



RECODE TROY

CHAPTER 285: ZONING, LAND USE AND DEVELOPMENT ORDINANCE

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TABLE OF CONTENTS

ARTICLE I: TITLE AND PURPOSE.....	1
§285-1. Title.....	1
§285-2. Authority.....	1
§285-3. Interpretation, applicability and severability.	1
§285-4. Enactment.	1
§285-5. Purpose.....	2
§285-6. Delegation of authority.	2
ARTICLE II: PERMITS AND APPROVALS	3
§285-7. Permits, approvals, and notices; general requirements.....	3
§285-8. Fees and expenses.....	4
§285-9. Referrals and notices required under General Municipal Law.	4
§285-10. State Environmental Quality Review Act.....	4
§285-11. Professional assistance and escrow accounts.....	5
§285-12. Performance bond.	6
§ 285-13. Building permits.....	6
§ 285-14. Certificates of occupancy.....	6
§285-15. Site plan review.....	7
§285-16. Special Use Permits.	14
§285-17. Boundary/lot line adjustments.	18
§285-18. Subdivision of land.	20
§285-19. Variances and Appeals.....	27
§285-20. Permits for temporary uses and structures.	31
ARTICLE III: ADMINISTRATION AND ENFORCEMENT.....	33
§285-21. Powers and duties of Director of Code Enforcement.	33
§285-22. Powers and duties of the Commissioner of Planning and Community Development; Planning Department.....	33
§285-23. Powers and duties of the Planning Commission.....	33
§285-24. Powers and duties of the Historic District and Landmarks Review Commission; Advisory Committee.....	34
§285-25. Powers and duties of the Zoning Board of Appeals.	34
§285-26. Violations, abatements, and penalties.	37
ARTICLE IV: ESTABLISHMENT OF DISTRICTS, ZONES, AND MAPS	40
§285-27. Establishment of Use Districts and Map.....	40

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

§285-28.	Establishment of Development Intensity Zones and Map.....	41
§285-29.	Interpretation of map boundaries.....	42
ARTICLE V: LOT USE AND FORM STANDARDS		45
§285-30.	Purpose.....	45
§285-31.	Applicability of the Schedule of Permitted Uses.....	45
§285-32.	Lot development standards.....	51
§285-33.	Neighborhood I Development Intensity Zone.....	53
§285-34.	Neighborhood II Development Intensity Zone.....	54
§285-35.	Neighborhood III Development Intensity Zone.....	55
§285-36.	Neighborhood IV Development Intensity Zone.....	56
§285-37.	Neighborhood V Development Intensity Zone.....	57
§285-38.	Campus-Institutional Development Intensity Zone.....	58
§285-39.	Downtown I Development Intensity Zone.....	59
§285-40.	Downtown II Development Intensity Zone.....	60
§285-41.	Additional principal building requirements; conversion of existing buildings ...	61
§285-42.	Unique lots; building height and yard exceptions.....	61
ARTICLE VI: RESILIENT WATERFRONT AND FLOOD RISK OVERLAY		63
§285-43.	Purpose and intent.....	63
§285-44.	General applicability.....	63
§285-45.	Hudson Riverfront development.....	64
§285-46.	Flood risk development standards.....	67
ARTICLE VII: ADDITIONAL REGULATIONS OF SPECIFIC USES		69
§285-47.	Accessory dwellings.....	69
§285-48.	Adult uses.....	69
§285-49.	Agriculture.....	70
§285-50.	Cannabis dispensaries/retail, tobacco, hookah, vaping establishments.....	73
§285-51.	Car washes.....	73
§285-52.	Convenience stores and variety stores.....	73
§285-53.	Drive-through service (window) facilities.....	74
§285-54.	Gasoline service stations.....	74
§285-55.	Grocery stores.....	75
§285-56.	Home-based businesses.....	75
§285-57.	Motor vehicle repair services, minor or major.....	77
§285-58.	Mini-self storage unit facilities.....	77
§285-59.	Outdoor storage areas, accessory commercial use.....	77

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

§285-60.	Portable storage containers and dumpsters.....	78
§285-61.	Solar energy systems.....	78
§285-62.	Wind energy systems, small.....	80
§285-63.	Wireless communications facilities.....	82
§285-64.	Wireless communication facilities, small scale.....	85
ARTICLE VIII: SUPPLEMENTARY REGULATIONS.....		91
§285-65.	Fences, hedges, and walls.....	91
§285-66.	Garbage (refuse) storage areas.....	92
§285-67.	Landscaping and screening.....	92
§285-68.	Outdoor lighting standards.....	98
§285-69.	Parking, loading and transportation.....	101
§285-70.	Pedestrian/accessible circulation.....	111
§285-71.	Public space enhancements and placemaking elements.....	112
§285-72.	Signage.....	112
§285-73.	Steep slopes protection.....	128
§285-74.	Stormwater management standards.....	129
§285-75.	Watercourse and wetland protection standards.....	130
ARTICLE IX: ARCHITECTURAL GUIDELINES.....		133
§285-76.	Architectural guidelines.....	133
ARTICLE X: ESTABLISHING PLANNED DEVELOPMENT DISTRICTS		139
§285-77.	Purpose and intent.....	139
§285-78.	Planned Development District proposals.....	139
§285-79.	Criteria for consideration of Planned Development District proposals.....	140
§285-80.	Planned Development District proposal procedure.....	141
§285-81.	Procedures before the City Council.....	144
§285-82.	Expiration or abandonment.....	144
§285-83.	Changes and amendments.....	145
ARTICLE XI: NONCONFORMING LOTS, STRUCTURES, AND USES.....		146
§285-84.	Purpose.....	146
§285-85.	Nonconforming lots of record.....	146
§285-86.	Nonconforming structures.....	146
§285-87.	Nonconforming uses.....	147
§285-88.	Discontinuance of nonconforming uses.....	147
§285-89.	Improvements of nonconforming uses and structures.....	148
ARTICLE XII: AMENDMENTS.....		149

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

§285-90.	Purpose.....	149
§285-91.	Initiation of amendments.	149
§285-92.	Application and fees.	149
§285-93.	Referral to Planning Commission.....	149
§285-94.	Notice and public hearing.	150
§285-95.	Referral to County Planning Department.	151
§285-96.	Adoption.	151
ARTICLE XIII: DEFINITIONS.....		152
§285-97.	Use of words and terms.....	152
§285-98.	Definitions of words and terms.....	152
APPENDIX A		177

ARTICLE I: TITLE AND PURPOSE

§285-1. Title.

This Chapter shall be known and may be cited as the “Zoning, Land Use, and Development Ordinance of the City of Troy, New York.”

§285-2. Authority.

This Chapter is adopted pursuant to and in discharge of the powers conferred upon cities by Section 20 (Subdivisions 24-25) and Article 5-A of the General City Law, and by other provisions of the laws of the State of New York.

§285-3. Interpretation, applicability and severability.

- A. The provisions and requirements of this Chapter have been enacted for the protection and promotion of the public health, safety, and general welfare, and shall be interpreted and applied to further their public purpose,B. This Chapter applies to all buildings, structures, lands, and uses over which the City of Troy has jurisdiction. When this Chapter is more restrictive than other local, state, and federal laws, regulations, or ordinances, the provisions of this Chapter shall supersede unless preempted.
- C. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered except in conformity with this Chapter.
- D. All uses, structures, and lots lawfully existing at the time this Chapter takes effect shall be allowed to continue pursuant to and in accordance with Article XI of this Chapter.
- E. Otherwise valid approvals and extensions granted under former Chapter 285 within the three year period before the effective date of this Chapter shall not be revoked by reason of the enactment of this Chapter. After the effective date of this Chapter, modifications or other changes to such previously approved plans must conform to the requirements of this Chapter.
- F. If any clause, sentence, paragraph, section, or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Chapter, but shall be confined in its operation to the clause, sentence, paragraph, section, or part directly involved in the controversy in which the judgment was rendered.

§285-4. Enactment.

This Chapter shall take effect on the date the Secretary of State files the City of Troy Local Law repealing former Chapter 285.

§285-5. Purpose.

The purpose of this Chapter is to guide land use and future development in the City of Troy in order to promote and protect the health, safety, and welfare of all the people of the City. The Ordinance has been developed in accordance with the City of Troy's Comprehensive Plan and other community planning initiatives, taking into consideration the land use policies, principles, and guidance provided by such plans for the protection and promotion of the public health, safety, character, morals, comfort, convenience, economy, aesthetics, general welfare, and the natural and cultural resources of the City. Such guiding principles and policies include:

- A. Continued promotion of the City's revitalization within a framework that balances economic development, preservation, and the environment.
- B. Encouragement of flexibility in the design and development of land and buildings in such a way as to ensure residents and businesses have access to: (1) a range of retail, commercial services and institutional amenities; (2) employment opportunities that are diverse and rewarding; and (3) mixed-use areas that will continue to grow and evolve as vibrant places of high-quality, urban development.
- C. Promotion of land use change and redevelopment that addresses issues of accessibility and compatibility, optimizes existing infrastructure, and enhances neighborhoods and the City as a whole.
- D. Provision of accessible, well-maintained parks and open spaces to provide active and passive recreational opportunities for persons of different abilities.
- E. Provision of clear land use policies to encourage new accessible development while protecting and preserving the essential character of the City, as well as its important historic resources and civic and cultural assets.
- F. Protection, restoration, and enhancement of the City's environmental assets for the advancement of both human and ecological health, as well as to respond to the impacts of climate change and to plan for risk mitigation and adaptation.
- G. Protection of residential and nonresidential areas from the intrusion of incompatible land uses, traffic congestion, and environmental pollution, and from other threats to property and persons.

§285-6. Delegation of authority.

When a provision of this Chapter refers to the Commissioner of Planning and Community Development, Director of Code Enforcement, Corporation Counsel, or any other officer of the City administration, the provision shall be construed to authorize such officer, or the Mayor, to designate and authorize another City official to undertake the duties required and otherwise to provide for the enforcement and administration of this Chapter.

ARTICLE II: PERMITS AND APPROVALS

§285-7. Permits, approvals, and notices; general requirements.

- A. No development may be commenced within the City of Troy prior to the issuance of all required permits and approvals.
- B. Violations and unpaid fines, bills, taxes, and fees.
 - (1) No application under this Chapter shall be processed if the lot or building that is the subject of the application is in violation of the Code of the City of Troy, unless the application is necessary to abate the violation.
 - (2) No application under this Chapter shall be processed unless all taxes, bills, fines, and all other fees payable to the City from the applicant or owner have been paid in full.
 - (3) In addition to the foregoing, the provisions of Chapter 126, Application Processing Restrictions, of the City Code shall apply to all applications made pursuant to this Chapter.
- C. Certain required permits and approvals.

BUILDING PERMITS and CERTIFICATES OF OCCUPANCY: Building Permits and Certificates of Occupancy shall be issued in accordance with and subject to the provisions of this Chapter and Chapter 141 of the Code of the City of Troy.

SITE PLAN APPROVALS: Site Plan Review and approval as provided in §285-15 shall be required for all proposed development except as otherwise exempted in §285-15.

SPECIAL USE PERMITS: Special Use Permits shall be issued in accordance with and subject to the provisions of §285-16 and may be subject to the Site Plan Review provisions of §285-15.

VARIANCES: Area and use variances shall be granted or denied in accordance with and subject to the provisions of §285-19.

BOUNDARY/LOT LINE ADJUSTMENTS: Boundary/lot line adjustments shall be granted or denied in accordance with and subject to the provisions of §285-17.

SUBDIVISION OF LAND: Proposed subdivisions shall be governed by the provisions of §285-18.

PLANNED DEVELOPMENT DISTRICTS: Proposed Planned Development Districts shall be subject to the provisions of Article X of this Chapter.

D. Notices:

- (1) Notice required by this Chapter shall be given as prescribed in the Section applicable to the particular type of matter to be heard or acted upon.
- (2) Any other notice required by New York State law shall also be given unless the notice prescribed in this Chapter meets or exceeds the state law requirements for the particular form of notice to be provided.
- (3) When it shall be the duty of an applicant or appellant under this Chapter to post required notices on the property that is the subject of the application or appeal, the applicant or appellant shall post the notices as required. The applicant or appellant shall prove the posting of the notices by filing a duly executed and notarized affidavit or affirmation stating upon personal knowledge when, where, and by whom the notices were posted, along with attached exhibits including a copy of the notice and photographs showing the posted notices and their locations on the property. The applicant or appellant must file proof of posting before the application or appeal may be heard or determined.
- (4) Applicants and appellants may be required to pay or reimburse the costs of giving required notices, including without limitation, the costs of publication, posting, and mailing.

§285-8. Fees and expenses.

- A. The City Council shall establish a schedule of fees to be charged for the review and processing of applications, permits, and approvals under this Chapter. The fee schedule shall be established by resolution of the City Council as amended from time to time. The fee schedule shall be available for public inspection in the offices of the City Clerk and the Director of Code Enforcement and shall be published on the City's website.

- B. All required fees shall be paid upon submission of an application or other request for action.

§285-9. Referrals and notices required under General Municipal Law.

Proposed Site Plans, Special Use Permits, Variances, and other planning and zoning actions shall be noticed and referred to the appropriate County officials and agencies and to other municipalities as required by and in accordance with the criteria and procedures of §§ 239-1, 239-m, 239-n, 239-nn, and as may be prescribed by other applicable provisions of Article 12-B of the General Municipal Law.

§285-10. State Environmental Quality Review Act.

In the administration of this Chapter, the City of Troy and all of its agencies, boards, and commissions shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Title 6, Part 617 of New York Codes, Rules and Regulations.

§285-11. Professional assistance and escrow accounts.

- A. The Planning Commission, Zoning Board of Appeals, or City Council may retain the services of planning, engineering, legal (subject to approval by Corporation Counsel), environmental, and other professional consultants whose expertise is reasonably necessary to assist such body in the review of significant applications involving complex issues beyond the usual scope of review.
- B. The applicant shall reimburse the City of Troy for all of the reasonably necessary costs of consultant services.
- C. The reviewing body shall require consulting costs to be paid in advance into an escrow account to be held and managed by the City, and from which withdrawals shall be made to reimburse the City for the costs of consultant services. The reviewing body may suspend an application until the escrow is established or replenished. The Corporation Counsel and City Comptroller shall establish the terms of the escrow account agreement, including provisions for additional funding and refunds. The Comptroller shall provide an accounting from time to time upon reasonable request and a final accounting when the account is closed.
- D. The applicant shall provide funds to the City for deposit into the escrow account in an amount to be determined by the reviewing body with the advice and recommendation of the City's engineers, attorneys, planners, and other knowledgeable staff based on their evaluation of the nature and complexity of the application and their estimation of the total value of the project, with the decision of the reviewing board to be final and conclusive on the applicant. The amount of the initial funding of the escrow account must be sufficient to cover the estimated costs of the consultant services necessary to review the application and plans submitted, and to offer expert professional recommendations and guidance to the reviewing body.
- E. The City Comptroller shall review and audit all vouchers submitted by consultants engaged by the reviewing body and shall approve payment of consulting fees and disbursements that are reasonable in amount and necessarily incurred by the City in connection with the review and consideration of the proposed project. A fee, or part thereof, shall be deemed reasonable in amount if it bears a reasonable relationship to the usual and customary charges of professional consultants for comparable services performed in connection with the review and consideration of similar projects in the City, or if there are no similar projects in the City, then for similar projects in the surrounding area and municipalities. A fee or expense, or part thereof, shall be deemed necessarily incurred if the charge is for a rendered service or item that was necessary or required to assist the reviewing body in the performance of its public duties in the consideration and determination of the application.,
- F. No building permit, certificate of occupancy, or other permit, approval, or action shall be granted unless all reasonable and necessary professional consultant fees incurred by the City in connection with the project have been reimbursed to the City by the applicant.
- G. Upon completion and final approval of a project for which an escrow account was established, the City shall refund to the applicant the balance of the account, less any sums expended by the City for consultant services relating to the project after final audit of the

consultant vouchers by the Comptroller and payment of the approved consultant fees. A copy of the final accounting of the sums deposited and expended shall be provided to the applicant along with any refund due.

§285-12. Performance bond.

To guarantee completion of public infrastructure and other improvements required for a project, the Planning Commission may require as a condition of approval that the applicant provide a performance bond or other security in form approved by and from a source acceptable to the Corporation Counsel, and in an amount sufficient to cover the estimated costs of the public infrastructure and other improvements.

§ 285-13. Building permits.

- A. No Building Permit shall be issued for any proposed building or structure, alteration of any existing building or structure, or for the use, change of use, or reuse of any land, building or structure that is not in accordance with the provisions of this Chapter.
- B. A Building Permit is required when any construction, demolition, or alteration is made to any sites, monuments, landmarks, spaces, or objects located within a designated local historic district. In such cases, the provisions of Chapter 47, Historic District and Landmarks Review Commission, and the Historic Preservation Guidelines adopted by the Commission, shall apply, and shall prevail when in conflict with any specific requirement of this Chapter.
- C. Applications for Building Permits shall be made in writing to the Director of Code Enforcement on forms furnished for that purpose and shall be accompanied by the plans, fees, and other information prescribed in this Chapter and in Chapter 141.

§ 285-14. Certificates of occupancy.

- A. No building or structure or any part thereof hereafter erected or altered, or the use of which is changed, shall be occupied or used until a Certificate of Occupancy has been issued.
- B. The Director of Code Enforcement shall not issue a Certificate of Occupancy for any building or structure unless the occupancy or use complies with applicable laws and regulations, including without limitation the provisions of this Chapter and Chapter 141, and if required, has been approved by the Planning Commission and Zoning Board of Appeals.
- C. A Certificate of Occupancy required by the Uniform Building Code shall be the same as a Certificate of Occupancy required by this Chapter.
- D. A Certificate of Occupancy shall be issued for existing buildings, structures, or uses if, after inspection, issuance of a Certificate of Occupancy would conform with applicable laws and regulations, including without limitation the provisions of this Chapter and Chapter 141, and if required, the occupancy or use has been approved by the Planning Commission and Zoning Board of Appeals.
- E. The Director of Code Enforcement may issue a Certificate of Occupancy to permit occupancy of a specific portion of a building or structure, provided that:

- (1) Any work being done on the remainder of the building or structure will not endanger the occupants or materially interfere with the use and occupation of the occupied part; and
- (2) The occupied portion has adequate emergency access and egress that will continue to be maintained.

F. The Director of Code Enforcement may issue a temporary Certificate of Occupancy to permit occupancy of an entire building or structure for a period of six months until specified minor work items are completed.

G. Applications for a Certificate of Occupancy shall be made in writing to the Director of Code Enforcement on forms furnished for that purpose as provided in Chapter 141.

H. A Certificate of Occupancy shall be granted if, after receipt of a completed application and inspection of the premises, the Director of Code Enforcement finds that occupancy and use of the building or structure is in accordance with applicable laws and regulations, including without limitation the provisions of this Chapter and Chapter 141, and all requisite approvals have been granted.

I. The Director of Code Enforcement shall notify the applicant in writing if a Certificate of Occupancy is denied and shall state the reasons for the denial.

§285-15. Site plan review.

A. Purpose.

The purpose of site plan review is to afford the City an opportunity to review a proposed improvement to ensure compatibility with regard to its physical and functional integration on the site of the development and in the surrounding neighborhood. A thorough site plan review requires a comprehensive presentation of the existing characteristics of the site and a complete description of the potential impacts that may result from the intended design, arrangement, and uses of the land to be improved. In reviewing site plan applications, consideration shall be given to public health, safety, and welfare, as well as the comfort and convenience of the general public, neighborhood residents, and the users of the proposed development. Reasonable conditions and safeguards may be required to further the goals and intent of this Chapter.

B. Applicability.

- (1) Site plan approval by the Planning Commission shall be required for all new permitted land use activities listed on Schedule A: Permitted Uses, except for the following uses and activities which shall be exempt from site plan review:
 - (a) Construction of single-family dwellings and two-family dwellings.
 - (b) Customary accessory uses.

- (c) A simple change in tenancy of a building or structure that previously was granted site plan approval for the same intended use.
- (d) An alteration to the exterior of a principal structure that will not be a major alteration of appearance as determined by the Director of Code Enforcement.
- (e) A surface parking increase of up to five additional spaces meeting the requirements of §285-69.
- (f) Ordinary landscaping or grading that is not conducted in connection with a land use reviewable under the provisions of this Chapter.
- (g) Ordinary repair or maintenance or interior alterations to existing structures or uses.
- (h) A change of use for a nonresidential structure that is less than 10,000 square feet in area and that will not result in a new or expanded structure, except that the following shall require site plan approval:
 - [1] The conversion of any public or private school, library, or other educational or religious facility to another use.
 - [2] Any new establishment or expansion of a business for the sale, lease, or rental of motor vehicles or for motor vehicle or auto body repair.
 - [3] Any renovation of a business that sells fuel for motor vehicles.

(2) An applicant claiming an exemption from the provisions of §285-15 that require site plan review and approval must obtain a written verification of exemption from the Director of Code Enforcement prior to obtaining any City permit.

(3) To obtain an exemption from the provisions of §285-15 that require site plan review and approval, the applicant must submit to the Director of Code Enforcement a letter requesting a waiver from change in tenancy review, including a written description of the proposed tenant's operations, including the layout and floor area of the premises to be occupied, number of employees, hours of operation, proposed signage, and number of parking spaces anticipated to be needed. The Director of Code Enforcement will determine if an exemption applies based on the submission and the existing conditions of the property.

(4) An approved exemption shall remain in effect until the next change in tenancy.

C. Coordination with other permits and approvals.

(1) Site Plan Review shall be an integral part of the approval process for issuance of a Special Use Permit. Separate site plan approval shall not be required for uses that require a Special Use Permit.

(2) Area Variances.

- (a) When a Site Plan application contains one or more features that do not comply with the dimensional regulations of this Chapter, the applicant shall begin the process of Site Plan Review with the Planning Commission prior to seeking any Area Variances.
- (b) Before completion of its review, the Planning Commission shall refer the Area Variance application to the Zoning Board of Appeals along with its written recommendation regarding whether any requested Area Variances should be granted or denied.
- (c) Area Variance applications made directly to the Zoning Board of Appeals in conjunction with Site Plan Review as provided above shall not require a decision or determination by the Director of Code Enforcement.

D. Site Plan Review application submission procedures.

(1) Pre-Application Meeting (optional).

Before submitting an application and development proposal, an applicant may request a pre-application meeting with City Planning Department staff and others as may be appropriate in order to obtain pertinent information concerning applicable procedures, submission requirements, development standards, and other matters relevant to the proposal.

(2) Sketch Plan Conference (optional).

Prior to formal submission of a detailed site plan, an applicant may request a sketch plan conference with the Planning Commission to review the basic site design concept, to provide the applicant with constructive suggestions, and generally, to determine the information required to present a complete application. Sketch Plan review shall take place at a Planning Commission meeting.

(3) Identification of required Site Plan information.

- (a) The Planning Commission shall adopt a list of the information required for Site Plan applications. This list may be updated by the Planning Commission as necessary.
- (b) At minimum, all Site Plan applications shall provide the following information applicable to the proposed project.

[1] The proposed use or uses and a general description of the proposed development.

[2] A site plan drawn to a scale of not more than 50 feet to the inch on one or more sheets illustrating the proposed development and use and including the following:

- a. The boundary lines and dimensions of the subject property, existing subdivision lots, available utilities and easements, roadways, rail lines, and public rights-of-way crossing and adjacent to the subject property.
- b. Any proposed regrading of the subject property and any significant natural, topographical, or physical features of the property, including, at minimum, watercourses, wetlands, trees in excess of six inches in diameter, and existing contours and grades in excess of four feet in 100 feet.
- c. The location, size, use, and arrangement (including height in stories and feet, floor area ratio, total floor area, total square feet of ground area coverage, and number and size of dwelling units by number of bedrooms) of proposed buildings and existing buildings that will remain, if any.
- d. Minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.
- e. Location, dimensions, and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking spaces, loading spaces and access aisles, sidewalks, walkways, and pathways.
- f. All existing and proposed surface and subsurface drainage facilities.
- g. Location, size, and arrangement of all outdoor signs and lighting.
- h. Proposed landscaping, including the type, location, and quantity of all plant materials, the location and height of fences or screen plantings, and the type or kind of building materials or plantings to be used for fencing or screening.
- i. Location, designation, and total area of all usable open space or common property and the extent to which it is to be improved.
- j. Storage plans and specifications for recycling, garbage, and any other materials requiring disposal (including grease disposal for relevant entities), and the location of receptacles on site as required by §285-66.
- k. Plans for storage of snow on site.

(c) The Planning Commission may require that any plans submitted as part of a Site Plan application be stamped by a licensed professional land surveyor, engineer, architect, landscape architect, or other licensed professional as appropriate.

(4) Application submission requirements.

- (a) Applications for Site Plan Approval shall be made to the Planning Commission using forms supplied by the Planning Department.
- (b) Completed applications shall be delivered to the Planning Department. The applicant shall provide to the Planning Department the requested number of paper copies of the application and an electronic copy.
- (c) As provided in §285-7 B, no application shall be processed if there are outstanding violations, taxes, or fees on the property or that are otherwise owed to the City by the applicant or owner.

(d) The applicant shall submit the required fee as established in the City of Troy fee schedule and any escrow deposit for consultant review costs if required by the Planning Commission pursuant to §285-11. The application shall not be deemed complete until the required fee is paid and any required escrow deposit is made.

(e) The Planning Commission shall determine whether the application is complete.

E. Planning Commission review criteria.

Review of Site Plan applications by the Planning Commission shall include, but not be limited to, the following criteria:

- (1) Compatibility and consistency with the goals and recommendations of the City of Troy Comprehensive Plan, Complete Streets Ordinance, Historic Preservation Guidelines, and other approved City plans and programs.
- (2) Location, arrangement, size, design, and general site compatibility of buildings relative to the standards of lot development set forth in Article V and to the building design standards set forth in Article IX.
- (3) Adequacy of the proposed Parking Plan or Transportation Demand Management Plan relative to the standards for parking, loading, and transportation required in §285-69, and with regard to the demand and need for vehicle parking, public transit access, bicycle and walking facilities and amenities, and the location and arrangement of vehicle and bicycle parking and loading, pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
- (4) Adequacy and arrangement of pedestrian, bicycle, and vehicular traffic access and circulation, including alley utilization, intersections, sidewalks, bike lanes, road widths, pavement surfaces, dividers, and traffic controls.
- (5) Adequacy of stormwater and drainage facilities as required in §285-74 of this Chapter and Chapter 159, Erosion and Sediment Control and Stormwater Management, of the Code of the City of Troy.
- (6) Adequacy of water and sewer infrastructure.
- (7) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (8) Compliance with the outdoor lighting standards of §285-68.
- (9) Adequacy, type, and arrangement of trees, shrubs, and other landscaping and screening as required by the landscaping and screening standards of §285-67.
- (10) Inclusion of placemaking elements and amenities for enhancing public spaces as recommended in §285-71.

- (11) Adequacy of storage plans and specifications for recycling, garbage, and any other materials requiring disposal (including grease disposal for relevant entities), and the location of receptacles on site as required in §285-66.
- (12) Adequacy of structures, roadways, and landscaping in areas susceptible to ponding, flooding, or erosion.
- (13) Adequacy of protection of the City's natural resources including waterways and open spaces, steep slopes, and scenic viewsheds as required in Articles VI and VIII.
- (14) Adequacy of protection for and compatibility with any adjacent historic resources as identified by the City and the New York State and Federal Registers of Historic Places.
- (15) Plans for the storage of snow removed from parking lots, driveways, walkways, and other ways of access.
- (16) Protection of adjacent and neighboring properties from noise, odor, glare, unsightliness, and any other objectionable features.

F. Coordination with advisory Historic Committee for activities in a locally designated historic district.

As provided in Chapter 47 of the City Code and §285-24 of this Chapter, the Planning Commission shall seek a recommendation from the Historic District and Landmarks Review Commission Advisory Committee regarding any alteration, construction, or demolition activity proposed in the City's locally designated historic districts.

G. Notice and public hearing.

- (1) The Planning Commission shall conduct a public hearing on the proposed Site Plan. The hearing shall be held within sixty-two (62) days of the date the Planning Commission determines that the application for Site Plan review is complete.
- (2) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised on the City's website for the ten (10) day period immediately prior to the public hearing.
- (3) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least ten (10) days before the public hearing.
- (4) At least ten (10) days before the public hearing, a copy of the notice of public hearing shall be mailed through the United States Postal Service by first class mail to the owners of all parcels of property within 125 feet of the boundary lines of the property for which the application has been made, including parcels in every direction. The notice of public hearing shall be mailed to owners of parcels beyond 125 feet from the boundary lines

of the property for which the application has been made as the Commission may prescribe in particular cases. The neighboring property owners shall be identified as listed on the most recent City Assessor's roll and notified at the addresses thereon.

(5) At least seven (7) days prior to the hearing to be conducted for the application, the applicant shall post copies of the notice of public hearing at no less than two visually conspicuous locations on the property that is the subject of the application at places where passersby may read the notice. A corner parcel must be posted in at least two directions. The applicant shall make reasonable efforts to replace postings that are removed or substantially damaged. Failure to post copies of the public notice as required herein or to file proof of posting as required by this Chapter shall result in postponement of the hearing on the application until the posting requirements are met.

H. Decision and notification.

- (1) Within sixty-two (62) days of a public hearing, the Planning Commission shall make a decision on the application unless both the applicant and the Planning Commission consent to an extension.
- (2) A copy of the Site Plan decision shall be filed in the Office of the City Clerk within five (5) business days. A decision to approve or approve with modifications and/or conditions shall include authorization to the Planning Commission Chairperson to stamp and sign the Site Plan upon the applicant's compliance with the applicable conditions and the submission requirements stated herein.
- (3) If the Planning Commission's decision includes a requirement that modifications be incorporated in the Site Plan, conformance with the modifications shall be considered a condition of approval.
- (4) If the proposed Site Plan is disapproved, the Planning Commission shall notify the applicant in writing by mailing the decision to the applicant within five (5) business days. The Commission may recommend that the applicant resubmit after revision or redesign.
- (5) The Planning Commission's Site Plan decision shall be provided to the Director of Code Enforcement.
- (6) A copy of the decision shall be mailed to the applicant with a request for signature. No building permit shall be issued by the Director of Code Enforcement without the applicant's signature of acknowledgment on the Site Plan decision.
- (7) **Expiration.**

A Site Plan Approval shall expire twelve (12) months from the date of approval unless a Building Permit is issued, and the approved work has commenced. All work must be completed within two (2) years of issuance of a Building Permit unless:

- (a) A different specified time limit is established during project review by the Planning Commission and included in the approval; or
- (b) The applicant requests an extension of time to secure a Building Permit. Such request shall be granted at the discretion of the Planning Department; or
- (c) The Building Department, in its discretion, grants an extension of the Building Permit.

§285-16. Special Use Permits.

A. Purpose.

Special Use Permits are for uses that by their nature or location possess characteristics that may present land use or nuisance concerns or result in other adverse impacts. Accordingly, such uses require special consideration and may require imposition of conditions to mitigate impacts. An application for a Special Use Permit requires individual consideration of the Special Use within the Use District and on the specific lot on which it is proposed to be located. Granting of a Special Use Permit shall be based on the unique facts and circumstances of each application and shall not establish any precedent for granting any other Special Use Permit.

B. Applicability.

All uses of land listed in Schedule A as uses permitted with a Special Use Permit shall be allowed upon issuance of a Special Use Permit by the City Planning Commission.

C. Coordination with other permits and approvals.

- (1) Site Plan Approval is required as part of Special Use Permit approval unless specifically exempted under §285-15 Site Plan Review. Required Site Plan Review shall be carried out in conjunction with the Special Use Permit procedures of this section.

(2) Area Variances.

- (a) When a Special Use Permit application contains one or more features that do not comply with the dimensional regulations of this Chapter, the applicant shall begin the process of Special Use Permit review with the Planning Commission prior to seeking any Area Variances.
- (b) Before completion of its review, the Planning Commission shall refer the Area Variance application to the Zoning Board of Appeals along with its written recommendation regarding whether any requested Area Variances should be granted or denied.

(c) Area Variance applications made directly to the Zoning Board of Appeals in conjunction with a Special Use Permit application as provided above shall not require a decision or determination by the Director of Code Enforcement.

D. Application submission requirements.

- (1) An application for a Special Use Permit for Site Plan Approval shall be made to the Planning Commission using forms supplied by the Planning Department.
- (2) Completed applications shall be delivered to the Planning Department. The applicant shall provide to the Planning Department the requested number of paper copies of the application and an electronic copy.
- (3) As provided in §285-7 B, no application shall be processed if there are outstanding violations, taxes, or fees on the property or that are otherwise owed to the City by the applicant or owner.
- (4) The applicant shall submit the required fee as established in the City of Troy fee schedule and any escrow deposit for consultant review costs if required by the Planning Commission pursuant to §285-11. The application shall not be deemed complete until the required fee is paid and any required escrow deposit is made.
- (5) The Planning Commission shall determine whether the application is complete.

E. Special Use Permit review criteria.

Review of a Special Use Permit application by the Planning Commission shall include, but not be limited to, the following criteria:

- (1) The consistency and compatibility of the proposed use with the purposes of this Chapter and the requirements of the Use District and Development Intensity Zone in which it is located.
- (2) The consistency and compatibility of the proposed use with the goals and recommendations of the City of Troy Comprehensive Plan, Complete Streets Ordinance, and other approved City plans and programs.
- (3) The impact on the nature and character of the surrounding neighborhood, natural environment, historic district, or corridor in which it is located.
- (4) The impact on the site and its surroundings, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.
- (5) Restrictions or conditions on design of structures or operation of the use (including hours of operation) necessary to ensure compatibility with the surrounding uses or to protect the natural resources of the City.

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

- (6) The adequacy and accessibility of essential public facilities and services, such as streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
- (7) The impact of the proposed use on traffic congestion, impairment of pedestrian safety, or overload of existing streets, considering their current width, surfacing, and condition, and any improvements proposed to be made by the applicant.
- (8) Compatibility of the proposed use with the City's Historic Preservation Guidelines and the impact on adjacent historic resources as formally recognized by the City's Historic Districts and the New York State and Federal Registers of Historic Places.

F. Notice and public hearing.

- (1) The Planning Commission shall conduct a public hearing on the proposed Special Use Permit. The hearing shall be held within sixty-two (62) days of the date the Planning Commission determines that the application for the Special Use Permit is complete.
- (2) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised on the City's website for the ten (10) day period immediately prior to the public hearing.
- (3) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least ten (10) days before the public hearing.
- (4) At least ten (10) days before the public hearing, a copy of the notice of public hearing shall be mailed through the United States Postal Service by first class mail to the owners of all parcels of property within 125 feet of the boundary lines of the property for which the application has been made, including parcels in every direction. The notice of public hearing shall be mailed to owners of parcels beyond 125 feet from the boundary lines of the property for which the application has been made as the Commission may prescribe in particular cases. The neighboring property owners shall be identified as listed on the most recent City Assessor's roll and notified at the addresses thereon.
- (5) At least seven (7) days prior to the hearing to be conducted for the application, the applicant shall post copies of the notice of public hearing at no less than two visually conspicuous locations on the property that is the subject of the application at places where passersby may read the notice. A corner parcel must be posted in at least two directions. The applicant shall make reasonable efforts to replace postings that are removed or substantially damaged. Failure to post copies of the public notice as required herein or to file proof of posting as required by this Chapter shall result in postponement of the hearing on the application until the posting requirements are met.

G. Decision and notification.

- (1) The Planning Commission shall not approve a Special Use Permit unless it makes written findings that the proposed use will satisfy the criteria set forth above and as may be required for the specific use in Article VII.

- (2) If a Special Use does not satisfy the relevant criteria as originally proposed, the Planning Commission may approve a Special Use Permit conditionally on finding that acceptance of specific conditions and modifications will eliminate or mitigate the negative impacts of the project.
- (3) If the Planning Commission finds that the proposed Special Use does not satisfy the relevant criteria and may not be approved conditionally, it shall deny the Special Use Permit.
- (4) A decision granting or denying a Special Use Permit and the record of the Planning Commission must address the specific criteria used and include the findings of fact and reasons upon which the decision was based.
- (5) The Planning Commission shall render its decision in writing within sixty-two (62) days from the date of a public hearing unless both the applicant and the Planning Commission consent to an extension. The decision shall be signed by the Chairperson.
- (6) The Commission shall file the decision with the findings of fact in the Office of the City Clerk within five (5) business days after the day the decision was made. The Planning Commission will retain a copy of each decision in its files. The files shall be available for inspection by the public.
- (7) The Commission shall notify the applicant by mailing the written decision with the findings of fact to the applicant within five (5) business days after the day the decision was made.

H. Special Use Permit restrictions, expiration, and enforcement.

- (1) A Special Use Permit shall apply only to the specific property for which the application was made.
- (2) A Special Use Permit shall authorize only the particular special use or uses specified therein.
- (3) A conditionally approved Special Use Permit shall expire at the end of six months if the conditions have not been satisfied. The Planning Commission may consent to an extension of up to six additional months.
- (4) A Special Use Permit may be issued as:
 - (a) Permanent; or
 - (b) Temporary, to cease on a specified date and not to be renewable; or
 - (c) Renewable within a specified period of time set by the Planning Commission.

- (5) Any violation of the conditions of a Special Use Permit or a violation of any applicable performance criteria shall be deemed a violation of this Chapter and shall be subject to enforcement action.
- (6) Special Use Permits shall run with the land and will transfer to successive property owners provided the permit has not expired or otherwise lapsed.
- (7) Expiration.
 - (a) If a Building Permit is needed for the Site Plan Approval granted in conjunction with a Special Use Permit, the Site Plan Approval shall expire twelve (12) months from the date of approval unless the Building Permit is issued, and the approved work has commenced. All work must be completed within two (2) years of issuance of a Building Permit unless:
 - [1] A different specified time limit is established during project review by the Planning Commission and included in the approval; or
 - [2] The applicant requests an extension of time to secure a Building Permit. Such request shall be granted at the discretion of the Planning Department; or
 - [3] The Building Department, in its discretion, grants an extension of the Building Permit.

§285-17. Boundary/lot line adjustments.

A. Applicability.

- (1) A Boundary/lot line adjustment shall refer to any transfer of property that involves the realignment or adjustment of boundary/lot lines or dimensions of two or more adjacent parcels.
- (2) Boundary/lot line adjustments that do not result in the creation of an additional buildable lot, or the creation of any non-conforming lot, structure, or use, or the creation of any new public or private street shall not require Planning Commission review and may be approved by the Director of Code Enforcement.

B. General standards.

The following standards apply to all Boundary/lot line adjustments:

- (1) A Boundary/lot line adjustment involves a change to the boundary line between adjoining parcels. When a portion of a parcel is conveyed to the owner of an adjacent parcel, the conveyed portion must be merged with and become part of the adjacent parcel.
- (2) The final configuration shall be shown on a plat signed by the Director of Code Enforcement or the Planning Commission Chairperson, and the signed plat must be recorded in the Office of the County Clerk.

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

- (3) The deed of conveyance or the Boundary Line Agreement must contain language stating that the conveyed portion of the parcel shall be merged with the adjacent parcel.

C. Application submission requirements.

- (1) An application for a Boundary/lot line adjustment shall be made to the Director of Code Enforcement using forms supplied by the Planning Department.
- (2) Completed applications shall be delivered to the Director of Code Enforcement. The applicant shall provide the requested number of paper copies of the application and an electronic copy, if requested.
- (3) A survey map prepared by a New York State licensed engineer or surveyor showing existing lot lines as well as the proposed adjusted lot lines on a scale no smaller than appropriate to the lot sizes may be required. Other items may reasonably be required to be submitted.
- (4) As provided in §285-7 B, no application shall be processed if there are outstanding violations, taxes, or fees on the property or that are otherwise owed to the City by the applicant or owner.
- (5) The applicant shall submit the required fee as established in the City of Troy fee schedule and any escrow deposit for consultant review costs if required by the Planning Commission pursuant to §285-11. The application shall not be deemed complete until the required fee is paid and any required escrow deposit is made.
- (6) The Director of Code Enforcement or the Planning Commission as appropriate shall determine whether the application is complete.

D. Boundary/lot line adjustment Planning Commission procedure.

- (1) For Boundary/lot line adjustments not meeting the criteria for exemption in §285-17 A(2) above, owners of the lots to be adjusted or their representatives shall appear before the Planning Commission at a regularly scheduled meeting and submit paper copies of the sketch plan of the proposed Boundary/lot line adjustment.
- (2) Following acceptance of the sketch plan by the Commission, the applicant shall have a survey prepared by a New York State licensed engineer or surveyor showing the proposed adjusted lot lines with a note indicating that no additional building lots have been created by the adjustment.
- (3) The final plat shall conform to the layout shown on the sketch plan and shall include any changes required by the Planning Commission.
- (4) The procedures for notice and public hearing of a request for subdivision as provided in §285-18 shall be followed.

E. Decision and notification.

- (1) The Planning Commission shall render its decision within sixty-two (62) days of the public hearing unless both the applicant and the Planning Commission consent to an extension.

- (2) The decision shall be filed in the Office of the City Clerk and a copy of the decision mailed to the applicant within five (5) business days after the decision is made.

§285-18. Subdivision of land.

A. Planning Commission authority.

The Planning Commission shall have the power and authority to approve or disapprove plats for subdivision of land within the City of Troy.

B. Purpose.

The Planning Commission shall consider proposed land subdivision plats with respect to their individual characteristics and circumstances as well as with regard to their contribution to the orderly, efficient, economic, and environmentally sound development of the City of Troy.

C. General criteria.

The following general objectives shall guide the decisions of the Planning Commission:

- (1) Land shall be subdivided in a way that protects the existing character and patterns of neighborhood development, preserves and enhances natural, cultural, and scenic resources, sustains and protects biodiversity, ecological health, and the City's vital water resources, conserves historic and archaeological assets, and opens the viewsheds of the City for the benefit of all residents.
- (2) Proper provision shall be made for all requisite infrastructure including water, sewer, stormwater management, utilities, and other improvements.
- (3) There shall be appropriate provisions made for accessible pedestrian and bicycle ways and connections as well as for trails, open spaces, and parks. Undeveloped natural areas and corridors shall be preserved to the greatest extent feasible in order to mitigate adverse environmental impacts of a proposed subdivision.

D. Application process.

(1) Pre-Application Meeting (optional).

- (a) Before submitting an application and subdivision proposal, an applicant may request a pre-application meeting with City Planning Department staff and others as may be appropriate in order to obtain pertinent information concerning applicable procedures, submission requirements, development standards, and other matters relevant to the proposal. A pre-application meeting is an opportunity for the applicant to present and discuss a sketch plan for the proposed subdivision prior to

committing resources to the preparation of a formal plat and to become familiar with the requirements of this Section. A pre-application meeting is not required.

(2) Sketch Plan Conference (optional).

(a) Prior to filing a formal application for approval of a subdivision plat, an applicant may request a sketch plan conference with the Planning Commission to review the proposed subdivision, to provide the applicant with constructive suggestions, and generally, to determine the information required to present a complete application. Sketch plan review shall take place at a regular meeting of the Planning Commission. The sketch plan should include all information necessary to inform the Planning Commission about the proposed subdivision including:

- [1] A vicinity map sketched at a scale of 2,000 feet to the inch and showing the relationship of the proposed subdivision to existing community facilities that would serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.
- [2] A sketch plan superimposed on a topographic survey of the area proposed to be subdivided and showing in simple sketch form the proposed layout of streets, lots, and other features.
- [3] All information about the subdivision necessary to explain and supplement the vicinity map and sketch plan.

(3) Subdivision Application Submission Requirements.

- (a) Applications for Subdivision Approval shall be made to the Planning Commission using forms supplied by the Planning Department.
- (b) Completed applications shall be delivered to the Planning Department. The applicant shall provide to the Planning Department the requested number of paper copies of the application and an electronic copy.
- (c) As provided in §285-7 B, no application shall be processed if there are outstanding violations, taxes, or fees on the property or that are otherwise owed to the City by the applicant or owner.
- (d) The applicant shall submit the required fee as established in the City of Troy fee schedule and any escrow deposit for consultant review costs as required by the Planning Commission pursuant to §285-11. The application shall not be deemed complete until the required fee is paid and any required escrow deposit is made.
- (e) The Planning Commission shall determine whether the application is complete.
- (f) General plat requirements.

The subdivision plat shall comply in all respects with the requirements below and with the provisions of General City Law §32 and §34.

- [1] All subdivision plats shall bear the seal of a New York State licensed land surveyor.
- [2] All major subdivision plats shall bear the seal of a New York State licensed engineer.
- [3] All sketch plans and plats shall be drawn clearly and legibly and at a scale adequate to show detail, depending on the size of the project from one-inch equals 50 feet to one-inch equals 200 feet.
- [4] All drawings shall be submitted on uniformly sized sheets not larger than 36 x 48 inches. When more than one sheet is required to show the plat, an index map of the same size shall be submitted.
- [5] All subdivision plats shall be inscribed with the name or identifying title of the proposed subdivision, the words "City of Troy, Rensselaer County, New York," the name, address, and seal of the New York State licensed land surveyor and, if also required, the licensed engineer responsible for the plat, as well as the date of the plat, the approximate true north point, and the graphic scale.

(g) Additional plat requirements.

In addition to the General plat requirements listed above, the following additional information shall be required unless waived as provided in §285-18 G below.

- [1] The names of all property owners and applicants.
- [2] Tax identification number (section/block/lot) of each parcel to be subdivided.
- [3] Location, bearings, and distances of the tract boundaries including georeferencing information or latitude and longitude coordinates of the plat as available.
- [4] Detailed topographic delineations of the site of the project as required by the Commission.
- [5] The names of the owners of all parcels within 125 feet of the boundary lines of the proposed subdivision, including those in every direction.
- [6] Location, names, and dimensions of existing streets, easements, deed restrictions, Use District boundaries, property lines, buildings, parks, and public properties.

- [7] Location of existing sewers, water mains, culverts, and storm drains, including pipe sizes, grades, and direction of flow.
- [8] Location of pertinent natural and man-made features such as watercourses, wetlands, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, and single trees 15 inches or more in diameter as measured four feet above the base of the trunk.
- [9] Location, width, and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections, and at all points where there is a significant change in the slope or direction.
- [10] Proposed sewer lines, water mains, stormwater drainage, fire hydrants, street trees, streetlight fixtures, street signs, sidewalks, and other fixtures and facilities.
- [11] Lot lines of all proposed or existing lots and suggested building envelopes.
- [12] Conceptual future plans for the parcel, if any.
- [13] Location and approximate dimensions of all property proposed to be reserved for parks, trails, open space, and other common or public uses.
- [14] Other information as may be required by the Planning Commission for thorough consideration and comprehensive review of the proposal for subdivision.

E. Area Variances.

- (1) Where a subdivision application contains one or more features that do not comply with the dimensional regulations of this Chapter, the applicant shall begin the process of subdivision review with the Planning Commission prior to seeking any area variances.
- (2) Before completion of its review, the Planning Commission shall refer the area variance application to the Zoning Board of Appeals along with its written recommendation regarding whether any requested area variances should be granted or denied.
- (3) Area variance applications made directly to the Zoning Board of Appeals in conjunction with subdivision review as provided above shall not require a decision or determination by the Director of Code Enforcement.

F. Planning Commission review.

- (1) Applicant to attend Planning Commission meeting.
 - (a) The applicant shall attend a regular meeting of the Planning Commission to review the subdivision plat application.
 - (b) The Planning Commission may require the applicant to submit additional information that it deems necessary to complete the application.
- (2) State Environmental Quality Review.
 - (a) The Planning Commission shall initiate the New York State Environmental Quality Review Act process referenced in §285-10 prior to considering the subdivision plat to be complete.
 - (b) A subdivision plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of a Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a subdivision plat shall begin upon the filing of a negative declaration or notice of completion.
- (3) Notice and public hearing.
 - (a) The Planning Commission shall conduct a public hearing on the proposed Subdivision. The hearing shall be held within sixty-two (62) days of the date the Planning Commission determines that the application for the subdivision is complete.
 - (b) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised on the City's website for the ten (10) day period immediately prior to the public hearing.
 - (c) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least ten (10) days before the public hearing.
 - (d) At least ten (10) days before the public hearing, a copy of the notice of public hearing shall be mailed through the United States Postal Service by first class mail to the owners of all parcels of property within 125 feet of the boundary lines of the property for which the application has been made, including parcels in every direction. The notice of public hearing shall be mailed to owners of parcels beyond 125 feet from the boundary lines of the property for which the application has been made as the Commission may prescribe in particular cases. The neighboring property owners shall be identified as listed on the most recent City Assessor's roll and notified at the addresses thereon.
 - (e) At least seven (7) days prior to the hearing to be conducted for the application, the

applicant shall post copies of the notice of public hearing at no less than two visually conspicuous locations on the property that is the subject of the application at places where passersby may read the notice. A corner parcel must be posted in at least two directions. The applicant shall make reasonable efforts to replace postings that are removed or substantially damaged. Failure to post copies of the public notice as required herein or to file proof of posting as required by this Chapter shall result in postponement of the hearing on the application until the posting requirements are met.

G. Waiver of requirements.

The Planning Commission may waive, when reasonable, any requirements or improvements for a subdivision submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be required in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

H. Action on proposed subdivision plat.

(1) Final plat.

The final subdivision plat submitted to the Planning Commission shall meet all of the requirements of this section 285-18, and shall show or be accompanied by the following information:

- (a) All information required by §285-18 D above,
- (b) Areas of all lots in hundredths of an acre, lot numbers as assigned or confirmed by the City Assessor, and the location, material, and size of all permanent monuments.
- (c) Accurate depiction of the location of all property to be offered for dedication for public use, with the purpose indicated thereon, and the location of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.
- (d) Sufficient data, acceptable to the Commissioner of General Services, to readily determine the location, bearing, and length of all street, lot, and boundary lines and to reproduce such lines upon the ground.
- (e) All agreements necessary for required easements and releases.
- (f) Formal offers of cession or dedication to the City of all streets, sidewalks, and public parks and pathways.

(2) The Planning Commission shall, by duly adopted resolution, conditionally approve,

with or without modification, disapprove, or grant final approval and authorize the signing of the plat within sixty-two (62) days after the date of the public hearing. This period of time may be extended by mutual consent of the subdivider and the Planning Commission. Within five (5) business days from the date of the adoption of the resolution stating the decision of the Commission on the final plat, the chairman or other duly authorized member of the Commission shall cause a copy of the resolution to be filed in the Office of the City Clerk.

- (3) In accordance with General City Law §32 (8), failure of the Commission to take action on a final plat within the time prescribed after completion of all requirements under the State Environmental Quality Review Act, or within any extended period established by mutual consent, shall be deemed an approval of the plat.
- (4) Within five (5) business days of the adoption of a resolution granting conditional or final approval of a final plat, the Clerk of the Planning Commission shall certify the plat as having been granted conditional or final approval. A copy of the resolution and certified plat shall be filed in the Clerk's office and a copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, the resolution shall include a statement of the requirements which when completed will authorize the signing of the plat. Upon completion of the requirements, the plat shall be signed by a duly authorized officer of the Planning Commission and a copy of the signed plat shall be filed in the office of the Clerk of the Planning Commission.
- (5) Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting the approval unless all of the requirements stated in the resolution have been certified as completed. The Planning Commission may extend for periods of ninety (90) days each the time in which a conditionally approved plat must be submitted for signature if the Planning Commission finds the extension is warranted by the particular circumstances.
- (6) Plat void if revised after approval.

No changes, erasures, modifications, or revisions shall be made on any plat after approval has been given by the Planning Commission. In the event that any plat, when recorded, contains any such changes, the plat shall be null and void and the Planning Commission shall institute proceedings to have the plat stricken from the records of the County Clerk.

- (7) Filing of approved final plat.

The owner must file the approved final plat in the Office of the Rensselaer County Clerk within sixty-two (62) days from the date of final approval or the approval shall expire as provided in General City Law §32 (11).

I. Public acceptance of proposed streets and park areas.

The approval by the Planning Commission of a plat shall not be deemed to constitute or imply the acceptance by the City Council of any street, road, park, playground, or other open space shown on the plat. The Planning Commission may require a plat to be endorsed with appropriate notes to this effect. The Planning Commission also may require the filing of a written agreement between the applicant and the City, as approved by the City Council, covering future title to and dedication of improvements, as well as provision for the future costs of grading, development, equipment, fixtures, and maintenance of any park, playground, street, road, or other area or facility.

J. As-built drawings of required improvements.

Drawings showing the location of all required improvements as built shall be certified by a New York State licensed land surveyor and filed with the Planning Commission at least thirty (30) days prior to the acceptance of the improvements by the City.

K. Required improvements and security agreements.

The applicant shall construct, in accordance with the decision of the Planning Commission and to the satisfaction of the appropriate City departments, all infrastructure and improvements specified in the action approving the plat, or as an alternative, the applicant shall file with the Corporation Counsel a performance bond or other security in the amount estimated by the Planning Commission to secure to the City the satisfactory installation and completion of the required infrastructure and improvements. Performance bonds or other security shall comply with the requirements of §285-12 of this Ordinance and §33 (8) of the General City Law.

§285-19. Variances and Appeals.

A. Variances.

The Zoning Board of Appeals, on appeal from the decision or determination of the Director of Code Enforcement, or pursuant to §285-15 C, §285-16 C, or §285-18 E, shall have the power and authority to grant Variances as follows:

(1) Use Variances.

(a) A Use Variance is an authorization by the Zoning Board of Appeals that allows a specified use in a Use District where the specified use is not allowed. No Use Variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant must demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and

[2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and

[3] The requested Use Variance, if granted, will not alter the essential character of the neighborhood; and

[4] The alleged hardship has not been self-created.

(b) The Board, in the granting of Use Variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

(2) Area Variances.

(a) The Zoning Board of Appeals shall have the power and authority to grant Area Variances for the use of land in a manner which is not allowed by the dimensional or physical requirements of this Chapter and may do so either upon an appeal from a decision or determination of the administrative official charged with the enforcement of this Chapter or pursuant to the original jurisdiction granted by this Chapter.

(b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. The Board also shall consider:

[1] whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance; and

[2] whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an Area Variance; and

[3] whether the requested Area Variance is substantial; and

[4] whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but, shall not necessarily preclude the granting of the Area Variance.

(c) The Board, in the granting of Area Variances, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) Imposition of conditions.

(a) The Zoning Board of Appeals shall, in the granting of both Use Variances and Area

Variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Chapter and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community.

B. Appeals.

- (1) Applicants, or any other person aggrieved, or any officer, department, board, or bureau of the City, shall have the right to appeal to the Zoning Board of Appeals from any order, requirement, decision, interpretation, or determination of an administrative official charged with enforcement of this Chapter. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter, and to that end shall assume all the powers of the administrative official from whose order, requirement, decision, interpretation, or determination the appeal is taken.

(2) Time of Appeal.

An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation, or determination of the Director of Code Enforcement or other administrative official charged with enforcement of this Chapter by filing with such administrative official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. Upon receiving a notice of appeal, the Director of Code Enforcement or other administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

(3) Stay upon Appeal.

An appeal to the Zoning Board of Appeals shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this Chapter, from whom the appeal is taken, certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application made on notice to the administrative official from whom the appeal is taken, and on due cause shown.

C. Procedures for Appeals and Variances.

(1) Timeliness.

An appeal must be taken within sixty (60) days after the filing of the order, requirement, decision, interpretation, or determination complained of.

(2) Pre-requisites.

The appellant must provide to the Zoning Board of Appeals all pertinent documentation with the notice of appeal or application, including the order, requirement, decision, interpretation, or determination appealed from. Applications for Area Variances referred from the Planning Commission during a Site Plan, Special Use Permit, Boundary/Lot Line Adjustment, or Subdivision review also require a written recommendation from the Planning Commission regarding whether the requested variance should be granted or denied.

(3) Further requisites.

The proper application form, properly completed, a survey map or plot plan as required, together with all evidence, information, and documents pertaining to the application or appeal shall be filed with the Zoning Board of Appeals through the Director of Code Enforcement. The survey map or plot plan shall be drawn to scale, indicating the boundaries of the subject property, the location of any existing structures, the location of any proposed structures or building additions, and the nature and extent of any landscaping improvements or site alterations. The Board may require interior floor plans, building elevations, a formal site plan, or such other information it deems necessary to decide the appeal or determine the application. The Board shall determine whether the appeal or application is complete.

(4) Notice and public hearing.

- (a) The Zoning Board of Appeals shall conduct a public hearing on all appeals and applications. The hearing shall be held within sixty-two (62) days of the date the Zoning Board of Appeals determines that the appeal or application is properly filed and complete.
- (b) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised on the City's website for the ten (10) day period immediately prior to the public hearing.
- (c) Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least ten (10) days before the public hearing.
- (d) At least ten (10) days before the public hearing, a copy of the notice of public hearing shall be mailed through the United States Postal Service by first class mail to the owners of all parcels of property within 125 feet of the boundary lines of the property for which the application has been made, including parcels in every direction. The notice of public hearing shall be mailed to owners of parcels beyond 125 feet from the boundary lines of the property for which the application has been made as the Board may prescribe in particular cases. The neighboring property owners shall be identified as listed on the most recent City Assessor's roll and notified at the addresses thereon.
- (e) At least seven (7) days prior to the hearing to be conducted for the application or

appeal, the applicant or appellant shall post copies of the notice of public hearing at no less than two visually conspicuous locations on the property that is the subject of the application or appeal at places where passersby may read the notice. A corner parcel must be posted in at least two directions. The applicant or appellant shall make reasonable efforts to replace postings that are removed or substantially damaged. Failure to post copies of the public notice as required herein or to file proof of posting as required by this Chapter shall result in postponement of the hearing on the application or appeal until the posting requirements are met.

- (f) When an application has not already been referred to the Zoning Board of Appeals by the Planning Commission, the Zoning Board of Appeals may transmit a copy of the complete application to the Planning Commission, with a request for an advisory opinion. The Planning Commission may submit an advisory opinion at any time prior to the rendering of a decision by the Zoning Board of Appeals.
- (g) At least five (5) days before the hearing, the Zoning Board of Appeals shall mail notice to the County planning agency, which notice shall be accompanied by a full statement of the matter under consideration as defined in §239-m of the General Municipal Law.

(5) Decision.

- (a) The Zoning Board of Appeals shall render a decision on an appeal or application within sixty-two (62) days of the public hearing unless the Board and the applicant or appellant consent to an extension of time.
- (b) The decision of the Zoning Board of Appeals shall be filed in the Office of the City Clerk within five (5) business days after the decision is rendered, and a copy thereof mailed to the applicant or appellant.

D. Rehearing.

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision, or determination of the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for a rehearing to occur. A rehearing is subject to the same notice provisions as an original hearing. Upon the rehearing, the Board may reverse, modify, or annul its original order, decision, or determination upon the unanimous vote of all members then present, provided that the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

§285-20. Permits for temporary uses and structures.

- A. Except as may otherwise be regulated in this Chapter, the Director of Code Enforcement may issue permits for temporary structures or uses on public or private property for a prescribed term not to exceed six months.
- B. Exception.

Temporary uses and structures shall not include the use of recreational vehicles, travel trailers or other mobile dwellings, tents, or yurts except for housing related to a federal, state, or local emergency declaration.

C. Permit standards.

- (1) The granting of the temporary permit shall be in writing stipulating any conditions as to time, nature of use, structures permitted, and arrangements for removal and restoration as necessary.
- (2) Written permission from the property owner shall be required if the operator of the temporary use is not the owner of the site where the temporary use will be located.
- (3) Temporary permits shall be subject to any reasonable conditions and safeguards to limit any injurious effect on the neighborhood or contiguous property.
- (4) The granting of a temporary permit shall be accompanied by written stipulations regarding the following, as needed: setbacks, lot coverage, off-street parking, signage and lighting, and such other stipulations necessary to protect the public health, safety, peace, morals, comfort, convenience, and general welfare.
- (5) All temporary uses must meet any applicable federal, state, and local requirements, including, but not limited to, licensing, health, safety, and building and fire code requirements.

ARTICLE III: ADMINISTRATION AND ENFORCEMENT

§285-21. Powers and duties of Director of Code Enforcement.

- A. It shall be the duty of the Director of Code Enforcement to administer and enforce the provisions of this Chapter.
- B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Chapter or of any ordinance, regulation, provision, or condition made under the authority conferred hereby, the Director of Code Enforcement, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alterations, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, and to prevent the occupancy of the building or use in or about such premises.
- C. Should the Director of Code Enforcement require an interpretation as to the meaning or intent of any provision of this Chapter, or as to the location of any District boundary line on the Use Map or Development Intensity Zone Map, or as to the propriety of issuing a Building Permit under this Chapter in a particular case, the Director may appeal the matter to the Zoning Board of Appeals for interpretation or decision.
- D. In order to carry out the duties of enforcement of this Chapter, the Director of Code Enforcement shall make all necessary inspections of buildings and premises.

§285-22. Powers and duties of the Commissioner of Planning and Community Development; Planning Department.

- A. The Commissioner of Planning and Community Development and the Planning Department staff shall be responsible, for planning, development, coordination, and promotion of the physical, social, and economic well-being of the City in a comprehensive and unified manner.
- B. The Planning Department shall serve as staff and advisor to the Planning Commission, the Historic District and Landmarks Commission, the Zoning Board Appeals, the Environmental Conservation Commission, and their successor agencies, and shall perform such other duties as may be assigned by the Mayor or City Council.

§285-23. Powers and duties of the Planning Commission.

- A. The Planning Commission shall have all the powers and perform all the duties prescribed, by Chapter 71 of the Code of the City of Troy, by this Chapter, and by New York State law. The Planning Commission shall have original jurisdiction of the following land use matters:
 - (1) Review and approval of Special Use Permits.
 - (2) Review and approval of Site Plans.

- (3) Review and approval of Boundary/Lot Line Adjustments.
- (4) Review and approval of Subdivisions.
- (5) Recommendations on matters referred from the City Council, Zoning Board of Appeals and other Commissions or City Departments.

B. The City Council, Zoning Board of Appeals, and other Commissions and City Departments may seek advice, opinions, and recommendations from the Planning Commission concerning any land use matter and shall seek a recommendation whenever referral to the Planning Commission is required under New York State law or the Code of the City of Troy. The City Council or the Zoning Board of Appeals may provide for the referral of any matter or class of matters to the Planning Commission before final action is taken. The City Council may provide that final action shall not be taken until the Planning Commission has submitted its report, or until the time for the Planning Commission to submit its report has expired.

§285-24. Powers and duties of the Historic District and Landmarks Review Commission; Advisory Committee.

- A. The Historic District and Landmarks Review Commission shall have all the powers and duties conferred by Chapter 47 of the City of Troy Code including without limitation:
 - (1) The power to review plans for all construction, demolition, or alterations to building sites, monuments, landmarks, spaces, and objects designated as historically or architecturally significant, or any construction, demolition, or alteration within a district designated as an historical district by the City, prior to issuance of permits for construction or demolition by any City offices, agencies, or departments.
 - (2) The duty to exercise aesthetic judgment and maintain the desirable character of the district and prevent construction, reconstruction, alteration, or demolition out of harmony with existing buildings insofar as mass, style, materials, line, and detail are concerned, and thus to avert degeneration of property, safeguard public health, prevent fire, promote safety, and preserve the beauty and character of the historic districts.
- B. Advisory Committee.

The Historic District and Landmarks Review Commission shall have the power to consult with an advisory committee established under City Code §47-3 F(5) whose members shall advise the Commission and the Planning Department on any agenda item before the Commission related to properties within the locally designated historic districts.

§285-25. Powers and duties of the Zoning Board of Appeals.

- A. Organization of Zoning Board of Appeals.
 - (1) The City of Troy Zoning Board of Appeals, previously established pursuant to the provisions of former Chapter 285 and of § 81, Article 5a of the General City Law, is hereby reestablished and continued under this Chapter as constituted.

- (2) The Zoning Board of Appeals shall consist of five members, each of whom shall be appointed by the Mayor. The terms of the members shall be so fixed that one member's term shall expire at the end of each official year, until such time as the Board has been constituted with five members, each having been appointed for a term of five years, with the term of one member expiring at the end of each official year thereafter. Members shall thenceforth be appointed for terms of five years. If a vacancy shall occur subsequently otherwise than by expiration of term, the Mayor shall appoint a new member to fill the vacancy for the unexpired term.
- (3) Any member now holding office for a term that does not expire at the end of the official year shall, upon the expiration of the member's term, hold office until the end of the official year.
- (4) A Chairperson shall be designated by the Mayor. In the absence of the Chairperson, the Zoning Board of Appeals shall choose one of its members to act as Chairperson.
- (5) The Zoning Board of Appeals may adopt such rules and regulations from time to time as it deems necessary to carry into effect the provisions of this Chapter, subject to the approval of the City Council.

B. Quorum and voting requirements.

- (1) The presence of three members shall be necessary to constitute a quorum.
- (2) Except upon a rehearing, or when a supermajority may otherwise be required by New York State law, every motion or resolution of the Zoning Board of Appeals shall require for its adoption the affirmative vote of a majority of all members of the Board regardless of absences or vacancies. Three members shall constitute a majority.
- (3) In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision, or determination of the enforcement official within sixty-two (62) days after the hearing on the matter is closed, the appeal is denied unless the time for decision has been extended by mutual consent.

C. Meetings and minutes.

- (1) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the Chairperson's absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
- (2) All meetings of the Zoning Board of Appeals shall be open to the public as provided by Article 7 of the Public Officers Law.
- (3) The minutes of all proceedings of the Zoning Board of Appeals shall be prepared in written form and filed, and shall include:

- (a) Attendance; and
- (b) All questions and the vote of each member on every question; and
- (c) Records of the Board's examinations and other official actions.

D. Attendance and training requirements.

- (1) Members of the Zoning Board of Appeals are expected to attend all regular meetings and duly called special meetings of the Board. Failure of a member to attend two or more consecutive meetings without good cause shall be a cause for removal.
- (2) Each member of the Zoning Board of Appeals shall complete, at a minimum, four hours of training each year designed to enable the members to carry out their duties more effectively. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to satisfy the annual training requirements. Training shall be subject to approval by the City Council and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college, or other similar entity.
- (3) To be eligible for reappointment to the Zoning Board of Appeals, a member must have completed the training promoted by the City.
- (4) The required training may be waived or modified by resolution of the City Council when, in the judgement of the Council, it is in the best interest of the City to do so.
- (5) No decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with the training requirements of this subsection.

E. Removal of members.

- (1) The Mayor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause.
- (2) Any member of the Zoning Board of Appeals may be removed for non-compliance with any minimum requirements relating to meeting attendance and training as established in this Chapter.

F. Powers and duties of the Zoning Board of Appeals.

The Zoning Board of Appeals shall have all the power and duties prescribed by Article 5-A of the General City Law and by this Chapter, including without limitation:

- (1) The authority to interpret this Chapter and the Maps of the City of Troy established by this Chapter.

- (2) Upon appeal from a decision of the Director of Code Enforcement or upon request by any official, board, or department of the City, the authority to review any determination and to decide any question involving the interpretation of any provision of this Chapter.
- (3) The authority to hear and decide appeals taken by any person aggrieved, or by an officer, department, board, or bureau of the City from any order, requirement, decision, interpretation, or determination made by the Director of Code Enforcement, including any refusal of a work permit, building permit, or certificate of occupancy, where the order or decision appealed from is based upon the requirements of this Chapter.
- (4) The authority to grant variances on appeal from the decision or determination of the Director of Code Enforcement.

§285-26. Violations, abatements, and penalties.

A. Violations.

- (1) It shall be a violation of this Chapter for any person or corporation, to commit one or more of the following acts:
 - (a) Erect, construct, alter, enlarge, convert, or move any building or structure or any part thereof without a building permit required under this Chapter;
 - (b) Use any building, structure, or land appurtenant to such building or structure without having obtained the building permits, change of use permits, or certificates of occupancy that are required under this Chapter;
 - (c) Fail to comply with any condition or other provision of a building permit, certificate of occupancy, order, or any statement or plan submitted to and approved by the City; or
 - (d) Fail to comply with any of the regulations and provisions of this Chapter.
- (2) Complaints and investigations.

Any person may file a signed written complaint reporting a violation of this Chapter to the Director of Code Enforcement.

(3) Notice of Violation.

Upon finding a violation of this Chapter, the Director of Code Enforcement may transmit a written Notice of Violation either personally or by registered mail to the owner of the property upon which the alleged violation has occurred or is occurring. The Notice shall be sent to the property owner at the owner's last known address as shown by the records of the Assessor of the City of Troy or the Rensselaer County Clerk and shall describe the alleged violation. The Notice of Violation shall demand an answer or correction of the alleged violation to the satisfaction of the Director of Code Enforcement within a reasonable time set by the Director of Code Enforcement. The Notice shall state that failure to respond to the alleged violation within the time prescribed shall constitute an admission of the violation. The Notice shall further state

that the costs of making any required technical determinations and necessary consultant fees will be assessed against the violator, in addition to such penalties as may be appropriate.

(4) **Administrative fee.**

Any person issued a Notice of Violation who has committed a violation of this Chapter shall be subject to an administrative fee established by resolution of the City Council, unless for good cause shown by the violator, the fee is waived by the Director of Code Enforcement. The administrative fee shall be a municipal lien against the land upon which the violation occurred, and if unpaid, may be levied as a special charge against the property and added to the property taxes due, or it may be recovered in a civil suit against the violator.

(5) **Records.**

The Director of Code Enforcement shall keep a permanent record of all Notices of Violation and their dispositions.

(6) **Appearance tickets.**

Pursuant to the authority granted by Chapter 9 of the Code of the City of Troy, the Director of Code Enforcement may issue an appearance ticket for a violation of this Chapter.

B. Abatement.

- (1) The Director of Code Enforcement may initiate through the Office of the Corporation Counsel appropriate action in City Court or another Court of competent jurisdiction to prevent a violation of this Chapter, or to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business, or use in or about a building, structure, or land.
- (2) The imposition of a fine or civil penalty shall not preclude further specific enforcement of this Chapter, including removal of prohibited conditions by any appropriate remedy including application for injunctive relief in any court of competent jurisdiction, together with application for the reasonable legal fees, costs, and disbursements of such action.
- (3) The costs of all work and materials required to remedy prohibited conditions, if incurred by the City of Troy and not reimbursed, shall be a lien against the property concerned and may be collected by the City like other taxes and assessments.

C. Penalties.

- (1) The failure to abate or cure a violation within the time period set in the Notice of Violation shall subject the violator to a fine or civil penalty as provided below:

(a) **Civil penalties.**

Any person who violates any provision of this Chapter or who fails to do any act required thereby shall for each and every such violation, be liable to pay a civil

penalty of not less than \$350.00 but not more than \$1,000.00. When a violation of a provision of this Chapter continues for more than one day, each day shall constitute a separate and distinct violation subjecting the offender to an additional civil penalty.

(b) Criminal penalties.

In addition to the civil penalties described above, the following criminal penalties shall apply:

- [1] A first or second conviction of an offense prohibited under this Chapter shall be treated as a Violation.
 - [i] For a first conviction, the Violation shall be punishable by a fine not to exceed \$250.00.
 - [ii] For a second conviction within five years, the Violation shall be punishable by a fine not less than \$250.00 and not to exceed \$500.00, and/or imprisonment for a period not to exceed 15 days.
- [2] A third conviction of an offense prohibited under this Chapter within a five-year period shall be treated as an Unclassified Misdemeanor and shall be punishable by a fine not less than \$500.00 and not to exceed \$1,000.00, and/or imprisonment for a period not to exceed six months.

D. Judgment.

- (1) When a judgment is obtained by the City in an action to recover fines or civil penalties imposed for a violation of this Chapter, the amount of the judgment shall be a lien against the real property on which the violation occurred.
- (2) The lien shall be filed with the Office of the Comptroller within one year from the entry of judgment, and the total amount thereof shall be added to and become a part of the next annual assessment roll at the time and in the manner prescribed by the Charter of the City and subject to all of the provisions thereof.
- (3) Nothing herein shall preclude the City from enforcing a judgment by any other appropriate method established under the laws and rules of this State.

ARTICLE IV: ESTABLISHMENT OF DISTRICTS, ZONES, AND MAPS

§285-27. Establishment of Use Districts and Map.

A. All properties in the City of Troy are divided into the following Use Districts:

Conservation-Recreation (“C-R”) – The Conservation-Recreation district protects public parks and recreation areas, and cultural areas such as cemeteries, and natural resources.

Single-Family (“SF”) – The Single-Family district maintains the City’s single-family neighborhoods and some compatible community service activity.

Two-Family (“TF”) – The Two-Family district maintains existing traditional two-family residential neighborhoods and supports neighborhoods that have transitioned over time to become a mix of single- and two- family residences and some compatible community service activity.

Multi-Family (“MF”) – The Multi-Family district supports a diversity of housing options and residential settings enhanced by nearby nodes/corridors of neighborhood scale commercial and access to compatible community services.

Neighborhood Mixed Use – 1 (“MU-1”) – The Neighborhood Mixed Use-1 district supports a variety of housing options with small-scale services and shops serving the adjacent neighborhoods in concentrated areas to generate activity and commerce.

Neighborhood Mixed Use – 2 (“MU-2”) – The Neighborhood Mixed Use -2 district supports transitional neighborhoods in a live-work environment with a mix of residential and nonresidential uses at a neighborhood scale creating neighbor centers serving a larger population than the immediately adjacent residences.

Waterfront Mixed Use (“WMU”) – The Waterfront Mixed Use district supports a vibrant mix of commercial and residential uses along the Hudson River waterfront focusing on opportunities for waterfront-enhanced uses and water-dependent/related hospitality and tourism-based activity.

Downtown Mixed Use (“DMU”) – The Downtown Mixed Use district supports a vibrant mix of public and private activity to live, work, and play in the City’s historic downtown center enhanced by quality design that complements the City’s historic architecture, scale, and public spaces.

Campus-Institutional (“C-I”) – The Campus-Institutional district supports the unique settings and uses of educational, health care, and other institutional uses and ensures compatible integration with the surrounding built environment.

Community Commercial (“CC”) – The Community Commercial district supports larger scale, auto-oriented retail, service, and other businesses that are more likely to serve a city-wide and regional customer base.

Business Development (“BD”) – The Business district maintains areas of the City used by light industry and other like businesses that have minimal environmental impacts and are more employee based rather than customer based.

Industry (“IND”) – The Industry district supports a variety of manufacturing, warehousing and other industrial activity and support services where infrastructure is adequate to support such uses.

Planned Development District (“PDD”) –The Planned Development District allows development matched to unique characteristics of a site or area and encourages innovative development techniques that might not otherwise be possible through strict application of standard use, area, bulk, and density specifications.

Resilient Waterfront and Flood Risk Overlay (“RWF-O”) –The Resilient Waterfront and Flood Risk Overlay supports a Hudson River waterfront that is resilient, ecologically healthy, and accessible. Its purpose is to protect people and structures from the adverse effects of climate change related to sea level rise and riverine flooding, while maximizing public access and enjoyment of waterfront resources and enabling climate adaptive redevelopment.

B. The areas and boundaries of the Use Districts are hereby established as shown on the map entitled "Use Districts Map" designated as Attachment “A” to this Chapter and made a part hereof.

§285-28. Establishment of Development Intensity Zones and Map.

A. All properties in the City of Troy are divided into one of the following Development Intensity Zones to guide lot and building form development:

Neighborhood I – The Neighborhood I Zone represents the least intensely developed, lower density neighborhoods with detached dwellings, deeper setbacks, more green space, and where off-street parking arrangements such as garages and driveways are common.

Neighborhood II - The Neighborhood II Zone represents a scale and density common to the City’s older single- and two-family residential neighborhoods that remain densely settled but at a house scale often with modest yards. Dwellings are built close to the street maintaining cohesive streetscapes and walkability. The public realm is defined with sidewalks and street trees. Dwellings may be attached or detached with shallow setbacks on the front and side. Off-street parking and accessory structures are less common due to the size of the lots.

Neighborhood III – The Neighborhood III Zone represents an urban residential neighborhood scale with a mix of structures, architecture, and residential options. These areas are more commonly associated with a collector street and the existing alley system is introduced creating more opportunities for access. The streetscapes are intended to be well defined with

structures located close to the sidewalk edge, side yards are modest and attached structures are common. Neighborhood walkability and a safe public realm are critical for neighborhood interaction.

Neighborhood IV – The Neighborhood IV Zone represents mixed use areas often with nodes associated with a collector street, gateways, and more commercial activity and density than surrounding residential areas. A cohesive, safe, and walkable streetscape is maintained by strong build-to lines and scale, sidewalks and other pedestrian elements, and support for attractive building encroachments and street level facades that are inviting to the public.

Neighborhood V – The Neighborhood V Zone represents areas of the City where development opportunities in a variety of densities, scale and uses exist. These areas include larger parcels on unique corridors and segments of the riverfront. The development requirements of this zone are more flexible with the expectation that infill development or redevelopment will be compatible with surrounding established neighborhoods and activity supported in the City Code and other planning initiatives.

Civic/Campus – The Civic/Campus Zone represents the institutional campus settings related to civic uses such as education and health care where development has traditionally focused on a primary user such as a college or hospital. This zone provides some guidance to ensure that development maintains the existing scale and relative compatibility with adjacent neighborhoods, but provides more flexibility regarding density, setbacks, building and parking location and orientation.

Downtown I – The Downtown I Zone represents Troy's traditional, historic downtown. The existing scale and density with generous sidewalks and narrow streets maintain a strong pedestrian environment. The intent is to preserve the historic architectural scale and character.

Downtown II – The Downtown II Zone represents the areas in the City's downtown where the scale of buildings has historically been more significant and where opportunities for infill development at an increased scale may be compatible due to topography or historic build-out.

B. Establishment of Development Intensity Zone Map.

The areas and boundaries of the Development Intensity Zones are hereby established as shown on the map entitled "Development Intensity Zones Map" designated as Attachment "B" to this Chapter and made a part hereof.

§285-29. Interpretation of map boundaries.

A. The map "entitled "Use Districts Map" established by Section 285-27B and the map entitled "Development Intensity Map" established by Section 285-28B, approved by the City Council as part of this Chapter and designated as attachments "A" and "B" hereto, shall be filed in the office of the Department of Planning and Economic Development and such other offices or departments of the City of Troy as may be appropriate for the convenience of the public.

The boundaries of the districts and zones as shown upon the designated maps and all authorized notations, references, and other information shown thereon are a part of this Chapter and have the same force and effect as if designated maps and authorized notations, references, and other information shown thereon were all fully set forth or described herein. The Department of Planning and Economic Development shall, from time to time, cause all amendments which are authorized by Ordinance in the areas and boundaries of the various districts and zones, to be posted on the designated maps or on suitable supplements thereto immediately upon the effective date of an amending Ordinance, indicating the title and date of the Ordinance pursuant to which such changes are made.

- B. Unless otherwise provided by this Chapter, if a parcel is split among two or more districts, the parcel shall be subject to the requirements of the respective district in which the largest portion of the parcel is located.
- C. Notwithstanding the boundaries of Planned Development Districts on the Use Districts Map, the boundaries of PDDs existing at the time of adoption of this Chapter are defined in approved resolutions on file in the City Clerk's office.
- D. Notwithstanding the boundaries of the Resilient Waterfront and Flood Risk Overlay ("RWF-O") on the Use Districts Map and Development Intensity Zone Map, the overlay shall also include all lands within 50 feet of the mean high watermark of the Hudson River.
- E. The boundaries of the Development Intensity Zones that do not follow the center lines of streets, alleys, streams, rivers, or lot lines of record, shall be zoned as delineated on the Development Intensity Zones Map and construed to extend 200 feet from the boundary line of such streets, alleys, streams, rivers, or lot lines of record.
- F. If a mapped street and/or public right-of-way is abandoned by the City, such street or right-of-way shall be interpreted to be zoned as either:
 - (1) The same as the surrounding Use District and Development Intensity Zone where the Use Districts and Intensity Zones are same on both sides of the right-of-way; or
 - (2) Where the Use District or Development Intensity Zones differ on each side of the right-of-way, the right-of-way shall be split into the adjoining Use District and Development Intensity Zones at the centerline of the right-of-way.
- G. Where uncertainty exists with respect to the boundaries of any districts or zones as shown on the Use Districts Map or Development Intensity Zones Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the center lines of streets, alleys, streams, reservoirs, ponds, or other bodies of water shall be construed to follow such center lines.
 - (2) Boundaries indicated as approximately following City limits shall be construed as following such City limits.

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

- (3) In all cases where a district and zone boundary lines are located no farther than 15 feet away from a lot line of record, such boundary shall be construed to coincide with such lot line.
- (4) In other circumstances not covered by the rules above, the Director of Code Enforcement shall interpret the district and zone boundaries or seek an interpretation from the Zoning Board of Appeals under §285-21. A determination of the Director may be appealed to the Zoning Board of Appeals pursuant to §285-19.

ARTICLE V: LOT USE AND FORM STANDARDS

§285-30. Purpose.

The purpose of this Article is to provide a regulatory framework for the uses and lot development standards for all new construction, expansion, and redevelopment activities in the City. The standards of this Article support the City's goals of protecting existing historic neighborhoods and downtown character, while providing the flexibility necessary to inspire high quality, unique development in a diversity of settings.

§285-31. Applicability of the Schedule of Permitted Uses.

- A. No structure or land shall be used for any use except as provided in Schedule A: Permitted Uses of this Article and the Overlay District as provided in Article VI. The definition of each use listed in Schedule A is provided in Article XIII.
- B. Permitted uses.
 - (1) All uses listed in Schedule A shall be permitted in the Use District where the use is listed, provided that all other requirements of this Chapter are met, including Site Plan Approval as may be required. All permitted uses are indicated in Schedule A with a "P."
 - (2) Multiple principal uses are permitted on a single parcel except in the SF and TF Use Districts and as restricted in §285-41 B.
 - (3) Uses permitted as part of an approved Planned Development District are adopted by the City Council and filed with the City Clerk.
 - (4) Uses permitted as part of a pre-existing Planned Development District approved under §285-57 P Planned Development of the Zoning Ordinance as such section existed prior to the adoption of this Land Use and Development Ordinance shall continue to be permitted uses as existed prior to the time of adoption of this Ordinance as defined in Section 285-57 of that Zoning Ordinance.
- C. Permitted uses with a Special Use Permit.

Uses requiring a Special Use Permit shall be permitted upon issuance of a Special Use Permit by the Planning Commission. All Special Use Permit uses are indicated in Schedule A with a "SU."

D. Prohibited uses.

Any use not listed in Schedule A: Permitted Uses of this Chapter as a permitted use with or without a Special Use Permit is deemed prohibited unless such use is expressly permitted

elsewhere in this Chapter or a use variance is granted in accordance with the provisions of this Chapter.

E. Accessory uses.

All uses allowed in each district as a principal use may be allowed as an accessory use except as limited in §285-41 B, provided such use is customarily incidental and subordinate to the principal use.

F. Uses in the BD and IND adjacent to residential uses.

Nonresidential uses in the BD and IND Use Districts must provide perimeter screening and buffering along property boundaries that abut residential uses located in SF, TF, MF and MU-1 Use Districts to buffer land use activities that may be incompatible.

G. Additional requirements of certain uses.

The additional regulations of certain uses as indicated in Schedule A under the “Additional Regulations” column are provided in Article VIII.

City of Troy Zoning, Land Use and Development Ordinance																								
Schedule A: Permitted Uses																								
P = Permitted			SU = Requires a Special Use Permit			Blank = Prohibited																		
Note: A land use activity may also require Site Plan Review per §285-15.																								
LAND USE ACTIVITY	USE DISTRICTS (Defined in §285-27)																							
	C-R	SF	TF	MF	MU-1	MU-2	DMU	WMU	C-I	CC	BUS	IND	ADDITIONAL REGULATIONS											
RESIDENTIAL USES																								
Accessory dwelling unit		P	P	P	P	P	P		P				§285-47											
Accessory dwelling, existing carriage houses		P	P	P	P	P	P						§285-47											
Agriculture, personal, accessory		P	P	P	P	P	P	P	P	P	P		§285-49											
Alternative energy generating equipment, accessory		P	P	P	P	P	P	P	P	P	P	P	§285-61 and 62											
Conversion of existing nonresidential structures into multi-family dwellings	SU	SU	P	SU	P	P	P	P		P			§285-41.B											
Dormitory							P		P															
Dwelling, single-family		P	P	P	P	P			P	P														
Dwelling, multi-family				P	P	P	P	P	P	P			§285-41.B											
Dwelling, two-family			P	P	P	P	P		P	P														
Live-work unit				P	P	P	P	P	P	P	P													
Residential care facility/home		P	P	P	P	P	P		P															
Rooming house / boarding house				P		P	P		P															
Shelter				P		P	P		P															
COMMUNITY SERVICE USES																								
Alternative energy generating equipment, accessory to a community service	P	P	P	P	P	P	P	P	P	P	P	P	§285-61 and §285-62											
Alternative energy generating equipment, public	P											P												
Animal shelter						SU				P	P													
Cemetery	P																							
Club, membership and lodge					SU*	P	P		P	P														
College / university				SU	SU	SU	P	P	P		P	P												
Community center			SU	P	P	P	P	P	P															
Community garden	P	P	P	P	P	P	P		P				§285-49											
Cultural facility	SU		P**	P*	P	P	P	P	P	P														
Day care, adult (day treatment facility)				P*	P	P	P	P	P	P	P													
Day care center				P**	P*	P	P	P	P	P	P	P												
Day care, group or family		P	P	P	P	P	P	P	P		P													
Essential community services and facilities, public	P	P	P	P	P	P	P	P	P	P	P	P												

* = This use shall not exceed 2500 square feet of gross floor area in the MF and MU-1 Use Districts.

**= This use shall only be located on a corner lot in the MF Use District and shall not exceed 2500 square feet of gross floor area.

Schedule A: Permitted Uses

P = Permitted

SU = Requires a Special Use Permit

Blank = Prohibited

Note: A land use activity may also require Site Plan Review per §285-15.

LAND USE ACTIVITY	USE DISTRICTS (Defined in §285-27)												ADDITIONAL REGULATIONS
	C-R	SF	TF	MF	MU-1	MU-2	DMU	WMU	C-I	CC	BUS	IND	
Fraternity or sorority house							P		P				
Hospital/medical center									P				
Library			SU	P	P	P	P	P	P	P	P		
Medical office/clinic					P*	P	P	P	P	P	P		
Open space / greenway/ natural area	P	P	P	P	P	P	P	P	P	P	P	P	
Park and recreation facilities, public and accessory commercial	P	P	P	P	P	P	P	P	P	P	P	P	
Parking lot or structure as a principal use, public			SU	SU	SU	SU	SU	SU	SU	SU	SU		
Public transportation facility / amenity	SU	P	P	P	P	P	P	P	P	P	P		
Public utility, major		SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	
Public utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	
Religious institution		SU	SU	SU	SU*	SU	SU	SU	SU	SU	SU	SU	
Schools, primary and secondary		SU	SU	SU	SU	SU	SU	SU	SU				
Vocational / trade school					P	P	P	P	P	P	P	P	
Wireless communications facility, small cell	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	§285-64
Wireless communications facility	SU							SU	SU	SU	SU	P	§285-63
COMMERCIAL AND BUSINESS USES													
Adult use										SU		SU	§285-48
Agriculture, except as otherwise listed in this Schedule A or excepted in §285-49.		P	P	P	P	P	P	P	P	P	P	P	§285-49
Alternative energy generating equipment, accessory to a commercial / business use		P	P	P	P	P	P	P	P	P	P	P	§285-61 and §285-62
Animal day care					SU*	SU	P	P		P	P		
Animal kennel						SU				P	P		
Aquaculture										P	P	P	§285-49
Assembly / meeting facility					SU*	SU	P	P	P	P	P		
Automotive repair services, major										SU	P	P	
Automotive repair services, minor						SU				P	P	P	
Banquet facility							P	P	P	P			
Bar					P*	P	P	P		P			
Bed and breakfast		SU	P	P	P	P	P	P	P				
Brew pub / micro-brewery					SU*	P	P	P		P	P		
Cafe				P*	P*	P	P	P	P	P	P	P	

* = This use shall not exceed 2500 square feet of gross floor area in the MF and MU-1 Use Districts.

**= This use shall only be located on a corner lot in the MF Use District and shall not exceed 2500 square feet of gross floor area.

Schedule A: Permitted Uses																							
P = Permitted		SU = Requires a Special Use Permit		Blank = Prohibited																			
Note: A land use activity may also require Site Plan Review per §285-15.																							
LAND USE ACTIVITY	USE DISTRICTS (Defined in §285-27)																						
	C-R	SF	TF	MF	MU-1	MU-2	DMU	WMU	C-I	CC	BUS	IND											
Cannabis dispensary / retail sale					P	P	P		P			§285-50											
Car wash									P	P	P	§285-51											
Catering facility					P	P			P	P													
Construction yard / contractor's storage yard									P		P	§285-58											
Convenience store				SP*	P	P	P		P			§285-52											
Convention center/conference facility						P	P		P	P													
Delicatessen				P*	P*	P	P	P	P	P	P												
Docking and pier facilities, accessory	P	P	P	P	P	P	P	P	P	P	P												
Drive-through service facility									P			§285-53											
Dry cleaner, service only					P	SU			P														
Entertainment and recreation, commercial / recreation, nonpublic					P	P	P		P	P	P												
Fitness / health/ club or spa					P	P	P	P	P	P	P												
Freight / trucking terminal											P												
Funeral home / mortuary					SU				P	P													
Gasoline service station, pre-existing				P	P				P			§285-54											
Gasoline service station, with or without convenience store					SU				SU			§285-54											
Grocery store			P	P	P	P	P		P	P		§285-55											
Home-based business, major			P	P	P	P	P	P				§285-56											
Home-based business, minor	P	P	P	P	P	P	P	P															
Hotel/Inn					P	P	P		P														
Industry, craft / artisan / maker space				SU*	P	P	P		P	P	P												
Industrial, light, conversion/reuse of an existing structure				SU*	P	P	P		P	P	P												
Industry, light (not otherwise listed separately in Schedule A)				SU	SU	P		SU	P	P													
Industry, heavy										P													
Laundromat			P*	P*	P	P	P	P	P														
Marina					SU	SU	P			P	SU												
Motor vehicle repair services, major									SU	P	P	§285-57											
Motor vehicle repair services, minor									P	P	P	§285-57											
Nightclub and cocktail lounge						P	P																
Office, general and professional			P*	P*	P	P	P	P	P	P	P												
Open air market			SU	SU	SU	SU	SU	SU	SU	SU													

* = This use shall not exceed 2500 square feet of gross floor area in the MF and MU-1 Use Districts.

**= This use shall only be located on a corner lot in the MF Use District and shall not exceed 2500 square feet of gross floor area.

Schedule A: Permitted Uses															
P = Permitted		SU = Requires a Special Use Permit		Blank = Prohibited											
Note: A land use activity may also require Site Plan Review per §285-15.															
LAND USE ACTIVITY	USE DISTRICTS (Defined in §285-27)												ADDITIONAL REGULATIONS		
	C-R	SF	TF	MF	MU-1	MU-2	DMU	WMU	C-I	CC	BUS	IND			
Parking structure as a principal use								SU	SU	SU	SU	SU	§285-69		
Passenger terminals and taxi stands, commercial				P**	P	P	P	P	P	P	P	P			
Recycling facility, accessory					P*	P	P	P	P	P	P	P			
Recycling facility											P	P			
Research and development facility / laboratory						P	P	P	P	P	P	P			
Restaurant				P*	P*	P	P	P		P					
Retail service establishments not otherwise listed in Schedule A or Article VII of this Chapter						P*	P	P		P					
Self-storage facility											P	P	§285-58		
Service-related/financial service establishments not otherwise listed in Schedule A or Article VII.						P*	P	P		P	P				
Shooting range, indoor												P			
Shopping center							P	P		P					
Solar energy system, large scale, as a principal use	P									P	P	P	§285-61		
Storage, outdoor, accessory to a commerical use								SU			P	P	§285-59		
Tobacco/hookah/vaping establishments						P	P	P		P			§285-50		
Transshipment facilities, water dependent												P			
Variety store, small box						P	P			P			§285-52		
Vehicle charging station, accessory	P	P	P	P	P	P	P	P	P	P	P	P	§285-69		
Vehical sales, rental and lease									P						
Veterinary clinic					SU	SU	SU	P	P	P	P				
Veterinary hospital								P	P	P					
Warehouse / wholesale distribution										P	P				

* = This use shall not exceed 2500 square feet of gross floor area in the MF and MU-1 Use Districts.

**= This use shall only be located on a corner lot in the MF Use District and shall not exceed 2500 square feet of gross floor area.

§285-32. Lot development standards.

- A. No lot shall be developed or re-developed except as provided by the standards and guidance in the Development Intensity Zone in which the lot is located as established in §285-33 through §285-40 of this Article and the Development Intensity Zone Map, except those located in a PDD-Planned Development District.
 - (1) The lot development standards for an approved PDD may be specific to the project and defined in an adopted resolution by the City Council that shall be on file with the City Clerk.
 - (2) The lot development standards for a pre-existing Planned Development District approved under §285-57, P Planned Development, as such section existed prior to the time of adoption of this Land Use and Development Ordinance, shall be the lot development standards contained in §285-57 as such section existed prior to the time of adoption of this Ordinance. Requirements and references to off-street parking and signage in the above referenced §285-57 shall not apply.
- B. Development Intensity Zone lot development standards.
 - (1) Each Development Intensity Zone addresses the following lot development standards:
 - (a) Setback minimums and maximums for principal buildings.
 - (b) Setbacks for accessory structures and off-street parking.
 - (c) Lot width, Neighborhood I and II Zones only.
 - (d) Principal building height minimums and maximums.
 - (e) Impervious surface coverage.
 - (f) Minimum principal building frontage coverage.
 - (g) Building frontage types and permitted encroachments.
 - (2) Principal buildings.
 - (a) For purposes of the Development Intensity Zone standards, the term building shall refer to the principal building within which the principal use of the lot shall be located. All development standards related to “buildings” shall apply to the principal building except buildings defined as “accessory structures.”
 - (b) Where more than one principal building is proposed, see §285-41.
 - (c) Any construction physically attached to a principal building, including attached by means of a breezeway or a roofed passageway with open or latticed sides, is deemed

to be part of such primary building in applying the Development Intensity regulations.

(3) Accessory structures.

(a) Setbacks. All accessory structures shall be located in the side yard and/or rear yard on a lot meeting the setbacks as provided in the Lot Development Intensity Zone in which the accessory structure is proposed to be located.

(b) Height.

[1] Accessory structures shall not exceed a maximum height of 25 feet in the Neighborhood I, Neighborhood II, Neighborhood III and Neighborhood IV Development Intensity Zones.

[2] Accessory structures shall not exceed a maximum height of 30 feet in the Campus-Institutional, Neighborhood V, Downtown I, and Downtown II Development Intensity Zones.

INTENT

The Neighborhood I Development Intensity Zone represents the least intensive areas representing small scale, low density, most recently established neighborhoods with detached dwellings, deeper setbacks, more green space and where off-street parking arrangements such as garages and driveways are common.

**BUILDING PLACEMENT ZONE****MINIMUM LOT WIDTH**

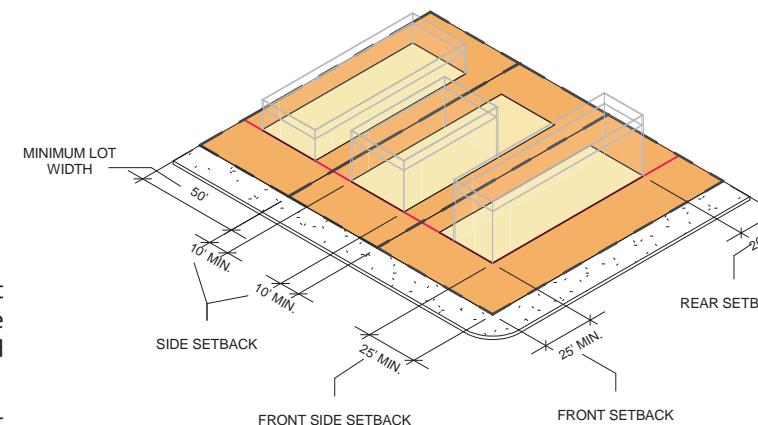
50' Min. Front Lot Width

SETBACKS

Front Setback:	25' min.
Front Side Setback:	25' min.
Side Setback:	10' min.
Rear Setback:	20' min.

Note 1: The minimum/maximum front and front side setback shall be met or the average setback on the block as established by at least 50% of the properties.

Note 2: See also the Resilient Waterfront Overlay for additional shoreline setback requirements.

**COVERAGE REQUIREMENTS****IMPERVIOUS SURFACE COVERAGE**

Max. Coverage %: 40%

BUILDING FRONTEAGE

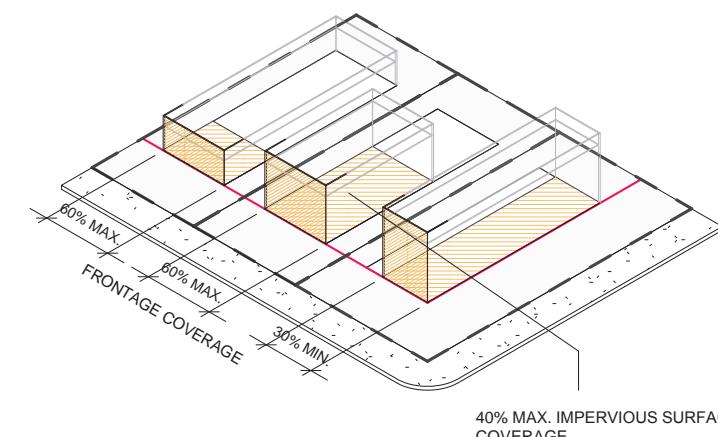
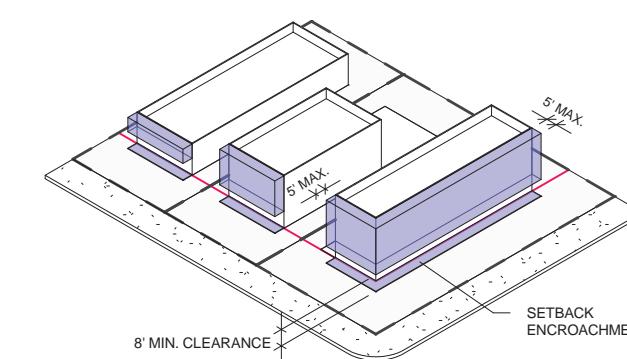
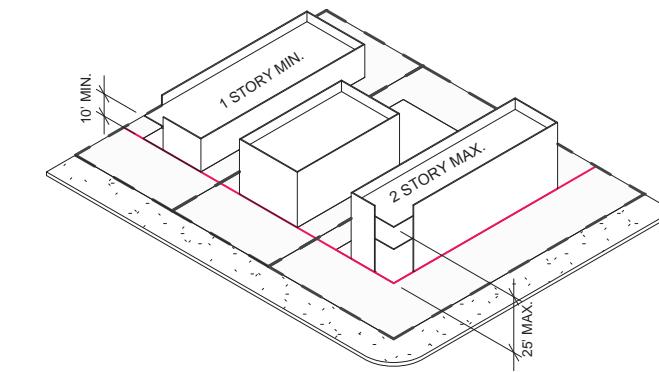
Min. Coverage %:	30%
Max. Coverage %:	60%

Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.

**BUILDING FRONTEAGE TYPES/LOCATION**

R.O.W	SETBACK
-------	---------

Arcades	
Awnings	X
Balconies	X
Bay Windows	X
Canopies	X
Colonnades	
Marquees	
Porches	X
Porticoes	X
Projected Signs	X
Stoops	X

**BUILDING FRONTEAGE ENCROACHMENT ZONE****SETBACK ENCROACHMENT ZONE****BUILDING HEIGHT**

Min. Height:	10'
Max. Height:	25'
Max. Stories:	2 Stories

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

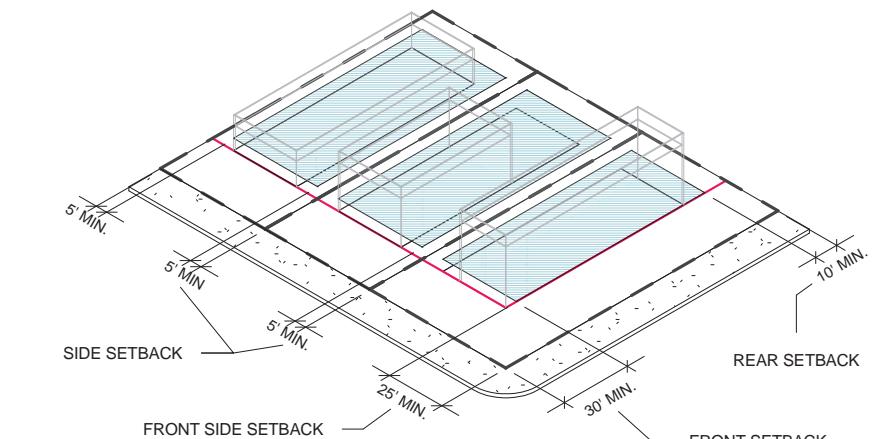
Stories: Stories shall be a minimum height of 9' and maximum height of 12'. (Applicable to new construction only.)

ACCESSORY USES/STRUCTURES AND PARKING ZONE

Front Setback:	30' min.
Front Side Setback :	25' min.
(Corner Lot)	
Side Setback:	5' min.
Rear Setback:	10' min.

(Depending on building type and use)

On street perimeter block parking is encouraged.

**SETBACK ENCROACHMENT:**

Max. Depth:	5'
Min. Clearance:	8'

ENCROACHMENT FRONTEAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.

INTENT

The Neighborhood II Development Intensity Zone represents a scale and density common to older residential neighborhoods and streets that are densely settled, on smaller lots with dwellings built close to the street maintaining cohesive streetscapes and walkability. The public realm is defined with sidewalks and street trees. Dwellings are detached with shallow setbacks on the front and side. Off-street parking and accessory structures are less common due to the size of the lots.



BUILDING PLACEMENT ZONE

MINIMUM LOT WIDTH

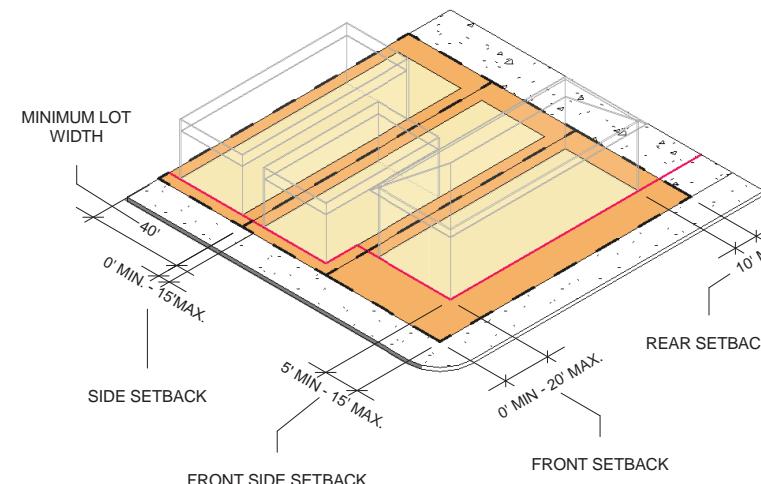
40' Min. Front Lot Width

SETBACKS

Front Setback:	0' min. - 20' max.
Front Side Setback:	5' min. - 15' max.
Side Setback:	0' min. - 15' max.
Rear Setback:	10' min.

Note 1: The minimum/maximum front and front side setback shall be met or the average setback on the block as established by at least 50% of the properties.

Note 2: See also the Resilient Waterfront Overlay for additional shoreline setback requirements.



COVERAGE REQUIREMENTS

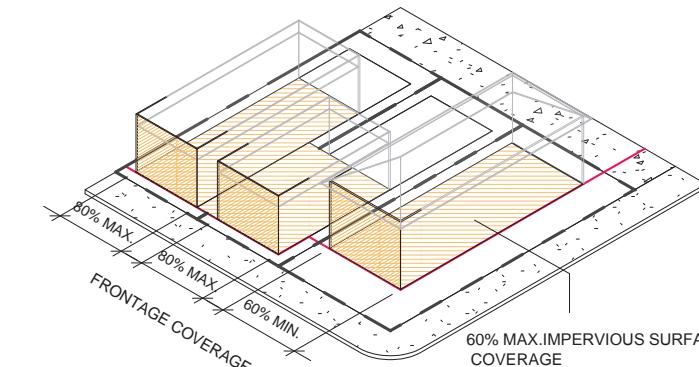
IMPERVIOUS SURFACE COVERAGE

Max. Coverage %: 60%

BUILDING FRONTEAGE

Min. Coverage %:	60%
Max. Coverage %:	80%

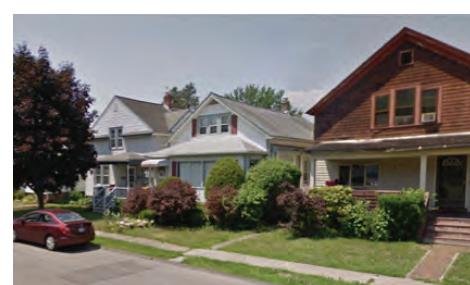
Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.



BUILDING FRONTEAGE TYPES/LOCATION

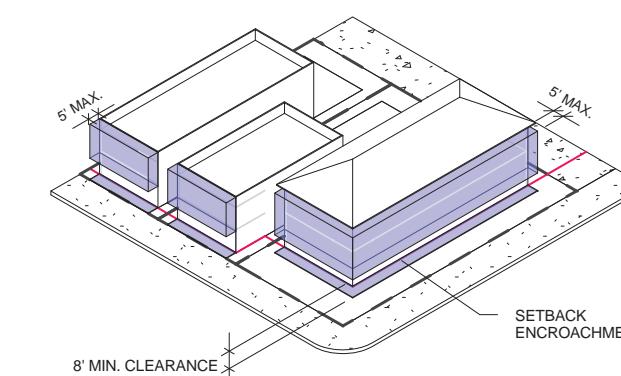
R.O.W. SETBACK

Arcades	
Awnings	X
Balconies	X
Bay Windows	X
Canopies	X
Colonnades	
Marquees	
Porches	X
Porticoes	X
Projected Signs	X
Stoops	X

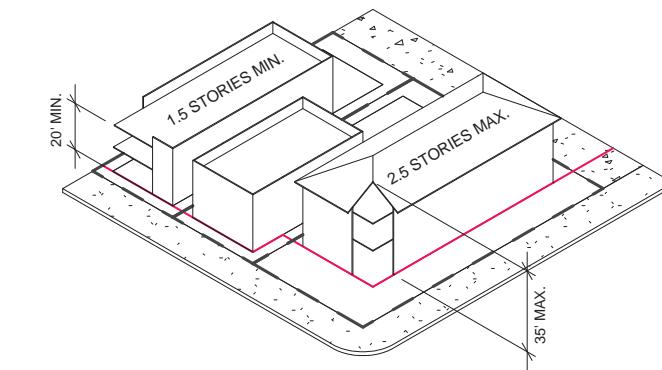


BUILDING FRONTEAGE ENCROACHMENT ZONE

SETBACK ENCROACHMENT ZONE



BUILDING HEIGHT



Min. Height:	20'
Max. Height:	35'
Min. Stories:	1.5 Stories
Max. Stories:	2.5 Stories

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

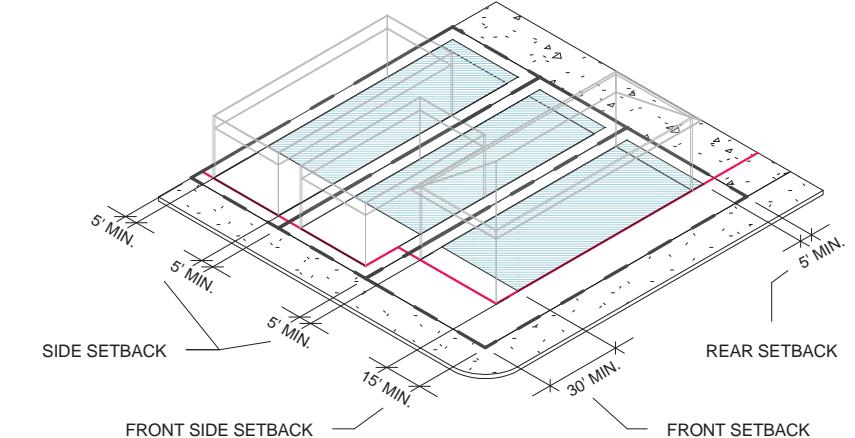
Stories: Stories shall be a minimum height of 9' and maximum height of 12'; except that buildings with nonresidential uses in the first story should have a minimum height of 11'. (Applicable to new construction only.)

Height bonus for a riverfront multi-use path: See §285-45.B.

ACCESSORY USES/STRUCTURES AND PARKING ZONE

Front Setback:	30' min.
Front Side Setback :	15' min.
(Corner Lot)	
Side Setback:	5' min.
Rear Setback:	5' min.

(Depending on building type and use)
On street perimeter block parking is encouraged.



SETBACK ENCROACHMENT:

Max. Depth:	5'
Min. Clearance:	8'

ENCROACHMENT FRONTEAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.

INTENT

The Neighborhood III Development Intensity Zone represents areas transitioning to a more urban scale and density representing a greater mix of structures, architecture and land uses. These areas are more commonly associated with a collector street and the existing alley system is introduced creating more opportunities for access. The streetscapes are intended to be well defined with structures located close to the sidewalk edge, side yards are modest and attached structures are common. Neighborhood walkability and a safe public realm are critical for neighborhood interaction.



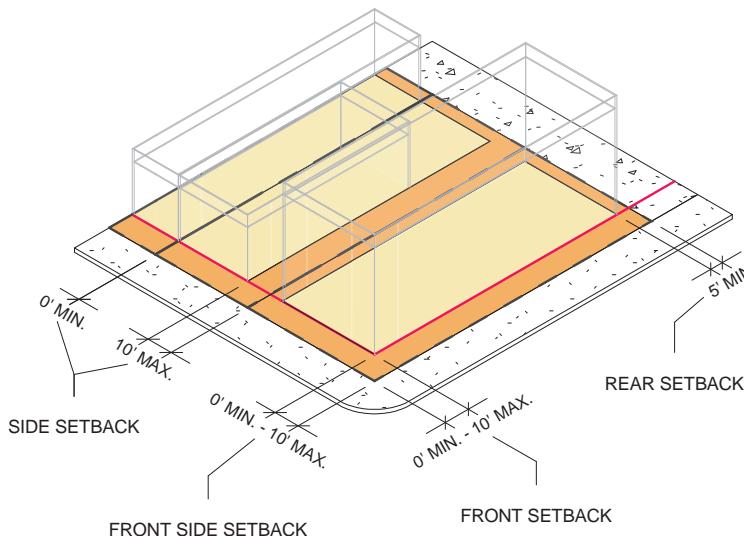
BUILDING PLACEMENT ZONE

SETBACKS

Front Setback:	0' min. - 10' max.
Front Side Setback:	0' min. - 10' max.
Side Setback:	0' min. - 10' max.
Rear Setback:	5' min.

Note 1: The minimum/maximum front and front side setback shall be met or the average setback on the block as established by at least 50% of the properties.

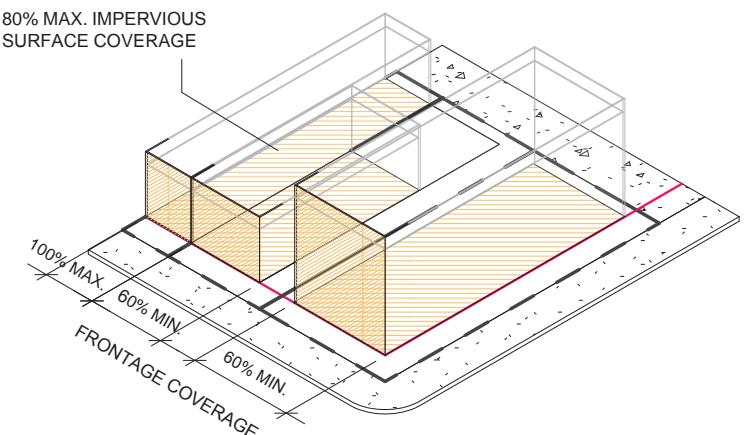
Note 2: See also the Resilient Waterfront Overlay for additional shoreline setback requirements.



COVERAGE REQUIREMENTS

IMPERVIOUS SURFACE COVERAGE

Max. Coverage %: 80%



BUILDING FRONTEAGE

Min. Coverage %: 60%
Max. Coverage %: 100%

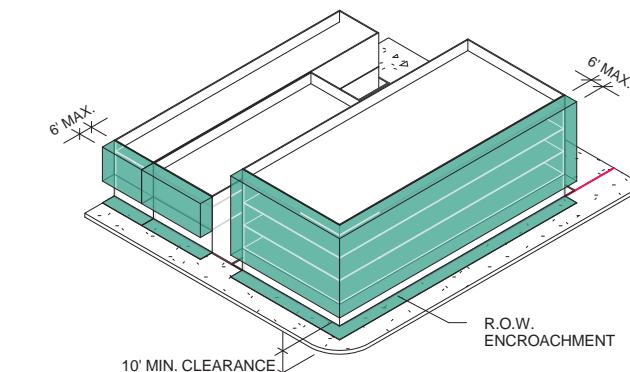
Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.

BUILDING FRONTEAGE TYPES/LOCATION

	R.O.W.	SETBACK
Arcades		
Awnings	X	X
Balconies	X	X
Bay Windows	X	X
Canopies	X	X
Colonnades		
Marques		
Porches		X
Porticoes	X	X
Projected Signs	X	X
Stoops	X	X

BUILDING FRONTEAGE ENCROACHMENT ZONE

RIGHT-OF-WAY ENCROACHMENT ZONE



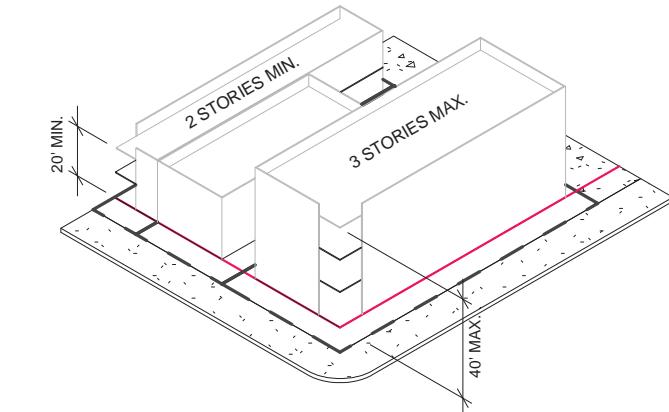
RIGHT-OF-WAY ENCROACHMENT:

Max. Depth: 6'
Min. Clearance: 10'

SETBACK ENCROACHMENT:

Max. Depth: 8'
Min. Clearance: 10'

BUILDING HEIGHT



Min. Height:	20'
Max. Height:	40'
Min. Stories:	2 Stories
Max. Stories:	3 Stories

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

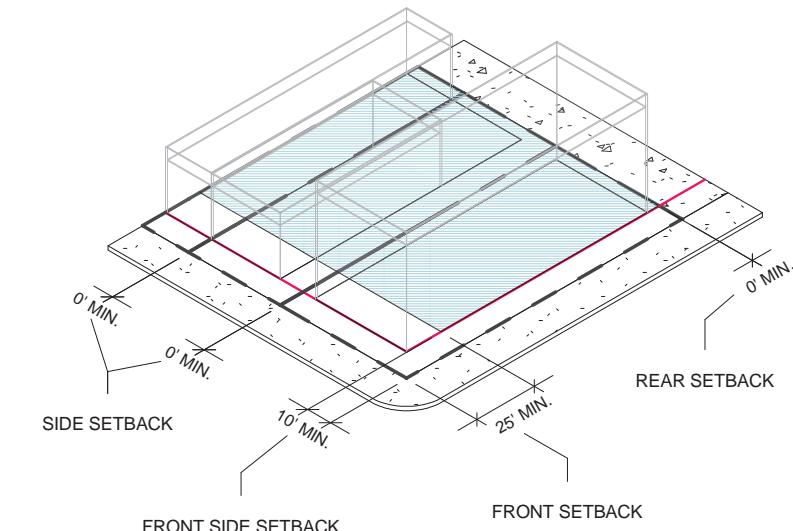
Stories: Stories shall be a minimum height of 9' and maximum height of 14'; except that buildings with nonresidential uses in the first story should have a minimum height of 11'. (Applicable to new construction only.)

Height bonus for a riverfront multi-use path: See §285-45.B.

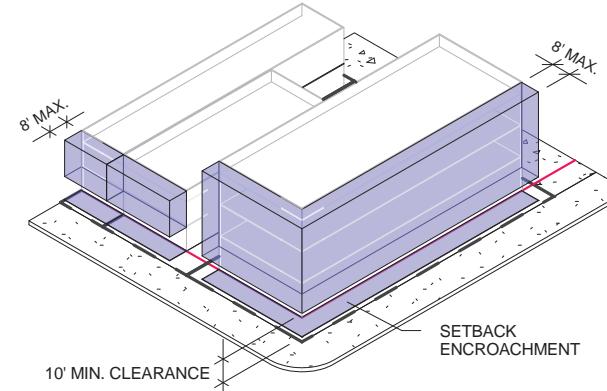
ACCESSORY USES/STRUCTURES AND PARKING ZONE

Front Setback:	25' min.
Front Side Setback :	10' min.
(Corner Lot)	
Side Setback:	0' min.
Rear Setback:	0' min.

(Depending on building type and use)
On street perimeter block parking is encouraged.



SETBACK ENCROACHMENT ZONE



ENCROACHMENT FRONTEAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.

INTENT

The Neighborhood IV Development Intensity Zone represents the most intense "neighborhood" areas; often nodes associated with a collector street and more commercial activity. Building heights and mass increase in this zone. A cohesive, safe and walkable streetscape are maintained by strong build-to lines and scale, sidewalks and other pedestrian elements, and support for attractive building encroachments and street level façades that are inviting to the public.

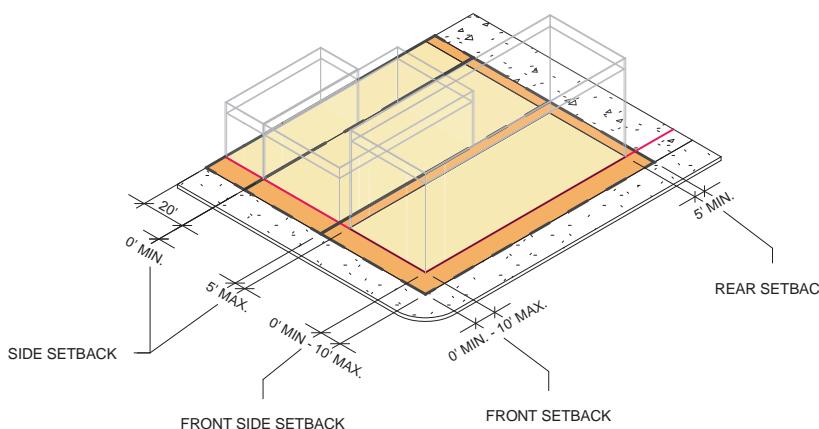
BUILDING PLACEMENT ZONE

SETBACKS

Front Setback:	0' min. - 10' max.
Front Side Setback:	0' min. - 10' max.
Side Setback:	0' min. - 5' max.
Rear Setback:	5' min.

Note 1: The minimum/maximum front and front side setback shall be met or the average setback on the block as established by at least 50% of the properties.

Note 2: See also the Resilient Waterfront Overlay for additional shoreline setback requirements.



COVERAGE REQUIREMENTS

IMPERVIOUS SURFACE COVERAGE

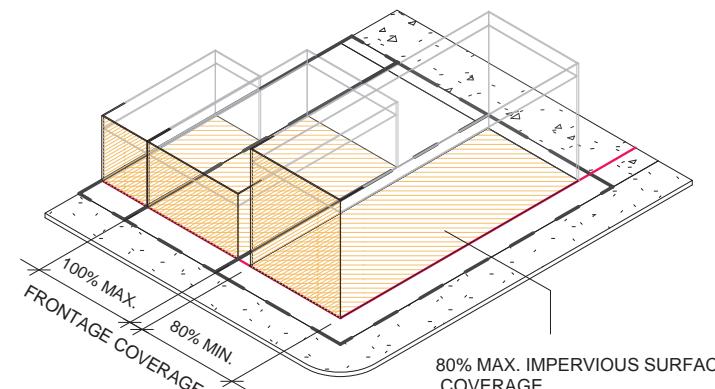
Max. Coverage %: 80%

BUILDING FRONTEAGE

Min. Coverage %: 80%

Max. Coverage %: 100%

Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.



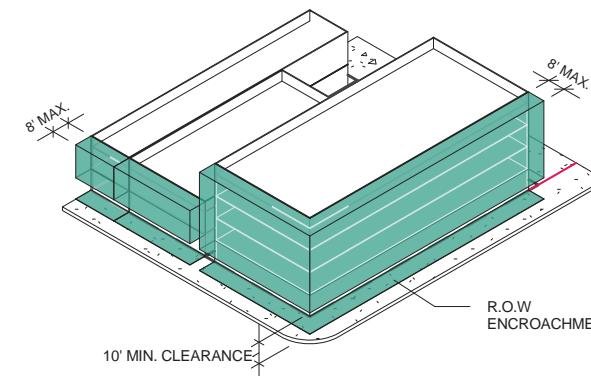
BUILDING FRONTEAGE TYPES/LOCATION

R.O.W SETBACK

Arcades	X
Awnings	X
Balconies	X
Bay Windows	X
Canopies	X
Colonnades	
Marquees	X
Porches	
Porticoes	X
Projected Signs	X
Stoops	X

BUILDING FRONTEAGE ENCROACHMENT ZONE

RIGHT-OF-WAY ENCROACHMENT ZONE



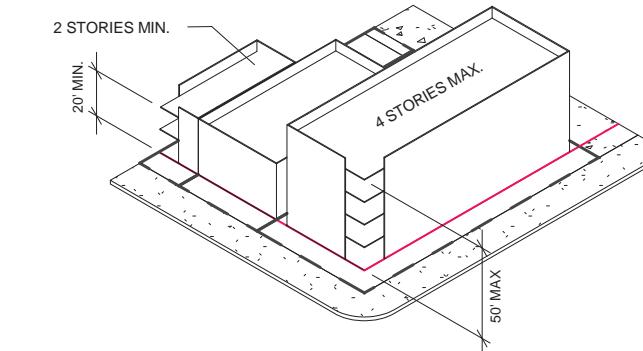
RIGHT-OF-WAY ENCROACHMENT:

Max. Depth: 8'
Min. Clearance: 10'

SETBACK ENCROACHMENT:

Max. Depth: 8'
Min. Clearance: 10'

BUILDING HEIGHT



Min. Height:	20'
Max. Height:	50'
Min. Stories:	2 Stories
Max. Stories:	4 Stories

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

Stories: Stories shall be a minimum height of 9' and maximum height of 14'; except that buildings with nonresidential uses in the first story should have a minimum height of 11'. (Applicable to new construction only.)

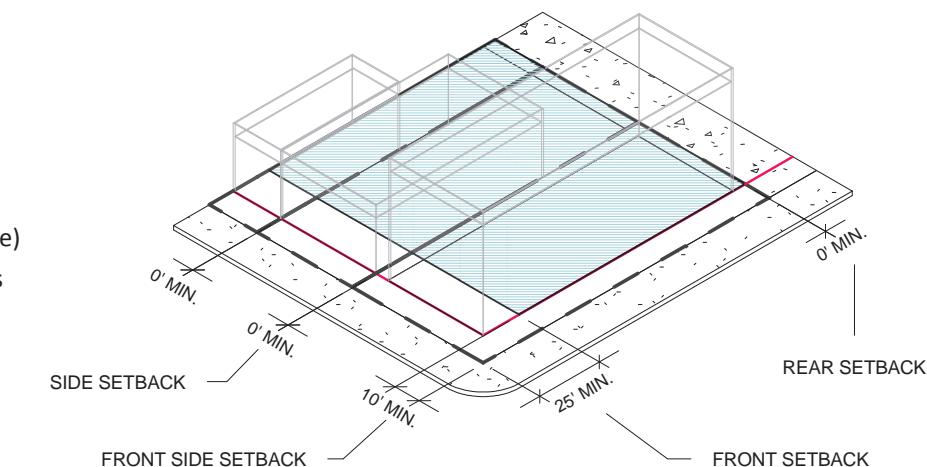
Height bonus for a riverfront multi-use path: See §285-45.B.

ACCESSORY USES/STRUCTURES AND PARKING ZONE

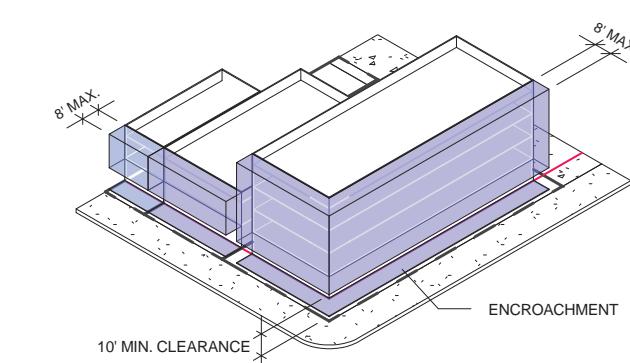
Front Setback:	25' min.
Front Side Setback :	10' min.
(Corner Lot)	
Side Setback:	0' min.
Rear Setback:	0' min.

(Depending on building type and use)

On street perimeter block parking is encouraged.



SETBACK ENCROACHMENT ZONE



ENCROACHMENT FRONTEAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.

INTENT

The Neighborhood V Development Intensity Zone represents areas of the City where future development opportunities for a variety of densities, scale and end uses exist. These areas include larger parcels on unique corridors including Hoosick Street and the riverfront requiring building scale, location and density to be considered on a case by case basis. The development requirements of this zone are more flexible with the expectation that infill development or redevelopment will be compatible with surrounding established neighborhoods and activity supported in the City Code and other planning initiatives.

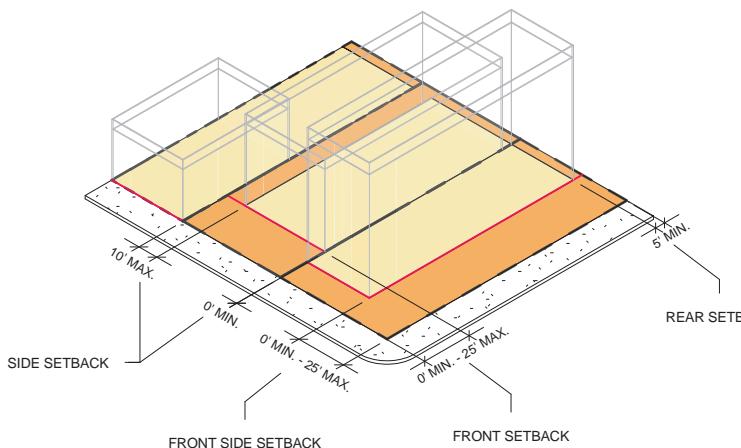
BUILDING PLACEMENT ZONE

SETBACKS

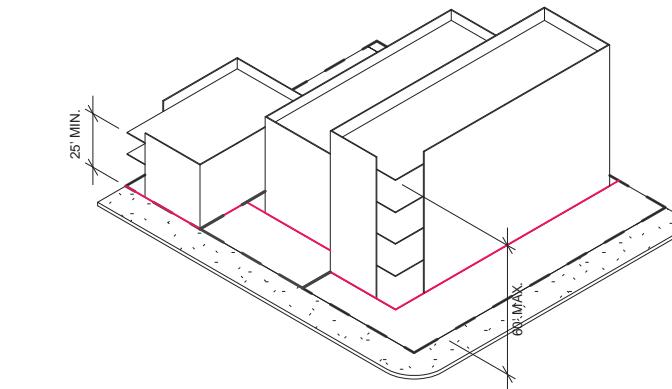
Front Setback:	0' min. - 25' max.
Front Side Setback:	0' min. - 25' max.
Side Setback:	0' min. - 10' max.
Rear Setback:	5' min.

Note 1: The minimum/maximum front and front side setback shall be met or the average setback on the block as established by at least 50% of the properties.

Note 2: See also the Waterfront Overlay for additional shoreline setback requirements.



BUILDING HEIGHT



Min. Height:	25'
Max. Height:	60'

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

Stories: Stories shall be a minimum height of 9' except buildings with nonresidential uses in the first story which should have a minimum height of 11'. (Applicable to new construction only.)

Height bonus for a riverfront multi-use path: See §285-45.B.

COVERAGE REQUIREMENTS

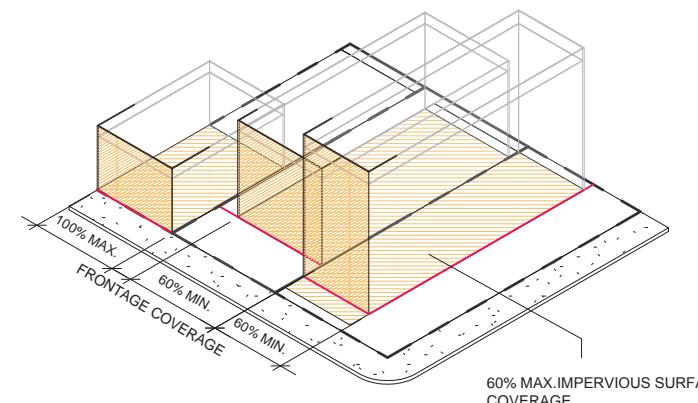
IMPERVIOUS SURFACE COVERAGE

Max. Coverage %: 60%

BUILDING FRONTEAGE

Min. Coverage %: 60%
Max. Coverage %: 100%

Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.

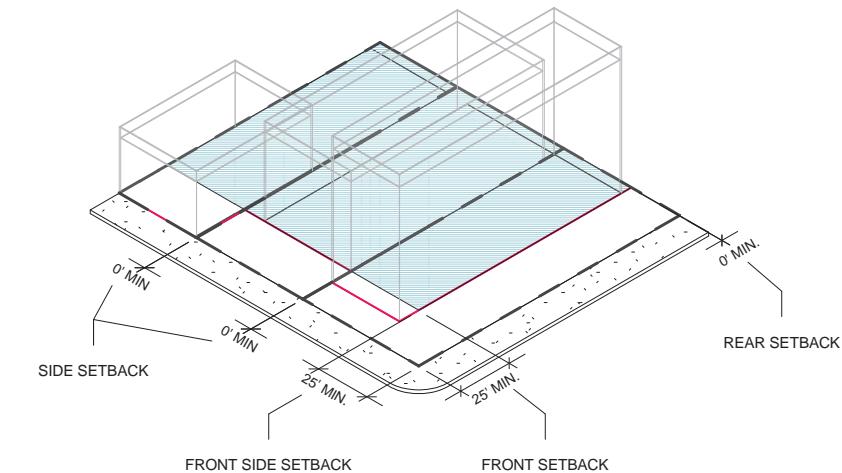


ACCESSORY USES/STRUCTURES AND PARKING ZONE

Front Setback:	25' min.
Front Side Setback : (Corner Lot)	25' min.
Side Setback:	0' min.
Rear Setback:	0' min.

(Depending on building type and use)

On street perimeter block parking is encouraged.



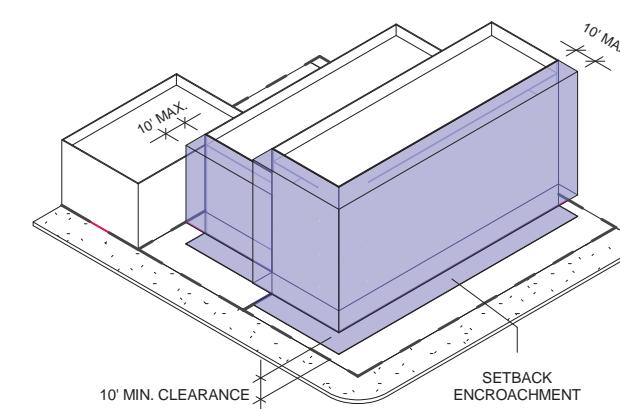
BUILDING FRONTEAGE TYPES/LOCATION

R.O.W. SETBACK

Arcades	X
Awnings	X
Balconies	X
Bay Windows	X
Canopies	X
Colonnades	
Marquees	X
Porches	
Porticoes	X
Projected Signs	X
Stoops	X

BUILDING FRONTEAGE ENCROACHMENT ZONE

SETBACK ENCROACHMENT ZONE



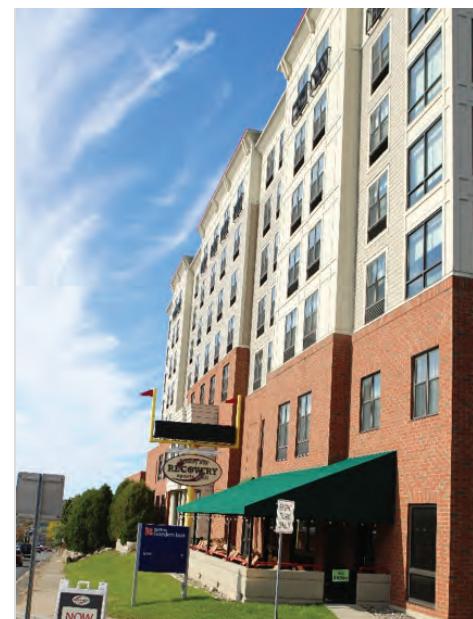
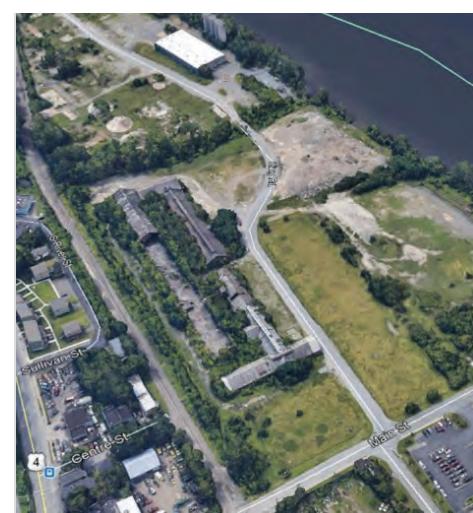
SETBACK ENCROACHMENT:

Max. Depth:	10'
Min. Clearance:	10'

ENCROACHMENT FRONTEAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.



INTENT

The Civic / Campus Development Intensity Zone represents the institutional campuses related to civic uses such as education and health care where development has traditionally focused on a primary user such as a college or hospital. This zone provides some requirements to ensure that development maintains the existing scale and relative compatibility with adjacent neighborhoods but provides more flexibility with regard to density, setbacks, building and parking location and orientation.



BUILDING PLACEMENT ZONE

SETBACKS

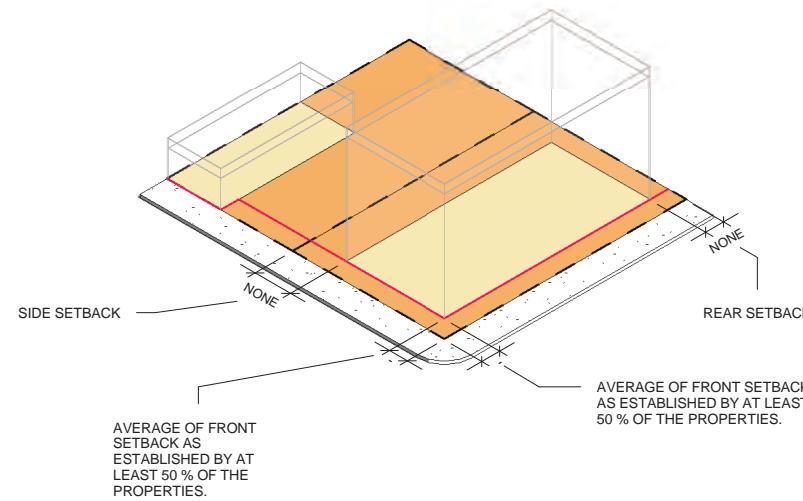
Front Setback: The minimum/maximum shall be the average of front setbacks as established by at least 50% of the properties within 500 feet of the subject property.

Front Side Setback: The minimum/maximum front side setback shall be the average of front setbacks as established by at least 50% of the properties within 500 feet of the subject property.

Side Setback: None

Rear Setback: None

Note 1: See also the Waterfront Overlay for additional shoreline setback requirements.



COVERAGE REQUIREMENTS

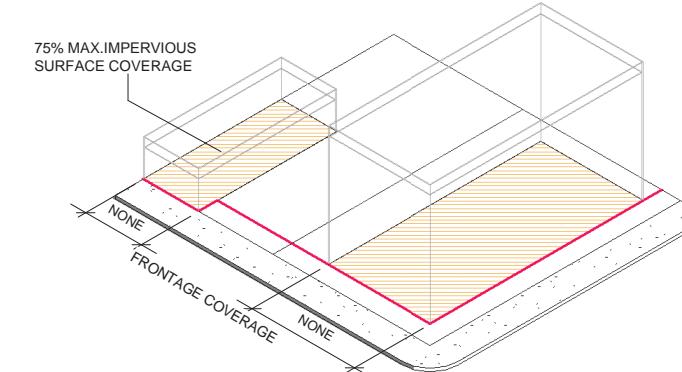
IMPERVIOUS SURFACE COVERAGE

Max. Coverage %: 75%

BUILDING FRONTAGE

Min. / Max. Coverage %: None

Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.

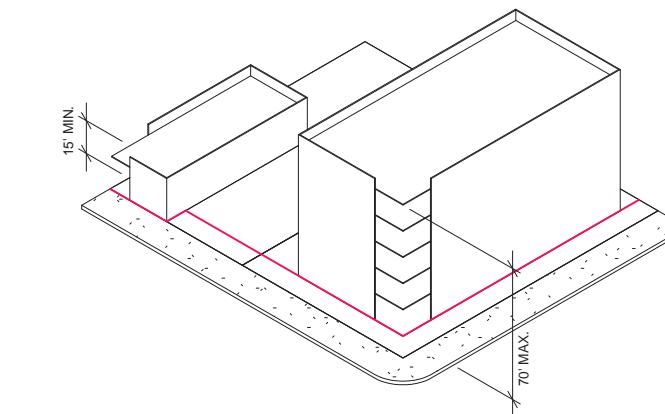


BUILDING FRONTAGE TYPES/LOCATION

	R.O.W.	SETBACK
Arcades		X
Awnings	X	X
Balconies	X	X
Bay Windows	X	X
Canopies	X	X
Colonnades		
Marquees		
Porches		
Porticoes	X	X
Projected Signs	X	X
Stoops	X	X

CIVIC / CAMPUS
DEVELOPMENT INTENSITY ZONE

BUILDING HEIGHT



Min. Height: 15'
Max. Height: 70'

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

Stories: Stories shall be a minimum height of 9' except that buildings with nonresidential uses in the first story should have a minimum height of 11'. (Applicable to new construction only.)

Height bonus for a riverfront multi-use path: See §285-45.B.

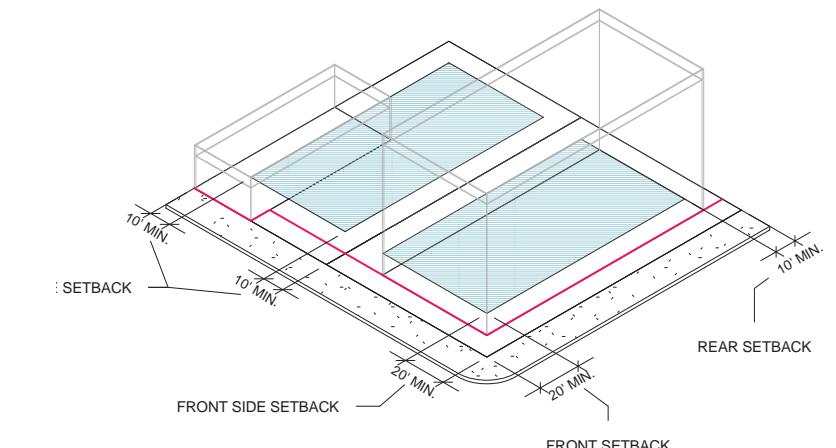
ACCESSORY USES/STRUCTURES AND PARKING ZONE

Front Setback: 20' min.

Front Side Setback : (Corner Lot) 20' min.

Side Setback: 10' min.

Rear Setback: 10' min.



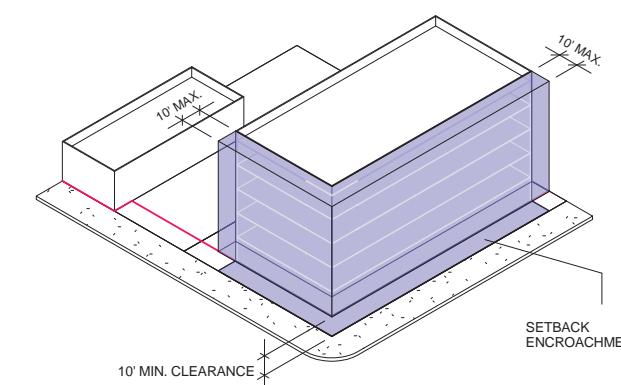
(Depending on building type and use)

On street perimeter block parking is encouraged.



BUILDING FRONTAGE ENCROACHMENT ZONE

SETBACK ENCROACHMENT ZONE



SETBACK ENCROACHMENT:

Max. Depth: 10'
Min. Clearance: 10'

ENCROACHMENT FRONTAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.

INTENT

The Downtown I Development Intensity Zone represents Troy's traditional, historic downtown. The existing scale and density with generous sidewalks and narrow streets maintain a strong pedestrian environment. The intent is to preserve the historic architectural scale and character.



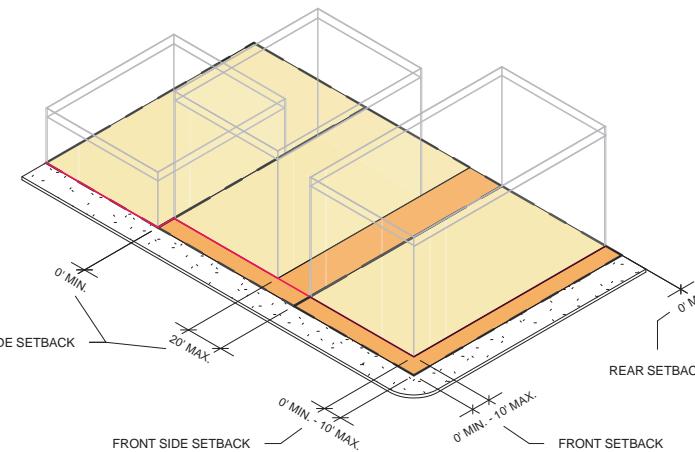
BUILDING PLACEMENT ZONE

SETBACKS

Front Setback:	0' min. - 10' max.
Front Side Setback:	0' min. - 10' max.
Side Setback:	0' min. - 20' max.
Rear Setback:	0' min.

Note 1: The minimum/maximum front and front side setback shall be met or the average setback on the block as established by at least 50% of the properties.

Note 2: See also the Resilient Waterfront Overlay for additional shoreline setback requirements.



COVERAGE REQUIREMENTS

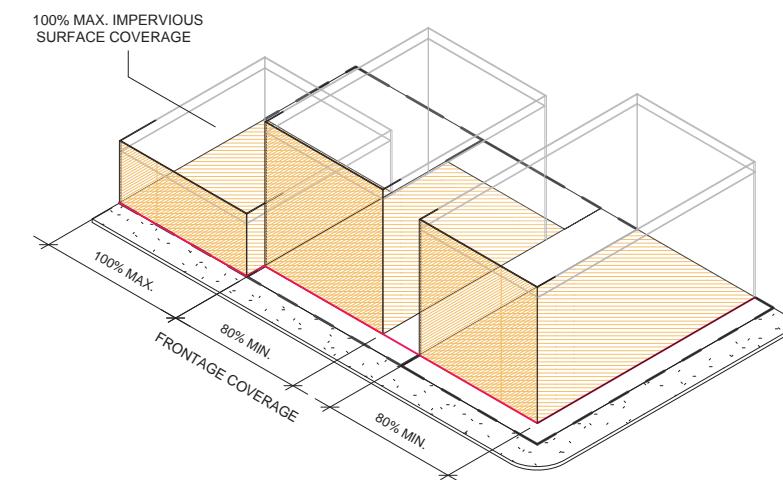
IMPERVIOUS SURFACE COVERAGE

Max. Coverage %: 100%

BUILDING FRONTEAGE

Min. Coverage %: 80%
Max. Coverage %: 100%

Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.

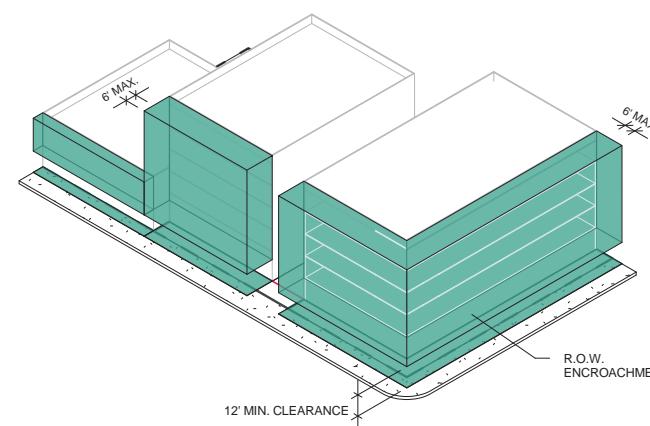


BUILDING FRONTEAGE TYPES/LOCATION

	R.O.W.	SETBACK
Arcades	X	X
Awnings	X	X
Balconies	X	X
Bay Windows	X	X
Canopies	X	X
Colonnades	X	X
Marquees	X	X
Porches		
Porticoes	X	X
Projected Signs	X	X
Stoops	X	X

BUILDING FRONTEAGE ENCROACHMENT ZONE

RIGHT-OF-WAY ENCROACHMENT ZONE



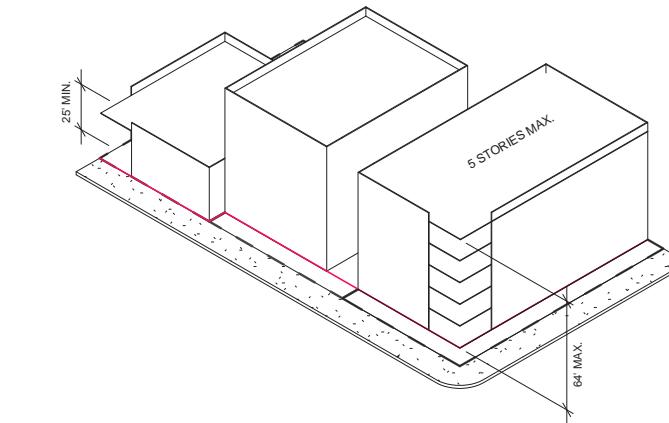
RIGHT-OF-WAY ENCROACHMENT:

Max. Depth: 6'
Min. Clearance: 12'

SETBACK ENCROACHMENT:

Max. Depth: 10'
Min. Clearance: 12'

BUILDING HEIGHT



Min. Height:	25'
Max. Height:	64'
Max. Stories:	5 Stories

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

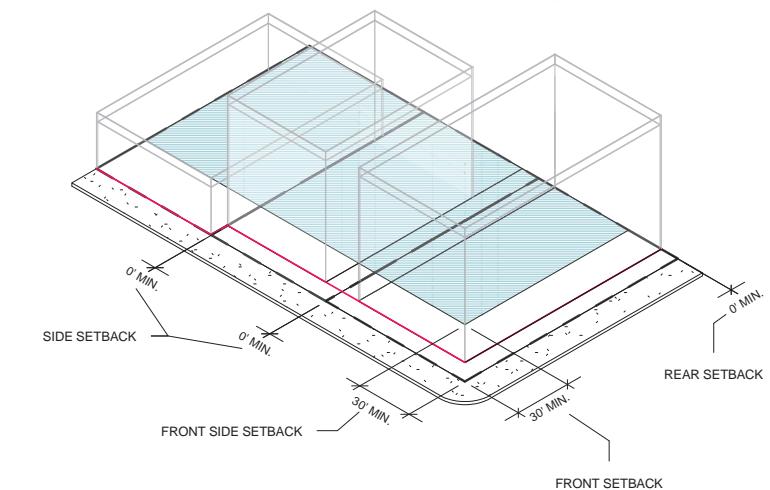
Stories: Stories shall be a minimum height of 9' except that buildings with nonresidential uses in the first story should have a minimum height of 12'. (Applicable to new construction only.)

Height bonus for a riverfront multi-use path: See §285-45.B.

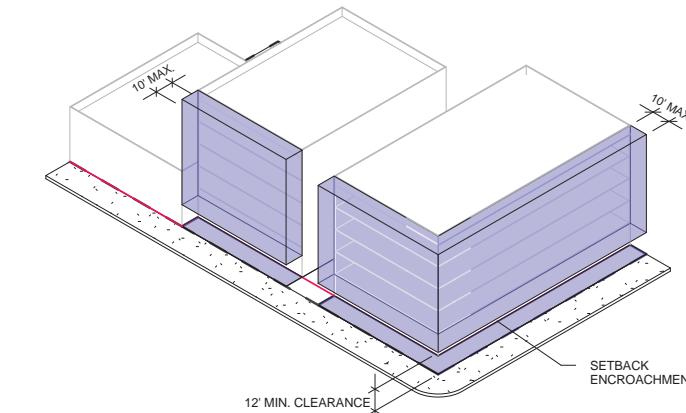
ACCESSORY USES/STRUCTURES AND PARKING ZONE

Front Setback:	30' min.
Front Side Setback : (Corner Lot)	30' min.
Side Setback:	0' min.
Rear Setback:	0' min.

(Depending on building type and use)
On street perimeter block parking is encouraged.



SETBACK ENCROACHMENT ZONE



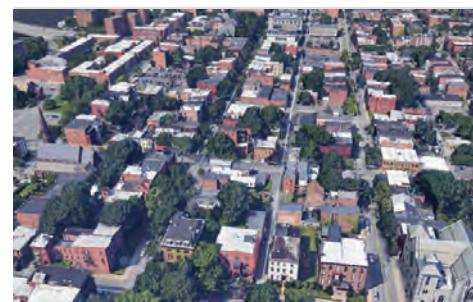
ENCROACHMENT FRONTEAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.

INTENT

The Downtown II Development Intensity Zone represents the areas in the City's downtown where the scale of buildings has historically been more significant and where opportunities for infill development at an increased scale may be compatible due to topography or historic build-out.



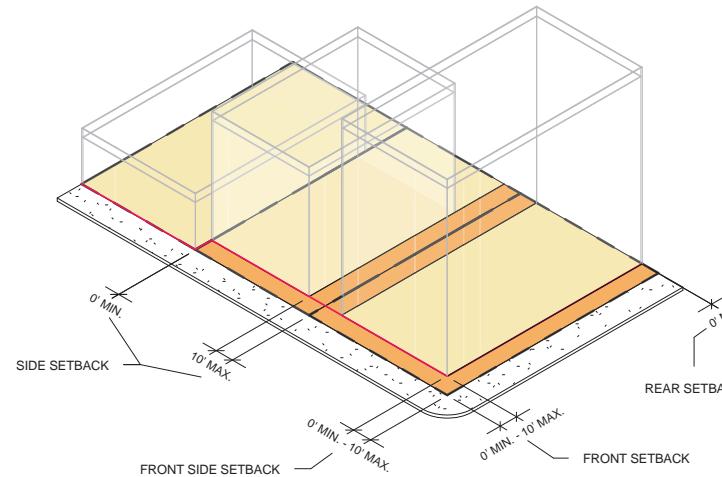
BUILDING PLACEMENT ZONE

SETBACKS

Front Setback:	0' min. - 10' max.
Front Side Setback:	0' min. - 10' max.
Side Setback:	0' min. - 10' max.
Rear Setback:	0' min.

Note 1: The minimum/maximum front and front side setback shall be met or the average setback on the block as established by at least 50% of the properties.

Note 2: See also the Resilient Waterfront Overlay for additional shoreline setback requirements.



COVERAGE REQUIREMENTS

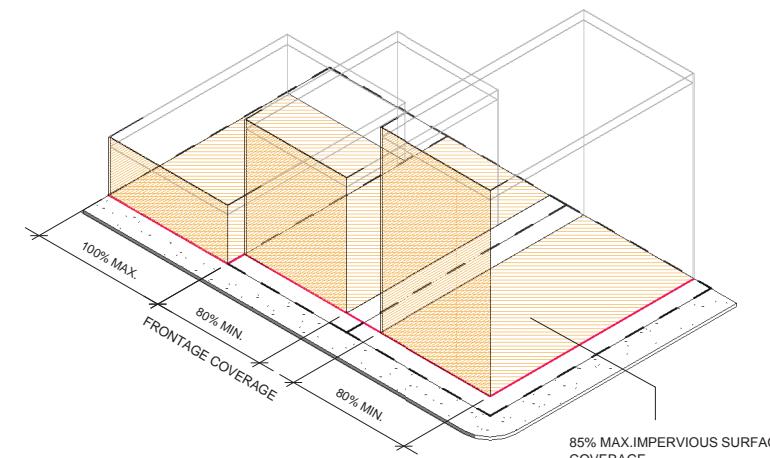
IMPERVIOUS SURFACE COVERAGE

Max. Coverage %:	85%
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BUILDING FRONTEAGE

Min. Coverage %:	80%
Max. Coverage %:	100%

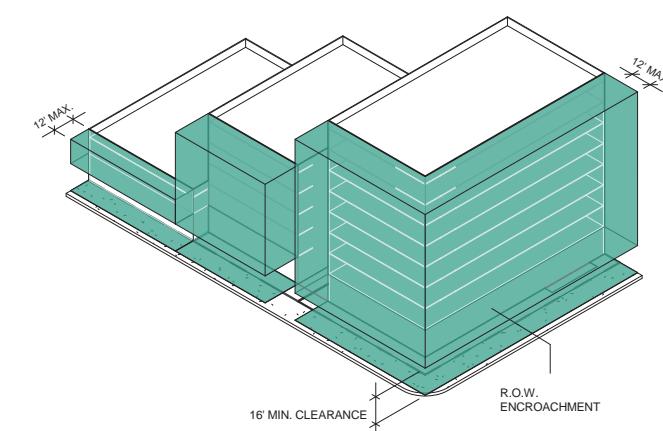
Minimum building frontage: The percentage of building façade coverage along main lot frontage/primary façade.



BUILDING FRONTEAGE TYPES/LOCATION

	R.O.W.	SETBACK
Arcades	X	X
Awnings	X	X
Balconies	X	X
Bay Windows	X	X
Canopies	X	X
Colonnades	X	X
Marquees	X	X
Porches		
Porticoes	X	X
Projected Signs	X	X
Stoops	X	X

BUILDING FRONTEAGE ENCROACHMENT ZONE



RIGHT-OF-WAY ENCROACHMENT ZONE

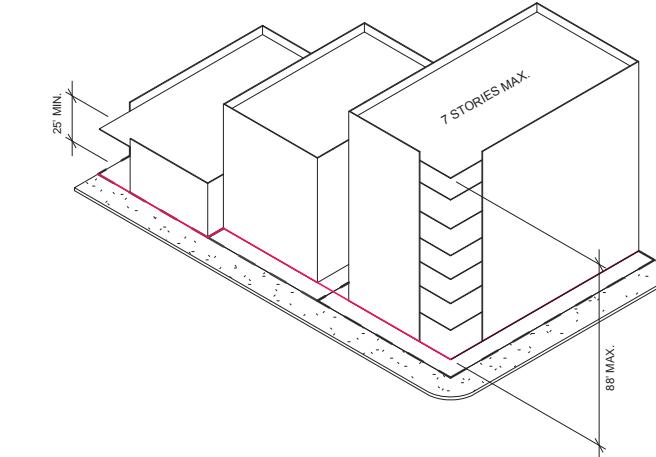
RIGHT-OF-WAY ENCROACHMENT:

Max. Depth:	12'
Min. Clearance:	16'

SETBACK ENCROACHMENT:

Max. Depth:	10'
Min. Clearance:	16'

BUILDING HEIGHT



Min. Height:	25'
Max. Height:	88'
Max. Stories:	7 Stories

Height: Height is measured by the vertical distance from the highest point of vertical eaves or roof deck to the lowest point of either the natural or finished grade.

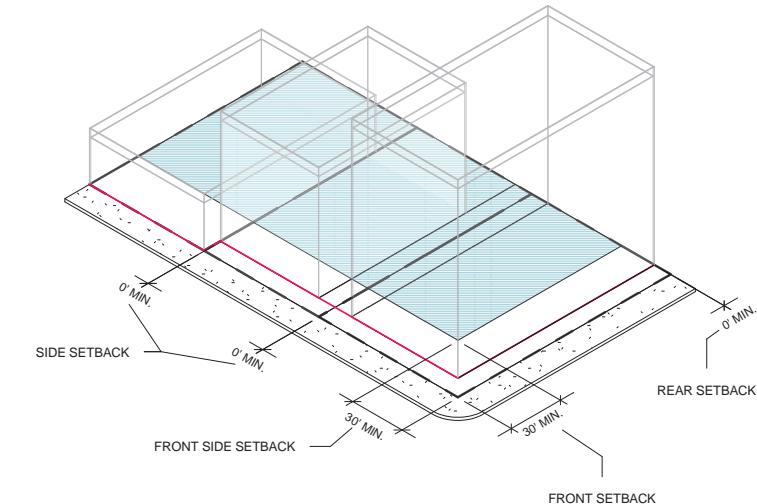
Stories: Stories shall be a minimum height of 9' except that buildings with nonresidential uses in the first story should have a minimum height of 12'. (Applicable to new construction only.)

Height bonus for a riverfront multi-use path: See §285-45 B.

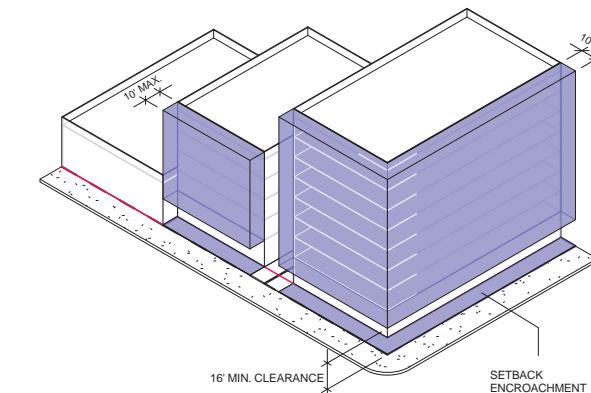
ACCESSORY USES/STRUCTURES AND PARKING ZONE

Front Setback:	30' min.
Front Side Setback :	30' min.
(Corner Lot)	
Side Setback:	0' min.
Rear Setback:	0' min.

(Depending on building type and use)
On street perimeter block parking is encouraged.



SETBACK ENCROACHMENT ZONE



ENCROACHMENT FRONTEAGE

Encroachment Frontage: is the width of the permitted encroachment in relationship with the overall façade width.

Encroachment Setback: the encroachment setback is measured from the build-to-line towards the ROW (right-of-way) or property line.

§285-41. Additional principal building requirements; conversion of existing buildings.

A. Minimum principal building ground floor area.

All principal buildings shall have a minimum ground floor area of 720 square feet. The ground floor area shall not include attached garages.

B. Average minimum floor area for multi-family uses in existing buildings.

The average minimum gross floor area per dwelling unit shall be 700 square feet within buildings existing at the time of adoption of this Chapter altered to establish three or more dwelling units. This shall be calculated by dividing the total gross floor area utilized for dwelling units within a building by the total number of dwelling units.

C. Two or more principal buildings on a lot; development standards.

(1) Except in the SF and TF Use Districts, more than one principal building is permitted on a lot. Each building shall conform to all the requirements of this Chapter that would normally apply to each building if each were on a separate lot.

(2) Where more than one principal building is proposed on a lot, the development standards of the Development Intensity Zones related to minimum and maximum front setbacks and minimum building frontage coverage applies at least one of the principal buildings. Side and rear minimum setbacks apply to all principal buildings.

D. All principal buildings must be attached to a continuous, permanent masonry foundation, unpierced except for required ventilation and access installed under the home. The foundation shall be aesthetically compatible with the building. Any wheels, axles and towing devices must be removed from any building transported to a lot.

E. All principal buildings shall be designed following the guidance of the architectural design guidelines of Article IX.

§285-42. Unique lots; building height and yard exceptions.

A. Through lots.

A lot that fronts two streets, other than a corner lot, shall conform to applicable front yard setbacks of the Development Intensity Zone in which each street frontage is located.

B. Maximum height exceptions.

(1) Roof-level features such as spires, belfries, cupolas, or domes not used for human habitation, chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, green or blue roof systems, water tanks or necessary mechanical appurtenances usually located on the roof level and elevator equipment and penthouses shall be excluded from calculating height. Flag poles, transmission towers and cables,

radio and television antennas or towers and similar structures shall also be excluded from the height limitations of this Chapter. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank, or other structure that extends above the height limitations.

(2) Roof top amenities as defined in this Chapter shall be exempt from the maximum building height but shall meet the following requirements:

- (a) All rooftop amenities shall be setback 12 feet from the front edge of the building.
- (b) Rooftop amenities surrounded by approved guards or railings may exceed the maximum height of the structure for the Development Intensity Zone in which it is located by a maximum of four feet. This shall not apply to parapets.
- (c) Roofed areas shall not incorporate more than 30% of all rooftop area excluding the setback area and shall not be conditioned.

C. Projections into yards.

All projecting architectural features such as building frontages including but not limited to stoops, porches, decks, balconies, arcades, canopies, awnings, and other projections into yards are limited to the permitted encroachments in the standards of the Development Intensity Zones in §285-33 through §285-40 with the following exceptions:

- (1) Projecting architectural features. Architectural features such as windowsills, belt courses, chimneys, cornices, eaves, or bay windows may project not more than three feet into any required yard.
- (2) Fire escapes. Open fire escapes may extend into a required side or rear yard not more than six feet; provided, however, that such fire escape shall not be closer than four feet at any point to any lot line.
- (3) Terraces. A paved terrace may be included as part of the yard in determining yard size, provided, however, that such terrace is unroofed and without walls or parapets.

D. Visibility at intersections.

On any corner lot at a street intersection no building, fence, wall, hedge, or other structure or planting more than three feet in height shall be erected, placed, or maintained without consideration for the visibility at the intersection and line of site for safety purposes.

ARTICLE VI: RESILIENT WATERFRONT AND FLOOD RISK OVERLAY

§285-43. Purpose and intent.

- A. The Hudson River is an essential part of Troy's heritage. This overlay supports a waterfront that is resilient, ecologically healthy, and accessible. Its purposes are to protect people and structures from the adverse effects of climate change related to sea level rise (below the Federal Dam) and riverine flooding (above the Federal Dam) while maximizing public access and enjoyment of waterfront resources and enabling climate adaptive redevelopment.
- B. The intent of the RWF-O is to balance risk, environmental impacts, community character and human experience at the street level to support a waterfront that is:
 - (1) Resilient to the realities of changing climate by encouraging design for long-term resilience through setbacks, green infrastructure, structural protection, and nature-based mitigation strategies.
 - (2) Ecologically sound by employing natural mitigation measures and materials to improve ecosystem function and benefits by choosing an appropriate riparian edge strategy for different parts of Troy's urban neighborhoods and using green infrastructure to reduce and manage stormwater quantity and improve stormwater discharge quality.
 - (3) Accessible through expansion of quality public access by supporting a diversity of uses and structural design to improve visual and other sensory connections to the water.
- C. This overlay boundary has been established following the Hudson River waterfront and based on evaluation of the best-available data to identify proactive climate adaptations for areas likely to be flood-prone in the future. The Resilient Waterfront and Flood Risk Overlay results from mapping three general flood-risk elevation guidelines established by NYS Department of Environmental Conservation through the New York State Community Risk and Resilience Act (CRRA) and other best-practices for assessing climate change impacts.
- D. The RWF-O goals can be accomplished by:
 - (1) Protecting residents and structures from adverse impacts of climate change.
 - (2) Reducing flood damage to buildings by elevating the building or floodproofing the building and its key utilities above the design flood elevation.
 - (3) Maximizing long-term resilience benefits, particularly through nature-based mitigation.

§285-44. General applicability.

- A. The requirements of this Article apply to all land within 50 feet of the mean high-water mark of the Hudson River and all additional land within the boundary of the RWF-O included on the Zoning Use Map.

B. All provisions of the underlying Use Districts and Development Intensity Zones remain in full force, except where provisions of the RWF-O District differ. In such cases, the more restrictive provision shall apply.

§285-45. Hudson Riverfront development.

A. Permitted uses; prohibited uses.

- (1) All uses permitted in the underlying Use Districts as established in Schedule A: Permitted Uses shall be permitted in the RWF-O except as prohibited in §285-45 A (3) below.
- (2) In addition to the uses permitted in the underlying Use Districts as established in Schedule A: Permitted Uses, the following uses are permitted on properties adjacent to the Hudson River:
 - (a) Docks and piers as a principal use.
 - (b) Marinas with a Special Use Permit.
 - (c) Tour boat operations with a Special Use Permit.
 - (d) Water taxi services.
 - (e) Water dependent transshipment facilities located in the IND District.
- (3) The uses in (a)-(f) below are prohibited within 500 feet of the mean high-water mark or seawall of the Hudson River in all Use Districts except the IND District. Within the IND District, the uses in (a)-(f) below are prohibited within 250 feet of the mean high-water mark or seawall of the Hudson River:
 - (a) Automotive repair services.
 - (b) Bulk fuel storage except as an accessory use to a water-dependent use listed in §285-45 A (2) above.
 - (c) Bulk industrial chemical storage or processing.
 - (d) Junkyards and solid waste disposal or processing facilities.
 - (e) Parking as a principal use.
 - (f) Warehouse/wholesale distribution facilities except in the IND District.

B. Riverfront multi-use pathway, public access; density bonus.

- (1) As part of any development on property directly adjacent to the Hudson River, a riverfront public multi-use pathway and surface easement for the pathway should be provided by the applicant with the following construction and land requirements:
 - (a) The pathway shall have a width of at least 12 feet along the length of the property abutting the Hudson River shoreline.
 - (b) There shall be an additional two feet of graded area on either side of the pathway and an additional buffer between the pathway and the River and a 10 foot buffer between the walkway and any other use on the eastern side of the walkway.
 - (c) The pathway shall meet ADA Accessibility Guidelines.
 - (d) The pathway should be constructed of a surface material as approved by the Planning Commission as part of Site Plan approval.
 - (e) The pathway should include amenities such as landscaped areas, sitting areas, benches, and pedestrian scale decorative lighting.
- (2) Height bonus incentive.
 - (a) Development projects that provide the multi-use pathway amenity and surface easement as described in subsections A(1) and A(3) of this section are eligible for a density bonus equal to 10 feet in additional building height in excess of the maximum height allowance permitted in the Development Intensity Zone in which the property is located except that no building shall exceed 80 feet.
 - (b) A height bonus shall not be approved by the Planning Commission without a proposed dedication of a perpetual surface easement that is reviewed and approved by the City Corporation Counsel as described in paragraph (3) below and the Site Plan for the project includes a pathway meeting the standards of (1) above.
- (3) Riverfront multi-use pathway surface easement.
 - (a) The public access, riverfront pathway should be dedicated in the form of a perpetual surface easement, duly executed and in a proper form for recording in the Rensselaer County Clerk's Office and satisfactory to the City Corporation Counsel, for the purpose of assuring public access to, and public enjoyment of, the waterfront.
 - (b) Surface easements should have a minimum width of 30 feet.

C. Hudson River shoreline setbacks.

- (1) Development on the Hudson River shall meet the standards of §285-75, Watercourse and Wetland Buffers.
- (2) The minimum setback for all new structures shall be 50 feet from the mean high-water mark of the Hudson River.

D. Viewshed protection standards.

The following standards shall apply to all development within 200 feet of the mean high-water mark of the Hudson River or seawall; or development to be located on land between the riverbank and nearest public street paralleling the River, whichever is greater.

- (1) Land shall be developed in such a way as to maximize public views to the Hudson River, provide new opportunities at the river's edge and make view corridors available from public streets and public places. Site layout and design shall consider public views and established view corridors or locations and shall also consider the important views of the City from the Hudson River.
- (2) There shall be an opening of at least 30 feet between buildings to provide unobstructed view corridors to the river. Streets and alleys perpendicular to the River may count towards the 30 feet.
- (3) Buildings with four or more floors shall have a step back of at least 10 feet on each floor above the third floor on the riverside to mitigate the visual impact of buildings from the river.

E. Location of accessory uses.

The following accessory uses are prohibited on the waterfront side of parcels directly adjacent to the waterfront: truck docks; service drives; storage; electrical or mechanical equipment; trash or garbage containers or other building maintenance facilities or equipment; freestanding commercial signs; ventilator exhausts; concrete road barriers and utility guide rails. This provision may be waived by the Planning Commission as part of Site Plan Review if the applicant demonstrates that no other practical location exists, and the use is completely screened with plantings, architecturally treated walls, or other appropriate means.

F. Off-Street Parking.

- (1) Freestanding parking structures and surface parking lots shall not be built adjacent to the river or any public pathway easement.
- (2) All freestanding parking structures permitted as a principal use require first floor retail on the street level along all public street frontages with separate entrances and exits.
- (3) Integrated parking structures shall be designed in conformance with the guidelines below and the standards for all structured parking in §285-69 G (4):
 - (a) The building façade facing the River shall be finished to the same architectural standards and quality of materials as used on a facade fronting a public street.
 - (b) Vehicular access to the structure should have minimal impact on pedestrian circulation.
 - (c) Elements such as decorative grillwork, louvers, or translucent materials shall be used to cover window-like openings on the first and second stories of structured parking facing the public right-of-way and the Hudson River. The design and materials shall conceal the view of all parked cars below the hood line through the use of opaque or semi-opaque façade materials that extend at least three feet in height above the vehicle parking surface.

§285-46. Flood risk development standards.

A. Purpose.

To proactively manage the threat to life and damage of property within the RWF Overlay as the result of increasing flood risk over time and proactively plan for future flood risk.

B. Development and location of critical infrastructure and utilities.

(1) Critical infrastructure and utilities shall include:

- (a) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (b) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (c) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- (d) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

(2) As defined in §285-44 General Applicability, the term “RWF Overlay” for this §285-46 B includes all lands within the RWF Overlay plus areas beyond the boundary of the RWF Overlay that are located on existing or proposed ground that has, or is proposed to have, an elevation within three vertical feet of the Design Flood Elevation of the Hudson River provided in Appendix A of this Chapter.

(3) All proposed critical infrastructure and utilities are prohibited within the RWF Overlay unless a waiver is approved by the Planning Commission.

(4) All proposed critical infrastructure and utilities that cannot be located elsewhere shall be designed to meet the requirements of Chapter 158, Flood Damage Prevention and Floodplain Management, except that the “Base Flood Elevation” shall mean the “Design Flood Elevation” as established on Map 1 and Table 1, Design Flood Elevation of the Hudson River in Appendix A of this Chapter, and a minimum of three feet of freeboard shall be provided.

(5) Critical infrastructure and utilities shall have at least one access route connected to land outside of the RWF Overlay that is capable of accommodating critical personnel,

critical maintenance equipment, and/or emergency service vehicles during a flood occurrence meeting the Design Flood Elevation as established in Table 1 Design Flood Elevation of the Hudson River in correlation with Map 1 in Appendix A of this Chapter and a minimum of three feet of freeboard shall be provided.

C. All other new construction or substantial development.

- (1) All new construction and substantial improvements located within the RWF Overlay shall be designed to meet the requirements of Chapter 158, Flood Damage Prevention and Floodplain Management except building and floodproofing elevation standards shall be two feet of freeboard above the Design Flood Elevation as established in Table 1 Design Flood Elevation of the Hudson River in correlation with Map 1 in Appendix A of this Chapter.
 - (a) New construction shall mean construction for which permits are approved on or after the effective date of this Chapter.
 - (b) "Substantial Improvement" shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also includes "cumulative substantial improvement."

ARTICLE VII: ADDITIONAL REGULATIONS OF SPECIFIC USES

§285-47. Accessory dwellings.

- A. One accessory dwelling unit per single-family dwelling may be located within the principal building or in a permitted accessory structure on a lot with a single-family dwelling or a carriage house as provided in Schedule A: Permitted Uses.
- B. Except in the MU-2 and the DMU districts, the property owner shall occupy either the primary or the accessory dwelling unit as their primary residence.
- C. An accessory dwelling unit shall not exceed 800 square feet of gross floor area unless located within a carriage house existing at the time of adoption of this Ordinance.
- D. A detached accessory dwelling unit shall meet the maximum height and setback requirements for accessory structures as provided in Article V.
- E. All detached accessory dwellings must be attached to a continuous, permanent masonry foundation, unpierced except for required ventilation and access installed under the dwelling. The foundation shall be aesthetically compatible with the building.
- F. All wheels, axles and towing devices must be removed from any building transported to a lot.
- G. An accessory dwelling unit, whether detached or within a primary dwelling structure, may be directly accessed from an alley, but shall not be accessed via a driveway separate from that serving the primary dwelling structure.
- H. When an accessory dwelling unit is attached to a principal dwelling structure, only one entry may face the front lot line.

§285-48. Adult uses.

- A. Adult uses shall be subject to the following restrictions:
 - (1) No adult use shall be permitted in any building used in whole or in part for residential purposes.
 - (2) No more than one adult use shall be permitted on any lot, and no such use shall be permitted on a lot where its boundary is within 750 feet of any other lot with such use.
 - (3) No adult use shall be permitted on any lot that is located within 250 feet of any lot on which is located a school, religious institution, cemetery, community center, day care center, public park, playing field, or other public recreational facility.
 - (4) No adult use shall be conducted in any manner that allows the observation of any material depicting, describing, or relating to any sexual act or any part of the sexual

anatomy from any public way or from any other property. This provision shall apply to any display, decoration, sign, show, window, or other opening.

B. The distances provided in §285-48 A above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the parcel lot line upon which the adult use is to be located to the nearest point of the parcel lot line.

§285-49. Agriculture.

A. Applicability.

Agriculture is broadly defined with subcategories of uses and activities that are also defined in Article XIII. While most agricultural activities are permitted as an accessory or principal use in all Use Districts, some types of agricultural activities are not permitted in all Use Districts or are permitted when the additional standards of this Section are met.

B. General standards for gardens/plant husbandry.

(1) Prior to establishment, community gardens or commercial urban farms shall inquire into historical use of the property and undertake soil testing to measure nutrients, heavy metals, and any other harmful contaminants that may be present unless the proposed gardening techniques will prevent root structures from accessing existing ground soils; in which case the community garden or urban farm shall be exempt from soil testing. The soil testing results and proposed remediation methodology (if needed) shall be provided to, and kept on file with, the City.

(2) Community gardens.

(a) Compost materials shall be stored in a location setback from the perimeter property line with an adjacent property to the extent practicable and in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties.

(b) The following accessory uses and structures shall be permitted: Sheds for storage of tools shall be limited in size to 200 SF and are permitted without a principal structure, benches, bike racks, raised/accessible planting beds, cold frames, compost or waste bins, picnic tables, fences, garden art, and rain barrel systems.

(3) Greenhouses and cold frames.

(a) Commercial greenhouses are only permitted as a principal use in the BD and IND Use Districts unless the products grown in the greenhouse are associated with a retail establishment located within 200 feet of the boundary of a property that sells the produce grown in the greenhouse.

(b) Greenhouses associated with agriculture as the principal use of the property where no other primary structure exists, in all districts except the BD, CC and IND, shall not exceed 1,000 SF, shall be screened from the public street right-of-way pursuant to the standards of §285-67; shall meet the setback standards for primary structures or the following setbacks, whichever is greater:

[1] Front yard setback: 20 feet

[2] Side yard setback: 10 feet

[3] Rear yard setback: 5 feet

- (c) Accessory greenhouses located on a lot with a principal use other than agriculture shall be located in the rear yard only in all districts except the BD and IND.
- (d) All greenhouses shall be evaluated for light pollution as part of any permitting process and may require shades or prohibit use of grow lights during certain times at the discretion of the Planning Commission.
- (e) Cold frames used temporarily and removed shall be considered temporary structures that may be utilized for sixty (60) days and then removed. Cold frames greater than 100 square feet that are not removed annually shall be considered permanent accessory structures and shall meet the same standards as greenhouses.

C. Urban farms (commercial agriculture and aquaculture).

- (1) Plant husbandry, animal husbandry, aquaculture, and the keeping of bees associated with an urban farm shall meet the standards of §285-49 B, D, and E in addition to the requirements of this Subsection C.
- (2) Aquaculture shall only be permitted in the BD and IND Use Districts.
- (3) Urban farms require Site Plan Approval as provided in §285-15 and must provide a Management Plan as part of the Site Plan Approval to address the items listed in (a) through (g) below:
 - (a) Operating hours if located in the SF, TF, or MF Use Districts;
 - (b) A description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use unless the urban farm is located in the BD or IND Use District;
 - (c) Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests, or other purposes they are intended for;
 - (d) Disclosure of the spreading of manure;
 - (e) Description of all ground disturbance plans and a proposed sediment and erosion control plan;
 - (f) A proposed composting and waste management plan; and
 - (g) Disclosure of the number of potential visitors, deliveries and pick-ups regularly associated with the site except when located in a CC, BD, and IND Use District.
- (4) Except in the IND District, no equipment, process, or other practice may be employed that creates dust or odors detectable off the property, or any other effect determined be detrimental to the public health, safety, or welfare.
- (5) Retail sales of plants and produce grown on-site or products that are processed off-site but made from products grown on-site and other public use of the farm may occur

except that in the SF and TF Use Districts retail sales may not exceed 20 hours per week.

D. Animal husbandry.

- (1) The keeping of fowl, rabbits, goats, and potbelly pigs for personal use or as part of an urban farm, are permitted. The raising or keeping of any other domestic livestock are prohibited.
- (2) The slaughtering of animals on-site is prohibited and is not part of agriculture as defined in this Ordinance.
- (3) In all instances, all animals shall be adequately housed, fenced, and otherwise maintained in a sanitary and safe manner so as, on the finding of the Director of Code Enforcement, not to create a nuisance, health or safety hazard to nearby property, property owners, or inhabitants of the neighborhood or the animals themselves.
- (4) Keeping of fowl and rabbits.
 - (a) A maximum of eight fowl and/or rabbits (combined) may be kept on a lot that is 10,000 square feet or less; a maximum of 12 fowl and/or rabbits (combined) may be kept on a lot that is more than 10,000 square feet.
 - (b) Roosters are prohibited.
 - (c) Coops shall provide at least two square feet of area per hen.
 - (d) Coops and cages are only allowed in rear yards; must be at least 10 feet from any building used for dwelling purposes, and 10 feet from any lot line.
 - (e) Coops and cages must be adequately maintained to control odor and prevent infestation.
- (5) Keeping of goats and potbelly pigs.

A maximum of two goats or potbelly pigs shall be permitted per lot under 20,000 square feet. An addition of one goat for each additional 20,000 square feet of lot area may be permitted.

E. Keeping of bees.

The keeping of bees meeting the standards of this Section is permitted.

- (1) A maximum of three hives is permitted on a lot equal to or less than 10,000 square feet in area. For lots greater than 10,000 square feet, an addition of one hive per 10,000 square feet of additional lot area is permitted.
- (2) Ground-mounted beehives are permitted only in rear yards and must be located a minimum of five feet from any lot line and ten feet from any dwelling.
- (3) When a beehive is located within 25 feet of a lot line, a flyway barrier of a minimum of six feet in height is required, located within five feet of the hive and extending at least two feet on either side of the hive. The flyway barrier must be made of a fence, tarp, or dense vegetation to effectively prompt bees to fly at an elevation at least six feet above ground level.

(4) A convenient source of water must be available to the bees at all times from March 1 through October 31st.

§285-50. Cannabis dispensaries/retail, tobacco, hookah, vaping establishments.

- A. Cannabis dispensaries/retail, tobacco, hookah and vaping establishments shall meet the standards of this section and laws and regulations of New York State.
- B. Notobacco, hookah, or vaping establishment shall be located within 500 feet of the boundary line of a property used as a school.
- C. No tobacco, hookah, or vaping establishment shall be located within 200 feet of a public park. This measurement shall be taken in a straight line without regard to intervening buildings from the center of the nearest entrance of the premises sought to be used as a dispensary or retail establishment to the property to be used a public park.
- D. Cannabis dispensaries and retail establishments shall not be located within 200 feet of a religious institution. This measurement shall be taken in a straight line without regard to intervening buildings from the center of the nearest entrance of the premises sought to be used as a dispensary or retail establishment to the nearest entrance of the principal structure utilized for by the religious institution.
- E. No cannabis dispensaries and retail establishments, and no tobacco, hookah, or vaping establishment shall be located within 500 feet of any other establishment of the same **type**. The distance between establishments shall be measured by following a straight line without regard to intervening buildings from the center of the nearest entrance of each of the premises.

§285-51. Car washes.

- A. This Section applies to any car wash established as a permanent use. This Section does not apply to temporary car washing activities sponsored by schools, religious institutions or other nonprofit organizations or groups for the purposes of raising money for designated events.
- B. No building, parking or service area shall be closer than 200 feet to any existing residential structure.
- C. Ingress and egress shall be so designed as to limit traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Commission as part of Site Plan Review.
- D. In addition to meeting any off-street parking requirements of this Chapter, a car wash shall provide a minimum of three stacking spaces per bay on the lot.
- E. The premises shall not be used for the sale, rent, or display of automobiles, trailers, mobile homes, boats, or other vehicles unless one of these uses is the permitted principal use on the lot and the car wash is an accessory use to that principal use.

§285-52. Convenience stores and variety stores.

- A. No convenience store or small box variety store may be located within 500 feet of another convenience store or small box variety store, except for convenience stores incidental to a gasoline service station as defined in this Ordinance. The distance between convenient stores shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the parcel lot line upon which the convenience store is to be located to the nearest point of the parcel lot line.
- B. All convenience stores shall have a minimum of 50% of retail space dedicated to perishable goods that may include dairy, fresh produce, fresh meats, poultry, fish, and frozen food; and of which 40 cubic feet shall be dedicated to selling fresh produce.
- C. A convenience store is limited to one floor.

§285-53. Drive-through service (window) facilities.

- A. Due to potential impacts on traffic volume, vehicular and pedestrian circulation, the following additional standards are required for the permitting of drive-through windows.
 - (1) Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lanes.
 - (2) Waiting lanes shall be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 20 feet per vehicle. Applicants must provide data about the peak flows of the business to determine the minimum waiting needed. The following uses shall not have waiting lanes that accommodate fewer vehicles than the corresponding numbers below.
 - (a) Fast-food restaurants and coffee shops: sufficient to accommodate a minimum queue of six vehicles.
 - (b) All other drive-through windows: sufficient to accommodate a minimum queue of two vehicles per window.
 - (3) The waiting lane shall be independent of any on-site parking, parking maneuvering areas, public streets or traffic ways serving other on or off-site uses.
 - (4) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments must not be located within 25 feet of any lot used for dwelling purposes, where practicable. On sites that do not allow for such separation, specific design considerations must be employed to effectively buffer adjacent residential properties from the noise generated from such devices.

§285-54. Gasoline service stations.

- A. General standards.
 - (1) All fuel pumps and pump islands shall be set back a minimum distance of at least 25 feet from any right-of-way line or adjacent property.

- (2) All permitted accessory services shall occur within enclosed buildings.
- (3) Principal buildings shall be oriented to the street.
- (4) Outdoor storage and repair of motor vehicles shall be prohibited at all times. Premises shall not be used for the sale, rent, or display of automobiles, recreational vehicles, trailers or other vehicles.

B. Canopies.

- (1) Canopies shall not exceed 16 feet in height from finished grade to the underside of the canopy.
- (2) Canopies shall be architecturally integrated with the principal building and all other accessory structures on the site through the use of the same or compatible materials, colors, and roof pitch.
- (3) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than two inches to prevent glare from any point outside the area covered by the pump.
- (4) Signage, including logos and trademarks are prohibited on the canopy or canopy supports. This prohibition does not include noncommercial information located on support structures provided the noncommercial information is displayed at the minimum size necessary to convey the information.
- (5) Canopy banding with striping or color accents on the canopy or canopy support structures is prohibited.

§285-55. Grocery stores.

- A. The purpose of this section and other provisions related to grocery stores in this Ordinance are to provide opportunities for locating grocery stores selling a diverse array of fresh food options, in neighborhoods underserved by grocery stores.
- B. Grocery stores located in the MU-1 Use District shall have a maximum size of 10,000 square feet of gross floor area to maintain the smaller scale of shops and services in these neighborhoods.
- C. At minimum of 25% of all retail space shall be dedicated to perishable goods that may include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods.
- D. A minimum of 500 square feet or 10% of all retail space, whichever is less, shall be dedicated to fresh produce.

§285-56. Home-based businesses.

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

- A. The following general standards apply to all home-based business.
 - (1) A home-based business shall be clearly incidental and secondary to the use of the lot for residential purposes.
 - (2) A home-based business is allowed in a residential setting when it does not compromise the residential character of an area, does not generate conspicuous traffic, does not visually call unusual attention to the home and does not generate noise of a nonresidential level.
 - (3) A home-based business shall be conducted entirely within a principal dwelling or permitted accessory structure.
 - (4) No residence shall include more than one home-based business.
 - (5) Not more than 25% of a principal structure or 600 square feet of the gross floor area, whichever is greater, shall be utilized for all home-based business activities.
 - (6) No more than one non-resident employee or associate shall be permitted. An associate shall mean a person joined with others in the business enterprise.
 - (7) No generation of noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall be perceptible beyond the property line.
 - (8) Storage of goods and materials associated with a home-based business shall be in an enclosed structure.
 - (9) Hours for client visits may only be between 8:00 AM and 8:00 PM.
 - (10) No more than one home-based business-related vehicle used for the operation of the home-based business shall be permitted to be parked on the lot. All vehicle parking shall meet the off-street parking standards of this Chapter.

B. Uses prohibited as home-based businesses.

The following activities shall not be permitted as a home-based business in any district and shall be required to be a principally permitted use in Schedule A: Permitted Uses.

- (1) Kennels
- (2) Motor Vehicle Repair and engine repair
- (3) Restaurants and bars
- (4) Retail sales except those that are incidental to a product created or service provided on site.

(5) Any business that requires delivery of goods or materials, or shipping of finished goods, in a truck with a gross vehicle weight over 10,000 pounds, or that generates more than 10 visits by a delivery truck of any size per week.

§285-57. Motor vehicle repair services, minor or major.

- A. The lot upon which a motor vehicle repair service establishment is located shall have an area of at least 10,000 square feet.
- B. No new or used motor vehicles shall be sold or exhibited for sale on any part of the lot.
- C. Outside storage or parking of any disabled, wrecked or partially dismantled vehicle is not permitted for a period exceeding 45 days.
- D. Screening shall be provided as prescribed in §285-67 to screen storage and parking from the public right-of-way and/or neighboring residential uses.
- E. No business not incidental to the normal conduct of an auto service station shall be permitted on the same lot.

§285-58. Mini-self storage unit facilities.

- A. Notwithstanding the height requirements of the Development Intensity Zones in Article V, mini-self storage unit structures shall be no more than one story or 15 feet in height and no exterior wall shall exceed nine feet in height
- B. No building shall exceed 150 feet in length.
- C. Mini-self storage unit facilities shall provide landscaping in accordance with §285-67 along all lot lines adjacent to residentially developed property.
- D. Security fencing used to protect the facility shall be located on the inside of the landscaping and screening.
- E. Buildings must be constructed on a permanent foundation and the buildings must conform to the requirements of the New York State Uniform Code.
- F. Facades fronting the street shall be parallel to the street and shall be constructed of clay brick, natural stone, decorative concrete, or stucco.
- G. No storage unit door shall face the street frontage.
- H. If there is more than one building, buildings shall be connected with an internal vehicular circulation system.

§285-59. Outdoor storage areas, accessory commercial use.

- A. All outdoor storage areas shall be at least 10 feet from all property lines.

- B. All outdoor storage areas shall be screened from the public right-of-way and any adjacent property as required in §285-67, Landscaping and Screening,
- C. Outdoor storage shall not be construed to include a junk yard or any similar use and shall meet the requirements of City Property Maintenance Laws.

§285-60. Portable storage containers and dumpsters.

- A. A portable storage container may be temporarily located on a lot of record as part of temporary storage solution for 30 days that can be extended an additional 30 days with permission from the Director of Code Enforcement per §285-60 C below. Portable storage containers shall not include dumpsters, cargo containers, tractor trailers or other vessels with other traditional uses.
- B. Exemption. Dumpsters used for multi-family dwelling units and nonresidential uses as a trash receptacle for the regular disposal of trash collected by a garbage and recycling collection service shall not be considered temporary and no permit is required. However, such dumpster shall meet the requirements of §285-66.
- C. Portable storage containers and dumpsters shall meet the permitting requirements and regulations for temporary uses and structures as provided in §285-20.
- D. Portable storage containers and dumpsters shall meet the front, rear and side yard setback requirements for accessory uses provided for the Development Intensity Zone in which the property is located as provided in Article V of this Chapter. No part of the proposed portable storage container or dumpster shall encroach upon any required setback.

§285-61. Solar energy systems.

- A. Roof or building mounted solar energy systems.
 - (1) Within the City's historic districts, solar energy systems that are roof or building mounted or building integrated shall require Historic District and Landmarks Review Commission review pursuant to Chapter 47 if visible from public right -of- way.
 - (2) Large-scale building or roof-mounted solar energy systems require Site Plan Approval.
 - (3) All solar energy systems may be located on the roof or walls of a building meeting the following requirements:
 - (a) Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - (b) Solar energy systems on pitched roofs must be mounted with a maximum distance of eight inches between the roof and highest edge of the system. Solar energy systems on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.

- (c) Façade-mounted solar panels may be applied flat against a building façade or project off a building facade no more than three feet.
- (d) Within the City's Historic Districts, roof or building mounted systems shall not be visible from the front yard.

B. Small-scale ground mounted solar energy systems.

- (1) A small-scale solar energy system accessory to a principal use that is not located on the roof or walls of a building shall meet the following standards:
 - (a) Small-scale ground-mounted solar energy systems shall not exceed a height of 12 feet.
 - (b) Small-scale ground-mounted solar energy systems shall meet the setback requirements for accessory structures as required for Development Intensity Zone in which the lot is located.
 - (c) Small-scale ground-mounted solar energy systems shall be screened from the view of a public street in all districts except in the BD, IND, and CC Districts. Screening shall meet the standards of §285-67, Landscaping and Screening.

C. Large-scale ground-mounted solar energy systems.

- (1) This Section applies to the siting of large-scale, solar energy installations that may be installed as a principal use on a lot as permitted in certain Use Districts or as an accessory or secondary use to another principal use.
- (2) All large-scale solar energy systems require Site Plan Approval. A completed City of Troy Unified Solar Permit application including requisite construction documents shall be submitted as part of Site Plan Review by the Planning Commission.
- (3) The following standards shall apply for principal use or secondary use ground-mounted large-scale solar energy systems.
 - (a) Setbacks. The setbacks for all large-scale ground-mounted solar shall be the following:
 - [1] Front yard: 50 feet.
 - [2] Side yard: 25 feet.
 - [3] Rear yard: 25 feet.
 - (b) Impervious service calculation. Solar energy systems shall not be included in calculations for impervious cover as defined in Article XIII, Definitions. However,

any area to be paved or otherwise rendered impervious shall count toward any coverage or impervious surface limit set in the Development Intensity Zones.

(c) Large-scale ground-mounted solar energy systems shall be screened from the view of the public right-of-way except when located in the IND District. Screening shall meet the standards of §285-67 E, Perimeter landscaping and screening.

(d) Additional development standards.

[1] Lighting. Lighting of a large-scale ground-mounted solar energy facility shall be consistent with state and federal law. Lighting of other parts of the installation shall meet the outdoor lighting standards of §285-68.

[2] Utility connections. Reasonable efforts, as determined by the Planning Commission, shall be made to place all utility connections from the solar energy installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

[3] Emergency services. The large-scale ground-mounted solar facility owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

§285-62. Wind energy systems, small.

- A. Special Use Permit required. Small wind energy systems as defined in this Chapter are permitted with a Special Use Permit and Site Plan Approval as an alternative source of energy for an on-site principal use and provided all the requirements of this Section are met.
- B. Lot size. The minimum lot size on which a wind energy tower shall be located is one acre.
- C. Tower height. Tower height shall be limited to 80 feet and is defined as the height above grade of the fixed portion of the tower, excluding the wind turbine itself.
- D. Setbacks. Setbacks shall be a minimum of 50 feet from the center of the road plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of 10 feet plus the height of the unit (tower and rotor).
- E. Sound. No wind energy system shall exceed 45 dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events

such as utility outages and/or severe windstorms. When determining the level of sound, measurements shall be averaged over a 24-hour period of time.

- F. Safety. Wind turbine towers shall not be climbable up to 15 feet above ground level.
- G. Special Use Permit and Site Plan Application Submission Requirements.
 - (1) The following elements shall be included in the application for a Special Use Permit and Site Plan:
 - (a) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, an engineering analysis and certification of the tower, showing compliance with the Uniform Building Code.
 - (b) Data pertaining to the tower's safety and stability, including safety results from test facilities.
 - (c) Proposal for landscaping and screening. Appropriate screening is also required to screen accessory structures from adjacent residences.
 - (d) A Visual Environmental Assessment Form (Appendix C to 6 NYCRR 617.20) prepared in accordance with the State Environmental Quality Review Act.
- H. Compliance with regulations.
 - (1) Small wind turbines must have been approved under any small wind certification program recognized by the American Wind Energy Association.
 - (2) Compliance with Federal Aviation Administration (FAA) Regulations: Small wind energy systems must comply with applicable FAA regulations.
 - (3) Compliance with National Electric Code: Building Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- I. Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- J. Multiple Turbines. In the event of multiple small wind turbines, the resulting aggregate installation must meet the sound, setback and safety requirements as exist for other structures.
- K. Removal. If the small wind energy system is inoperable for any twelve (12) month

period, the owner must remove the tower within ninety (90) days.

§285-63. Wireless communications facilities.

A. Applicability.

- (1) No wireless communications facility, except small cell wireless communications facilities as defined in this Chapter and §285-64, shall hereafter be erected, moved, reconstructed, changed, or altered without conforming to these regulations. No existing structure shall be modified to serve as a wireless communications tower unless conforming to these regulations.
- (2) Exemptions.

The following uses and activities are exempt from the requirements of this Section however, other permits may be required from the Director of Code Enforcement.

- (a) Replacement, repair, rebuilding or upgrading of existing wireless communication antennas and facilities to current engineering, technological or communications standards so long as such facilities are not increased in height by more than 20 feet or 10% whichever is greater and all existing concealment elements to reduce the visual impact of the tower shall remain intact. Height is measured from the top of an existing antenna to the bottom of the proposed antenna.
- (b) Antennas used solely for residential household television and radio reception.
- (c) Amateur HAM radio antennas as defined in this Chapter with a height of 45 feet or less.

B. Permit required.

- (1) Any activity that exceeds the exemptions in §285-63 A (2) (a) and (c) above and meets the criteria of this §285-63 B requires a Building Permit.
- (2) Co-location of new antennas.

At all times, co-location or use of existing wireless communication facilities shall be preferred to shared use of other existing tall structures or construction of new wireless communication facilities. For purposes of this Section, "existing wireless communication facility" shall mean a wireless communication tower facility in existence at the time an application for co-location is submitted to the Director of Code Enforcement.

- (3) Application for shared use (co-location) on an existing wireless communications tower meeting the following conditions shall require a Building Permit from the Director of Code Enforcement.

- (a) An additional antenna is permitted upon issuance of a Building Permit if such antenna will not extend the total tower height by more than 10% or 20 feet, whichever is greater. Height is measured from the top of an existing antenna to the bottom of the proposed antenna.
- (4) The Building Permit application must include the following:
 - (a) Documentation of intent from the owner of the existing wireless communication facility to allow co-location of facilities.
 - (b) Documentation that the height extension of more than 10 feet is necessary and that the height extension is the minimum required to provide the proposed area with telecommunication services.
 - (c) A certified structural analysis report from a licensed engineer in practice in New York State certifying that the proposed collocation will not diminish the structural integrity and safety of the existing tower or explaining what modifications, if any, would be required in order to certify the above. The height of the new antenna shall not extend above the height of the existing structure by more than 10 feet.
 - (d) A copy of the Federal Communications Commission (FCC) license for operation of the new equipment.
- (5) An additional antenna that extends the total tower height by more than 20 feet or 10% of the total tower structure shall require Site Plan Review. The Site Plan Review application must include the following:
 - (a) Documentation of intent from the owner of the existing telecommunication facility to allow co-location of facilities.
 - (b) Documentation that the height extension of more than 20 feet is necessary and that the height extension is the minimum required to provide the proposed area with wireless communication services.
 - (c) Documentation of tower setbacks from lot lines. The extended tower height must meet the minimum setback from any property line at a distance at least equal to the tower height. The minimum setback requirements may be increased at the discretion of the Planning Commission as part of the Site Plan Review procedures, or it may be decreased in those instances where the owner/applicant has previously approved plans for a tower design in such a manner as to collapse within a smaller area.
 - (d) A certified structural analysis report from a licensed engineer in practice in New York State certifying that the proposed collocation will not diminish the structural integrity and safety of the existing tower or explaining what modifications, if any, would be required in order to certify the above.

- (e) A copy of the Federal Communications Commission (FCC) license for operation of the new equipment.

C. New wireless communications tower - Special Use Permit and Site Plan approval.

- (1) A Special Use Permit and Site Plan Approval shall be required for the placement of a wireless communications facility in or on an existing tall structure other than an existing wireless communications tower and for the construction of a new tower. The application process for Special Use Permits is provided in Article II, Permits and Approvals, and the additional criteria set forth below in §285-63 D below.
- (2) The applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers that includes an inventory of facilities within the City of Troy and surrounding municipalities outlining opportunities for shared use as an alternative to the proposed wireless communication tower; providing copies of written requests and responses for shared use based on the inventory; and, if applicable, demonstration of the impracticality of upgrading or expanding of an existing site within the City of Troy or surrounding municipalities.

D. Design and site development standards.

A Special Use Permit application for a new wireless communication tower shall include a site plan that demonstrates compliance with each of the following standards:

- (1) The antenna facility complies with any applicable regulations promulgated by the Federal Communications Commission, including regulations regarding radio frequency emissions.
- (2) The antenna facility is placed, designed, and finished in a manner that limits its visual impact on surrounding properties.
- (3) The antenna facility is the minimum height above grade necessary for the provision of the wireless service within the City of Troy.
- (4) The antenna facility is of sufficient mechanical and electrical design to allow for the co-location of at least one additional antenna facility or the co-location of municipal wireless service.
- (5) The antenna facility minimum setback from all boundaries shall be the distance of the height of the antenna, including support structure.
- (6) Aesthetics.

In order to limit any adverse aesthetic effect on neighboring residences to the extent possible, the Planning Commission may impose reasonable conditions on the applicant, including the following:

- (a) A monopole or guyed tower may be required (if sufficient land is available) instead of a freestanding communications tower.
- (b) Landscaping and screening of the base of tower and accessory structures with trees or shrubs may be required. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.
- (c) Towers should be designed and sited so as to avoid, whenever possible, application of Federal Aviation Administration (FAA) lighting and painting requirements. Towers shall not be artificially lighted except as required by the FAA. Towers shall be painted a galvanized finish or matte gray unless otherwise required by the FAA.
- (d) No tower shall contain any advertising devices.

(8) Traffic, access, and safety.

- (a) A road turnaround and one parking space shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
- (b) All communications towers and guy anchors, if applicable, shall be enclosed by a fence or structure not less than eight feet in height.
- (c) The applicant must comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulations.
- (d) Signage shall be provided, permanently affixed to the structure and as visible as practicable from the access approach, providing the name and address of the facility operator and providing an emergency contact telephone number.
- (e) The owner of the facility shall dismantle the communications facility in its entirety within 90 days of the cessation of operations at the tower.

§285-64. Wireless communication facilities, small scale.

A. Applicability.

This Section regulates small cell wireless facilities as defined in Article XIII of this Chapter. Facilities that exceed these standards shall be considered “Wireless Communication Facilities” as defined in this Chapter and regulated in §285-63. Small Cell Wireless Facilities shall not exceed the following specifications:

- (1) Facilities shall not be mounted on structures more than 50 feet in height including their antennas;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment, shall be no more than three cubic feet in volume;

- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, shall be no more than 28 cubic feet in volume; and
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17 Construction, Marking, and Lighting of Antenna Structures.

B. Review and permitting.

- (1) A Special Use Permit shall be required for the following new small cell installations:
 - (a) Placement, installation, or construction of new transmission equipment that will not be co-located on an existing approved wireless communication facility.
 - (b) Installation of a small cell facility located within 20 feet of a dwelling unit.
- (2) The following substantial changes to existing small cell installations shall not require a Special Use Permit but shall require Site Plan Review:
 - (a) Placement of a new, additional antenna on an existing tower that results in an increase in tower height of more than 20 feet or 50%; whichever is greater.
 - (b) Co-location of additional antennas, equipment cabinets and equipment shelters on existing wireless communication facilities or other structures previously approved for small cell wireless facilities that do not meet the criteria of §285-64 B (1) above.
 - (c) Replacement of existing transmission equipment that will increase the height of the replacement small cell antenna by more than 20 feet or an increase the volume of the antenna or its associated equipment by more than 10%.
- (3) Activities exempt from the Special Use Permit and Site Plan Review.
 - (a) A request for modification of an existing tower or base station that does not change the physical dimensions of such tower or base station, involving any of the following shall only require a Building Permit from the Director of Code Enforcement:
 - [1] co-location of new transmission equipment;
 - [2] removal of transmission equipment; or
 - [3] replacement of transmission equipment that results in an increase in height of no more than 20 feet or no more than a 10% increase in volume of the antenna or associated equipment.
 - (b) The Director may determine that Site Plan Review is required if the proposed modifications could impact the aesthetic appearance or reduce the use of stealth

technology of the facility and may result in increased visibility or incompatibility with its surroundings due to the proposed modifications.

C. Location priority for small cell wireless facilities.

- (1) Small cell wireless facilities shall be located, sited, and erected in accordance with the following priorities, "a" being the highest priority and "g" being the lowest priority.
 - (a) Co-location on existing utility poles, monopoles or other wireless communication facility support structures on lands owned or controlled by the City, not including the public right-of-way;
 - (b) Co-location on a site with existing wireless communication facilities or other wireless telecommunication facility structures;
 - (c) On other lands owned or controlled by the City including, but not limited to, the City public right-of-way;
 - (d) On lands owned or controlled by other municipal corporations within the City, to the extent permitted by such other municipal corporation;
 - (e) On nonresidential properties; and
 - (f) On residential properties.
- (g) No small wireless communication facilities shall be permitted in the City Historic District, or on any property designated as a Historic Structure or City Landmark, unless the applicant demonstrates to the City Historic District and Landmarks Review Commission's satisfaction that the selected site is necessary to provide adequate service and no feasible alternative site exists.

- (2) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The applicant seeking such an exception must satisfactorily demonstrate the reason or reasons why such a Special Use Permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- (3) An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Planning Commission why co-location is commercially impracticable.

D. Additional location and design standards. Small cell communication facilities shall meet the following additional design and location standards:

- (1) Height. Small wireless facilities shall not exceed 50 feet in height and shall not be

higher than the minimum height necessary. The proposed height, which may be in excess of the maximum height permitted for other structures in the applicable zone, shall address any additional height necessary to accommodate co-location by additional antenna arrays.

- (3) Setbacks. All wireless communication support structures for small wireless facilities located outside the public right-of-way shall be set back from the property line of the lot on which it is located at a distance equal to, not less than, the total height of the facility, including support structure, measured from the highest point of such support structure to the finished grade elevation of the ground on which it is situated, plus 10% of such total height. The Planning Commission may reduce such setback requirements based upon consideration of lot size, topographic conditions, adjoining land uses, landscaping, other forms of screening and/or structural characteristics of the proposed support structure.
- (4) Small cell facilities shall be prohibited on ornamental street lighting poles.
- (5) No part of the facility may project into areas that pedestrians use and may inhibit their use or jeopardize their safety, like sidewalks and other designated pedestrian designated areas.
- (6) Visibility and aesthetic appearance.
 - (a) All small wireless communication facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless communications facilities sites.
 - (b) Small cell facilities shall include concealment or stealth technology designs. "Stealth" or "stealth technology" means minimizing adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such small cell wireless facilities by using the least visually and physically intrusive facility.
 - (c) Both the small wireless communication facility and all accessory equipment shall maximize use of building materials, colors, and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.
 - (d) Anti-graffiti finishes should be applied to all equipment cabinet designs reachable from ground level.
 - (e) Small wireless communication facilities shall not be artificially lighted or marked, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under federal, state, and local laws, statutes, codes, rules, or regulations.

E. Application submission requirements.

- (1) All proposed installations requiring a Special Use Permit as provided in §285-64 B (1) by a service provider shall address this installation in existing or new plans for the deployment of wireless communication facilities and service in the City of Troy. The purpose of this plan is to improve efficiency and service; and protect community character. Such plans shall address capacity and coverage, identified sites and proposed facilities for construction or collocation.
- (2) In addition to the general requirements for Special Use Permit and Site Plan Review applications of Article III, all applications for the construction or installation of new small wireless facility or modification of an existing small wireless facility shall contain the following information:
 - (a) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements.
 - (b) The size of the property stated both in square feet and lot line dimensions, and a survey prepared by a licensed professional surveyor showing the location of all lot lines, if the proposed small wireless facility is located outside the public right-of-way.
 - (c) The location, size, and height of all existing and proposed structures on the property that is the subject of the application; and all related fixtures, accessory equipment, appurtenances, and apparatus, including materials color, and lighting.
 - (d) The number, type, and model of the antenna(s) proposed, with a copy of the specification sheet.
 - (e) The make, model, type and manufacturer of the utility pole, monopole, or other structure on which any antenna or accessory equipment for a small wireless facility is to be located and a design plan stating the structure's capacity to accommodate multiple users.
 - (f) Documentation justifying the total height of any proposed antenna and structure and the basis thereof.
 - (g) A copy of the FCC license applicable for the intended use of the wireless communication facilities; and
 - (h) Information relating to the expected useful life of the proposed small wireless facility.

F. Reimbursement for the use of the public right-of-way.

In addition to application fees for small wireless facility approval, every small wireless facility located in the public right-of-way is subject to the City's right to fix annually a fair

and reasonable fee to be paid for use and occupancy of the public right-of-way. Such compensation for use of the public right-of-way shall be directly related to the City's actual public right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervision and other public right-of-way management activities by the City. The owner of each small wireless facility permit shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above as determined by the City.

ARTICLE VIII: SUPPLEMENTARY REGULATIONS

§285-65. Fences, hedges, and walls.

A. Fence and wall permit required.

No person shall erect or substantially alter a fence or wall in the City of Troy without first obtaining a permit from the Code Enforcement Office.

B. Location.

- (1) Fences, hedges and walls and all supporting structures must be entirely on the property of the party erecting the feature and shall not encroach upon a public right-of-way or adjacent property.
- (2) On corner lots, fences, walls, and hedges shall be reviewed to address traffic safety with regard to visibility at intersections.
- (3) On lots with driveways, fences, walls, and hedges shall be set back a minimum of five feet from the front lot line or driveway to improve visibility during egress.

C. Heights limitations.

- (1) The height of all fences, walls and hedges shall be measured from the finished grade to the top of the feature.
- (2) The height limitations of this Section C shall not apply the enclosure of dumpsters in §285-66.
- (3) Within the front yard, a fence or wall shall not exceed four feet in height except in the BD and IND Use Districts where a fence in the front yard shall not exceed six feet.
- (4) Within the side and rear yard, a fence or wall shall not exceed six feet except in the DMU, CC, BD and IND where a fence in the side or rear yard shall not exceed eight feet.
- (5) A maximum of 10 feet in height measured from the ground shall be allowed to enclose a private or public tennis court, basketball, or sports courts located in the side or rear yard provided that the fence is semi-transparent, and provided the fence is set back at least 10 feet from the property line.

D. Materials and construction.

- (1) All fences and freestanding walls shall be so installed so that the finished side shall face the adjoining lot, public rights-of-ways, and shared private rights-of-ways; all bracing shall be on the inside of the fence.

- (2) Barbed wire, electric fence, chicken wire, pallets, tires, and plywood shall not be used as a fencing material or as any part of a fence visible from the public right-of-way. Construction fencing shall only be utilized in association with a construction project with an open building permit.
- (3) Retaining walls visible from the public right-of-way should be faced with masonry or other decorative screening, textures, design, or landscaping to limit the blank appearance of walls and ensure compatibility with existing structures.
- (4) All retaining walls four feet in height or greater measured from finished grade of the lowest side of the wall, shall require stamped plans and specifications by a licensed engineer or landscape architect as required by the Uniform Building Code.

§285-66. Garbage (refuse) storage areas.

- A. All uses shall locate dumpsters, garbage cans, or other refuse storage receptacles on the subject property and not within the City right-of-way.
- B. All dumpsters, garbage cans, or other containers for refuse associated with nonresidential uses and multi-family dwellings of four or more dwelling units shall be located in a side or rear yard enclosed by walls or opaque fencing when feasible. The Planning Commission shall determine the feasibility and may waive this requirement due to site constraints as part of Site Plan Review.
- C. The enclosure of walls or fencing shall be at least six feet high on all sides.

§285-67. Landscaping and screening.

- A. Purpose. The purpose of these provisions is to:
 - (1) Ensure that new site development is integrated as much as possible with the adjacent landscape and/or character of the City by encouraging preservation of existing trees and other significant vegetation; utilizing natural landscaping and screening and other means to reduce visual and environmental impacts of development;
 - (2) Encourage plant and tree species that are climate resilient, indigenous, or proven adaptable to the local climate, pollinator-friendly and not invasive on native species; and
 - (3) Promote landscaped areas that include plant and tree types that address ecological function, reduce heat island effects, reduce soil erosion, and increase infiltration in permeable land areas essential to stormwater management.
- B. General requirements.
 - (1) All non-paved and non-built land areas of any improved lot must consist of living vegetation, such as grass, ornamental grass, groundcover, edible plants, shrubs, vines,

annuals, perennials, and native or naturalized trees, with the exception of the following areas:

- (a) Agricultural fields or planting areas for cultivation.
- (b) Trails.
- (c) Natural creek beds, rock outcroppings, or similar landscape features typically lacking in vegetation.
- (d) Recreational fields and facilities.
- (e) Rock or gravel, wood chips, bark, or other non-living material typically used as a landscape ornament or as part of a xeriscape.
- (f) Water features.

(2) The preservation of existing natural vegetation or trees (particularly native species) may be used toward meeting all or part of the landscaping requirements and is encouraged.

(3) No plant material may be installed that is listed by New York State Department of Environmental Conservation and pursuant to 6 CRR-NY Part 575 as a prohibited Invasive Species.

(4) Native and pollinator-friendly species that contribute to the preservation and restoration of valuable ecosystems and wildlife habitats shall be used when practicable to meet the required street tree, landscaping, vegetative screening, and green infrastructure requirements of this Chapter. Alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and are equally hardy and capable of withstanding the local climate may be used if authorized by the Planning Commission or other designated City Official as part of a development approval/permitting process.

(5) Landscaping materials shall be compatible to the climate (USDA Growing Zone), soil types, and water availability. To ensure survival and usefulness of new plant materials in the near future, the minimum size at the time of planting for all trees and shrubs shall be as provided in Schedule B of this Section.

(6) Mulch shall be natural or non-toxic material.

Schedule B: Minimum Plant Size	
Plant Type	Required Minimum Planting Size
Large deciduous trees	2" to 3" > caliper (diameter)
Conifers	6' to 8' height
Small flowering trees	1" > caliper (diameter)
Large shrubs	30" to 36" height
Small shrubs	18" to 24" height

- (7) Tree planting area and spacing.
 - (a) Applicability.
 - [1] The selection of tree species for all required plantings shall be from an approved list provided by the City of Troy.
 - [2] Where tree planting is required, the spacing standards of this subsection apply where practicable. Utility infrastructure, sidewalks and other conditions may require modification to spacing that may be approved by the Planning Commission as part of Site Plan Approval.
 - (b) Small under story trees that reach a height less than 30 feet in 30 years shall be planted with the following standards:
 - [1] The minimum planting area shall be 25 square feet.
 - [2] Spacing of trees shall be at least 25 linear feet on center.
 - (c) Large shade trees that reach a height of at least 30 feet in 30 years shall be planted with the following standards:
 - [1] The minimum planting area shall be 64 square feet with up to 100 square feet for tree species that reach 60 feet in height.
 - [2] Spacing of trees shall be 35 feet linear on center.
 - (d) Trees shall not interfere with overhead power lines.
 - (e) Curbing and paving should be located no closer than the drip line of existing trees to remain unless root bridges, structural soil, or other measures are employed.

C. Site Plan requirements.

- (1) All development requiring Site Plan Approval shall include plans for landscaping as part of that review process.
- (2) Landscaping and screening plans may be required to be prepared and stamped by a licensed landscape architect or engineer at the discretion of the Planning Commission.
- (3) Unless otherwise stipulated as part of a Site Plan Approval by the Planning Commission, landscaping required pursuant to an approved Site Plan shall be installed or a performance bond or other form of security may be required pursuant to §285-12 prior to temporary occupancy and installed before the issuance of a final Certificate of Occupancy.

(4) The following elements shall be included on the landscape plan as part of the Site Plan application presented for Site Plan Review:

- (a) Existing Vegetation: Graphic depiction of existing vegetation "TO REMAIN" and "TO BE REMOVED." Distinctive (e.g. native) species and colonies of vegetation shall be identified. Species and caliper size for all existing trees six inches DBH and greater to be removed shall be provided.
- (b) Proposed plantings: Graphic illustration of the mature tree canopy size, and diameter/spread of shrubs and shrub/herbaceous plant massing. A Plant Schedule shall list the common name, size, and quantity.

D. Street trees.

- (1) Where a detached sidewalk and a planting area between the sidewalk and street or curb exists, at least one shade tree shall be planted per 35 linear feet of street frontage. Required trees shall be planted with 35 foot on-center spacing to the maximum degree practicable. Where the planting of shade trees would interfere with overhead utility lines, at least one ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage.
- (2) Where a detached sidewalk does not exist, one shade tree per 35 linear feet of street frontage shall be planted in alignment with any similar street frontage landscaping on adjacent lots; if that is not possible or adjacent lots do not contain front yard landscaping, then trees shall be planted with 35 foot on-center spacing and within 25 feet of the right-of-way to the maximum degree practicable.
- (3) Where the sidewalk extends from the back of curb to the lot line or building frontage, tree wells shall be installed in the sidewalk to allow planting of one shade tree per 35 feet of linear street frontage. Tree wells in sidewalks five feet wide or less shall be covered with a tree grate or pervious pavement, and the opening in a tree grate for the trunk must be expandable and level with the sidewalk or adjacent surface.
- (4) All plantings in the public right-of-way require approval by the Department of Public Works. Plantings deemed unsafe or impracticable by the Department of Public Works due to utility, slope, maintenance, location, visibility, alignment, or other factors are not required to be installed in those locations, but the Department may require that substitute landscaping be installed elsewhere on the property.

E. Perimeter screening.

(1) Applicability.

The following land use development must provide screening and buffering on the perimeter of the site:

- (a) All nonresidential uses in the BD and IND Use Districts must provide perimeter screening and buffering along site boundaries that abut residential lots.

- (b) Uses that are specifically required to provide perimeter screening as part of any additional regulations required in Article VII shall meet the standards of this Section E.
- (2) Requirements for screening and buffering.
 - (a) For all required landscaped screening and buffering, the plant choice, required mature height and width, and placement of such buffers and screening shall be based upon the site topography, distance from street intersections, buildings and uses, and other existing conditions and proposed improvements.
 - (b) Each planting area shall be a minimum of seven feet in width.
 - (c) A screen of at least four feet in height at the time of planting, that results in a screening of at least six feet when fully mature and creates a noise and sight obscuring buffer that is any one or a combination of the following methods:
 - [1] A solid row of evergreen trees or shrubs.
 - [2] A solid row of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline.
 - [3] A combination of trees or shrubs and fencing or wall.
 - (d) Breaks in perimeter landscaping for pedestrian access may be required as determined by the Planning Commission during Site Plan Review.

F. Surface parking lot screening.

(1) Applicability.

The requirements in this Section apply to all new, or expansion of, parking lots of 10 spaces or more located adjacent to a public right-of-way or visible to the public right-of-way from up to 50 feet, except for those land uses requiring perimeter screening as specified in §285-67 E of this Article.

(2) Requirements.

A landscape strip as described below shall be provided on the property between the parking lot or access drive and a public right-of-way. The landscaped strip may not include any paved area except pedestrian sidewalks or trails that cross the landscaped strip. Shrubs must be maintained at a maximum height of 36 inches.

Any of the following landscaped strip treatments may be used singularly or in combination:

- (a) Provide a minimum five feet wide landscape strip between the right-of-way and the parking lot to be planted with a minimum of one understory tree and eight shrubs per 25 linear feet of frontage, excluding driveway openings.
- (b) Provide a minimum four feet wide landscaped strip between the right-of-way line and the parking lot, with a minimum three feet high brick, stone or finished concrete or together with decorative metal fencing wall to screen the parking lot. The wall shall be located adjacent to but entirely outside the four feet landscaped strip. Plant with a minimum of one understory tree per 40 linear feet of frontage, excluding driveway openings.
- (c) Provide a berm, the top of which is at least two and one-half feet higher than the elevation of the adjacent parking lot pavement. Plant with a minimum of one understory tree and five shrubs per 25 linear feet of frontage, excluding driveway openings.

G. Surface parking area landscaping.

- (1) For parking areas with 20 or more parking spaces the following standards shall apply:
 - (a) a minimum of 10% of the total surface area of all parking spaces, drive aisles, and interior landscape, must be planted with landscaping. Parking lot perimeter landscaping required by Subsection F above is not counted toward the minimum interior landscape requirement.
 - (b) Shade shall be provided for at least 20% of the paved parking area using the following standard:
 - [1] One large shade tree for every 1,500 square feet of parking area. No trees of less than 30 feet in height at maturity shall be considered a shade tree.
 - [3] The use of a single tree species throughout the parking area is not encouraged.

H. Maintenance.

- (1) Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner bears the responsibility for maintenance of required landscaping.
- (2) If requested, the applicant shall submit a maintenance agreement describing methods of compliance with the requirements of this Section that shall be approved as part of Site Plan Review. Adherence to such maintenance agreement shall be a condition of Site Plan approval.
- (3) Action upon non-compliance: failure, neglect, or refusal of owner to perform the required maintenance action shall be taken in accordance with the enforcement provisions of Article III of this Chapter.

I. Alternative landscaping plan

Alternative landscaping plans may be proposed where strict application of the requirements in this Section would prohibit reasonable development of a property. The Planning Commission may consider the topography, shape, size, or other natural features of the property or design features of the development when considering the suitability of a proposed alternative landscaping plan. Another technique that can be used in alternative landscaping plans is the enhancement of landscaping in a nearby area to soften the overall effect of the development such as improvement of a nearby existing public right-of-way or space.

§285-68. Outdoor lighting standards.

A. Purpose.

The purpose of this Section is to require and set minimum standards for outdoor lighting that are appropriate for safety, security, and visibility for pedestrians and motorists, while minimizing glare, light pollution and energy consumption.

B. Applicability.

The lighting standards of this Section shall apply to all new development and expansion of an existing principal structure or parking lot by at least 50% unless otherwise stated in this Section.

C. Exemptions.

- (1) Low intensity light fixture: Any light fixture with a lamp or lamps rated at a total of 1,800 lumens or less, and all flood or spot lights with a lamp or lamps rated at 900 lumens or less (equivalent to a 100 watt light bulb), may be used without restriction to light distribution or mounting height except that no light may directed toward and on to adjacent properties or to create glare perceptible to persons operating motor vehicles on public ways.
- (2) Public street lighting installed by the City of Troy or other authorized governmental entity.
- (3) Emergency lighting or temporary construction lighting, as may be required by a public agency.
- (4) Lighting displays related to a special event receiving permission for such display from the City of Troy.

D. Prohibited lighting.

The following lighting types and scenarios are prohibited:

- (1) Lighting that could be confused for a traffic control device;
- (2) Lighting that is oriented upward, except as otherwise provided for in this Section;
- (3) Searchlights, beacons, and laser source light fixtures;

- (4) Lights that blink, flash, move, revolve, flicker or change intensity; and
- (5) Lighting inside of an awning when the awning material is translucent.

E. Site Plan requirements.

Outdoor lighting shall be addressed as part of any Site Plan Approval pursuant to §285-15 of this Chapter and provide the following items:

- (1) A site plan showing location of all exterior lighting fixtures and a numerical grid of lighting levels (in footcandles) that the fixtures will produce on the ground.
- (2) Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, north arrow, and scale.
- (3) Lamp type and wattage.
- (4) Specifications for all proposed exterior light fixtures and poles showing the design and finishes and designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures.
- (5) Any other information and data that is necessary to evaluate the required lighting plan.

F. General requirements.

- (1) All maximum and minimum lighting levels shall comply with the latest published recommendations of the IESNA.
- (2) Lighting color and fixture types shall be consistent throughout the site and shall compliment the architecture of any structure and the landscape of the site.
- (3) Lighting fixtures should accomplish a dual purpose, such as architectural lighting that also provides security, or landscape lighting that also lights adjacent paths, if possible.
- (4) Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent properties.
- (5) Light fixture types and design.
 - (a) Full-cutoff light fixtures must be used in parking areas, along internal streets, and along pedestrian ways. Cutoff luminaires or semi-cutoff luminaires may be allowed in these locations when the overall uplight would be less than for full-cutoff luminaires. To promote a unified development theme, post top luminaires (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this Section, all other luminaires must be directed downward and the light source must be shielded so that it is not visible from any adjacent property.
 - (b) Incandescent light sources of 100 watts or less or other light sources of 60 watts or less (gaseous discharge) that are located at least 150 feet from the lot line of a residential district are exempt from the cutoff requirements.

- (c) There shall be consistency of lighting fixtures adjacent to, visible from the public street on blocks and streets (although the style may differ) to create a unifying scheme of illumination that is appropriate to the scale of the street and the level of nighttime activity. Lamp styles shall not be mixed along any one block or street.
- (6) Maximum height.
 - (a) The total height of exterior lighting fixtures, including the base, shall be a maximum of 20 feet for parking lots adjacent to nonresidential uses and 14 feet for all non-parking lots, pedestrian walkways, and parking lots adjacent to residential uses.
 - (b) Building mounted lights shall have a maximum height of 20 feet except for decorative lighting as approved by the Planning Commission as part of Site Plan Review.
- (7) Illumination requirements.
 - (a) The intensity of light on a site shall not exceed the following standards as provided below:
 - [1] Illumination in a front, side, and rear yard (as measured at the property line) that abuts a residential property shall not exceed 0.1 footcandles.
 - [2] Illumination in a front, side, and rear yard (as measured at property line) that abuts a nonresidential use shall not exceed 0.3 footcandles.
 - (b) Light fixtures for pedestrian realm and public spaces illumination shall be closely spaced (generally no more than 30 feet on center) to provide appropriate levels of illumination.
- (8) Installation for lighting conduit shall be placed underground.
- (9) Light poles must be anodized, painted, or otherwise coated so as to limit glare from the light source.

G. Additional standards for specific lighting.

- (1) Building lighting.
 - (a) Building lighting on front facades adjoining the public right-of-way at doorway entrances or within window displays are required to promote safety. The standards of this Section are intended to balance the safety features of outdoor lighting and the potential impacts of light pollution.
 - (b) Lights shall not be mounted above the parapet or eave on a pitched roof.
 - (c) Decorative lighting is permitted to enhance the appearance of a building and/or landscaping, provided that all light is cast up against the building surface or downward onto a tree or other landscape feature and away from pedestrians or any adjacent properties in a SF, TF, or MF Use District, and does not cause distracting reflections on any storefront window or adjacent properties.

- (2) Canopies. Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy and shields to prevent effects of glare on adjoining properties.

- (3) Signage illumination shall meet the standards of §285-72.

H. Lighting curfew.

- (1) To limit the excessive use of illumination, outdoor lighting, except building lighting as required and encouraged in Subsection G above for security and lighting supporting the illumination of public sidewalks and pathways, should be extinguished during non-operating hours.
- (2) Lighting in vehicle surface parking areas must be reduced by at least 50% of approved levels after business closing time to one hour before the business opens. If lighting levels are already below 50% of permitted levels, no curfew adjustment is required. Alternatively, where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illuminations by at least 50% after 11:00PM or after normal business hours shall be permitted.

§285-69. Parking, loading and transportation.

A. Purpose.

The purpose of these parking, loading and transportation requirements is to:

- (1) Provide adequate parking and loading facilities, if needed, to serve the use or uses of the property.
- (2) Encourage alternate modes of travel that will reduce dependence upon the single-occupancy automobile.
- (3) Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and neighborhoods.
- (4) Reduce congestion in the streets and contribute to traffic safety.
- (5) Protect against the impairment of the urban design objectives of the City with the proliferation of surface parking lots.

B. Applicability.

This Section §285-69 applies to all development, except single-family dwellings and other dwellings with no more than six bedrooms.

C. Motor vehicle parking.

(1) Parking plans.

- (a) All development, except single-family dwellings and other dwellings with no more than six bedrooms, shall be required to address off-street parking by

providing a Parking Plan or Transportation Demand Management Plan as described in §285-69 D.

(2) Off-street surface parking standards.

- (a) Off-street parking or additional off-street parking exceeding that which is proposed may be required for a use based on the information provided in the Parking Plan or TDMP.
- (b) All existing off-street surface parking lots are grandfathered and may be maintained although a TDMP may still be required pursuant to Schedule C.
- (c) Maximum off-street surface parking allowance.

The total number of off-street surface parking spaces for any use shall not exceed the allowance of Schedule C: Off-Street Surface Parking Allowances, unless granted through an approved Area Variance or an approved TDMP as provided below. The maximum number of off-street surface parking spaces is based on the size of the development activity and the Development Intensity Zone in which it is located.

[1] Additional off-street surface parking of up to 20% more than the maximum parking allowance may be sought through approval of an Area Variance from the Zoning Board of Appeals if a TDMP is not otherwise already required in Schedule C.

[2] Parking in excess of 120% of the maximum allowed in Schedule C may be approved by the Planning Commission if supported by an approved Transportation Demand Management Plan.

(d) If the project meets the size threshold requiring a TDMP as prescribed in Schedule C, any permitted or required additional off-street parking must be determined based on TDMP recommendations and Planning Commission approval pursuant to §285-69 F (1).

(e) Nothing in this Section shall prevent the development of structured parking meeting the standards of §285-69 G (4).

(f) All vehicle parking must conform with the current Americans with Disabilities Act (ADA) guidelines and Uniform Building Code.

Schedule C: Off-Street Surface Parking Allowance and Transportation Demand Management Plan (TDMP) Requirement Threshold SF = square feet GFA = gross floor area		
Development Intensity Zone	Maximum Surface Parking Spaces without a TDMP	Project Threshold Requiring a TDMP
Neighborhood I Neighborhood II	5 spaces	1. Seven or more bedrooms 2. New construction 15,000 SF or more of GFA 3. Change of use with renovation of 15,000 SF or more of GFA
Neighborhood III	10 spaces	1. Eleven (11) or more bedrooms 2. New construction 15,000 SF or more of GFA 3. Change of use with renovation of 15,000 SF or more of GFA
Neighborhood IV	1. No more than 4 spaces for new construction of up to 7 bedrooms or 5,000 SF of GFA; or 2. No more than 7 spaces for new construction of 7-10 bedrooms; or 5,001 SF of GFA to 15,000 SF of GFA	1. Eleven (11) or more bedrooms 2. New construction 15,000 SF or more of GFA 3. Change of use with renovation of 20,000 SF or more of GFA
Downtown I, Downtown II, Neighborhood V	1. No more than 5 spaces for new construction of up to 10 bedrooms or 10,000 SF of GFA; or a change of use with renovations of 15,000 SF of GFA. 2. No more than 15 spaces for construction or renovations larger than as defined in criteria #1 above but, below the TDMP requirement threshold.	1. Twenty (20) or more bedrooms 2. New construction 20,000 SF or more of GFA 3. Change of use with renovation of 25,000 SF or more of GFA
Campus Institutional	15 spaces	Existing Comprehensive Parking Plans on file with the City Engineer shall be updated as part of all new construction requiring Site Plan Review. If no such plan exists a TDMP shall be developed and will serve as a comprehensive parking management plan and updated as required for future development projects.

- (3) Required electric vehicle (EV) charging stations.
 - (a) All newly created off-street surface parking lots with 20 or more spaces shall provide dedicated EV charging stations at a minimum rate of two spaces per 20 surface parking spaces.
 - (b) Structured Parking. All newly created structured parking shall provide dedicated EV charging stations at a minimum rate of 10% of all parking spaces.
 - (c) Project sponsors are encouraged to identify areas that may be banked for future EV charging stations as part of an off-street parking plan.

D. Motor vehicle loading area.

Every structure constructed after the effective date of this Chapter and used for nonresidential purposes shall provide sufficient space for the unloading and loading of vehicles either off-street or in coordination with the City. The adequacy of any proposed loading areas shall be considered as part of the site plan and traffic circulation review. Such loading areas shall have access to a public alley or a public street in such a way as to limit conflicts with the circulation of other vehicles and pedestrians and provide safe and effective access to the City's street network.

E. Bicycle parking.

- (1) Purpose. The purpose of this Section is to:
 - (a) Ensure the provision of bicycle parking that is designed and located in a consistent manner; and to ensure that bicycle parking needs of new land uses and development are met.
 - (b) Provide bicycle parking access to employment, commercial destinations, and other transportation alternatives.
 - (c) Encourage the use of bicycles to reduce traffic congestion and influence modal split.
 - (d) Increase the safety and welfare of residents and visitors bicycling in the City.
- (2) Applicability and minimum requirements.
 - (a) Short-term bicycle parking shall be provided as part of any new off-street surface parking lot or the expansion of an existing off-street surface parking area larger than four vehicle spaces as prescribed below:
 - [1] A minimum of one short-term bicycle space shall be created for any new lot or expansion of a lot with five or more vehicle spaces.
 - [2] One additional short-term bicycle space shall be provided for each additional five vehicle parking spaces in addition to the initial space required in E(2)(a)[1] above.
 - (b) Long-term bicycle parking shall be provided for new development meeting the land use criteria below in Schedule D. The long-term bicycle parking shall be separate from, and in addition to, any short-term bicycle parking required as part of a surface

parking lot development.

- [1] Where no requirement is designated, and the use is not comparable to any of the listed uses, bicycle parking requirements shall be determined by the Planning Commission based upon the capacity of the facility and its associated uses.
- [2] When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

Schedule D: Minimum Long-Term Bicycle Parking	
Land Use	Required Bicycle Parking Spaces
Multi-family residential	2 per 5 dwelling units
Community residential, residential care facilities	1 per 10 dwelling units
Dormitory	2 per 4 residents
Hotels, inns, bed and breakfasts	Minimum of 2, plus 1 per 20 rooms
Cultural facility, community center, library	Minimum of 2, plus 1 per 20,000 SF of gross floor area
Colleges, universities, schools, excluding dormitories	1 per 15,000 SF of gross floor area
Office, general and professional, medical/clinic	1 per 5,000 SF of gross floor area
Industry, research/development, warehousing	2 per 20,000 SF of gross floor area

(3) Waivers from bicycle parking requirements.

Short- or long-term bicycle parking may only be waived by the Planning Commission if supported by a Transportation Demand Management Plan as prescribed in §285-69 F below.

(4) Bicycle parking location and design.

(a) Short-term bicycle parking.

- [1] Required short-term bicycle parking shall be as convenient as auto parking. If such location is within the public right-of-way, an Encroachment Permit from the City will be required.
- [2] Facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- [3] An aisle a minimum of five feet wide shall be provided adjacent to any bicycle parking facilities to allow for maneuvering.
- [4] Racks and structures shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points. Racks may be ground-mounted or wall-mounted, and they must be securely affixed or bolted to the

ground or wall.

[5] The parking surface shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted provided that there is edging materials, so that the bicycle parking area is clearly demarcated and the rock material is contained.

(b) Long-term bicycle parking. Long-term bicycle spaces must be located in a limited-access enclosure protecting bicycles from precipitation and theft, such as: enclosed indoor bicycle rooms, bicycle sheds, bicycle lockers, and weather-protected bicycle parking spaces that are monitored by an attendant or security system, such as bike boxes.

F. Parking Plans and Transportation Demand Management Plans (TDMPs).

(1) Plan submission and review process.

(a) Parking Plans and TDMPs shall be submitted by the project applicant as part of Site Plan Review.

(b) The City Planning Department shall review the Plan consulting with other departments and other professional expertise as needed and provide recommendations to the Planning Commission on multi-modal transportation related to the project, including motor vehicle and bicycle parking.

(c) The Planning Commission shall review the Plan and incorporate recommended strategies into Special Use Permit and Site Plan Approvals.

(2) Parking Plan requirements.

(a) A Parking Plan is required for all projects as provided in §285-69 B above and must include the following information:

[1] As statement regarding the anticipated parking demand for the project and how the anticipated parking demand will be met on-site or off-site, including:

- Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements.
- Access to public transit including nearest bus stops.
- Number of on-site short-term and long-term bicycle parking spaces and proximity to public bicycle parking.
- Accommodations for pedestrians and people with mobility impairments.

(3) TDMP requirements.

(a) A TDMP must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field.

(b) The TDMP shall, among other items described below, address the following review criteria.

- [1] Demonstration that the need for parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses.
- [2] Demonstration that there is adequate off-street parking or parking alternatives such as on-street, public or shared parking sites.
- [3] The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity.
- [4] The site plan indicates where the proposed parking can be redeveloped to a more intensive transit supportive use in the future.

(c) A TDMP must include the following information:

- [1] The anticipated travel and parking demand for the project based on a guide or reference provided by the City Planning Department that shall be updated from time to time.
- [2] How the anticipated travel demand for the project will be met on-site or off-site, including:
 - a. Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements.
 - b. Access to public transit including nearest bus stops and level of service provided including the number of routes, types of routes, and whether the bus stop includes a shelter.
 - c. Number of on-site short-term and long-term bicycle parking spaces and proximity to public bicycle parking.
 - d. Accommodations for pedestrians and people with mobility impairments.
- [3] The strategies that will be employed to reduce single-occupancy vehicle trips, reduce vehicle miles travelled by site users, and promote transportation alternatives such as walking, cycling, carsharing, and transit.

(d) Reduced vehicle use and parking strategies may include, but are not limited to, the following:

- [1] Walking, cycling, carsharing, and transit promotion and education.
- [2] Parking cash-out programs or unbundled parking/market rate pricing.
- [3] Shared parking facilities.
- [4] Support for bike-share programs and provide enhanced bicycle parking and related facilities (above the minimum required).
- [5] Support for car-share services and facilities.
- [6] Providing carpooling or vanpooling programs or benefits.
- [7] Participating in bus transit access programs and transit-to-work shuttles.

- [8] Partnering to establish enhanced transit facilities (such as bus shelters).
- [9] Participating in guaranteed ride home (GRH) programs.
- [10] Provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, telecommuting).
- [11] Promotion of “live near your work” programs.
- [12] Roadway improvements adjacent to the site that will help encourage transportation alternatives.

(e) TDMP Performance Standards. As part of Site Plan and/or Special Use Permit review for a project, the Planning Commission shall analyze the project for its meeting of the following objectives:

- [1] The project includes performance objectives to limit single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and the nature of the development.
- [2] The project must meet the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.

G. Motor vehicle parking location and design.

(1) Access.

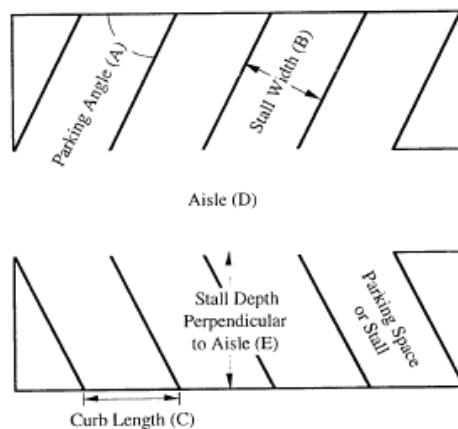
- (a) All driveways and parking shall be located as required in each Development Intensity Zone in Article V except commercial vehicles, as defined in this Chapter, boats, boat trailers, recreational vehicles, and campers shall only be parked or stored in the rear yard.
- (b) All parking shall be accessed from an alley where such exists. If no alley exists, parking shall be accessed from a side street if the lot is located on a corner. Effort should be made to demonstrate an attempt to gain access across neighboring properties to reduce curb cuts when practicable.
- (c) Parking lot entrances and exits for off-street parking with more than four spaces shall not be located within 50 feet of street intersections.
- (d) Where warranted by site topography, barriers or other safety devices shall be incorporated into the design of the parking area.
- (e) Where appropriate, to facilitate traffic flow, the Planning Commission may require paved connections between abutting parking areas under different ownerships.
- (f) Access driveways.

[1] Access driveways for surface parking areas of five spaces or less shall have one single-lane driveway a minimum of eight feet wide and a maximum of 12 feet in width.

[2] Every parking lot containing 20 or more spaces shall be provided with a two-way driveway not exceeding 20 feet in width or two one-way driveways not exceeding 12 feet in width.

(2) Minimum parking stall (space) and aisle dimensions.

(a) All parking spaces and drive aisles shall comply with the minimum standards of this Section G and Schedule E. The figure below provides a diagram correlating to Schedule E.



Schedule E: Minimum Parking Stall and Aisle Lot Dimensions				
Parking Angle (A)	Stall Depth ^{1,2} (E)	Stall Width ^{1,2} (B)	Aisle Width ³ (One-Way) (D)	Aisle Width (Two-Way) (D)
0° (parallel)	22 feet	8 feet	12 feet	20 feet
30°	18 feet	9 feet	12 feet	22 feet
45°	18 feet	9 feet	12 feet	22 feet
60°	19 feet	9 feet	14 feet	23 feet
90°	18 feet	9 feet	22 feet	23 feet

¹For compact car spaces, see §285-69 G (2) (d).

²For motorcycles and scooters, see §285-69 G (2) (e).

³See §285-69 G (2) (c).

(b) All vehicle parking lots and parking structures must conform with ADA Standards for Accessible Design and ADA Accessibility Guidelines.

(c) If parking spaces are located only on one side of the access aisle, the width of the access aisle may be reduced by 20% but shall not be less than 12 feet wide, or 18 feet wide if a designated fire lane.

- (d) Compact cars. Parking spaces clearly designated for compact cars may be 16 feet in stall depth and eight feet in stall width.
- (e) Motorcycles and scooters. Parking spaces for motorcycles and scooters shall be a minimum of four feet in stall width and eight feet in stall depth.
- (f) Parking areas shall be arranged with turn around areas to permit cars to exit the area without backing onto any street or sidewalk.
- (g) Parking spaces and aisle shall have height clearance of at least seven and one-half feet.
- (h) No off-street, exterior surface parking space shall be located within four feet of a sidewalk.

(3) Off-Street surface parking lot standards.

- (a) Pavement construction. All parking and driveways shall be constructed using asphalt, concrete, pavers, or other semi-pervious surfaces approved by the Director of Code Enforcement. One of the following shall be utilized:
 - [1] Paving materials with a solar reflectance index (SRI) of at least 29.
 - [2] Pervious pavement material, such as permeable asphalt, permeable concrete, or permeable pavers.
 - [3] Recycled content of 15% or more.
- (b) Clearly defined and marked sidewalks within a minimum width of four feet shall be required within parking lots and be provided for the length of the parking to the entrances of establishments.
- (c) Clearly defined and marked sidewalks shall be distinguished from driving surfaces through the use of special pavers (brick, scored concrete, or similar materials).
- (d) Car stops/wheel stops. Car stops or other suitable devices as determined by the Planning Commission may be required to protect sidewalk encroachment, or protect fencing, landscaping, and other screening devices from damage.
- (e) Parking lots shall meet the Landscaping and Screening standards of §285-67.
- (f) Parking lots shall comply with the Outdoor Lighting standards of §285-68.

(4) Structured parking design.

- (a) Vehicular entrances fronting streets that lead to parking garages shall be integrated into the building facade design and shall not extend beyond the top of the first floor.
- (b) Vehicular entrances that consist of loading docks/service bays shall be enclosed with doors and integrated into the building facade design both in terms of materials and architectural treatment.
- (c) The height of an accessory parking garage shall not exceed the height of the principal structure it is intended to serve.

- (d) Open-air, rooftop parking is permitted, but shall be screened by a parapet wall or similar building feature that is an integral part of the building's architectural design and is of sufficient height to screen the parked and circulating vehicles when viewed at ground level from any public right-of-way adjacent to the property. The parapet wall shall be included in the maximum permitted height of the parking garage.
- (e) All vehicle parking surfaces along any street frontage of the garage shall be horizontal, rather than an angled surface or ramp leading to a higher or lower level of the garage.
- (f) When located in the Downtown I or Downtown II Intensity Zone, the street level of the parking structure shall be designed so that any frontage adjacent to a public street has a minimum floor to ceiling height of 12 feet and a minimum bay depth (not required for vehicle circulation inside the garage) of 20 feet, in order to accommodate commercial or community service uses along the street frontages, or to allow conversion of street frontage spaces to commercial or institutional uses in the future.
- (g) Except as required above, elements such as decorative grillwork, louvers, or translucent materials shall be used to cover window-like openings on the first and second stories facing a public right-of-way. The design and materials shall conceal the view of all parked cars below the hood line through the use of opaque or semi-opaque façade materials that extend at least three feet in height above the vehicle parking surface.
- (h) Any vehicle exit barrier, including but not limited to a gate or payment booth, shall be located at least 20 feet inside the exterior wall of the parking structure.

§285-70. Pedestrian/accessible circulation.

A. Applicability.

The standards of this Section shall apply on lots with construction of new multi-family, commercial or other nonresidential structures in the City of Troy.

- B. Where buildings are not built to the front lot line, a sidewalk shall link the primary entrance to the municipal sidewalk.
- C. Internal walkways, meeting ADA Accessibility Design Guidelines shall link to the adjacent municipal sidewalk system.
- D. Sidewalks or internal walkways shall link to adjacent public transit stops.
- E. A minimum four feet wide sidewalk shall be located on one side of a mid-block driveway linking the parking areas to the municipal sidewalk.
- F. Parking lot pedestrian linkages shall meet the standards of §285-69 G (3).

- G. Sidewalks shall remain free from obstruction for a minimum of 36 inches per Chapter 251, Streets and Sidewalks, §251-3 of the Code of the City of Troy.
- H. Sidewalks shall be maintained as required in Chapter 251, Streets and Sidewalks, §251-4 of the Code of the City of Troy.
- I. Existing sidewalks in disrepair shall be repaired or replaced as part of all development projects.
- J. Any driveway crossing a sidewalk must maintain the existing concrete sidewalk.

§285-71. Public space enhancements and placemaking elements.

- A. All new development requiring Site Plan Review should include placemaking elements or amenities to enhance the public realm experience and sense of place when practicable. Placemaking elements and public amenities may include, but are not limited to, public art, street furniture such as benches, bike racks, decorative functional lighting, enhanced landscaping, and tree plantings beyond those required by this Chapter, private/public gathering spaces and recreation areas.
- B. The Planning Commission shall consider the incorporation of such elements as part of Site Plan Review.

§285-72. Signage.

A. Purpose.

The purpose of this Section is to regulate the size, placement and other characteristics of signs in the City of Troy for the purpose of:

- (1) Promoting quality signs to improve identification and communication in advertising;
- (2) Promoting and protecting the public health and safety;
- (3) Enabling the public to conveniently and safely identify facilities; and
- (4) Enhancing and preserving the value and quality of properties.

B. Applicability and procedures.

- (1) Except as otherwise provided in this Chapter, no sign or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged, or altered except in conformity with this Section and, where applicable, without first obtaining a permit from the Director of Code Enforcement in accordance with the following procedures and standards.

- (2) Electronic message centers and common signage plans must be approved by the Planning Commission prior to the Director of Code Enforcement issuing a permit.
- (3) A permit shall be required for any change in the size, shape, lighting, materials, or location of an existing sign except for exempt signs described in Subsection C below.
- (4) Application for a Permit shall be made in writing to the Director of Code Enforcement. One application may include more than one sign, provided that all signs contained in such application are to be erected at the same time on one lot. Applications for new signs or proposed changes in existing signs shall include the following information:
 - (a) Plans to scale detailing the dimensions and area of the sign(s), the location of the sign(s) on the building, structure, or property where the sign(s) will be erected or attached, and a visual simulation or photo to scale illustrating colors, materials, lettering, artwork, and method of illumination, if any.
 - (b) Written consent of the owner of the structure or real property upon which the sign is to be attached or erected, in the event the applicant is not the building or property owner.
 - (c) Each application for a Permit shall be accompanied by the fee set forth in the current fee schedule adopted by the City Council.

C. Signs exempt from permitting.

The following signs may be erected and maintained without a permit or fee, provided that such signs comply with all requirements of this Chapter.

- (1) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service or safety that are erected by or on the order of a public officer in the performance of their public duty.
- (2) Any signs required by New York State or Federal Law. Such signs must be displayed per state law.
- (3) Signs denoting the name and address of the occupants of the premises, such signs shall not exceed two square feet in area.
- (4) Building identification signs that are incorporated within the façade of a structure, not exceeding two feet in height nor more than five percent of the facade of the building side upon which it is constructed. Building identification shall not identify any tenant or occupant of the structure. Only one building identification sign shall be allowed in a façade and only on a façade that has street frontage. No illumination of these signs is permitted.
- (5) Historical site markers, memorial plaques, and cornerstones.

- (6) Flags, pennants or insignia of any government or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (7) Painted graphics that are murals, mosaics, or any type of graphic art that are painted on a wall or fence and do not contain copy, advertising symbols, lettering, trademarks, or other references to the premises, products, or services that are provided on the premises where the graphics are located or any other premises, are not signs for the purposes of these regulations.
- (8) Sandwich boards meeting the standards of §285-72 F (5).
- (9) Window signs meeting the standards of §285-72 F (6).
- (10) Feather flags meeting the standards of §285-72 F (7).
- (11) Temporary signs.
 - (a) A temporary sign is defined as a sign designed or intended to be displayed for a short period of time. Signs that are temporary in nature based on duration of an event including but not limited to election signs, for sale signs, grand opening event signs, and other event signs shall be allowed without a permit provided the following standards of this Section are met. Advertising signs for a product or service on a consistent basis and not related to temporary event or time-limited promotion are not considered temporary.
 - (b) Temporary signs shall be limited to sixty (60) days and shall be removed within ten (10) days of an event or conclusion of the activity unless otherwise provided in this Section.
 - (c) Temporary signs may not exceed 12 square feet of sign area in the Single-Family SF and TF Use Districts and may not exceed 24 square feet of sign area in all other Use Districts.
 - (d) Signs advertising the sale, lease, or rental of the premises upon which they are located, which may include the name of the owner or broker, or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" may be erected or maintained, provided such signs shall be removed within ten (10) calendar days of the change in occupancy.
 - (e) Feather flags, pennants, banners, and streamers are considered temporary signage regardless of design or intent for purposes of this Chapter and shall meet the standards of this §285-72 C (11).
- (12) Announcement boards or bulletin boards.
 - (a) One announcement board or bulletin board, not exceeding six square feet in area, is permitted either fixed to a wall of a building or freestanding, which may be

located in a required front yard, provided that it is set back at least three feet from the interior edge of the sidewalk or 10 feet from the edge of pavement when no sidewalk exists, and at least five feet from all other property lines.

(b) Such announcement boards shall not include electronic message centers or LED displays.

D. Prohibited signs.

The following signs are prohibited in the City of Troy:

- (1) Signs with any mirror or mirror-like surface, day glowing or other fluorescent paint or pigment.
- (2) No sign shall be permitted that is animated by means of flashing, blinking, traveling lights, or moving parts.
- (3) Off-premises signs/billboards that are defined as signs located on a parcel of land other than that parcel where the business, service or event advertised is located.
- (4) Inflatable devices.
- (5) Roof signs that are defined as a sign erected upon or above a roof or parapet wall of a building, and wholly or partly supported by that building.
- (6) Vehicular signs that are defined as any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.
- (7) Signs that detract from or obstruct public view of a historic buildings or structures.
- (8) Signs using the words "STOP", "LOOK", "DANGER", "CAUTION" or any other word, phrase, symbol, or character that may tend to confuse, mislead, or resemble any governmental or duly authorized sign, cannot be used to advertise goods or services.

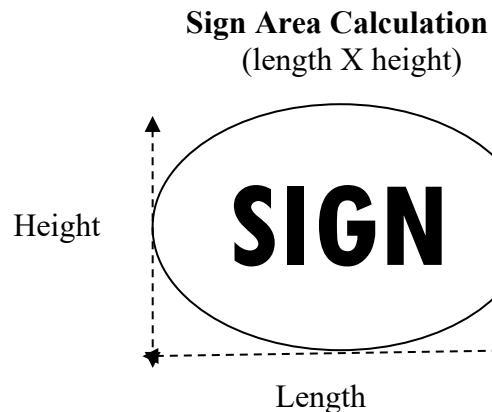
E. General provisions.

The following general provisions are applicable city-wide. Additional provisions for signs depending on sign type and location are provided in Schedule F of this Section.

(1) Sign area calculation.

(a) Sign area; two-sided signs.

The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign together with the area of any background of a different color or material than the general finish of the building, whether painted or applied. For the purposes of calculating total sign area, one side of a two-sided sign shall be counted.



(b) Sign height.

Height shall be measured vertically between the highest point of the sign or sign structure and the average adjacent ground level for 10 feet in any direction of any sign support.

(c) Sign calculation on a corner lot.

[1] Signs on corner lots may be displayed on both facades of the principal building fronting a public street. Such signs shall meet the size standards for the Use District as provided in Schedule F of this Section for each front façade.

[2] Notwithstanding §285-72 E (1) (c) [1] above, only one freestanding sign shall be permitted on a corner lot.

(d) Signage on the Hudson River waterfront.

One additional wall sign may be displayed on properties abutting the Hudson River on the River side of the principal building. Such on-premises wall sign shall meet the size standards for the Use District that is calculated based on the façade length facing the Hudson River as provided in Schedule F. The maximum on-premises sign area for properties abutting the Hudson River shall therefore be allowed to increase by the maximum size permitted for one additional wall sign or the calculation based on façade size, whichever is lesser as provided in Schedule F.

(2) Location of signs.

(a) Signs shall not use utility poles or trees as a medium of communication or means of support.

(b) Signs shall not be placed on or attached to fences.

- (c) No sign shall be located in a public right-of-way except as otherwise permitted in this Chapter.
- (d) Permanent or temporary signs erected or placed at or near the intersection of any street, alley, or driveway access shall not cause a traffic hazard by reason of the position, height, shape, color, or illumination of the sign interfering with line-of-sight visibility; or obstruct the view of, or be confused with, any authorized traffic sign, signal, or device.
- (e) No sign shall be so located as to detract from, or obstruct public view of, historic structures or features, a scenic view, or any other recognized natural feature.

(3) Sign construction.

- (a) All signs shall comply with applicable regulations of the current Uniform Building Code and the standards of the National Electric Code.
- (b) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 20 pounds per square foot of surface area.
- (c) All signs, including projecting signs shall be securely anchored and shall not swing or move in any manner.
- (d) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys, and anchors.

(4) Illumination of signs.

- (a) Illumination refers to any sign illuminated by artificial light, either from the interior or exterior of a sign, and includes reflective and phosphorescent light.
- (b) Internally illuminated signs are signs that derive illumination from an internal source, and shall include all plastic signs lighted from behind, as well as all neon signs, and all awnings lighted in a way as to give the awning the appearance of being lighted.
- (c) Measurement of illumination/light.

Footcandles (FC) are the measurement of the amount of light reaching an object. The maximum light level above the ambient light level shall be point three (0.3) footcandles above ambient light conditions.
- (d) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into the public right-of-way or onto a property other than the lot on which the illuminated sign is located.
- (e) No sign shall change in brilliance except as permitted in §285-72 F (9).

(f) All backlit signs shall have a dark background. Only the letters and/or message area of the sign shall be illuminated. Whenever possible they shall be constructed flush with the building façade.

F. General standards for certain sign types.

(1) Wall signs.

(a) Description: A wall sign is one that is painted on, or attached to, the outside wall of a building with the face of the sign in the plane parallel to such wall.

(b) Wall signs to be located on buildings with designated sign bands shall locate signs identifying establishments in the sign bands to maintain a cohesive and attractive signage location and appearance.

(c) Wall signs shall not project more than nine inches from the surface of the wall.

(d) Wall signs shall not exceed 24 inches in height except in the CC, BD and IND Use Districts.

(e) Wall signs shall not extend beyond the ends or over the top of the wall to which the sign is attached and shall not cover a window, obscure architectural detailing, or interrupt a roof line.

(f) No wall sign may extend above the windowsills of the second story. No portion of a wall sign may extend above the roofline or parapet wall, or above the lower eave.



Wall sign in sign band.

(2) Projecting signs.

(a) Description: A sign that projects more than 12 inches perpendicular to the building's face.

(b) One projecting sign shall be permitted per each distinct establishment façade on a lot except that no more than one projecting sign shall be permitted every 30 linear feet of continuous façade frontage.

(c) Signs shall not project more than five feet perpendicular from the side of the building and when suspended over a pedestrian walkway such as a sidewalk or entranceway, the bottom of such signs shall be no lower than nine feet measured vertically; or 14 feet above any vehicular parking or travel way measured vertically.



Projecting sign.

(3) Freestanding signs.

(a) Description: A freestanding sign is defined as a permanent, self-supporting sign standing alone on its own foundation. This definition shall not include temporary or portable signs. This definition shall include “monument” signs.

(b) One freestanding sign is permitted on a lot where freestanding signs are permitted as provided in Schedule F and only on a lot where the principal building is setback a minimum of 15 feet from the front lot line.

(c) All freestanding signs shall be setback at least three feet from the interior edge of the sidewalk or 10 feet from the edge of pavement when no sidewalk exists, except on a corner lot where freestanding signs may be required to be set back further as determined by the Director of Code Enforcement to address visibility safety at an intersection.

(d) The maximum allowable height of a freestanding sign is provided in Schedule F.

(4) Marquees.

(a) Description: A sign that is an integral part of a marquee that is a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(b) A maximum of one marquee sign is permitted per building.

(c) A marquee may be erected over a main entrance and may be no wider than the entrance over which it is erected, plus five feet on each side.

(d) A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.

(e) A marquee shall meet the encroachment setback and height requirements of Article V of this Chapter, for each Development Intensity Zone.

(5) Sandwich boards.

(a) Description: A portable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an “A.”



Freestanding sign.



Monument sign or
freestanding sign.

(b) Notwithstanding the requirements for sandwich board signs of Chapter 251, Street and Sidewalks, §251-3, Obstructions, the following standards shall apply:

- [1] No more than one sandwich board may be displayed per establishment facade.
- [2] Sandwich boards may be up to three feet in height and two feet wide.
- [3] Sandwich boards may be displayed only during the hours when the establishment is open to the general public.
- [4] Sandwich boards shall not be placed in locations that restrict vision or impair vehicular or pedestrian safety or maintenance of City sidewalks; interfere with ingress and egress points; and must maintain a minimum of five feet of sidewalk clearance at all times.



Sandwich board or sidewalk sign.

(6) Window signs.

(a) Description: A regulated window sign consists of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface or within four feet of the inside of a window, and is plainly visible from the exterior of the building. Window signs also include lighted signs with transparent backgrounds hung inside the window glass.

(b) Window signs may cover no more than 20% of the window area.

(c) No such sign shall be displayed more than once per elevation (north, south, east, and west).

(d) Exceptions to window coverage limit. The following exceptions are permitted to exceed the 20% maximum coverage of a window:

[1] Open/closed sign: a maximum of two square feet is allowed, one sign per street elevation is allowed.

[2] Information sign: for posting of days and hours of operation, building or tenant address, phone numbers, accepted credit cards: a maximum of two square feet is allowed on or adjacent to the entrance door.

[3] Temporary window signs except that no such sign, other than leasing or "For Rent" sign, shall be displayed for more than 60 days.

[4] Holiday decorations are exempt from these regulations.

(7) Feather flags.

- (a) Description: A sign that is a vertically oriented banner attached to a single pole allowing the fabric to hang loose at one, two, or three of the four corners.
- (b) Feather flags may only be used as a temporary advertising device.
- (c) Feather flags are only permitted in the MU-1, MU-2, BD, and CC Use Districts meeting the following conditions:
 - [1] One feather flag per lot may be temporarily installed for up to sixty (60) days in a twelve (12)month period.
 - [2] Feather flags shall not exceed 10 feet in height including the flag's stand.
 - [3] Feather flags shall be setback five feet from the interior edge of the sidewalk or 10 feet from the edge of pavement where sidewalks do not exist and shall not be placed in locations that restrict vision or impair pedestrian or motor vehicle safety. An unobstructed pedestrian pathway of five feet shall be maintained at all times.

(8) Canopy and awning signs.

- (a) Description: A sign painted on, printed on, or attached flat against the surface of an awning affixed to a building. Such signs may or may not be retractable.
- (b) The valance portion of an awning or canopy meeting the following standards may be used as a sign and shall count toward the total cumulative sign area but shall not be counted as an additional sign.
 - [1] Any sign (logo and/or lettering) on an awning or canopy shall not exceed 60% of the exterior surface of the awning.
 - [2] The bottom of the awning or canopy shall be at least eight feet above the finished grade.

(9) Electronic message centers (EMCs).

- (a) Description: Any sign that contains liquid crystal diodes (LCD), light-emitting diodes (LED), plasma, light bulbs, or other digital illuminated displays that allow for fixed or changeable copy, symbols, figures, or images by remote or automatic means.
- (b) Definition of display area: The area that encloses the limits of the message, announcement or decoration on a building or freestanding sign. For EMCs, the display area may equal the total allowed sign surface area as permitted below.



Example of a feather flag.



Awning (canopy) sign.

- (c) Electronic message centers must be approved by the Planning Commission prior to the Director of Code Enforcement issuing a permit.
- (d) EMC standards.
 - [1] Only one EMC is allowed per lot except in the case of a single EMC with two faces that are back-to-back and not more than 24 inches apart.
 - [2] Message Duration Time: The message or copy of an EMC may not move and/or change more than once in a 24-hour period.
 - [3] Dimming: EMCs must include a photocell to control brightness and automatically dim based on ambient light.
 - [4] Colors: EMCs messages or copy shall not be more than two colors for any one message.
 - [5] Brightness: The maximum allowable brightness for EMCs is no greater than 0.3 Footcandles above ambient light conditions as measured by a footcandle meter, when measured perpendicular to the electronic message center face at a distance determined by the following formula:

$$\text{Measure distance (ft)} = \sqrt{[\text{area of EMC sign (in sq ft)} \times 100]}$$

- [6] Light Trespass: At property lines, light trespass from the EMC shall be no more than 0.5 foot candles.

G. Signage permitted in all districts with a permit.

- (1) The following signs are permitted in any Use District with a permit from the Director of Code Enforcement:
 - (a) Signs denoting a subdivision name or multi-family residential property. The total sign area shall not exceed 12 square feet in area. If such sign is freestanding, it shall be set back three feet from the interior sidewalk edge or 10 feet from the edge of pavement where no sidewalk exists. Such signs shall not be illuminated.
 - (b) Home-based business identification signs: A home-based business as defined in Article XIII, Definitions, is permitted one identification sign if no other wall or projecting sign is permitted as provided in §285-72 H and shall meet the following standards:
 - [1] Signs shall not exceed two square feet in area.
 - [2] Signs shall be attached to the principal building.

- (c) A property utilized for a nonresidential or business activity as a principal use shall be permitted up to one sign and shall meet the following standards:
 - [1] The total cumulative area of all signs permitted on such lot shall be 12 square feet.
 - [2] Notwithstanding §285-42 D, Visibility at Intersections, the maximum height of a freestanding sign above grade level of the road shall be five feet and shall be set back at least 10 feet from any property line unless on a corner lot. On a corner lot a freestanding sign may be required to be set back further as determined by the Director of Code Enforcement to address visibility at an intersection.

H. Signage permitted in certain Use Districts with a permit.

- (1) In addition to the signage permitted in all districts as established in §285-72 G above, the following additional signage is permitted in certain Use Districts as established below and in Schedule F with an approved permit from Director of Code Enforcement.
 - (a) Canopies and awnings meeting the standards of §285-72 F (8) are permitted in the MU-1, MU-2, WMU, DMU, BD, and IND Use Districts.
 - (b) Marquees meeting the standards of §285-72 F (4) are permitted in the WMU, DMU and CC Use Districts.
- (2) Exceptions.
 - (a) Where a common signage plan previously approved by the City is already in place at the time of adoption of this Chapter, such plan shall continue to be recognized and the requirements of this §285-72 may not apply with regard to cumulative sign area and number of signs.
 - (b) Shopping plazas existing at the time of adoption of this Chapter that are not part of an existing Common Signage Plan, may exceed the cumulative sign area and wall sign area for new signs resulting from a change in use or tenancy in the following manner:
 - [1] The maximum wall sign area for an individual wall sign may be equal to the size of the previous tenant wall sign or the average of the individual wall signs within the plaza; whichever is lesser.
- (3) Electronic message centers (see §285-72 F (9)) and common signage plans (see §285-72 I) must be approved by the Planning Commission prior to the Director of Code Enforcement issuing a permit.
- (4) Signage permitted in Schedule F shall also meet the general requirements for sign types established in §285-72 F.

Schedule F: Sign Standards in Use Districts (See also §285-72 F for additional standards applying to each sign type.) SF = square feet							
Use District (refer to Use District Map)	Maximum Cumulative Sign Area Per Lot	Maximum Number of Signs Per Lot	Illumination and Electronic Message Centers (EMCs)	Maximum Wall Sign Area per Lot	Maximum Projecting Sign Area Per Sign	Freestanding Sign	
						Maximum Sign Area per Sign	Maximum Sign Height
Multi-Family (MF), Mixed Use-1 (MU-1)	15 SF	1 sign	External illumination only permitted; EMCs permitted for schools only with a maximum display area of 10 SF	15 SF	6 square feet	12 square feet	6 feet measured from finished grade
Mixed Use 2 (MU-2), Waterfront Mixed Use (WMU), Business Development (BD)	60 SF	2 signs	External/Internal illumination permitted; EMCs permitted with a maximum display area of 10 SF	1.0 square feet for each linear foot of building frontage up to 100 SF of total wall signage for a building; no individual wall sign shall exceed 48 SF.	6 square feet	24 square feet	8 feet measured from the finished grade
Downtown Mixed Use (DMU)	125 SF	Not limited	No internal illumination; EMCs not permitted	1.0 square feet for each linear foot of building frontage up to 125 SF of total wall signage for a building; no individual wall sign shall exceed 32 SF or size of an existing sign band.	12 square feet	Freestanding signs not permitted	Freestanding signs not permitted

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

Schedule F: Sign Standards in Use Districts (See also §285-72 F for additional standards applying to each sign type.) SF = square feet							
Use District (refer to Use District Map)	Maximum Cumulative Sign Area Per Lot	Maximum Number of Signs Per Lot	Illumination and Electronic Message Centers (EMCs)	Maximum Wall Sign Area per Lot	Maximum Projecting Sign Area Per Sign	Freestanding Sign	
						Maximum Sign Area per Sign	Maximum Sign Height
Corridor Commercial (CC), Industrial (IND)	150 SF [1]	Not limited	External/Internal illumination permitted; EMCs permitted with a maximum display area of 12 SF	1.0 square feet for each linear foot of building frontage up to 150 SF; no individual wall sign shall exceed 64 SF [1]	12 square feet	36 square feet	10 feet measured from the finished grade
Campus- Institutional (C-I)	A common signage plan may be required to be approved by the Planning Commission pursuant to Section I of the Article.						8 feet measured from the finished grade
[1] Shopping plazas existing at the time of adoption of this Chapter may exceed the maximum sign allowance pursuant to Section H. Exceptions, §285-72 H (2) (b).							

I. Common Signage Plans.

- (1) A Common Signage Plan is required for uses located in the Campus Institutional (C-I) Use District associated with community service, educational and other institutional uses as listed in Schedule A where such user owns or operates more than one principal building or lot within the district.
- (2) Common signage plans may be established by the following:
 - (a) Owners of two or more contiguous lots.
 - (b) Owner of a single lot with more than one principal building.
 - (c) Owner of a single lot with one building with multiple tenant fronts including but not limited to shopping centers.
- (3) Common Signage Plans must be approved by the Planning Commission.
- (4) Sign area bonus. A Common Signage Plan conforming to the provisions of this Subsection, shall be allowed a 25% percent increase in the maximum total sign area for each included lot, based on the Planning Commission's review of the following:
 - (a) An accurate plot plan of the lot to scale.
 - (b) Location of buildings, parking lots, and driveways.
 - (c) Computation of the maximum total sign area for the individual signs, the height of signs, and the number of freestanding signs.
 - (d) An accurate indication of each present and proposed sign.
 - (e) Specifications for all signs on the lots regarding color scheme, lettering or graphic style, lighting, materials, and sign proportions.

J. Nonconforming signs.

- (1) A legal nonconforming sign may continue to be utilized but shall not be enlarged or replaced accept in conformance with this Chapter.
- (2) Window signs not in compliance with §285-72 F (6) shall be removed within 180 days of enactment of this Chapter.
- (3) A legal nonconforming off-premises sign (billboard) shall not be replaced with any electronic message display area or other form of digital copy.
- (4) If a sign is taken down at any point other than for maintenance, it shall be replaced with a conforming sign.

(5) Vehicular signs as defined in §285-72 D (7) shall be required to be removed effective immediately upon enactment of this Chapter.

K. Unsafe signs.

(1) Any sign found to be unsafe or derelict upon inspection by the Director of Code Enforcement shall be repaired or made secure by the permit applicant of record. The Director of Code Enforcement shall give notice by certified mail, return receipt requested to such person to repair or remove such unsafe or derelict sign within five days of receipt of said notice. If the sign is not repaired, made secure or removed within said time period, or within such additional time as the Director of Code Enforcement may allow, the permit issued for said sign shall be revoked and the sign shall be ordered removed.

(2) If a sign is found to be a source of imminent peril to persons or property, the Director of Code Enforcement shall cause said sign to be immediately removed without notice to the permit applicant of record or property owner and all subsequent costs of removal by the City will be assessed against the property owner's tax bill.

L. Signs not in use/abandoned.

Any sign that is located on property that becomes vacant and unoccupied for a period of 90 days or more, or any sign which pertains to a time, event or purpose that no longer applies, shall be deemed to have been abandoned. The sign shall be removed after written notice by the Director of Code Enforcement, to the owner of the property on which the sign is affixed. In the event such sign is not voluntarily removed, subsequent costs of removal by the City will be assessed against the property owner's tax bill.

§285-73. Steep slopes protection.

A. Purpose.

To manage the impacts of activities on steep slopes including soil erosion, sedimentation, destruction of vegetation, landslides, and degraded aesthetics.

B. Steep slope definition and applicability.

This section shall apply to all slopes with grades equal to or greater than three horizontal to one vertical (3H:1V) and all area within 50 feet of the top of such slope.

C. Regulated activities.

(1) Land-disturbing activities equal to or greater than 500 square feet that include:

- a) Excavation or fill that result in slopes with grades greater than three horizontal to one vertical (3H:1V), or
- b) Retaining walls with maximum vertical height equal to or greater than four feet. In the case of terraced retaining walls, the maximum vertical height shall be taken from the toe of the most downslope wall to the top of the most upslope wall.

(2) Clearing of vegetation except for the following:

- (a) Removal of dead (but not dormant) vegetation.
- (b) Removal of invasive vegetation that will be replaced with native species.
- (c) Selective removal of trees that may damage an existing structure.

(3) Swimming pools.

D. Standards.

- (1) Temporary erosion controls shall be installed prior to land-disturbing activities and maintained in working order until permanent stabilization of the project site.
- (2) All disturbed soils shall be stabilized within seven days of the completion of earth-disturbing activities, including temporary cessation of earth-disturbing activities that may occur in association with construction phasing.
- (3) Regulated land-disturbing activities shall submit for approval by the City Engineer a geotechnical assessment sealed by a professional engineer licensed in New York. The geotechnical assessment shall include plans detailing proposed grading and/or retaining walls, a statement that the proposed activities meet engineering standards of

practice, a statement that the proposed activities will not adversely impact adjacent properties. Accompanying investigations or engineering calculations that are the basis of this statement shall be included as part of the geotechnical assessment.

§285-74. Stormwater management standards.

A. Purpose.

To safeguard persons, protect property, and preserve the natural environment by managing stormwater runoff rates and volumes; preventing soil erosion, siltation, and stream channel erosion; managing non-point source pollution associated with stormwater runoff; and protecting groundwater, the following additional development practices are required.

B. All drainage infrastructure shall be designed to convey, at a minimum, the 25-year storm event.

C. Urban runoff control.

(1) In addition to the requirements of Chapter 159, Erosion and Sediment Control and Stormwater Management, the following activities shall be required to prepare and implement an Urban Runoff Control Plan unless such activities are associated with a single- or two-family dwelling:

(a) Alterations of existing paved areas that equal or exceed 5,000 square feet of disturbance or involve 20 or more parking spots.

(b) New development that creates 2,500 square feet or more new impervious area.

(2) Urban Runoff Control Performance Standard.

The performance standard shall meet the Overbank Flood Control Criteria and Extreme Flood Control Criteria (e.g., peak discharge reduction) of the most recent New York State Department of Environmental Conservation *Stormwater Management Design Manual*.

(3) Low impact development and green infrastructure practices required.

(a) Low-impact development and green infrastructure practices, including but not limited to infiltration, bioretention, rain gardens, porous pavement, soil restoration, green roofs, rain barrels, etc., shall be required to meet the Urban Runoff Control Performance Standard of subsection C (2).

(b) If such low impact development and green infrastructure practices are technically infeasible for reasons including, but not limited to, high groundwater, shallow bedrock, poor infiltration of underlying soils, contamination, etc., a statement summarizing the technical rationale shall be provided in the Urban Runoff Control Plan for City Engineer and Planning Department review. If deemed acceptable by

the City Engineer in written findings, the provision of subparagraph (3)(a) above shall be waived.

(4) Urban Runoff Control Plan.

- (a) An Urban Runoff Control Plan shall be submitted and approved prior to commencement of work. The Urban Runoff Control Plan shall be submitted as part of the application package for a Building Permit or Site Plan Approval if required.
- (b) The City Engineer shall have the final authority to approve, require revisions to, or disapprove the Urban Runoff Control Plan.
- (c) The Urban Runoff Control Plan shall be sealed by a licensed landscape architect or professional engineer and shall include:
 - (1) Drawings and specifications detailing the size, dimensions, and details of proposed controls to meet the Urban Runoff Control Performance Standard.
 - (2) A map delineating the area that drains to each discharge point within the property boundary.
 - (3) Calculations comparing pre- and post-development stormwater runoff peak discharges and volume that demonstrate conformance with the Urban Runoff Control Performance Standard. At the discretion of the City Engineer, such comparisons may include one or more downstream points, and accompanying off-site drainage areas, to demonstrate that the Urban Runoff Control Performance Standard is met in downstream locations when considering for the effects of runoff timing.
 - (4) A statement of responsibility for the operation and maintenance of proposed controls.

§285-75. Watercourse and wetland protection standards.

A. Purpose.

The watercourse or wetland buffer is a specified area surrounding a wetland or watercourse that is intended to provide some degree of protection to the wetland or watercourse from human activity and other encroachment associated with development. The buffer shall be subject to the regulations for wetlands and watercourses as defined in this Section.

B. Watercourse and wetland buffer definition and applicability.

- (1) Unless a site-specific wetland delineation is performed or required by the Planning Commission, the US Fish and Wildlife Services “Wetlands Mapper” for the *National Wetlands Inventory* shall define existing watercourses and wetlands within the City.

CHAPTER 285: ZONING, LAND USE, AND DEVELOPMENT ORDINANCE OF THE CITY OF TROY, NEW YORK

- (2) The land use activities regulated by this Section apply to all land area within the watercourse and wetland buffers defined below.
 - (a) Along perennial watercourses: 100 feet from the ordinary high-water mark.
 - (b) Along other watercourses: 100 feet from the centerline.
 - (c) Around wetlands, except manmade ponds: 100 feet from the edge of the wetland boundary.
- (3) The following are exempt from the requirements of Watercourse and Wetland Protection Standards:
 - (a) Activities subject to regulation under Section 404 (Discharge of Dredged or Fill Material into Waters of the United States, including Wetlands) of the Clean Water Act by the US Army Corps of Engineers.
 - (b) Activities subject to regulation and approved by the New York State Department of Environmental Conservation.
 - (c) Removal of dead (but not dormant) vegetation or invasive vegetation.
 - (d) Selective removal of trees that may damage an existing structure.
 - (e) Land uses occurring on the particular site at the time this provision was adopted.
 - (f) Maintenance and repair of existing structures and/or features that do not result in any change in the footprint of the structure or features.
 - (g) Stormwater management activities that have been permitted by the City.

C. Standards for activity within the buffer.

- (1) Watercourse and wetland buffers shall be identified on all relevant drawings for subdivision plats, site plans, building plans, and/or other submittals to the Planning Commission.
- (2) No new structures shall be constructed within 50 feet of the ordinary high-water mark except as otherwise provided below.
 - (a) Structures existing at the time of adoption of this Chapter may be replaced provided that the replacement structure does not increase the building footprint or linear frontage along the watercourse or wetland.
 - (b) Public access, waterfront trails and recreational areas, water dependent uses, open air patio seating for dining, and other pedestrian related uses that may require proximity to a location on a watercourse or wetland, may not be subject to shoreline

setback requirements as determined by the Planning Commission as part of Site Plan Approval.

- (c) Structures of a retail or service business demonstrated to be water-dependent or water-related may be authorized to be located within the required setback with an approved Special Use Permit; however, the Planning Commission shall have the authority to impose additional conditions as may be warranted.
- (d) There shall be no encroachment within 25 feet of the streambank unless an erosion and sediment control plan has been submitted and approved as part of a required Building Permit or Site Plan Approval as applicable in this Chapter.

(3) The following additional activities shall not be allowed within the Watercourse and Wetland Buffer:

- (a) New clear-cutting, grubbing, or stripping of vegetation.
- (b) Limbing more than 50% of the branches or height of a single tree.
- (c) Introduction of invasive species listed on the New York State Department of Environmental Conservation's "List of Prohibited and Regulated Invasive Species."
- (d) Excavation or fill.
- (e) New hardscape.
- (f) Concentration of stormwater runoff that increases the erosion potential downstream of its point of discharge.
- (g) Storage or placement of fill or hazardous materials, including sewage systems, or possible pollutants including, but not limited to, garbage and junk cars.

(4) All disturbed soils shall be stabilized within seven days of the completion of earth-disturbing activities, including temporary cessation of earth-disturbing activities that may occur in association with construction phasing.

(5) All new vegetation shall be plants native to the area and adapted to the particular soil and hydrologic conditions in which they will be planted.

ARTICLE XI. ARCHITECTURAL GUIDELINES, SECTION §285-76

City of Troy Zoning, Land Use and Development Ordinance

A. PURPOSE.

The primary design opportunities within the City of Troy are predominantly for in-fill or rehabilitation/adaptive reuse projects. For new buildings or significant expansions, building design and architecture shall be compatible and reflective of the City's rich architectural history and diversity of scale.

This Section of the code shall be utilized as guidance for building design in conjunction with the lot and site development standards of Article V. Illustrations of the design concepts included in the text of these Architectural Guidelines are provided.

B. APPLICABILITY.

To ensure compatibility of new construction, rehabilitation and/or renovation of existing structures, the following design guidelines and standards shall be applied to all properties in the City except single- and two-family dwellings; or unless otherwise stated. The standards are encouraged for single- and two-family dwellings.

C. RELATIONSHIP TO CONSTRUCTION AND RENOVATION WITHIN THE CITY OF TROY'S HISTORIC DISTRICTS AND OTHER HISTORIC BUILDINGS.

Where a guideline and standard in this §285-76 conflicts with other standards in the City Code related to protecting a historic district or historic structure, the City's Historic Preservation Guidelines or other guidance specific to a historic property shall apply.

D. BUILDING SCALE AND MASS.

(1) Context.

(a) Building scale refers to the size of a building in relation to its immediate context and is determined by the dimensions of its primary façades, including building height, building length, lot coverage, and disposition of the building on its site. Individual architectural features elements, including doors, windows, porches, and roof forms, all contribute to the perception of a building's scale. Scale is one of the most important features determining whether a building is compatible with its setting. A stark contrast in scale between new and existing buildings disrupts the visual harmony of the street and neighborhood.



Visual harmony from building scale.

(b) Building mass refers to the dimensions and arrangement of a building's overall form including the composition of the façade, regularity or complexity of its overall shape, vertical and horizontal setbacks, and type and design of its various roof forms.

(2) New construction should follow the general mass of surrounding buildings and where buildings of varying massing exist, new variations should not be introduced.

(3) Transitions in Scale and Density.

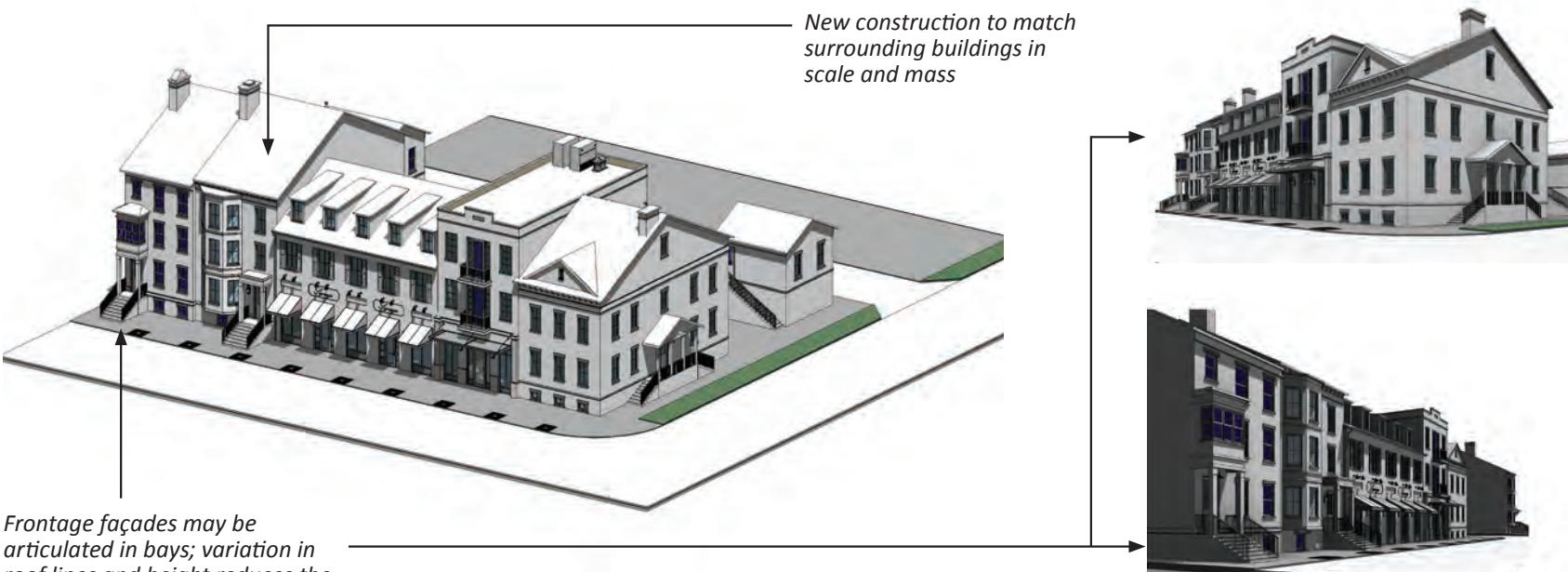
(a) Buildings of different scales and sizes may coexist within the same neighborhood, neighborhood cluster, or corridor. Careful attention to the transition of various densities and building types help to preserve the integrity and character of neighborhoods. Different building densities are encouraged to establish orderly transitions as the intensity and activity of a neighborhood or the Zone develops or changes over time. It is critical that new construction is designed in such a way as to make sure that scale between buildings is adequately studied, adjusting for differences and providing for elements that complement each other.

(b) Buildings should transition in scale in a compatible fashion and relate to their immediate surroundings to create a more coherent feel by avoiding vertical transitions of more than one story.

(c) More noticeable, or contrasting, changes in densities always occur at natural transition points such as alleys, rear lot lines, parks, and open space.

(4) Façades greater than 75' in length should be divided into multiple distinct bays within the overall building form.

(5) The scale of larger buildings may be further reduced by breaking building massing into the appearance of several smaller, connected building forms with distinct roof lines, varying building heights, and variation in building materials.



E. BUILDING FAÇADE COMPOSITION.

(1) Context. For structures of at least three stories, the overall composition of the building façade should incorporate a three part hierarchy of base, body, and cap as defined below to emphasize verticality and to maintain a balanced façade composition. (See illustration.)



The "cap" of a building provides visual termination to the façade and skyline interest.

(a) Building Base: The "base" of the building clearly defines the realm of the public space and provides the necessary spatial enclosure. The base of the building engages the pedestrian and defines the character and quality of a street or public space. It also houses the uses with the most intensity. The height of the base varies depending on the overall building height. The transition from "base" to "body" may be expressed either horizontally, through a shift in the vertical plane or, vertically through a change in building materials along a level line.

(b) Building Body: The "body" of the building comprises the majority of the building, mainly defined by its structural composition. It houses the main use and engages all fronts. The "body" shall consist of the area of wall from the "base" to the "cap". The transition from "body" to "cap" may be expressed either horizontally, through a shift in the vertical plane or vertically through a change in building materials along a level line.

(c) Building Cap: The "cap" of the building could either encompass the last floor of a building and roof, or be the area above the eave or before the parapet line depending upon the height or number of stories of the building. The "cap" clearly terminates the "body" of the building and should be architecturally distinguished to provide a visual termination to the façade and interest at the skyline.

(d) Building Top: The building "top" is determined by the height of the building and is not subject to elements of style. The "cap" shall consist of the area of wall from the top floor level to the parapet or the area of wall from the roof line to the top of the parapet wall.

(2) Any façade that faces a public or private parking area or a public alley or other right-of-way, or is visible from a street, shall utilize the same materials, building design and architectural character of the primary façade.

(3) Buildings with expansive blank exterior walls not punctuated by window and door openings, horizontal decorative elements, or vertical bays are prohibited.

(4) Façades should feature simple architectural detailing that place a visual emphasis at entries, windows, eaves, cornice, and roofs.

(5) Changes in material, or the use of a trim band or other design features should be included to distinguish and anchor the ground floor (base) and to create a separation from upper stories (body).

(6) Distinct eaves and/or cornice lines should be expressed where the upper body of the building meets the roof. (See also Section L.)

F. BUILDING RHYTHM.

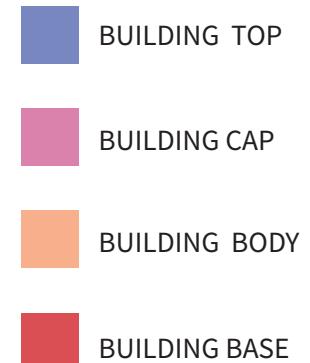
(1) Building façades are comprised of a series of patterns, from the number and spacing of bays, the number and spacing of floor levels, the disposition of openings and architectural details, and the arrangement and palette of materials that create an inherent rhythm. Such rhythm should be established for new large-scale buildings. This can be achieved by the following:

(a) Incorporating symmetry, repeated bays with expressed structural elements, and the repetition of windows and doors.

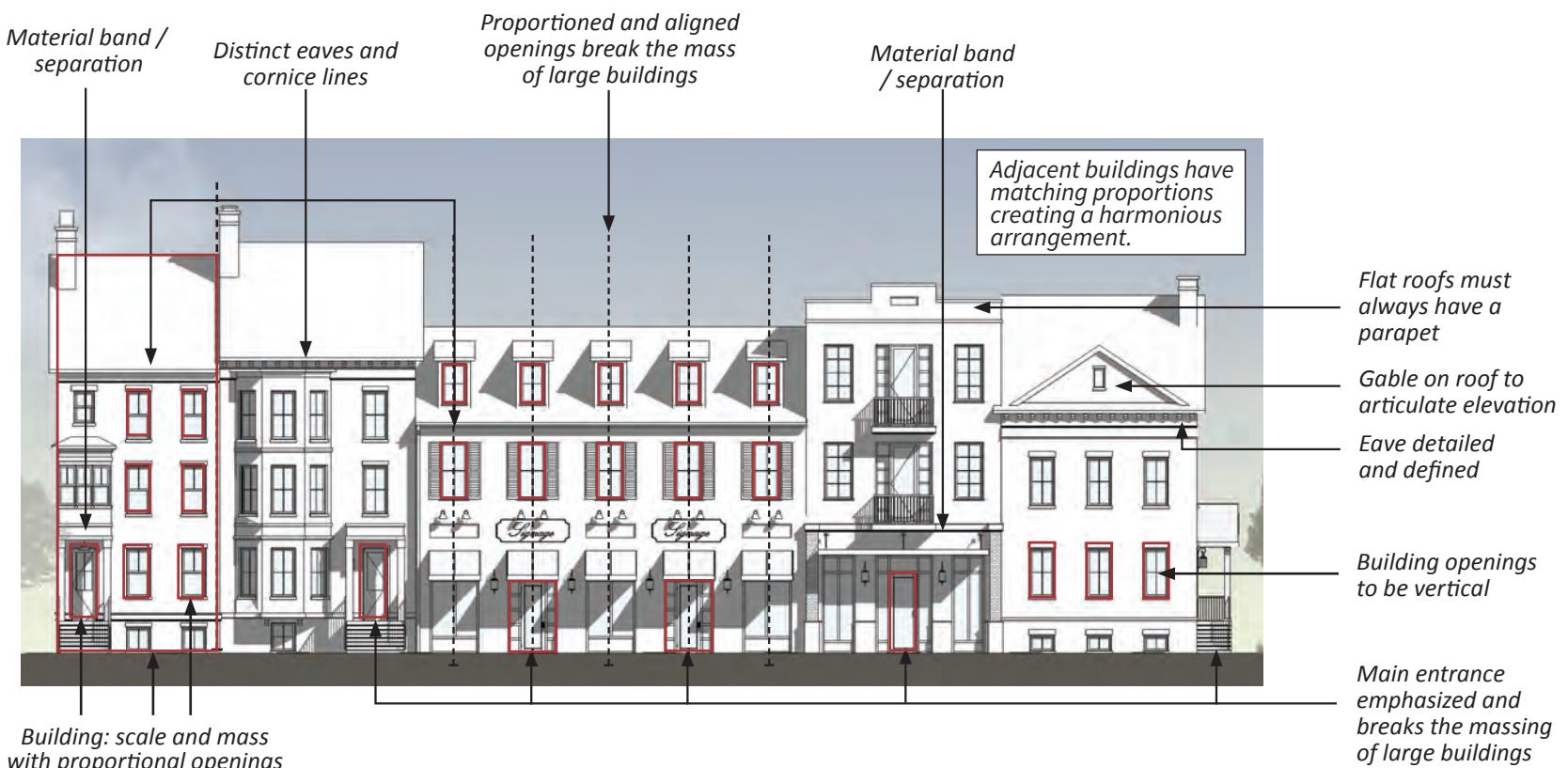
(b) Changing materials, patterns, reveals, building setbacks, façade portions or by using design elements such as column or pilasters that establish a legible vertical and horizontal arrangement of the various building elements.



Symmetry helps create inherent rhythm.



BALANCED FAÇADE COMPOSITION



ARCHITECTURAL DETAILING OF FAÇADES AND BUILDING RHYTHM

G. BAY SPACING AND FAÇADE TRANSITIONS.

(1) Context. The concept of “bay spacing” is critical to maintain an appropriate human scale by breaking up the massing of large buildings to create a more interesting streetscape rhythm. The traditional downtown streetscapes, such as in the City of Troy, were often comprised of individual buildings on narrow lots (approximately 25 feet wide) facing the primary street. Many buildings were one-lot wide, although later buildings spanned more than one lot. Wider building façades were typically divided into repeated sections, or “bays”, ranging from 15 feet to 30 feet in width on the ground floor. This pattern of bay spacing echoed, rather than overwhelmed, adjacent buildings that might only be one lot wide. Upper stories often were consistent across two, three or five bays, unifying the building as a whole.

(a) Larger scaled buildings should reflect these traditional building façades as described above and should express a façade composition ranging from one bay width to no more than three bay widths in length up to 30 feet for one bay; up to 90 feet for three bays.

(b) Vertical articulation (e.g., bays, mullions, columns, piers, pilasters, recessed entries, awnings, or other architectural treatments) shall be used to visually break up the massing of the ground story of the front and corner side façades into segments no greater than one bay in width (30 feet).

(c) Horizontal articulation is required (e.g., belt courses, cornice lines, entablatures, friezes, awnings or canopies, changes in materials or window patterns, recessed entries, or other architectural treatments) to distinguish the ground story of front and corner side façades from the upper stories.

H. BUILDING ENTRANCES/FRONTAGES.

(1) Context. Building frontage elements are important architectural features that influences the character of the City's mixed-use and residential neighborhoods. These semi-public spaces are important functional elements that also create an important design feature for each building and help to emphasize a human-scaled, pedestrian-friendly environment.

(2) Buildings shall front the street directly, oriented with front door and main façade facing a primary public street.

(3) All primary building entrances shall be configured to allow safe, convenient access for pedestrians.

(4) The main building entrance should be given prominence on the building façade through the use of a distinct architectural feature or a combination of design elements such as a covered entry way; a projected or recessed entry way roof; a chamfered corner; additional glazing (i.e., sidelight windows, transom window, or other adjacent windows); and/or specialty trim work or moulding features for better architectural expression.

(5) Secondary stoops used for upper story access should be simpler versions of the main entry design.

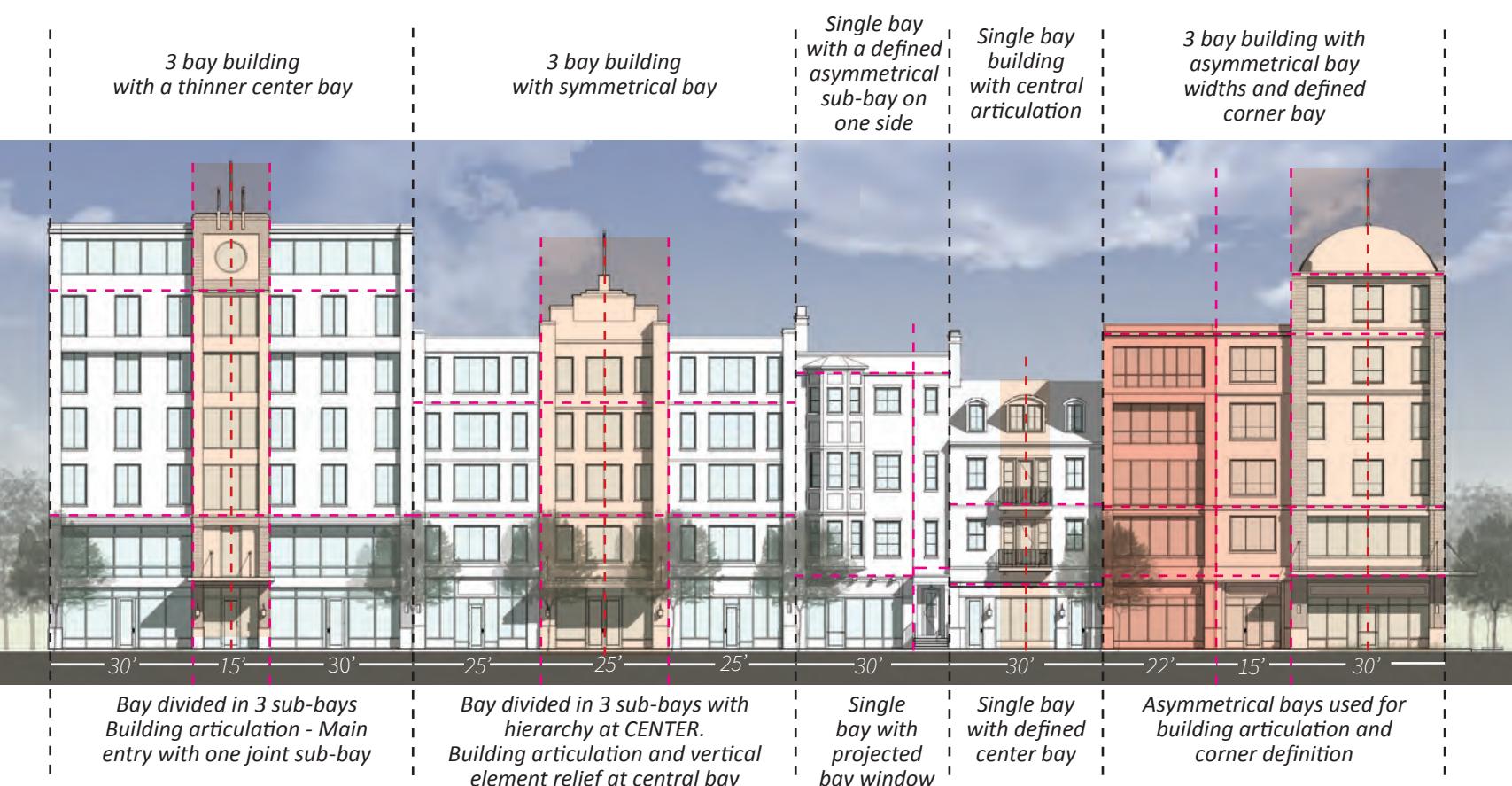
(6) The permitted encroachment or projection of building frontage elements into the required setbacks or public right-of-way is provided in the lot development pattern standards for each Development Intensity Zone in Article V. Permitted frontage changes with the prevailing character of the streetscape, buildings, and architecture.

(7) The permitted coverage of a frontage element on a façade that encroaches into a setback or public right-of-way is provided in the lot development pattern standards for each Development Intensity Zone in Article V. Permitted encroachment changes with the prevailing character of the streetscape, buildings, and architecture.

(8) Porticoes, porches, balconies, and bays should receive a similar level of architectural detail and should be in keeping with the overall character of the building. Elaboration is appropriate at the main entrance or focal point of a building but should not be excessive.

(9) Canopies and awnings.

- (a) Canopies and awnings, where appropriate, should respect the building style as well as the general character of other canopies and awnings on neighboring buildings.
- (b) Awnings shall be constructed of canvas, fixed metal, or similar materials.
- (c) Canopies should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way.
- (d) Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.



BAY SPACING



BUILDING ENTRANCES

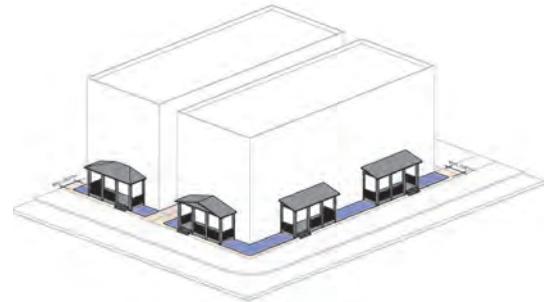


Main elevation building entrance

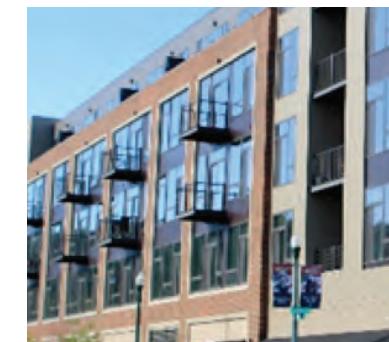
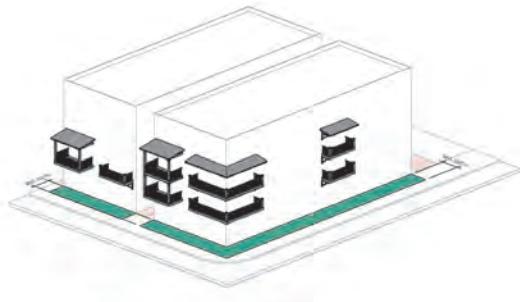
Secondary pedestrian entrance

H. BUILDING ENTRANCES/FRONTAGES (CONTINUED).

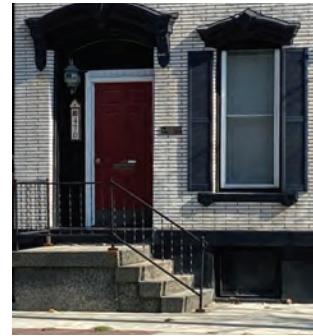
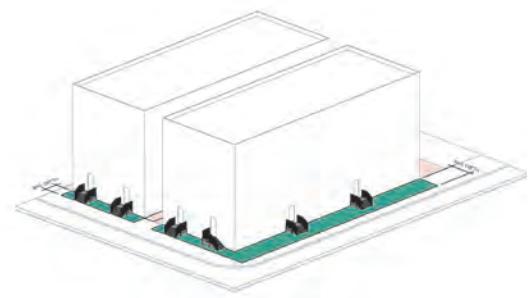
SETBACK - PORCHES



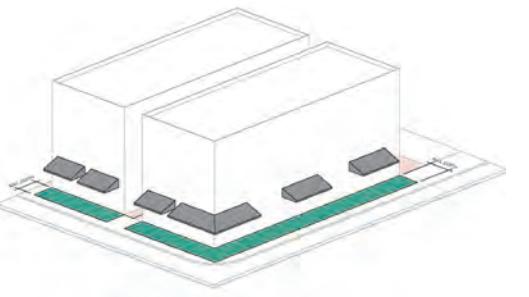
BALCONY



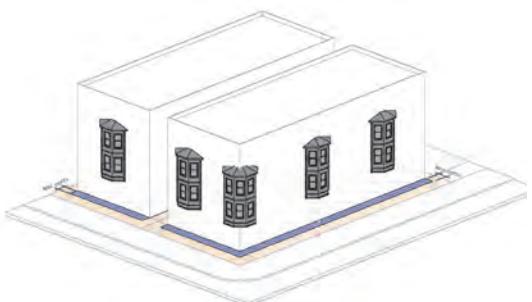
STOOPS



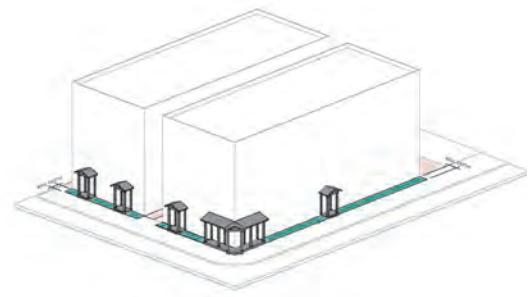
CANOPIES AND AWNINGS



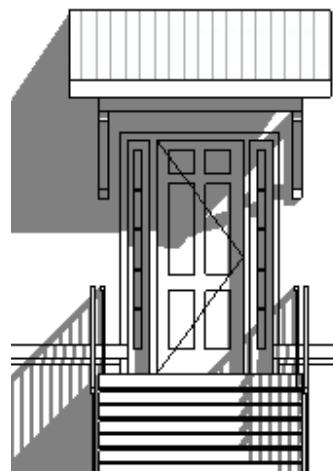
BAY WINDOW



PORTICO



Awnings to be compatible to building style and scale



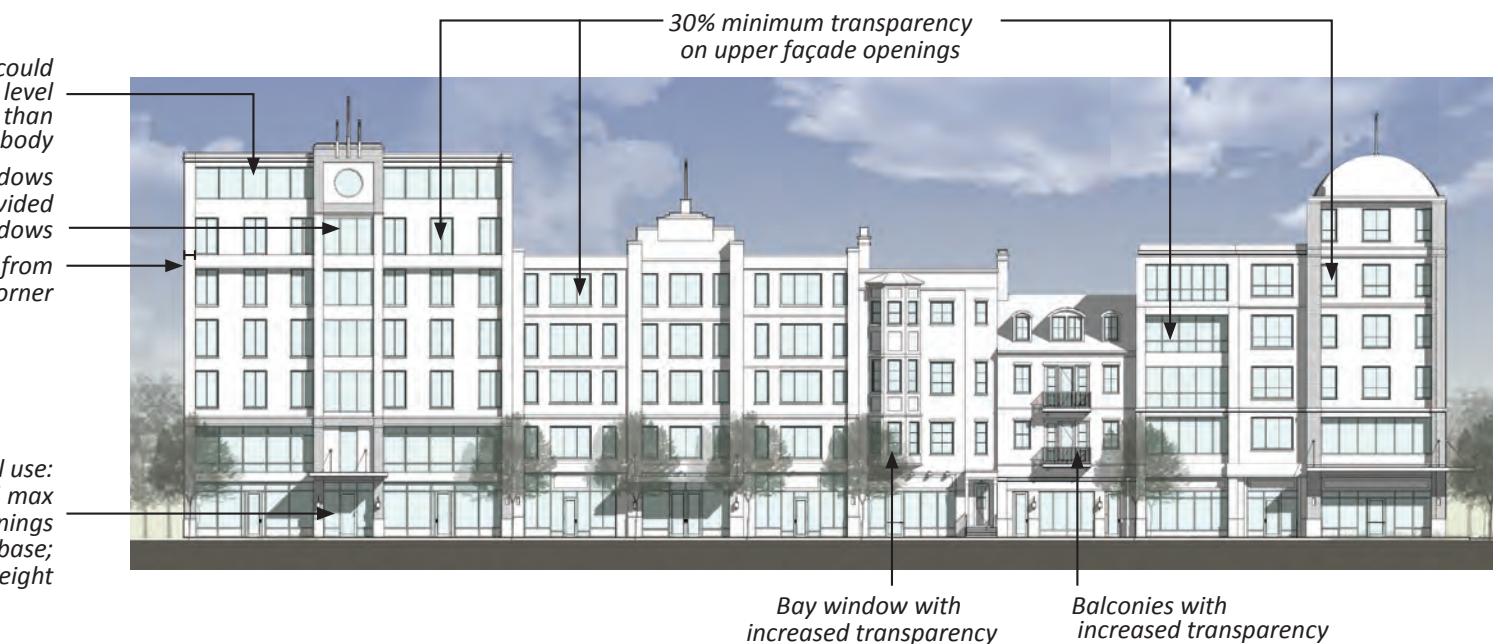
Residential - Canopy

I. BUILDING OPENINGS (DOOR, WINDOW, AND WALL SYSTEMS).

- (1) Context. The height of openings and other architectural elements should be carefully designed so that there is a general consistency along the entire façade. Dramatic changes in window heights should be avoided. Within each building composition, care should be made to align horizontal elements, including building cornices, sill heights, window and door head heights, lintels, floor levels, decorative moulding and window trim.
- (2) The relationship of the width to the height of window proportions on the front elevation shall be visually compatible with surrounding buildings.
- (3) Windows should be vertical in proportion and may be rectangular or arched. They can be grouped together in pairs or triples as well as placed individually. Upper story windows may be smaller and less elaborate than windows on the ground floor.
- (4) Grouped or “ganged” windows should be treated as a single opening with regard to trim and architectural features unless they are separated by a minimum four inch divider.
- (5) Windows and doors may meet at building corners or shall be a minimum of 24 inches from building corner.
- (6) Window assembly should be set into the framing with reveals, not flush to the wall. Wood frames, sashwork, trims, and surrounds are encouraged; metal frames should be similar proportions to wood windows, flashed with wood surrounds.
- (7) Window shutters shall be sized and shaped to fit the window openings they are associated with.
- (8) Buildings with continuous bands of horizontal windows and/or storefront are prohibited.



Window shutters shall be appropriate size and shape to relate to their window openings.



BUILDING OPENINGS AND TRANSPARENCY

J. TRANSPARENCY AND WINDOW PATTERNS.

- (1) Context. It's important to create transparent and inviting façades on the street level visible to public spaces such as sidewalks, plazas, parks, and some parking lots and alleys. Not only are such façades more attractive for business development and design, but real or perceived safety increases with more opportunity for eyes on the street. Depending on the street level use of a building, the expected level of transparency fluctuates for practical reasons.
- (2) Ground Floor (Street Level).
 - (a) Ground floor use can be differentiated through a change in transparency. Commercial uses, such as retail, shall be more transparent than smaller office or residential uses. This change in the pattern of doors, windows, and openings helps to clarify the various uses for pedestrians by highlighting the nature of public, semi-public, and private tenants.
 - (b) The following minimum transparency in the form of windows and doors is required for all ground floor façades facing a public street. Transparency shall be measured from grade to the underside of the slab or the story above.
 1. Residential use on the ground floor shall have a minimum of 30% transparency.
 2. Retail ground floors shall have a minimum transparency of 60% and a maximum transparency of 80%.
 3. Other nonresidential uses shall have a minimum transparency of 50% on the ground floor.
 - (c) Colored or mirrored glazing and glass block should be avoided.



Commercial uses shall be more transparent than smaller office or residential uses.



BUILDING OPENINGS AND TRANSPARENCY



Retail ground floor windows with higher transparency than upper story windows.



J. TRANSPARENCY AND WINDOW PATTERNS (CONTINUED).

(3) Upper Stories.

- (a) Upper stories generally employ a different ratio of solid area versus opening area and are differentiated from the more transparent ground floor by having more solid area than transparent area through the use of smaller, vertically oriented windows.
- (b) Upper stories of façades facing a public street shall have a minimum transparency of 30%. Proportions of these upper story openings should be evenly-spaced with a clear relationship to ground floor elements. Windows should be aligned both vertically and horizontally with other doorway and window openings on both upper and lower stories.
- (c) Upper stories façades facing an alley or parking lot visible from a public street shall have a minimum transparency of 20%.



Commercial storefronts are often characterized by large display windows.

(4) Mixed-Use Buildings with Commercial Storefronts.

- (a) Commercial storefronts should be characterized by large display windows. Primary doorways shall be a focal element of the building using frontages (see Section H) or using a series of architectural elements added to the frame around the wall.
- (b) Street level windowsills should be placed no higher than 30 inches above finished grade at the building line.
- (c) Clear, colorless glass shall be used for all display windows. Plexiglas or other replacement materials instead of glass shall not be used.

K. SIGNAGE.

- (1) See Section §285-72, Signage, of this Chapter for guidance on the design, size and location of all signs affixed to buildings.



Mixed-use building with commercial storefront.



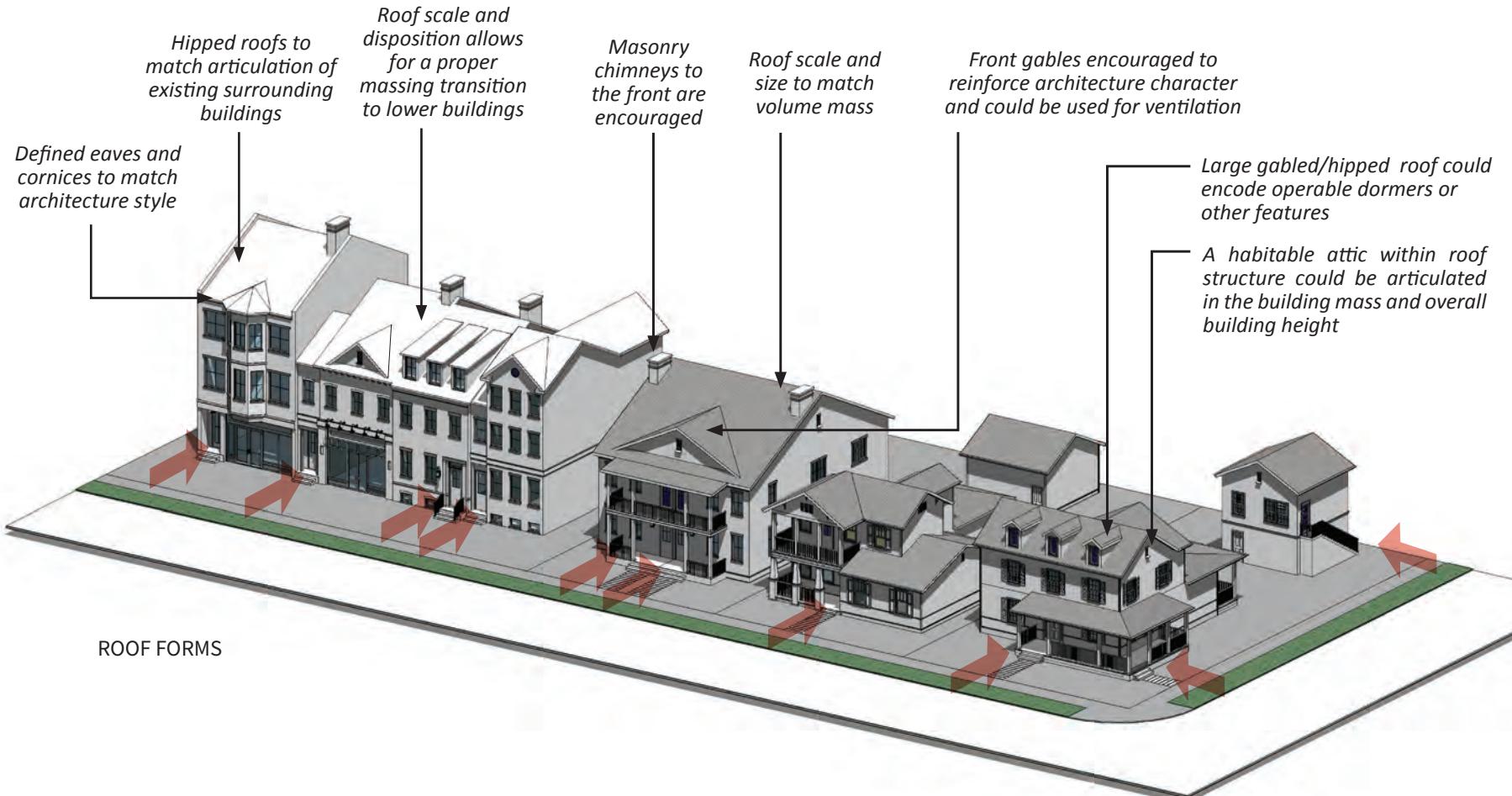
Mixed-use building with commercial storefront.

L. ROOF FORMS.

- (1) Context. Roof form and shape play an important role in determining the character of a building.
- (2) Roofs shall complement adjacent buildings through height, pitch, step-backs or other design features.
- (3) Roof forms in lower density neighborhoods should be designed to reduce the overall scale of the building, provide variation in building design and strengthen the attractiveness of the building. Visual interest may be created through the use of sloped and pitched roofs with dormers, gables, or and other articulations oriented to the primary street frontage.
- (4) In the City's urban neighborhoods, many roof forms may be used including flat roofs with stepped or sloped parapets and sloped roofs with stylistically appropriate overhangs. The use of cornices or eave treatments are recommended to help define the transition between the wall plane and the roof. These treatments should have overhangs and not be flush to the building. Towers or feature roofs may be used on a limited basis for architectural emphasis.
- (5) Large roof surfaces shall be interrupted by roof features or changes in roof form to reduce the perception of large-scale buildings. Dormers should be used to lower roof lines while maintaining usable floor area. Height variations with architectural elements including cornices and parapets are encouraged to create interesting and varied rooflines.
- (6) Mansard-style roof-lines used only on a principal façade and that do not wrap around the whole building are prohibited.

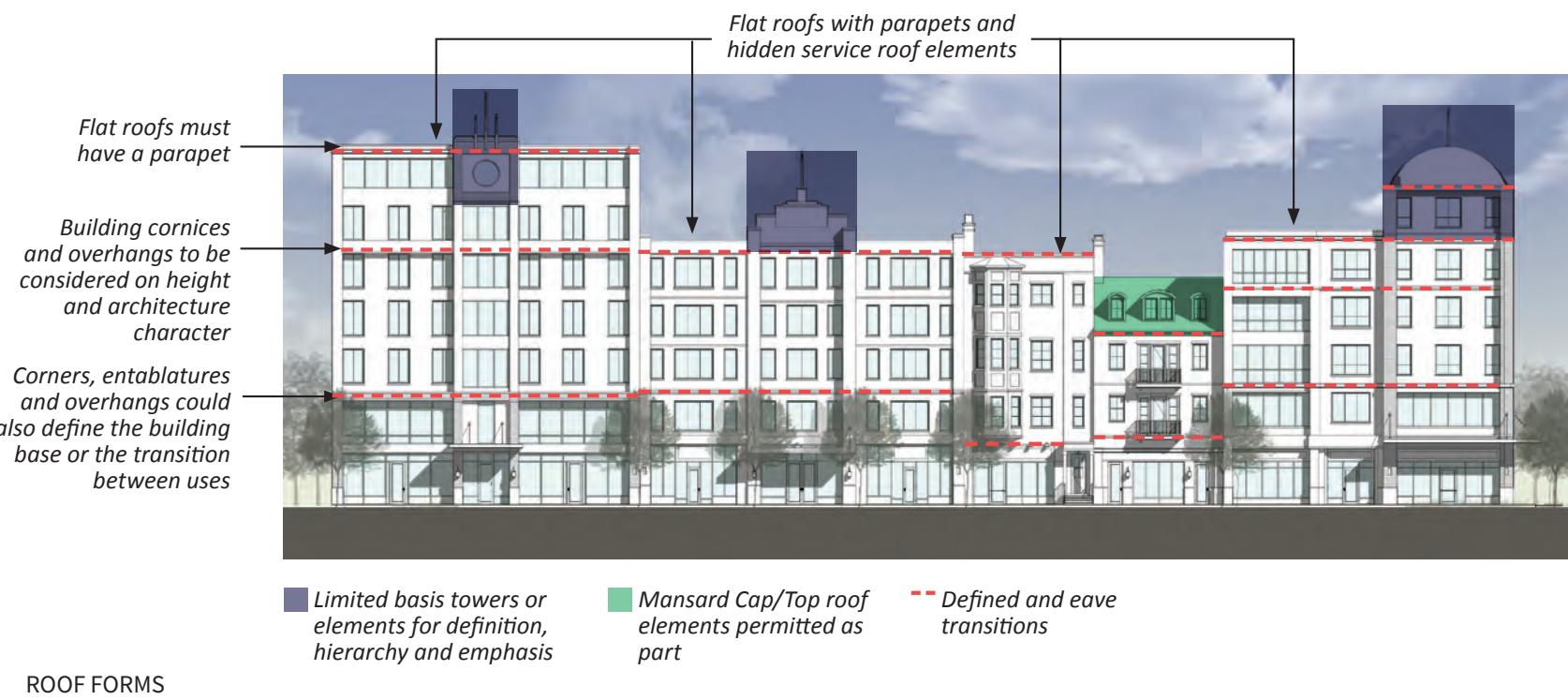
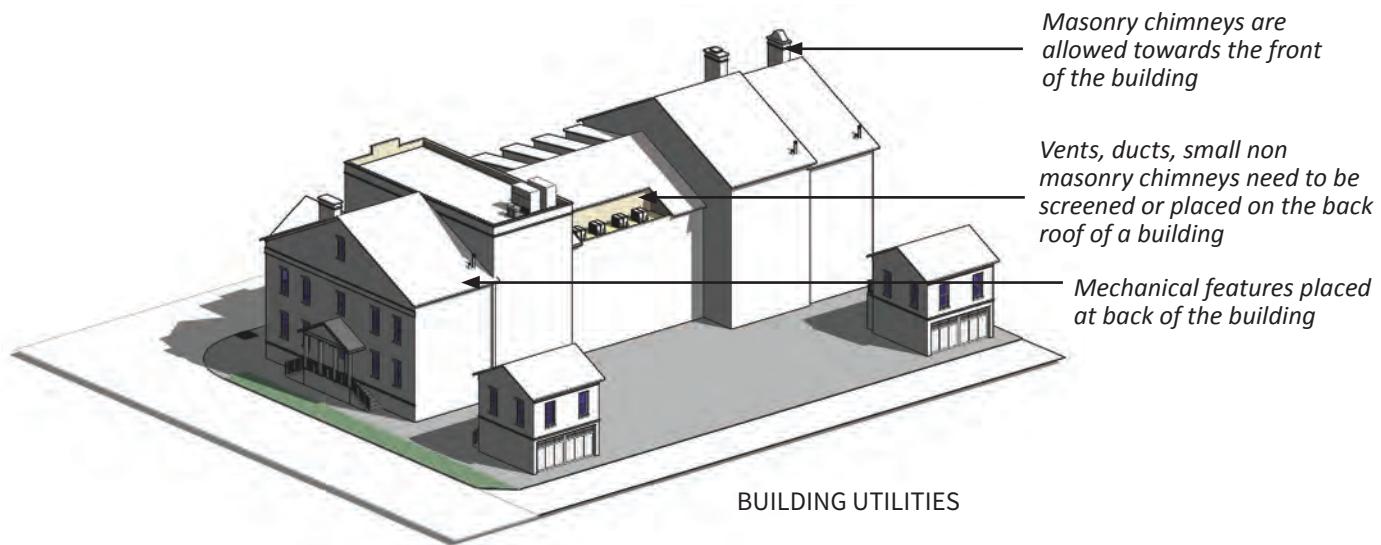


Variation in urban residential roofline.



M. BUILDING UTILITIES; ROOFTOP MECHANICAL FEATURES.

- (1) Air conditioners, vents, chimneys, and other utility elements, etc., except where such elements are enclosed, camouflaged, screened, or obscured, are not permitted on the principal façade of a building.
- (2) Security devices such as coiling shutters and accordion gates are not permitted on the principal façade of a building.
- (3) Rooftop mechanical features shall be set back from the edges of roofs and screened vertically from view through use of parapet walls or similar features. All electrical wiring shall be concealed rather than visible in exposed conduit wherever feasible.



N. BUILDING MATERIALS.

- (1) Building façade materials for new construction should complement adjacent façades to reinforce the surrounding context rather than attempt to stand out from it.
- (2) For rehabilitation or restoration projects, building materials and details should be retained and restored in similar material and form. When it becomes necessary to introduce new features, they should be visually compatible with the existing features. If an earlier improvement to the original structure was not done in a way that respects the architectural integrity of the building, or does not maintain visual compatibility with adjacent structures, the incompatible improvement should be reversed and corrected when alterations or repairs to that component are undertaken.
- (3) In the the Downtown Core and Downtown Edge Development Intensity Zones, high-quality materials such as brick, stone or wood are expected.
- (4) Vinyl, aluminum, and stucco applied over foam (EIFS) building façade materials shall not be used in the Downtown Core Development Intensity Zone and may only be used above the first story above grade plane of mixed use and high traffic commercial areas in Development Intensity Zones Neighborhood IV, Neighborhood V and Downtown Edge.

O. BUILDING LIGHTING.

- (1) All lighting shall meet the standards of Section §285-68, Outdoor Lighting Standards.
- (2) Building façades facing a public right-of-way shall be illuminated for safety purposes and to highlight architectural design elements. The illumination of display windows as a form of lighting is encouraged in the Downtown and Downtown Edge Development Intensity Zones.
- (3) Adequate lighting shall be provided for any parking areas or pedestrian walkways located in the rear of a building.
- (4) High intensity fixtures should be avoided in favor of ornamental lighting.

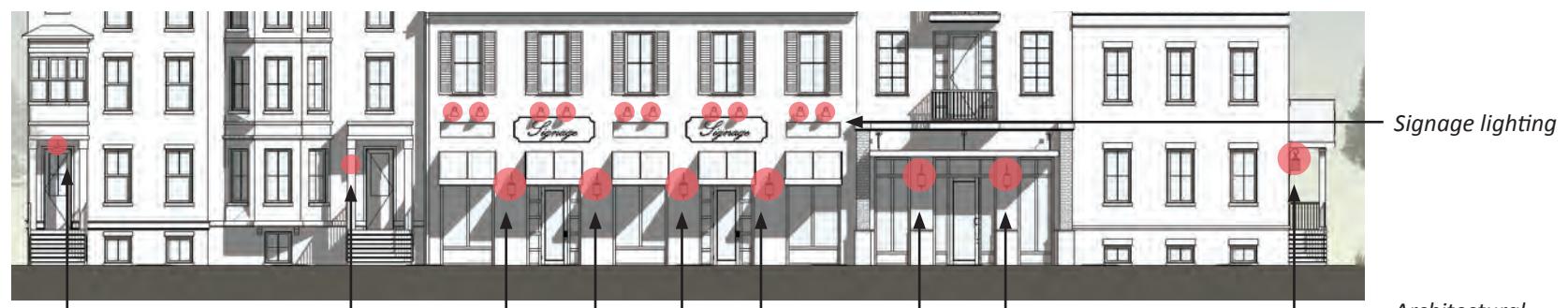


Lighting - example 1

Lighting - example 2

Lighting - example 3

Lighting - example 4



Signage lighting

Architectural lighting - coach or pendant lights



Illuminated window displays



BUILDING LIGHTING

ARTICLE X: ESTABLISHING PLANNED DEVELOPMENT DISTRICTS

§285-77. Purpose and intent.

- A. Planned Development Districts shall have unique characteristics and circumstances of geography, topography, surrounding development, special goals and objectives of the community, and special factors pertaining to public health and safety, permanence of buildings, aesthetics, and intrinsic as well as extrinsic values of property.
- B. The Planned Development District regulations and procedures may apply to parcels of relatively small size as well as large scale development, depending upon the nature of the proposed uses and improvements and their relationship with other surrounding uses and the overall characteristics of the area's location.
- C. Planned Development Districts are intended to encourage innovations in land development and renewal techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design, and layout of sites and buildings, and by the conservation and more efficient use of open spaces and other amenities generally enhancing community life.
- D. Applications shall support sustainable land use and development practices and efficient use of land, public services, and utilities.
- E. Projects intending to meet an underserved need in the community or to benefit the community at large are encouraged.

§285-78. Planned Development District proposals.

- A. A Planned Development District may be proposed by a private person or entity, the Planning Commission, City Staff, the City Council, or by any other public body, public benefit corporation, development agency, or government, whether or not the actual development of the proposal is to be carried out by the proponent or under sponsorship of the proponent.
- B. Any person, corporation, partnership, or association having an ownership interest in a proposed district, or any group of owners united in interest, acting jointly and pursuant to any agreement to carry out the proposal in separate ownership, may propose a Planned Development District in accordance with the procedures hereinafter established.
- C. A parcel, parcels, district, or site proposed for planned development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners indicate their express intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the City.

§285-79. Criteria for consideration of Planned Development District proposals.

A. The following criteria shall be addressed by the applicant and considered by the Planning Department (and other City Departments as consulted) and the Planning Commission for all Planned Development District proposals:

- (1) That the proposal substantially conforms with the City's Comprehensive Plan and other adopted plans, regional comprehensive plans, and with other manifest expressions of municipal development policy.
- (2) That there is a need for the proposed development in the proposed location and that there is a reasonable probability of economic success.
- (3) That the existing character of the neighborhood will not be adversely affected and that adequate safeguards are provided to limit possible detrimental effects of the proposed development on adjacent properties and on the neighborhood in general.
- (4) That there is ample provision for water, sewer, storm and surface water drainage, and other utilities.
- (5) That there is adequate availability of schools, police and fire protection, parks and recreational facilities, and other community facilities and public services.
- (6) That there are no social, economic, or cultural consequences likely to follow the proposed development that are not consistent with desirable community standards or public policy.
- (7) That natural areas are maintained and protected as part of the proposed development.
- (8) That the location, height, and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspectives in the vicinity.
- (9) That careful attention has been given to the patterns of pedestrian and bicycle circulation and to the effective use and design of open spaces, landscaping, and amenities.
- (10) That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located relative to the uses and structures to be served, and that there are no conflicts between vehicular traffic and the other uses and activities proposed.
- (11) That the proposed installation of driveways, lighting, signs, landscaping, fencing, screening, and other site details are generally in harmony with the proposed structures, with adjacent properties, with the rights and interests of the general public, and with

the design qualities and objectives suggested by this Ordinance and the Planning Commission.

(12) That the proposed development and its facilities meet or exceed the accessibility standards of the Americans with Disabilities Act.

§285-80. Planned Development District proposal procedure.

- A. Establishment of a Planned Development District requires an amendment to this Ordinance and the Maps established by this Chapter. Amendments are discretionary acts of the City Council.
- B. Before any Subdivision Approval, Site Plan Approval, or Building Permit may be issued by the Planning Commission or any other City Department, the developer or the authorized agent of the developer shall apply for and secure approval of the Planned Development District in accordance with the procedures of this Section.
- C. Planned Development District proposals should be made at the earliest planning stage practical to allow time for a complete evaluation and to allow for the consideration of alternative plans or methods, as well as to assess the full impact and consequences of the proposal and to formulate modifications or conditions as may be needed. The Planning Commission with the approval of the City Council, or the City Council itself, may promulgate such guidelines, rules, and regulations as may be deemed necessary for the orderly presentation and processing of a Planned Development District proposal in addition to those contained in this Article. Such guidelines also may establish permanent or temporary priorities regarding the type, location, or scale of Planned Development District proposals.
- D. All proposals for Planned Development Districts shall be submitted directly to the Planning Commission through the City Planning Department.
- E. Proposals shall include information regarding the proposed mix of uses, development density and scale, infrastructure improvements, community amenities, and retained natural areas. A sketch plan drawn to scale is recommended. The City Planning Department may request additional information including but not limited to:
 - (1) Delineation of the various residential areas, indicating for each area:
 - (a) General extent, size, and composition in terms of total number of dwelling units.
 - (b) Approximate percentage allocation by dwelling unit type (i.e., single-family, two-family, townhouse, multi-family).
 - (c) Description of the intended market structure.
 - (2) All development height and bulk standards and a calculation of the percent of permeable area.

- (3) The location of any nonresidential uses and the approximate square footage of all nonresidential uses.
- (4) The general outlines of all interior roadways and sidewalk systems, intended road ownership, and all existing rights-of-way and easements, whether public or private.
- (5) Delineation of open space, trails, and recreational areas.
- (6) The overall drainage system.
- (7) A topographic map.
- (8) A location map showing existing uses and names of owners of abutting lands.
- (9) Evidence of how the developer's proposed mix of land uses meets existing community demands.
- (10) A general statement as to how common open space is to be owned and maintained.
- (11) If the development is to be phased, a general indication of how the phasing is to proceed.
- (12) Evidence of the applicant's financial competence to carry out the plan.

F. The City Planning Department, or professional planning consultants, as the case may be, shall prepare a professional opinion regarding the verification of data shown in the proposal, the proposal's relationship with this Ordinance and with the Comprehensive Plan, the possible effects of the proposal upon the surrounding properties, the general harmony with the essential character of the area, the aesthetic and design qualities of the proposal, and such other factors or considerations as may be appropriate in considering the merits of the proposal.

G. After submission of all final plans and specifications for the proposed Planned Development District, and upon deeming the application to be complete, the Planning Commission shall cause the matter to be placed on the Commission's agenda and noticed for public hearing. The Planning Commission shall conduct a public hearing on the proposed Planned Development District. The hearing shall be held within sixty-two (62) days after the date the Planning Commission determines that the application for the Planned Development District is complete.

H. Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised on the City's website for the ten (10) day period immediately prior to the public hearing.

- I. Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least ten (10) days before the public hearing.
- J. At least ten (10) days before the public hearing, a copy of the notice of public hearing shall be mailed through the United States Postal Service by first class mail to the owners of all parcels of property within 125 feet of the boundary lines of the property for which the application has been made, including parcels in every direction. The notice of public hearing shall be mailed to owners of parcels beyond 125 feet from the boundary lines of the property for which the application has been made as the Commission may prescribe in particular cases. The neighboring property owners shall be identified as listed on the most recent City Assessor's roll and notified at the addresses thereon.
- K. At least seven (7) days prior to the hearing to be conducted for the application, the proposer shall post copies of the notice of public hearing at no less than two visually conspicuous locations on the property that is the subject of the application at places where passersby may read the notice. A corner parcel must be posted in at least two directions. The proposer shall make reasonable efforts to replace postings that are removed or substantially damaged. Failure to post copies of the public notice as required herein or to file proof of posting as required by this Chapter shall result in postponement of the hearing on the application until the posting requirements are met.
- L. After hearing the proposer and all interested persons, the Planning Commission shall consider the proposal and make findings based on the criteria of §285-79.
- M. In considering the final plans and specifications for a development in a Planned Development District, the requirements for land use, siting of buildings, building heights and other bulk, density, or parcel specifications of this Chapter, and other physical requirements of this Chapter, shall be observed as general guidelines, which may be more or less restrictive in accordance with the recommendations of the City's planning staff or planning consultant, or in accordance with criteria or guidelines promulgated or adopted by the City Council.
- N. Final plans for the proposed Planned Development District shall include the proposed requirements for land use and lot development and shall reflect a level of detail similar to the permitted uses and lot development standards of the Use Districts and Development Intensity Zones established by this Chapter.
- O. Within sixty-two (62) days of the public hearing, the Planning Commission shall determine the application by voting upon a resolution unless both the applicant and the Planning Commission consent to an extension.
- P. If the Planning Commission adopts a resolution recommending to the City Council that the parcel be rezoned to the designated Planned Development District, the resolution will take the form of one the following:
 1. The Planning Commission's resolution may include all necessary approvals including Site Plan approval to proceed with securing necessary building permits and other related

construction permits if the City Council approves the proposed Planned Development District; or

2. The Planning Commission's resolution may recommend approval of the Planned Development District, with the proviso that the proposal still require further Site Plan review and approval by the Planning Commission if the City Council should approve the proposed Planned Development District.

Q. Whether it recommends or disapproves the proposal, the Planning Commission shall transmit its resolution and all other supporting materials related to the proposal to the City Council. A resolution recommending approval shall specify any conditions, restrictions, or limitations that the Planning Commission deems requisite to its recommendation.

R. If the Planning Commission declines to recommend rezoning for the proposed Planned Development District, or in the event that the Planning Commission does not act upon the proposal within sixty-two (62) days after the date of the public hearing or within any further period extended on mutual consent, the proponent may submit the proposal directly to the City Council with a request that the Council consider the proposal on its own motion, or as a deemed approval of the proposed amendment under §285-93. The proponent shall fully disclose to the City Council all of the known reasons for the Planning Commission's failure or refusal to approve the proposal. Before taking final action on the proposed amendment, the City Council shall hear and consider any statements or opinions of the Planning Commission as to the merits of the proposal and the reasons for its failure or refusal to approve.

§285-81. Procedures before the City Council.

- A. Upon receipt of a resolution of the Planning Commission recommending an amendment to this Ordinance to establish a Planned Development District, the Council in its discretion may proceed to take up the proposed amendment in accordance with the provisions of Article XII of this Chapter.
- B. If the proposal for the Planned Development District is substantially changed after the date of the Planning Commission recommendation, the Council may refer the changed proposal back to the Planning Commission for further consideration as the Council deems necessary and appropriate.

§285-82. Expiration or abandonment.

- A. A proponent of a Planned Development District previously approved under former Chapter 285 shall have 24 months from the effective date of this Chapter to secure Site Plan approval from the Planning Commission. If Site Plan approval is not granted within 24 months from the effective date of this Chapter, the City Council on its own motion may adopt an amendment pursuant to Article XII that rezones the Planned Development District to the

underlying Use District and Development Intensity Zone as provided on the Use District and Development Intensity Zone Maps of this Chapter.

- B. The City Council may on its own motion adopt an amendment pursuant to Article XII that rezones an approved Planned Development District to the underlying Use District and Development Intensity Zone as provided on the Use District and Development Intensity Zone Maps of this Chapter if construction permitting or Site Plan approval have not been commenced and diligently pursued within twenty-four (24) months from the date when the final plans and specifications were approved by either: the City Council if no further Planning Commission approvals were required; or the Planning Commission, if further Site Plan review was required after the approval of the Planned Development District.
- C. The owners of the parcels within a Planned Development District may seek abandonment of the District at any time. Upon their request, the City Council may on its own motion adopt an amendment pursuant to Article XII that rezones the Planned Development District to the underlying Use District and Development Intensity Zone as provided on the Use District and Development Intensity Zone Maps of this Chapter.

§285-83. Changes and amendments.

- A. Any changes to an approved Planned Development District that are exempt from Site Plan Review pursuant to §285-15 may be approved by the City Planning Department without further approval from the Planning Commission or City Council.
- B. Minor changes or amendments to an approved Planned Development District may be reviewed and acted upon by the Planning Commission through the Site Plan Review process.
- C. Other more substantial changes or amendments to an approved Planned Development District that require City Council approval shall still be reviewed by the Planning Commission, but such changes or amendments shall not become effective until approved by the City Council in accordance with the Amendment provisions of Article XII of this Chapter.

ARTICLE XI: NONCONFORMING LOTS, STRUCTURES, AND USES

§285-84. Purpose.

It is the purpose of this Article to provide for the regulation of legally nonconforming uses, lots of record, and structures, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

§285-85. Nonconforming lots of record.

- A. If an existing lot of record on or after the effective date of this Chapter is nonconforming, an area variance to waive lot dimensional requirements is not required in order for a building permit to be secured provided, however, that such lot does not adjoin other lots in the same ownership.
- B. All such adjoining lots in the same ownership shall be treated together as one lot when a lot is nonconforming. Undeveloped lots shall be merged. One developed lot and one undeveloped lot shall be merged. Two developed lots are not required to be merged.
- C. New structures may be built on a nonconforming lot legally existing prior to the effective date of this Chapter so long as such new buildings or structures comply with all of the regulations of the Development Intensity Zone in which the nonconforming lot is located as provided in Article V.
- D. Lawfully existing structures located on nonconforming lots may be moved, expanded, enlarged, or replaced without a variance, as long as such change complies with all of the regulations of the Development Intensity Zone in which the nonconforming lot is located as provided in Article V.

§285-86. Nonconforming structures.

- A. Structures existing at the time of the effective date of this Chapter may continue to be used.
- B. Any building or structure, for which a valid Building Permit was lawfully issued prior to the effective date of this Chapter, may be completed and used in accordance with the plans and specifications for such building or structure.
- C. Re-establishment of nonconforming structures.
 - (1) A nonconforming structure located on the Hudson River waterfront or other waterbody shall meet the standards for rebuilding in §285-45 and §285-75.
 - (2) Except as provided in Subsection C(1) above, a non-conforming structure damaged or destroyed by fire, flood, wind, or other natural disaster, may be rebuilt in the same footprint although it may be nonconforming, provided that the requirements for building

height and other architectural development standards of Article IX of this Chapter are met. Such rebuilding shall require Site Plan Review for all uses except single-family and two-family dwellings. The restoration or rebuilding shall be commenced with a Building Permit within twelve (12) calendar months of such damage or destruction and be completed within twenty-four (24) calendar months.

§285-87. Nonconforming uses.

- A. Any nonconforming use that existed lawfully at the time of the effective date of this Chapter may be continued subject to the following provisions.
 - (1) Expansion.
 - (a) A nonconforming use that existed at the time of the effective date of this Chapter may be expanded within any portion of the existing structure in which it is located, upon Site Plan Approval from the Planning Commission. A nonconforming use shall not be expanded beyond the area of the existing structure in which the use is located unless granted a Use Variance from the Zoning Board of Appeals.
 - (b) A nonconforming use or activity conducted or operated outside may not be expanded.
 - (2) Change of Use. A nonconforming use shall not be changed to any other nonconforming use.
 - (3) Replacement. If a nonconforming use is replaced by another use, such use shall conform to the regulations of the Use District in which it is located.
- B. Destruction and restoration. If any structure in which a nonconforming use is conducted is hereafter damaged, removed, or destroyed by fire, wind, explosion, or other natural cause, to the extent of 75% or less of its fair market value at the time of such damage, application for a Building Permit for reconstruction or restoration of such structure to resume the nonconforming use shall be made within one year and the structure for the nonconforming use shall be constructed within one additional year unless the permit is renewed.
- C. Any pre-existing legal use that is allowable by Special Use Permit under this Chapter, but for which a Special Use Permit has not been issued, shall be considered a permitted use. The expansion of such a use, other than a single-family or two-family dwelling, shall require Site Plan Approval, unless such expansion has been permitted by a prior Site Plan Approval.

§285-88. Discontinuance of nonconforming uses.

- A. Whenever a nonconforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be restarted except as provided above in §285-87 B. Such use

shall not be considered continuous unless there is proof of active use for at least sixty (60) days within each and every twelve (12) month period.

B. A nonconforming use shall be deemed to have been discontinued if it is changed to a conforming use.

§285-89. Improvements of nonconforming uses and structures.

A. Nonconforming uses and structures shall be maintained and shall not be allowed to pose a danger to the health, safety, or general welfare of the public.

B. A building within which there is a nonconforming use may be improved if the proposed improvements result in enhancing the compatibility of the building with its surroundings. All improvements to the exterior appearance and improvements to the grounds shall require Site Plan Review.

ARTICLE XII: AMENDMENTS

§285-90. Purpose.

This article sets forth the procedural requirements for amending this Chapter. Amendments include but are not limited to map amendments, ordinance modifications, revisions, or adoption of a new ordinance.

§285-91. Initiation of amendments.

- A. The City Council may from time to time on its own motion or on petition amend, supplement, repeal, or change the regulations and District and Zone boundaries established by this Chapter.
- B. As required by §83(1) of the General City Law, whenever the owners of fifty percent or more of the frontage in any District or Zone, or part thereof, shall present a petition, duly signed and acknowledged, to the City Council requesting an amendment, supplement, change, or repeal of the regulations prescribed for that District or Zone, or part thereof, the City Council shall vote upon the petition within ninety (90) days after the petition is filed by the petitioners with the Clerk of the City Council.
- C. The Planning Commission may, by resolution, propose an amendment, supplement, change, or repeal of the regulations of this Chapter to the City Council. Proposals initiated by the Planning Commission may be taken up by the City Council in its discretion and in accordance with its legislative procedures.

§285-92. Application and fees.

- A. No application or fee shall be required in case of a public petition presented to the City Council, under §285-91 B or otherwise, for an amendment or other change to this Chapter, or in case of a legislative proposal received from a member of the City Council, the Planning Commission, or other City officer or agency acting within their official capacity.
- B. In other cases, a person requesting an amendment, supplement, repeal, or change to the regulations or District or Zone boundaries established by this Chapter shall file an application in the Office of the City Clerk accompanied by the non-refundable fee established by resolution of the City Council to help defray the cost of processing the application.

§285-93. Referral to Planning Commission.

Proposed amendments to the regulations or District or Zone boundaries established by this Chapter shall be referred to the Planning Commission for report and recommendation as required by Chapter 71 of the City Code, except for those amendments initiated by the Planning Commission or previously considered by the Planning Commission. The Planning Commission shall submit its report and recommendation to the City Council within sixty-two (62) days after the referral or within any extended period specified in the referral or as the Council otherwise may require.

Failure of the Planning Commission to report within the required time shall be deemed an approval of the proposed amendment. The City Council shall not take final action on a referred matter until the Commission has made its report thereon or the time within which the Commission was required to report has expired.

§285-94. Notice and public hearing.

- A. No amendment, supplement, repeal or change to the regulations or Use District and Development Intensity Zone boundaries established by this Chapter shall be enacted by the City Council without a duly noticed public hearing having been held thereon as provided herein. The public hearing shall be held by the City Council, unless the Council directs that a committee of the Council or the Planning Commission hold the hearing.
- B. Unless the City Council selects a different date, the public hearing shall be scheduled to be held on the date of the next regular City Council meeting following the meeting at which the proposed ordinance or amendment was introduced. Subject to the notice requirements herein, the public hearing may be adjourned or continued as the Council deems necessary and appropriate, but no action may be taken on the proposed ordinance or amendment until the hearing is concluded.
- C. Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised in the City's official newspaper or, if there is none, in a newspaper of general circulation in the City at least ten (10) days before the public hearing. The notice shall set forth the substance of the proposed amendment in abbreviated form and shall refer the public to the City's website where the complete text of the proposed ordinance or amendment shall be published.
- D. Notice of the public hearing, including the date, time, place, and subject of the hearing, shall be advertised on the City's website for the ten (10) day period immediately prior to the public hearing. The complete text of the proposed ordinance or amendment shall be published on the City's website.
- E. In addition to the foregoing notice requirements, the City Council may direct that other and further notice be given as it deems appropriate in the particular circumstances of the proposed amendment, including without limitation circumstances such as: the scope of the proposed legislative changes to the ordinance; the extent and intensity of expected public interest; the size of the area and number of parcels affected by the proposed changes; the number and interests of property owners located around or adjacent to the affected parcels; and the type of use to be permitted by the proposed amendment. When the Council directs that other and further notice of the public hearing shall be given, it shall specify the forms of notice (for example, notice by mail, notice by public posting) and designate the area within which property owners and other interested persons shall be afforded the additional notice, and shall further determine the particular manner in which the notice shall be given and the persons to be notified.

§285-95. Referral to County Planning Department.

A proposed amendment to this Ordinance shall be referred to the Rensselaer County Planning Department as required by and in accordance with the provisions of §239-m of the General Municipal Law and §285-9 of this Chapter. No final action on the proposed amendment may be taken until the County Planning Department shall have reported its recommendations or until 30 days after the County Planning Department received a full statement of the proposed action, or such longer period as may have been agreed upon by the Department and the City's referring body.

§285-96. Adoption.

A. An amendment shall be adopted by a simple majority vote of the City Council, except that an amendment shall require the approval of at least three-fourths of the members of the Council in the event the amendment is the subject of a written protest, presented to the Council and signed by:

- (1) The owners of 20% or more of the land area included in such proposed change; or
- (2) The owners of 20% or more of the area of land immediately adjacent to the land included in such proposed change, extending 100 feet therefrom; or
- (3) The owners of 20% or more of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.

ARTICLE XIII: DEFINITIONS

§285-97. Use of words and terms.

- A. Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings.
- B. Unless the context clearly indicates the contrary, words used in the present tense includes the future, the singular number includes the plural, and the plural the singular.
- C. The word "person" includes a profit or non-profit corporation, company, partnership, or individual.
- D. Where the words "lot," "plot," "parcel," "tract of land," or "premises" are used, the use of one shall include the others.
- E. The word "structure" includes the word "building."
- F. The word "used" refers to the actual fact that a lot or land, building or structure is being occupied or maintained for a particular use. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- G. The word "shall" is mandatory and not directory.

§285-98. Definitions of words and terms.

- A. For the purposes of this chapter certain words and terms are defined as follows:

ACCESSORY DWELLING UNIT -- A secondary dwelling unit, established in conjunction with, and clearly subordinate to, a primary dwelling unit.

ACCESSORY USE -- A use that is customarily incidental and subordinate to the principal use on a lot, and located on the same lot, except where superficially provided. An accessory use may not be accessory to another accessory use.

ACCESSORY STRUCTURE -- Any structure affixed to the land or movable that is customarily incidental, subordinate to, and associated with, a permitted principal structure.

ADULT USE -- An entertainment cabaret or nightclub, motion picture theater, theatre, massage establishment as defined below:

- (1) ADULT ENTERTAINMENT CABARET -- A public or private establishment that regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, lingerie models or exotic dancers, or other similar entertainment or films, motion

pictures, digitalized compact discs or videos, slides or other photographic or digital material, or which utilizes employees that as part of their employment, regularly expose patrons to specified sexual activities or specified anatomical areas.

- (2) **ADULT THEATER** -- A theater, concert hall, auditorium, or similar establishment that for any form of consideration regularly features live performances characterized by the exposure of specified sexual activities or specified anatomical areas.
- (3) **ADULT MOTION-PICTURE THEATER** -- Any motion-picture theater where, for any form of consideration, films, motion pictures, digitalized compact discs or videocassettes, slides or other photographic or digital reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- (4) **MASSAGE ESTABLISHMENT** -- Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist, or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
- (5) **SPECIFIED SEXUAL ACTIVITIES** -- Any of the following specified activities: human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse, oral copulation, or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttocks, or breasts.

AGRICULTURE -- The production, keeping or maintenance, of plants and animals. For purposes of this Chapter this definition shall include activities related to "aquaculture," "greenhouses," "animal husbandry," commercial "urban farms" and "community gardens" that are also defined in this Chapter.

AGRICULTURE, PERSONAL ACCESSORY -- The production, keeping or maintenance, of plants and animals by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.

ALCOHOL SALES -- An establishment that sells alcoholic beverages for consumption off premises.

ALLEY -- A service way providing a secondary public means of access to abutting properties.

ALTERATIONS -- As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ALTERNATIVE ENERGY GENERATING EQUIPMENT OR FACILITY, PUBLIC --
Equipment for the collection of solar, wind, or geothermal energy or its conversion to electrical energy for use on the same property or nearby properties, or for incidental sale to a public utility, owned or operated on behalf of a municipality. See also SOLAR ENERGY SYSTEM, SMALL and WIND ENERGY SYSTEM, SMALL.

ALTERNATIVE ENERGY GENERATING EQUIPMENT OR FACILITY, ACCESSORY --
Equipment for the collection of solar, wind, or geothermal energy or its conversion to electrical energy for use on the same property or nearby properties, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. See also SOLAR ENERGY SYSTEM, SMALL and WIND ENERGY SYSTEM, SMALL.

ANIMAL DAY CARE – An establishment that provides daily pet care without overnight boarding. For purposes of this Chapter, an animal day care may include grooming services but shall not include KENNELS, ANIMAL SHELTERS, VETERINARIANS, OR VETERINARY CLINICS AND HOSPITALS.

ANIMAL HUSBANDRY -- The rearing or keeping of animals in order to sell the animals or their products, such as meat, fur or eggs, but does not include pet daycare centers, animal shelters and kennels.

ANIMAL SHELTER -- Any structure or property that houses stray, abandoned or owner-surrendered animals except for fish for impoundment purposes for future disposition including redemption, adoption, sale or facilities for the destruction and disposal of animals.

AQUACULTURE -- A use in which fish, shellfish, and other marine foods, aquatic plants, or aquatic animals are cultured or grown in fresh or salt waters in order to sell them or the products they produce.

AREA, BUILDING -- The total area of a lot covered by all buildings thereon, both principal and accessory, measured by the exterior dimensions of such buildings, but not including uncovered porches, steps, and terraces.

AREA, FLOOR -- The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, and basements, but excluding exterior balconies, unfinished basements, and attics. All horizontal dimensions of each "floor area" shall be measured by the exterior face of walls of each such floor, including the walls of roofed porches having more than one wall. The "floor area" of a building shall include the floor area of accessory buildings on the same lot, measured the same way.

AREA, LAND -- The term "land area," when referring to the required area per dwelling unit, means "net land area," the area exclusive of streets and public lands.

ASSEMBLY OR MEETING FACILITY -- A structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include but are not limited to concert halls, arenas, lecture halls, banquet and reception facilities and similar facilities. This definition excludes community centers, membership clubs or theaters.

BANQUET FACILITY -- A building or part of a building in which the principal function is hosting special occasion events, parties, banquets, and receptions, not open to the general public, that serves food and drink prepared elsewhere to groups of people on the premises, but that does not meet the definition of a bar or restaurant. This use may have facilities for refrigeration or heating of food, but generally does not have facilities to prepare the food it serves on the premises.

BAR -- A place in which the principal income is derived from the sale or serving of alcoholic beverages for consumption on the premises, with or without live entertainment. For purposes of this Chapter, this definition also applies to the term "tavern."

BASEMENT -- That space of a building that is partly below grade that has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building. For purposes of this Chapter, this definition also applies to the term "cellar."

BED AND BREAKFAST -- An owner-occupied single dwelling unit in which at least one, but not more than five, sleeping rooms are provided by the owner-occupant as overnight/lodging facilities, with or without meals, for the accommodation of transient guests.

BEDROOM -- See SLEEPING UNIT.

BICYCLE PARKING, LONG TERM -- Bicycle parking accommodating employees, students, residents, commuters, and other persons who intend to leave their bicycle parked for more than two hours. Fixtures include lockers and bicycle racks in secured areas; and are always sheltered or enclosed.

BICYCLE PARKING, SHORT TERM -- Bicycle parking accommodating visitors, customers, messengers, and other persons who intend to depart within two hours or less. Fixtures include bicycle racks that may be unsheltered.

BLOCK -- The length of a street between two intersections, excluding intersections with alleys.

BOARDING HOUSE -- See ROOMING HOUSE.

BOUTIQUE -- A small-scale retail sales establishment engaged in the sale of specialty goods, carrying selected fashions of unique merchandise of high quality and price.

BREW PUB -- An eating and drinking establishment where beer is prepared on the premises for on-site consumption. The brewing of such beer is accessory to the eating and drinking establishment. See also MICRO-BREWERY.

BUILDING -- Any roofed structure intended for the shelter, housing or enclosure of persons, animals, or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING FRONTAGE -- The percent of building façade coverage paralleling the lot line abutting the street designated as the front lot line.

BUILDING LENGTH -- The horizontal distance between the furthermost walls of a building, measured along or parallel to the axis of the longest side or greatest length.

BUILD-TO LINE -- A set building line on a lot, measured parallel from the front and/or corner side lot line, where the façade of the principal building or structure must be placed.

BULLETIN BOARD -- A sign display which advertises a periodic calendar of events scheduled to occur on the same property. Such bulletin boards have copy that is changeable at not less than weekly intervals of time. For purposes of this Chapter, the definition of bulletin board shall also include "announcement boards."

CAFÉ -- A small restaurant, coffee/tea house, or delicatessen of no more than 1,000 square feet of gross floor area where beverages and/or food are served for consumption on and/or off-premises. For purposes of this Chapter a café shall not include the on-site consumption of alcohol or cannabis.

CALIPER -- The diameter of a tree trunk.

CANNABIS ACTIVITY, COMMERCIAL -- The production, cultivation, manufacturing, processing, possession, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as defined in the NYS Marihuana Regulation and Taxation Law.

CANNABIS CULTIVATION -- The growing, cloning, harvesting, drying, curing, grading, and trimming of cannabis plants for sale to certain other categories of cannabis license- and permit-holders. For purposes of this Chapter, cannabis cultivation is a commercial agricultural use.

CANNABIS DISPENSARY -- An establishment used exclusively for the retail sale of cannabis and as otherwise defined in the NYS Marihuana Regulation and Taxation Law that is registered to operate in the State of New York.

CANNABIS PROCESSOR -- A licensee as defined and regulated by the NYS Marihuana Regulation and Taxation Law that extracts concentrated cannabis and/or compounds, blends, extracts, infuses, or otherwise manufactures concentrated cannabis or cannabis products, but not the cultivation of the cannabis contained in the cannabis product.

CANNABIS PRODUCT OR ADULT-USE CANNABIS PRODUCT -- Cannabis, concentrated cannabis, and cannabis-infused products for use by a cannabis consumer and as defined in the NYS Marihuana Regulation and Taxation Law.

CANNABIS, RETAIL SALE -- The solicitation or receipt of an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any cannabis, cannabis product, cannabinoid hemp or hemp extract product to a cannabis consumer for any purpose other than resale.

CANOPY -- A roof free of enclosing walls over an entrance to a building or structure, or over a fuel pump island. Said roof may be free standing or attached to the building or structure.

CANOPY, GASOLINE SERVICE STATION -- Any structural protective cover that is not enclosed on any of its four sides and is provided for a service area designated for the dispensing or installation of gasoline, oil, and antifreeze.

CAR WASH -- A structure or building designed for the washing, waxing, cleaning, or similar treatment of automobiles as its principal function.

CARRIAGE HOUSE -- Outbuildings that were historically utilized for housing carriages.

CATERING/CATERER -- An establishment that prepares food and meals on the premises, and such food and meals are then delivered to another location for consumption. Such use may also include the storage of catering-related supplies.

CEMETERY -- Property used for the interring of the dead. This use shall not include facilities for cremation.

CERTIFICATE OF OCCUPANCY -- A document issued by the Director of Code Enforcement allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable City codes and ordinances unless variances have been granted therefrom by the appropriate authorized Board or agency.

CLINIC -- An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

CLUB, MEMBERSHIP -- An association of persons for the promotion of some lawful nonprofit common objective, such as literature, science, politics, good fellowship, or community service, that meets periodically in a building, the use of such building being restricted to members and their guests. For purposes of this Chapter, this definition shall also apply to the term "membership lodge."

COLLEGE/UNIVERSITY -- An educational institution authorized by New York State to award associate, bachelor, masters, or doctoral degrees and theological schools. College/university may also include related ancillary facilities, such as cafeterias, restaurants, bars, retail sales, indoor/outdoor recreational facilities, research facilities and similar uses.

COMMERCIAL VEHICLE -- A vehicle with a curb weight that exceeds 8,000 pounds, or a vehicle having more than two axles, or a vehicle greater than eight feet in height.

COMMUNITY CENTER -- A not-for-profit or publicly owned facility providing community facilities such as recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

COMMUNITY GARDEN -- Land that is managed by a public or nonprofit organization or group of individuals, used to grow plants and harvest food or ornamental crops.

CONSTRUCTION YARD/CONTRACTOR'S STORAGE YARD -- A use accessory to a contracting business that stores and maintains construction equipment and other materials and facilities customarily required in the building trade by a construction contractor, such as, but not limited to: carpenters, electricians, masons, site work contractors, plumbers, HVAC technicians, or general contractors.

CONVENIENCE STORE -- A grocery retail store less than 1,500 square feet, limited to one floor, where no less than 75% of said square footage is allocated to the sale of foodstuffs including fresh fruits and vegetables.

CONVENTION/CONFERENCE CENTER -- commercial facility used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or non-profit groups that are primarily used by group members.

CULTURAL FACILITY -- A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

CUSTOMARILY INCIDENTAL -- Defined for the purposes of the definitions of accessory use and accessory structure, a structure or use that commonly accompanies or is associated with the type of principal land use that is located on the same property. For purposes of this Chapter, the term "incidental" means that the accessory use or accessory structure is subordinate to the principal land use.

DAY CARE, ADULT -- Provision of daytime care to adults whose ability to independently perform the normal activities of daily life is limited by age or physical or other impairment but who do not require the level of care provided by nursing homes or medical facilities. Said care

shall be provided for a period of time of more than three but less than twelve hours on any given day.

DAY CARE CENTER -- Any establishment, licensed pursuant to NYS Social Service Law §3, shall mean any program or facility caring for children for more than three hours per day per child in which child day care is provided by a child day care provider except those programs operating as a group family day care home, a family day care home, and a school-age childcare program.

DAY CARE, FAMILY/GROUP FAMILY -- A program, licensed pursuant to NYS Social Service Law §390, caring for children for more than three hours per day per child in which child day care is provided in a family home for up to 10 children of all ages, or up to 12 children where all of such children are over two years of age, except for those programs operating as a family day care home that care for seven or eight children. A group family day care provider may provide child day care services to two additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session.

DELICATESSEN -- An establishment selling cooked or preserved foods such as meats, prepared salads, desserts, cheeses, pickles, sandwiches, soft drinks, and other related food, generally for consumption off the premises and with a seating area that can accommodate no more than 10 patrons.

DEVELOPMENT -- The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.

DISTRIBUTION FACILITY -- A structure used for the acceptance of bulk deliveries, storage of the delivered items, and re-distribution of delivered items.

DOCK -- A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

DORMITORY -- A building utilized as a residence exclusively for students of a college, university or school.

DRIVE-THROUGH SERVICE FACILITY (or WINDOW) -- Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. Any drive-through service facility (window) is considered an accessory use. A gasoline service station is not considered a drive-through facility for purposes of this Chapter.

DRIVEWAY -- A private way providing vehicular access from a public or private road to a lot, facility, or establishment.

DRY CLEANER, SERVICE ONLY -- An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

DWELLING -- A building arranged, intended, or designed to be occupied by one or more families living independently of each other upon the premises.

DWELLING, MULTI-FAMILY -- A building containing separate living units for three or more families with or without communal amenities such as dining facilities and social spaces, fitness and recreation amenities or social programming.

DWELLING, SINGLE-FAMILY -- A building occupied for residential purposes by one family.

DWELLING, TWO-FAMILY -- A building containing separate dwelling units for two families.

DWELLING UNIT -- A building or portion thereof, providing complete housekeeping facilities for one family.

EASEMENT -- An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include but are not limited to transportation facilities, utilities, access, stormwater drainage, and solar exposure.

ENCROACHMENT -- A building element that is attached to a building that may be permitted to exist within a yard, front setback or side setback. Example building element encroachments may include balconies, porches, arcades and other architectural elements that are intended to bring the public realm closer to the building.

ENTERTAINMENT AND RECREATION FACILITY, COMMERCIAL -- Any area of land or water, including any building or group of buildings, open to use by or catering to the general public, where recreational, athletic or entertainment facilities are provided, and operated primarily for profit. Commercial entertainment and recreation facilities shall include, but are not limited to: theaters, live entertainment venues, movie theaters, bowling alleys, video arcades, skating rinks, rock climbing, batting cages, golf and miniature golf courses, indoor sports facilities with amenities such as artificial turf and courts for rent or lease. Entertainment and recreational facilities shall not include adult entertainment businesses, night clubs, shooting ranges or moto-cross tracks.

ESSENTIAL COMMUNITY SERVICES AND FACILITIES -- Basic uses and services usually furnished by local government essential to the support of the community including municipal offices and buildings, community centers, emergency services such as ambulance, fire and police protection, water supply and sewage treatment facilities, and refuse collection. This definition does not include public utilities.

FAMILY --

- (1) One of the following:
 - (a) Up to four persons occupying a dwelling unit; or
 - (b) Five or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
- (2) It shall be presumptive evidence that five or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- (3) In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
 - (a) The group is one that in theory, size, appearance, structure and function resembles a traditional family unit;
 - (b) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
 - (c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
 - (d) The group is permanent and stable. Evidence of such permanency and stability may include:
 - [1] The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - [2] Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
 - [3] Members of the household are employed in the area;
 - [4] The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
 - [5] There is common ownership of furniture and appliances among the members of the household; and
 - [6] The group is not transient or temporary in nature.
 - (e) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FARMERS MARKET -- See OPEN AIR MARKET.

FAST-FOOD AND BEVERAGE ESTABLISHMENT -- An establishment whose principal business is the sale of preprepared or rapidly prepared food and/or beverages directly to the customer in a ready-to-consume state for consumption either within the building, in vehicles on the premises, or off the premises.

FEATHER FLAG -- A sign that is a vertically oriented banner attached to a single pole allowing the fabric to hang loose at one, two, or three of the four corners.

FENCE -- Any artificially constructed barrier constructed of any material or combination of materials erected to enclose or screen areas of land from view.

FINANCIAL INSTITUTION -- A building or structure utilized for the direct transactional services to the public, including the maintenance of checking and savings accounts, certificates of deposits, etc., and the providing of related incidental financial services associated with a bank.

FITNESS, HEALTH CLUB or SPA -- A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and that can be open only to bona fide members and guests of the organization or open to the public for a fee.

FOOTCANDLE -- A unit of illumination produced on a surface, all points of which are one foot from a uniform point source equivalent to one candle in brightness of illumination. Footcandle measurements shall be made with a photometric light meter and with a specified horizontal orientation.

FOUNDATION -- A system of components that are controlled by the Uniform Building Code of New York State. These components are required to be capable of accommodating all loads according to the same Code. This accommodation also includes transmission of the resulting loads to the soil.

FRATERNITY HOUSE or SORORITY HOUSE -- A building used and occupied by a fraternity or sorority composed of college or university students and containing and providing domestic dwelling and/or social facilities and services thereto.

FREIGHT TERMINAL -- A facility for freight pick-up, transfer, or distribution by rail, truck or water.

FRONTAGE -- See "LOT LINE, FRONT."

FUEL PUMP -- A dispenser used to pump gasoline, diesel, ethanol fuel, biofuels, or other types of fuel into vehicles or appropriate containers.

FUEL PUMP ISLAND -- A structure consisting of fuel dispensers, refuse containers, automated payment points, safety bollards, and other related appurtenances.

FULL CUTOFF OR FULL SHIELDED TYPE FIXTURE -- An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

FUNERAL HOME -- A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE, PRIVATE -- An accessory building or part of a principal building intended primarily for the permitted storage of motor vehicles belonging to the owner or occupant of the building.

GASOLINE SERVICE STATION -- Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental. A gas station may include the sale of propane or kerosene as accessory uses.

GIFT SHOP -- A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

GRADE, ESTABLISHED STREET -- The permanent established elevation of the center line of a street in front of the midpoint of the lot.

GRADE, FINISHED -- The finished grade at any point along the wall of a building shall be the elevation of the completed surfaces of the lawns, walkways and roads adjoining the wall at that point.

GREENHOUSE -- A temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

GREENHOUSE, COMMERCIAL -- A greenhouse used to cultivate plants for the purposes of selling the plants or produce grown.

GREENWAY -- A linear open space established along either a natural or manmade corridor, such a riverfront, stream valley or ridge line, abandoned railroad tracks, converted to recreational use, a canal, a scenic road or other route, any natural or landscaped course for pedestrian or bicycle passage.

GROCERY STORE -- A retail establishment where no less than 75% of retail space is allocated to the sale of foodstuffs and 7% of all retail space is dedicated to the sale of fresh produce.

GROSS FLOOR AREA -- The aggregate floor area of an entire building or structure enclosed by and including the surrounding exterior walls.

HAZARDOUS MATERIAL-- Includes any of the following:

- (1) Petroleum.
- (2) Any substance or combination of substances designated as a hazardous substance under Section 311 of the Federal Water Pollution Control Act (33 USC 1321).
- (3) Any substance listed by the NYS DEC that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly stored or otherwise managed.

HAZARDOUS WASTE -- All materials or chemicals listed as hazardous wastes pursuant to Article 27 of the Environmental Conservation Law (ECL), and all toxic pollutants as defined in subdivision nineteen of Section 17-0105 of the ECL.

HEIGHT, BUILDING or STRUCTURE -- The vertical distance from the highest point of a structure to the lowest point of either the natural or finished grade

HOOKAH -- A smoking pipe consisting of one or more Hookah tubes connected to a container of water or other liquid through which smoke is drawn and cooled. Hookahs can be used to smoke both tobacco and non-tobacco products.

HOME-BASED BUSINESS -- An occupation, profession, or activity carried out for gain that is clearly a customary, incidental, and secondary use of a residential dwelling unit.

HOSPITAL/MEDICAL CENTER -- A duly licensed institution providing medical or surgical care and treatment for the sick and injured. A hospital or medical center includes related ancillary facilities, such as laboratories, outpatient clinics, cafeterias, gifts shops, training facilities, classrooms, and offices integral to function of the facility

HOTEL -- A facility offering transient lodging accommodations on a daily rate to the general public. It may provide additional services such as restaurants, meeting rooms, and recreational facilities. For purposes of this Chapter, this definition shall also apply to the term "inn" or "hostel."

INDUSTRY, CRAFT -- The craft industry encompasses goods that are generally handmade by artisans or those skilled in a particular trade, although machinery may be used. Small businesses engaged in the craft trade may include but are not limited to art galleries, handmade textiles, woodworking, and culinary products. For purposes of this Chapter this shall also include the terms "artisan industry."

IMPERVIOUS SURFACE -- Any hard-surfaced, human-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas (paved or gravel), sidewalks, patios and paved recreation areas.

IMPERVIOUS SURFACE COVERAGE -- The percentage of the area of a lot that is covered by impervious surface.

INDUSTRY, HEAVY -- The processing, manufacturing or compounding of materials, products, or energy or any industrial activities that because of their scale or method of operation regularly produce, noise, heat, glare, dust, smoke, fumes, odors, vibration, or other external impacts detectable beyond the lot lines of the property.

INDUSTRY, LIGHT -- The processing or manufacturing of finished products or parts from previously prepared products or parts provided that all processes are contained entirely within a fully enclosed building including any heat, glare, dust, smoke, fumes, odors, or vibrations. Light industry may include the fabrication, assembly, treatment, and packaging of such products; the manufacture of electronic instruments, preparation of food products and alcoholic beverages, pharmaceutical manufacturing, research and scientific laboratories; and incidental storage, sales, and distribution of such products.

INN -- See HOTEL.

KENNEL -- Any establishment where four or more dogs, cats and/or other animals (not including livestock) are cared for or sheltered for the purpose of sale, breeding, training or exhibition, or are

boarded for a fee, or are sheltered for humanitarian reasons. The term "kennel" does not include veterinarian offices or pet stores.

LAUNDROMAT -- A business premises equipped with individual washer/dryers for a service to, or self-serve use by retail customers, including drop-off and off premises cleaning.

LIBRARY -- A building or room in which literary, musical, artistic or reference materials are kept for use; may be borrowed; but are generally not for sale.

LIGHT FIXTURE -- The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

LIVE-WORK UNIT -- A unit or space within a building used jointly for nonresidential and residential purposes where the residential use of the space may be secondary or accessory to the primary use as a place of work.

LOT -- A tract, plot or parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this Chapter, and having its principal frontage on a public street or an officially approved place.

LOT AREA -- The total area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER -- A lot located at the junction of and fronting on two or more intersecting streets. Any other lot is an "interior lot."

LOT LINES -- Any line dividing one lot from another lot or from a street line.

LOT OF RECORD -- Any lot that has been established as such by plat, survey record, or deed prior to the date of this Ordinance as shown on the records in the Office of the County Clerk.

LOT, THROUGH -- A lot that faces on two streets at opposite ends of the lot, which is not a corner lot.

LOT LINE, FRONT -- The lot line separating the lot from the street right-of-way.

LOT LINE, FRONT SIDE -- A side lot line separating a lot from a street.

LOT LINE, REAR -- The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE -- Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "front side lot line."

LOT WIDTH -- The average horizontal distance between the side lot lines, measured parallel to the front lot line.

LUMEN -- Measure of overall light output produced by a lamp.

MAKERSPACE -- A collaborative workspace where individuals or entities may utilize common space, technology, equipment, and other infrastructure.

MARINA -- A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests, and accessory uses such as restaurants.

MEAN HIGH WATER MARK -- The average annual high-water level of a lake, pond, reservoir, river, stream, creek, or other body of water.

MEDICAL OFFICE/CLINIC -- A structure or portion of a structure used by physicians, surgeons, dentist, chiropractor, optometrist, psychologist, psychiatrist, or other health-related professionals for the treatment of human health conditions where no overnight accommodations are provided.

MICRO-BREWERY -- A facility that produces fewer than 15,000 barrels of beer annually, with 75% or more of its beer served off-site. See also BREW PUB.

MOTOR VEHICLE REPAIR, MAJOR -- An establishment that provides general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, such as collision service, body repair and frame straightening; welding and painting or any activities defined as minor automotive repairs.

MOTOR VEHICLE REPAIR, MINOR -- An establishment that provides minor repairs, detailing, stereo and electronic equipment installation, incidental replacement of parts and motor service.

NATURAL AREA -- An area of land and/or water that has a predominantly undeveloped character. Natural areas may be pristine or may have been affected by human activity such as vegetation removal, agriculture, grading or drainage if such areas retain significant natural characteristics, or have recovered to the extent that they contribute to the City's natural systems including hydrology, vegetation, or wildlife habitat. The purpose of natural areas is to provide a scenic, aesthetic appearance and/or protecting natural processes, providing passive recreational uses, and/or maintaining natural vegetation.

NIGHTCLUB -- An establishment primarily engaged in the sale and service of alcoholic and non-alcoholic beverages for on-premises consumption and providing of musical entertainment, singing, dancing or other forms of amusement and entertainment, with the sale or service of food being incidental and accessory thereto. Such establishment may also have one or more of the following characteristics: age restrictions, cover charges, charges for admission, disc jockeys, jukeboxes, amplified sound systems, live entertainment, and the like; the hours of operation extended beyond the normal dinner hours. The term "nightclub" includes the term "cabaret" and "disco." A cabaret,

disco or nightclub shall not include a restaurant as defined herein or any form of bar or tavern or adult use.

NONCONFORMING STRUCTURE -- A structure or portion thereof that was lawfully constructed, converted, or enlarged pursuant to building permits issued by the City prior to the effective date of this Chapter, or amendments thereto, and that does not conform to the provisions of the Development Intensity Zone in which it is located.

NONCONFORMING LOT -- A lot of record in existence prior to the effective date of this chapter or amendments thereto that does not have the lot dimensions required for the Development Intensity Zone in which it is located.

NONCONFORMING USE -- A use that was lawfully established, converted, or enlarged prior to the effective date of this Chapter or amendments thereto, and that does not conform to the provisions of the Use District in which it is located.

OFFICE, GENERAL AND PROFESSIONAL -- A building or portion thereof used primarily for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. No manufacturing processes, retail sales, construction, or warehousing occurs on the premises.

OPEN AIR MARKET -- An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Open air markets include, but are not limited to, flea markets, farmers markets and craft fairs.

OPEN SPACE -- An unoccupied space open to the sky and unoccupied by buildings or obstructions.

ORDINARY HIGHWATER MARK -- The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

PARK -- A private or public open area for recreation, which may include accessory parking areas, shelters, picnic tables, restrooms, and other facilities for the use of park patrons. May also be a defined open space, typically interspersed within residential areas, that is designed and equipped for the recreation of children. Playgrounds may be freestanding or located within parks, greens, or school sites.

PARKING AS PRINCIPAL USE -- A surface or structured parking lot for the temporary parking of registered motor vehicles which is the sole use of the parcel or whereby any other use is clearly ancillary.

PARKING AS PRINCIPAL USE, PUBLIC -- A surface or structured parking lot for the temporary parking of registered motor vehicles available to the general public which is the sole use of the parcel or whereby any other use is clearly ancillary.

PARKING LOT -- A lot devoted to the temporary parking of automobiles defined by a boundary, with parking spaces delineated.

PARKING, SURFACE -- An area that is used as a parking lot that is not enclosed or created by a structure where motor vehicles may be stored for purposes of off-street parking.

PARKING, STRUCTURE -- A structure or building used to park cars. Includes parking garages, parking decks, and underground parking.

PASSENGER TERMINAL -- A commercial facility for handing, receiving, and transferring passenger traffic including by car, bus, train or ferry. See also PUBLIC TRANSPORTATION FACILITY.

PATIO -- An unroofed area or courtyard that is not completely enclosed, except for any side that may adjoin a structure or for any fences, walls, shrubs, or hedges. Outdoor areas covered by a roof, trellis, or fixed awning shall be considered a structure.

PERSON -- One or more natural persons, corporations, partnerships, associations, and all other entities of any kind, including the agents and employees of same.

PIER -- A structure, usually of open construction, that extends into the water from the shore. It serves as a landing and moving place for commercial vessels (including ferries) or for recreational uses, includes trestles, platforms, and docks.

PLAT -- A map representing a tract of land showing the boundaries and location of individual properties and streets prepared by a licensed professional engineer, registered architect, licensed land surveyor or licensed landscape architect, that shall have their New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented for approval and which, if approved, is submitted to the County Clerk for recording.

PORTABLE STORAGE CONTAINER -- A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. This term shall not include dumpsters/roll-off containers or storage containers having storage capacity of less than 150 cubic feet.

PRINCIPAL USE -- The main or primary use of the lot.

PUBLIC TRANSPORTATION FACILITY -- A facility located at selected points along public transportation routes for passenger pickup, drop off or transfer.

PUBLIC UTILITY, MAJOR -- Large-scale facilities that primarily serve a regional need that, because of their scale or method of operation, are more likely to produce external impacts that are detectable beyond property lines of the subject property. Such facilities include but are not limited

to electric or gas generation plants, and high voltage transmission lines. This definition shall not include “large scale solar energy systems,” “wireless communications towers” or “small cell wireless communications facilities.”

PUBLIC UTILITY, MINOR -- Facilities and services that primarily serve local distribution needs, including, but not limited to electrical transforming substations, gas regulating stations, telecommunications, and broadcasting facilities. This definition shall not include “wireless communications towers” or “small cell wireless communications facilities.”

RECREATIONAL VEHICLE (RV) -- Any portable vehicle or structure which is designed to be self-propelled or permanently towable on its own wheels (sometimes referred to as a “fifth-wheel” or “tow-behind”); that is designed and intended to be used for temporary living quarters for travel, recreational, or vacation purposes.

RECREATION FACILITIES, PUBLIC -- Recreation facilities operated as a nonprofit enterprise by the City of Troy, any other governmental entity, or any nonprofit organization and open to the general public.

RECREATION FACILITIES, NONPUBLIC -- Recreation facilities operated by a nonprofit or commercial entity for exclusive use by, or with permission of, the owner or operator and not open to the general public for use. See also ENTERTAINMENT AND RECREATION, COMMERCIAL.

RECYCLING FACILITY -- A building or area of land that serves as a drop-off point for temporary storage for recoverable resources, such as newspapers, glassware, plastics, and metal cans, for onward shipment to a recycling processor or distributor, but at which no processing of such items occurs.

RELIGIOUS INSTITUTION -- A building where persons regularly assemble for religious worship and that is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. For purposes of this Chapter, the term religious institution includes churches, synagogues, temples, mosques, or other such places of worship and religious activity.

RESEARCH, DEVELOPMENT / LABORATORY FACILITY -- A building or portion of a building in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacturing or sales of products.

RESIDENTIAL CARE FACILITY -- As defined in §463 of the New York State Social Services Law, it is a facility operated or subject to licensure by the state that provides a supervised residence for emotionally, physically, or socially disabled persons or for persons in need of supervision or juvenile delinquents. This term includes, but is not limited to, agency operated boarding homes, group homes or private proprietary homes for adults operated or licensed by the Department of Social Services, group homes operated by, contracted for, or licensed by, the Division for Youth and half-way houses operated or licensed by the Division of Substance Abuse Services. The term

does not include community residential facilities for the disabled as defined in §41.34 of the New York State Mental Hygiene Law. For purposes of this Chapter, this definition also includes the term “community care residential facility.”

RESTAURANT -- A business establishment whose principal business is the selling of prepared food and beverages to the customer in a ready-to-consume state. For purposes of this Chapter the term restaurant includes “sit-down restaurants” and “take-out restaurants,” however, the use of a “drive through service window” is separately

RETAIL SALES ESTABLISHMENTS -- A building or portion thereof engaged in selling goods, services, or merchandise for personal and household consumption. For purposes of this Chapter, some types of retail establishments are separately defined.

RIGHT-OF-WAY-- Property that is publicly owned or upon which a governmental entity has an expressed or implied property interest (e.g. fee title or easement) held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, highways, street, alley, sidewalks, drainage facilities, crosswalks, railroad beds, electric transmission lines, an oil or gas pipeline, water mains, sanitary or storm sewer mains, shade trees or for any other special use. The usage of the term “right-of-way” for subdivision platting purposes means that every right-of-way established and shown on a final plat is separate and distinct from the lots or parcels adjoining the right-of-way, and is not included, within the dimensions or areas of such lots or parcels. Rights-of-way involving maintenance by a public agency are dedicated to public use by the maker of the plat on which the right-of-way is established.

ROOFTOP AMENITIES – Structures such as landscape planters, gardens, guards or railings, decking materials, seating and tables, play equipment, hot tubs, animal runs, fire pits, umbrellas, trellises and similar temporary or permanent items that are on a building rooftop available to building occupants and customers.

ROOMING HOUSE -- A dwelling within which two or more of the rooms are rented out individually by the dwelling owner or an operating manager, in which the tenants share bathroom and kitchen facilities. Other incidental services or facilities may be provided. For purposes of this Chapter this definition includes a “boarding house.”

SANDWICH BOARD -- A portable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an “A.”

SCHOOL -- A facility, whether public or private, furnishing a comprehensive curriculum of academic instruction on the pre-kindergarten, kindergarten, primary and/or secondary level.

SELF STORAGE FACILITY -- An establishment that permits customers to store their own materials in private, commercially available warehousing space in individual lockable units accessible from outside driveways or from indoor hallways.

SERVICE ESTABLISHMENTS -- An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services or assistance, as opposed to products. This shall include personal, financial, repair, professional or business services. For purposes of this Chapter, some service-related establishments are also separately defined.

SETBACK -- The distance required for compliance with this Chapter as measured by the shortest horizontal line between any portion of any structure and the lot line, man-made structure or topographical or natural feature designated as being the reference point from which such minimum or maximum setback is measured.

SHELTER -- A facility operated by a provider, other than a residential care facility that provides temporary overnight accommodations to displaced persons and/or families. For the purposes of this definition, a provider shall mean a government agency or private nonprofit organization that provides, or contracts with recognized community organizations to provide emergency or temporary shelter.

SHOOTING RANGE -- The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions.

SHOPPING CENTER -- A group of four or more retail establishments sharing a common site and having either common walls or a common roof structure.

SHORELINE -- That line at which land adjoins the waters of lakes, ponds, rivers, and streams.

SIGN -- Any device affixed to or painted or represented directly or indirectly upon a building, structure, or land and that directs attention to an object, product, place, activity, person, institution, organization, or business, but not including any flag, badge or insignia of any government or government agency, school, or religious group or of any civic, charitable, religious, patriotic, fraternal, or similar organization, nor any official traffic control device.

SIGN, DIRECTIONAL -- A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

SIGN, FREESTANDING -- A free-standing sign is defined as a permanent, self-supporting sign standing alone on its own foundation. This definition shall not include temporary or portable signs. This definition shall include "monument" signs.

SIGN, OFF-PREMISES -- A sign located on a parcel of land other than that parcel where the business, service or event advertised is located. For purposes of this Chapter this definition shall also include "billboards."

SIGN, PROJECTING -- A sign that projects more than 12 inches perpendicular to the building's face.

SIGN, ROOF -- A sign erected upon or above a roof or parapet wall of a building, and which are wholly or partly supported by that building.

SIGN, TEMPORARY -- A sign or advertising display for a short period of time. For purposes of this Section, a temporary sign is not a "portable sign," which is separately defined and regulated in this Section.

SIGN, VEHICULAR -- Any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.

SIGN, WALL -- A wall sign is one that is painted on, or attached to, the outside wall of a building, with the face of the sign in the plane parallel to such wall.

SITE PLAN -- A rendering, drawing or sketch prepared to specifications and containing necessary elements, that shows the arrangement, layout, and design of the proposed use of a single parcel of land as shown on said plan.

SLEEPING UNIT -- A room or space in which people sleep, that can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

SOLAR ENERGY SYSTEM -- A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

SOLAR ENERGY SYSTEM, LARGE SCALE -- An area of land or other area used for a solar energy collection system that may be principally used to capture solar energy and convert it to electrical energy that has a rated DC capacity of more than 25 kW.

STORAGE, OUTDOOR -- Land used for the keeping of goods, wares, equipment or supplies outside of a structure. See also "contractor's yard/construction yard."

STORY -- That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost "story" shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STORY, HALF -- A space under a sloping roof that has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use.

STREET -- A public or private thoroughfare that affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, road, and any other thoroughfare except an alley.

STREET, COLLECTOR -- A street that collects traffic from local or side streets and connects with federal and state roads.

STREET LINE -- The dividing line between a street and a lot.

STRUCTURE -- Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground

SUBDIVIDER -- Any person, firm, corporation, partnership, or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for themselves or others.

SUBDIVISION -- The division of any parcel of land into two or more lots, plots, sites, or other division of land, with or without streets.

TAVERN -- See BAR.

TEMPORARY STRUCTURE -- A temporary structure is one erected, constructed or placed upon premises for a prescribed and limited duration.

TEMPORARY USE -- A temporary use is conducted upon premises for a prescribed and limited duration.

TOBACCO/HOOKAH/VAPING ESTABLISHMENT -- An establishment which sells tobacco products or related accessories, hookah products or related accessories, other smoking products or related accessories, or electronic nicotine delivery systems or related accessories, for on- or off-premise use.

TRANSPARENCY – The use of clear glass windows and doors on a building façade as a part of an architectural design.

UNDEVELOPED LOT -- Land that is generally in its natural state before development. For purposes of this definition, some clearing of natural vegetation may have occurred on an undeveloped lot.

UNIFORM BUILDING CODE -- The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time and as referenced in Chapter 141 of the Code of the City of Troy.

URBAN FARM -- A privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs, and/ or for animal products, livestock production, or value increase by an individual, organization, or business with the primary purpose of growing products for sale. For purposes of this Chapter, the cultivation of cannabis shall be included in this definition.

USE -- The specific purpose for which land or a building is designed, arranged, intended, or for which it is, or may be, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, PRINCIPAL -- The main or primary purpose of which a building, structure and/or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this Ordinance (see Schedule A of this Chapter). The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.

VARIANCE, AREA -- The authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of this Chapter.

VARIANCE, USE -- The authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by this Chapter. An increase in density or intensity of use shall be deemed to require a use variance if such increase is not allowed by right or by Special Use Permit.

VARIETY STORE, SMALL BOX -- A retail store with a floor area less than 12,000 square feet that offers for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products and other items. Small box discount stores do not include retail stores that: contain a prescription pharmacy; primarily sell specialty food items (e.g. meat, seafood, cheese, oils or vinegars); or dedicate more than 15% of floor area of shelf space to fresh food including fresh produce.

VEHICLE CHARGING STATION -- A facility or area at which electric powered or hybrid powered motor vehicles can obtain electrical current to recharge batteries when accessory to a principal use of the property.

VEHICLE SALES, RENTAL AND LEASE-- A premises, including open areas, other than a street or right-of-way, and including show rooms enclosed within a building used for the display, rental, lease or sale of automobiles, boats, mopeds, motorcycles, snowmobiles, trucks, and recreational vehicles.

VETERINARY CLINIC AND HOSPITAL -- Any structure where animals or pets are given medical or surgical treatment, including short-term boarding of animals when boarding is for the purpose of monitoring recovery. Animal day care may be provided as an ancillary service but shall not include boarding, kenneling, or crematory facilities. For purposes of this Chapter, this definition shall also apply to the term "animal hospital."

VOCATIONAL SCHOOL -- A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the New York State requirements as a vocational facility. For purposes of this Chapter, this definition shall also apply to the term "trade school."

WAREHOUSE/WHOLESALE DISTRIBUTION -- The storage and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WATERBODY -- Any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high-water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody. A water body is intermittently, seasonally, or permanently inundated with water and contains a discernible shoreline and includes ponds, lakes, and reservoirs.

WATERCOURSE -- Any natural or artificial, intermittent, seasonal, or permanent, and public or private water body or water segment. A watercourse includes rivulets, brooks, creeks, streams, rivers, and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WATER-DEPENDENT USES -- An activity that requires a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, waterborne commerce, and ferries.

WATER-ENHANCED OR WATER-RELATED USE -- A use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users is increased significantly when it is adjacent or has visual access to the waterfront.

WETLAND -- Areas of vernal pools swamps, marshes, wet meadows, bogs, and similar areas saturated by surface or ground water sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flood and tidal erosion to prevent loss of upland soil.

WIND ENERGY CONVERSION SYSTEM, SMALL -- A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, or similar technology, that has a rated capacity of not more than 100 kW and is intended to primarily reduce on-site consumption of utility power.

WIRELESS COMMUNICATION FACILITY -- A structure, facility or location designed or intended to be used as, or used to support, antennas. It includes, without limit, freestanding towers, guyed towers, monopoles, small cell telecommunication facilities on utility poles in the public right-of-way or property of the City or of another municipal corporation; and similar structures that employ camouflage technology, including but not limited to structures such as a multistory building, steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, personal telecommunications services, commercial satellite services or microwave telecommunications, but excluding those used exclusively for dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio, and other similar telecommunications.

WIRELESS COMMUNICATION FACILITY, SMALL CELL -- Low-powered wireless base stations that function like cells in a mobile wireless network. A small cell facility meets both the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic

feet in volume or, in the case of an antenna that has exposed element, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 17 cubic feet in volume. The term “small cell wireless facilities” and “microcell wireless facilities” shall be used interchangeably.

WORK PERMIT (BUILDING PERMIT) -- A document issued by the Director, authorizing specified work to be done and/or use to be made of projects.

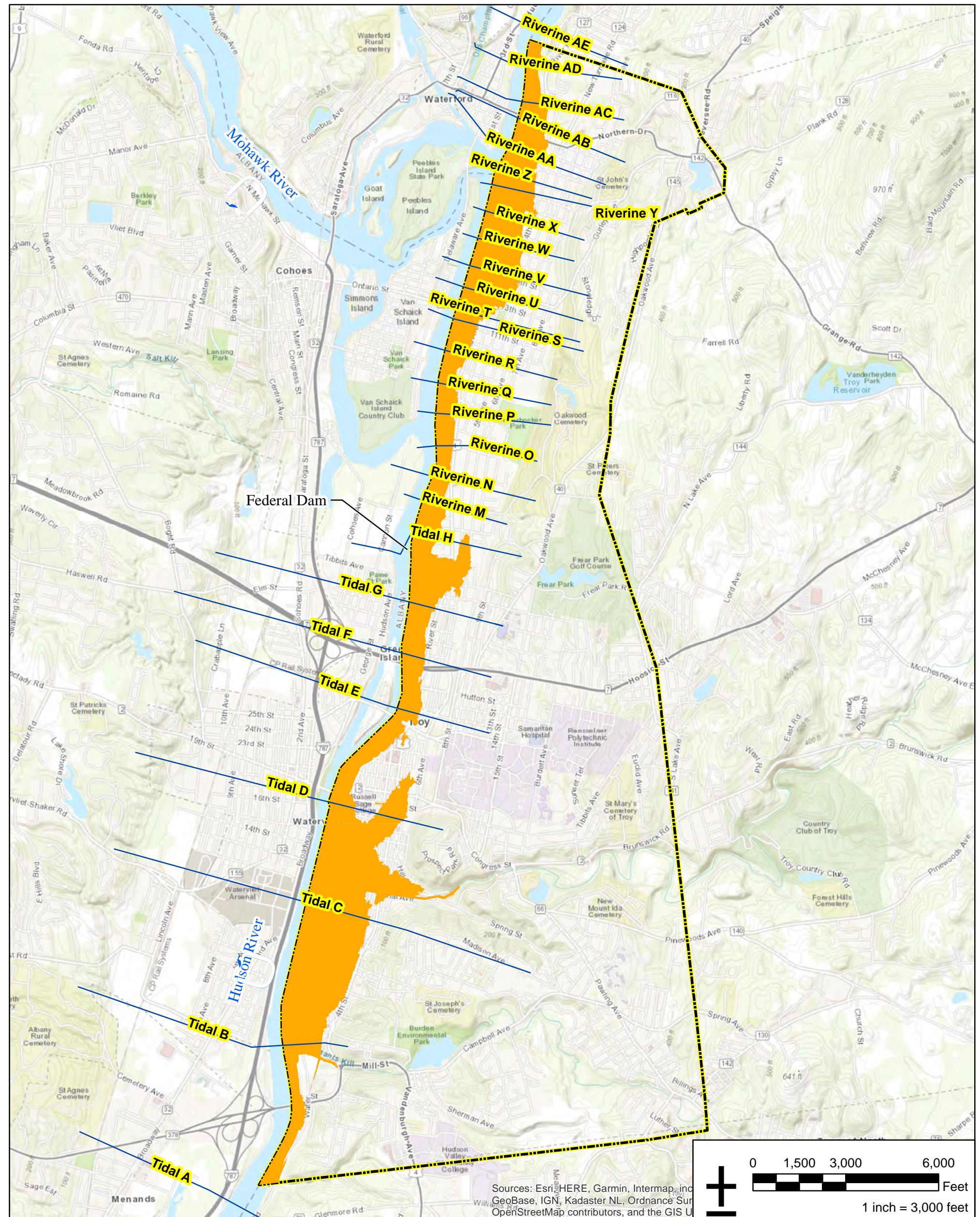
YARD -- An open space on the same lot with a building or group of buildings that lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except for permitted accessory uses and structures and landscaping. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the line of the building, as defined herein, to the nearest lot line.

YARD, FRONT -- A yard extending across the full width of the lot and lying between the front line of the lot and the nearest permitted line of the building.

YARD, REAR -- A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest permitted line of the building.

YARD, SIDE -- A yard between the side of the lot and the nearest permitted line of the building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front or rear lot line.

APPENDIX A



Layer Sources: USGS Topographic Map (ESRI, 2021); All other layers (JL Woidt Engineering, 2021)

Legend

- Cross-section
- Resilient Waterfront and Flood Risk Overlay
- City of Troy Boundary

Notes:

- Letters I through L intentionally skipped to align riverine cross-sections with Flood Insurance Rate Map (FEMA, 1979) lettering



Appendix A: Design Flood Elevation (Cross-section Locus Map) City of Troy Zoning, Land Use and Development Ordinance

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City of Troy Zoning, Land Use and Development Ordinance

Appendix A: Design Flood Elevation along Hudson River

Cross-Section*	Elevation (ft, NAVD88)			
	Revised Base Flood	Design Flood	Example Building / Floodproofing Standard for non-Critical Structures	Example Building / Floodproofing Standard for Critical Structures
Tidal A	18.5	23.1	25.1	26.1
Tidal B	18.8	23.6	25.6	26.6
Tidal C	19.5	24.7	26.7	27.7
Tidal D	20.0	25.2	27.2	28.2
Tidal E	20.5	25.8	27.8	28.8
Tidal F	21.2	27.1	29.1	30.1
Tidal G	22.2	28.1	30.1	31.1
Tidal H	22.6	28.6	30.6	31.6
Riverine M	26.3	29.0	31.0	32.0
Riverine N	26.7	29.3	31.3	32.3
Riverine O	27.2	29.7	31.7	32.7
Riverine P	28.5	31.0	33.0	34.0
Riverine Q	28.5	31.2	33.2	34.2
Riverine R	28.7	31.5	33.5	34.5
Riverine S	28.9	31.7	33.7	34.7
Riverine T	29.2	31.7	33.7	34.7
Riverine U	29.2	32.5	34.5	35.5
Riverine V	29.4	32.9	34.9	35.9
Riverine W	29.5	33.0	35.0	36.0
Riverine X	29.7	33.1	35.1	36.1
Riverine Y	29.9	33.3	35.3	36.3
Riverine Z	30.1	33.8	35.8	36.8
Riverine AA	30.4	34.1	36.1	37.1
Riverine AB	30.4	34.2	36.2	37.2
Riverine AC	30.8	34.8	36.8	37.8
Riverine AD	31.1	35.0	37.0	38.0
Riverine AE	31.8	35.6	37.6	38.6

* Letters I through L intentionally skipped to align riverine cross-sections with effective Flood Insurance Rate Map (FEMA, 1979) lettering