

Exhibit VIII.C.3.b

Attachment 'A'

Chapter 264. ZONING

Article III. Districts, Boundaries and Regulations

§ 264-14. C-3 Waterfront Mixed-Use District.

[Amended 3-23-2009 by Ord. No. 2009-02]

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 promotes 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, Use Regulations for Nonresidential Districts, with the following exception:
- (1) Professional and business offices of less than 3,000 square feet on the ground floor. Professional and business offices that exceed 3,000 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, Use Regulations for Nonresidential Districts, and as provided in Subsection **C(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 two feet of graded area on either side of the trail and an additional ten-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 **F(2)(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 **F(2)(a)** and **(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.

ZONING

264 Attachment 2

City of Schenectady

Schedule B

Use Regulations for Nonresidential Districts

[Amended 3-23-2009 by Ord. No. 2009-02;

9-12-2011 by Ord. No. 2011-15; 11-26-2012 by Ord. No. 2012-12;

3-11-2013 by Ord. No. 2013-07]

KEY:

P = Permitted Use

SP = Requires a Special Permit

NP = Not Permitted

C-1 = Neighborhood Retail Business

C-2 = Mixed Use Commercial

C-3 = Waterfront Mixed Use

C-4 = Downtown Mixed-Use

C-5 = Business

I = Institutional

M-1 = Light Manufacturing and

Warehousing

M-2 = Manufacturing and Warehousing

Principal Uses	Districts								
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	I ¹	
Adult bookstores and entertainment, pursuant to § 264-101	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 ¹	
Assembly and packaging of products and equipment	NP	SP	NP	SP	SP	P	P	NP	
Auto body repair	NP	NP	NP	NP	SP	P	P	NP	
Automobile wrecking establishments	NP	NP	NP	NP	NP	SP	SP	NP	
Bakeries	P	P	P	P	P	P	P	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 ¹	
Boat launches, slips, docks	NP	NP	P	SP	SP	SP	SP	NP	

SCHENECTADY CODE

Principal Uses	Districts							
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	I ⁴
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 and bottling facilities	NP	SP	NP	NP	SP	P	P	NP
Funeral homes	SP	P	NP	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

ZONING

Principal Uses	Districts							
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	I'
Material recovery/transfer centers, excl. recycling/redemption	NP	NP	NP	NP	NP	P	P	NP
Meat processing	NP	P	P	P	P	P	P	P
Meat slaughtering	NP	NP	NP	NP	NP	NP	NP	SP
Medical and dental clinics and laboratories	NP	P	P	P	P	P	P	P ⁴
Medical hospitality house	P	P	P	P	P	NP	NP	P
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 and detailing	NP	P	NP	SP	P	P	P	NP
Motor vehicle sales, exterior sales lots	NP	NP ⁵	NP	NP ⁵	P	P	P	NP
Motor vehicle sales, interior showroom	NP	P	NP	P	P	P	P	NP
Nursing homes	NP	P	SP	P	P	NP	NP	P ⁴
Off-track betting parlors	NP	P	P	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 § 264-105	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

SCHENECTADY CODE

Principal Uses	Districts							
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	I ¹
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, and storage trailers	NP	SP	SP	NP	SP	P	P	SP
Taxi services and taxi dispatch	NP	P	NP	P	P	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

NOTES:

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.

ZONING

⁵ Allowed in rear yards of interior lots that are not through lots, as accessory storage for interior showrooms.

ZONING

264 Attachment 3

City of Schenectady

Schedule C

Lot Development Standards

[Amended 3-23-2009 by Ord. No. 2009-02; 9-12-2011 by Ord. No. 2011-15; 11-26-2012 by Ord. No. 2012-12]

District	Building Height (feet)	Minimum Lot Area (square feet)	Maximum Lot Coverage	Maximum Impervious Surface	Minimum Lot Frontage ² (feet)	Maximum Development (GFA)	Front Minimum (feet)	Principal Building Setbacks		
								Front Maximum (feet)	Rear Minimum (feet)	Side Minimum (feet)
OS	35	20,000	N/A	30%	N/A	N/A	25	None	20 each	20
R-1	35	5,000 per use	Principal: 30% Accessory: 10%	70%	40	N/A	25	25 or as established on the block ³	20% of lot depth or 25 feet, whichever is greater	10% of lot width or 5 feet, whichever is greater up to 12 feet
RH-1	35	12,000/dwelling unit; 20,000 nonresidential	Principal: 30% Accessory: 10%	50%	40	N/A	25	25 or as established on the block ³	20% of lot depth or 25 feet, whichever is greater	20
R-2	35	2,250/dwelling unit; 5,000 nonresidential	Principal: 30% Accessory: 10%	80%	40	N/A	20	20 or as established on the block ³	20% of lot depth or 25 feet, whichever is greater	10% of lot width or 5 feet, whichever is greater up to 12 feet
RH-2	45	1,250/dwelling unit; 2,000 nonresidential	Principal: 40% Accessory: 10%	80%	40	None	None	Average of adjoining lots or the lesser setback of adjoining lots	20% of lot depth or 25 feet, whichever is greater	5 ⁴
R-3	45 as of right uses	2,250/dwelling unit; 2,000 nonresidential	Principal: 50% Accessory: 15%	80%	40	N/A	20	20 or as established on the block ³	20% of lot depth or 25 feet, whichever is greater	10% of lot width or 5 feet, whichever is greater up to 10 feet
C-1	35	2,250 residential; 2,000 nonresidential	Principal: 40% Accessory: 10%	80%	40	3,000 square feet nonresidential	20	25	25 ⁵	5 ⁵

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Principal Building Setbacks

District	Building Height ¹ (feet)	Minimum Lot Area (square feet)	Maximum Lot Coverage	Maximum Impervious Surface	Minimum Lot Frontage ² (feet)	Maximum Development (GFA)	Principal Building Setbacks				
							Front Minimum (feet)	Front Maximum (feet)	Rear Minimum (feet)	Side Minimum (feet)	
C-2	45	1,250 residential; 3,000 nonresidential	Principal: 70% Accessory: 15%	80%	40	12,000 square feet nonresidential	No minimum	10	5 ^{5,6}	5 feet; 0 feet with proof of masonry construction ^{5,6}	
C-3	Special use permit for anything over 56	2,250/dwelling unit; 1,250/dwelling unit with special permit 2,000 nonresidential	Principal: 50% Accessory: 15%	None	30	None	Lots adjacent to river: 50 feet from high water mark on the river side, 10 feet on all other front yards ⁴ All other lots: 10 feet	No maximum	Lots adjacent to river: 50 feet from high water mark ⁴ All other lots: 10% of lot width or 5 feet, whichever is greater up to 10 feet ⁵	Lots adjacent to river: 50 feet from high water mark ⁴ All other lots: 10% of lot width or 5 feet, whichever is greater up to 10 feet ⁵	
C-4	75, 100 with special permit Height minimum of 35 feet/ 2 stories or the average of the adjacent lots	None	Principal: 95% Accessory: 15%	None	None	None	0	0	5 ^{5,6}	None ^{5,6}	
C-5	56	1,250/dwelling unit; 5,000 nonresidential	Principal: 70% Accessory: 15%	None	40	None	No minimum	No maximum	5 ^{5,6}	5 ^{5,6}	
I	45 residential 120 institutional	2,250/dwelling unit; 1,250/dwelling unit with special permit 5,000 institutional	Principal: 50% Accessory: 10% Principal: 50% Accessory: 10%	None	40	None	25 or as established on the block ² 1 per foot of building height	None	25	5	10 each side 5 each side
M-1	56	5,000	Principal: 70% Accessory: 15%	None	N/A	None	No minimum	No maximum	5 ⁵	5 ⁵	10 each side ⁵
M-2	56	5,000	Principal: 70% Accessory: 15%	None	N/A	None	No minimum	No maximum	5 ⁵	5 ⁵	10 each side ⁵

NOTES:

¹ See also § 264-30, Additional height regulations.

² Corner lots are to be measured according to the lot frontage which is the shortest.

³ See also § 264-35, Preexisting front yards.

⁴ 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.

ZONING

⁵ See § 264-37, Transitional yards.

⁶ For motor vehicle repair uses, see §§ 264-106 and 264-107.