

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

Section 1

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 criteria that promote a more creative and imaginative design for development of waterfront areas than is normally possible under conventional zoning districts.
- (e) To promote the maintenance and/or extension of public access to the river in a manner that is compatible with the primary purpose of the proposed development or activity.
- (f) To promote opportunities for increased tourism.
- (g) To encourage appropriate and safe water surface use on the river.
- (h) To preserve, to the maximum extent practicable, the 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 additions and exceptions: Chapter 264 Schedule B-Use regulations for Non-Residential Districts shall be amended to add the following uses as Permitted uses in the C-3 Waterfront Mixed Use District:

- A. Banquet Facility
- B. Meeting and Multi-Functional Space
- C. Live and Other Entertainment Venues

D. Casino Gaming Facility (and ancillary facilities)

E. Parking Lots or Structures as Accessory Uses

(1) All uses permitted in the C-3 District prior to enactment of this Local law shall continue to be permitted uses in the C-3 District and shall continue to appear in Schedule B-Use Regulations for Non-Residential Districts with the following amendments:

Professional and business offices of less than 5,000 square feet on the ground floor in certain buildings. In any building with frontage on the Mohawk River or any embayment thereof, professional and business offices that exceed 5,000 square feet shall be located on upper floors, with retail and service uses located on the ground floor. For all other buildings, professional and business offices containing more than 30,000 square feet shall be located on upper floors, with retail and service uses located on the ground floor. This section shall not apply to a casino gaming facility, its ancillary facilities, or an attached hotel.

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 40 feet of the Mohawk River as measured from the Mean High Water Mark as defined in Section (E).

(2) Drive-In establishments shall be permitted by Special Use Permit subject to the requirements of Article XIV of this Chapter.

(3) Professional and business offices on the ground floor exceeding square footages set forth in Section (B)(1) shall be permitted by Special Use Permit subject to the requirements of Article XIV of this Chapter.

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 for dwelling units 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. This section does not apply to a casino gaming facility and its related uses.

(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, EN, and the following limitations: Bulk, space and yard requirements for the C-3 District (contained in Schedule C, Lot Development Standards) in effect prior to the enactment of this Local law shall remain in full force and effect with the following additional standards:

C-3 Building Height

Maximum building height in the C-3 District shall not exceed 110 feet.

C-3 Maximum Lot Area

Building footprints (other than parking facilities including surface lots) shall not exceed 50% of a project site as shown upon a site plan wherein project site is defined to include any embayment.

(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 40 feet on the riverside. The Planning Commission has authority to approve lesser 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.

(3) Setbacks from the river shall be measured from the Mean High Water (MHW) of the Mohawk River in the vicinity of the Macon/Alco site defined as elevation of 213.54 on North American Vertical Datum of 1988 (NAVD 1988).

(4) A single multi-use pedestrian and bicycle trail shall be constructed by the applicant with the following construction and design standards (other trails may be built without the following standards):

[1] The trail shall have a width of at least 10 feet along the length of the Mohawk River shoreline and shall endeavor to be located reasonably adjacent to the undeveloped shoreline wherever practicable.

[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.

[3] The trail shall be constructed of asphalt, synthetic composite, concrete, pavers, or other materials as approved by the Planning Commission.

[4] The esplanade may include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities.

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) 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 except for the following standards applicable in the C-3 District:

(1) Casino Gaming Facility and Attached Uses- 0.7 parking spaces per gaming position plus 1 space per hotel sleeping unit. Maximum allowable parking shall not exceed 2 parking spaces per gaming position and 2 parking spaces per hotel sleeping unit.

(2) Minimum parking stall depth shall be 18 feet except for stalls containing any part of a building column or light pole for which minimum depth shall be 16 feet.

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

H. Supplemental C-3 Regulations.

Notwithstanding anything contained within this Zoning Chapter to the contrary, Article IX- Signs shall not be applicable to a casino gaming facility and attached uses.

(1) Maximum allowable signage shall be 20,000 square feet for a casino gaming facility and its ancillary facilities, attached hotel, parking garage and pylon signs. Signage for a casino gaming facility and related uses within the C-3 District shall be reviewed and approved by the Planning Commission as part of the Site Plan Approval process. Multi-sided pylon signs shall be permitted. Square footage for a multi-sided pylon sign shall be the square footage of its single largest side.

(2) Maximum square footages shall not include directional signs. Directional signs containing logos are permitted so long as the primary purpose of the sign is directional in nature.

(3) Electronic sign display cannot change more than every 8 seconds unless otherwise authorized by the Planning Commission.

I. Design Standards.

Notwithstanding anything contained within this Zoning Chapter to the contrary, the dimensions of curbed islands contained within paved parking areas (excluding parking garages) may vary but in no instance shall the total square footage of landscaped area be less than 5% of the total paved area of a surface parking lot.

Section 2. This Local Law shall be effective upon filing with the Secretary of State.