

Chapter 264 Zoning

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Chapter 264, ZONING

GENERAL REFERENCES

Planning Commission -- See Ch. 91.

Building, plumbing and electrical standards -- See Ch. 138.

Environmental quality review -- See Ch. 147.

Housing standards -- See Ch. 167.

Subdivision of land -- See Ch. 230.

ARTICLE I Purpose and Intent

§ 264-1. General purpose and intent.

This chapter establishes and implements regulatory powers to the ends that sufficient light, pure air, convenient access and public safety from fire, flood and other dangers may be secured; that the value of land and buildings throughout the city may be conserved and enhanced; that the hazards or nuisances to persons and property resulting from inappropriate uses of land or buildings may be lessened or avoided; that neighborhoods, sites and buildings of historical, architectural or aesthetic value may be preserved; and that the public health, safety, comfort and welfare may otherwise be promoted. To these ends this chapter is enacted to:

- A. Guide and regulate the orderly growth, development and redevelopment of the City of Schenectady in accordance with long-term planning objectives, principles and standards deemed beneficial to the interest and welfare of the people.
- B. Protect the established character and the social and economic well-being of both private and public property.
- C. Promote, in the public interest, the utilization of land for the purposes for which it is most desirable and best adapted.
- D. Regulate and limit the height, bulk and location of buildings.
- E. Establish, regulate and limit the building or setback lines on or along streets in the city.
- F. Regulate and limit the density of population and the intensity of uses of lot areas.
- G. Regulate and determine the area of yards, courts and other open spaces within and surrounding buildings.
- H. Classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses.
- I. Divide the entire city into districts of such number, shape and area and of such different classes according to use of land and buildings, height and bulk of buildings, intensity of

use of lot areas, area of open spaces and other classifications as may be deemed best suited to regulate development.

- J. Fix standards to which buildings or structures in such districts shall conform.
- K. Prohibit uses, buildings or structures incompatible with the character of established districts.
- L. Provide a means to preserve the distinctive historic, cultural and architectural characteristics of the buildings, sites and neighborhoods within the city.
- M. Provide regulations pertaining to preexisting buildings, structures and uses which do not conform to the regulations, standards, restrictions and limitations established by this chapter.
- N. Provide administrative bodies and procedures as shall be necessary for the implementation, amendment and enforcement of the various requirements of this chapter.

ARTICLE II

Definitions

§ 264-2. Definitions.

For the purpose of this chapter, certain terms, words and phrases are herein defined.

- A. Word usage. In the interpretation of this chapter, the provisions and rules of this subsection shall be observed and applied, except where the context clearly requires otherwise. Words used or defined in one tense or form shall include other tenses. Words in the singular number shall include the plural. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- B. Words defined. When used in this chapter, the following terms shall have the meanings herein ascribed to them.

ACCESSORY STRUCTURE OR USE -- Is a structure or use that is; subordinate to and serves a principal building or a principal use; is subordinate in area, extent and purpose to the principal structure or principal use served; contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served; and is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of §264-29 of this chapter.

APARTMENT HOUSE -- See "dwelling, multiple-family."

ARENA -- A large open or enclosed place used for sporting and entertainment events and partly or completely surrounded by tiers of seats for spectators. Also known as **STADIUM**.

ART GALLERY -- A structure or building utilized for the display and sale of art work.

ARTIST STUDIO -- A workshop or workroom for the creation of fine art and crafts such as painting, sculpturing, photography, or other handmade pieces of art. The space may include a residential unit and it may also include teaching area for small groups of ten or less.

BAR -- An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food may be served or sold only as accessory to the primary use. Also known as **COCKTAIL LOUNGE**, **NIGHTCLUB**, **TAVERN**.

BASEMENT -- The space of a building that is partly below grade which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BED AND BREAKFAST -- A building containing a single dwelling unit in which sleeping rooms are provided by the owner/occupant as overnight/lodging facilities for the accommodation of transient guests and include a single daily meal.

BOARDINGHOUSE -- A dwelling where meals and lodging are provided for compensation for between four to fifteen persons who are not transients, by prearrangement for definite periods.

BUILDING -- A structure wholly or partially enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

BUILDING CODE -- The Building Code of the City of Schenectady.

BUILDING FRONT -- The portion of the building that corresponds to the legal property address.

BUILDING, HEIGHT OF -- The vertical distance from the grade to the highest point on the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.

BUILDING, PRINCIPAL -- A building in which is conducted the main or primary use of the lot on which said building is situated.

BULK -- A term used to describe the size, volume, area and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same building and all open spaces required in connection with a building, other structure or tract of land.

BUSINESS INCUBATOR -- A facility or building, or portion thereof, that has a floor area of a minimum of 10,000 square feet and a lot area of 20,000 square feet which houses a variety of a small entrepreneurial businesses. Businesses may include retail, wholesale, office, service, professional, research, assembly, warehousing or manufacturing.

BUSINESS OFFICE -- A room, wing or detached building housing the office of a service or sales agency, not engaged in the manufacture or sale of goods, and wherein no storage space for merchandise is permitted.

CAR WASH -- An area of land and/or a building with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

CELLAR -- That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CHARTER AND TOUR BOAT OPERATION -- Any boating operation under the command of a licensed captain, which offers hourly trips, day-trips and/or night-trips to the public for a fee.

CHURCH -- See RELIGIOUS INSTITUTION

COMBINED PARKING -- Two or more land uses or a multi-tenant building that merge parking needs to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and/or result in a superior grouping of building(s).

COMMUNITY CENTER -- A not-for-profit or publicly owned facility providing recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

CONDOMINIUM -- Multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities. A dwelling or development is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONTIGUOUS -- Next to, abutting or touching and having a boundary or portion thereof, which is common or coterminous.

CONVENIENCE STORE -- A small retail store that is open long hours and that typically sells staple groceries and snacks.

COVERAGE -- That percentage of the land area covered by the combined area of all buildings and structures on that portion of the lot within the same zoning district as the main building.

CULTURAL FACILITIES -- Establishments utilized for the display of exhibits of historic, educational or cultural nature which are not operated commercially on a for-profit basis. Also known as MUSEUMS.

DAY-CARE CENTER -- A place or premises, certified or approved by New York State and providing daytime care or instruction for five or more children or adult seniors away from their own homes for more than three but less than 24 hours per day, by an individual, association,

corporation, institution or agency. The term "day-care center" includes nursery school and adult senior day care.

DECK -- a roofless outdoor space built as an aboveground platform projecting from the wall of a principal building or accessory structure.

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 dwelling maintained for members affiliated with an academic or professional college, university or other institution of higher learning where meals may be served and long term lodging is provided. This term shall also be interpreted to include fraternity and sorority houses.

DRIVE-IN ESTABLISHMENT -- An establishment which, by design of physical facilities or by service or packaging procedures, encourages or permits customers in vehicles to receive a service or obtain a product.

DRIVEWAY -- A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DWELLING -- Any building or portion thereof used and occupied for human habitation or intended to be so used.

DWELLING, ATTACHED SINGLE-FAMILY -- A residential dwelling designed for and occupied by one household only that is located on its own lot and shares one or more common or abutting walls with one or more dwelling units. An attached single-family dwelling does not share common floor/ceilings with other dwelling units. Also known as TOWNHOUSE, ROWHOUSE.

DWELLING, MULTIPLE-FAMILY -- A dwelling designed for or occupied by more than two families and containing three or more dwelling units.

DWELLING, SINGLE-FAMILY -- A dwelling designed for and occupied by not more than one family, detached from any other dwelling, and containing one dwelling unit.

DWELLING, TWO-FAMILY -- A building designed for or occupied exclusively by two families and containing two dwelling units on one lot.

DWELLING UNIT -- Any room or group of rooms located within a building forming a single habitable unit space with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

ENTERTAINMENT FACILITY -- Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, the following:

arenas, theaters, bowling alleys, billiard parlors, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include adult entertainment businesses, bars, taverns, pubs, golf courses, or parks.

FAMILY

- (1) One, two, three, or four persons occupying a dwelling unit and living as a single housekeeping unit with kitchen facilities and other rooms used in common..
- (2) Five or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
 - (a) It shall be presumptive evidence that five or more persons living in a single dwelling unit who are not related by blood or marriage or legal adoption do not constitute the functional equivalent of a traditional family.
 - (b) In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
 - [1] The group is one which in theory, size, appearance, structure and function resembles a traditional family unit which may include bona fide domestic servants employed at the premises on a full-time basis, and/or in an owner-occupied dwelling up to three roomers, boarders, or lodgers may be permitted, provided that all local and state housing and building codes are complied with.
 - [2] 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.
 - [3] The group shares (excluding bona fide domestic servants, or an owner-occupied unit which may have up to three roomers, boarders, or lodgers) expenses for food, rent, or ownership costs, utilities and other household expenses.
 - [4] The group is permanent, and stable. Evidence of such permanency and stability may include:
 - [a] The presence of minor dependent children regularly residing in the household who are enrolled in local schools.
 - [b] Members of the household use the same address for purposes of voter registration, driver's licenses, motor vehicle registration, filing taxes.
 - [c] The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units.
 - [d] Common ownership of furniture, furnishings and appliances among members of the household.
 - [e] The group is not transient or temporary in nature.
 - [5] Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FAMILY CARE HOME -- A residence operated by a nonprofit child-care agency that is licensed by the State of New York with an occupancy limit of not more than six minors under the age of

21 years, who for various reasons cannot reside in their natural home. Every "family care home" is headed by agency-approved staff and functions as a single housekeeping unit.

FENCE -- A freestanding structure designed to restrict movement across a boundary.

FENCE, ORNAMENTAL -- A designed open fence, or open fence mounted on a brick or stone wall that contributes to the identification and beauty of the principal use and is made of material that typically is not found in security structures, such as chain link. The wall portion may not exceed two feet in height.

FLOOR AREA -- The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of a wall separating two buildings. The "floor area" of a building shall exclude stairwells and elevator shafts at each floor; floors or parts of floors devoted exclusively to vehicular parking or loading; and all floors below the first or ground floor, except when used for or intended to be used for service to the public as customers, patrons, clients, patients or tenants.

FLOOR AREA, GROSS -- The sum of the horizontal areas of the several stories of the building or buildings, measured from the exterior faces of exterior walls or, in the case of a common wall separating two buildings, from the center line of such a common wall and including any enclosed porch or one having a roof and capable of being enclosed.

FRONTAGE -- The length of the property line of any one lot parallel to the building front.

GARAGE, PARKING -- A structure or portion of a building or structure intended to be used for the multi-level parking of motor vehicles.

GARAGE, PORTABLE -- An accessory structure made of a frame and opaque pliable exterior covering for the seasonal coverage of a boat, automobile or trailer.

GARAGE, PRIVATE -- A building or portion of a building housing motor-driven vehicles of which no commercial vehicle so housed shall exceed a one-ton capacity. Garages may have no more than four stalls in the R & R-2 Districts unless otherwise restricted.

GARAGE, STORAGE -- Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GASOLINE SERVICE STATION -- Any building, land area or other premises or portion thereof used or intended to be used for the retail dispensing or sales of motor vehicle fuels, which activity is accompanied by accessory uses, such as sales of lubricants, tires, accessories or supplies and minor motor vehicle repairs. See § 264-107.

GASOLINE STATION -- Any facility that dispenses gasoline to a vehicle for consumption in that vehicle; often accompanied by a convenient store.

GOLF COURSE -- A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may have accessory uses such as a tennis court, swimming pool, parking lot, driving range, clubhouse, restaurant, or meeting hall and maintenance buildings which is located on a lot under common ownership with a lot where a golf course is located.

GOLF COURSE, MINIATURE -- A tract of land laid out for playing miniature golf where all holes are separated by barriers and the only clubs used on the course are putters.

GOVERNMENT AGENCY -- Any department, commission, independent agency, or instrumentality of the United States, New York State, Schenectady County, the City of Schenectady and other incorporated or unincorporated municipality, authority, district or other governmental unit.

GRADE--

- A. For buildings or structures more than 15 feet from any street line, the average level of the finished surface adjacent to the building or structure.
- B. For buildings or structures any portion of which is located within 15 feet of a street line or lines, the average of the curb levels or their equivalent established ground surface adjacent to such street line or lines.

GROUP RESIDENCE -- A use licensed by the State of New York which provides residential services and supervision for more than four but not more than 16 individuals who need not be related to the resident house parents or supervisors and who are in need of adjustment or rehabilitation: developmentally disabled; mentally retarded; mentally ill; aged; handicapped; or children in need of adult supervision.

HEIGHT -- See "building, height of."

HOME OCCUPATION -- A business, profession, occupation or trade conducted for gain or support entirely within a residential building or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such premises.

HOSPITAL -- An institution providing health services and medical or surgical care, primarily to temporary inpatients. As an integral part of the institution, other facilities are included, such as laboratories, out-patient facilities or training facilities. It does not include permanent care facilities or nursing homes.

HOSPITAL, ANIMAL OR VETERINARY CLINIC -- An establishment where a full range of medical services are provided to small and/or large animals by one or more veterinary doctor and staff. This use shall be deemed to include, as necessary for treatment or observation, and may include overnight animal boarding.

HOTEL -- A building or group of buildings or any part thereof containing rooms which are provided or offered for sleeping purposes to transient guests for compensation. Related ancillary

uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities. A hotel shall not include motels.

IMPERVIOUS SURFACE -- Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios and paved recreation areas. Decks that are open to the sky, that allow water to travel through to the ground are not considered impervious.

IMPERVIOUS SURFACE COVERAGE -- The percentage of the area of a lot that is covered by impervious surface.

INN -- A building containing a single dwelling unit in which more than four sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests, with or without meals. Inns may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, etc., with the issuance of special use permit based on individual project review by the Planning Commission.

INSTITUTION -- A non-profit, religious or public use, such as a church, library, public and private school, university or college, hospital, or government owned or operated building, structure or land used for public purpose.

JUNKYARD -- A lot, land or structure or part thereof, used for the purchase, collection, storage, recycling or sale of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or vehicles.

KENNEL -- Any building or lot on which six or more domesticated animals, more than four months of age, are housed, groomed, bred, boarded, trained or sold.

LIGHT MANUFACTURING -- A use engaged in the basic processing and manufacture predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

LOT -- A parcel of land that has a distinct tax identification number. Also known as PLAT, TRACT, and PARCEL.

LOT, CORNER -- A lot abutting on two or more streets at their intersection.

LOT COVERAGE -- The ratio obtained by dividing the ground floor area of all principal and accessory buildings (including covered porches, carports, patios and breezeways, but excluding open decks) on a lot by the total area of the lot upon which the buildings are located.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINES -- The lines bounding a lot as defined herein.

LOT, THROUGH -- An interior lot having frontage on two streets.

LOT WIDTH -- The mean width of a lot measured at right angles to its depth.

MANUFACTURING -- A use engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials..

MARINA -- A facility located on a parcel within 500 feet of a navigable waterway for storing, servicing, fueling, berthing and/or securing boats and may include eating, sleeping and retail facilities for owners, crew, and guests.

MATERIAL RECOVERY/TRANSFER CENTER -- A building or parcel in which used material is batched into shipping containers or separated and processed prior to shipment to others who will use or dispose of these materials.

MEDICAL and DENTAL CLINICS -- A place where medical or dental care is furnished to persons on an outpatient basis by one or more doctors or dentists. .A clinic may include laboratory facilities in conjunction with normal clinic services.

MIXED USE -- The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

MOTEL -- A building or group of detached or connected buildings designed or used primarily for providing transient sleeping accommodations where each accommodations unit maintains a separate outside entrance and has a parking space conveniently located near each unit entrance.

MOTOR VEHICLE REPAIR, MAJOR -- General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, such as collision service, body repair and frame straightening; painting; and vehicle steam cleaning and undercoating.

MOTOR VEHICLE REPAIR, MINOR -- Minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding 1 1/2 tons' capacity, but not including any operation included in the definition of motor vehicle repairs, major.

NIGHTCLUB -- An establishment primarily engaged in the sale and service of beverages for on-premises consumption and the 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.

NONCONFORMING BUILDING OR STRUCTURE -- Any building or structure, other than a sign, lawfully existing on the effective date of this chapter or any amendment to it rendering such building or structure nonconforming, which:

- (1) Does not comply with all of the regulations of this chapter or any amendment hereto governing parking or bulk requirements for the district in which such building or structure is located;
- (2) Is located on a lot which does not or is so located on a lot as not to comply with the yard requirements for the district in which such building or structure is located; or
- (3) Both Subsections (1) and (2) above, unless otherwise defined as a nonconforming use.

NONCONFORMING USE -- A building, structure or use of land existing at the time of the effective date of this chapter or amendment thereto and which does not conform to the use regulations of the district in which it is situated. A "non-conforming use" shall include any building containing one or more dwelling units in addition to the number permitted by the district regulations where such building is located. Also see "nonconforming building or structure."

NURSING HOME -- An establishment providing full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, including alcoholism, mental illness and drug-related illness, are unable to care for themselves. This definition includes hospices, convalescent homes and homes for the aged. Does not include care for the acutely ill or surgical or obstetrical services.

PARKING AREA -- An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted.

PARKING AREA, ANCILLARY -- A parking area which is secondary to a principal use not situated on the same lot as such parking area, which is not operated as a separate commercial enterprise available to the public at large and which is created to provide part of the required parking for the principal use.

PARKING SPACE, OFF STREET -- A space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PATIO -- A level surfaced area adjacent to a principal building which has an average elevation of not more than 30 inches, and without walls or a roof. A patio may be constructed of any materials.

PERSON -- Any individual or group of individuals, corporation, partnership, association or other entity.

PRIVATE CLUB OR LODGE -- A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business.

PROFESSIONAL OFFICES -- The use of offices and related spaces for such professional services that are provided by accountants, attorneys, architects, dentists, engineers insurance agents, physicians, psychiatrists, real estate brokers, teachers and similar professions. A professional office does not include clinics.

RECREATIONAL FACILITIES, COMMERCIAL -- Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity.

RECREATIONAL FACILITIES, PUBLIC -- Publicly owned recreational facilities such as, but not limited to, golf courses, tennis courts and swimming pools.

RELIGIOUS INSTITUTION -- An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. This definition also includes the terms "CHURCH," "HOUSE OF WORSHIP," "SYNAGOGUE," "TEMPLE," "MOSQUE."

RENOVATION -- The repair, preservation, and/or improvement of substandard structure. Also known as **REHABILITATION**.

RESEARCH AND DEVELOPMENT FACILITIES -- 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.

RESTAURANT -- A business enterprise engaged in preparing and serving food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises. See also "restaurant, fast-food."

RESTAURANT, FAST-FOOD -- A business establishment which sells food, frozen deserts and/or beverages selected by patrons from a limited line of prepared specialty items. Items are ready to consume within the restaurant building or on the premises in designated areas. Items may also be carry-out and consumed off the premises.

RETAIL SALES and SERVICE -- Establishments engaged in selling goods, services or merchandise to the general public for personal and household consumption and rendering services incidental to the sale of such goods. This definition does not include **DRIVE-IN SERVICE FACILITIES**.

SCHOOL, PRIVATE -- An educational institution not operated by a public school district but furnishing a comprehensive curriculum of academic instruction similar to that of a public school.

SCHOOL, PUBLIC -- An educational institution operated by a public school district under the laws of the State of New York.

SELF-SERVICE STORAGE WAREHOUSE -- Any building or group of buildings on a single parcel made of individual storage compartments, which are rented or leased to individuals or businesses for storage of nonhazardous materials, personal property and equipment.

SHARED PARKING -- Two or more land uses or a multi-tenant building that merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s).

SHOPPING CENTER -- A group of 3 or more retail establishments sharing a common site and/or having either common walls or a common roof structure.

SOLAR ENERGY SYSTEM -- An energy system which directly uses solar radiation to produce space heating, cooling, hot water or electricity through the process of collecting solar radiation, converting it to another form of energy, storing the converted energy, protecting against unnecessary dissipation and distributing the converted energy. This shall include both active and passive "solar energy systems."

STORAGE, OUTDOOR -- The keeping, in an unenclosed area, of any goods, material and merchandise in the same place for more than twenty-four hours.

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.

STORY, HALF -- A space under a sloping roof which 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 2/3 of the floor area is finished off for use.

STREET LINE -- A dividing line between a lot, tract or parcel of land and a municipal right-of-way.

STREET WALL -- The wall or part of the building or buildings on a block, nearest and parallel to the street line.

STRUCTURE -- That which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground or which is attached to something having a permanent location on the ground.

STRUCTURAL ALTERATION -- Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or the State Register of Historic Places.

SWIMMING POOL -- If any portion of a pool has a depth greater than 24 inches of water when full, such pool shall be classified as a "swimming pool."

TOURIST HOME -- A single-family dwelling where overnight and transient guests are lodged for compensation. One to five guests may be accommodated and the fee may include one or more meals. This use shall always be accessory to a dwelling's occupancy by a family. Also known as **LODGING HOUSE**.

TOWNHOUSE -- A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. See also **SINGLE-FAMILY ATTACHED** and **SEMI-DETACHED**.

TRANSPORTATION SERVICES, ACCESSORY -- Establishments furnishing services incidental to transportation, such as forwarding and parking services and the arranging of passenger or freight transportation.

TRANSPORTATION SERVICES, LOCAL -- Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger transportation charter service, school buses and terminal and service facilities for motor vehicle passenger transportation.

TRUCKING TERMINAL -- An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

USE -- The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

UTILITY -- An essential service, such as sanitary or storm sewer, water supply, gas, electricity or telephone services, including the transmission of said service, but excluding administrative functions related to this service.

VIDEO RENTAL SHOP -- A business specifically limited to the rental and sale of videos for home viewing, rental of video viewing equipment, and sale of accessory equipment (i.e., blank media, dust covers, cleaners). This does not include the sale of electronic equipment.

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. Also known as TRADE SCHOOL.

WAREHOUSING -- A use engaged in storage and distribution of manufactured products, supplies, and equipment..

WASTE INCINERATOR -- An engineered apparatus capable of withstanding heat and having as its purpose the efficient thermal oxidation and/or conversion of combustible waste material into noncombustible residues (ash) and product gases. Combustible waste materials shall include but not be limited to the following: refuse, medical waste, hazardous waste, industrial sludge, tires, refuse derived fuel.

- (1) ACCESSORY USE -- Any existing or proposed waste incinerator which burns 50% or more quantity by weight generated on the parcel where the incinerator is located.
- (2) PRINCIPAL USE -- Any existing or proposed waste incinerator which burns at least 50% or more quantity by weight, generated at locations off site and transported to the incinerator site for incineration. A waste incinerator shall not be deemed to be a principal use where a reciprocal agreement to take waste from other generators causes that incinerator to temporarily burn in excess of 50% quantity by weight of waste material generated off site, provided that this condition does not occur more than 30 days in any one calendar year.

WATER-DEPENDENT USE -- An activity which 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, ferries, marine educational or laboratory facilities, and water-related public and quasi-public utilities.

WATER-ENHANCED OR WATER-RELATED USES -- Uses that have no critical dependence on obtaining a waterfront location, but in which 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.

WHOLESALE SALES AND DISTRIBUTION -- Establishments primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD -- An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise permitted by this chapter. In measuring a "yard" for purposes of determining the required width of a side yard, the required depth of a front yard or the required depth of a rear yard, the minimum horizontal distance between the lot line and main building shall be used.

YARD, FRONT -- A front yard shall be the side of the lot of the legal address of record of the principal building. It is the yard extending across the street side of a lot measured between the side lot lines and between the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches, except as otherwise provided in this chapter.

YARD, REAR -- A yard extending across the rear of a lot measured between the rear lot line and the rear of the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches, except as otherwise provided in this chapter. On both corner lots and interior lots, the "rear yard" shall, in all cases, be at the opposite end of the lot from the front yard.

YARD, SIDE -- A yard between the building and side line of the lot which shall be considered to extend from the required rear yard to the required front yard.

ZONING MAP -- A map or series of maps adopted by the City Council pursuant to the requirements of New York State General City Law § 20, which divides the city into districts established in this chapter.

ARTICLE III

Districts, Boundaries and Regulations

§ 264-3. Districts established.

- A. In order to regulate and restrict the location of buildings and land intended for trades, industries, residences or other purposes, to regulate and limit the height and size of buildings, to regulate and limit the intensity of the use of land and the density of population and to regulate and determine the size of yards and other open spaces and to serve the purposes of this chapter, the City of Schenectady is hereby divided into the following districts:

- OS Recreation and Open Space District
- R-1 Single-Family Residential District
- RH-1 Historic Residential District
- R-2 Two-Family Residential District
- RH-2 Stockade Historic Residential District
- R-3 Multiple-Family Residential District
- C-1 Neighborhood Retail Business District
- C-2 Mixed Use Commercial District
- C-3 Downtown Mixed Use District
- C-4 Waterfront Mixed Use District
- C-5 Business District
- I Institutional District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

- B. Additional special purpose districts include:
- PRD Planned Residential Development District
 - PMD Planned Development District – Mixed Use
 - OH Overlay Historic District

§ 264-4. Boundaries.

The boundaries of the districts are shown upon the map designated as the "Zoning Map," approved by Council as part of this chapter and filed in the office of the Department of Development or such other office or department of the City of Schenectady as may be hereafter provided by ordinance. Said Zoning Map and all notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if the Zoning Map and all notations, references and other information shown thereon were all fully set forth or described herein. The City Department of Development shall, from time to time, cause all amendments, which are authorized by ordinance in the area of the various districts, to be posted on the Zoning Map or on suitable supplements thereto immediately upon the effective date of such ordinance, indicating the title and date of the ordinance pursuant to which such changes are made.

§ 264-5. Annexed territory.

The Zoning Classification of any territory hereafter annexed to the City of Schenectady shall be determined by the City Council.

§ 264-6. OS Recreation and Open Space District.

- A. Purpose. The Recreation and Open Space (OS) District is intended to preserve and enhance those publicly owned lands with significant recreational facilities or amenities, with open space characteristics or with features of topography, drainage, floodplains, aquifer areas or other natural features that preclude intense use.
- B. Permitted and Special Permit Uses, see schedule A, Use Regulations for Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.

§ 264-7. R-1 Single-Family Residential District.

- A. Purpose. Single-Family Residential (R-1) District is intended to maintain the residential quality and desirability of areas characterized primarily by owner-occupied single-family detached dwellings and where suitable, to provide areas for single-family residential development.
- B. Permitted and Special Permit Uses, see schedule A, Use Regulations for Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.

§ 264-8. RH-1 Historic Residential District.

- A. Purpose. The Historic Residential (RH-1) District is intended to promote, maintain and enhance the historic and architecturally significant buildings within the General Electric Realty Plot and the Morris Avenue neighborhoods. Specific standards and requirements are necessary to preserve the single-family residential qualities and attractiveness of this neighborhood.
- B. Permitted and Special Permit Uses, see schedule A, Use Regulations for Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards .
- D. Accessory uses and structures. Accessory uses and structures are permitted in the RH-2 District subject to the provisions of §264-29 of this chapter. In addition, accessory uses

and structures located within the RH-2 District shall comply with the following standards:

- (1) Private garages. In no case shall private garages, on any one lot, contain more than 800 square feet of gross floor area or three parking bays, whichever is less in gross floor area.
 - (2) Home occupations. The requirements of §264-104 to the contrary notwithstanding, the use of any accessory building or structure for any home occupation is prohibited. Every home occupation within the RH-1 District shall be conducted and operated entirely within the principal building.
- E. Additional limitations. As an Historic District and pursuant to the requirements of Article X, Historic Districts of this chapter, the Historic District Commission shall review, approve or disapprove all plans and building permit applications for any exterior construction visible from the public right-of-way including; alteration, repair, relocation, renovation or demolition of buildings and structures.

§ 264-9. R-2 Two-Family Residential District.

- A. Purpose. The Two-Family Residential (R-2) District is intended to conserve and maintain the areas of the city which have been developed primarily with two-family dwellings.
- B. Permitted and Special Permit Uses, see schedule A, Use Regulations for Residential Districts and the following exceptions:
- (1) The conversion of an existing single-family residence with one dwelling unit into a two-family residence with two dwelling units is prohibited.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.

§ 264-10. RH-2 Stockade Historic Residential District.

- A. Purpose. The Stockade Historic Residential (RH-2) District is intended to promote, maintain and enhance the historic Stockade neighborhood where specialized standards and requirements are necessary to protect the area's distinctive residential quality and the architectural or historical significance of structures therein.
- B. Permitted and Special Permit Uses, see schedule A, Use Regulations for Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards..
- D. Accessory uses and structures. Accessory uses and structures are permitted in the RH-2 District subject to the provisions of §264-29 of this chapter. In addition, accessory uses

and structures located within the RH-2 District shall comply with the following standards:

- (1) Private garages, storage garages and parking areas shall not contain more than one parking space for each 1,000 square feet of lot area.
- E. Additional limitations. As an Historic District and pursuant to the requirements of Article X, Historic Districts, of this chapter, the Historic District Commission shall review, approve or disapprove all plans and building permit applications for any exterior construction visible from the public right-of-way including; alteration, repair, relocation, renovation or demolition of buildings and structures.

§ 264-11. R-3 Multiple-Family Residential District.

- A. Purpose. The Multiple-Family Residential (R-3) District is intended to accommodate new and existing residential development at moderately high densities. In addition, the R-3 District is intended to permit, subject to special permit, high density residential development designed to accommodate the particular housing needs of elderly residents.
- B. Permitted and Special Permit Uses, see schedule A, Use Regulations for Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.

§ 264-12. C-1 Neighborhood Retail Business District.

- A. Purpose. The Neighborhood Retail Business (C-1) District is intended to accommodate a variety of small-scale retail business uses offering primarily convenience shopping for nearby residential areas. Permitted retail sales and services uses are intended to primarily serve the needs of individual consumers and households. Proximity to residences requires that business operations in the C-1 District be of a scale and nature that is relatively compatible with nearby residential uses. Such permitted and special uses in the C-1 District should not possess characteristics or impacts which might be detrimental or a nuisance to nearby residential properties.
- B. Permitted and Special Permit Uses. See Schedule B, Schedule of Uses for Non-Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.
- D. Additional limitations. The following limitations and conditions shall apply to and be complied with by all uses permitted or permissible in the C-1 District:

- (1) No permitted or permissible use shall occupy a floor area greater than 3,000 square feet to conduct its operations and to store its wares, products, inventory and materials.
- (2) All business establishments shall be retail or service establishments dealing directly with the consumer. All products produced, kept, handled or offered for sale shall be sold only at retail on the premises.
- (3) All operations shall be conducted within a completely enclosed building, except for the temporary outdoor display of merchandise located within five feet of a principal building.
- (4) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (5) Screening and landscaping shall be provided along all lot lines abutting a side or rear lot line of any residentially zoned or developed property in a manner which largely obscures the nonresidential use and its operation from all points located on such residential lot when viewed from the ground level.

§ 264-13. C-2 Mixed-Use Commercial District.

- A. Purpose. The Mixed Use Commercial (C-2) District is intended to represent the variety of mixed-use corridors located throughout the City's neighborhoods. These corridors are a mix of residences and smaller scale retail and service uses serving the adjacent neighborhood as well as citywide clientele. The District is also intended to provide locations for small-scale assembly, processing and light manufacturing uses, which are generally compatible in scale and nature with other permitted uses and which may provide employment opportunities for community residents. This district encourages a continued mix of residential and commercial uses at a smaller scale in keeping with the surrounding neighborhood that is oriented to all modes of transportation.
- B. Permitted and Special Permit Uses. See Schedule B, Schedule of Uses for Non-Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.
- D. Additional limitations. No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

§264-14. C-3 Waterfront Development District.

- A. Purpose.
 - (1) The Waterfront Development (C-3) District is established to provide unique opportunities for the development and maintenance of water-oriented uses within certain areas of the City adjacent to the Mohawk River. The C-3 District permits certain recreational, open space, business and residential uses which will generally benefit from and enhance the unique aesthetic, recreational and environmental

qualities of the waterfront areas. This district is also designed to protect unique and sensitive environmental features that exist along the shoreline, to promote and encourage public access to the shoreline and to encourage appropriate water-oriented recreational uses along the shoreline.

(2) The specific purposes of this district include the following:

- (a) To provide for a desirable mix of water-dependent and water-enhanced recreational opportunities, business uses and residential uses which complement each other and take advantage of the unique locational characteristics of the Mohawk River.
- (b) To promote the most desirable and appropriate use of land and building development based upon consideration of land and soil characteristics and other natural features, environmental constraints, neighborhood characteristics and overall community needs, while also protecting the character of the district, conserving the value of land and buildings, and protecting the tax revenue base.
- (c) To ensure that development and land or water use activities occur in harmony with the environmental and ecological systems that exist along the Mohawk River.
- (d) To encourage flexibility in the design of land development, preservation of unique environmental features and maintenance of the aesthetic quality of waterfront areas by establishing appropriate design that promote a more creative and imaginative design for development of waterfront areas than is normally possible under conventional zoning districts.
- (e) To promote the maintenance and/or extension of public access to the river in a manner that is compatible with the primary purpose of the proposed development or activity.
- (f) To promote opportunities for increased tourism.
- (g) To encourage appropriate and safe water surface use on the river.
- (h) To preserve, to the maximum extent practicable, the existing vegetation and natural features along the Mohawk River and to prevent, as much as possible, erosion, sedimentation and problems with drainage both during and after construction.
- (i) To encourage coordination with public agencies and private organizations involved with waterfront planning or waterfront-related development.

B. Permitted uses. See Schedule B, Schedule of Non-Residential Uses, with the following exception:

- (1) Professional and business offices of less than 3000 square feet on the ground floor. Professional and business offices that exceed 3000 square feet shall be located on upper floors, with retail and service uses located on the ground floor.
- C. Special Permit uses. See Schedule B, Schedule of Uses for Non-Residential Districts and as provided in subsection (1) below:
 - (1) Parking lots or structures as separate, principal uses shall not be located within 50 feet of the Mohawk River.
- D. Accessory uses and structures. Accessory uses and structures are permitted in the C-3 District subject to the provisions of §264-29 of this chapter. In addition, accessory uses and structures located in the C-3 District shall comply with the following standards:
 - (1) Private garages, storage and parking areas shall not contain more than two parking spaces per dwelling unit, and provided that they are not located on the side of the property that fronts the River.
 - (2) Storage structures for nonresidential uses (i.e., rental boat storage), not to exceed a height of 16 feet, which shall be screened from view by neighboring properties and water bodies with the use of vegetation, fencing or berming, or any combination thereof.
- E. Bulk, space and yard requirements. See Schedule C, Lot Development Standards and the following additional limitations:
 - (1) Setbacks of lots adjacent to the Mohawk River. Lots directly adjacent to the Mohawk River shoreline shall consider the portion of the lot fronting the River to be a front yard in addition to the portion of the lot fronting the street. Front yards adjacent to the River shall have a front yard setback of 50 feet on the Riverside. The Planning Commission has authority to approve other setbacks as deemed appropriate for the development.
 - (2) Setbacks for public access and recreational areas, water dependent uses, restaurants and other tourism-related uses which may require proximity to a location on the water, may not be subject to shoreline setback requirements as determined by the Planning Commission as part of Site Plan Review.
- F. Density Incentives
 - (1) Purpose. It is recognized that the waterfront encompasses a unique resource within the City, containing both a significant opportunity for the achievement of public amenities and a major potential for water-related development. To provide an incentive which will further encourage the most appropriate use and development of the City's waterfront, the Planning Commission may allow by

application for a special permit, an increase in zoning density as set forth below if the development of a lot includes access or recreational opportunities for the public along the Mohawk River.

(2) Public access and recreation features.

(a) Waterfront surface easement. Public access shall be dedicated in the form of a perpetual surface easement, duly executed and in a proper form for recording in the Schenectady 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) Waterfront esplanades, designed to accommodate a pedestrian walkway or pathway may be constructed by the applicant with the following construction and design standards:

[1] The trail shall have a width of at least 10 feet along the length of and abutting the Mohawk River shoreline.

[2] There shall be an additional 2 feet of graded area on either side of the trail and an additional 10 foot buffer between the trail and the River or any other use.

[3] The trail shall be constructed of asphalt or synthetic composite.

[4] The esplanade may include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. A surface easement as described in subsection (a) above is required. All maintenance of the waterfront esplanade and amenities is the responsibility of the property owner.

(c) Density Incentives. In order to encourage the development of additional public access on the waterfront, the following exceptions to the bulk, space and yard requirements may be permitted by the Planning Commission through the granting of a special permit based on the extent of the provision of a public waterfront access element described in subsection 2 (a) and 2 (b) above.

[1] Principal building coverage may be increased by an aggregate amount of not more than an additional 20% above the base maximum lot coverage of 50%.

[2] Front, rear and side yard setback requirements applicable to a lot may be reduced by up to 20%.

G. Parking and loading requirements. Off-street parking requirements applicable in the C-3 District are set forth in Article VI, Off-Street Parking and Loading, of this chapter.

(1) The use of shared parking as described in §264-46 is encouraged in the C-3 District.

H. Docking requirements.

- (1) Residential: A minimum of 10% of linear dock footage must be made available for public, day use.
- (2) Commercial: docking requirements are flexible based upon the following considerations: parking adequacy, river width, navigation channel width, and water surface use.

§ 264-15. C-4 Downtown Commercial District.

- A. Purpose. The Downtown Commercial (C-4) District is intended to represent the central business district of the City. It encourages a mix of commercial, civic, cultural and hospitality uses in a pedestrian-oriented setting. Increased densities and scale are encouraged in this district while creating a walkable, attractive downtown for residents and visitors.
- B. Permitted and Special Permit Uses. See Schedule B, Schedule of Uses for Non-Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.
- D. Additional limitations. The following limitations and conditions shall apply to and be complied with by all uses permitted and permissible in the C-4 District:
 - (1) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

§ 264-16. C-5 Business District.

- A. Purpose. The Business (C-5) District is intended to provide a choice of locations for retail, service and wholesale uses serving a citywide clientele. The District is also intended to provide locations for small-scale assembly, processing and light manufacturing uses, which are generally compatible in scale and nature with other permitted uses and which may provide employment opportunities for community residents. The C-5 District is characterized by good highway accessibility and exposure afforded by location on major streets and highways.
- B. Permitted and Special Permit Uses. See Schedule B, Schedule of Uses for Non-Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.

- D. Additional limitations. The following limitations and conditions shall apply to and be complied with by all uses permitted and permissible in the C-5 District:
- (1) Screening and landscaping shall be provided along all lot lines abutting a side or rear lot line of any residentially zoned or developed property in a manner which largely obscures the nonresidential use and its operation from all points located on such residential lot when viewed from the ground level.
 - (2) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

§ 264-17. I Institutional District.

- A. Purpose. The Institutional District (I) is established to allow for an increased development scale and intensity than would typically be found in the adjacent residential districts to reflect their respective institutional missions, and to support continued growth and flexibility. Development is intended to respect the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods, and be predominantly pedestrian oriented.
- B. Permitted and Special Permit Uses. See Schedule B, Schedule of Uses for Non-Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.
- D. Density Incentive.
- (1) Purpose. The purpose of a density incentive is to encourage expansion and redevelopment projects on institutional campuses in coordination and cooperation with the City of Schenectady and the surrounding neighborhoods by providing some additional flexibility to these uses. To provide an incentive which will further encourage coordination and the most appropriate use and development of the City's campuses, institutional uses may request a density bonus to allow for 70% lot coverage of principal structures if it provides a long range plan to the City as part of Special Use Permit Review.

§ 264-18. M-1 Light Manufacturing and Warehousing District.

- A. Purpose. The Light Industrial (M-1) District is intended to provide areas where light manufacturing, warehousing and business establishments may locate. Uses in the M-1 District themselves require protection from the potential adverse impact of heavier industrial uses, and therefore, such heavier industrial uses have been excluded from the M-1 District. The M-1 District is intended to be located primarily in those areas that are not residentially developed.

- B. Permitted and Special Permit Uses. See Schedule B, Schedule of Uses for Non-Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.
- D. Performance standards for permitted uses. All uses permitted in this district shall operate in compliance with the following standards. Failure to operate in compliance with these standards shall be a violation of the Zoning Code and shall be subject to penalties as specified by Article XVIII of this chapter.
 - (1) Exterior use of property. A special use permit must be issued in accordance with XIV of this chapter where the operation of any establishment requires the overnight on-site exterior storage or parking of more than 10 non-employee motor vehicles or the use of more than 10% of the total lot area for storage or activities not located within a completely enclosed building or structure.
 - (2) Noise. When measured in accordance with American National Standards Institute standards at the property lot line, the maximum sound level shall not exceed 60 dBa.
 - (3) Odor. Odorous matter released from any operation, activity or refuse shall not be detectable at the property lot line where the odor is generated.
 - (4) Smoke. The emission of smoke from any chimney, stack, vent, opening or combustion or cleaning process shall not exceed a density or equivalent capacity of Ringelmann No. 1.
 - (5) Glare. Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.5 footcandle in any residential district.
 - (6) Dust. No business shall be operated in such a manner which adversely impacts a residential district due to stack emissions or ground operations which generates dust or particulate matter.
 - (7) Vibration. Processes or operations shall not create vibrations which exceed any of the following thresholds when measured at the property line of the generator or such vibration.

Frequency (cycles/second)	Displacement in Thousandths of an Inch
5	17.0
10	4.0
20	1.3
30	0.7
40	0.5
50	0.4

§ 264-19. M-2 Manufacturing and Warehousing District.

- A. Purpose. The Manufacturing and Warehousing (M-2) District is intended to provide a location for intense business and industrial uses which, because of their operation and nature, may create adverse effects on other nearby uses.
- B. Permitted and Special Permit Uses. See Schedule B, Schedule of Uses for Non-Residential Districts.
- C. Bulk, space and yard requirements. See Schedule C, Lot Development Standards.

§ 264-20. OH Overlay Historic District.

- A. Purpose. The OH Overlay Historic District is intended to promote, maintain and enhance areas, buildings and neighborhoods of historic, architectural, cultural or aesthetic value and to promote the purpose and intent of Article X governing historic districts. The OH District provides a means of applying historic district review and protection to individual landmark buildings or to areas of diverse land use that may not reasonably be classified as either an RH-1 or RH-2 Historic District. As an Overlay District, the OH District shall always be mapped in conjunction with an underlying district.
- B. Effects. The OH District shall not be independently mapped upon the Zoning Map but shall be mapped, pursuant to the procedure for zoning amendments established in Article XIX of this chapter, only in conjunction with an underlying residential or nonresidential district. When so mapped, the OH District shall apply the requirements for historic districts established in Article X of this chapter, in addition to all the requirements and limitations applicable in the underlying district.

§ 264-21. Planned Development Districts

- A. Purpose. This Article creates a zoning district which would permit the establishment of planned residential developments (PRD) and Planned Mixed Use Developments (PMD) on one or more sites to achieve the following objectives:
 - (1) A land use pattern in harmony with the objectives of the City Comprehensive Development Plans.
 - (2) A more desirable environment than would be possible through the strict application of other land use and development regulations of the city.
 - (3) A creative use of land and related physical development which allows an orderly transition from one land use to another.
 - (4) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs.

- (5) Diversification in the uses permitted and variation in the relationship uses, structures, open spaces and height of structures in developments conceived as cohesive unified projects.
- (6) Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects and engineers.
- (7) Innovations in residential development to the end that the growing demands for housing at all economic levels may be met by greater variety in tenure, type, design and siting of dwellings.
- (8) The preservation and enhancement of desirable characteristics, such as natural topography, vegetation and geologic features, and the prevention of soil erosion.
- (9) Provision for the preservation and functional and beneficial use of open areas.

B. PRD Standards and requirements.

- (1) Minimum project area. The minimum project area shall be three contiguous acres of land. The City Council may, upon report and recommendation of the Planning Commission, consider projects of lesser acreage. In such case the applicant shall have the burden of establishing that the tract is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives established in this Article.
- (2) Ownership. The entire tract proposed for planned residential development shall be in single ownership or under such unified control as to ensure that the entire tract will be developed as a unified whole. All owners of the tract shall be included as joint applicants on all applications, and all approvals shall bind all owners.
- (3) Location. The PRD may be created in an existing district which permits residential uses.
- (4) Permitted uses. Permitted uses within a PRD shall be as follows:
 - (a) Residential uses. Residential dwellings, including single-family attached and detached.
 - (b) Nonresidential uses. Parks and playgrounds, open space, tennis courts, swimming pools and other accessory private recreational facilities and other accessory uses designed and intended primarily to serve the residents of the PRD.
- (5) Residential density.
 - (a) The overall project residential density shall be determined by the Planning Commission to provide for the most appropriate density for the project.

- (b) Where common property within the PRD is to be dedicated to the city for public parklands, playgrounds or other similar public recreational use, the City Council, as a condition of PRD approval, may authorize that such dedicated common property be deemed project area for the purpose of calculation of maximum permitted residential density.
- (c) Maximum Height: 45 Feet
- (d) Setbacks: Any side and rear setback from a contiguous district must match the required setbacks from that district. The Planning Commission has authority to approve other setbacks as deemed appropriate for the development.

C. PMD Standards and Requirements

- (1) Minimum project area. The minimum project area shall be three contiguous acres of land. The City Council may, upon report and recommendation of the Planning Commission, consider projects of lesser acreage. In such case the applicant shall have the burden of establishing that the tract is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives established in this Article.
- (2) Ownership. The entire tract proposed for planned residential development shall be in single ownership or under such unified control as to ensure that the entire tract will be developed as a unified whole. All owners of the tract shall be included as joint applicants on all applications, and all approvals shall bind all owners.
- (3) Location. The PMD may be created in an existing C-2, C-3, C-4 and C-5 Districts.
- (4) Permitted uses. Permitted uses within a PMD shall be as follows:
 - (a) Residential uses. Residential dwellings, including single-family attached and detached, two-family, and multiple-family.
 - (b) Nonresidential uses. All nonresidential uses permitted in the C-2, C-3, C-4 and C-5 Districts.
- (5) Density.
 - (1) The overall project residential density shall be determined by the Planning Commission to provide for the most appropriate density for the project.
 - (2) Where common property within the PMD is to be dedicated to the city for public parklands or other similar public recreational use, the City Council, as a condition of PMD approval, may authorize that such dedicated

common property be deemed project area for the purpose of calculation of maximum permitted residential density.

- (3) Maximum Height: 56 Feet
- (4) Setbacks: Any side and rear setback from a contiguous district must match the required setbacks from that district. The Planning Commission has authority to approve other setbacks as deemed appropriate for the development.

D. General Standards and Requirements

- (1) Impact on neighborhood. Any planned development shall be planned, designed and developed to be in harmony with the general purposes of this chapter and the City Comprehensive Plan to avoid any substantial adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities and other matters affecting the public health, safety and general welfare; to avoid any domination of the immediate vicinity or interference with the development and use of neighboring property in accordance with the applicable district regulations; and to avoid any destruction, loss or damage of natural, scenic or historic features of significant importance.
- (2) Landscaping. In all planned developments, landscaping and screening shall be provided according to a detailed landscaping plan. The perimeter of the PRD and PMD shall be designed and constructed so as to ensure compatibility with surrounding uses by means of setbacks, landscaping, screening, natural features and/or compatible buildings and structures.
- (3) Utilities. Planned developments shall be served adequately by, and shall not impose an undue burden upon, essential public facilities and services, such as highways, streets, traffic control signals and devices, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools. Where any such facility or service is not available or adequate to service the PRD or PMD, the applicant shall be responsible for establishing his ability, willingness and binding commitment to provide such facilities and services. All utility lines shall be placed underground.
- (4) Covenants and restrictions. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with a planned development shall provide that they may not be modified, removed or released without the express consent of the City Council and shall provide that they may be enforced by the City of Schenectady.
- (5) Common property. Common property in a planned residential development is an area of land, together with any improvements thereon, intended for the aesthetic, leisure and recreational use of all owners and occupants of the Planned

Development. Common property shall comprise a minimum of 25% of the total land area in any Planned Development. Common property shall be either public or private and shall be in such location and configuration that shall adequately serve and be accessible to all residents of the Planned Development.

- (6) Private common property. In cases of common property maintained privately, such land shall be covenanted to the satisfaction of the City Corporation Council to ensure that such areas shall not be utilized for building sites. The Planned Development plans shall include such provisions for the ownership and maintenance of such common property and facilities as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the city if such common property or facilities are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the Planned Development or the city.

E. Procedures. Whenever any planned residential development is proposed, and before any contract is made for the sale of any part thereof, before any building permit or zoning certificate shall be granted, and before any subdivision plat may be filed in the office of the County Clerk, the prospective developer or his authorized agent shall apply for and secure approval of such Planned Development in accordance with the procedures herein.

- (1) Application. The applicant shall file with the Zoning Officer, an application for zoning amendment to Planned Residential Development District or Planned Mixed-Use Development District, together with the required fee and information. On receipt of the completed application and fee, the Zoning Officer shall transmit a copy of such application to the City Council Community Development and Planning Committee.
- (2) Required information. Any application for a zoning amendment to Planned Residential Development District or Planned Mixed-Use Development District shall contain five copies of the following information:
 - (a) Site development plans drawn at a scale of not less than one inch equals 100 feet containing the following information:
 - [1] Property lines, existing and proposed, together with the acreage of all lots, including any easements and dedications.
 - [2] A map or description of the uses of land in and adjacent to the development site.
 - [3] Topographic and drainage information, including contour intervals of not more than two feet of elevation, both existing and proposed.
 - [4] Existing natural and man-made features, including streams, drainage improvements, wetlands, flood-plains, slope over twelve-percent grade and existing buildings and structures.

- [5] All existing and proposed elements of vehicular and pedestrian circulation, including but not limited to roadways, parking areas, loading areas, walkways, bike paths and parking garages.
 - [6] Delineation of the location and nature of the various residential buildings and uses, including the number, type and size of dwelling units proposed, plus a calculation of residential density.
 - [7] The nature and location of all utilities, existing and proposed, including water, sewer, storm drainage, public utilities and refuse collection.
 - [8] A landscaping plan showing the nature and location of all landscaping, plantings, fencing, screening and buffers.
 - [9] The nature and location of all common property, including any structures, buildings, facilities or other improvements proposed to be located on such property.
 - (b) The name and address of the applicant, the property owner and if the applicant is other than the property owner, evidence of his authority to make such application.
 - (c) A written statement describing how the proposed PRD or PMD will implement the purposes set forth in this Article. This statement shall also detail the type and number of residential dwelling units, the number of off-street parking space and the proposals for the construction, operation and maintenance of all utility systems and road improvements.
 - (d) A written statement detailing the methods of ownership, control and planning by which the proper continued operation, perpetuity and maintenance of all common lands and facilities, structures or buildings thereon, parking areas, walkways and utilities will be assured.
 - (e) A standard environmental assessment form shall be completed for the project. If determined necessary, an environmental impact statement will be prepared in accordance with the requirements of the New York State Environmental Quality Review Act and any applicable city environmental law.
 - (f) Where the applicant proposes staging construction over a period to two or more years, a proposed plan indicating the staging of building construction and related improvements within the PRD or PMD, including estimated timing of each stage, shall be prepared.
- (3) Review Procedure. Review of applications for PRD or PMD are governed by this subsection.
- (4) Final PRD or PMD development plan approval. Before any building permit or zoning certificate is issued and prior to the Official Zoning Map being revised to PRD or PMD District, the applicant shall secure final PRD or PMD plan approval of such project or stage thereof from the Planning Commission. The applicant shall make application for final PRD or PMD plan approval following the requirements and procedure established in Article XIII for site plan approval. Site plan approval, in addition to the requirements contained in Article XIII, shall also

satisfy the city subdivision requirements when accompanied by a suitably drawn final subdivision plat of the project or stage thereof. The Planning Commission in approving the final PRD or PMD plan must find all of the following:

- (a) The final plans are in accord with the project information submitted to the city in application for approval and incorporate any conditions, restrictions or modifications required by the City Council for approval.
 - (b) The final plans are consistent with the purposes and requirements of this Article and of Article XIII.
 - (c) The applicant has complied with subsection F of this section requiring site improvements or surety prior to construction.
- (5) Request for change of development plans. If in the site design process it becomes apparent that certain elements of the development plan tentatively approved by City Council are infeasible and in need of modification, the applicant shall then present such modifications to the Planning Commission as part of the final approval process. The Planning Commission shall then determine whether or not the modification is still keeping with the City Council zoning resolution. If a negative decision is reached, the application for final PRD or PMD plan approval and zoning amendment shall be considered disapproved. In such case the applicant may resubmit his proposal as provided herein.

F. Financial responsibilities.

- (1) Prior to the issue of building permit or zoning certification, the applicant may be required to post performance bond(s) pursuant to and in accordance with the same procedures as provided for in §33 of New York General City Law, in sufficient amounts and duration to assure that all street or other public places shown on the planned development plan shall be suitably graded and paved and that street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire-alarm signal devices, including necessary ducts and cables or other connecting facilities, sanitary sewers and storm drains shall all be installed in accordance with standards, specifications and procedures acceptable to the appropriate city departments.
- (2) Alternatively, such improvements may be installed by the applicant in accordance with standards, specifications and procedure acceptable to the appropriate city departments.

§264-22 **Reserved**
§264-23 **Reserved**

Schedule A: Use Regulations for Residential Districts						
Principal Uses	Districts					
	OS	R-1	RH-1	R-2	RH-2	R-3
bed and breakfasts/tourist homes	NP	NP	NP	NP	SP	SP
boarding houses	NP	NP	NP	NP	SP	SP
botanical gardens, arboretums, conservatories	P	NP	NP	SP	SP	SP
clubs and lodges, private	NP	NP	NP	NP	NP	NP
cemeteries and related facilities	SP	NP	NP	NP	NP	NP
commercial uses , first floor	NP	NP	NP	NP	NP	SP
community centers	NP	NP	NP	SP	SP	SP
cultural facilities, nonprofit	SP	NP	NP	SP	SP	SP
daycare centers and nursery schools	NP	NP	NP	P	P	P
dwelling attached single-family, townhouses (see §264-110)	NP	SP	NP	P	NP	P
dwelling, multi-family	NP	NP	NP	NP	NP	P
dwelling, two-family	NP	NP	NP	P ¹	P	P
dwelling, single-family	NP	P	P	P	P	P
family care homes	NP	SP	NP	P	P	P
golf courses, private	SP	NP	NP	NP	NP	SP
home occupations, subject to §264-104	NP	P	P	P	P	P
Hospitals	NP	NP	NP	NP	NP	NP
nonprofit institutions of educational, religious or philanthropic nature	NP	NP	NP	SP	SP	SP
nursing homes	NP	NP	NP	SP	SP	SP
open space and greenways	P	P	P	P	P	P
parking areas with more than 5 spaces	NP	NP	NP	P	SP	NP
parking, ancillary (see 264-101)	NP	NP	NP	SP	SP	SP
parks and playgrounds, public	P	P	P	P	P	P
professional offices subject to 264-105	NP	NP	NP	SP	SP	SP
recreational facilities incidental to Religious Institutions	NP	SP	SP	SP	SP	SP
religious institutions	NP	P	SP	P	P	P
schools, post-secondary	NP	NP	NP	NP	NP	P
schools, elementary and secondary, private and public	NP	P	NP	P	P	P
¹ See Section 264-9. Existing and new construction two-family uses are permitted; conversion of one-family dwellings to two-family are prohibited.						

P = Permitted as of right in district

SP = Requires a Special Use Permit

NP = Not permitted in the district

R-1 = Single Family Residential District

RH-1 = Historic Residential District

R-2 = Two-Family District

RH-2 = Stockade Historic Residential District

R-3 = Multi-Family Residential District

Schedule B: Use Regulations for Non-Residential Districts								
	Districts							
Principal Uses	C-1	C-2	C-3	C-4	C-5	M-1	M-2	I ⁴
adult bookstores and entertainment, pursuant to §264-100	NP	NP	NP	NP	NP	P	P	NP
animal and veterinary clinics	NP	P	NP	P	P	P	P	NP
antique stores	P	P	P	P	P	P	P	NP
appliance sales (repair and retail)	NP	P	NP	P	P	P	P	NP
arenas and stadiums	NP	NP	SP	SP	SP	SP	SP	NP
art galleries and supply shops	NP	P	P	P	P	P	P	NP
artist and dance studios	P	P	P	P	P	P	P	P ⁴
assembly and packaging of products and equipment	NP	P	NP	NP	P	P	P	NP
automobile wrecking establishments	NP	NP	NP	NP	NP	SP	SP	NP
banks, branch	NP	P	P	P	P	P	P	NP
bars, taverns, cocktail lounges, night club	NP	P	P	P	P	P	P	NP
bed and breakfasts, tourist homes	P	P	P	P	P	NP	NP	P ⁴
boat launches, slips, docks,	NP	NP	P	SP	SP	SP	SP	NP
boat rental establishments	NP	NP	P	NP	P	P	P	NP
broadcasting stations	NP	P	P	P	P	P	P	NP
business incubator	NP	P	P	P	P	P	P	NP
car washes	NP	SP	NP	NP	SP	SP	P	NP
community centers and facilities	P	P	P	P	P	P	P	P ⁴
cultural facilities and museums, nonprofit	NP	P	P	P	P	P	P	P ⁴
daycare centers and nursery schools	P	P	P	P	P	NP	NP	P ⁴
drive-in service facilities	NP	SP	NP	NP	SP	P	P	NP
dry cleaning collection stations	P	P	P	P	P	P	P	P ⁴
dry-cleaning and dyeing establishments	NP	P	NP	NP	P	P	P	NP
entertainment facilities (bowling alleys, video arcades), indoor	NP	P	P	P	P	P	P	NP
family care homes	P	P	NP	P	P	NP	NP	P ⁴
financial institutions and offices, excl. branch banks	SP	P	P	P	P	P	P	NP
food processing, canneries, bakeries and bottling facilities	NP	SP	NP	NP	SP	P	P	NP
funeral homes	SP	P	P	P	P	P	P	SP
gasoline service stations	NP	SP	NP	NP	SP	SP	SP	NP
government agency structure or use	NP	P	P	P	P	P	P	P ⁴
group residences	P	P	NP	P	P	NP	NP	P ⁴
hospital	NP	P	NP	P	P	NP	NP	P ⁴
hotels and motels	NP	P	P	P	P	NP	NP	NP
Inns	NP	P	P	P	P	NP	NP	NP
junkyards	NP	NP	NP	NP	NP	NP	SP	NP
kennels	NP	SP	NP	SP	SP	P	P	NP
laundromats and laundry collection stations	P	P	P	P	P	P	P	P ⁴
manufacturing	NP	NP	NP	NP	NP	NP	P	NP
manufacturing, light	NP	NP	NP	NP	SP	P	P	NP
marinas	NP	NP	P	SP	SP	P	P	NP
mass transportation terminals	NP	NP	NP	P	NP	NP	NP	NP
material recovery/ transfer centers, excl. recycling/redemption	NP	NP	NP	NP	NP	P	P	NP

Schedule B: Use Regulations for Non-Residential Districts								
	Districts							
Principal Uses	C-1	C-2	C-3	C-4	C-5	M-1	M-2	I ⁴
medical and dental clinics and laboratories	NP	P	P	P	P	P	P	P ⁴
metal and material reclaiming facilities	NP	NP	NP	NP	NP	P	P	NP
motor vehicle parts and supply sales	NP	P	NP	P	P	P	P	NP
motor vehicle rental	NP	P	NP	SP	P	P	P	NP
motor vehicle repair establishments, major	NP	NP	NP	NP	SP	P	P	NP
motor vehicle repair establishments, minor	NP	P	NP	SP	P	P	P	NP
motor vehicle sales	NP	NP	NP	NP	P	P	P	NP
nursing homes	NP	P	NP	P	P	NP	NP	P ⁴
off-track betting parlors	NP	P	NP	P	P	P	P	NP
open space or greenspace	P	P	P	P	P	P	P	P ⁴
parking lots or structures as a principal use	NP	P	SP ²	P	P	P	P	SP
printing and binding establishments	NP	P	NP	P	P	P	P	NP
private clubs and lodges	SP	P	P	P	P	P	P	SP
professional and general business offices	NP	P	SP ¹	P	P	P	P	NP
professional/general business offices, limited pursuant to §264-106	SP	P	P	P	P	P	P	P ⁴
recreation facilities, outdoor, commercial	NP	NP	P	NP	P	NP	NP	NP
recreation facilities, public	P	P	P	P	P	P	P	P ⁴
recreational facilities, indoor, commercial	P	P	P	P	P	P	P	P ⁴
recycling collection point and redemption centers	NP	P	NP	P	P	P	P	NP
religious institutions	P	P	P	P	P	P	P	P ⁴
research and development facilities	NP	P	SP	P	P	P	P	P ⁴
residential dwellings	P	P	P	P	P	NP	NP	P ⁴
restaurants	P ³	P	P	P	P	P	P	NP
retail sales w/ light manufacturing of products as accessory use	NP	P	P	P	P	P	P	NP
retail sales and services	NP	P	P	P	P	P	P	NP
retail sales and services, neighborhood	P	P	P	P	P	P	P	P ⁴
schools, post-secondary	NP	P	SP	P	P	P	P	P ⁴
schools, public and private	P	P	NP	P	P	NP	NP	P ⁴
schools, vocational and trade	NP	SP	NP	P	P	P	P	P ⁴
self-service storage warehouse structures	NP	NP	NP	NP	SP	P	P	NP
storage, motor vehicles	NP	NP	NP	NP	NP	P	P	NP
storage, outdoor	NP	NP	NP	NP	NP	P	P	NP
tour boat operators	NP	NP	P	NP	NP	P	P	NP
trucking, warehousing and storage establishments	NP	NP	NP	NP	SP	P	P	NP
waste incinerators	NP	NP	NP	NP	NP	NP	SP	NP
wholesale and distribution establishments, except bulk fuel	NP	NP	NP	NP	P	P	P	NP
wholesale establishments, permitted retail use	NP	NP	NP	SP	P	P	P	NP

Footnotes 1: Professional and business offices shall not be located on the ground floor. Retail and service-related uses on ground floor only.

2: Parking uses and structures as a principal use shall not be located within 100 feet of the River.

3: Maximum seating capacity of 30

4: Special Use Permit Required for any development within 150 feet of a Residential or Open Space District

Schedule B: Use Regulations for Non-Residential Districts								
	Districts							
Principal Uses	C-1	C-2	C-3	C-4	C-5	M-1	M-2	I ⁴
P= Permitted Use	C-1= Neighborhood Retail			C-5 = Business				
SP = Requires a Special Permit	C-2 = Mixed Use Commercial			I = Institutional				
NP = Not Permitted	C-3 Waterfront Mixed Use			M-1 = Light Manufacturing/Warehousing				
	C-4 = Downtown Commercial			M-2 = Manufacturing/Warehousing				

Schedule C: Proposed Lot Development Standards										
District	Building Height	Minimum Lot Area (SF)	Maximum Lot Coverage	Maximum Impervious Surface	Minimum Lot Frontage ¹	Maximum Development (GFA)	Principal Building Setbacks			
							Front Minimum	Front Maximum	Rear Minimum	Side Minimum
OS	35 ft	20,000 SF	N/A	30%	N/A	N/A	25 ft	None	20 ft each	20 ft
R-1	35 ft	5,000	Principal: 30% Accessory: 10%	70%	40 ft	n/a	25 ft	25 ft or as established on the block ²	20% of lot depth or 25 feet	10% of lot width or 5ft whichever is greater up to 12 ft.
RH-1	35 ft	12,000/ dwelling unit 20,000nonresidential	Principal: 30% Accessory: 10%	50%	40 ft	n/a	25 ft	25 ft or as established on the block ²	20% of lot depth or 25 feet	20 ft.
R-2	35ft	2,250/dwelling unit 5,000 nonresidential	Principal: 30% Accessory: 10%	80%	40 ft	n/a	20 ft	20 ft or as established on the block ²	20% of lot depth or 25 feet	10% of lot width or 5ft whichever is greater up to 12 ft.
RH-2	45	1,250/dwelling unit 2,000 nonresidential	Principal: 40% Accessory: 10%	80%	40 ft	none	None	Avg of adjoining lots or the lesser setback of adjoining lots	25 ft	5 ft ²
R-3	45ft as of right uses	2,250/ dwelling unit 2,000 non-residential	Principal:-50% Accessory:15%	80%	40ft	n/a	20ft	20 ft or as established on the block ²	25 ft	10% of lot width or 5ft whichever is greater up to 10 ft.
C-1	35 ft	2,250 residential 2,000 nonresidential	Principle: 40% Accessory: 10%	80%	40 ft	3,000 SF nonresidential	20 ft.	25 ft	25-ft	5 ft
C-2	45 ft	1,250 residential 3,000 nonresidential	Principle: 70% Accessory: 15%	None	40 ft	12,000 SF nonresidential	No minimum	10 ft	5 ft	0 ft
C-3	35 ft within 200 ft of high waterline 56 ft beyond 200 ft of high waterline	2,250/ dwelling unit 1,250/ dwelling unit w/Special Permit 2,000 nonresidential	Principle: 50% Accessory: 15%	None	30 ft	None	Lots adjacent to River: 50 ft from high watermark on the river side. 10 feet on all other front yards. ³ All other lots: 10 feet	No maximum.	Lots adjacent to the river: see front setback minimum. ³ All other lots: 5 ft.	Lots adjacent to River: 50 ft. from high watermark. ³ All other lots: 10% of lot width or 5ft whichever is greater up to 10 ft.

¹ Corner lots are to be measured according to the lot frontage which is the shortest.

² See §264-35.

³ Public access areas, recreational areas and water dependent uses, which require proximity to or location on the water, may not be subject to any shoreline setback requirements at the discretion of the PC.

Schedule C: Lot Development Standards										
District	Building Height	Minimum Lot Area (SF)	Maximum Lot Coverage	Maximum Impervious Surface	Minimum Lot Frontage	Maximum Development (GFA)	Principal Building Setbacks			
							Front Minimum	Front Maximum	Rear Minimum	Side Minimum
C-4	75 ft 100ft w/ SP Height minimum of 35 feet/2 stories or the average of the adjacent lots	1,250/dwelling unit 3,000 nonresidential	Principle: 95% Accessory: 15%	None	40 ft	None	0 ft	0 ft	5 ft	None
C-5	56ft	1,250/dwelling unit 5,000 nonresidential	Principle: 70% Accessory: 15%	None	40 ft	None	No minimum	No maximum	5 ft	10 ft total of both sides
I	45 ft residential 120 ft institutional	2,250/dwelling unit 1,250/dwelling unit w/ Special Permit 5,000 institutional	Principle: 50% Accessory: 10% Principle: 50% Accessory 10%	None	40 ft	None	25 ft or as established on the block ² 1 ft per foot of building height	None	25 ft. 5 ft	10 ft each side 5 ft each side
M-1	56 ft	5,000	Principle: 70% Accessory: 15%	None	N/A	None	No minimum	No maximum	5 ft	10 ft each side
M-2	56 ft	5,000	Principle: 70% Accessory: 15%	None	N/A	None	No minimum	No maximum	5 ft	10 ft each side

¹ Corner lots are to be measured according to the lot frontage which is the shortest.

² See §264-35.

³Public access areas, recreational areas and water dependent uses, which require proximity to or location on the water, may not be subject to any shoreline setback requirements at the discretion of the PC.

ARTICLE IV

Applicability

§ 264-24. Compliance with requirements.

Except as otherwise provided no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered for use, nor shall any building or structure or land be used or changed in use which does not comply with all of the district regulations established by this chapter for the district in which the building or structure or land is located.

§ 264-25. Exempted uses.

The following utility uses are exempt from the provisions of this chapter: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment, but not including substations located on or above the surface of the ground for the distribution to consumers of telephone, cable television or other communications, electricity or gas.

§ 264-26. Area of applicability.

This chapter shall apply to all structures, land, premises and uses within the corporate limits of the City of Schenectady, New York.

§ 264-27. Previous authorizations.

Any variance or special permit lawfully issued prior to the effective date of this chapter or any amendment thereof shall be deemed to be valid after the effective date of this chapter.

ARTICLE V Supplemental Regulations

§ 264-28. Applicability of Supplemental Regulations.

The regulations and standards set forth in this Article qualify or supplement, as the case may be, the district regulations appearing in Article III and elsewhere in this chapter.

§ 264-29. Accessory structures and uses.

- A. Authorization. Accessory structures and uses, as defined herein, are permitted in any zoning district in connection with any principal use lawfully existing within such district unless otherwise specified in Schedule B.
- B. Permitted accessory uses and structures. Accessory uses and structures include, but are not limited to the following list of examples;
 - (1) Private garages, storage garages, parking spaces and parking areas;
 - (2) Private customer and employee garages, parking spaces and parking lots, off-street loading spaces.
 - (3) Structures for storage incidental to a permitted use, including woodsheds, toolsheds and garden or lawn equipment storage buildings.
 - (4) Child's playhouse or tree fort.
 - (5) Tennis courts, basketball courts etc. solely for use by residents and their guests.
 - (6) Private swimming pools, bathhouses and saunas accessory to a residential building and limited to occupants thereof and their guests.
 - (7) Patios.
 - (8) Structures housings solar energy systems, heat pumps and air-conditioning systems or elements thereof.
 - (9) Home gardening
 - (10) Home occupations, subject to the requirements and standards set forth in § 264-104 of this chapter.
 - (11) Accessory home-care units in single-family dwellings. This subsection of Chapter 264, authorizes the establishment of a temporary accessory home-care unit on the same lot as an existing single-family dwelling upon issuance of a special use permit in accordance with Article XIV of this chapter.
 - (a) Purpose. The purpose of permitting temporary accessory home-care units is to:
 - [1] Provide housing arrangements which meet the needs of the elderly and/or disabled population in the community by affording an opportunity for them to live in close proximity to those who can help maintain their health, independence and privacy.
 - [2] Preserve the character of a single-family residential neighborhood by ensuring that temporary accessory home-care units are installed

- only in conjunction with owner-occupied single family houses and under such additional conditions as may be appropriate.
- (b) General requirements. An application to the Planning Commission for a special use permit for an accessory home-care unit shall be subject to the following standards and criteria:
- [1] An accessory home-care unit may be:
 - [a] Located within an existing single-dwelling home;
 - [b] Constructed as an attached permanent addition to an existing single-dwelling home;
 - [c] A temporary structure either separate or attached to an existing single-dwelling home; or
 - [d] Located within an existing accessory structure, such as a garage, on an existing single-dwelling lot.
 - [2] Only one home-care unit shall be created per lot.
 - [3] If the accessory home-care unit is a permanent addition or attached as a temporary structure to the single-family home, it shall be designated so that, to the maximum extent feasible, the exterior appearance of the building matches the principal dwelling and must have interior access between dwelling units. (When use is discontinued, access between units will facilitate the incorporation of the addition into principal unit living space.) Only one front entrance is allowed. Any additional entrances shall be located on the rear or side of the building.
 - [4] If the accessory home-care unit is a temporary attached or detachable accessory unit or a converted accessory structure such as a garage, it shall be designed, placed and screened to minimize its visual impact on adjacent properties. Both detached and attached units shall be located behind or to the side of the principal structure. Landscaping, such as shrubs or trees, or fencing shall be installed to screen the unit from adjacent properties as per a submitted landscaping plan.
 - [5] An accessory home-care unit must meet the bulk, space and yard requirements of the zoning district in which it will be located and/or the requirements stated in § 264-29.
 - [6] At least one parking space shall be provided for an accessory home-care unit. An applicant must demonstrate that the site can accommodate sufficient parking for the accessory and principal units during special use permit review.
 - [7] The accessory home-care unit must be temporary. The owner shall submit with the application a restoration plan, including cost information detailing the work necessary to remove all apartment features that include but are not limited to exterior structures, kitchen facilities (cabinets, counters, stoves or refrigerators) and plumbing. The owner shall notify the Zoning Officer, in writing, within 10 days once the additional dwelling unit is no longer needed the property is sold or for some other reason the applicant

no longer meets the conditions as outlined above; upon notification the accessory home-care unit special use permit will be terminated. The applicant must then comply with the special use permit requirements and the terms of the restoration plan within 90 days of the date of termination.

- [8] An applicant for an accessory home-care unit special use permit must demonstrate to the City of Schenectady that the existing sewer and water service is adequate to accommodate the additional dwelling unit. The applicant will provide a plan for construction and provide water and sewage connections approved by the City Building Inspector, City Engineer, Water Department and Plumbing Inspector.
- [9] The owner(s) of the one-family lot upon which the accessory unit is located shall occupy at least one of the dwelling units on the premises.
- [10] An accessory home-care unit must not contain more than one bedroom.
- [11] The occupant(s) of at least one of the dwelling units shall be 55 years of age or older or unable to live independently due to disability. For the purpose of this subsection, "disability" is defined as person or persons eligible to receive social security disability benefits or, more specifically, unable to engage in any substantial gainful activity by reasons of any medically documented physical and mental impairment.
- [12] The relationship between the property owner-occupant and the tenant(s) of the other unit must be one which could be considered a traditional family relationship or the functional equivalent thereof. Proof of this relationship should accompany the application.

(c) Inspections; conditions.

- [1] An accessory home-care unit will be subject to periodic inspections prior to the initial issuance and renewal of a permit. Permits must be renewed by the applicant on an annual basis. Failure to renew the special use permit will result in a zoning violation and possible prosecution.
- [2] The applicant will file the special use permit as a deed restriction with the County Clerk's office.

(d) Applications. An application for a special use permit for an accessory home-care unit must be accompanied by the following:

- [1] Site plan. The plan shall be drawn at a scale of one inch equals 20 feet, unless the Zoning Officer determines a different scale more appropriate, showing the following:
 - [a] The applicant's entire lot.
 - [b] The location and size of all structures on the applicant's lot, including the single-family home, all accessory buildings, driveway and parking areas, etc.
 - [c] The applicant's name and address.

- [d] The proposed location, point of entry and size of the accessory unit. If the accessory unit is attached, provide a floor plan for the principal and accessory dwelling units detailing access between the units.
- [e] If an accessory unit is attached, a floor plan of the accessory unit and principal dwelling unit showing interior access between the dwellings.
- [f] A proposed landscaping plan to screen the accessory unit.
- [2] Statement of need. The application for an accessory home shall be accompanied by a written statement of need signed by the applicant. The statement of need shall provide evidence that the occupants of the proposed unit are seniors (at least 55 years of age) or disabled. Verification of age (birth certificates, etc.) or disability (physician's certification) shall be provided with the statement.
- [3] Restoration plan. The applicant must submit a detailed restoration plan for removal of the accessory home-care unit covering the following points:
 - [a] Listing structures, exterior and interior walls to be maintained and those to be removed.
 - [b] A removal plan for all kitchen-related facilities, to include electrical and plumbing improvements, i.e., sink, stove, cabinets, counters, refrigerator.
 - [c] The estimated costs for each of the above activities.

D. Prohibited accessory uses.

- (1) No bus or commercial vehicle (excluding pick-up trucks) exceeding one ton in capacity and/or which has a six-wheel base shall be parked or stored between 9:00 p.m. and 8:00 a.m. in any residential district.
- (2) Storage garages in Residential Districts R-1, RH-1, R-2, RH-2 and R-3.
- (3) Portable garages for the covering of a boat, automobile or trailer between October 15 and May 15.
- (4) Raising of livestock, poultry or other objectionable farming activities.

E. Bulk and location regulations.

- (1) All accessory structures attached to the principal structure or within 10 feet of a principal structure shall be considered a part thereof, and the front, side and rear yard requirements of the applicable district shall apply.
- (2) All detached accessory structures 10 feet or more from the principal structure are subject to the following minimum yard requirements:
 - (a) Front yard: 60 feet
 - (b) Rear and side yards: three feet.
- (3) On all lots, the rear lot line of which is the side lot line of an abutting lot, no accessory structure or parking space shall be constructed or established closer than eight feet to such rear lot line.

- (4) No accessory structure, parking space or access drive serving a commercial use shall be constructed or established within fifteen feet of a contiguous, residentially zoned property.
- (5) In all residential districts, accessory structures may not exceed 12 feet in height.
- (6) In all nonresidential districts, no accessory structure shall exceed the maximum height of principal buildings and structures permitted in such district, except as may otherwise be allowed by special permit.

§ 264-30. Additional height regulations.

- A. Single-family dwellings in the R-1 and R-2 Districts may be increased in height by 10 feet when two side yards, each of not less than 15 feet in width, are provided. Such dwelling shall not exceed three stories in height.
- B. Exceptions to height regulations. The height limitations contained in Article III of this chapter do not apply to spires, belfries, cupolas, antennas, wireless communication towers (see Chapter 257), water tanks, ventilators, chimneys or other appurtenances accessory to a legal principal use and usually required to be placed above the roof level and not intended for human habitation, provided that no such appurtenance, other than a church spire or the tower of a public building, shall exceed the district height limitations by more than 25%.
- C. Height measurement on through lots. On through lots 120 feet or less in depth, the height of a building may be measured from the grade on either street. On through lots more than 120 feet deep, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than 120 feet from that street.

§ 264-31. Additional yard regulations.

- A. Rear yards abutting alleys. In computing the depth of a rear yard where the rear yard opens onto an alley, 1/2 of the width of the alley may be considered to be a portion of the rear yard.
- B. Projections into required yards. The following maximum projections into required yards may be permitted:
 - (1) Fire escapes: five feet into a rear or side yard.
 - (2) Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters etc.: two feet.
 - (3) Awnings and canopies: six feet.
 - (4) Bay windows and solar energy systems projecting not more than three feet from an exterior wall for a distance not more than 1/3 the length of such wall.
 - (5) Enclosure of existing front porches with glass and or screen.
 - (6) Stairs attached to the first floor of a principal building or permitted enclosure in subsection (5) of this section.

§ 264-32. Fences and walls.

- A. Compliance with applicable laws. No fence or wall shall be erected or constructed or any existing fence or wall be altered, repaired, enlarged or relocated except in compliance with this Article, the Zoning Chapter and other applicable laws.
- B. Standards.

Schedule H: Fence and Wall Standards		
Fences Erected or Constructed in These Locations	Maximum Height (ft)	Maximum percent opaque or solid fence
Fences erected or constructed on the side yard between residential buildings	6	70% if less than 5 feet from adjacent house; none if at least 5 feet
Fences in front yards	4	30% except in the E-2 District which is exempt.
Fences on the street side-yard of corner lots, behind the front building line UNLESS Placed more than 4 feet from the side yard sidewalk.	4 6	70% None
All Ornamental Fences as defined in §264-2	5	70%
Fences on street line of rear yards UNLESS Placed more than 4 feet from sidewalk or street line.	4 6	70% None
All other rear yards	6	None
On any lot within 4 feet of any intersection of any driveway with a City street line or ingress/egress right-of-way	4	70%
All other fences, unless provide for elsewhere within this chapter	6	None

- C. Corner Lots. Fences located on corner lots shall meet the requirements of §264-34, Obstruction to Vision at Corner Lots.
- D. Materials and Construction. Barbed wire, chicken wire, pallets, plywood, sheet metal, and construction fencing shall not be used as a fencing material or as any part of a fence.
- E. Orientation. The finished or ornamental side shall face out from the property.

§ 264-33. Corner lots within residential districts.

The street side-yard must be a minimum of eight feet or 10% of the lot width, whichever is greater. The RH-2 district is exempt from this requirement.

§ 264-34. Obstruction to vision at corner lots.

- A. On any corner lot on which a front yard is required by this chapter, no fence, wall or other obstruction exceeding four feet in height above the established grade shall be grown, maintained or erected within 20 feet of the intersection of the curb lines forming such corner.
- B. The only exceptions shall be existing structures or trees where the foliage shall be at least eight feet above grade or except as otherwise provided in § 264-32 along a four-foot fence if such fence is no more than 70% opaque.

§ 264-35. Pre-existing front yards.

If, at time of the adoption of this chapter, the lots comprising 50% or more of the frontage of one side of any street between two intersecting streets are improved with buildings, a majority of which have observed an average front yard having a variation in depth of not more than six feet, the front yard so established shall apply to new buildings and alterations.

§ 264-37. Transitional yards.

Where the side or rear yard in a nonresidential district abuts a side or rear yard of a lot in a residential district, there shall be provided along such abutting lot line or lines a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the required abutting side or rear yard be less than fifteen feet. Further, no accessory uses or structures, including parking areas or access drives, may be established or constructed within fifteen feet of such side and rear abutting lot line.

§264-38. Reserved

ARTICLE VI

Off-Street Parking and Loading

§ 264-39. Purpose.

The purpose of the following requirements is to prevent or alleviate the congestion of public streets and to promote the safety and welfare of the public by establishing minimum standards and requirements for the off-street parking, loading and unloading of motor vehicles. Additional provisions related to ancillary parking are enumerated in § 264-101 of this chapter.

§264-40. Applicability.

The provisions of this section shall apply to all new and existing uses except as may be provided otherwise in the following Subsections A, B and C.

- A. Whenever a use existing on the effective date of this amendment is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use, except that when any such existing use was deficient in required parking spaces on such effective date, such new use may be established with a deficiency in required spaces equal to the preexisting deficiency.
- B. Whenever the intensity of use of any building, structure or use is increased by at least 10%, through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified for parking requirements, such increase must provide additional parking for the total aggregate increase.
- C. Preexisting off-street parking areas and lots which are nonconforming with respect to any of the design standards specified in §264-43 may be lawfully continued, provided that such nonconforming parking area is not enlarged or altered in a way which increases its nonconformity. Where the premises served by such nonconforming parking area are substantially improved, the parking area shall also be improved in compliance with the design standards specified herein.

§264-41. Landscaping Requirements.

Refer to §264-50 for landscaping requirements for parking areas.

§264-42. On-street credit.

All commercial properties located adjacent to a public right-of-way where on-street parking is permitted may receive credit for one off-street parking stall for each 20 linear feet of abutting right-of-way for parallel parking, and 13 linear feet of abutting right-of-way for diagonal parking, excluding curb cuts. This provision shall be applied for on-street parking on the same side of the street as the proposed land use, or on the opposite side of the street if the property on

that side of the street does not have the potential for future development. In considering credit for on street parking, all fractional spaces are rounded down.

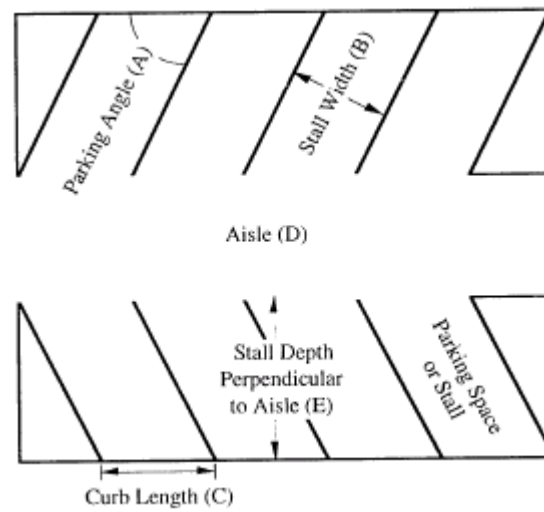
§264-43. Off-Street Design requirements.

- A. Location. Parking spaces and/or driveways in residential zones permitted or required by this chapter shall be located on the same lot as the principal use for all uses in the Residential Districts R-1, RH-1, R-2, RH-2 and R-3.
 - (1) Parking in front yards. No driveway or parking area shall be established in the area bounded by the extension of the side building lines of a principal structure to the front property line of that lot unless the driveway leads to a garage built into or attached to the principal structure.
 - (2) Limits on paving in front yards. Paving using brick, asphalt, concrete, gravel, shale, stone, or other similar materials in front yards shall only be for the purposes of providing a driveway/parking area, (as permitted in (1) of this subsection) or walkways. Walkways shall be limited to five feet in width and may connect a driveway or sidewalk to a front door, porch or deck steps. No walkway parallel to a public sidewalk shall be permitted unless the distance between any structure and the public sidewalk exceeds ten feet and the distance between the private walkway and the public sidewalk exceeds five feet. Gravel, shale, stone or other similar materials may be used only on level surfaces.
- B. Access.
 - (1) Access to a parking area or space shall be via a driveway which has a curb cut approved by the City Engineering Department. The driveway shall be set back two feet [except as provided in § 264-43D below] from any abutting property line and must be at least 8 1/2 feet wide, except as hereinafter provided. Where a driveway was legally established prior to the effective date of this amendment it is grandfathered and may be repaired or replaced in its present location, or, where adjoining property owners have filed the necessary legal easements of access with the Schenectady County Clerk to establish a common or shared driveway, then the required driveway setback of two feet from abutting property lines shall be waived.
 - (2) For all residential uses with five or more parking spaces and all parking areas for mixed uses (residential and nonresidential in the same building) or nonresidential uses, unobstructed access to and from a street, designed so as not to require the backing of any vehicle across a sidewalk or into a street right-of-way, shall be provided for all parking and loading spaces. Every parking garage or parking area containing 25 or more spaces shall be provided with a two-way driveway at least 20 feet in width, or two one-way driveways, each at least 12 feet in width.
- C. Parking space dimensions.

- (1) Each off-street parking space shall have the following minimum dimensions in feet:

Schedule D					
Minimum Parking Space and Aisle Dimensions					
Parking Angle (A)	Stall Width (B)	Curb Length (C)	Aisle Width (1 Way) (D)	Aisle Width (2 Way) (D)	Stall Depth (E)
0 (Parallel)					
Standard	8'0"	24'0"	12'0"	20'0"	8'0"
Compact	7'0"	21'0"	12'0"	20'0"	7'0"
30					
Standard	8'6"	18'0"	12'0"	20'0"	17'0"
Compact	8'0"	16'0"	12'0"	20'0"	15'0"
45					
Standard	8'6"	12'0"	12'0"	20'0"	17'0"
Compact	8'0"	11'6"	12'0"	20'0"	17'0"
60					
Standard	8'6"	10'0"	18'0"	20'0"	20'0"
Compact	8'0"	9'6"	18'0"	20'0"	18'0"
90					
Standard	8'6"	8'6"	20'0"	20'0"	20'0"
Compact	7'6"	8'0"	20'0"	20'0"	16'0"
Definitions for letters in parenthesis appear in Figure 264-43 C below. Dimensions of parking spaces for the disabled are regulated by Section 1106 of the Building Code of New York State.					

Figure 264-43 C



- (2) Parking spaces for compact automobiles shall be permitted only in parking lots or garages having 10 spaces or more, shall be appropriately and clearly marked and shall comprise not more than 30% of the spaces provided.
 - (3) Handicapped accessible parking shall be provided in accordance with Section 1106 of the Building Code of New York State.
- D. Yard requirements. No parking space, area or access drive serving any nonresidential use shall be constructed or established nearer than 15 feet from a lot line of any residentially zoned property. Such required yard shall be curbed and landscaped with appropriate trees, shrubs and other plant material or fencing sufficient to largely obscure the parking area from adjoining residential uses when viewed from the ground level.
 - E. Setback from sidewalk. No parking space or area, except for necessary access drives or circulation elements, shall be located within four feet of a sidewalk or lot line.
 - F. Parking structure. Parking garages and structures, and storage garages shall conform to the yard requirement of the district in which such use is located.
 - G. Barriers. On premises containing more than five off-street parking spaces located within 10 feet of the boundaries of the premises, all such parking spaces shall be equipped with a barrier, curbing, fence or low wall which is sufficient to confine vehicles entirely within said premises and to protect any plantings and landscaping.
 - H. Surface. In any district other than the M-1 and M-2 Districts, every off-street parking area and space shall be constructed in a manner so as to provide an all-

weather, durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation in the area without shedding additional water on an adjoining property or right-of-way. Individual parking spaces shall be clearly identified by markings four to six inches in width.

§264-44. Mandatory Off-Street Parking.

- A. For the uses listed in Schedule E Minimum Parking Space Requirements located in this Subsection, off-street parking shall be provided as required and subject to the following rules and requirements:
- (1) When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded, and fractions over 1/2 shall require one parking space.
 - (2) When parking spaces are required on the basis of the number of employees or staff, the maximum number present at any one time shall govern.
 - (3) For uses not expressly listed in Schedule E, parking spaces shall be provided on the same basis as required for the most similar use listed or as determined by the Zoning Officer.
 - (4) Nothing in this section shall be construed to prevent the collective provision of off-street parking spaces for two or more nonresidential uses, provided that in such case the total requirements for off-street parking spaces shall meet the shared parking standards of §264-46.
 - (5) Minimum Parking Standards: Required off-street parking spaces shall be calculated using the standards outlined in Schedule E. Required spaces represent the minimum required number of spaces except as otherwise stated in sub-section (6) of this section. All vehicle parking standards are based on gross square feet of building area, unless otherwise noted.
 - (6) Non-Residential Uses located in the C-4 Downtown District or within 500 feet of a municipally owned parking lot, shall be exempt from the minimum parking space requirements of §264-44.
 - (7) Parking Facility Location: Parking facilities may be provided either on the same premises with the parking generator or in any parking facility, the property line of which is located within 500 feet of the primary entry area to the building.

Schedule E

Minimum Parking Space Requirements	
Residential Uses	
Boardinghouses	1 space for each bedroom
Family Care Homes and Group Residence	1 for each staff member, plus 1 for each 8 residents
Two-family and Multiple-family dwellings	1.5 for each dwelling unit
Senior citizens housing units	1 for each 4 dwelling units
Single-family dwellings	1 for each dwelling unit
Supervised residential institutions	1 for each 4 residents
Commercial, Business, Industrial, and Institutional Uses	
Bars, taverns, cocktail lounges and nightclubs with live entertainment and/or dancing	12 for each 1,000 square feet of customer floor area
Bed and Breakfast/Tourist homes, inns and hotels	1 for each sleeping unit
Business and commercial establishments, except as otherwise specified	1 for each 300 square feet of floor area
Business incubator	1 for each 1,000 square feet of floor area
Community Center, Cultural Facilities & Museums	1 for each 400 square feet of gross floor area
Day-care centers	1 for each 6 children enrolled
Eating and drinking establishments	10 for each 1,000 square feet of customer floor area
Furniture, lighting, and floor covering stores	1 for each 600 square feet of floor area
Laundromats and coin-operated cleaners	1 for each 4 machines
Motor vehicle rental, repair and sales	2 for each 1,000 square feet of floor area with a minimum of 4 spaces
Professional offices in residential districts	As required by special use permit
Self Service storage facility	1
Light industrial and manufacturing	1 for each 2 employees on the largest shift, with a minimum of 2 spaces
Research and development facilities	1 for each 300 square feet of gross floor area
Trucking, warehousing, wholesale, and storage establishments	1 for each 1,000 square feet
Colleges and universities, business technical, and private schools	1 for each 6 students of driving age, plus 1 for each faculty member, plus 1 for each 3 staff members
Hospitals, Nursing homes and similar health related facilities	1 for each 3 beds, plus 1 for each 2 staff members on the largest shift
Places of Assembly and Recreational Uses	
Religious Institutions	1 for each 10 seats
Private clubs and lodges	1 for each 50 square feet of assembly area
Theaters and auditoriums, other than school	1 for each 5 seats

Bowling Alleys	1 for each lane
Golf courses	4 per hole
Skating rinks	1 for each 200 square feet floor area
Stadium and sports arenas	1 for each 5 seats
Athletic Facilities	10 per 1,000 square feet floor area

§264-45. Maximum off-street parking standards.

- A. The maximum number of off-street parking spaces for any building or use located in the use district shall not exceed the amount determined as follows:
- (1) In all residential districts and in the I, C-1, C-2, C-3 and C-4 districts parking lots may not have more than 110% of the number of spaces identified in Schedule E, not including accessible space, are permitted.
 - (2) In the C-5, M-1, and M-2 districts, parking lots may not have more than 120% of the number of spaces identified in Schedule E, not including accessible space, are permitted.

Schedule F	
Maximum Parking Space Requirements	
District	Maximum Standard Percentage
R, RH-1, R-2, RH-2, R-3 Residential Districts	110%
C-1, C-2, C-3, C-4 Commercial Districts	110%
C-5 Business District	120%
I Institutional District	120%
M-1, M-2 Manufacturing and Warehousing Districts	120%

For example: A 2,800 square foot retail store would be required to provide 8 spaces and could provide no more than 9 spaces in the C-2 District (which allows a maximum of 110% of the minimum parking space required). A 20,000 square foot incubator located in the M-1 district (which allows a maximum of 120%) would be required to provide 20 spaces and could provide no more than 24 spaces.

§264-46. Shared and combined parking facilities.

- A. The Zoning Officer may allow for shared or combined parking if an applicant demonstrates that adjacent land uses have different hours of operation.
- (1) General Provisions:
 - (a) Authority: In order to eliminate multiple entrances and exits, reduce traffic hazards, to conserve space and to promote orderly development, the Zoning Officer is authorized to group cooperative parking facilities in such a manner as to obtain the maximum efficiency in parking and vehicular circulation.
 - (b) Agreement: If authorized by the Zoning Officer, an agreement establishing shared or combined use of a parking area, approved by the Corporation Counsel, shall be recorded with the County Clerk.

Such agreements shall run with the land for all properties with shared or combined parking and require City approval for any change or termination.

- (c) Termination of combined or shared use. Sufficient parking, pursuant to Schedule E of this section must be provided for all partners in a combined or shared agreement or that portion of the use out of compliance with this chapter shall be terminated.
- (d) Shared Parking Allocation: For land uses in close proximity of each other that operate or are used at entirely different times of the day or week, the Zoning Officer may allow shared parking facilities to satisfy the parking requirements of such uses if the parking facilities are within 500 feet of all primary entry areas to buildings being served by such facilities.
 - [1] When two or more land uses, or uses within a building, have distinctly different hours of operation (i.e. office and religious institution), such uses may qualify for a shared parking credit. Required parking shall be based on the use that demands the greatest amount of parking.
 - [2] If two or more land uses, or uses within a building, have different daytime hours of operation (i.e. bowling alley and auto parts store), such uses may qualify for a total parking area reduction of no more than 50%.
- (e) Combined Parking Allocation: Two or more uses which have similar hours of operation and combine parking facilities may qualify to decrease the number of parking spaces. The combined parking facility must be cooperatively established and operated in accordance with subsection A (1) above. The Zoning Officer may require a parking demand study to ensure sufficient parking is provided.

§264-47. Mandatory off-street loading.

- A. Loading spaces shall, as required herein, be provided for each commercial or business use in sufficient location and size so that no loading and unloading operations infringe upon any sidewalk or street, unless a legal instrument, approved as to form and manner of execution by the Corporation Counsel, is executed by the owners of two or more uses requesting the joint use of off-street loading facilities and is filed with the Zoning Officer with evidence that the joint use will provide sufficient off-street loading facilities.
- B. Required spaces. The number of loading spaces required is based on the gross floor area of the building or use, as follows:

Schedule G Required Spaces – Off Street Loading Facilities

Gross floor area of building or use (square feet)	Number of loading docks required
0 - 8,000	0
8,001 - 60,000	1
60,001 - 100,000	2
Over - 100,000	3, plus 1 for each additional 80,000 square feet

- C. Location. No loading space shall be located within any required front yard. No loading space shall be located closer than fifteen feet from a lot line abutting any residentially zoned or developed property.
- D. Screening. Sufficient screening shall be provided along all lot lines abutting residentially zoned or developed property to largely obscure the residential use from the loading space pursuant §264-50, Landscaping and Buffering.
- E. Dimensions.
 - (1) Each loading space shall have the following minimum dimensions:

Dimensions	Size (feet)
Width	12
Length	35
Height	14

- (2) Where a loading space will be used primarily by tractor trailers, the length of the space shall be increased to a minimum of 55 feet.

§264-48. Improper storage of vehicles, trailers, boats and equipment.

It shall be a violation of this chapter to park and/or store a motor vehicle, trailer, boat, commercial equipment or parts thereof in violation of the standards and regulations pertaining to parking and storage as set forth in Article VI. Proper service of violations of this section shall be by posting a notice of violation on the motor vehicle, boat, trailer, commercial equipment or parts thereof, or in a conspicuous place on or about the lot or building affected by the notice, and by mailing a copy by registered mail to the owner, agent or operator of the motor vehicle, trailer, boat, commercial equipment or parts thereof or the property owner of record.

ARTICLE VII

Design and Landscaping Standards

§264-49. Design Standards.

- A. Intent. These design standards are intended to promote a pedestrian-friendly environment and ensure that new buildings, additions, and alterations are consistent with the City's vision for each neighborhood as described in the City of Schenectady Comprehensive Plan. These design standards are also intended to be consistent with the standards of the Historic District Commission and the design guidelines adopted by the Upper Union Street Business Improvement District and the Downtown Schenectady Improvement Corporation. In the event that the District Guidelines differ from this Section, the District Standards will prevail.
- B. Applicability. This section shall apply to new construction, additions and alterations in the C1, C2, C3, C4, ~~and~~ C5 and I Districts. Section D (2) shall also apply to all Residential Districts.
- C. Definitions.
 - (1) Addition: New construction added to an existing building or structure.
 - (2) Alteration: Construction or other modification that changes one or more of the exterior features of a structure or building, including, but not limited to, the erection, construction, reconstruction, addition, sand blasting, water blasting, chemical cleaning or removal of any structure, but not including changes to the color of exterior paint.
 - (3) Chamfered Roof: A roof with a beveled edge, especially to a beam.
 - (4) Cornice: The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.
 - (5) Façade: The exterior walls of a building facing a frontage line.
 - (6) Fenestration: The arrangement of windows and other exterior openings on a building.
 - (7) Massing: The three-dimensional shape of a building(s) height, width, and depth.
 - (8) Parapet: The portion of a wall, which extends above the roofline.
 - (9) Plinth: A projecting base of an external wall, or the base of courses of a building collectively, if so treated as to give the appearance of a platform.
 - (10) Portico: A covered walk or porch that is supported by columns or pillars; also known as colonnade.
- D. Materials.

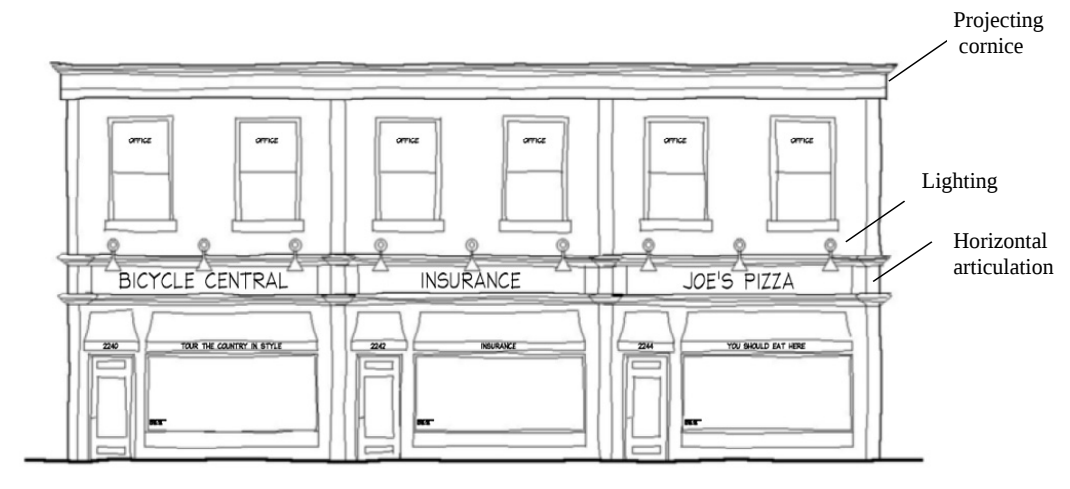
- (1) Any new building, additions or alterations must be constructed of natural materials typically found in the vicinity. Natural materials include such materials as stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials such as raw concrete finish, Exterior Insulation Finishing System (EIFS), anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are prohibited with the following exceptions:
 - (a) Roofs may be constructed of metal.
 - (b) Tinted glass is permitted above the first floor.
 - (c) EIFS is not permitted on the first floor.
 - (d) Plastics and vinyls are permitted in the Neighborhood Business District and Mixed Use Commercial/Residential District.
- (2) Pressure treated wooden porches, decks (including steps) and carports, located in front or side yards, shall be stained or painted to match the color scheme of the existing principal structure.

E. Building Design Standards.

- (1) Building Orientation and Entrances:
 - (a) The front façade of buildings shall be oriented towards the street address of record, with an every day public entrance in this front façade.
 - (b) When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature.
 - (c) All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.
 - (d) Where rear parking is provided, the provision of a secondary rear entrance is encouraged. The design of the rear entrance and façade should not compete with the main entrance but be appropriately signed and marked to indicate a rear entrance.
- (2) Walls:
 - (a) Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area.
 - (b) Walls or portions of walls, where windows are not provided, shall have architectural treatments that are similar to the front façade including materials, colors, and details.
 - (c) Any proposed street wall that extends past the street wall established by the existing buildings on the block, requires a Special Use Permit

- (d) At least four of the following architectural treatments shall be provided into these walls:
- [1] Masonry (but not flat concrete block).
 - [2] Concrete or masonry plinth at the base of the wall.
 - [3] Belt courses of a different texture or color.
 - [4] Projecting cornice.
 - [5] Projecting metal canopy.
 - [6] Decorative tilework.
 - [7] Trellis containing planting.
 - [8] Medallions.
 - [9] Translucent glass.
 - [10] Vertical/horizontal articulation.
 - [11] Lighting fixtures.
 - [12] An architectural element not listed above, as approved by the Planning Commission, that meets the intent.

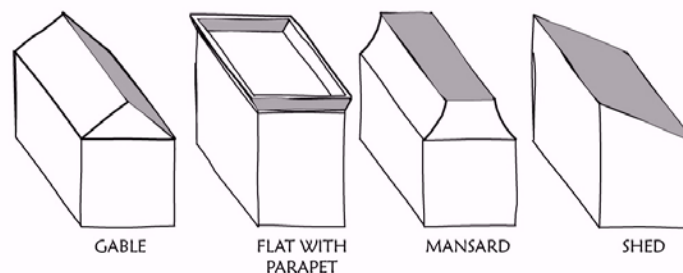
Figure 264-49 E (2)



- (3) Windows:
- (a) Ground floor front and side (on corner lot) façades of buildings shall consist of a minimum of 60 percent window and transparent door area, with views provided through these windows into the business.

- (b) Ground floor windows shall be a maximum of 24 inches above the sidewalk.
 - (c) Upper story windows of front façades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor.
 - (d) Smoked, reflective, or black glass in windows is prohibited on ground floors.
 - (e) When necessary repair or replacement of windows is required, replacement windows shall match the original window in style, configurations, and size.
- (4) Roofs. Roofs shall be proportional to the rest of the building and be in keeping with the character of adjacent buildings. Where flat roofs are used, they shall have a parapet. False mansard-style roofs shall not be used.

Figure 264-49 E (4)



Examples of roof types.

- (5) Building Character. New infill development, additions, and alterations shall generally employ building types and architectural detailing that are compatible to the architecture of the area in their massing and external treatment as appropriate.
- (6) Architectural Rhythm:
- (a) New infill development, additions, and alterations shall also retain the architectural rhythm of building openings (including windows and entrances) of the same block.
 - (b) New infill development, additions, and alterations shall also attempt to maintain the horizontal rhythm of the block by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle, and base floors. Buildings shall have a distinct base at ground level using articulation or

materials such as stone, masonry, or decorative concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice, or other projection.

Figure 264-49 E (6)



Visually differentiate the top, middle, and base floors and use a similar alignment to adjacent buildings.

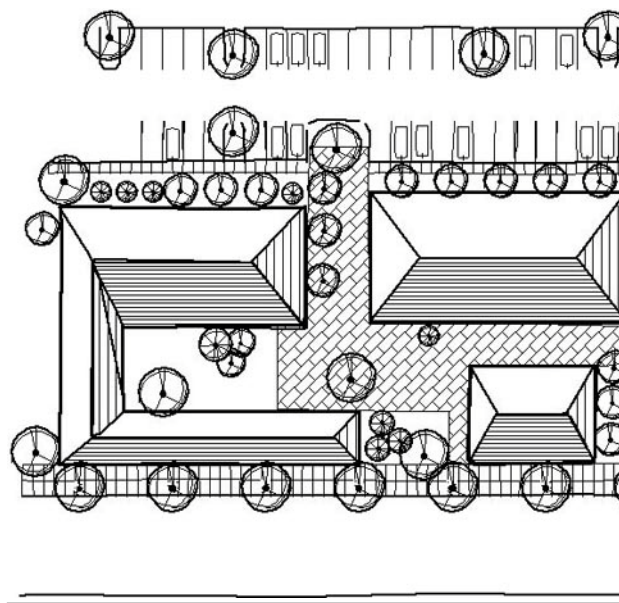
- (7) Massing:
- (a) Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
 - (b) The massing of any façade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further; 30 feet or less is preferred.
 - (c) Nonresidential buildings must have at least a 3- to 5-foot break in depth in all street façades for every 50 feet of continuous façade, although 30 or less is preferred. Such breaks may be met through the use of bay windows,

porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.

F. Surface Parking.

- (1) Vehicular access to surface parking shall be from an alley or side street where practicable.
- (2) Pedestrian access. Pedestrian access to and through a parking lot shall be clearly defined with a pedestrian walkway and sufficient lighting.
- (3) Location of Off-street Parking:
 - (a) For all new building construction, off-street parking shall be located to the rear of the principal building. Corner lots shall only provide parking to the rear of the principal building.
 - (b) Parking shall be set back four feet from the property line or sidewalk. Parking may be constructed to the property line if the property line is at least four feet from the sidewalk.
 - (c) Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage without a landscaping feature with seating, outdoor cafe, urban garden, plaza, square, or courtyard.

Figure 264-49 F



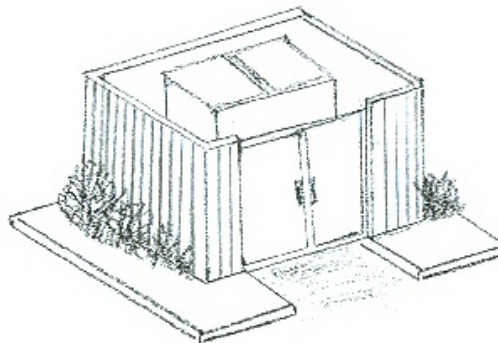
Parking lots shall be located to the rear of the building.

- (4) Interconnected Parking Areas:
 - (a) Access driveways shall interconnect parking areas on abutting

nonresidential lots.

- G. Refuse Areas. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be sited in the following manner:
- (1) Refuse areas including dumpsters and garbage cans shall be located behind and adjacent to the principal building.
 - (2) Refuse areas including dumpsters and garbage cans shall be setback at least 20 feet from any residential structure or residential zone except as otherwise approved by the Planning Commission due to property constraints.
 - (3) Refuse areas shall be entirely screened by a fence or enclosure of between 6 and 8 feet high on all 4 sides.
 - (4) Refuse areas shall be designed to be architecturally compatible with the principal building and made of cinder blocks, stockade fence or chainlink fence with vinyl slats.

Figure 264-49 G



Refuse areas shall be screened by a fence or enclosure.

- (5) All refuse must be stored in an enclosure.
- (6) All receptacles must be kept closed and locked.

§264-50. Buffering and Landscaping.

- A. Purpose. These landscaping regulations are intended to establish minimum requirements and standards for landscaping multi-family residential, commercial and industrial sites, in order to maintain and protect property values, enhance the general appearance of the city and provide the residents of the city with a sense of place. In general, these provisions

ensure landscaping criteria that will curtail soil erosion and water runoff, absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, heat, and other objectionable activities generated by some land uses; buffer and screen adjacent properties; provide shade; and promote the pleasant appearance and character of neighborhoods and the city.

B. General requirements.

- (1) Proposed developments meeting the following conditions must prepare a landscaping plan describing how the requirements of this article will be met:
 - (a) Any proposed commercial or industrial development.
 - (b) Any proposed multi-family residential development consisting of four or more dwelling units with a new building or building expansion that amounts to or exceeds either 4,000 square feet or 25% of the assessed valuation of the existing building within any twelve month period.
 - (c) Any development requiring full site plan approval shall be prepared by a licensed New York Landscape Architect, New York Certified Nurseryman, or New York Certified Landscaper. The Zoning Officer or their duly appointed staff shall review a proposed plan for compliance with the requirements of this article. The city review shall be limited to compliance with city standards. If the Zoning Officer believes a proposed plan does not meet the requirements of this article, the applicant shall be notified in writing of the Zoning Officer's findings.
- (2) Landscaping plans shall be drawn to scale and include existing and proposed pavement and structures, irrigation, vehicular use areas, significant trees and/or landscape features and topographic elevations.
- (3) Landscaping required pursuant to an approved site plan shall be installed or funds deposited in, or a certificate of deposit issued by, a bank or trust company located and authorized to do business in this state, under an agreement approved by Corporation Counsel prior to temporary occupancy, and installed before the issuance of final certificate of occupancy.
- (4) Natural vegetation or stands of trees existing prior to site development may be used toward meeting all or part of the landscaping requirements. Incorporation of native species which have food or habitat value is encouraged.
- (5) Required landscaping shall not incorporate trees which have the potential of interfering with overhead power lines.

C. Minimum planting requirements.

- (1) To provide a proper planting area, the minimum dimension of any required planting area must be no less than 4 feet in both length and width.

- (2) At the time of planting, deciduous trees must be at least three inches in diameter measured six inches above the base, and coniferous trees must be at least six feet in height.
- (3) Shrubs must be at least 18 inches in height at time of planting. Shrubs and groundcover shall be planted within 12 months of approved landscaping plan and should attain coverage of at least 75% of the planting area within four years.
- (4) Any planting of grass or sod shall be established by using a turf grass developed for conditions of the northeast.

D. Maintenance.

- (1) Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner shall bear responsibility for maintenance of required landscaping and shall replace, within one month (excluding non planting season months), any plant material that dies.
- (2) 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 XVII of this code.

E. Species choice.

The applicant shall utilize plants which are considered appropriate in consultation with the City Department of Development and according to the City of Schenectady Master Tree List. The use of drought tolerant species is recommended to reduce or eliminate the need for irrigation. It is also recommended that any vegetation retained or planted consist of non-invasive plant species to reduce future maintenance requirements and encroachment on other property. An invasive plant species is a non-native plant species that escapes into the wild and displaces native vegetation.

F. Perimeter landscaping.

- (1) Purpose: To provide a very dense sight and physical barrier to significantly separate abutting incompatible zones.
- (2) Applicability: The developer must provide landscaping on the perimeter of the site as follows.
 - (a) All uses must provide perimeter landscaping along site boundaries that abut lots zoned OS, R, RH-1, R-2, RH-2, or R-3 except that no perimeter landscaping is required where an OS, R, RH-1, R-2, or RH-2 district abuts an OS, R, RH-1, R-2, or RH-2, district.
- (3) Requirements:

- (a) Each planting area shall be a minimum of ten feet in width.
- (b) A screen of at least six feet in height at time of planting, that results in a noise and sight obscuring buffer that is any one or a combination of the following methods:
 - (i) A solid row of evergreen trees or shrubs.
 - (ii) A solid row of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline.
 - (iii) A combination of trees or shrubs and fencing (metal or wood) or wall (brick, masonry or textured concrete).
 - (iv) Trees and shrubs should be spaced to grow together within four years from planting, and groundcover be provided to attain 75% coverage within four years.
 - (v) Breaks in perimeter landscaping for pedestrian access may be required as determined by the Planning Commission during site plan review.
 - (vi) Perimeter landscaping shall be required in an amount which, when combined with other on-site landscaping requirements, does not exceed 15% of the total site area.

G. Interior landscaping

- (1) Landscaping between parking lots and public rights-of-way:
 - (a) Purpose: To provide visual relief and separation of parking areas from public rights-of way.
 - (b) Applicability: The requirements in this section apply to all parking lots located adjacent to a public right-of-way, except those provided for, and on the same lots with single family dwellings and except for those land requiring perimeter landscaping as specified in Subsection F of this Article.
 - (c) Requirements: A landscape strip as described below shall be provided on the property between the parking lot and the right-of-way. The landscaped strip may not include any paved area except pedestrian sidewalks or trails which 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:
 - (i) Provide a minimum four foot wide landscape strip between the right-of-way and the parking lot to be planted with a minimum of one shade tree and ten shrubs per 35 linear feet of frontage, excluding driveway openings.
 - (ii) Provide a berm, the top of which is at least 2.5 feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed 33% for lawn areas. Berms planted with

ground covers and shrubs may be steeper. However, no slope shall exceed 50%. Berms should be graded to appear smooth, rounded, naturalistic forms. Avoid narrow bumps which result from creating too much height for width of the space. Plant with a minimum of one shade tree and five shrubs per 35 linear feet of frontage, excluding driveway openings.

- (iii) Provide a minimum four foot wide landscaped strip and a minimum three foot grade drop from the right-of-way line to the adjacent parking lot pavement. Plant the resulting embankment with a minimum of one shade tree and five shrubs per 35 linear feet of frontage, excluding driveway openings. Ground cover or low shrubs shall be planted to attain 75% coverage within four years.
- (iv) Provide a minimum four foot wide landscaped strip between the right-of-way line and the parking lot, with a minimum three foot high brick, stone or finished concrete wall to screen the parking lot. The wall shall be located adjacent to but entirely outside the four foot landscaped strip. Plant with a minimum of one shade tree per 35 linear feet of frontage, excluding driveway openings.
- (v) Provide a minimum 20 foot wide strip of existing native vegetation, unless the creation of such a strip creates a hazard to existing trees as determined by a certified landscaper or nurseryman.

H. Parking area landscaping.

- (1) Purpose: To provide visual relief and shade in parking areas.
- (2) All parking lots are required to have a four foot wide landscaped strip of shrubs and trees adjacent to any pedestrian walkway.
- (3) The requirements in this section apply to all parking areas with ten or more parking spaces:
 - (a) Parking lots shall be planted with a low overhead canopy of trees.
 - (b) Landscaped areas covering a minimum of 5% of the total paved area of the lot shall be provided.
 - (c) The landscaped area must be provided via curbed islands wholly contained within the paved areas. Each parking island shall be a minimum of ten by forty (10x40) feet in size and shall be planted with at least one deciduous tree selected from the City of Schenectady Master Tree List, or as otherwise approved by the Planning Commission. The use of a single tree species throughout the parking area is not encouraged.

- (4) Outdoor storage landscaping:
 - (a) Purpose: provide visual relief surrounding storage areas.
 - (b) Applicability: Any storage yard in connection with a permitted commercial or industrial use shall require visual screening.
 - (c) Requirements: Visual screening shall consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof so as to effectively screen the storage yard which it encloses, and be maintained in good condition. In cases where the physical characteristics of the parcel or surrounding parcels make screening from adjacent properties impossible or unreasonable, this requirement may be completely or partially waived by the Zoning Board of Appeals after public hearing and review as required by Article XVI.

I. Alternative landscaping plan.

Alternative landscaping plans may be proposed where strict application of the requirements in this ordinance 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. Examples of situations where alternative landscaping plans are more likely to receive favorable consideration are mixed use buildings and developments that qualify for reduced parking under Article VI, Off-Street Parking and Loading. 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.

ARTICLE VIII Lighting Standards

§264-51. 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 and light pollution.

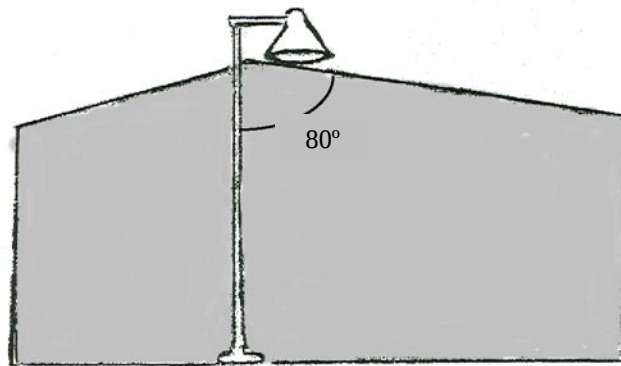
§264-52. Applicability.

The lighting standards of this section shall apply to all commercial properties in the City of Schenectady except that in the M-1 or M-2 District it shall apply only to that portion of a property that is within 50 feet of a right of way or a residentially zoned property.

§264-53. Definitions.

- A. 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.
- B. 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.

Figure 264-53 B



Example of full cut-off lighting fixture.

- C. Glare – Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
- D. Light Fixture – The assembly that holds a lamp and may include an assembly

housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens A light fixture also includes the assembly for luminous tube and fluorescent lighting.

- E. Light Pollution – Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, or causes undesirable glare or unnecessary illumination of adjacent properties.
- F. Photometric Diagram – A diagram depicting the location of all light poles and building mounted lighting fixtures in a specified area and a numerical grid of the maintained lighting levels that the fixture will produce in that specified area.
- G. Recessed Ceiling Fixture – An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

§264-54. Lighting Plan.

A lighting plan is required for all uses that require Site Plan approval pursuant to Article XIII of this Chapter. The lighting plan shall demonstrate compliance with this section and shall include the following items:

- A. 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 (photometric report).
- B. Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent right-of-ways, north arrow and scale.
- C. Lamp type and wattage.
- D. Specifications for all proposed exterior light fixtures and poles showing the design and finishes and designation as Illuminating Engineer Society of North America (IESNA) “cut-off” fixtures.
- E. Any other information and data that is necessary to evaluate the required lighting plan.

§264-55. General Requirements.

- A. The number of light fixtures and the intensity of lighting shall be appropriate to illuminate the location for safety, without glare to adjoining properties.
- B. Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential properties. Full-cutoff fixtures shall be installed and maintained.
- C. To minimize the excessive use of illumination, it is recommended that outdoor lighting, except as required for security, be extinguished during non-operating hours.
- D. Installation for lighting shall be placed underground.

- E. Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.
- F. Signs that are wholly illuminated with an exposed incandescent lamp not exceeding 25 watts shall not require shielding.
 - (1) Maximum Height. The total height of exterior lighting fixtures, including the base, shall be a maximum of 20 feet for parking lots adjacent to non-residential uses and 14 feet for pedestrian walkways and parking lots adjacent to residential uses.
 - (2) The intensity of light on a site shall not exceed 0.3 footcandles at any property line that abuts a residential property or more than 0.5 footcandles for any other zoned property.

§264-56. Design.

- A. Exterior lighting shall enhance the building design and adjoining landscape.
- B. Decorative style lighting is preferred which utilizes wood, stone, natural materials, or materials that simulate natural materials. Shoebox style light fixtures are not permitted.

Figure 264-56 B



Decorative lighting is preferred.



Shoebox lighting is not permitted.

§264-57. Prohibited Lighting.

- A. Blinking and flashing lights.

§264-58. Exemptions.

- A. Holiday lighting fixtures.
- B. Street lighting installed by the City of Schenectady or other authorized governmental entity.
- C. Emergency lighting or temporary construction lighting, as may be required by a public agency.

ARTICLE IX

Sign Regulations

§ 264-59. Purpose.

The purpose of this chapter is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the city. These standards are designed to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. The chapter is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical and historic appearance of the community, preserve the scenic and natural beauty, enhance the pedestrian environment, and provide a more enjoyable and pleasing community. The chapter is further intended hereto to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and improve the community's appearance.

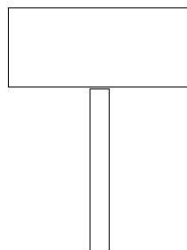
§264-60. Definitions.

As used in this chapter, the following terms shall have the meanings indicated. Illustrations, which present typical examples of signs, are provided for in this section to document the intent of the Ordinance.

- A. AREA OF THE SIGN -- the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Only one face of a double-faced sign shall be counted as surface or area of such a sign.
- B. BUILDING FACE OR WALL -- All window and wall area of a building in one plane or elevation.
- C. BUILDING FRONT -- The portion of the building that corresponds to the legal property address.
- D. COPY -- The wording on a sign surface.
- E. FRONTAGE -- All the property on one side of a street or place between two intersecting streets or places measured along the line of the street or place or if the street or place is terminated without intersecting another street or place, then all of the property abutting on one side between an intersecting street or place and the terminus of the street or place..

- F. HEIGHT -- Distance from average grade below a sign to highest sign component.
- G. LIGHTING DEVICE -- Any light or group of lights located or arranged so as to cast illumination on a sign from the exterior or to illuminate a sign from its reverse side.
- H. LOT -- A parcel of land occupied or proposed for occupancy by one main building, together with the accessory buildings and uses customarily incidental to it, and including such open spaces as are required under this chapter, which parcel of land has its principal frontage on a public street of record.
- I. SHOPPING CENTER -- A group of three or more retail and commercial units on a single site, constructed and managed as a total entity, sharing a common on-site parking area.
- J. SIGN -- Any material, structure or device, symbol, emblem or part thereof composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including window display areas (inside or posted outside), for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, projecting signs or ground signs and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public. For the purposes of this chapter, the term "sign" as hereinabove stated does not include signs erected and maintained pursuant to and in furtherance of any governmental function or required by any law, ordinance, rule or regulation or as a necessary traffic control sign. Signs include:
 - (1) ABANDONED SIGN -- A sign which carries no message for more than 90 days or which advertises a business, product or activity no longer available past the time or date of event or that is determined by the Building Inspector, Zoning Officer or their duly appointed assistants, to be structurally deteriorated or which no longer supports the sign for which it was designed.
 - (2) AWNING SIGN - Any visual message incorporated into or affixed to any awning, marquee, canopy or sunscreen attached to a building.
 - (3) BANNERS -- Signs made of paper, vinyl, canvas or other lightweight flexible material either enclosed or not enclosed in a rigid frame, which advertise a product or event.
 - (4) BILLBOARD -- A freestanding sign, which is an off-premises sign exceeding 50 square feet in area.
 - (5) BOX SIGN-- A sign illuminated by artificial light from the interior of a sign.
 - (5) DIRECTIONAL SIGN -- A sign limited to providing information on the location of any activity, business or event.

- (7) **ELECTRONIC MESSAGE BOARD** -- An electronic sign or display which uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes for the purpose of conveying a variety of messages and/or advertisements by means of moving text or image.
- (8) **FREESTANDING SIGN** -- A self-supporting sign standing alone on its own foundation.
- (9) **ILLUMINATED SIGN** -- Any sign illuminated by artificial light, either from the interior or exterior of a sign, and includes reflective and phosphorescent light.
- (10) **LIGHTING DEVICE** -- Any light or group of lights located or arranged so as to cast illumination on a sign from the exterior or to illuminate a sign from its reverse side.
- (11) **MONUMENT SIGN** -- A freestanding sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.
- (12) **MURAL** -- A work of decorative art applied on or attached to an exterior wall within public view that does not include graphics or text that can be interpreted as commercial advertising.
- (13) **NONELECTRONIC MESSAGE BOARD** -- A sign or display which uses changeable copy to form a sign message or messages, and which may or may not contain internal or external illumination, for the purpose of conveying a variety of messages and or advertisements by means of changing text or image.
- (14) **OFF-PREMISES SIGN** -- A sign advertising a business or profession conducted or to a commodity or service sold or offered upon the lot where such sign is located.
- (15) **ON-PREMISES SIGN** -- A sign advertising a business or profession conducted or to a commodity or service sold or offered upon the lot where such sign is located.
- (16) **POLE SIGN** -- Any freestanding sign supported at its center by a single pole or other support.



- (17) **PORTABLE SIGN** -- A sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels, or on its own trailer or otherwise. Examples of portable signs include, but are not limited to, sandwich boards, menu boards, attached to A-frames or T-frames, balloons used as signs, signs attached or painted on vehicles parked in the public right-of-way, or on private property and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- (18) **POST SIGN** -- Any freestanding sign mounted at its end(s) to a single or double post system.



- (19) **PROJECTING SIGN** -- A sign that projects more than twelve inches perpendicular to the building face.
- (20) **ROOF SIGN** -- Any sign erected and constructed wholly on and over the upper roof of a building, supported by the roof structure.
- (21) **SIGN STRUCTURE** -- The supports, uprights, bracing and framework for the sign.
- (22) **SUSPENDED SIGN** -- A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (23) **TEMPORARY SIGN** -- A sign advertising a particular event and having a duration of not more than 30 days per year,.
- (24) **WALL SIGN** -- A sign which 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.

- (25) WINDOW SIGN -- Any sign, posted picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window or upon the window panes or glass and is visible from the exterior of the window.

§264-61. Permitted signs and specifications.

- A. Signs shall comply with the following regulations and in accordance with Schedule G.
- (1) In Nonresidential Districts designated as C-1, C-2, C-3, C-4, C-5, M-1, M-2 and I in this Chapter.
 - (2) Maximum signage shall not exceed one square foot per linear foot of lot frontage, except as provided hereinafter. A lot having more than one side facing a street will apply 150% of the provisions of this section. The total combined signage per parcel shall not exceed 150 square feet
 - (3) Number of signs. Each lot may have one freestanding and one attached sign notwithstanding subsection A (4). Corner and through-lots may have two attached signs
 - (4) Awnings, canopies, marquees, sunscreens and window signs are exempt from the maximum number of signs allowed and the maximum allowable sign area
- B. Common Signage Plan.
- (1) 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 store fronts (including but not limited to shopping centers)
 - (2) A Common Signage Plan conforming to the provisions of this section, shall be allowed a twenty-five (25) percent increase in the maximum total sign area for each included lot, based on the city'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 with regard to color scheme, lettering or graphic style, lighting, materials and sign proportions.
- C. Freestanding Signs
- (1) Only one freestanding sign shall be permitted on a lot.

- (2) Freestanding signs shall have only two faces.
- (3) Setbacks shall be at least three feet from the sidewalk or lot line, at least seven feet from any driveway, and in compliance with corner lot obstruction requirements (§264-34).
- (4) Multiple signs on a freestanding sign shall be permitted and counted as a single sign.
- (5) Changeable text message boards are allowed as a component of, but not independent of, a free-standing sign subject to all requirements.

D. Wall Signs

- (1) Shall not project more than one foot from the surface to which they are mounted.
- (2) Shall not project vertically past the roof eaves or parapet.
- (3) Shall not project horizontally further than the extent of the wall to which they are attached
- (4) Shall not exceed the borders of any existing signband limitations of the building
- (5) Shall not extend across multiple storefronts on buildings and must fit within the frame of the building to which they are attached.
- (6) The bottom of any sign that extends more than three inches from the building face must be at least eight feet above grade.

E. Projecting Signs

- (1) Shall not extend further than five feet from the building face, and no closer than two feet from the curb
- (2) Any sign that hangs into the city right-of-way requires a revocable permit (see §228).

F. Awnings. Shall not project above the top of the building façade or roof ridge.

G. Window Signs. May not cover more than 20% of the glass area of the pane to which the sign is affixed or displayed.

H. Murals. Subject to issuance of a Special Use Permit, are restricted to the side or rear of the building and are exempt from size limitations. Murals are not allowed in Residential Districts.

I Electronic Message Boards

- (1) Electronic message boards may be permitted in the City upon approval by the City Planning Commission.
- (2) An application shall be approved upon a showing by the applicant at a public hearing of the City Planning Commission that the proposed

electronic message board shall not substantially impact upon the nature and character of the surrounding neighborhood, upon traffic conditions and any other matters affecting the health, safety and general welfare of the public.

(3) In no case shall the message change at a rate greater than 1 per minute.

- J. Illuminated signs. Located on lots in, adjacent to, or abutting a zoning district designated as an R-1, RH-1, R-2, RH-2 or R-3 may not be illuminated between midnight and 7:00 a.m., if the business is closed.

§264-62. Prohibited signs.

The following are prohibited:

- A. Pole signs
- B. Internally illuminated signs in any residential district
- C. Signs illuminated by or containing flashing, rotating or strings of lights

Signs erected on trees, utility poles or painted or otherwise affixed to any rock, ledge or other natural feature
- D. Pennants, flags, streamers, tinsel, balloons, strings of lights on commercial properties or fluttering devices except as part of a grand opening, not to exceed 30 days
- E. Roof signs
- F. Messages displayed on structural components
- G. Off-premise signs

§264-63. Exceptions.

- A. For the purposes of this chapter, the following signs may be erected and maintained without a permit or fee, unless otherwise noted, provided that such signs comply with the general requirements of this chapter:
 - (1) Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations.

- (2) Flags and insignias of any nation, government or school, except when displayed in connection with commercial promotion, maximum of one per property.
- (3) On-premise directional signs (requires permit) for the convenience of the general public, identifying fire zones, entrances and exits, and similar signs, not exceeding two square feet per face and with a height not exceeding four feet. Business names, logos, and advertisements shall not be allowed. Directional signs identifying parking may include a business name.
- (4) Nonilluminated warning, private drive, posted or no trespassing signs, not exceeding two square feet per face (maximum of one sign per lot line or driveway).
- (5) Temporary signs/banners: one per business or commercial establishment promoting grand openings or events sponsored by the organization may be displayed for 30 days and must be removed upon conclusion of the event.
 - (1) Size not to exceed 32 square feet.
 - (2) Must be attached to the face of the building below the eaves or parapet wall.
 - (3) If the banner becomes torn, frayed, ripped or soiled, it must be removed within 24 hours of notification or observation of the condition.
 - (4) Special coordinated events require revocable permits from the City Council to hang banners across the street.
- (6) Nameplates, legal home occupations, nonilluminated, denoting the names and of the occupants of the premises, not exceeding one square foot.
- (7) Bulletin boards incidental to places of worship, libraries, and museums; bulletin boards shall not exceed 10 square feet in area and shall be located on the premises of such institutions.
- (8) Private-owned merchandise sale signs for garage sales and auctions, not to exceed six square feet in area, and shall not be posted for more than three days.
- (9) Nonilluminated "for sale," "for rent" real estate signs, and signs of a similar nature, concerning the premises upon which the sign is located. In a residential zoning district, such signs shall not exceed six square feet in

area. In a business or industrial zoning district, such signs shall not exceed 25 square feet in area. All such signs shall be removed within seven days after the sale, lease or rental of the premises. (These signs may be portable or attached.)

- (10) Holiday or seasonal decorations, including lighting, are exempt from the provisions of this chapter and may be displayed in any district without a permit during the recognized holiday season.
- (11) One sign, not exceeding six square feet in residential districts or 25 square feet in nonresidential districts, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. Signs shall be removed immediately upon issuance of a certificate of occupancy or completion of the project, whichever first occurs, but may not exceed 60 days in residential districts.
- (12) Political posters and signs, displayed 45 days prior to election or primary day. External signs shall be removed by the sponsor or their designee and window signs shall be removed by the property owner within seven days upon completion of the election. Placing signs on property without the consent of the property owner is prohibited and subject to immediate removal by the property owner without notification or remuneration.
- (13) Portable signs must conform to the following:
 - (a) May not exceed 30 inches wide by 48 inches tall.
 - (b) One sign per business or commercial establishment.
 - (c) Placement must be set back at least two feet from curb and maintain a five-foot-wide sidewalk area clear for pedestrian travel.
 - (d) Must be removed daily at close of business hours.
 - (e) Must be insured in compliance with § 228-8 of the City Code if placed in City right-of-way.
 - (f) On corner parcels must be a minimum of 20 feet from intersection of corner curb.
 - (g) May not obstruct lines-of-sight from vehicular accessways to streets.
 - (h) May not contain any electrical components.
- (14) Window signs which are temporary and are affixed to the inside of the window or posted inside the building are permitted, provided that they do not cover more than 20% of the glass area of the pane to which the sign is affixed and shall be calculated as part of the total permitted signage.
- (15) Open, closed, hours of operation, and method of payment, not to exceed two square feet per business

- (16) Two menu board signs, for each drive-through facility, that does not exceed 24 square feet, provided no business names or logos are visible from off premises. Signs shall not be more than six feet in height.

§264-64. Billboards.

- A. No billboard may be erected unless the Building Inspector grants a relocation permit to an applicant upon a showing by the applicant that the new construction is a relocation of two billboards existing prior to the effective date of this chapter.
- B. Any request for a new billboard will require documentation of square footage and location of previously sited billboards to be substituted and submitted by the sign business requesting the new billboard. The replacement billboard shall not exceed 50% of the total square footage of the two billboards it is to replace and shall comply with other provisions herein.
- C. A relocation permit shall be issued upon verification from the applicant that the new billboard shall comply with all provisions herein, that all billboards scheduled for replacement as part of the application are legally erected billboards and that the following conditions exist:
 - (1) A site plan is submitted by the applicant that identifies the property where the new billboard will be erected by Tax Map parcel number, shows the location of the billboard and the dimension of the nearest distance to a property line, shows property lines and dimensions, shows all existing structures and uses of the property, shows an arrow depicting the direction in which the nearest adjacent billboard is located and its distance there from and identifies all uses within 100 feet of the proposed billboard.
 - (2) Two existing legally erected billboards scheduled to be replaced by one new billboard as part of the relocation permit shall be approved for removal by the City Zoning Officer, identified by Tax Map parcel number on the site plan submitted with the relocation application and shall be removed a minimum of 30 days prior to commencing erection of the new billboard. (NOTE: Billboards are prohibited under Federal Intermodal Surface Transportation Efficiency Act/Scenic Byway System, signed into law July 24, 1992, along the controlled Revolutionary Trail, which is State Route 5 as per New York State Department of Transportation).
- D. Spacing
 - (1) A billboard sign structure may not be located within 1,000 feet of another billboard sign structure.

- (2) A billboard may not be erected within 100 feet of a library, religious institution, school, public park, playground, cemetery or residential dwelling unit located on the same street.
- (3) Billboard signs shall be set back from side and front property lines as required by the Zoning Ordinance.

E. Permitted zones.

- (1) Newly erected billboards shall be permitted within 100 feet of the right-of-way line of the Thruway Spur or the Schenectady Crosstown Arterial, provided that they are also situated within zoning districts designated as M-1 or M-2 in this chapter.
- (2) In the zoning districts designated as M-1 and M-2 billboard signs may be erected or maintained according to the following standards:
 - (a) The maximum height of said sign shall not exceed 38 feet, except for signs adjacent to elevated roadways, which may have a maximum height of 25 feet above the grade of the roadway.
 - (b) The maximum area of said sign shall not exceed 325 square feet.

§264-65. Permits.

- (1) Application for permit. No sign as defined herein shall be hereinafter erected without first obtaining a permit from the Building Inspector. Application for a permit shall be made in writing, upon forms prescribed and provided by the Building Inspector prior to fabrication.
- (2) Expiration of permit. If the sign authorized under a permit has been installed within 30 days and completed within one year of the date of such permit, the permit shall expire.
- (3) Approvals. All signs erected in the Historic Districts must be approved by the Historic District Commission for design, materials and location.

§264-66. Abandoned signs.

Whenever the Building Inspector and/or the Zoning Officer or their duly appointed representative determines that a sign is abandoned, the Building Inspector and/or Zoning Officer shall give written notice to the owner of the sign and the owner of the property at the address set forth in the City Assessor's records. Such notice shall order the responsible party(ies) to remove the sign, attachments and structure and remedy the condition rendering the use of the sign discontinued abandoned within 30 days of violation notice. If the sign is not removed or changed in accordance with the order, the Building Inspector and/or Zoning Officer shall order the sign

removed. All costs and expenses incurred in said removal shall be assessed against the land upon which the sign was located.

§264-67. Unsafe or dangerous signs.

If the Building Inspector shall find that any sign is unsafe, he shall give written notice to the named owner of the sign and the named owner of the lot upon which the sign is erected. Such sign shall be removed or repaired within the period of time stated in the notice. If sign is not removed or repaired, the Building Inspector shall cause sign to be removed and shall assess all costs and expenses incurred in said removal against the lot on which sign was located. The Building Inspector may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice and shall assess all costs and expenses incurred in removal against the lot upon which the sign was located.

§264-68. Nonconforming signs.

Signs erected prior to the effective date of this chapter on properties listed or proposed for listing on the New York State Register of Historic Places or the Federal Register of Historic Places shall be considered exempt legally nonconforming signs.

§264-69. Notice of violation.

- A. Whenever the Building Inspector, the Zoning Officer or their duly appointed assistants, determines that there has been a violation of any provision of this chapter, they may give notice of such violation to the person or persons responsible for the violation. Such notice shall be in writing and shall be served upon the owner, agent, operator or occupant, as the case may require. This notice shall specify the alleged violation and shall provide a reasonable time for compliance. Such notice will be deemed to be properly served upon such owner, agent, operator or occupant if a copy is served upon such owner, agent operator or occupant personally; or if a copy thereof is delivered, by certified mail, to the last known address of such person; or if a copy is posted in a conspicuous place in or about the building, lot or sign affected by the notice and if a copy is delivered by certified mail.
- B. Failure to abate violations. In case the owner, agent, operator or occupant cannot be found within the time limit set for the abatement of said violations or if such owner, agent, operator or occupant shall fail, neglect or refuse to abate such violation, the Corporation Council shall be advised of all facts in the case and shall institute appropriate action in the court to compel compliance.

- C. Emergency action. In cases of emergency which, in the opinion of the Building Inspector and/or the Zoning Officer, require immediate attention to abate a direct hazard or imminent danger to the health, safety or welfare of the public or the occupants of a building or lot, the Building Inspector and/or the Zoning Officer shall promptly cause such action to be taken as is necessary to remove or abate the hazard or danger.

§264-70. Appearance tickets.

- A. Appearance tickets may be issued as a means of commencing prosecution.
- B. The City Council deems it necessary to provide, by law, specially authorized public servants who may issue appearance tickets pursuant to Subdivision 3 of § 150.20 of the Criminal Procedure Law and Subdivision 4(a) of § 10 of the Municipal Home Rule Law of the State of New York.
- C. The following public servants of the City of Schenectady are hereby authorized to issue appearance tickets in the performance of their respective duties when commencing prosecution pursuant to this chapter of the Code of Ordinances of the City of Schenectady: the Building Inspector, Code Enforcement Officers, the Zoning Officer and the Zoning Enforcement Officer.
- D. The power to use the appearance ticket shall not imply restraint upon the power of the aforementioned public servants to utilize any alternative methods of commencing prosecutions as may be provided by law.
- E. For purposes of this section, the term "appearance ticket" shall have the same definition as provided in Article 150, § 150.10, of the Criminal Procedure Law of the State of New York, and the procedure governing its use shall conform in all respects to the procedure as enumerated in Article 150 of the Criminal Procedure Law of the State of New York and other applicable articles of that law.

§264-71. Variances.

Any person aggrieved by the decision or action of the Building Inspector and/or Zoning Officer or their duly appointed assistants, under this legislation or any person wishing to construct, install or erect a sign other than as permitted herein shall be entitled to make an application to the Board of Zoning Appeals of the City of Schenectady for a variance of the provisions pursuant to Article XVI.

§264-72. Enforcement.

- A. The Building Inspector, the Zoning Officer or their duly appointed assistants of the City of Schenectady are authorized and empowered to enforce the requirements of this chapter.

B. Penalties for offenses.

- (1) For every violation of the provisions of this chapter, the owner of the premises, renter, lessee, its general agent, its contractor, its architect, its builder or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist shall be guilty of a violation as defined by the Penal Law of the State of New York and shall be punishable by a fine not exceeding \$500 or by imprisonment not exceeding 15 days for each day of violation, or by both such fine and imprisonment, or by a penalty of not less than \$150 nor more than \$500 for each day of violation, to be recovered by the City of Schenectady, New York, in a civil action.
- (2) A separate offense shall be deemed committed on each day during or on which a violation of the terms of this chapter occurs or continues unabated.
- (3) Any person issued a notice of violation pursuant to any provision of this chapter, where the same has not been withdrawn by administrative appeal or dismissed by a court of competent jurisdiction, shall be subject to an administrative fee of \$50, and such administrative fee shall be charged against the land upon which the notice of violation was issued as a municipal lien, and, if unpaid, such administrative fee shall be added to the tax rolls as an assessment or levied as a special tax against said property or recovered in a civil suit against the person to which the notice of violation was issued.
- (4) Each violation of this chapter shall be a violation and shall be punishable under this section as follows:
 - (a) For a first offense, by a fine of not less than \$350 nor more than \$500.
 - (b) For a second offense within 18 months of a prior violation of this chapter regarding the same premises by the same person(s), firm(s) and/or corporation(s), a fine of not less than \$350 nor more than \$750.
 - (c) For a third offense and any subsequent offenses thereafter within 18 months of a prior violation of this chapter regarding the same premises by the same person(s), firm(s) and/or corporations, a fine of not less than \$750 nor more than \$1,500 or by a term of imprisonment of not less than five days nor more than 15 days, or by both such fine and imprisonment.
 - (d) All fines collected pursuant to this section shall be placed in a dedicated account to offset the expense of at least one code enforcement officer.

Schedule G: Sign Regulations Applying to All Districts				
Residential Districts – R, RH-1, R-2, RH-2, and R-3 Districts				
Sign Type	Number of Signs	Maximum Sign Area	Maximum Sign Height	Illumination
Residential uses	1	1 sq. ft.	6 ft.	none
Commercial uses	1	6 sq. ft.	6 ft	External
Non-Residential Districts – C-1, C-2, C-3, C-4, C-5, I, M-1, M-2 Districts				
Sign Type	Number of Signs	Maximum Sign Area	Sign Height	Illumination
<i>Total aggregate sign area of 100 sq. ft.; 150 sq. ft. for multiple street frontage, exception for shopping centers (see § 223.8.A.1)</i>				
Freestanding				
C-1, C-2, C-3, C-4, M-1, and M-2 Districts	1	25 sq. ft, 75 sq. ft. in shopping centers	Maximum: 7 ft	External/Internal
I District	1 per driveway	25 sq. ft and exempt from total	Max: 7 ft	External/Internal
C-5 District	1	40 sq. ft., 75 sq. ft. in shopping centers	Maximum: 10ft	External/Internal
Wall Signs	1 wall OR projecting sign per building side facing street up to 2 signs.	1 sq. ft. per each linear foot of frontage, Shopping center - 1 sq. ft. per each linear foot of frontage, 75 sq. ft. per business, maximum signage equal to the total length of the shopping center store frontage	Minimum: 8 ft	External/Internal
Projecting Signs	1 projecting OR wall sign per building side facing street up to 2 signs.	None	Minimum: 8 ft	External/Internal
Window Sign	20% of the glass area of the pane to which the sign is affixed.			

Awning, marque, canopy and sunscreen	1 per building side facing street up to 2 signs.	None	Minimum: 8 feet	External/ Internal
Billboards	See §264-43			

ARTICLE IX Historic Districts

§ 264-73. Purpose.

Pursuant to the provisions of § 96-a and Article 5-K of the New York General Municipal Law, it is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of buildings, structures, places and sites of historic, architectural, cultural or aesthetic value are a public necessity and purpose in the City of Schenectady.

The purpose of this Article is to:

- A. Safeguard the heritage of the City of Schenectady by preserving resources in the city that represent or reflect elements of its cultural, social, economic, political and architectural history.
- B. Protect and enhance the attractiveness of such historic resources to home buyers, visitors, shoppers and residents and thereby provide economic benefits to the city and its citizens.
- C. Conserve and improve the value of property within Historic Districts.
- D. Foster, encourage and advise the preservation, restoration and rehabilitation of structures, areas and neighborhoods.
- E. Promote the use of Historic Districts for the education, enjoyment and welfare of the citizens of the city.
- F. Foster civic pride in the beauty and history of the past as represented in the Historic Districts.
- G. Designate sites and structures throughout the City of Schenectady as having historical value which should be preserved.

§ 264-74. Historic Commission.

In order to carry out the declared purpose and intent of this Article, a Historic Commission (hereinafter "Commission") is hereby created.

A. Membership and appointments.

(1) Membership.

- (a) The Commission shall consist of seven members whose residences are located in the City of Schenectady. Members shall be appointed by the Mayor of the City of Schenectady for terms of office of three years. Members of the Commission may be reappointed for succeeding terms.
- (b) Members of the Commission shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, volunteer activity in the field of historic preservation or other serious interest in the field.
- (c) In addition to the membership criteria listed above, the Mayor may fill remaining vacant positions on the Commission with city residents who have background in architecture and/or historic preservation, history or historic research, real estate and/or development and urban planning and/or land use laws.

(2) Appointments. Before making said appointments, the Mayor shall request from the Neighborhood Organizations that comprise the Historic Districts, and from the Northeastern New York Chapter of the American Institute of Architects, each to recommend one or more persons to be so appointed. The Mayor may make appointments from such recommendations. In no event is the Mayor required to accept any recommendations for such appointments. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the Mayor for the unexpired term.

B. Duties and powers. The Commission shall have the following powers and duties:

- (1) Review of plans. It is the duty of the Commission to review and approve, approve with modifications or disapprove all actions, as set forth in § 264-76 of this Article, that result in any physical change of existing features, relocation, renovation or demolition of historic sites or structures within an Historic District or listed on the State and/or National Register of Historic Places. The Commission shall have the power to pass upon such activity before a certificate of approval and/or building permit is granted, provided that the Commission shall pass only on changes visible from the public way and on the exterior features of a building or structures as are visible from the public way and shall not consider interior arrangements. In deciding upon all such plans, the Commission shall be guided by the standards for review set forth in § 264-76C of this Article.
- (2) Investigate and report. The Commission may investigate, report, testify and recommend to the Planning Commission, the Board of Zoning Appeals, the City Council and any city department or official on matters, permits, authorizations and other actions that affect buildings, structures, sites and places within an Historic District. The Zoning Officer shall serve written notice to the Commission Chairman of matters, permits and authorizations scheduled to come before the Board of Zoning Appeals, the Planning Commission and the City Council and any city department or official that may affect an Historic District.

- (3) District designations and amendments. The Commission may investigate and transmit recommendations to the City Council and Planning Commission concerning the establishment, amendment or alteration of an Historic District and of this Article.
- (4) Surveys and studies. The Commission may undertake the survey and study of neighborhoods, areas, sites, places, buildings and structures that have historic, architectural, cultural or aesthetic value. Pursuant to such study and survey, the Commission may propose regulations, special conditions and restrictions, including recommendations for nomination to the National Register of Historic Places, as may be appropriate to serve the purposes of this Article.
- (5) Retain specialists. The Commission may retain such specialists, consultants or experts to aid in its duties and to pay for their services, not exceeding, in all, the appropriation made for such purpose by the City Council. The Commission may call upon available city staff members, as well as other individuals, for technical advice.
- (6) Assist property owners. The Commission may advise owners of property or structures within the Historic Districts on the physical and financial aspects of preservation, renovation, rehabilitation and reuse.
- (7) Other power. The Commission may undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the advancement of the purposes set forth in this Article.

C. Rules of the Commission.

- (1) The Commission shall elect from its membership a Chairman and Vice Chairman, whose terms of office shall be fixed by the Commission. The Chairman shall preside over the Commission and shall have the right to vote. The Vice Chairman shall, in cases of absence or disability of the Chairman, perform the duties of the Chairman.
- (2) The Commission shall appoint a Secretary who shall be an employee of the City of Schenectady. The Secretary shall keep a record of all resolutions, proceedings and actions of the Historic District Commission.
- (3) Four members of the Commission shall constitute a quorum for the transaction of business. The Commission shall adopt rules for the transaction of its business. They shall provide for the calling of special meetings by the Chairman or by at least two members of the Commission. All regular or special meetings of the Commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.
- (4) The Commission shall keep a record, which shall be open to the public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four members shall constitute approval of plans before it for review or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the Mayor and make such recommendations to the Council as it deems necessary to carry out the principles of this chapter.

§ 264-75. District boundaries; designation of historic sites and structures.

A. Standards.

- (1) Historic District boundaries. For the purpose of this Article, the Historic District boundaries are described as follows:
 - (a) The RH-2 Stockade Historic Residential District, the RH-1 Historic Residential District area shown and bounded on the City of Schenectady Zoning Map and the OH Overlay Historic District shall be the area shown on the City of Schenectady Zoning Map and all sites designated either by the city as historic sites and structures or listed on the National Register of Historic Places.
 - (b) All land within the RH-2, RH-1 and OH Districts, as amended to date, shall be subject to the procedures, standards and limitations set forth in this Article. The term "Historic District," when used in this Article, shall be construed to include any lot or parcel located within the RH-1, the RH-2 or the OH Districts, and all sites designated by the city as historic sites and structures.
- (2) Amendment, supplement, establishment or change of historic boundaries. The Commission may recommend amendments to the Historic District boundaries, or establishment of new Historic Districts, in accordance with Article XIX of the city's Zoning Ordinance, which describes the process of notification and review for amendment to the provisions of the ordinance. The Commission recommendations for Historic District changes shall be submitted to the City Planning Commission for its review and recommendation to the City Council for action. The Commission may recommend a group of properties as an Historic District if:
 - (a) It contains properties which meet one or more of the criteria for designation of an historic site or structure; and
 - (b) By reason of possessing such qualities, it constitutes an Historic District section of the city.
- (3) Historic sites and structures. The Commission may recommend an individual property for designation as an historic site or structure if it:
 - (a) Possesses special character or historic or aesthetic interests or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
 - (b) Is identified with historic personages or events;
 - (c) Embodies the distinguishing characteristics of an architectural style;
 - (d) Is the work of a designer whose work has significantly influenced an age; or
 - (e) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

B. Notice of designation.

- (1) Designation proposals for property which has historic, architectural or cultural significance may be initiated by the owners of said property. Designation proposals may also be initiated by the Commission. No action with regard to a Historic District boundary, historic site or structure designation shall be taken by the city without prior review and formal recommendation by the Commission.
- (2) When the Commission proposes to recommend changes to the boundaries of an Historic District, establish a new historic district or designate an historic site or structure, notice of a proposed designation shall be sent by registered mail to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the Planning Commission to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least 10 days prior to the date of the public hearing. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Planning Commission has made its recommendations to the City Council and the City Council has made its decision. Such restriction on the issuance of building permits may be waived by the City Council by supermajority vote upon a recommendation from the Zoning Enforcement Officer that the activity proposed does not impact historic features. Within 30 days of the public hearing, the Planning Commission shall make its decision and submit recommendations to the City Council.
- (3) The Planning Commission shall hold a public hearing prior to designation of any historic site or structure or historic district. The Commission, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of the record of the hearing. The record may also contain staff reports, public comments and other evidence offered outside of the hearing.
- (4) In making their recommendations and decisions with respect to designation proposals, the Commission, Planning Commission and City Council shall be guided by the application review criteria set forth in § 264-76C of this Article.

§ 264-76. Application for alteration, demolition or new construction.

No person shall carry out any exterior alteration, restoration, repair, repainting, reconstruction, demolition, new construction or moving of an historic site or structure or property that results in any physical change to buildings, structures or historic resources within the districts, nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, roofs, steps, railings, sidewalks, fences, paving or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of the Historic District or historic site or structure, without first obtaining a certificate of approval from the Commission, whose decision shall be based on the criteria set forth in Subsection C. Any and all such action

shall require the prior approval of the Commission, regardless of whether a building permit is required.

A. Procedures for review.

- (1) Application for a certificate of approval shall be made to the Historic District Commission staff. The application shall state that the property is in a Historic District or is a designated historic site or structure. Plans shall be submitted showing the structure in question and provide the following additional information:
 - (a) The name, address and telephone number of the applicant.
 - (b) The location of and photographs of the property.
 - (c) Plans, plot plans when any addition(s) or demolition is planned and elevation drawings of proposed changes, to scale.
 - (d) Perspective drawings, including relationship to adjacent properties, if available.
 - (e) Specific descriptions and samples of color and materials to be used.
 - (f) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property.
 - (g) Any other information which the Commission may deem necessary in order to visualize the proposed work.
- (2) Upon the filing of a complete application and plans at least two weeks prior to the next regularly scheduled meeting of the Commission, the Building Inspector shall notify the Commission Chairperson of the receipt of such application and shall transmit it, together with accompanying plans and other information, to the Commission.
- (3) No building permit shall be issued for any proposed work until the work plans and description have been approved by the Commission. The Commission's certificate of approval required by this Article shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Schenectady.

B. Action by the Commission.

- (1) Decision by the Commission.
 - (a) The Commission shall approve or disapprove or approve with modifications such plans and, if approved, shall issue a certificate of approval, which is to be signed by the Chairperson, attached to the application for the building permit, if applicable, and immediately transmitted to the Building Inspector. The Chairperson shall also stamp all approved prints submitted to the Commission signifying its approval.
 - (b) If the Commission does not approve such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons

therefore in writing to the Building Inspector and to the applicant. The Commission may advise what it thinks is proper if it disapproved of the plans submitted. The applicant, if he/she so desires, may make modifications to his/her plans and shall have the right to resubmit his/her application at any time after so doing.

- (c) The failure of the Commission to approve or disapprove of such plans within 62 days from the date of the Commission's meeting to consider the completed application for a certificate of approval shall be deemed to constitute approval, and the Building Inspector shall proceed to process the application as submitted to the Building Inspector, without regard to a certificate of approval, except as provided below:

- [1] The applicant has agreed, in writing, to an extension of this sixty-two-day period; or

- [2] The application is subject to the requirements of the State Environmental Quality Review Act (SEQRA) and an environmental assessment or environmental impact statement review must be completed prior to action by the Commission.

- (2) Effect of approval. If the Commission approves the application, it authorizes the Building Inspector to issue the building permit for the work so specified in the application; provided, however, that the applicant has obtained all other permits or approvals that may be required by the codes and ordinances of the city.
- (3) Inspection of work. After the certificate of approval has been issued and the building permit granted to the applicant, the Building Inspector shall from time to time inspect the construction, alteration or repair approved by such certificate and shall take such action as is necessary to enforce compliance with the approved plans.

C. Application review criteria.

- (1) In considering an application to modify or demolish designated structures or construct new structures within the Historic District, the Commission shall not consider changes to interior spaces or to architectural features that are not visible from a public right-of-way.
- (2) The Commission's decision shall be based upon the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (current revision), published by the United States Department of the Interior, National Park Service, Preservation Assistance Division, a copy of which is available in the office of the city's Building Inspector, and upon the following principles:
 - (a) Properties which contribute to the character of the Historic District shall be retained, with their historic features altered as little as possible.

- (b) Alterations and additions to existing buildings shall either be made consistent with the spirit of their architectural style or, if this is deemed infeasible, shall alter the structure to an appearance consistent with the architectural styles of historic value existing in the Historic District where the subject property is located. Alternatively, contemporary design for alterations and additions to existing properties may be permitted when such alterations and additions do not destroy significant historical, architectural or cultural material and/or such design is compatible with the size, scale, material and character of the property, neighborhood or environment. Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (c) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (d) New construction shall be consistent with the architectural styles of historic value in the applicable Historic District. On sites of proposed new construction, where structures adjoining the site are of significantly dissimilar periods or styles of architecture, the Commission may approve such period or style of architecture as it deems proper for the site and in the best interests of the surrounding Historic District.
- (e) No structure may be demolished unless the Commission finds that preservation of the structure is not warranted under the general standards set forth in this section. Demolition may be permitted only after the developer of the site has submitted and obtained approval for such plans for new development, including Commission approval for new construction, including an acceptable timetable and guaranties which may include performance bonds for demolition and completion of the project. In no case shall the time between demolition and the commencement of new construction exceed six months.
- (f) Moving of structures or buildings may be permitted as an alternative to demolition.
- (g) Additional general standards.
 - [1] The distinguishing original qualities or character of any significant building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - [2] All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that

seek to create an appearance of different time period shall be discouraged.

[3] Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

[4] Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

(3) In making its decision, the Commission shall consider the following factors:

- (a) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.
- (b) Texture, materials and color and their relation to similar features of other properties in the neighborhood.
- (c) Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the rhythm of spacing of properties on streets, including setback.
- (d) The importance of historic, architectural or other features to the significance of the property.

§ 264-77. Hardship relief.

A. An applicant who has been denied a certificate of approval from the Commission to alter designated structures or build new structures within an Historic District may request a hearing before the Board of Zoning Appeals on the grounds that the decision presents a hardship. In order to prove the existence of hardship, the applicant shall establish that:

- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (3) The applicant has made a good faith effort to sell the property and has been unable to find a purchaser at the fair market value who would agree to preserve the structure.

B. Appeals.

- (1) Applicants who have been denied a certificate of approval to demolish a designated site or structure may appeal the decision of the Commission to the Board of Zoning Appeals, showing hardship based upon the factors set forth in Subsection A(1), (2) and (3) above, and the following:
 - (a) The structure is deteriorating and that the owner cannot economically afford to preserve the structure.

- (b) The applicant has sought financial assistance under established programs for historic preservation and failed to obtain sufficient assistance to enable the owner to economically preserve the structure.
 - (2) Notwithstanding the finding of hardship, if the Commission finds that the structure should be preserved, it may withhold approval to demolish for a period not exceeding one year from the date of an application for a demolition permit. If, during that period, the owner, the Commission or other interested parties are able to obtain sufficient financial assistance to preserve the structure or a purchaser at the fair market value who will agree to preserve the structure on the parcel, the Commission shall deny a permit to demolish the structure.
 - (3) For purposes of this subsection, "economically afford" means, in the case of a one-family or two-family owner-occupied house, an inability to preserve the structure without financial hardship; in the case of rental or commercial property, an inability to earn a reasonable return on the property if the structure is preserved; and in the case of property owned and used by a nonprofit organization, an inability to preserve the structure without financial hardship. Preservation of a structure includes such additions or other alterations as are permissible in an Historic District.
- C. In any event, the relief granted in a finding of hardship shall be only the minimum sufficient to relieve the hardship proved by the applicant.
- D. Appeals must be filed in a manner set forth in Article XVI of this chapter and must be filed within 30 days of the action of the Commission.

§ 264-78. Maintenance and repair.

- A. Nothing in this Article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic site or structure or property within an Historic District which does not involve a change in design, material, color or outward appearance.
- B. No owner or person with an interest in real property designated as an historic site or structure or included within an Historic District shall permit the property to fall into a serious state of disrepair so as to threaten to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the Historic District as a whole or the life and character of the property itself.
- C. Examples of such deterioration include:
- (1) Deterioration of exterior walls or other vertical supports.
 - (2) Deterioration of roofs or other horizontal members.
 - (3) Deterioration of exterior chimneys.
 - (4) Deterioration or crumbling of exterior stucco or mortar.

- (5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
- (6) Deterioration of any feature so as to create a hazardous condition detrimental to the public safety. Such a building structure or part thereof found to be in disrepair, in an unsafe or unusable condition or in any condition that may threaten the perpetuation or integrity of the same shall be in violation of this chapter.

§ 264-79. Emergency action by Building Inspector.

This Article shall not apply in any case where the Building Inspector orders or directs the construction, removal, alteration or demolition of any improvement in an Historic District for the purpose of remedying conditions determined to be unsafe or dangerous to the life, health or property of any person. However, prior to such order, the Building Inspector shall serve written notice to the Commission Chairman describing the location and particulars of the action to be taken.

§ 264-80. Penalties for offenses.

- A. Failure to comply with any of the provisions of this Article shall be deemed a violation, and the violator shall be liable to the fines and penalties as set forth in Article XVIII of the Code of the City of Schenectady.
- B. Any person who demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this Article shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the City Attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§264-81. (Reserved)

§264-82. (Reserved)

ARTICLE XI (Reserved)

ARTICLE XII Nonconforming Uses, Buildings and Structures

§264-83. Purpose.

This Article regulates and limits the continued existence of uses, buildings and structures established prior to the effective date of this chapter, which do not conform to the regulations of this chapter applicable in the districts in which such nonconformities are located.

§264-84. Continuation of use.

Except as hereinafter provided in this Article, the lawful use of a building or structure existing at the time of the effective date of this chapter may be continued although such use does not conform to the provision hereof. Each presently existing nonconforming use shall not be extended to occupy a greater area of land, nor shall additional nonconforming buildings or structures be erected on the land except as provided for in §264-87.

§264-85. Nonconformity due to change in provisions.

Whenever the use of a building becomes nonconforming through a change in the provisions of this chapter or district boundaries established by this chapter, such use may be continued, except that adult bookstores and adult entertainment establishments shall terminate as regulated by § 264-100 subject to the provisions of this article.

§264-86. Resuming discontinued nonconforming use.

- A. In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to a use permitted in the district in which it is located.
- B. A residential nonconforming use may resume its original built-as residential use, unless the number of units has already been reduced. Structures which have been altered to increase the number of dwelling units do not qualify for resumption of a nonconforming use after being discontinued for a period greater than one year.

§264-87. Alteration of premises.

- A Except as otherwise provided in § 264-86A, an existing legal non-conforming building or premises lawfully devoted to a use not permitted in an R-1, RH-1, R-2, RH-2 or R-3 District may only be enlarged, extended, reconstructed or

structurally altered by 10% of its existing floor area when in a building or 15% of its existing area for outdoor nonconforming uses unless the use is changed to one permitted in that district or one permitted by this section. Area calculations shall be determined by the amount of area in existence on the date of adoption of this chapter.

- B An existing legal non-conforming use in the C-1, C-2, C-3, C-4, C-5, I, M-1 and M-2 Districts may only be enlarged, extended, reconstructed or structurally altered by up to 10% of its existing floor area when in a building or 15% of its existing area for outdoor nonconforming uses unless the use is changed to one permitted in that district or one permitted by this section, or unless the Planning Commission authorizes the enlargement, extension, reconstruction or structural alteration by the issuance of a special use permit pursuant to Article XIV of this chapter. Area calculations shall be determined by the amount of area in existence on the date of adoption of this chapter.
- C If a building or premises is destroyed or damaged by fire or other casualty or by act of God, the building or premises may be restored and devoted to a use not permitted in the district, provided that:
 - (1) The use is the nonconforming use in existence when the building or structure was destroyed or damaged;
 - (2) Neither the floor area nor the cubic content is increased, except as allowed in A or B above; and
 - (3) Restoration is begun within one year after destruction or damage and is diligently carried to completion.

§264-88. Nonconforming buildings and structures.

- A Where a nonconforming building or structure exists at the effective date of adoption or amendment of this chapter, such nonconformity may be continued so long as it remains otherwise lawful. No such nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity. Such enlargement or alteration shall not tend to increase any inherent nuisance, nor shall such enlargement or alteration violate any provision of this chapter regarding yards, lot area or lot coverage for the district in which it is situated nor increase any violation of such provision.
- B If a building or premises is destroyed or damaged by fire, other casualty, or by an act of God, the building or premises may be restored, provided that:
 - (1) Neither the floor area nor the cubic content is increased; and
 - (2) Restoration is begun within one year after destruction or damage and is diligently carried to completion.

ARTICLE XIII

Site Plan Approval

§ 264-89. Purpose.

In accordance with § 27-a of New York General City Law, the Planning Commission is authorized to review, approve, approve with modification or disapprove all site plans for uses as required by § 264-90 of this article. It is the purpose of this article to provide a means for the city review of the following elements:

- A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- B. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- C. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- D. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- E. Adequacy of stormwater and drainage facilities.
- F. Adequacy of water supply and sewage disposal facilities.
- G. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- H. In the case of an apartment complex or other multiple dwelling, the adequacy of usable common property or open space for play areas and informal recreation.
- I. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- J. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- K. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- L. Conformance of the site plan with district bulk and design requirements, together with all other applicable provisions of this chapter.
- M. Conformance of the site design with the purposes and intent of this chapter and the city subdivision regulations.

§ 264-90. Uses requiring site plan review.

Site plan review and authorization in accordance with this article shall be required for one or more of the following uses. In any case where a special use permit is required, no separate site plan review shall be required.

- A. Any development or substantial improvement for the establishment or expansion of a nonresidential principal use in any residential district.
- B. Any development or redevelopment which results in the creation or addition of 10 or more parking spaces.
- C. The conversion of any public or private school or other educational institution, library or religious institution facility to another use.
- D. The conversion of any gas station or drive-in establishment to another use.
- E. Any planned development zoning amendment and plan tentatively approved by City Council.
- F. Any multiple-family development containing three or more dwelling units, or conversion or redevelopment creating three or more additional dwelling units.
- G. Any new development, redevelopment or expansion in the bulk or cubic content of a building or structure which is used, designed or intended for a nonresidential principal use and which is wholly or partially located on a lot abutting any other lot located in a residential district.
- H. Any development of a self-service storage warehouse on a site larger than one acre or within 100 feet of a residential district.
- I. Any new construction, or expansion of a nonresidential use which results in an addition of 1,000 square feet, to the building footprint, or increases the building footprint by more than 25%.
- J. Any new construction, expansion, or renovation of a business which sells fuel for motor vehicles, is a motor vehicle repair establishment or is a convenience grocery store.
- K. Any new establishment or expansion of a motor vehicle sales business.
- L. Any change in tenancy for a nonresidential structure which is larger than 10,000 square feet.

M. Any change in tenancy of a building or structure which is used, designed, or intended for a nonresidential use, except where said building or structure of the same intended use has been granted site plan approval within the past 24 months.

(1) Exemptions: changes in tenancy.

(a) With respect to existing sites where a change of tenant is being proposed and where the applicant meets certain conditions, an "Application for Exemption" can be submitted to the Department of Development. The conditions for obtaining an exemption are:

[1] The new tenant and property are in compliance with the existing approved Site Plan for the property.

[2] The new tenant and property are in compliance with City Zoning Ordinance and Building Code.

(b) Any applicant requesting an exemption from the provisions of § 264-90M of this chapter must obtain a written verification of exemption from the Zoning Officer prior to obtaining any City permit.

(c) To obtain an exemption, applicant must submit to the Zoning Officer a letter requesting a waiver from change in tenancy review, including a written description of the proposed tenant's operation, 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 Zoning Officer will make a determination of exemption based on the submission and existing conditions of the property.

(d) Approved exemption shall be until the next tenancy change.

§ 264-91. Application and required information.

Applications for site plan approval shall be submitted in eighteen duplicate copies. An application fee and required information shall accompany every application. Unless expressly excused in writing by the Zoning Officer, each application shall contain at least the following information:

A. The applicant's name, address and his interest in the subject property.

B. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.

C. The street address or legal description of the property.

D. The zoning classification and present use of the subject property.

E. The proposed use or uses and a general description of the proposed development.

- F. A site plan drawn to a scale of not less than 50 feet to the inch on one or more sheets, illustrating the proposed development and use and including the following:
- (1) The boundary lines and dimensions of the subject property; existing subdivision lots; available utilities; and easements, roadways, railroads, rail lines and public rights-of-way crossing and adjacent to the subject property.
 - (2) Any proposed regrading of the subject property and any significant natural, topographical or physical features of the property, including, at least, watercourses, marshes, trees in excess of six inches in diameter and existing contours in excess of four feet in 100 feet.
 - (3) 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 which will remain, if any.
 - (4) Minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.
 - (5) 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.
 - (6) All existing and proposed surface and subsurface drainage facilities.
 - (7) Location, size and arrangement of all outdoor signs and lighting.
 - (8) Proposed landscaping, including the type, location and quantity of all plant materials, 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.
 - (9) Location, designation and total area of all usable open space or common property and the extent to which it is to be improved.
 - (10) In the case of any use requiring a special permit pursuant to Article XIV of this chapter, any information necessary to demonstrate compliance with all conditions imposed on the proposed special use permit by this chapter.
- G. Such other and further information or documentation as the Zoning Officer and/or Planning Commission may deem to be necessary and appropriate to a full and proper consideration and disposition of the particular application.

§ 264-92. Review and authorization.

- A. Review of site plan applications shall be governed by §27-a of NYS General City Law.
- B. Factors for review. The Planning Commission's review of the site plan application shall be guided by the elements listed in §264-89 of this article.

§ 264-93. Limitations on site plan approval.

No site plan approval shall be valid for a period longer than one year from the date of issue unless:

- A. A building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion;
- B. An occupancy permit is obtained and a use commenced within that period; or
- C. An additional one-year extension of site plan approval has been requested in writing and granted by the Planning Commission within one year of original issuance in its discretion and upon such further conditions as it may find appropriate at that time.

§ 264-94. Financial responsibilities.

- A. Prior to the issue of building permits or zoning certification, the applicant may be required to post performance bond(s) pursuant to and in accordance with the same procedures as provided for in § 33 of New York General City Law, in sufficient amounts and duration to assure that all street or other public places shown on the site plan shall be suitably graded and paved and that street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire-alarm signal devices, including necessary ducts and cables or other connecting facilities, sanitary sewers and storm drains shall all be installed in accordance with standards, specifications and procedure acceptable to the appropriate city departments.
- B. Alternatively, such improvements may be installed by the applicant in accordance with standards, specifications and procedures acceptable to the appropriate city departments.

§ 264-95. Integration of procedures.

Whenever the particular circumstances of a proposed development or redevelopment require compliance with either the zoning amendment review procedures or the requirements of the City Land Subdivision Code, the Planning Commission may integrate, as appropriate, site plan review as required by this Article with the procedural and submission requirements for such other compliance.

ARTICLE XIV

Special Permit Uses

§ 264-96. Authorization.

As a matter of original jurisdiction, the Planning Commission shall have the right to issue, deny or revoke a special use permit for all special uses in the respective districts as specified in Article III of this chapter following the requirements set forth in this article and Article III.

§ 264-97. Limitation.

An application for a special use permit may be filed by a property owner or any other person authorized in writing by the owner.

§ 264-98. Procedure.

An application for a special use permit may be filed by a property owner or any other person authorized in writing by the owner.

§ 264-99. Standards.

Special permit uses listed in this chapter shall be granted only if evidence is presented which establishes that:

- A. Impact. The proposed building or use shall not substantially impact upon the nature and character of the surrounding neighborhood. In determining substantial impact, the Commission shall consider the location and size of the proposed use, the nature and intensity of the operations involved in or conducted in connection with the proposed use, the size of the site in relation to the proposed use and the location of the site with respect to streets giving access to the proposed use.
- B. Adjacent properties. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
- C. Nuisances. Operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use not requiring a special use permit.
- D. Facilities and services. The proposed building or use shall be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.

- E. Loss of significant features. The proposed building or use will not result in the destruction, loss or damage of any natural, scenic, architectural or historic feature of significant importance.
- F. Compliance. The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter.

§ 264-100. Reserved.

ARTICLE XV

Additional Regulations Relating to Specific Uses

§ 264-101. Regulation of Adult bookstores, Adult entertainment Establishments and Sexually Oriented Businesses.

- A. Purpose. In the development and execution of this chapter, it is recognized that studies have been conducted by many cities which document the adverse secondary effects associated with the establishment and operation of adult bookstores, adult entertainment establishments and sexually oriented businesses within a community.
- (1) Among these adverse secondary impacts are a deterioration in the local quality of life, an adverse effect upon local property values, an adverse effect upon local economic viability, an imposition, whether intentional or unintentional, of exposure to adult-oriented expression undesired by neighbors, pedestrians and passersby, an increase in traffic, noise, litter and nuisance, criminal and illicit sexual behavior, a threat to the health and safety of children and young adults and an undermining of the established sense of community.
 - (2) These adverse secondary impacts of the establishment and operation of adult bookstores, adult entertainment establishments and sexually oriented businesses are a threat to the general health, safety and economic viability of the community.
 - (3) The unregulated establishment and operation of adult bookstores, adult entertainment establishments and sexually oriented businesses would lead to the widespread imposition of adverse secondary impacts upon the residents, businesses, economic viability, property values and quality of life of the city and would, therefore, be detrimental to the general health, safety and economic viability of the community.
 - (4) It is the express intent of the City of Schenectady in adopting this section to:
 - (a) Ameliorate, mitigate, reduce or prevent the widespread and unregulated imposition of the adverse secondary impacts of adult bookstores, adult entertainment establishments and sexually oriented businesses upon the residents, businesses, economic viability, property values, quality of life and general health, safety and welfare of the community.
 - (b) To preserve and encourage the diversity of the community by protecting, to the greatest possible, the interests of consenting adults to enjoys the broadest freedom of private sexual activity and behavior.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and

where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

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ADULT BOOKSTORE OR ADULT VIDEO STORE – A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe “specified sexual activities” or specified anatomical areas.”
- (B) Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

A principal business purpose exists if materials offered for sale or rental depicting or describing “specified sexual activities” or “specified anatomical areas” generate 20% or more of the business’s income, or account for 20% or more of inventory, or occupy 20% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe “specified sexual activities” or “specified anatomical areas.”

ADULT CABARET – A nightclub, bar, restaurant, café or similar commercial establishment that regularly, commonly, habitually, or consistently features:

- (A) persons who appear in a state of nudity or semi-nudity; or
- (B) live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or
- (C) films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (D) persons who engage in “exotic” or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT ENTERTAINMENT -- Any business enterprise having as a substantial portion of its activity the presentation, characterized by emphasis on the description or depiction of specified anatomical areas or specified sexual activities, of live shows, motion-picture films or sound recordings presented by coin- or slug-operated, or electronically or mechanically controlled, still or motion-picture machines, projectors or other image-producing devices; any business enterprise serving food and beer, wine or liquor whose entertainers or waiters and waitresses appear in a state that displays any specified anatomical areas; or any business enterprise that offers services requiring the client or customer to display any specified anatomical areas, except medical and health services establishments.

ADULT MOTEL – A hotel, motel or similar commercial establishment that:

- (A) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- (B) Offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
- (C) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

ADULT MOTION PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion picture, video cassettes or video reproductions, slides, or similar photographic reproductions are regularly, commonly, habitually or consistently shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,”

ADULT THEATER – A theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually or consistently features persons who appear, in person, in a state of nudity or semi-nudity, and/or live performances that are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

BUSINESS – Any regularly conducted commercial enterprise, venture or undertaking carried on for profit or monetary gain and shall include, but not be limited to any regularly advertised, promoted, scheduled, or reoccurring meeting, event, party, assembly or gathering for consideration.

CONSIDERATION – The payment of money or the exchange of any item of value for:

- (A) The right or privilege to enter any premises, or any portion thereof; or

- (B) The right or privilege to remain on any premises, or any portion thereof; or
- (C) The right or privilege to acquire, purchase, utilize or consume goods, services or facilities offered or made available to persons who enter, or remain on, a premises, or any portion thereof for purposes of engaging in or having the opportunity to engage in live sex acts; or
- (D) The right or privilege to a membership permitting the right to enter, or remain on, a premises, or any portion thereof.

DIRECTOR – The chief of police and such employee(s) of the police department as he or she may designate to perform the duties of the director under this ordinance.

ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

LIVE THEATRICAL PERFORMANCE – A play, skit, opera, ballet, concert, comedy, or musical drama.

NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

NUDITY or a STATE OF NUDITY – The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

PERSON – An individual, proprietorship, partnership, corporation, association, or other legal entity.

PREMISES – The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Section IV of this ordinance.

REGULARLY CONDUCTED – Ongoing, continuous and repetitive. A business is regularly conducted if its business advertising occurs on an on-going repetitive basis, and

its live sex acts activities, events, meetings, or gathering occur more frequently than once annually.

SEMI-NUDE or SEMI-NUDITY – The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SEX ACT – Sexual intercourse; or oral contact (teeth, tongue and or lips) with the penis, vulva, breast or anus; anal intercourse, touching and/or fondling of the breast, anus, penis, scrotum, testicles, vulva, clitoris, or vagina; manual masturbation; and/or the penetration into the penis, vulva or anus by any part of the body or by any object, machine or mechanism or bestiality (sex with or involving an animal).

SEX ACT BUSINESS – Any premises, business, commercial enterprise or venture which, in exchange for a fee or consideration and as one of its primary or regularly conducted purposes or activities provides facilities in which one or more persons may view or participate in sex acts.

SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (B) Activities between persons of the opposite sex and/or persons of the same sex one or more of the persons is in a state of nudity or semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sex act business or sexual encounter center.

SPECIFIED ANATOMICAL AREAS -- Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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SPECIFIED SEXUAL ACTIVITIES – Means and includes any of the following:

- (A) The fondling or ther erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
- (B) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (C) masturbation, actual or simulated; or
- (D) excretory function as part of or in connection with any of the activities set forth in (A) through (C) above.

SUBSTANTIAL PORTION:

- (1) For the purpose of determining whether a substantial portion of an establishment includes an adult bookstore, adult entertainment establishment, sexually oriented business or combination thereof, the following factors shall be considered:
 - (a) The amount of floor area and cellar space accessible to customers and allocated to such uses.
 - (b) The amount of floor area and cellar space accessible to customers and allocated to such uses as compared to the total floor area and cellar space accessible to customers in the establishment.
 - (2) For the purposes of determining whether a bookstore has a substantial portion of its stock in material defined in the above subsection hereof, the following factors shall be considered:
 - (a) The amount of such stock accessible to customers as compared to the total stock accessible to customers in the establishment.
 - (b) The amount of floor area and cellar space accessible to customers containing such stock.
 - (c) The amount of floor area and cellar space accessible to customers as compared to the total floor area and cellar space available for such stock.
- C. Zoning Districts. Adult bookstores, adult entertainment establishments and sexually oriented businesses may be established in the M-1 District and M-2 District only and subject to the requirements hereinafter set forth.
- D. Location. The following requirements shall apply to and be complied with by all adult bookstores and adult entertainment establishments:
- (1) It shall be unlawful to hereafter establish any adult bookstore, adult entertainment establishment or sexually oriented business within 500 feet of any building containing one or more dwelling units or boardinghouse units located in the R-1, RH-1, R-2, RH-2, R-3, C-1, C-2, C-3, C-4, C-5 and I Zoning Districts. The five-hundred-foot separation shall be measured from the parcel's New York State coordinate locator number, as it is identified on the Schenectady County Real Property Tax Maps, to any building, accessory structure, sign, dumpster, access driveway or parking area utilized by the adult bookstore and/or adult entertainment establishment.

- (2) It shall be unlawful to hereafter establish any adult bookstore, adult entertainment establishment and/or sexually oriented business within 300 feet of a property line of any other adult bookstore and/or adult entertainment establishment and/or sexually oriented business..
 - (3) It shall be unlawful to hereafter establish any adult bookstore, adult entertainment establishment and/or sexually oriented business within 1,000 feet of the property line of any nursery school, day-care center, primary or secondary public, private or parochial school, library, park (excluding bike or hiking trails) or playground and/or within 500 feet of the nearest property line of any church, convent, monastery, synagogue or other place of worship. The distance shall be measured from the property line to any building, accessory structure, sign, dumpster, access driveway or parking area utilized by the adult bookstore, adult entertainment establishment and/or sexually oriented business.
- E. Penalties. In addition to the penalties specified by Article XVIII of this chapter, violation of this section is punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding six months, or by both fine and imprisonment. Each day during any portion of which any violation of this section is committed, permitted or continued shall constitute a separate offense. In addition to these penalties, the city may institute any appropriate action or proceedings to correct or abate such violation.
- F. Termination of adult bookstores, adult entertainment or sexually oriented business. In all districts where adult bookstores, adult entertainment establishments or sexually oriented businesses are not a permitted use, a nonconforming adult establishment shall terminate within one year from the effective date of this amendment or from such later date that the adult bookstore or entertainment establishment becomes a nonconforming use, except that such establishment may be continued for a limited period of time by the Board of Zoning Appeals pursuant to § 264-100G, Amortization of adult bookstores, adult entertainment establishments, and/or sexually oriented businesses.
- G. Amortization of adult bookstores, adult entertainment establishments and sexually oriented businesses.
 - (1) The Board of Zoning Appeals may permit any nonconforming adult bookstore, entertainment establishment, sexually oriented businesses or any nonconforming accessory business use to continue for a limited period of time beyond that provided for in this chapter, provided that:
 - (a) An application is made by the owner of such establishment to the Board of Zoning Appeals at least 120 days prior to the date on which such establishment must terminate.
 - (b) The Board shall find, in connection with such establishment, that:
 - [1] The applicant had made, prior to the nonconformity, a substantial financial expenditure related to the nonconformity; and
 - [2] The applicant has not recovered substantially all of the financial expenditures related to the nonconformity; and

- [3] The period for which such establishment may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of the financial expenditures incurred related to the nonconformity.
- (2) For the purposes of this section, "financial expenditures" shall mean the capital outlay made by the applicant to establish the adult establishment exclusive of the fair market value of the building in which such use is located and exclusive of any improvements unrelated to the nonconforming adult entertainment establishment.

H. Exemptions.

- (1) This section shall not apply to the following;
 - (a) A proprietary school, licensed by the State of New York, a college, junior college, or university supported entirely or partly by taxation;
 - (b) A private college or university that maintains and operated education programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation.
- (2) Notwithstanding any other provision in this ordinance, movies rate G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.

§ 264-102. Ancillary parking areas.

- A. Authorization. Ancillary parking areas may be permitted in the R-2 and R-3 Residential Districts subject to the issuance of a special permit as provided in Article XIV of this chapter and in full compliance with the standards and requirements of this section.
- B. Standards and requirements. All ancillary parking areas located in the R-2 and R-3 Residential Districts shall comply with the following:
 - (1) Ancillary parking areas shall be used exclusively for parking of passenger vehicles.
 - (2) No commercial repair work or service of any kind shall be conducted in any ancillary parking area.
 - (3) No ancillary parking area shall be used for display or storage of vehicles, goods or materials.
 - (4) Every ancillary parking area shall be contiguous to the lot on which the principal use, being served by the ancillary parking area, is situated.
 - (5) No sign of any kind, other than designating entrances, exits and conditions of use, shall be maintained on any ancillary parking area.
 - (6) Ancillary parking areas shall be subject to the applicable provisions of Article VI of this chapter, relating to off street parking.
 - (7) No ancillary parking area shall be constructed or established nearer than fifteen feet of any residentially zoned property.

§264-103. Exterior use of property.

Where the operation of any establishment requires the overnight on-site exterior storage or parking of more than 10 motor vehicles or the use of more than 10% of the total lot area for storage or activities not located within a completely enclosed building or structure a special permit is required.

§ 264-104. Home occupations.

- A. Purpose. The standards and regulations of this section are designed to protect and maintain the character of established residential neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in residential dwellings. Further, the standards in this section are intended to ensure the clearly incidental or secondary status of the home occupation in relation to the residential use of the principal building as the criteria for determining whether a proposed accessory use be qualified as a legal home occupation.
- B. Where permitted. Subject to the standards and requirements of this section, one home occupation is permitted in any residential dwelling unit or structure accessory thereto.
- C. Use limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 - (1) No more than one person who is not a resident on the premises shall be employed.
 - (2) No more than 25% or 400 square feet of the combined area of the principal building and accessory building, whichever is less, shall be devoted to the home occupation.
 - (3) No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - (4) No stock-in-trade shall be displayed or sold on the premises.
 - (5) The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted private garage accessory thereto, and in no event shall such use be apparent from any public way.
 - (6) There shall be no outdoor storage of equipment or materials used in the home occupation.
 - (7) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
 - (8) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
 - (9) In no case shall such use generate more than two additional nonresidential vehicle round trips in any one-hour period or ten in any eight-hour period.

D. Prohibited home occupations. Permitted home occupations shall not, in any event, be deemed to include:

- (1) Nursing homes, clinics or hospitals.
- (2) Antique or furniture shops.
- (3) Barbershops, hair stylists or beauty salons.
- (4) Funeral homes, mortuaries or embalming establishments.
- (5) Restaurants.
- (6) Private clubs or lodges.
- (7) Stables, kennels or animal hospitals.
- (8) Boardinghouses or tourist homes.

§ 264-105. Professional offices in residential districts.

A. Purpose. In those areas of the city characterized by large residential buildings located along major thoroughfares or in areas with a predominate mixture of offices and residential uses, the city may authorize such office use, provided that the scale, design and nature of the use does not adversely affect or materially degrade the quality of the surrounding area for residential use.

B. Authorization. Professional offices may be permitted in the R-2, RH-2 and R-3 Residential Districts, subject to the issuance of a special use permit as provided in Article XIV of this chapter and in compliance with the standards and requirements of this section.

C. Standards and requirements. All professional offices located in the R-2, RH-2 and R-3 Districts shall comply with the standards of § 264-99 and the following requirements:

- (1) Use of professional offices shall be restricted to the practice of a profession by a physician, dentist, psychiatrist, lawyer, engineer accountant, insurance agent, real estate broker, teacher or member of a similar profession; provided, however, that there shall be no overnight boarding of patients or clients associated with such professional office use.
- (2) Professional offices may have up to six employees, including professionals, on the premises at any one time if off-street parking is provided in compliance with § 264-105C(4). If the applicant is unable to provide off-street parking in compliance § 264-105C(4)(a), then the Planning Commission may limit the number of employees permitted to work in a professional office.
- (3) The floor area in professional office use of the building or buildings on any lot, divided by the lot area of such lot, shall not exceed 0.3; provided, however, that in no case shall the floor area in a professional office use exceed 3,000 square feet on any one lot in a residential district.

- (4) Off-street parking.
- (a) Provision of off-street parking. Each new professional office shall provide off-street parking in compliance with the following standards and designed in compliance with Article VI of this Chapter, except as hereinafter provided. The provision of off-street parking in compliance with the following regulations shall be deemed adequate parking for a professional office in a residential district:
- [1] Parking for professionals and employees. There shall be one space for each employee based upon the maximum number on-site at any one time, up to a maximum of six spaces of off-street parking for employees and professionals as limited by § 264-105C(2).
- [2] Parking for clients.
- | | Spaces | Client Visits per Day |
|---|---------------------|-----------------------|
| 1 | 1 to 16 | |
| 2 | 17 to 24 | |
| 3 | 25 to 32 | |
| 4 | 33 to 40 | |
| 5 | 41 to 48 | |
| 6 | 49 to 56 | |
| | 1 additional space | |
| | per 8 client visits | |
- (b) No off-street parking area accessory to a professional office shall be located in the front yard of any lot. The Planning Commission shall review the parking design to ensure that the nature of its use and layout will minimize potential adverse impacts on neighboring residential properties. All off-street parking shall provide an eight-foot buffer which is landscaped and screened in a manner which largely obscures the parking from neighboring residential properties. No parking area shall be established closer than eight feet to any lot line.
- (5) The professional office use of existing residential buildings shall not involve external alterations which would cause the premises to differ from its residential character either by use of color, materials, construction or lighting.

§ 264-106. Gasoline stations.

Gasoline service stations may be permitted subject to the issuance of a special permit as provided in Article XI and subject to the additional requirements hereinafter set forth:

- A. Side and rear yards. Side and rear yard setbacks shall be not less than 10 feet in width.
- B. Screening and landscaping. Screening and/or landscaping shall be provided along all lot lines abutting a side or rear lot line of any residentially zoned or developed property in a

manner which largely obscures the gasoline service station and accessory parking areas from all points located on such residential property when viewed from the ground level.

- C. Location of operations. No repairs, other than minor motor vehicle repairs, shall be performed on the premises, and all such repairs shall be performed only within the principal building on the premises as an incidental use.
- D. Number of spaces. The number of service spaces permitted shall be limited to a maximum of four.
- E. Major repairs. No building, structure or area permitted as a gasoline service station shall be used for major motor vehicle repairs unless such use and operation is expressly authorized by special permit.
- F. Parking improvements. The entire parking and service area shall be paved. Side and rear yards shall be landscaped and separated from paved areas by a curb, low wall or other barrier.
- G. Materials and refuse. No open-air outdoor storage of materials, merchandise and equipment shall be permitted during non business hours. Storage of materials, merchandise and equipment during non-business hours shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets. Refuse and trash may be stored outdoors at all times only if placed enclosed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.
- I. Storage of vehicles. No more than 5 motor vehicles, including partially dismantled or wrecked vehicles, shall be stored at one time in any open area at a gasoline service station, provided that the outdoor storage of a specific motor vehicle shall not exceed 30 days.

§ 264-105 Motor vehicle repair establishments, minor and major.

Motor vehicle repair establishments may be permitted subject to the issuance of a special permit as provided in Article XIV and subject to the additional requirements hereinafter set forth:

- A. Side and rear yards. Side and rear yards shall be not less than 10 feet in width [however there is no minimum required setback along a property line that abuts a parcel in the M-1 and M-2 district.](#)
- B. Screening and landscaping. Screening and/or landscaping shall be provided along all lot lines abutting a side or rear lot line of any residentially zoned or developed property in a manner which largely obscures the repair operations and stored material, vehicles and

equipment from all points located on such residential property when viewed from the ground level.

- C. Location of operations. All repairs shall be performed within the principal building on the premises.
- D. Parking improvements. The entire parking area shall be paved. Side and rear yards shall be separated from paved areas by a curb, low wall or other barrier.
- E. Storage of vehicles. No more than 5 motor vehicles, including partially dismantled or wrecked vehicles, shall be stored at one time in an open area at a motor vehicle repairing establishment, provided that the outdoor storage of a specific motor vehicle shall not exceed 30 days.
- F. Materials and refuse. All permanent storage of materials, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from the ground level.

§ 264-107. Public utility substations, facilities and structures.

Public utility substations, facilities and structures are subject to the following requirements:

- A. Appearance. All above-ground public utility buildings and structures shall either have exteriors which give the appearance of a structure permitted in the district where located or shall be surrounded by fencing, screening and/or landscaping to largely obscure such use from view of abutting properties and from public rights-of-way.
- B. Fencing. All such uses shall be fenced where any hazard to human life or safety is present.

§264-108. Satellite Dishes

No freestanding satellite dish shall be located in the front yard, or between the house and any street line of any residential dwelling.

§ 264-109. Self-service storage warehouse structures.

- A. No self-service storage warehouse structures shall be located within 100 feet of a lot line of any residentially zoned or developed property.
- B. No individual storage compartments shall exceed 8,000 cubic feet.
- C. Landscaping shall be provided along all lot lines, in a manner which will largely obscure the use and its operation when viewed from ground level.

- D. All lighting shall be directed toward and illuminate the site only and shall not intrude on any residentially zoned or developed property.
- E. On-site parking shall comply with all parking design requirements of Article VI of this Chapter and shall provide one space of parking per employee and one space per 20,000 square feet of gross building area.
- F. Circulation drives and aisles shall be a minimum of 24 feet in width and all corners shall provide a thirty-foot turning radius to provide adequate access for fire-fighting vehicles.

§264-110. Townhouses

- A. Purpose. These standards are intended to increase the opportunity for home ownership by allowing townhouses in areas of the City where residential uses are encouraged. The purpose of providing standards for townhouse development is to:
 - (1) Ensure that new development conserves the livability of neighborhoods.
 - (2) Ensure that the size and scale of new development complements existing structure in the surrounding neighborhood.
 - (3) Ensure a physical and visual connection between dwelling units and the street in order to enhance public safety.
 - (4) Ensure opportunities for individually owned housing in two-family dwelling and multi-family dwelling zoning districts.
- B. Applicability.
 - (1) In the R-2 districts, no more than two-attached dwelling units are permitted.
 - (2) In the R-3 and C-3 districts, no more than four attached dwelling units are permitted.
- D. Off-street parking. Off-street parking standards shall be met according to Schedule E of Article VI, Off-Street Parking and Loading.
- E. Accessory uses and structures. The accessory uses and structures standards of §264-29 shall apply.
- D. Site Design Standards
 - (1) Parking
 - (a) Access to parking spaces and garages must be from the alley for all lots adjacent to an alley, except on corner lots access must be from the secondary front or the alley.
 - (b) When parking is provided in a garage that faces a street, the following standards must be met:

- [1] The garage façade width must not exceed the greater of 50% of the street facing façade for each attached dwelling unit or 13 lineal feet.
- [2] Garages must be setback a minimum of two feet from the primary dwelling.

(2) Building Design Standards

- (a) Each dwelling unit must have a separate front, ground level entrance, which is clearly defined and highly visible on the building façade that faces a public street or right of way other than an alley. The front door shall not be setback from the front façade.
- (b) Each front entrance must include a non-enclosed porch or covered entry that may extend up to eight feet into the required front yard setback. A pedestrian walkway must connect each front entrance to the street or driveway. A door that leads directly into a garage does not qualify as a front entrance.
- (c) Attached dwelling units must be designed to appear as different buildings. This can be achieved through differences in the articulation and modulation of each building as described in subsection [1] and [2] below.
 - [1] Articulation is the variation in building mass through the use of stepbacks, setbacks, diminishing upper floors areas, and/or projecting roof overhangs.
 - [2] Modulation may be achieved through: recessed or projecting wall offsets; entryways; porch or canopy structures including columns or piers; balconies; dormers; bay windows or other prominent features.
- (d) Construction must comply with landscaping standards.

§264-111. (Reserved)

§264-112. (Reserved)

§264-113. (Reserved)

ARTICLE XVI

Board of Zoning Appeals

§ 264-114. Establishment and organization.

A Board of Zoning Appeals is hereby established which shall consist of seven members. The word "Board," when used in this Article, shall be construed to mean the Board of Zoning Appeals. The organization of the Board shall be governed by Article 5-A of General City Law.

§ 264-115. Meeting and records.

Meeting and record keeping requirements of the Board shall be governed by Article 5-A of the General City Law, and Article 7 of the public officers law.

§ 264-116. Powers and duties.

The Board is vested with the following powers and duties delegated to it according to Article 5-A of General City Law.

§ 264-117. Right to appeal.

The Right to appeal shall be governed by Article 5-A of the General City Law.

§ 264-118. Appeals application.

All appeals to the Board must be filed in writing with the Zoning Officer on the forms provided. Where required by the Zoning Officer, such appeals application shall be accompanied by an accurate plan drawn to scale. A fee, as established by the City Council, shall accompany every application for appeal. Upon notice of appeal, all papers constituting the record upon which the action appealed from is taken shall be forthwith transmitted to the Board. A copy of every notice of appeal shall be transmitted to the Building Inspector. The appeal shall be placed on the calendar of the Board when the Board has received a completed application and has sufficient factual information to hear the case. Such hearing shall consider all facts pertaining to the appeal. At the hearing, any party may appear in person or by agent or by attorney.

§ 264-119. Standards for variance.

Standards for variances are governed by Article 5-A of the General City Law

ARTICLE XVII

Enforcement and Administration

§ 264-120. Enforcement.

The Building Inspector, the Zoning Officer, or their duly appointed representatives of the City of Schenectady are authorized and empowered to enforce the requirements of this chapter. The Zoning Officer shall cooperate with the Building Inspector to coordinate enforcement and inspection activities so as to achieve the greatest efficiency and avoid duplication of efforts.

§ 264-121. Building permits.

- A. No building or structure shall be erected, enlarged, structurally altered, demolished, moved or removed, wholly or partly, and no excavation for any building, structure or use shall be made without obtaining a building permit in accordance with the requirements of the City of Schenectady Building Code.
- B. Such building permit shall be issued only where the accompanying application, plans, drawings and specifications are in full conformity with the provisions of this chapter.

§ 264-122. Certificates of occupancy.

- A. It shall be unlawful to use or permit the use of any building or premises or part thereof, hereafter created, erected converted or enlarged, wholly or partly, in its use or structures, unless a certificate of occupancy shall have been issued by the Building Inspector in accordance with the requirements of the Building Code of the City of Schenectady.
- B. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter.

§ 264-123. Inspections.

The Building Inspector, the Zoning Officer or their duly appointed representatives are authorized to inspect and examine any building, structure, place or premises in the City of Schenectady to determine compliance with the provisions of this chapter. In performing such inspections, the Building Inspector, Zoning Officer or their duly appointed representatives shall have the right of entry.

§ 264-124. Certification by Zoning Officer.

Except as hereinafter provided, no building permit or certificate of occupancy involving new construction or expansion in bulk or floor area of any existing building or structure or the change in use of intensity of use of an existing building or structure shall be issued by any officer, department or employee of the city unless the application for such permit has been examined by the Zoning Officer and has affixed to it a certificate of the Zoning Officer, indicating that the proposed building or structure complies with all the provisions of this chapter. Any building

permit or certificate of occupancy issued in conflict with the provisions of this chapter shall be null and void.

§ 264-125. Liability.

- A. No officer, agent or employee of the city, including any member of the Planning Commission, Board of Zoning Appeals and Historic Districts Commission, shall be liable for any damages that may result to persons or property as a result of any act, decision or determination required or permitted under this chapter.
- B. Costs shall not be allowed against any such officer, agent or employee of the city, or Board or Commission, unless it shall be determined by a court of competent jurisdiction that such individual, Board or Commission acted with gross negligence or in bad faith or with malice in carrying out the powers and duties required or permitted in this chapter.
- C. Any suit brought against the city as a result of any act required or permitted in the implementation of this chapter shall be defended by the Corporation Counsel of the city until the final determination of the proceedings thereon.

§ 264-126. Fees.

- A. The City Council shall establish a schedule of fees for zoning amendments, special permits, appeals and variances and other matters pertaining to this chapter. The schedule of fees shall be available for public inspection in the office of the Building Inspector and Zoning Officer and may be amended only by the City Council. This schedule may be amended by resolution of the City Council.
- B. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. No fee shall be refunded except as may be authorized by the City Council in the establishment of a fee schedule.

ARTICLE XVIII

Violations and Penalties

§ 264-127. Violations and penalties.

- A. For every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist shall be guilty of a violation as defined by Subsection E of this section or shall be punishable by a penalty of not less than \$350 nor more than \$1,000 for each day of violation which may be recovered by the City of Schenectady, New York, in a civil action.
- B. A separate offense shall be deemed committed on each day during or on which a violation of the terms of this chapter occurs or continues unabated.
- C. In addition to other remedies, the city may institute any appropriate action or proceeding to prevent any unlawful erection, alteration, conversion, maintenance or use; to correct or abate a violation; to enforce any approved site plan or site plan conditions; to enforce any condition concerning use, maintenance or completion; to prevent the occupancy of a building, a structure or land; or to prevent any illegal act, conduct, business or use.
- D. Appearance tickets as an alternative means of commencing prosecution.
 - (1) The City Council deems it necessary to provide by law specially authorized public servants who may issue appearance tickets pursuant to Subdivision 3 of § 150.20 of the Criminal Procedure Law and Subdivision 4(a) of § 10 of the Municipal Home Rule Law of the State of New York.
 - (2) The following public servants of the City of Schenectady are hereby authorized to issue appearance tickets in the performance of their respective duties when commencing prosecution pursuant to this chapter of the Code of Ordinances of the City of Schenectady: the Building Inspector, Zoning Officer or their duly appointed assistants.
 - (3) The power to use the appearance ticket shall not imply with restraint upon the power of the aforementioned public servants to utilize any alternative methods of commencing prosecutions as may be provided by law.
 - (4) For purposes of this section, the term "appearance ticket" shall have the same definition as provided in Article 150, § 150.10, of the Criminal Procedure Law of the State of New York, and the procedure governing its use shall conform in all respects to the procedure as enumerated in Article 150 of the Criminal Procedure Law of the State of New York and other applicable Articles of that law.

- (5) Each violation of this chapter shall be a violation and shall be punishable as follows:
 - (a) For a first offense, by a fine of not less than \$350 nor more than \$500.
 - (b) For a second offense within 18 months of a prior violation of this chapter regarding the same premises by the same person(s), firm(s) and/or corporation(s), a fine of not less than \$350 nor more than \$750.
 - (c) For a third offense and any subsequent offenses thereafter within 18 months of a prior violation of this chapter regarding the same premises by the same person(s), firm(s) and/or corporations, a fine of not less than \$750 nor more than \$1,500 or by a term of imprisonment of not less than five days nor more than 15 days or by both such fine and imprisonment.
- E. All fines collected pursuant to this Article shall be placed in a dedicated account to offset the expense of at least one Code Enforcement Officer.
- F. Any person issued a notice of violation pursuant to any provision of this chapter shall be subject to an administrative fee of \$50, and such administrative fee shall be charged against the land upon which the notice of violation was issued as a municipal lien or such administrative fee shall be added to the tax rolls as an assessment or levied as a special tax against said property or recovered in a civil suit against the person to which the notice of violation was issued.

ARTICLE XIX

Amendments

§ 264-128. Authority.

Amendments to this chapter shall be governed by § 83 of the General City Law.

§ 264-129. Application for amendment.

An application for a zoning amendment, supplement or change shall be filed with the Zoning Officer, together with a zoning amendment fee as established by the City Council. On receipt of every completed application, the Zoning Officer shall transmit a copy of such application to the City Council Community Development and Planning Committee.

§ 264-130. Review by Planning Commission.

The Community Development and Planning Committee may refer any proposed amendment, supplement, or change to the Planning Commission for a recommendation.

§ 264-131. Report by Planning Commission.

In recommending the adoption of any proposed amendment, supplement or change, the Commission shall, in writing, state its reasons for such recommendation, including any conditions, changes or requirements that may serve to further the purposes of this chapter. On recommending the denial or revision of any such proposal, the Commission shall similarly state its reasons and concerns. A copy of such recommendation shall be transmitted to the City Clerk within a reasonable time.

§ 264-132. Action by City Council.

Action by the City Council shall be governed by §83 of the General City Law.

ARTICLE XX

Zoning Amendments Affecting Specific Lots or Parcels

§ 264-133. Amendments on file.

In order to implement the purposes and intent of this chapter, the city has from time to time passed additional zoning requirements affecting single lots or parcels. The texts of these requirements are available for public inspection in the office of the City Clerk.