

Council Member Farrell introduced the following, which was approved:

ORDINANCE 20.91.22

AN ORDINANCE AMENDING CHAPTER 151 (COMMERCIAL STANDARDS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CONSUMER PROTECTION STANDARDS FOR PARKING LOTS

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

Section 1. Section 151-21 (Reserved) of Article II (Exterior Maintenance, Safety, Sanitation, and Appearance) of Chapter 151 (Commercial Standards) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 151-21 (~~Reserved~~) Parking lots.

- A. Applicability. This section shall apply to surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot.
- B. Compliance with Other Provisions of City Code. Surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot must meet all requirements for parking lot and garage design standards under section 375-405(5)(c)(i)-(iv) of this Code, to the maximum extent practicable, and all additional requirements established hereunder.
- C. Compliance with the Americans with Disabilities Act and New York State Building Code. Where parking is provided in surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot, accessible parking spaces shall be provided in compliance with section 1106 of the New York State Building Code relating to requirements for the number of accessible parking spaces that must be provided per lot, the inclusion of access aisles with appropriate signage, and the location of accessible parking spaces, in accordance with the federal Americans with Disabilities Act.
- D. Regulatory Authority. The Chief Planning Official is authorized and directed to promulgate such reasonable rules and regulations as he or she may deem necessary for the safe and proper maintenance and operation of surface parking lots as such term is defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot. Such authority shall extend to and include promulgation of rules and regulations that the Chief Planning Official may deem necessary for the proper signage of such surface parking lots, for wayfinding, accessibility, and other such appropriate purposes.

E. Notwithstanding the effective date under section 151-117 of this chapter, existing surface parking lots, as defined under article VI of chapter 375 (Unified Sustainable Development Ordinance) of this Code, with more than five (5) vehicles and where the principal use of the property is the parking lot, shall conform to the requirements under subsections (A) through (F) of this section by December 31, 2023. Screening and paving plans shall be first reviewed and application made to the Director of the Department of Buildings and Regulatory Compliance for a building permit. All lots not in compliance with this section shall be subject to any and all remedies available under this chapter or any other applicable section of this Code.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM
THIS 25TH DAY OF AUGUST 2022**

Corporation Counsel

To: Danielle Gillespie, City Clerk

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

Re: Common Council Legislation
Supporting Memorandum

Date: August 25, 2022

Sponsor: Council Member Farrell

ORDINANCE 20.91.22

TITLE

AN ORDINANCE AMENDING CHAPTER 151 (COMMERCIAL STANDARDS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CONSUMER PROTECTION STANDARDS FOR PARKING LOTS

GENERAL PURPOSE OF LEGISLATION

At present, there is a potentially confusing and incomplete matrix of laws, codes, regulations, and standards that apply to privately-owned surface parking lots in the City of Albany. This legislation makes clear what laws apply to such parking lots, establishes the Chief Planning Official's authority to promulgate rules and regulations for surface lots, and provides a framework for enforcement of these new standards.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

The former Code § 151-21, which provided commercial standards for parking lots, was repealed by ordinance in 2017. This legislation, which replaces and expands upon that repealed statute, and which was developed in conjunction with the Albany Parking Authority, as well as the Departments of Planning and Buildings and Regulatory Compliance, may be enacted by ordinance.

FISCAL IMPACT

None.

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

Ordinance 20.91.22 was co-sponsored by Council Member(s) Clarke, Hoey, and Keegan

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

Affirmative 15 Negative 0 Abstain 0

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Ordinance 20.91.22 was passed at a meeting of the Albany Common Council on November 21, 2022.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this ____ day of _____ 2022.

Clerk of the Common Council