

ORDINANCE ##.###.##

AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING LOTS IN MU-CU ZONE DISTRICTS

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

Section 1. Subsection (B) (Permitted Use Table) of section 375-3 (Use Regulations) of Chapter 375 of the Code of the City of Albany is amended to read as follows:

Table 375-1: Permitted Use Table																				
P=Permitted Use C=Conditional Use A=Accessory Use T=Temporary Use V=Vacant Property Use																				
Proposed Zoning District	Residential						Mixed-Use								Special Purpose		Use-Specific Standard in Section 375-3			
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM		I-1	I-2	LC
LAND USE CATEGORY																				
COMMERCIAL USES																				
Vehicles and Equipment																				
Parking Lot	A	A	A	A	A	A	A	A	A	C	A	A	A	A	A	A	P	P	A	(C)(4)(g)(5)

Section 2. Clause (v) (Parking Lots) of subparagraph (g) (Vehicles and Equipment) of paragraph (4) (Commercial Uses) of subsection (C) (Use-Specific Standards) of section 375-3 (Use Regulations) of Chapter 375 of the Code of the City of Albany is amended by adding new items (B) and (C) to read as follows:

B. In those districts where a Conditional Use Permit is required, it shall be only in those cases where the parking lot use is to be established as the principal use of the land. A Conditional Use Permit shall not be required where parking is to be established as an accessory use.

C. In the MU-CU zone district, no Conditional Use Permit shall be approved unless it is determined that the proposed parking lot:

1. Responds to a demonstrable parking need of the use or uses to be served, as evidenced by factors including but not limited to whether the use has otherwise provided the minimum parking required pursuant to Section 375-4(E)(2)(a).

2. Is designed in such a way that it does not foreclose the possibility of liner buildings being constructed along any street frontages, to the greatest degree practicable.

3. Does not result in the demolition of buildings or structures having an economically viable use or reuse, as determined pursuant to the provisions of 375-

5(E)(17) (Demolition Review) or a 375-5(E)(19) Major Certificate of Appropriateness, whichever applies.

Section 3. Subparagraph (d) (Off-Site Parking) of paragraph (3) (Parking Alternatives and Adjustments) of subsection (E) (Parking and Loading) of section 375-4 (Development Standards) of Chapter 375 of the Code of the City of Albany is amended to read as follows:

(i) ~~In the Mixed Use zoning districts~~ Where allowed as a permitted or conditional use in Table 375-3-1 (Permitted Use Table), and as an alternative to providing required 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.

~~(ii) 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.~~

~~(iii)~~ (ii) 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.

Section 4. This ordinance shall take effect immediately.

APPROVED AS TO FORM

Corporation Counsel

SUPPORTING MEMORANDUM

ORDINANCE NUMBER:

SPONSOR(S):

TITLE: AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING LOTS IN MU-CU ZONE DISTRICTS

GENERAL PURPOSE OF LEGISLATION: To allow parking lots as a principal use of land in the MU-CU zone district, subject to a Conditional Use Permit review and use-specific design standards. The legislation also corrects inconsistencies between the current off-site parking allowances and the permitted use table.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW: The zoning amendment was initiated in response to the desired construction of ancillary parking by the Capital Reparatory Theatre at 329 North Pearl Street. The request seemed reasonable in response to the demonstrable parking need of the intended user and the predeveloped characteristics of the area, which inhibited the accommodation parking on-site. However, those predeveloped characteristics also exhibited a need to reinforce the walkable urban fabric extant in the area.

In evaluating the particular request exhibited by Capital Reparatory Theatre it was evident that these same general circumstances may again present themselves on future occasions. This lack of uniqueness bodes unfavorably for a variance and instead exhibits the need for a legislative change.

Proposed changes are limited to the MU-CU district because the accompanying use-specific standards respond to characteristics unique to those areas, and also due to general compatibility of parking lot uses with the scale of other uses already extant and allowed within the MU-CU district.

TIME FRAME FOR PASSAGE: As soon as possible.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS: N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION: N/A

FISCAL IMPACTS: To be determined