

FOR PUBLICATION FRIDAY, MAY 7, 2010

PUBLIC NOTICE  
CITY OF SYRACUSE  
CITY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, that a public hearing will be held Monday, May 17, 2010, at 6:00 p.m. in the Common Council Chambers, City Hall, Syracuse, New York to consider in full, or in part, the following applications. Please note this is not necessarily the order in which they will be heard.

Application No. R-10-11, for a Resubdivision to combine part of Lots 14 and 15, of Block 308, of the Gifford Tract, into new Lot 20, on properties situated at 410-412 Gifford Street, owned by Home Headquarters, Inc., zoned Residential District, Class B, pursuant to the Subdivision Rules and Regulations of the City of Syracuse, as amended.

Application No. SP-10-10, for a Special Permit to establish a restaurant on property situated at 121-123 West Fayette Street, owned by Balle 31 Inc., zoned Central Business District, General Service A, pursuant to the Part B, Section IV, Article 9 and Part C, Section IV, Article 2 of the City of Syracuse Zoning Rules and Regulations, as amended.

Application No. SP-04-33M1, for a modification to a Special Permit to establish a restaurant on property situated at 123 Marshall Street, owned by David & Sandra Jacobs, zoned Local Business District, Class A, pursuant to the Part B, Section III, Article 2 and Part C, Section IV, Article 2 of the City of Syracuse Zoning Rules and Regulations, as amended.

Application No. SR-05-03 M1, for a Site Plan Review modification, to replace three panel antennas and two dish antennas, and add two dish antennas, for Clearwire Wireless Broadband, on the penthouse of a building located at 301 Fabius Street, owned by the Syracuse Housing Authority, zoned Residential District, Class B, pursuant to Part C, Section I, Article 7 of the Zoning Rules and Regulations of the City of Syracuse, as amended.

Application No. SR-05-06 M1, for a Site Plan Review modification, to replace three panel antennas and two dish antennas, and add three dish antennas, for Clearwire Wireless Broadband, on the penthouse of a building located at 821 East Brighton Avenue, owned by Syracuse Senior Citizens Project Corporation, zoned Residential District, Class B, pursuant to Part C, Section I, Article 7 of the Zoning Rules and Regulations of the City of Syracuse, as amended.

Application No. SR-05-09 M1, for a Site Plan Review modification, to replace three panel antennas and add one dish antenna, for Clearwire Wireless Broadband, on the church steeple located at 918 Euclid Avenue, owned by Erwin First Methodist Church, zoned Residential District, Class A and Residential District, Class AA, pursuant to Part C, Section I, Article 7 of the Zoning Rules and Regulations of the City of Syracuse, as amended.

Application No. 3S-10-06, for a Three-Mile Limit Review, by William A. Thresh, for the review of the final plan of a one-lot industrial subdivision, located on parts of Lots 1 and 3 of the Stevens Industrial Sites Subdivision and other lands in Military Lot 10, in the Town of DeWitt, on property situated at 6155 and 6159 East Molloy Road, pursuant to the City of Syracuse Three-Mile Limit Review.

Application No. Z-2719, for an Amendment to the City of Syracuse Zoning Rules and Regulations, as amended, to Part C, Section VI, Article 7, to read as follows:

## Article 7                      Off-Premise Advertising Signs

(Note: this Article does not supersede applicable State and Federal laws and regulations; if any of the standards or restrictions contained in this Article are less stringent than State, Federal, or local standards affecting off-premises advertising signs, the more stringent standards shall apply.)

### A.        PERMITTED DISTRICTS FOR OFF-PREMISE ADVERTISING SIGNS

1.        Off-Premise Advertising Signs shall be permitted in the following districts only: Commercial Districts, Class A and B and Industrial Districts A and B, excluding, however, locations with orientations to Interstate Route 690 from Townsend Street on the east to West Street on the west and to Interstate Route 81 from Butternut Street on the north to Adams Street on the south. **Off-Premise Advertising signs shall also be excluded entirely from the area bounded by West Onondaga and Adams Streets on the north, Midland Avenue on the west, South State Street on the east, and Castle Street on the south.**
2.        Off-Premise Advertising Signs with Administrative Permits in other districts or along the excluded sections of the Interstate routes shall be allowed to remain subject to the conditions and durations of their approvals. (See also the provisions for Special Amortization Consideration below.)

Application No. Z-2715, for Amendments of the City of Syracuse Zoning Rules and Regulations, as amended, as follows:

### NEW DEFINITIONS (to be included in Part A Section III)

#### DRIVEWAYS:

Passages leading from the public street rights-of-way used by motor vehicles to access workable parking spaces shall be considered driveways and shall be considered as separate physical areas from workable parking spaces, which include the requisite space needed for motor vehicles to maneuver in and out of the actual spaces parked on. Driveways shall not be considered part of the maximum square footages of workable parking spaces.

#### WORKABLE PARKING SPACE:

This term shall apply to required off-street parking, as opposed to valet parking and supplemental non-required spaces. A workable parking space shall be considered an area designed for and suitably surfaced for individual passenger vehicle parking. A workable parking space must have an area measuring at least 8<sup>1</sup>/<sub>2</sub> feet wide by 18 feet deep for the vehicle itself and at least an additional 8<sup>1</sup>/<sub>2</sub> foot wide by 18 foot deep back-up area for the vehicle to maneuver independently in and out of the space parked on. In cases of aisles serving parking areas to either side (double loaded parking) one mutually used back-up area may be considered appropriate to serve two vehicles. For working parking spaces to exist each passenger vehicle must be able to maneuver comfortably in and out of the spaces without having any other vehicle being moved. Within garages individual spaces with at least an 8<sup>1</sup>/<sub>2</sub> foot width and an 18 foot depth shall be counted as part of the workable parking spaces provided they are suitable for parking and not blocked by other parking spaces. Garages shall be counted in limitations on the maximum square footage of workable parking spaces but shall not be considered as open parking areas as restricted under lot coverage percentage limitations. Any parking space created by removing a garage shall increase the overall open surface area restricted under parking surface

lot coverage percentage restrictions. Interior parking spaces within garages shall be considered distinct from spaces for cars parked in the open, because cars within garages are largely obscured from external view.

AMENDMENT TO THE PARKING AND LOADING RESTRICTIONS (to be included in C-III-2 (1))

g. Maximum Driveway Size Limitation:

The maximum percentages of parking and driveway surfaces allowed pursuant to the applicable residential zoning district and dwelling restrictions shall include driveways. Driveways shall be distinct from the maximum square footages for workable parking spaces. (See the definition of “workable parking space.”) The areas of driveways, as passages to workable parking spaces, shall be limited to that necessary to connect to workable parking spaces permissibly placed with respect to required setbacks. A width of twelve (12) feet shall be considered the maximum for a driveway for any one- to four-family dwelling.

h. Non-Workable Parking Space Restrictions:

For properties lying within Residential Districts, Classes A-1, A, and AA, valet parking and parking utilizing spaces that are not workable parking spaces shall not be permitted, even if they are supplemental to required parking spaces.

i. Maximum Parking Open Surface Coverage Excluding Driveways:

While the total percentage of residential lots surfaced for driveway and parking spaces may not exceed the percentages stated in the Zoning Rules and Regulations, a further limitation shall apply to the maximum square footage of the area of workable parking spaces for any lot within a Residential District, Class A-1, A, or AA zone. The size limitations shall be as follows, irrespective of whether the maximum open surface coverage percentages have yet to be exceeded:

Single Family Dwellings within Residential Districts, Class A-1, A, and AA zones: 918 square feet.

Two-Family Dwellings within Residential Districts, Class A and AA zones: 1224 square feet.

Lots within Residential Districts, Class A-1, A, and AA zones that contain dwellings that are nonconforming uses shall not be permitted to expand parking or driveway areas.

These restrictions are set forth in order to manage through reasonable limitations on available space the potential number of vehicles being parked on individual lots in neighborhoods intended primarily for single- and two-residential use and to prevent anomalously large parking areas on combined or atypically large lots in these neighborhoods.

Application No. Z-2716, for an Amendment to the City of Syracuse Zoning Rules and Regulations, as amended, as follows:

MODIFICATION OF PARAGRAPHS A. AND B. OF PART C, SECTION VIII (CERTIFICATE OF SUITABILITY) ARTICLE 3;

ARTICLE 3 Issuing Agencies

- A. The Issuing Agency for a Certificate of Suitability shall be the City Planning Commission, except that the Zoning Administrator may reissue the same Certificate in the name of the new owner without the involvement of the Planning Commission where a transfer of title affects a property that has already been issued a Certificate of Suitability and where no changes affect the conditions set forth in that Certificate of Suitability.
- B. Persons aggrieved by a decision of the Zoning Administrator may seek relief from the Planning Commission. Persons aggrieved by a decision of the Planning Commission may seek judicial review pursuant to Article 78 of the New York Civil Practice Law and Rules within 30 days of the filing of the Planning Commission decision with the City Clerk. The Board of Zoning Appeals shall have no jurisdiction to review the decision of the Issuing Agency under this Section.

ADDITION OF PARAGRAPH E. PART C, SECTION VIII ARTICLE 4;

ARTICLE 4 Review and Definitions

- E. A potential bedroom shall be defined as a room with a floor area of at least 80 square feet that can be used substantially for sleeping purposes, meets building code requirements for sleeping purposes, and is not principally designed for other purposes. To be a potential bedroom the room must be able to be accessed independently, not solely through another bedroom. Potential bedrooms do not include rooms that were originally designed as kitchens, living rooms, or dining rooms. Enclosed, heated porches shall not be counted as potential bedrooms unless they are disassociated from living room space and have close access to bathroom facilities. This definition is to be utilized with respect to the plans submitted for Certificates of Suitability. Where the plans represent differences from dwellings as they actually exist, it shall be understood that the plans as compared with actual layouts must be feasible as representations of alterations of the layouts and that the intention of the plans is to bring about such alterations.

CREATION OF NEW ARTICLES 6. AND 7 OF PART C, SECTION VIII:

ARTICLE 6 Specific Parking Requirements

A. Applicability of this Article

- 1. As of the date of the adoption of this Article no Certificate of Suitability shall be issued by the Planning Commission unless the floor plans and site plans for the property meet the requirements set forth in this Article.
- 2. This Article shall apply to all pending applications and future applications for Certificates of Suitability subject to being reviewed and issued by the Planning Commission as of the date of adoption of this Article.

B. Parking Requirements

- 1. Floor plans shall be submitted to be used to determine the space qualifying as potential bedrooms.

2. One off-street parking space shall be required for each potential bedroom. Labeling potential bedrooms as other types of rooms to avoid additional parking requirements shall not be acceptable.
3. A property survey and accurately drawn site plan shall be submitted showing the existing parking and driveway layout and any intended changes thereto.
4. The existing parking arrangement, including any intended alteration thereto, shall be evaluated by the Office of Zoning Administration to determine its legal status and its capacity to meet the parking requirement. (Illegal driveways and illegal parking surface expansions shall not be accepted as meeting the parking requirement).
5. If the existing legal parking/driveway arrangement is insufficient to meet the parking requirements, then considerations for expansion can be made within the limits of parking surface and driveway coverage and maximum workable parking space size allowed for the Zoning District within which the property lies, and within the limitations imposed by any required Certificates of Appropriateness.
6. If a property cannot meet the parking requirements without exceeding the District coverage and workable parking space restrictions, no Certificate of Suitability shall be issued, and any transfer of title to an absentee-owner shall be considered in violation of the Certificate of Suitability requirements
7. Certificates of Suitability issued prior to the effective date of this Article shall be unaffected by this Article. If there are material changes affecting any properties for which Certificates of Suitability have been issued that deviate from the approved site plans and floor plans or other restrictions as set forth in their respective Certificates, those changes must be reviewed in accordance with the requirements set forth in this Article.
8. Material changes shall include but not be limited to the following:
  - (a.) Changes in the number, size, or location of potential bedrooms;
  - (b.) Changes in the total square footage size of the residential dwelling;
  - (c.) Changes in the size, coverage, or arrangements of driveways and parking areas;
  - (d.) Changes in the floor area, habitable space, or driveway/parking arrangement of a nonconforming use;
  - (e.) Installation of additional or new water, plumbing, or heating utilities to a room;
  - (f.) Alterations that would be Material Changes of Appearance as defined in Part C, Section VII (Landmark Preservation) of the Zoning Rules and regulations, as amended, where the affected properties are Protected Sites or lie within a Preservation District;

- (g.) Alterations that would contradict specific restrictions set forth within the Certificates of Suitability.
9. Work or changes that are not material changes, unless restricted by applicable Landmark Preservation restrictions, shall include but not be limited to:
- (a) Routine maintenance and repairs, including replacement of materials in kind;
  - (b) Purely cosmetic changes;
  - (c) Removal of non-habitable structures such as porches or sheds;
  - (d) Removal of garages provided they are not required for parking and provided the space they occupy is not converted to or utilized for open-air parking;
  - (e) Landscaping including planting of trees and other vegetation which meets applicable codes and does not interfere with required parking and adequate pedestrian access.
10. Where changes are to be made that would affect the site plans or floor plans referenced in the Certificates of Suitability but are not material changes, those changes shall be made known in writing to the Zoning Administrator so that the Certificates can reflect current information.

#### ARTICLE 7 Severability

In the event any clause, sentence, paragraph, section or part of this Section of the Zoning Rules and Regulations shall be finally adjudged by a court of competent jurisdiction to be invalid, unlawful and/or unconstitutional, such determination shall not affect, impair or invalidate the remainder thereof but shall be limited to the portion directly involved in the determination and the remainder of this Section shall remain in full force and effect.

The above proposals are open for inspection at the Syracuse Zoning Office. A more complete description of the above proposals will be found therein. Persons wishing to appear may do so in person or by attorney. Communications in writing in relation thereto may be filed with the City Planning Commission, Room 211, City Hall Commons, 201 East Washington Street, Syracuse, New York, 13202-1426, or at such hearing.

Ruben P. Cowart, Chairperson  
City Planning Commission