

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

ORDINANCE 10.42.24 (As Amended 06/17/2024)

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO COMMERCIAL FOOD PREPARATION

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

Section 1. Section 375-302 (Permitted Use Table) of Article III (Use Regulations) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

Table 375.302.1																				
Permitted Use Table																				
P=Permitted Use C=Conditional Use A=Accessory Use T=Temporary Use																				
Zoning District	Residential						Mixed-Use								Special Purpose			Use-Specific Standard in Article III		
	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																				
Office and Services																				
Beauty salon, spa or barbershop			P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾		P ⁽⁴⁾	P ⁽⁵⁾	P	P	P	P	P	P	P	P ⁽⁶⁾⁽⁷⁾	P	P		§ 375-303(4)(d)(i)
Blood plasma center[9]										C		C					C	C		§ 375-303(4)(d)(ii)
<u>Commercial food preparation</u>							<u>P⁽⁴⁾</u>	<u>P⁽⁵⁾</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§ 375-303(4)(d)(iii)</u>
Funeral home									C	C	P	C					P			§ 375-303(4)(d)(iii) <u>§ 375-303(4)(d)(iv)</u>
Laboratory or research facility										C	C	C	C	C	C	C ⁽⁶⁾	P	P		§ 375-303(4)(d)(iv) <u>§ 375-303(4)(d)(v)</u>
Medical clinic										P	P	P	P	P	P	P ⁽⁶⁾⁽⁷⁾	P	A		§ 375-303(4)(d)(v) <u>§ 375-303(4)(d)(vi)</u>
Office, general			C ⁽¹⁾	C ⁽¹⁾	C ⁽¹⁾		C ⁽⁴⁾	P ⁽⁵⁾	P	P	P	P	P	P	P	P ⁽⁶⁾⁽⁷⁾	P	A		§ 375-303(4)(d)(vi) <u>§ 375-303(4)(d)(vii)</u>

Material in ~~strike through~~ to be deleted. Matter underlined is new material.

**Table 375.302.1
Permitted Use Table**
P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use

Zoning District	Residential						Mixed-Use								Special Purpose			Use-Specific Standard in Article III		
	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																				
Personal or business service			C ^[1]	C ^[1]	C ^[1]		C	P ^[5]	P	P	P	P	P	P	P	P ^{[6][7]}	P	P		§ 375-303(4)(d)(vii) § 375-303(4)(d)(viii)
Professional office			P ^[1]	P ^[1]	P ^[1]		C ^[4]	P ^[5]	P	P	P	P	P	P	P	P ^{[6][7]}	P	A		§ 375-303(4)(d)(viii) § 375-303(4)(d)(ix)
Trade school								C	P	P	P	P	P	P	P	P ^{[6][7]}	P	P		§ 375-303(4)(d)(ix) § 375-303(4)(d)(x)

Section 2. Paragraph (d) (Office and services) of subsection (4) (Commercial Uses) of section 375-303 (Use-specific standards) of Article III (Use Regulations) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended by adding a new subparagraph (x) (Commercial food preparation) to read as follows:

(x) Commercial food preparation.

- A. Where this use occupies a shopfront space in the MU-NE, MU-NC, MU-CU, MU-DT, MU-FC, MU-FS or MU-FM districts, it must contain a food service or retail component for on-site sales.

Section 3. Section 375-602 (Definitions) of Article VI (Rules of Construction; Definitions) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows, with the new definition to be inserted into the section in its alphabetically appropriate place:

COMMERCIAL FOOD PREPARATION: A facility in which food is processed or otherwise prepared, primarily for off-site consumption and/or sales. Facilities may be shared among various food processors, producers, or preparers. Uses may include, but are not limited to: commissary kitchen, ghost kitchen, cloud kitchen and catering.

DISPATCH SERVICE

A building or a portion of a building from which vehicles are dispatched to perform services, including, but not limited to, couriers, deliveries, security services, locksmiths, ~~eaterers~~, and taxis.

Material in ~~strikethrough~~ to be deleted. Matter underlined is new material.

SHOPFRONT

A room or set of rooms, making up a nonresidential tenant space, and collectively facing the street on the ground floor of a commercial or mixed-use building that includes a high percentage of transparent windows to create visual interest from the adjacent public sidewalk.

Section 4. Paragraph c (Minimum required and maximum allowed) of subsection 2 (Off-street parking requirement) of section 375-405 (Parking and Loading) of Article IV (Development Standards) of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

(c)

- (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.

Table 375.405.1 Minimum and Maximum Off-Street Parking GFA = Gross Floor Area; NLA = Net Leasable Area		
Land Use Category	Minimum Number of Spaces Required	Maximum Number of Spaces Allowed
COMMERCIAL USES		
Office and Services		
Beauty salon, spa or barbershop	1 per 400 square feet NLA	1 per 350 square feet NLA
Blood plasma center		
<u>Commercial food preparation</u>	<u>1 per 750 square feet NLA</u>	<u>1 per 550 square feet NLA</u>
Funeral home or crematorium	1 per 100 square feet of main assembly room	1 per 85 square feet of main assembly room
Laboratory or research facility	1 per 400 square feet NLA	1 per 350 square feet NLA
Medical clinic	1 per 300 square feet NLA	1 per 250 square feet NLA
Office, general	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
Professional office	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

Section 5. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
17TH DAY OF JUNE, 2024**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: April 4, 2024

Sponsor: Council Member Balarin on behalf of Planning Committee

ORDINANCE 10.42.24 (*As Amended 06/17/2024*)

TITLE

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO COMMERCIAL FOOD PREPARATION

GENERAL PURPOSE OF LEGISLATION

The USDO contains certain ambiguities as to how commissary kitchen, ghost kitchen, cloud kitchen and catering and other businesses primarily engaged in the commercial preparation of food should be classified and regulated.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

The Planning Department received an inquiry for such use and upon review determined that the use is not adequately addressed by the current provisions within the USDO.

FISCAL IMPACTS

None.

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

Ordinance 10.42.24 was co-sponsored by Council Member Anane

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

Affirmative: 13 | Negative: 0 | Abstain: 0

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 10.42.24 was passed at a meeting of the Albany Common Council on August 5, 2024.

In affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 16th day of August, 2024.

Shaniqua Jackson, Clerk of the Common Council