv) No wall or fence shall be constructed of scrap or waste materials unless those materials have been recycled or reprocessed into building materials for sale to the public.
- (v) No fence intended as a permanent structure shall be constructed of canvas, cloth, wire mesh, chicken wire, snow fencing, or any other similar material.
- (vi) A fence designed to be structurally supported by posts, cross members, or rails on one side only shall be erected with the posts, cross members, or rails on the fence owner's side. The finished side of the fence (without supporting posts, cross members, or rails) shall face adjacent properties or the public right-of-way.
- (vii) All fences constructed of pressure-treated wood shall be painted or finished with a solid color or stain within one year of installation.

(c) Height and opacity.

- (i) Walls and fences located in any front yard or corner side yard shall not exceed four feet in height, except in the I-1 and I-2 districts, where they shall not exceed six feet in height.
- (ii) Walls and fences located in any front yard or corner side yard and plane shall be a maximum 60% opaque, except in the I-1 and I-2 districts.
- (iii) Walls and fences behind the front or side wall plane of a building shall not exceed six feet in height, except in the I-1 and I-2 districts, where they shall not exceed eight feet in height.
- (iv) Where any lot is not improved with a principal structure, the wall planes of any adjacent buildings shall be used for determining the front and corner side yards.
- (v) Notwithstanding Subsection (8)(b)(i) and (ii) above, fences constructed for the purposes of enclosing an outdoor recreation or entertainment use may exceed the maximum height but

shall not be located closer than 10 feet from any lot line.

- (d) Setbacks. No minimum distance shall be required between a wall or fence and a lot line unless otherwise specified in this USDO.
- (e) Additional criteria specific to properties in the historic resources overlay.
  - (i) When visible from a public right-of-way, proposed fences or other accessory structures, such as trellises or storage sheds, shall be reviewed by the Chief Planning Official and should be in general conformance with the review criteria in this section.
  - (ii) Chain-link fences located on street frontage are not appropriate within historic districts.
  - (iii) Wood fences generally should be painted or covered with a solid stain to avoid a too rustic appearance.
- (9) Screening of service areas and equipment.
  - (a) Loading, service, and trash enclosure areas.
    - (i) Where a loading, service, or trash enclosure area is located adjacent to a lot in a residential district or a lot occupied by a principal use categorized in Table 375.302.1 (Permitted Use Table) as a household living use, the loading or service area shall be screened from the adjacent district or residential use by:
      - A. An opaque wall, fence, architectural feature, or architectural extension of the building, eight feet in height, that relates to the overall design of the principal structure; or
      - B. A vegetated screen with at least 80% opacity year-round and at least six feet in height at the time of planting.
    - (ii) Where a loading, service, or trash enclosure area serving a use categorized as Industrial in Table 375.302.1 (Permitted Use Table) is located adjacent to a lot occupied by a use not categorized as Industrial in Table 375.302.1 (Permitted Use Table), the loading or service area shall be screened from the adjacent district or residential use by:
      - A. An opaque wall or fence, architectural feature, or architectural extension of the building, eight feet in height, that relates to the overall design of the primary structure; or
      - B. A vegetated screen with at least 100% opacity year-round and at least six feet in height at the time of planting.
  - (b) Roof-mounted mechanical equipment.
    - (i) Roof-mounted mechanical equipment for any multifamily or nonresidential principal use, not including solar collectors or wind energy devices, shall be screened by a parapet wall or similar

building feature that is an integral part of and compatible with the building's architectural design.

(ii) The parapet wall or similar screening feature shall be of sufficient height to screen the mechanical equipment from all sides when viewed from ground level from any public right-of-way adjacent to the property.

(c) Ground-mounted mechanical equipment.

(i) Ground-mounted mechanical equipment shall be screened from ground level view from adjacent properties and from all public rights-of-way adjacent to the property by landscaping or by decorative wall or fence that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure.

A. The wall, fence, architectural feature, or architectural extension of the building shall be of a height equal to or greater than the height of the mechanical equipment being screened. Such wall, fence, or architectural enclosure shall relate to the overall design of the primary structure.

B. If landscaping is used for screening, the screening material shall be designed to provide 80% year-round opacity year-round within one year of planting along the full required height and length of the screening buffer.

(ii) Required screening provisions for ground-mounted mechanical equipment may be waived in whole or in part where it has been demonstrated that the requirements cannot be met due to superseding regulations imposed upon a utility provider by a State or Federal agency.

(10) Vision clearance and public safety.

(a) On any corner lot, no wall, fence, structure, sign, berm, or plant growth that obstructs sight lines at elevations between three and six feet above the driving surface of the adjacent roadway shall be permitted in the area formed by measuring 20 feet along both curblines where they intersect, and connecting the two points to form a triangle.

(b) A minimum three-foot radius shall be provided free of trees or shrubs around fire hydrants, valve vaults, hose bibs, manholes, and fire department connections.

(11) Vacant lots.

(a) Vacant lots shall be graded and drained so that no mud or gravel is washed across a public sidewalk.

(b) Vacant lots shall be landscaped and maintained or surrounded by a fence, wall or hedge meeting the requirements of §375-406(8).

## **§ 375-407 Building design standards.**

(1) Purpose. The purpose of the standards in this § 375-407 is to:

- (a) Ensure that new construction and significant expansions of existing buildings contribute to and improve the visual quality of the City; and
- (b) To encourage further investment in the City by reducing the risk of low-quality development on adjacent parcels; and
- (c) To create a more pedestrian-friendly street environment to encourage walking, energy conservation, and public health.

(2) Applicability.

The standards in this § 375-407 shall apply to any construction, expansion, or renovation of a building that is visible from a public right-of-way.

(3) Compatibility of infill, additions, and expansions.

- (a) Infill construction, including principal structures, accessory structures, and building additions, shall be designed to be no greater than the average setbacks, heights, and building bulk of buildings with similar principal uses on the same block face and the facing block face to the maximum degree practicable.
- (b) Building characteristics such as roof pitches, gables, and the inclusion (or not) of porches, shutters, and other exterior elements shall conform to the residential buildings on the same block face and the facing block face to the maximum degree practicable, in order to preserve the character of the block face.
- (c) New buildings and alterations shall be composed of materials that complement adjacent facades and are compatible with the quality and appearance of traditional materials.

(4) General building design standards.

(a) Building orientation.

- (i) Buildings shall be designed and oriented with an emphasis on the primary street on which they front.
- (ii) Buildings located on corner lots shall use design elements that emphasize the importance of both streets.

(b) Primary pedestrian entrance.



- (i) Each principal building shall have one or more operating pedestrian entry doors facing and visible from an adjacent public street.
  - (ii) The primary pedestrian entrance of every principal building giving access to a principal use of the property must directly face a street or a public space such as a central garden or courtyard space opening directly onto the primary street.
  - (iii) The primary public entrance shall be prominently located, easily identifiable, relate to the human scale, and contribute to the overall design intent.
  - (iv) The primary public entrance shall be at grade or seamlessly integrate required handicap accessibility into the design of the building.
  - (v) The location of the primary pedestrian entrance on the building facade shall be emphasized with surrounding architectural recesses, projections, or foundation plantings.
- (c) Wall plane articulation. When the principal use of the building is not categorized as industrial in Table 375.302.1 (Permitted Use Table), each facade longer than 100 feet in length abutting a public street shall incorporate at least one of the following for each 100 feet of linear building frontage or part thereof:
- (i) A change of building material and texture (not just color) at least 10 feet in width; or
  - (ii) A recess into the wall plane at least six inches in depth and one foot in width; or
  - (iii) A projection at least six inches from the wall plane and extending at least one foot in width; or
  - (iv) A window extending at least 10 linear feet, inset into the building wall plane at least four inches; or
  - (v) A pedestrian entrance to the building, together with surrounding architectural recesses, projections, or foundation plantings to emphasize the visibility of the entrance, which together extend at least 10 linear feet.

**Table 375.407.1**  
**Horizontal Articulation Methods**

a.	Change in material texture, patterning or color: a change in material texture, patterning or color at least 10 feet in width	<a href="#">[Image]</a>
	<a href="#">[Image]</a>	b. Wall plane recess: a wall plane recess at least 6 inches in depth and 1 foot in width
c.	Wall plane projection: a projection at least 6 inches from the wall plane and extending at least 1 foot in width	<a href="#">[Image]</a>
		d. Window extension: a window extending

Table 375.407.1  
Horizontal Articulation Methods

	<a href="#">[Image]</a>	at least 10 linear feet, inset into the building wall plane at least 4 inches
e.	Pedestrian entrance: a pedestrian entrance to the building, together with surrounding architectural recesses, projections, or foundation plantings to emphasize the visibility of the entrance, which together extend at least 10 linear feet	<a href="#">[Image]</a>

(d) Facade transparency.

(i) All building facades that face onto a street (including secondary or side streets) or public space shall meet the minimum transparency requirements outlined below.

A. Minimum building facade transparency for ground story (retail): 60%.

B. Minimum building facade transparency for ground story (uses other than retail): 30%.

C. Minimum building facade transparency for upper stories: 30%.

(ii) Only clear glass shall be used for display windows, but colored or decorative glass may be used to provide decorative detail in transom or minor accent windows.

(iii) For storefronts at the sidewalk level, storefront windowsills shall be located at a maximum of 30 inches above the finished grade at the building line.

(iv) Plexiglas and security gates shall be prohibited on any facade that faces a public street.

(d) Retail frontage requirement. In any mixed-use zone district, the ground floor street frontage of any primary building shall be constructed to accommodate retail or personal service uses.

(i) This requires a minimum first floor height of 11 feet and an occupiable space extending at least 20 feet from the street frontage facade and at least one pedestrian entrance on that frontage;  
or

(ii) A raised floor for a residential walk-up use may be constructed instead of a space for retail or personal service uses, provided that the design and construction allows for future conversion to retail or personal service use should market demands change.

(e) Ground level treatment. For buildings greater than three stories in height, the street-level facade shall be distinguished from the upper floors through architectural treatments and materials selection to create a visual base for the building and an intimate scale for pedestrians.

- (g) Roof shape.
  - (i) Roof types shall be typical to the chosen style of building.
  - (ii) False mansard-style roofs shall be prohibited.
  - (iii) Shed roofs shall be concealed with parapets along the street frontage.
  - (iv) Visible roofs shall be designed to complement the composition and form of the building.
  - (v) Rooftop mechanical or other equipment that does not contribute to the overall design intent must be screened from public view utilizing screening techniques that either blend with the building or complement its design.
  - (vi) When a principal building has a roof surface with a slope of less than 15% from horizontal, and the primary use of the building is not categorized as industrial in Table 375.302.1 (Permitted Use Table), a parapet shall be constructed along each facade abutting a public street, and the design or height of the parapet shall include at least one change in setback or height of at least two feet along each 100 linear feet of facade or part of a facade.
- (ii) Specialty buildings. The following criteria shall be applied to ensure that any auto-oriented uses permitted in the district do not detract from the overall walkability of the district.
  - (i) Parking structures. Parking structures shall be built within the parking location footprint permitted by the frontage standards. A liner building should be used to mask the parking from primary and side streets.
  - (ii) Liner buildings. The character and intended use of some buildings, such as warehouses and parking structures, may prevent them from complying with the facade transparency requirements. Such buildings may be constructed so that they are separated from adjacent streets (but not alleys) by liner buildings.
    - A. Liner buildings must be at least two stories in height with no less than 15 feet in depth;
    - B. Liner buildings may be detached from or attached to the primary building;
    - C. Liner buildings may be used for any purpose allowed in that zone district by Table 375.302.1 (Permitted Use Table) except for parking; and
    - D. Liner buildings must meet the primary facade transparency requirements in § 375-402(1)(c)(v).
- (iii) Vehicle fueling stations.
  - A. A ground-floor shopfront shall face the primary street and define the corner of the lot.

B. All pumps, parking, and drive-through areas must be located behind the building.

(iv) Drive-throughs.

A. A ground-floor shopfront must face the primary street.

B. All parking shall be located in the rear of the building and accessed from a rear alley when present.

C. Drive-through windows shall be located to the side or rear of the building.

(4) Standards applicable in form-based districts.

(a) Applicability. The provisions of this § 375-402 apply to all development and redevelopment in the MU-C, MU-WC, MU-NG, MU-CE, MU-WE and MU-IW districts that involves the construction of a new principal structure on the site, except:

(i) Where § 375-506 (Preexisting development and nonconformities) permits the continued use and/or expansion of a structure without compliance with some or all of the standards of this USDO; and

(ii) Where the structure is a landmark designated by the City, in which case the standards of § 375-206(1) (HR-O Historic Resources Overlay) and procedures related to historic landmarks in Article V (Administration and Enforcement) shall apply.

(b) Building materials.

(i) Masonry walls, whether load-bearing or veneer, should be of painted or unpainted brick, natural stone, manufactured or cultured stone, cast stone, decorative CMU, or products of similar quality of manufacture.

(ii) Brick masonry should generally be comprised of a standard unit size and height. Oversized or utility dimensions are prohibited.

(iii) Permitted siding types include horizontal lap siding of wood or composition board (such as Hardiplank), vertical board and batten of wood or composition board (such as Hardiplank), or shingles of wood or composition board (such as Hardiplank). Vinyl siding is not permitted.

(iv) All siding types must incorporate vertical corner boards a minimum of three inches in width on outside building corners.

(v) Surfaces finished in stucco should be smooth in texture and painted. Sprayed-on stucco finishes and stucco panels (prefabricated stucco board) are prohibited.

(vi) When materials are combined on a building facade horizontally, heavier materials must naturally occur below lighter materials.

(vii) E.I.F.S., Fiberglass (as cornice material), and composite materials must be located out of reach of pedestrians and must visually appear to have a hand-troweled finish.

(viii) Cornices shall be required on all buildings to delineate the tops of the facades. Cornices shall include roof overhangs or eaves where a sloped roof meets the top of a wall and shall either extend a minimum of 12 inches beyond the wall plane, or include jogs in the surface plane of the building wall greater than 12 inches.

(c) Brick and masonry detailing.

(i) Headers.

A. All openings in masonry construction shall be spanned by a header.

B. Permitted header forms shall be the lintel, arch, and jack arch.

C. Headers shall visually appear able to carry the wall load above.

D. Headers may be comprised of brick, stone, cast stone, reinforced cast concrete, wood, and metal.

E. All headers on a building shall be of a matching style and material.

F. Headers shall be a minimum of four inches in height and shall be slightly wider than the opening they span.

(ii) Sills.

A. All window and door openings in masonry construction shall have a sill at their base.

B. Sills shall be generally rectangular in form, and slope slightly away from the opening to shed water.

C. Sills may be comprised of brick, stone, cast stone, and concrete.

D. All sills on a building shall be of a matching style and material.

E. Sills shall be a minimum of two inches in height and should project from the wall surface a minimum of 1/2 inch beyond the vertical casing.

F. Sills shall be slightly wider than the opening, the same as the header.

(iii) Caps.

A. A cap shall protect the tops of all masonry structures exposed to the weather, including garden walls, stair treads, planter edges, parapets, and freestanding piers.

- B. Caps shall be comprised of stone, cast stone, brick, concrete, or slate.
- C. The edges of caps may be rectangular, or may be more ornate.
- D. Caps shall project past the edge of the masonry structure below by a minimum of 1/2 inch.

(d) Wide buildings.

- (i) The primary facade of buildings wider than 150 feet shall be varied with a change of architectural expression.
- (ii) Changes in expression may be a vertical element running from the ground plane to the roof, a change in fenestration, color, or texture, or a break in building facade plane or roofline.
- (iii) These changes may be subtle or significant, but should soften the visual effect of very wide buildings directly across the street from narrower buildings and in general, continue the rhythm of the existing buildings.

(e) Additional shading of sidewalks.

- (i) Each building with a shopfront on the ground story is required to have awnings, balconies, colonnades, or arcades facing the primary streets. When providing a required awning or balcony, or one that extends into a street right-of-way, the following design requirements apply:

A. Awnings.

1. Awnings over ground-story doors or windows minimum depth: five feet.
2. Minimum underside clearance: eight feet.
3. Awnings must extend over at least 25% of the width of the primary facade or over the full width of all windows and transparent portions of the primary facade.
4. Back-lit, high-gloss, or plasticized fabrics are prohibited.

B. Second-story balconies.

1. Minimum depth: six feet.
2. Minimum underside clearance: 10 feet.
3. Balconies must extend over at least 25% of the width of the primary facade.
4. Balconies may have roofs but must be open toward the primary and side street.

- (ii) A colonnade or arcade may extend forward of the build-to zone and over public sidewalks,

provided that it maintains two feet of horizontal clearance from the curb.

(iii) When an awning, balcony, colonnade, or arcade extends over a public sidewalk, the property owner may be required to enter into an agreement in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.

(f) Frontage elements. Frontage elements create the transition between the public building and the private or commercial buildings. Frontage elements establish the physical and functional relationship between the street and the private lot. The following are common frontage elements and the basic standards for those elements:

(i) Arcade.

A. Minimum arcade depth: 10 feet (measured from face of building to inside column face).

B. Minimum underside clearance: 10 feet.

C. Length: 75% to 100% of building frontage.

D. Arcades shall be supported by columns, piers or arches. Support columns can be spaced no farther apart than they are tall.

E. Arcades shall occur forward of the build-to zone or setback and may encroach within the right-of-way with the approval of the City. When an arcade extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement, in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.

F. Arcades shall not extend closer than two feet from the curblines, nor farther than five feet from the curblines.

G. Enclosed usable space shall be permitted above the arcade, and within the right-of-way with the approval of the City.

H. On corner lots, arcades may wrap around the side of the building facing the secondary street.

(ii) Gallery.

A. Minimum gallery depth: eight feet (measured from face of building to inside column face).

B. Minimum underside clearance: nine feet.

C. Length: 75% to 100% of building frontage.

D. Support columns can be spaced no farther apart than they are tall.

- E. Galleries shall occur forward of the build-to zone or setback and may encroach within the right-of-way with approval of the City. When a gallery extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement, in a form acceptable to the City, establishing the property owner's sole responsibility for repairing any damage that may result from public maintenance or improvements.
- F. Galleries shall not extend closer than two feet from the curblineline, nor farther than five feet from the curblineline.
- G. Galleries shall be only one story in height and may have flat or pitched roofs, up to a slope of 8:12.
- H. On corner lots, galleries may wrap around the side of the building facing the secondary street.
- I. Open balconies are permitted on galleries above the sidewalk level.

(iii) Shopfront.

- A. A habitable space at least 15 feet in depth shall be provided behind each shopfront on the primary facade.
- B. Shopfronts shall have an expression line between the first and second story. (See diagram below.) Expression lines shall either be moldings extending a minimum of two inches outward from the primary facade, or jogs in the surface plane of the building wall greater than two inches.
- C. The entrances to all shopfronts shall be covered, either by an awning, canopy, second floor balcony, arcade/colonnade, gallery, or by being inset into the main body of the building.
- D. Entrances for public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the Chief Planning Official.
- E. Shopfront doors shall contain at least 50% transparent glass. Solid doors are prohibited.
- F. The top of all shopfront window sills shall be between one and three feet above the adjacent sidewalk.
- G. Shopfront windows shall extend up from the sill at least eight feet above the adjacent sidewalk.
- H. The ground floor of a shopfront shall have untinted transparent storefront windows and/or doors covering no less than 50% of the wall area. See facade transparency for additional requirements.
- I. Shopfront windows may not be made opaque by window treatments (excepting operable



sunscreen devices within the conditioned space). Reflective and frosted glass is prohibited on shopfronts. Low emissivity glass with high visual light transmittance may be permitted.

- J. Storefronts must remain unshuttered at night to provide views of display spaces and are encouraged to remain lit from within from dusk to dawn at minimum light levels to provide additional security to pedestrians.

(iv) Stoop.

- A. Minimum stoop depth: four feet.
- B. Minimum stoop length: four feet.
- C. Minimum underside clearance: eight feet.
- D. Minimum finished stoop floor height: at or up to eight inches below the first interior finished floor level, but not to exceed 42 inches above the finished grade of the sidewalk.
- E. Stoops may extend into the right-of-way with the approval of the City, but the location of the stoop must leave at least five horizontal feet of the sidewalk unobstructed for pedestrian travel.
- F. Stoop stairs may run to the front or to the side.
- G. Stoops shall be covered, either with a roof, or area inset into the main body of the building.
- H. Partial walls and railings on stoops may be no higher than 42 inches.

(v) Porch.

- A. Minimum porch depth: eight feet (measured from face of building to inside column face).
- B. Minimum underside clearance: eight feet.
- C. Minimum finished porch floor height: at or up to eight inches below the first interior finished floor level not to exceed 42 inches above the finished grade of the sidewalk.
- D. Front porches may occur forward of the build-to zone or setback, but shall not extend into the right-of-way or any easement.
- E. Side porches may extend past the side setback requirements, but not into any easement or public right-of-way.
- F. Porches that encroach into applicable setback requirements, as described in Subsection (1)(c)(vii)G4 and 5 above, must comply with the conditions applicable to unenclosed porches in § 375-401(5) (Encroachments and exceptions).

- G. Front and side porches may be screened; however, if screened, all architectural expression (columns, railings, etc.) must occur on the outside of the screen (facing a street or public space).

(5) Standards applicable to new construction in the historic resources overlay.

(a) Applicability. These guidelines apply to new construction in historic districts with primarily residential and neighborhood commercial character, including all but the Downtown Albany Historic District.

(i) New construction shall be compatible with the architectural scale, massing, volume and styles existing in the historic district.

(ii) Materials.

A. Compatible materials and colors that are either similar to or visually quiet in relation to the traditional ones used in the area should be used in new construction.

B. Inappropriate contemporary materials, including those that attempt fake antiquity or rusticity, shall be discouraged. When appropriate traditional materials cannot be used, preference should be given to contemporary materials used in a straightforward manner that at the same time are not conspicuous in the traditional context of the district.

C. Material selection for new buildings should reflect consideration of the historic district and adjacent historic buildings. In order to retain the visual integrity of the area, contemporary materials, such as glass, curtain walls, concrete, etc., are acceptable, provided that the overall texture, color and detail of the building facade are visually quiet and compatible with the historic district.

(iii) Facade openings.

A. The combined area of openings in the principal plane of the facade should not exceed 1/3 of the overall facade. End-row or corner-sited buildings will be subject to review of both the principal and secondary facades.

B. Repetitive openings should be proportioned so that the height is at least twice the width but not more than three times the width. Basement and attic windows of small area may be excluded from this restriction. The height-to-width ratio of a single architectural feature, such as a door opening, a bay window or one feature window, may be reduced to 1:1.

C. The design of commercial storefronts may differ from the residential proportions for Subsection (1)(e)(iii)A and B as described above; however they should be compatible with the design and proportion for other historic commercial storefronts within the district.

(iv) Facade rhythm and proportion.

- A. By manipulation of architectural features, the rhythm of separate building units existing on a street of attached townhouses is to be carried across the facade of new attached structures that occupy more than one house lot. Ways in which such articulation may be achieved easily on extended facades include rhythmical grouping of openings in clusters, inclusion of vertical delineations in the wall plane and architectural expression of structural bays.
- B. The facade of a structure erected on a single house lot should be proportioned so that the height equals at least 1 1/2 times the width. Adjustment shall be made for residential lots that exceed the predominant lot widths along the frontage street.

(v) Architectural features. Townhouse roofs generally should not be visible from the street front, except where a proposed design relates to an abutting historic structure or to a streetscape with several structures possessing roof surfaces visible from the street.

(vi) Ornamentation. New infill structures may incorporate ornamental features common to the historic district; otherwise, decorative features should be both clearly modern and compatible with the historic district.

(vii) Floor levels. Indication of floor levels by means of opening placement and use of belt courses should be related primarily to those levels generally indicated on the entire block and secondarily to those of the two abutting structures.

(viii) Building height. Building height should relate primarily to the general height of the buildings on the same side of the block. Secondary consideration should be given to the following:

- A. The maximum height of a building should be not greater than the taller of the abutting structures on each side of the building site or the tallest building on the same block as the building.
- B. The minimum height of a street facade should be not less than the lower of the abutting structures on each side of the building site or the tallest building on the same block as the building.

(i) In districts characterized by contiguous townhouse construction, the entire street frontage of a lot should be occupied by the building facade(s) that adheres to the height guidelines. In historic areas characterized by detached residential construction, the street front setback should be consistent with those structures on the block or street that contribute to the historic and aesthetic character of the streetscape.

(ii) Standards specific to the Downtown Albany Historic District.

- A. Purpose. The area comprising the Downtown Albany Historic District has been the center

of Albany's growth and development throughout the City's history. This characteristic has resulted in the district's potentially conflicting distinctions of being the location of many of the City's most architecturally and/or historically significant buildings and sites, while also being one of the most logical and desirable locations for new development. Due to the diversity of the existing components of the district, every proposed project involving new construction in or adjacent to the Downtown Albany Historic District will be evaluated for appropriateness to its site and for quality of design and materials.

- B. General guidelines. The following general guidelines apply to all new construction in or adjacent to the Downtown Albany Historic District, including but not limited to those properties in the Fort Orange/Downtown Albany Archaeological Review District and the Secondary Downtown Albany Archaeological Review District described in § 375-206(2) (AR-O Archaeological Resources Overlay).
1. Street pattern. A feature of downtown with great historic significance is the street pattern that has survived largely intact from the 17th Century. New construction should respect this historic street pattern at ground level and in general should be built parallel to the curblines.
  2. Street facades. The street facade(s) of a new building should be located at the lot line, as has traditionally been the case in the district. In the design of corner buildings, particular attention should be given to the definition of the street corner(s) through the use of building mass. Where adjacent buildings are built behind the lot line to accommodate sidewalk cafes, new construction should be consistent with that building placement.
  3. Overall design. If at all possible, the scale, materials and facade configuration of a new structure should relate to those of the adjacent structures and the overall streetscape. The goal of these guidelines is to secure compatible new design; the replication or imitation of existing structures is strongly discouraged. The appropriate use of contemporary styles and materials is encouraged, although such styles should fit into the general context of the immediate vicinity.

§ 375-408 Outdoor lighting.

(1) Purpose. The purpose of this § 375-408 is to:

- (a) 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; and
- (b) 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; and
- (c) To promote energy efficiency and high-quality lighting with excellent color rendering; and to utilize lighting to improve the nighttime aesthetics of site, landscape, and architectural design.

(2) Applicability.

- (a) All exterior lighting shall comply with the standards of this § 375-408. This shall include but shall not be limited to new lighting and fixture/equipment replacement (but not lamp replacement), whether attached to structures, poles, the earth, or any other location.
- (b) Lighting for special events, emergencies, construction, or holidays shall be exempt from these decorative lighting standards, provided that the lighting is temporary and is discontinued within seven days of the completion of the project or the holiday for which the lighting was provided.
- (c) Lights such as street lights and traffic control devices installed on a public right-of-way by a governmental agency for public safety shall be exempt from these regulations.

(3) Standards applicable to all development.

- (a) General standards.
  - (i) Lighting color and fixture types shall be consistent through the site and shall complement the architecture of any structures and the landscape of the site.
  - (ii) Lighting fixtures should accomplish a dual purpose, such as architectural lighting that also provides security or landscape lighting that also lights adjacent paths, if possible.
  - (iii) Lighting sources shall have excellent color rendering, with a color rendering index (CRI) of 80 or greater. Light sources of limited spectral emission and with a low CRI, such as low-pressure sodium or mercury vapor lights, are prohibited.

(4) Site and building lighting.

- (a) On-site driveways, internal circulation paths, and parking areas on commercial sites shall be lit with cutoff to full cutoff type lighting fixtures. Incandescent light sources of 100 watts or less or

other light sources of 60 watts or less (gaseous discharge) that are located at least 150 feet from the lot line of a residential district are exempt from the cutoff requirements.

- (b) Internal sidewalks, walkways, and bicycle paths shall be lit with full cutoff to cutoff shielded lighting fixtures no more than 12 feet tall and providing consistent illumination of at least one footcandle on the walking surface.
- (c) Lighting fixtures installed in canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy, and shall be equipped with flat or recessed lenses.
- (d) All exterior lighting fixtures shall produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.
- (e) Lights shall not be mounted above the parapet or eave on a pitched roof, except for motion-activated security lighting.
- (f) Except in the I-2 District, no wall packs or similar lights are permitted unless the fixture cutoff angle effectively eliminates any glare above 0.1 footcandle beyond the lot lines, except where adjacent to walkways, driveways, or public and private streets.
- (g) Decorative lighting is permitted to enhance the appearance of a building and/or landscaping, provided that all light is cast up against the building surface or downward onto a tree or other landscape feature and away from pedestrians or any adjacent residential district, and does not cause distracting reflections on any storefront window or adjacent properties.
- (h) Decorative lighting shall not exceed 100 watts of incandescent illuminance or the equivalent.
- (i) Fixture height.
  - A. In the I-1 District, the maximum height of lighting fixtures for driveways and parking areas located at least 750 feet from residential districts and residential uses is 25 feet.
  - B. In the I-2 District, the maximum height of lighting fixtures for driveways and parking areas located at least 750 feet from residential districts and residential uses is 40 feet.
  - C. In all other locations, the maximum height of light fixtures for driveways and parking areas is 20 feet.
- (j) Light trespass.
  - A. Light trespass onto adjacent properties shall not exceed 0.1 footcandle at the lot line except where adjacent to walkways, driveways, public and private streets.
  - B. No light source (e.g., bulb or filament) shall be directly visible from a residential zone district, except for decorative lighting.

(5) Pedestrian-scaled street lighting.

(a) Applicability.

- (i) The standards in this § 375-408(4) apply in the MU-FW, MU-FC, MU-FS, MU-FM, MU-NE, MU-NC, MU-CU and MU-DT Zone Districts.
- (ii) Lighting deemed undesirable or impracticable by the Department of General Services due to utility, slope, maintenance, location, visibility, alignment, or other factors are not required to be installed.

(b) Lighting required.

- (i) When a development or redevelopment project includes more than one acre of land and includes nonresidential uses, the property owner shall install pedestrian-scaled fixtures meeting the City's applicable technical construction standards on all streets fronting the property.
- (ii) Intersection-scaled lighting may be used in addition to pedestrian-scaled lights where required by the City.
- (iii) Street lights shall be aligned with street tree placement (generally between 2 1/2 feet and four feet from the back of the curb). Placement of fixtures shall be coordinated with the organization of sidewalks, landscaping, street trees, building entries, curb cuts, and signage.
- (iv) The height of light fixtures shall be kept low (generally not taller than 15 feet) to promote a pedestrian scale to the public realm and to minimize light spill to adjoining properties. Light fixtures shall be closely spaced (generally not more than 30 feet on center) to provide appropriate levels of illumination.
- (v) Light poles may include armature that allows for the hanging of banners or other amenities (e.g., hanging flower baskets, artwork, etc.).
- (vi) There shall be consistency of lighting fixtures within each individual MU-FW, MU-FC, MU-FS, and MU-FM District (although the style chosen for each district may differ) to create a unifying scheme of illumination that is appropriate to the scale of the street and the level of nighttime activity. Lamp styles shall not be mixed along any one block of a street.
- (vii) To increase safety, help geographic orientation, and highlight the identity of an area, the following street elements are encouraged to be lit:
  - A. Edges. Edges of a park or plaza shall be lit to define and identify the space.
  - B. Architectural details. Lighting entrances, archways, cornices, columns, and so forth can call

attention to the uniqueness of a building, or place. Lighting of building entrances also contributes to safety.

- C. Focal points. Lighted sculptures, fountains, and towers in a neighborhood, especially those visible to pedestrians and vehicles, provide a form of wayfinding.