

## Local Law 1

### A LOCAL LAW TO AMEND CHAPTER 220, ENTITLED ZONING, OF THE CODE OF THE TOWN OF NISKAYUNA

Section 1. Amend Section 220-4 of Chapter 220 of the Code of the Town of Niskayuna, entitled Definitions, to read as follows:

#### **ELECTRONIC CIGARETTE**

Any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

#### **NEIGHBORHOOD MIXED USE BUILDING**

A building that has both commercial and residential uses. ~~located on different floors.~~

#### **TOBACCO PRODUCT**

Any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, electronic cigarettes and electronic cigarette cartridges, whether packaged or not; any packaging that indicates it might contain any substance containing tobacco or nicotine; or any object utilized for the purpose of smoking or inhaling tobacco or nicotine products. However, "tobacco product" or "tobacco-related product" does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

#### **TOBACCO RETAILER**

Any person who is lawfully engaged in the retail sale of Tobacco Products, or any employee of such a person.

Section 2. Amend Section 220-10 of Chapter 220 of the Code of the Town of Niskayuna, entitled District regulations, to read as follows:

#### L. Neighborhood Mixed Use (N-MU)

##### (1) Permitted principal uses.

- (a) Single-family detached or attached dwelling units
- (b) Multiple-family dwelling units
- (c) Open space, passive open space, active recreational space
- (d) Non-residential uses, individually or combined within a building
  - [1] Retail and service stores
  - [2] Eating and drinking establishments; fast-food, take-out and/or sit-down restaurants
  - [3] Banks
  - [4] Food markets
  - [5] Hotels and bed and breakfast establishments

- [6] General business offices
- [7] Medical offices
- [8] Schools
- [9] Child day-care centers
- [10] Places of worship, religious education facilities, parish houses and rectories
- [11] Municipal offices
- [12] Community centers
- [13] Post offices
- (e) Neighborhood Mixed-use buildings
- (2) Permitted accessory uses
  - (a) Garages, swimming pools and recreational facilities solely for the use of residents therein
  - (b) Accessory service facilities such as solid waste disposal areas and maintenance equipment buildings
  - (c) Customary home occupation uses
  - (d) Accessory parking and loading
  - (e) Accessory home-care units in single-family detached dwellings
  - (f) Private garages
  - (g) Major and minor accessory structures for single family detached and attached dwellings
- (3) Special principal uses
  - (a) Gasoline service stations
  - (b) Commercial indoor recreational facilities
  - (c) Adult-day care center
  - (d) Nursing homes
  - (e) Care homes

Section 3. Amend Section 220-13 of Chapter 220 of the Code of the Town of Niskayuna, entitled Schedule of Supplementary Regulations, as follows:

- Amend Section 220-13 Schedule I-D as noted in attached schedule.
- Amend Section 220-13 Schedule I-E as noted in attached schedule.
- Amend Section 220-13 Schedule I-H as noted in attached schedule.

Section 4. Amend Section 220-22 of Chapter 220 of the Code of the Town of Niskayuna, entitled Signs, to read as follows:

- D. Subdivision Signs (220-22(D))
  - (1) Building permit. A zoning and building permit shall be required for the erection, alteration or reconstruction of any subdivision sign.
  - (2) Location. Subdivision signs shall be located on private property owned by the subdivision developer, his or her successor or assign and not in the public right-of-way unless otherwise permitted by the Town Board. In general, subdivision

signs shall be located near entrances to the subdivision, but no subdivision sign shall be placed on a lot containing a residence. Subdivision signs shall not be placed on a corner lot within a triangle formed along the edge of pavement of said lot and a line drawn between the points along such edge of pavement 30 feet distant from their point of intersection, as calculated in Figure 1.

- (3) Number. The number of signs shall be limited to no more than one per entrance street to the subdivision up to a maximum of three signs.
- (4) Size. A subdivision sign may be a maximum of 16 square feet in area and eight feet in height above the average grade at its location.
- (5) Maintenance. Subdivision signs shall be maintained in good condition by the subdivision developer, his successor or assign. The developer may provide payment to the Town of Niskayuna in a sum to be determined by the Town Board to be held in a fund to be used by the Town of Niskayuna to maintain the subdivision sign in good condition.
- (6) Design. The Planning Board and Zoning Commission shall have final approval over the design and size of any proposed subdivision sign.

#### E. Neighborhood Signs

- (1) In accordance with the Town of Niskayuna's 2013 Comprehensive Development Plan, duly adopted by the Town Board of the Town of Niskayuna in November 2014, the Town recognizes the importance of identifying neighborhoods throughout the Town through various means such as freestanding monument signs or street signs. This Section shall only apply to those neighborhoods or subdivisions with no existing neighborhood or subdivision sign per §220-22(D) of this Chapter.
- (2) A "neighborhood" is an area of the Town of Niskayuna defined by its residents and its distinctive characteristics as enumerated and defined more in depth in the 2013 Comprehensive Plan, consisting of the narratives of twenty (20) identified neighborhoods within the Town.
- (3) Petition. A petition for the establishment of a neighborhood sign shall be signed by owners of taxable real property situated in the neighborhood or subdivision for the proposed sign. In order to proceed, signatures must be obtained from at least 51% of the residences whose aggregate assessed valuations make up at least 51% of the total assessed values of the properties in the proposed neighborhood or subdivision. Such petition shall be certified by the Town Assessor.
- (4) Standards.
  - A. Permitted signs
    - (1) Freestanding monument signs
    - (2) Street signs
  - B. Materials
    - (1) Freestanding monument signs shall be constructed of materials compatible with the surrounding neighborhood.

C. Height

- (1) Freestanding monument signs shall be no greater than five (5) feet in height above finished grade.

D. Size

- (1) Freestanding monument signs shall have a maximum area of sixteen (16) square feet.

E. Illumination

- (1) Neighborhood signs shall not be illuminated.

F. Lettering

- (1) A maximum of two (2) lettering styles shall be permitted on signs.

G. Setbacks

- (1) Freestanding monument signs shall not be located in such a way as to obstruct a motor vehicle driver's vision at intersections. As such, freestanding monument signs shall not be placed on a corner lot within a triangle formed along the edge of pavement of said lot and a line drawn between the points along such edge of pavement 30 feet distant from their point of intersection, as calculated in Figure 1. Such signs may be located in the public right-of-way with approval of the Town Board. Should such signs be located on private property, an access easement along with a signed, notarized statement of approval from the impacted property owner must be filed with the Schenectady County Clerk's Office.

H. Number

- (1) A maximum of four (4) freestanding monument signs shall be permitted to be set in locations on major arterials as approved by the Town Board. A maximum of six (6) street signs shall be permitted to be set in locations approved by the Town Board.
- (5) Maintenance. Neighborhood signs shall only be permitted if the petitioners provide a means of maintaining the neighborhood signs in good repair and condition. A neighborhood association, or similar committee or group of neighborhood residents, shall file with the Town Clerk a notarized statement stating that the undersigned will undertake the responsibilities of maintaining the neighborhood signs in good repair and condition for a period of one calendar year from the date of notarization. Such statement shall be renewed on a yearly basis. At any time such statement expires, within sixty (60) days, the Town may exercise the right to remove the neighborhood signs.

Section 5. Amend Section 220-29 of Chapter 220 of the Code of the Town of Niskayuna, entitled Home occupation uses, to read as follows:

- A. A "home occupation" is an occupation or profession which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and which is carried on by a member of the family residing in said dwelling unit.
- B. Registration and permit renewal.
- (1) Registration. The applicant shall file a building and zoning permit to register the home occupation along with a permit fee of \$75.
  - (2) Permit renewal. Once issued, a building and zoning permit for a home occupation shall be renewed by the applicant on an annual basis until such time as the business shall cease. There shall be a charge of \$25 for each renewal. Failure to renew the permit shall constitute a violation of this chapter.
  - (3) De minimis uses. Registration is not required for home occupations where all of the following conditions are met:
    - i. No physical change to the exterior of a principle or accessory structure is required to accommodate the home occupation;
    - ii. The use is conducted on the site solely by persons utilizing the home as their primary residence;
    - iii. The home occupation has no non-resident employees; and
    - iv. No customers, including, but not limited to patients and clients, are expected to enter the property or dwelling.
- C. General conditions.
- (1) Where permitted. One home occupation use is permitted in any residential dwelling unit or building or structure accessory thereto.
  - (2) Extent of use. Such use may occupy not more than 20% of the gross floor area of the dwelling unit nor 15% of the gross floor area of the dwelling unit and accessory structures and buildings; and such use shall be carried on solely and wholly within the principal building or within such accessory structure(s) or building(s).
  - (3) Evidence of use. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
  - (4) Exterior sign. In addition to the regulation of Schedule I, Column 7, one unanimated non-illuminated sign of not more than two square feet attached to the building is permitted.
  - (5) Parking. One off-street parking space for every 200 square feet of home occupation use shall be required if persons other than members of the family will be entering upon the property or entering the dwelling for purposes relevant to the home occupation.
  - (6) Nuisance elements. No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced.

- (7) Employees. In addition to members of the family residing in the residential dwelling unit, not more than one additional person shall be employed in the home occupation except that there may be two additional persons employed in a home occupation located on a major arterial.
- D. Permitted uses. Such uses include an art studio, that is not a place of instruction; private music lessons or tutoring of not more than one student at a time; dressmaking and tailoring; office of a physician, dentist, lawyer, engineer, architect, real estate or insurance broker or agent or accountant; writing; telecommuting; telephone service only for any occupation; internet or software based website or application development; or other uses of a similar nature.

Section 6. Amend Section 220-32.6 of Chapter 220 of the Code of the Town of Niskayuna, entitled Uses in O-T/L-I Zoning Districts, to read as follows:

- I. Signs. Signs serve not only a practical purpose but also help define the character and attractiveness of a development. The purpose of these standards is to promote signs which are visually compatible with their surroundings and which avoid inappropriate materials and design. At any time that there is a new sign or a modification or a replacement of an existing sign in the Office Technology/Light Industrial Zone, the following standards shall apply. These sign requirements shall be a supplement to those standards in § **220-22** and Schedule I standards in the Office Technology/Light Industrial Zone.
- (1) Address identification: In the interest of public safety, all properties shall be assigned address identification numbers. All assigned address identification numbers shall be installed as prescribed herein. Numbers shall be affixed to the principal building in the vicinity of the front door or entry. Numbers shall also be placed on the property identification sign so as to be clearly visible at all times from the public street in front of the building when traveling in either direction. Numbers shall contrast with the surrounding surfaces and be displayed in a size and color as approved by the Planning Board.
- (2) Façade Sign: For each linear foot of building frontage, 1 square foot of sign area shall be permitted. Such sign shall only be attached to the building face and shall not protrude more than 1 foot from the building face and shall be a single face sign. Where uses are joined by a common wall, such sign area shall not be combined into a common sign area. Under no circumstances shall any 1 sign exceed 50 square feet.
- (3) Property identification: One freestanding monument (ground) sign is permitted per lot to be located near the entrance road or driveway to the building to indicate address and business identification. Such signs shall have a minimum setback of five feet from the front or side property lines and shall be located in a manner that does not interfere with required minimum sight distance at driveways or

intersections. Such signs shall have a maximum area of 20 square feet and be no greater than eight feet in height above the finished grade. Double-faced signs are permitted.

- (4) Subdivision identification: Such signs shall be in accordance with § **220-22D**.
- (5) Direction identification: Signs used for directing of traffic shall be of a size not to exceed three square feet and not to exceed four feet in height above the existing grade of the street. Directional signs shall be of materials compatible with other signs as approved by the Planning Board. Directional signs may display business names if approved by the Planning Board.
- (6) Lighting: Sign lighting should minimize glare and maintain the aesthetic character of the area. Signs may be internally or externally lit, and raised-lettering signs may be backlit.
- (7) Materials: Monument signs shall be constructed with materials compatible to the area as approved by the Planning Board.

Section 7. Add Section 220-36.7 of Chapter 220 of the Code of the Town of Niskayuna, entitled Tobacco retailers, to read as follows:

A. Purpose / Intent

- a. The Town Board of the Town of Niskayuna has a substantial and important interest in reducing the number of individuals of all ages who use cigarettes and other tobacco products, with a particular interest in reducing the illegal sale of tobacco products to minors. The Town Board finds that restricting the the location of tobacco retailers in the Town is necessary to protect the public health, safety, and welfare of the community.

B. Distance separation requirements

- a. Tobacco retailers shall not be located within 1,000 feet from the property lines of any Niskayuna Central School District school, nursery school, school of private instruction, or child day-care center.

Section 8. Amend Section 220-19 of Chapter 220 of the Code of the Town of Niskayuna, entitled Off-street parking; driveways, to read as follows:

C. Dimensions for off-street automobile parking spaces. Every such space provided shall be at least nine feet wide and eighteen (18) feet long, and every space shall have direct and usable driveway access to a street with minimum maneuver area between spaces as follows:

- a. Parallel curb parking: five feet additional between each eighteen-foot space with a ten-foot aisle width for one-directional flow and a twenty-foot aisle for two-directional flow.

- b. Thirty-degree parking: ten-foot aisle width for one-directional flow and twenty-foot aisle width for two-directional flow.
- c. Forty-five-degree parking: eleven-foot aisle width for one-directional flow and twenty-two foot aisle width for two-directional flow.
- d. Sixty-degree parking: sixteen-foot aisle width for one-directional flow and twenty-two-foot aisle width for two-directional flow.
- e. Perpendicular parking: twenty-two-foot aisle width for one-directional and two-directional flow.

Section 9. Amend Section 220-69 of Chapter 220 of the Code of the Town of Niskayuna, entitled Zoning Board of Appeals, to read as follows:

B. Establishment

- (1) The Zoning Board of Appeals, heretofore created according to the provisions of § 267 of Town Law, is hereby continued as now constituted. Each member of said Zoning Board of Appeals shall continue to hold office to the expiration of his present term, at which time the Town Board shall appoint a successor as provided by law.
- (2) The Zoning Board of Appeals, heretofore created according to the provisions of § 267 of Town Law, is hereby continued as now constituted. Each member of said Zoning Board of Appeals shall continue to hold office to the expiration of his present term, at which time the Town Board shall appoint a successor as provided by law. The Town Board of the Town of Niskayuna may appoint temporary ad hoc members to the Zoning Board of Appeals to serve as provided in this section. The number of temporary members so appointed pursuant to this section shall not exceed five. In addition to the three temporary ad hoc members appointed on January 14, 2016, two temporary ad hoc members may be appointed by the Town Board to serve until December 31, 2018 and, on the first day of January next succeeding the first biennial Town election held after the time of the establishment of such position, and biennially thereafter, the Town Board shall appoint temporary ad hoc members who shall hold membership for terms of two years. The Chairman of the Zoning Board of Appeals shall assign the temporary members as necessary when absence of regular members of the Board or a conflict of interest of regular members of the Board or disability of regular members of the Board would otherwise prevent any of the regular members of the Board from considering any pending matter. Once designated to serve on a particular matter before the Board, the temporary members shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination by the Board consisting of temporary members shall have the same weight and be entitled to the same authority as the act or deed of the regular Zoning Board of Appeals, and all laws, statutes and regulations shall apply and be



applied with equal force and effect. Temporary members appointed pursuant to this section shall be paid for their respective services as fixed by resolution of the Town Board.

Section 10. Add Article VIII E to Chapter 220 of the Code of the Town of Niskayuna, to be entitled Guidelines and standards for Neighborhood Mixed Use (NMU) zoning district.

Section 11. Add Section 220-48.29, entitled Purpose, to Article VIII E of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

It is the purpose of this article to permit a mix of various housing types and commercial businesses in a pedestrian-oriented neighborhood with a sense of community and place. The following guidelines and standards are intended to encourage building designs and site layouts that:

- A. Create a mixed use, small town character that complements existing town development.
- B. Allow a range of small scale commercial uses within easy walking distance of adjoining residential homes.
- C. Accommodate a variety of housing types and discourage one housing type from dominating the streetscape.
- D. Ensure that commercial uses have a character that is compatible with existing areas in town, as well as future residences within the development.
- E. Promote pedestrian orientation of streets and buildings.
- F. Develop businesses, streets, parks, and homes that promote social interaction as well as privacy.
- G. Alleviate the perceived impact of high-intensity developments by requiring them to be of a pedestrian scale, bulk, and orientation.
- H. Give priority to pedestrian movement and access to buildings, open spaces, and streets; and discourage design that gives priority to vehicular convenience only.
- I. Create a street circulation system that provides safe and convenient access but discourages fast or heavy traffic that is incompatible with a residential neighborhood.
- J. Use scale, building orientation, and landscaping to establish community identity.
- K. Use open and recreational spaces as a community focal point.
- L. Provide recreational opportunities.
- M. Ensure that new development is compatible with existing neighborhoods.

Section 12. Add Section 220-48.30, entitled Density, to Article VIII E of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

- A. Within the Neighborhood Mixed Use District, all lands shall be divided into lots and streets, with the tract divided into residential lots, non-residential lots, open space lots, existing streets, and/or proposed streets:
  - (1) All development shall meet the following mix requirements:

- a) Residential lots shall cover no less than 20% and no more than 65% of the property area;
  - b) Non-residential lots shall cover no less than 5% and no more than 25% of the property area; and
  - c) Open space lots shall cover no less than 20% of the property area.
- (2) For determining the mix requirements, when residential and non-residential uses are located on a single lot but these uses are in separate buildings, each building with a different use shall be given an equivalent lot area that meets all regulations that would be required for the building and use on a lot.
  - (3) Mixed Use Buildings with a mix of non-residential and multi-family uses shall be considered non-residential for purposes of calculating the mix requirements.
  - (4) Areas within the street rights-of-way of existing or proposed streets shall not be considered as part of a residential, non-residential, or open space lot.
  - (5) The development shall include at least two of the following housing types: single-family detached, single-family attached, or multi-family. To qualify as one of the two required housing types, a housing type must comprise at least fifteen percent (15%) of the total housing units in the development. No housing type may exceed fifty percent (50%) of the total housing units in the development.
  - (6) When Mixed Use Developments are first subdivided, each proposed lot within the development shall be designated as a non-residential, mixed use, single-family detached, single-family attached, multi-family, or open space lot. Any future development on an individual lot shall conform to this initial use designation for that particular lot.

Section 13. Add Section 220-48.31, entitled Dimensional requirements, to Article VIII E of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

	<u>Non-residential building including multi-family</u>	<u>Single-family detached</u>	<u>Single-family attached</u>	<u>Multi-family units</u>
<u>Min. lot area</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft. per unit</u>	<u>2,400 sq. ft. per unit</u>	<u>10,000 sq. ft. per building</u>
<u>Min. lot width</u>	<u>100 feet</u>	<u>80 feet</u>	<u>40 feet per unit</u>	<u>100 feet</u>
<u>Min. side yard</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Min. rear yard</u>	<u>30 feet</u>	<u>25 feet</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Max. % of building coverage per lot</u>	<u>35%</u>	<u>20%</u>	<u>45%</u>	<u>25%</u>
<u>Max. impervious coverage per lot</u>	<u>75%</u>	<u>30%</u>	<u>55%</u>	<u>60%</u>
<u>Max. building</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>

<u>height</u>				
<u>Max. dwelling units per building</u>	<u>8</u>	<u>N/A</u>	<u>4</u>	<u>8</u>
<u>Min. distance between buildings on same lot</u>	<u>20 feet</u>	<u>N/A</u>	<u>N/A</u>	<u>30 feet</u>
<u>Max. building length</u>	<u>100 for facades facing a street</u>	<u>N/A</u>	<u>N/A</u>	

Section 14. Add Section 220-48.32, entitled Design standards, to Article VIIIIE of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

A. General layout

- (1) Non-residential buildings shall generally be located near major arterials whereas residential buildings may be located along major and minor arterials.
- (2) The mix of non-residential, residential buildings and open space shall be such that they are easily accessible by pedestrians.

B. Streets and Sidewalks

- (1) Streets shall be laid out so that they are interconnected with each other.
- (2) Cul-de-sacs are discouraged and may only be permitted by special permission of the Town's Planning Board and Zoning Commission.
- (3) Sidewalks and/or multi-use paths are required along all major and minor arterials and shall be located within respective right-of-ways.

C. Buildings

- (1) Non-Residential Buildings shall be oriented towards streets within the property, with a public entrance in this front façade. If the building is located on a corner, the entrance may be located on the corner with an appropriate building articulation.
- (2) Non-Residential Buildings shall have architectural treatments that are the same as the front façade, including consistent style, materials, colors and details.
  - (a) Windows coverage percentage shall be 35% - 75% of front façade.
  - (b) Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall.

Section 15. Add Section 220-48.33, entitled Parking, to Article VIIIIE of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

A. Residential

- a. Detached single-family dwellings

- i. There shall be a minimum of two (2) off-street parking spaces, one of which must be enclosed. Detached garages shall be located such that it provides minimal visual impact from the street.
  - b. Attached single-family dwellings
    - i. There shall be a minimum of two (2) off-street parking spaces, one of which must be enclosed. Detached garages are permissible if located in a one-way alleyway behind the residential structures.
  - c. Multi-family dwellings
    - i. Parking must be located behind the rear façade of any building or buildings;
    - ii. There must be at least one (1) covered space per unit;
    - iii. A parking area that abuts a street shall be screened by one of the following mechanisms:
      - 1. A architectural wall no less than three (3) feet and no more than four (4) feet height above finished grade; or
      - 2. Plantings such as hedges or buffer plantings.
- B. Non-residential
  - a. Off-street parking areas shall be located to the side and/or rear;
  - b. Off-street parking shall be visually screened from existing and proposed streets by hedges, walls, buffer plantings, or similar site elements;
  - c. Parking areas on abutting non-residential lots shall be interconnected by access driveways;
  - d. Easements and access driveways guaranteeing access between all non-residential lots in a single block;
  - e. Garage doors shall not face any existing or proposed street;
  - f. Parking lots shall be set back at least ten (10) feet from residential lots within a mixed-use lot or block and, in all cases, at least ten (10) feet from the street right-of-ways

Section 16. Add Section 220-48.34, entitled Off-street loading areas; outdoor storage; trash disposal areas, to Article VIII E of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

- A. All loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least twenty-five (25) feet from residential property lines.
- B. Outdoor storage or display of materials shall not be permitted overnight.
- C. Trash disposal areas shall be located within buildings or within a screened area that completely hides the trash and is located to the side or rear of a building. All outdoor trash disposal areas shall be set back at least twenty-five (25) feet from residential property lines.

Section 17. Add Section 220-48.35, entitled Infrastructure, to Article VIIIIE of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

A. (Reserved)

Section 18. Add Section 220-48.36, entitled Landscaping, to Article VIIIIE of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

A. Landscaping (see 220-21)

Section 19. Add Section 220-48.37, entitled Signs, to Article VIIIIE of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

A. Signs (see 220-22)

Section 20. Add Section 220-48.38, entitled Open space, to Article VIIIIE of Chapter 220 of the Code of the Town of Niskayuna, to read as follows:

- A. Open space requirements: All developments in the Neighborhood Mixed Use (NMU) District shall meet a 20% open space requirement which shall consist of a mix of open space, passive open space, active recreational facilities, or other similar types of open space. No portion of any building lots, street right-of-way area, or stormwater management facilities, except permanent wet ponds, may be used in calculating the minimum open space requirements set forth above.
- B. Residential dwelling units shall be located within 800 feet of some type of open space as defined herein.

Section 21. This local law shall take effect as provided in Section 27 of the Municipal Home Rule Law.