

**Council Member Balarin, on behalf of the Committee on Planning, Economic Development, and Land Use, introduced the following, which was approved:**

**ORDINANCE 32.81.23**

**AN ORDINANCE AMENDING SECTION 375-405 (PARKING AND LOADING) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO REQUIRING OFF-SITE PARKING FOR THE DURATION OF A PROJECT**

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

**Section 1.** Paragraph (c) (Minimum required and maximum parking allowed) of subsection (2) (Off-street parking requirement) of section 375-405 (Parking and loading) of chapter 375 (Unified Sustainable Development) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

- (c) Minimum required and maximum parking allowed
  - (i) In all zoning districts, off-street parking shall be provided in accordance with Table 375.405.1, Minimum and Maximum Off-Street Parking, as adjusted by other provisions of this USDO, and such off-street parking shall remain available in such quantities as described in Table 375.405.1 for the duration of the use.

**Section 2.** Subparagraph (iv) (Off-site parking) of paragraph (f) (Parking alternatives and adjustments) of subsection (2) (Off-street parking requirement) of section 375-405 (Parking and loading) of chapter 375 (Unified Sustainable Development) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

- (iv) Off-site parking.
  - A. Where allowed as a permitted or conditional use in Table 375.302.1 (Permitted Use Table), and as an alternative to providing on-site parking, 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 with the closest lot line being no more than 300 feet from a lot line of the property with the development or redevelopment it serves
  - B. The off-site parking spaces shall be located with a legally compliant parking lot or garage that complies with all applicable use regulations set forth within this USDO, and such spaces shall not also be credited to another use at the proposed or another location.
  - 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. Nothing in this section shall be construed as abrogating the requirement for minimum parking requirements to be satisfied for the life of the project.

**Section 3.** This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS  
26<sup>TH</sup> DAY OF JULY, 2023**

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**Corporation Counsel**

**To:** Shaniqua Jackson, Acting City Clerk  
**From:** Brett Williams, Esq., Sr. Asst. Corporation Counsel  
**Re:** Common Council Legislation  
Supporting Memorandum  
**Date:** July 26, 2023  
**Sponsor:** Council Member Balarin o/b/o Planning Committee

**ORDINANCE 32.81.23**

**TITLE**

AN ORDINANCE AMENDING SECTION 375-405 (PARKING AND LOADING) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO REQUIRING OFF-SITE PARKING FOR THE DURATION OF A PROJECT

**GENERAL PURPOSE OF LEGISLATION**

To clarify that parking minimums are still in effect when construction is occurring and ensuring that projects do not lead to a lack of parking.

**NECESSITY FOR ANY CHANGE TO EXISTING LAW**

While the USDO required parking minimums to be met to receive and renew permits, the language did not specify that those requirements must still be adhered to during construction which can reduce available parking. This legislation closes that loophole.

**FISCAL IMPACT**

None.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

*Ordinance 32.81.23 was co-sponsored by Council Members Adams and Anane*

Affirmative – Adams, Anane, Balarin, Clarke, Farrell, Flynn, Frederick, Hoey, Johnson, Keegan, Kimbrough, Love, Robinson, and Zamer

Affirmative: 14    Negative: 0    Abstain: 0

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Clerk of the Common Council

\_\_\_\_\_  
President of the Common Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

I, Shaniqua Jackson, City Clerk and Clerk of the Common Council, do hereby certify that Ordinance 32.81.23 was passed at a meeting of the Albany Common Council on February 5, 2024.

In affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 11th day of April, 2024.

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Shaniqua Jackson, Clerk of the Common Council