



**CITY COUNCIL
SCHENECTADY, NEW YORK**

RESOLUTION NO. 2024-11

Councilmember Ms. Patrick

offered the following:

An Ordinance to Amend Articles VI and X and Related Sections of Chapter 264 of the Schenectady City Code Relating to Historic Districts.

The Council of the City of Schenectady in Regular Meeting convened, ordains as follows:

Section 1. Purpose: the City of Schenectady has always been a leader in historic preservation since the creation of New York State's first historic district in the Stockade. From time to time, it becomes necessary to review and update the City's Historic Ordinances to reflect more modern historic resource protection and related procedures and to clarify and amend current Historic and Zoning Ordinances to reflect changes in other sections of the Schenectady Code.

Section 2. Articles VI and X and Related Sections of Chapter 264 of the Schenectady City Code attached hereto and incorporated by reference are hereby amended as indicated. New language is underlined and deleted language is stricken through.

Section 3. This Ordinance shall take effect immediately.

Approved as to form this
8th day of July 2024


Maxine Barasch, Esq.
Corporation Counsel

RESOLUTION adopted unanimously

JUL 08 2024 by Council Members

Approved by Mayor **JUL 11 2024**

Vetoed by Mayor _____

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 § 264-102 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 Credit for on-street parking.

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; Schedule E, Minimum Parking Space and Aisle Dimensions.

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

- 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 Subsection A(1)] 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 10 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 E

Minimum Parking Space and Aisle Dimensions

Parking Angle	Stall Width	Curb Length	Aisle Width	Aisle Width	Stall Depth
			(One-Way)	(Two-Way)	
(A)	(B)	(C)	(D)	(D)	(E)
0° (parallel)					
Standard	8 feet	24 feet	12 feet	20 feet	8 feet
	0 inches	0 inches	0 inches	0 inches	0 inches
Compact	7 feet	21 feet	12 feet	20 feet	7 feet
	0 inches	0 inches	0 inches	0 inches	0 inches

30°

Schedule E

Minimum Parking Space and Aisle Dimensions

Parking Angle	Stall Width	Curb Length	Aisle	Aisle	Stall Depth
			(One- Way)	(Two- Way)	
(A)	(B)	(C)	(D)	(D)	(E)
Standard	8 feet	18 feet	12 feet	20 feet	17 feet
	6 inches	0 inches	0 inches	0 inches	0 inches
Compact	8 feet	16 feet	12 feet	20 feet	15 feet
	0 inches	0 inches	0 inches	0 inches	0 inches
45°					
Standard	8 feet	12 feet	12 feet	20 feet	17 feet
	6 inches	0 inches	0 inches	0 inches	0 inches
Compact	8 feet	11 feet	12 feet	20 feet	17 feet
	0 inches	6 inches	0 inches	0 inches	0 inches
60°					
Standard	8 feet	10 feet	18 feet	20 feet	20 feet
	6 inches	0 inches	0 inches	0 inches	0 inches
Compact	8 feet	9 feet	18 feet	20 feet	18 feet
	0 inches	6 inches	0 inches	0 inches	0 inches
90°					
Standard	8 feet	8 feet	20 feet	20 feet	20 feet
	6 inches	6 inches	0 inches	0 inches	0 inches

Schedule E

Minimum Parking Space and Aisle Dimensions

Parking Angle	Stall Width	Curb Length	Aisle Width	Aisle Width	Stall Depth
			(One-Way)	(Two-Way)	
(A)	(B)	(C)	(D)	(D)	(E)
Compact	7 feet	8 feet	20 feet	20 feet	16 feet
	6 inches	0 inches	0 inches	0 inches	0 inches

Definitions for letters in parenthesis appear in Figure 264-43C below.

Dimensions of parking spaces for the disabled are regulated by Section 1106 of the Building Code of New York State.

Figure 264-43C

[Image]

- (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 inches to six inches in width.

- I. Historic districts and landmarks. Pursuant to the requirements of Chapter 264, Article X, approval by the Schenectady Historic Resource Commission is required for modifications to any property within an historic district or designated as a landmark.

§ 264-44 Mandatory off-street parking; Schedule F, Minimum Parking Space Requirements. [Amended 3-23-2009 by Ord. No. 2009-02; 9-12-2011 by Ord. No. 2011-15]

- A. For the uses listed in Schedule F, Minimum Parking Space Requirements, located in this section, 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 F, 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 F. Required spaces represent the minimum required number of spaces except as otherwise stated in Subsection A(6) of this section. All vehicle parking standards are based on gross square feet of building area, unless otherwise noted.
 - (6) Nonresidential uses located in the C-4 Downtown Mixed Use 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.
- B. Schedule of minimum parking space requirements. [Amended 3-11-2013 by Ord. No. 2013-07]

Schedule F

Minimum Parking Space Requirements

Use	Number of Parking Spaces
Residential Uses	
Boardinghouses	1 for each bedroom
Family-care homes and group residences	1 for each staff member, plus 1 for each 8 residents

Schedule F

Minimum Parking Space Requirements

Use	Number of Parking Spaces
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 and 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

Schedule F

Minimum Parking Space Requirements

Use	Number of Parking Spaces
Trucking, warehousing, wholesale, and storage establishments	1 for each 10,000 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
Retail and services	
Under 10,000 square feet	1 for each 200 square feet of gross floor area, not to exceed 20 spaces
10,000 square feet and above	1 for each 500 square feet of gross floor area
Taxi and taxi dispatch companies	1 for each taxi
Medical hospitality house	1 for each bedroom
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 of floor area
Stadium and sports arenas	1 for each 5 seats
Athletic facilities	10 per 1,000 square feet of floor area

§ 264-45 Maximum off-street parking standards; Schedule G, Maximum Parking Space Requirements.

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

- 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 F, not including accessible space.
 - (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 F, not including accessible space.
- B. Schedule of maximum parking space requirements.

Schedule G

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%

Examples:

A 2,800-square-foot retail store would be required to provide eight spaces and could provide no more than nine 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.
- B. General provisions.
 - (1) Authority. In order to eliminate multiple entrances and exits, to 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.
 - (2) 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.
 - (3) Termination of combined or shared use. Sufficient parking, pursuant to Schedule F of § 264-44, 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.
 - (4) 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.

- (a) When two or more land uses, or uses within a building, have distinctly different hours of operation (e.g., 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.
- (b) If two or more land uses, or uses within a building, have different daytime hours of operation (e.g., bowling alley and auto parts store), such uses may qualify for a total parking area reduction of no more than 50%.
- (5) 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 B above. The Zoning Officer may require a parking demand study to ensure sufficient parking is provided.

§ 264-47 Mandatory off-street loading; Schedule H, Required Spaces for Off-Street Loading Facilities.

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

- 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 H

Required Spaces for Off-Street Loading Facilities

Gross Floor Area of Building or Use

(square feet)	Number of Loading Docks Required
0 to 8,000	0
8,001 to 60,000	1
60,001 to 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 15 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, Buffering and landscaping.
- E. Dimensions.
 - (1) Each loading space shall have the following minimum dimensions:

- (a) Width: 12 feet.
- (b) Length: 35 feet.
- (c) Height: 14 feet.
- (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.
[Amended 9-12-2011 by Ord. No. 2011-15]

- A. Outdoor storage of no more than one boat and boat trailer, camping trailer, or recreational vehicle, provided that no part of such storage area shall be located in the front yard, and provided that such boat, vehicle or trailer shall not be used for living, sleeping or housekeeping purposes.
- B. 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.
- C. 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.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 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-1 District subject to the provisions of § 264-29 of this chapter. In addition, accessory uses and structures located within the RH-1 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~~ The Historic District Resource Commission shall review, approve or disapprove all plans and building permit applications for any exterior construction modifications visible from the public right of way, including alteration, repair, relocation, renovation or demolition of buildings and structures to property within the RH-1 district pursuant to the requirements of Article X, Historic Resources, of this chapter.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 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, and the following exceptions:-
- (1) Excepting bed-and-breakfasts/tourist homes, and home occupations pursuant to § 264-104, the conversion of an existing single-family dwelling with one dwelling unit into a two-family dwelling with two dwelling units, or any other use, is prohibited.-
- 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, t~~The Historic District-Resource Commission shall review, approve or disapprove all plans and building permit applications for any ~~exterior construction visible from the public right-of-way~~ modifications to property within the RH-2 district pursuant to the requirements of Article X. Historic Resources, of this chapter, including alteration, repair, relocation, renovation or demolition of buildings and structures.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 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 ~~landmarks~~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 and landmarks established in Article X of this chapter, in addition to all the requirements and limitations applicable in the underlying district. When the regulations and permitted uses of a zoning district conflict with those of the historic overlay district, the more restrictive standards apply.

Article X
Historic Districts Resources

§ 264-73 **Purpose.** Pursuant to the provisions of Article 5, § 96-a, Article 5-G, Article 5-J and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law § 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, objects 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 buildings, structures, places, objects, sites and structures throughout the City of Schenectady as having historical value which should be preserved.

§ 264-74 **Historic Commission Historic Resource Commission.**

In order to carry out the declared purpose and intent of this article, an Historic Commission Historic Resource 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~~ Schenectady Heritage Foundation, Inc., 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 conditions or modifications, request additional information and table modifications or disapprove all actions, as set forth in § 264-76 of this article, that result in any alteration or physical change of existing features, relocation, renovation or demolition of historic ~~sites or structures resources, as defined in § 264-82 below, within an historic~~ an historic district or property individually designated by the City as landmarks. The Commission shall have the power to pass upon such activity before a certificate of ~~approval~~ Certificate of Appropriateness, and/or building permit and any other necessary permit to complete the work is granted, provided that the Commission shall pass only on changes ~~visible from the public way and onto~~ the exterior features of ~~an historic resource building or structure s as are visible from the public way and~~ shall not consider interior arrangements, unless such interior arrangements are specifically designated interior landmarks. In deciding upon all such plans, the Commission shall be guided by the standards for review set forth in § 264-76 C of this article, except that for modifications to the RH-2 Stockade Historic Residential District streetscape area, the Commission shall be guided by § 264-81 of this article. ~~[Amended 11-26-2012 by Ord. No. 2012-12]~~
- (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~~ historic resources. The Zoning Officer, or City Planner responsible for the Commission, shall serve written notice to the Commission ~~Chairman~~ Chairperson 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 historic resources ~~in 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~~ historic district; ~~establishment of a landmark;~~ and of this article.

- (4) Surveys and studies. The Commission may undertake the survey and study of neighborhoods, areas, buildings, structures, places, objects and sites ~~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 State and 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~~ historic resources within the historic districts on the physical and financial aspects of preservation, renovation, rehabilitation and reuse.
- (7) Guidelines. The Commission may develop and adopt design guidelines, consistent with the review standards of § 264-76C of this article, to assist owners of historic resources in the development of applications before the Commission and preservation planning.
- ~~(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 ~~Chairman~~ Chairperson and Vice ~~Chairman~~ Chairperson, whose terms of office shall be for fixed by the Commission one year. The Chairman ~~Chairman~~ Chairperson shall preside over the Commission and shall have the right to vote. The Vice ~~Chairman~~ Chairperson shall, in cases of absence or disability of the Chairman ~~Chairman~~ Chairperson, perform the duties of the Chairman ~~Chairman~~ Chairperson.
- (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~~ Three 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 ~~Chairman~~ Chairperson 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~~ his or her ~~constituted~~ appointed 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, Certificates of Appropriateness, proceedings and actions. The concurring affirmative vote of ~~four~~ three members shall constitute approval of plans before it for review or for the adoption of any resolution, motion or other action of the Commission. If an affirmative vote of ~~four~~ three members is not attained for a motion to approve, approve with conditions or modifications, request additional information and table modifications or disapprove any application for a Certificate of Appropriateness, as set forth in § 264-76 of this article, the application shall be deemed denied. The applicant, if ~~he~~ she so desires, may make modifications to ~~their~~ her plans and shall have the right to resubmit ~~his~~ her application at any time after so doing. 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.

(5) Consent agenda.

(a) The Commission is empowered to consider and approve with a single motion multiple applications which have been placed on a consent agenda. The decision for placement on a consent agenda shall be based on:

1. -The nature and extent of the alteration being proposed.
2. The degree to which the application is in conformance with the appropriate design guidelines.
3. Written consent agenda guidance and policy, approved by the Commission, regarding paint colors, materials, and items generally suitable for specific purposes within the Historic District or area where the individually designated landmark is located.

(b) Items placed on the consent agenda shall be listed on the Commission's meeting agenda and announced at the meeting. Any member of the Commission may remove any item from the consent agenda and place it on the regular agenda for full consideration by the Commission.

(c) The Chairperson of the Commission shall entertain a motion to approve items placed on the consent agenda upon hearing no objection to the applications remaining on the list.

(d) Applicants with items pending on the consent agenda are not required to attend the Commission meeting at which their application is being considered.

(6) Training.

(a) Each member of the Commission shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet this requirement. Such training shall be approved by the Commission, but not be limited to, training provided by a municipality, regional or county planning office or commission.

county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

(b) To be eligible for reappointment to the Commission, a member shall have completed the training approved by the Commission.

(c) The training may be waived or modified by resolution of the Commission when, in the judgment of the Commission, it is in the best interest to do so.

(d) No decision of the Commission shall be voided or declared invalid because of a failure to comply with this subdivision.

§ 264-75 District boundaries; applicability; designation of historic districts and historic sites and structures~~landmarks~~.

A. ~~Standards~~ District boundaries and applicability.

(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, and the OH Overlay Historic District area shown and bounded on the City of Schenectady Zoning Map, as may be amended from time to time 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.

(b2) The following shall be subject to the procedures, standards and limitations set forth in this article:

(a) All land and improvements within the RH-2, RH-1 and OH zoning districts described above~~Districts~~, as amended to date;

(b) ~~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. All parcels of land with improvements which contain historic resources~~ designated by the City as historic sites and structures an historic landmark or scenic landmark; and

(c) All interiors of buildings or structures designated by the City as an interior landmark.

B. Designation of historic districts and landmarks.

(23) Amendment, supplement, establishment or change of historic ~~boundaries~~ districts and designation of landmarks. The Commission may recommend amendments to the Historic District boundaries, or

establishment of new historic districts, ~~or designation of landmarks~~ in accordance with § 264-75C of this chapter Article XIX of Chapter 264, Zoning, of the City Code, which describes the process of notification and review for amendment, ~~supplementation, establishment or change of historic district boundaries and designation of landmarks to the provisions of the ordinance.~~ The Commission recommendations for Historic District changes ~~or designations~~ 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 historical historic site landmark or structure~~; and
- (b) By reason of possessing such qualities, it constitutes ~~an historical historic~~ historic district section of the City.

(34) ~~Historic sites and structures landmarks.~~ The Commission may recommend an individual building, structure, place, object or site property for designation as ~~an historical historic site or structure landmark or scenic landmark~~ 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.

(5) Interior landmarks. The Commission may recommend the interior of a building or structure for designation as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and:

- (a) it is customarily open or accessible to the public; or
- (b) it is an interior into which the public is customarily invited.

BC. Notice of designation and designation procedure.

- (1) Designation ~~Designation proposals to amend, supplement, establish or change historic district boundaries and proposals for designation of landmarks for property which has historic, architectural or cultural significance~~ may be initiated by the owners of said property upon application to the Commission. ~~Designation~~ Proposals may also be initiated by the Commission. No action with regard to ~~an~~ Historic District boundary, ~~establishment of a new historic district, or designation of a landmark,~~

~~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~~ an historic historic district, establish a new historic district, or designate ~~an historic landmark site or structure~~, notice of a proposed designation shall be sent by ~~registered-certified~~ registered-certified mail to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing, pursuant to paragraph 4 below, by the Planning Commission to consider the designation. Where the proposed designation involves ~~so many owners that individual notice is infeasible~~ more than ten (10) properties, and the Commission deems individual notice 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 of any kind~~ building permits of any kind shall be issued by the Building Inspector, ~~or other City department~~, 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~~ 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) When the owners of said property propose to recommend changes to the boundaries of an historic district, establish a new historic district or designate a landmark related to their property, no additional owner notice shall be required pursuant to Paragraph 2 above. The Commission shall, upon receipt of the owners' application and presentation by the owner(s) at a meeting of the Commission, decide whether to recommend the designation proposal. Should the Commission decide to recommend the designation proposal the Chairperson shall submit a recommendation letter and referral to the Planning Commission for public hearing pursuant to Paragraph 4 below.~~
- (34) The Planning Commission shall hold a public hearing prior to ~~any changes to the boundaries of an historic district, establish a new historic district or designate a landmark~~ designation of any historic site or structure or historic district. The Commission, ~~property~~ 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. Within 30 days of the public hearing, the Planning Commission shall make its decision and submit recommendations to the City Council for final action.
- (5) Upon receipt of recommendations from the Planning Commission, City Council shall make its decision as follows:
- (a) Historic Districts. Action by the City Council with respect to changes to the boundaries of an historic district or establishment of a new historic district shall be governed by § 83 of the General City Law, and if approved, City Council shall resolve to apply the appropriate historic zoning district or overlay historic zoning district, or, if necessary, create and apply a new historic zoning district, to the involved parcels.

(b) Landmarks. If the proposed designation is an individual landmark, no zoning district need be applied, and City Council may designate the landmark pursuant to this Article by ordinance amending § 264-75D of this article and incorporating said landmark.

A list of all landmarks and historic districts designated by the City shall be maintained in the Office of Development and posted on the City's website.

(46) 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-75B~~ of this article.-

D. Designated City Landmarks. The City Council hereby establishes and designates the following landmarks:

1. Historic Landmark: Former Franklin School, 1675 Avenue B, Tax Id No.: 39-51-2-79, first designated with historic zoning on September 27, 1982 by Ordinance No.: 82-78, historic school.
2. Historic Landmark: Former Excelsior and Woodlawn Schools, 103 Kings Road., Tax Id No.: 60-38-2-1-21, first designated as landmark on March 10, 2008 by Resolution No. 2008-37, historic school.
3. Historic Landmark: 1017 Phoenix Avenue, Tax Id No.: 39-84-2-82, first designated by historic overlay zoning on January 10, 2011 by Ordinance No. 2011-03, single family home.

4. Historic Landmark: Carpenter's Union Hall, 145 Barrett Street, Tax Id No.: 39-80-1-39, designated with historic overlay zoning on July 25, 2022 by Ordinance No.: 2022-06, commercial building.

§ 264-76 Application for alteration, demolition or new construction.
~~[Amended 9-12-2011 by Ord. No. 2011-15].~~

No person shall carry out any of the following actions involving an historic resource or any parcel, property, land or improvements enumerated in § 264-75A(2) of this article which, as determined by the Zoning Officer, or City Planner responsible for the Commission, are within public view as defined in § 274-82 below without first obtaining a Certificate of Appropriateness from the Commission:

1. Any exterior alteration, restoration, rehabilitation, repair, repainting, reconstruction, improvement, demolition, new construction, or change that requires the issuance of a building or demolition permit.

2. Regardless of the requirement for a building permit, demolition permit, or any other permit, any new construction in a historic district.
3. Installation or modification of an awning, sign, or related sign structure, with respect to size, materials, illumination, method of attachment, and color.
4. Installation of telecommunications facilities.
5. Regardless of the requirement for a building permit, demolition permit, or any other permit, any material change in the exterior appearance of an historic resource that affects its appearance or cohesiveness including:
 1. Installation, change of materials, addition, removal, replacement, alteration or modification of exterior architectural features including, but not limited to, light fixtures, signs, roofs, steps, railings, windows, doors, porches, cladding, balconies, installation of satellite dishes, or other exterior elements or features.
 2. Enclosure or screening of building openings including, but not limited to, windows, doors, and porches, and the like.
 3. Installation of accessory utility, mechanical or miscellaneous structures to the exterior of a building including, but not limited to, mechanical equipment, gas and electric apparatuses, solar panels, wind turbines, radio or satellite devices, and the like.
6. Construction or alteration of a fence or wall.
7. Change of the exterior color of any architectural feature, structure or building.
8. Installation, removal, or change in material of driveways, paved areas, hardscaping, sidewalks or walkways on privately owned land outside the City right of way.
9. Installation or removal of vegetative screening that exceeds three feet in height.
10. Removal or change of established trees other than ordinary pruning and maintenance.
11. Installation of accessory utility structures or radio/satellite devices of two feet or more in diameter.
12. Installation, removal or change in solar energy systems.
13. Any alteration, restoration, rehabilitation, repair, repainting, reconstruction, improvement, demolition, new construction, or change to the architectural features of an interior landmark.
14. Any additional actions set forth for any individual landmark listed in § 264-75C.

The following actions are exempt from review:

1. Installation of accessory freestanding objects which, in the opinion of the Zoning Officer, or City Planner responsible for the Commission, are not, and do not impact, historic resources, including, but not limited to, sculpture, tree houses, play equipment, clocks, fountains, flagpoles, basketball hoops, and similar objects.
2. Installation, removal and maintenance of incidental landscaping.

3. Ordinary pruning and maintenance of established trees.

A Certificate of Appropriateness may be issued as a 'staff approval' by the Zoning Officer, or City Planner responsible for the Commission, without Commission review on the following actions:

1. Modifications and improvement to streetscape areas except that applications for modifications to the RH-2 Stockade Historic Residential District streetscape area shall be guided by the Historic Stockade District Comprehensive Streetscape Plan adopted by City Council on January 13, 2020, as amended. A copy of the Historic Stockade District Comprehensive Streetscape Plan shall be kept on file in the Office of Development and made available on the City website.
2. Ordinary maintenance and repair pursuant to § 264-78.
3. Repaving of existing driveways and walkways so long as there is 1) no change in the design, material, form, or outer appearance of the feature; 2) the driveway or walkway has prior Commission approval; and 3) the driveway or walkway is compliant with all design standards of this chapter, the Schenectady City Code, any district specific streetscape plan, and any applicable building and code requirements.

Any staff approvals issued shall be reported to the Commission at the next regular meeting.

Any decisions related to the above actions shall be based on the criteria set forth in Subsection C below.

~~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, installation of satellite dishes, 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~~ Certificate of Appropriateness approval shall be made to the Department of Development-Historic District Commission staff. The application shall state that the property is in a ~~historic~~ historic district or is a designated ~~historic site or structure~~ landmark. Plans shall be submitted showing the historic resource 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) ~~(e)~~ PP 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~~^{sign's} location on the property.
 - (g) Any other information which the Commission ~~or Department of Development staff~~ 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~~^{City staff designated for the Commission} 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, ~~or any other necessary permit~~, shall be issued ~~by any City department~~ for any proposed work until the work plans and description have been approved by the Commission. The ~~Commission's~~^{Commission's} ~~certificate~~^{Certificate of Appropriateness} approval required by this article shall be in addition to and not in lieu of any building permit, ~~or any other permit~~, that may be required by any other ordinance of the City of Schenectady ~~or other applicable law.~~

B. Action by the Commission.

- (1) Decision by the Commission.
 - (a) The Commission shall ~~approve, approve with conditions or modifications, request additional information, or disapprove~~^{approve or disapprove or approve with modifications} such plans and, if approved, shall issue a ~~certificate of approval~~^{Certificate of Appropriateness}, which is to be signed by the Chairperson, attached to the application for the building permit, ~~or any other necessary permit~~, if applicable, and immediately transmitted to the Building Inspector ~~or appropriate City department~~.
 - (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, and if applicable, to the Building Inspector or other permitting City department~~. The Commission may advise what it thinks is proper if it disapproved of the plans submitted. The applicant, if ~~he/she~~^{he/she} they so desires, may make modifications to ~~their/his/her~~ plans and shall have the right to resubmit ~~his/hers~~ application at any time after so doing.
 - (c) The failure of the Commission to approve, ~~approve with conditions or modifications, request additional information, or~~ disapprove of such plans within 62 days from the date of the ~~Commission's~~^{Commission's} meeting to consider the completed application for a ~~certificate~~^{Certificate of Appropriateness} 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 work to commence, and if applicable, the Building Inspector or any other City permitting authority to issue the ~~building~~ permits 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, and provided that a building permit is issued and work is actually begun within that period and is thereafter diligently pursued to completion. A Certificate of Appropriateness shall be valid for a period of one year unless otherwise specified by the Commission, or later extended by the Commission upon application by the applicant.
 - (3) Inspection of work. After the ~~certificate~~ Certificate of approval Appropriateness has been issued and the ~~building~~ any necessary permits granted to the applicant, the ~~Building Inspector~~ Zoning Officer, or City Planner responsible for the Commission, shall, from time to time, inspect the ~~construction, alteration or repair work~~ approved by such ~~certificate~~ Certificate of Appropriateness 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~~ historic resources or construct new structures within ~~the an~~ Historic District, the Commission shall not consider changes to interior spaces unless said interior spaces are specifically designated as interior landmarks or to architectural features that are not visible from a public right-of-way.
 - (2) The ~~Commission's~~ Commission's decision shall be based upon the Secretary of the ~~Interior~~ 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~~ City's Building Inspector, and upon the following principles:
 - (a) Properties which contribute to the character of the Historic District or historic resource 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~~ historic resource to an appearance consistent with the architectural styles of historic value existing in the Historic District or area 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-historic resources~~ shall be done in such a manner that are reversible, or if such additions or alterations were to be removed in the future, the essential form and integrity of the ~~structure-historic resource~~ 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-historic resources~~ 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 or area.
- (e) No ~~structure-historic resource~~ may be demolished unless the Commission finds that preservation of the ~~structure-historic resource~~ 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-historic resources~~ 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-historic resource~~ 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-historic resources~~ 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 an building, structure or site-historic resource 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~~ Certificate of Appropriateness approval from the Commission to alter ~~or demolish designated structures or build new structures within an historic district~~ an historic resource may request a hearing before the Board of Zoning Appeals on the grounds that the decision presents a financial hardship. In order to prove the existence of financial hardship, the applicant shall establish that:

- (1) ~~The property historic resource is deteriorating and 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 sought financial assistance under established programs for historic preservation and failed to obtain sufficient assistance to enable the owner to economically preserve the historic resource; and~~

~~(34) 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 historic resource.~~

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 financial hardship by the Board of Zoning Appeals, if the Commission finds that the ~~structure~~ historic resource 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~~ historic resource or a purchaser at the fair market value who will agree to preserve the ~~structure~~ historic resource on the parcel, the Commission shall deny a permit to demolish the ~~structure~~ historic resource.

(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 **Ordinary 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 resource, as defined in § 264-82 below, 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~~ containing an historic resource 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, or interior architectural feature of an interior landmark, which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district, historic resource, historic site, landmark, or structure as a whole or the life and character of the property itself.
- C. Examples of such deterioration include, but are not limited to:
 - (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~~ **historic resource** for the purpose of remedying conditions ~~where it has been determined determined to be~~ **there is an actual and immediate danger of failure or collapse so as to endanger life and the historic resource cannot be made temporarily safe 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~~ **Chairperson** 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 this chapter of the Code of the City of Schenectady.
- B. Any person who demolishes, alters, constructs, ~~or modifies an historic resource without a Certificate of Appropriateness,~~ or permits an ~~designated historic resource 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 Corporation Counsel**. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 264-81 (Reserved)

§ 264-82 (Reserved) Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACQUISITION – The act or process of acquiring fee title or other interest in real property, including acquisition of development rights or remainder interest.

ADDITION – Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

ALTERATION – Any act or process, other than demolition or ordinary maintenance or repair, that changes the appearance or cohesiveness of an historic resource including, but not limited to, exterior changes, additions, new construction, erection, reconstruction, or removal of the building or structure, or grading.

AMENITY ZONE – Area nearest the curb where trees, bike parking, benches and trash/recycling receptacles (where applicable), lighting, and signage is installed.

APPROPRIATE – Especially suitable or compatible.

ARCHITECTURAL FEATURE – Any elements embodying the historical significance or architectural style.

design, general arrangement and components of all of the exterior surfaces of any landmark or historic resource, or interior surfaces for interior landmarks, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.

ARCHITECTURAL SIGNIFICANCE – The quality of a building or structure based on its date of erection, style and scarcity of same, quality of design, present condition and appearance or other characteristics that embody the distinctive characteristics of a type, period or method of construction.

BUILDING – Any construction created to shelter any form of human use, such as a house, garage or barn, and which is permanently affixed to the land. Building may also refer to an historically related complex, such as a house and a barn.

BUILDING ZONE – Area adjacent to the building between the stoop or porch and the building used for seating, outdoor furnishings, or landscaping.

CERTIFICATE OF APPROPRIATENESS – An official form issued by the City of Schenectady Historic Resource Commission stating that the proposed work impacting an historic resource is compatible with the historic character of the property and thus in accordance with the provisions of this article and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the City of Schenectady's departments may issue any permits needed to do the work specified in the certificate.

CHANGE – Any alteration, demolition, removal or construction involving any property subject to the provisions of this article.

CHARACTER – Defined by form, proportion, structure, plan, style or material. General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials.

CITY PLANNER – The Department of Development City planner assigned to staff the Commission.

COMMISSION – The Historic Resource Commission established pursuant this article. May also be referenced as the "Historic District Commission" or "Historic Commission".

COMPATIBLE – In harmony with location, context, setting, and historic character.

CONSTRUCTION – The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CONTRIBUTING – A feature, addition, building, structure, object or site which adds to the sense of historical authenticity or evolution of an historic resource or landmark.

DEMOLISH – Any act or process that removes or destroys in whole or in part a building, structure, or historic resource.

DEMOLITION PERMIT – A permit issued by the City of Schenectady building official allowing the applicant to demolish a building or structure, after having received a certificate of demolition approval from the commission.

ESTABLISHED TREES – Any tree which meets or exceeds nine (9) inch diameter at breast height as measured by the accepted method used by the United States Forest Service or New York State Department of

Environmental Conservation.

EVALUATION – The process by which the significance and integrity of a building, structure, object, or site is judged by an individual who meets the professional qualification standards published by the National Park Service at 36 CFR Part 61 as determined by the State Historic Preservation Office, using the designation criteria outlined in this article.

FEATURE – See "ARCHITECTURAL FEATURE."

FINANCIAL HARDSHIP – A hardship which is established by meeting all the criteria enumerated in § 264-77 (A) of this Article.

HISTORIC CONTEXT – A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

HISTORIC DISTRICTS – The term "Historic District," when used in this article, shall be construed to include any lot or parcel, and its improvements, located within the RH-1, the RH-2 or the OH Districts shown and bounded on the City of Schenectady Zoning Map, as currently amended, regardless of whether such lot or parcel contains a contributing or noncontributing structure.

HISTORIC FABRIC – Original or old building materials (masonry, wood, metals, marble) or construction.

HISTORIC FEATURE – See "ARCHITECTURAL FEATURE."

HISTORIC INTEGRITY – The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

HISTORIC PROPERTY – A district, site, building, structure, or object significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level.

HISTORIC RESOURCE – Any building, structure, object, or site which is within an Historic District or has been designated by the Schenectady City Council as a landmark.

HISTORIC RESOURCE COMMISSION - See "COMMISSION."

HISTORIC RESOURCES SURVEY – a) the process of systematically identifying, researching, photographing, and documenting historic resources within a defined geographic area, and b) the resulting list of evaluated properties that may be consulted for future designation. For the purpose of this article, all surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as may be amended.

HISTORIC SIGNIFICANCE – The quality of a place, site, building, district or structure based upon its identification with historic persons or events.

INCIDENTAL LANDSCAPING – Landscaping which is incidental to, and not a contributing feature of, an historic resource such as flower beds, perennials, annuals, shrubs, plantings, and the like.

INTEGRITY – The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

INVENTORY – A list of historic properties determined to meet specified criteria of significance.

LANDMARK – Any historic landmark, interior landmark or scenic landmark designated by the City of

Schenectady City Council.

LANDMARK, HISTORIC – Any site, building, structure, or object that has been designated as an historic landmark by the City of Schenectady City Council.

LANDMARK, INTERIOR– Any interior space or spaces of a building or structure that has been designated as an interior landmark by the City of Schenectady City Council. Interior landmarks are noted for the portions of their interior that are open to the public.

LANDMARK, SCENIC– Any structure or object that has been designated as a scenic landmark by the City of Schenectady City Council. Scenic landmarks encompass structures that are not buildings, such as bridges, piers, parks, cemeteries, sidewalks, clocks, and trees.

MOVE – Any relocation of a building or structure on its site or to another site.

NATIONAL REGISTER CRITERIA – The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

NATIONAL REGISTER OF HISTORIC PLACES: The official inventory of the nation's historic properties, districts, sites, districts, structures, objects and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 USC 470 et seq., 36 CFR Sections 60, 63, as may be amended).

NEW YORK STATE REGISTER OF HISTORIC PLACES – The official inventory of New York State's historic properties, districts, sites, districts, structures, objects and landmarks which are significant in state history, architecture, archaeology, and culture, maintained by the New York State Department of Parks, Recreation and Historic Preservation under the authority of the New York State Historic Preservation Act of 1980, as may be amended.

NONCONTRIBUTING – A feature, addition or building, structure, object or site which does not add to the sense of historical authenticity or evolution of an historic resource or landmark or where the location, design, setting, materials, workmanship, history, and/or association of the feature, addition or building, structure, object or site has been so altered or deteriorated that the overall integrity of that historic resource or landmark has been irretrievably lost.

OBJECT – Constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Examples include boundary markers, mileposts, fountains, monuments, and sculpture. This term may include landscape features.

ORDINARY MAINTENANCE AND REPAIR – An act of ordinary maintenance to keep a material or feature in an existing state of preservation or repair which involves no change in the design, material, form, or outer appearance of an historic resource. Such work includes, but is not limited to, repainting the same color, cladding repair, roof repair, foundation or chimney repair, and the like. Ordinary maintenance and repair does not include wholesale replacement of any material or feature; replacement of any existing materials with a different material (such as replacing real wood with fiber cement or vinyl products); any window, door, or other fenestration replacement; or changes in paint color; but may include temporary methods of stabilization and prevention of further decay of a feature.

OWNER – Those individuals, partnerships, corporations, or public agencies holding fee simple title to property, as shown on the records of the Schenectady County Clerk.

PEDESTRIAN ZONE – Sidewalk area for pedestrian travel.

PERIOD OF SIGNIFICANCE – The length of time when a property was associated with important events, activities, or persons, or attained characteristics which qualify it for landmark status. Period of significance usually begins with a date when significant activities or events began giving the property its historic significance; this is often a date of construction.

PERSON – An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PRESERVATION – The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

PROPERTY TYPE – A grouping of individual properties based on a set of shared physical or associative characteristics.

PUBLIC VIEW – Any building, structure, object, site, tree, vegetation, feature, parcel, work or activity which is highly visible by the public or visible from customarily public spaces, including, but not limited to, public rights of way, public streets, parks, and the like.

REHABILITATION – The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features of the property which convey its historical, architectural and cultural values.

RESTORATION – The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

RETAIN – The act of keeping an element, detail or structure and continuing the same level of repair to aid in the preservation of elements, sites, and structures.

REVERSIBLE – An addition which is made without damage to the project's original condition.

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES – Principles developed by the National Park Service (36 CFR 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for the Treatment of Historic Properties may also be referred to in this article as "Secretary of the Interior's Standards."

SIDEWALK – The paved section of the public frontage dedicated exclusively to pedestrian activity.

SIGNIFICANT – Having particularly important associations with the contexts of architecture, history and culture.

SITE – The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, structures or other objects. Examples of a site are a battlefield, designed landscape, trail, or camp site.

STABILIZATION – The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

STREETSCAPE – The appearance of a street and the relationship of buildings to the street and pedestrian amenities (including sidewalks, street trees, landscaping, lighting, signage, bicycle racks, and street furniture).

STREETSCAPE AREA – The streetscape area shall include sidewalks, building zones, pedestrian zones and amenity zones as defined herein.

STRUCTURE – Any assemblage of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

STYLE – A type of architecture distinguished by special characteristics of structure or ornament and often related in time; also a general quality of distinctive character.

UNDERTAKING – Any project or other action involving the expansion, modification, development or disposition of the physical plant or any site or building.

VEGETATIVE SCREENING – Landscaping and/or plantings which provide screening and/or privacy.

ZONING

264 Attachment 1

City of Schenectady

Schedule A
Use Regulations for Residential Districts
[Amended 3-23-2009 by Ord. No. 2009-02; 9-12-2011 by Ord. No. 2011-15;
3-11-2013 by Ord. No. 2013-07]

Key:

P = Permitted as of right in district
 SP = Requires a special use permit
 NP = Not permitted in the district
 OS = Recreation and Open Space District
 R-3 = Multiple-Family Residential District
 R-1 = Single-Family Residential District

RH-1 = Historic Residential District
 R-2 = Two-Family District
 RH-2 = Stockade Historic Residential District

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
Boardinghouses	NP	NP	NP	NP	NP	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
Day-care centers and nursery schools	NP	NP	NP	P	P2	P
Dwelling, attached single-family; townhouses (see § 264-111)	NP	SP	NP	P	NP	P
Dwelling, multifamily	NP	NP	NP	NP	NP	P
Dwelling, two-family	NP	NP	NP	P1	P2	P
Dwelling, single-family	NP	P	P	P	P	P
Family-care homes	NP	SP	NP	P	P2	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
Medical hospitality house	NP	SP	NP	SP	NP	SP
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 § 264-102)	NP	NP	NP	SP	SP	SP
Parks and playgrounds, public	P	P	P	P	P	P

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Principal Uses	Districts					
	OS	R-1	RH-1	R-2	RH-2	R-3
Professional offices subject to § 264-105	NP	NP	NP	SP	SP2	SP
Recreational facilities incidental to religious institutions	NP	SP	SP	SP	SP	SP
Religious institutions	NP	P	SP	P	P	P
Schools, postsecondary	NP	SP	SP	SP	SP	P
Schools, elementary and secondary, private and public	NP	P	NP	P	P	P

NOTES:

¹See § 264-9. Existing and new construction two-family uses are permitted; conversion of one-family dwellings to two-family are prohibited.

²See § 264-10. Existing and new construction two-family uses are permitted. Excepting bed-and-breakfasts/tourist homes, and home occupations pursuant to § 264-104, the conversion of an existing single-family dwelling with one dwelling unit into a two-family dwelling with two dwelling units, or any other use, is prohibited.