

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

1. Gasoline Service Station:

Subject to the general requirements and procedures as set forth in Article 1 of this Section, any lot situated in a Local Business District, Class A; Planned Shopping District; Central Business District, Office and Service Restricted District; CBD, General Service District; CBD, Local Business District; Commercial District, Classes A and B; and Industrial District, Classes A and B; and Highway Service District; may be used and buildings or structures may be constructed thereon and used for a gasoline service station, upon the issuance of a Special Permit in accordance with the provisions set forth in this Article and with other pertinent Articles of the Zoning Rules and Regulations:

a. General Locational Requirements

Before approval of any application, the City Planning Commission shall find that the location:

- (1) is not detrimental to adjoining zoning districts and permitted uses;
- (2) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
- (3) will not create hazardous or obnoxious conditions;
- (4) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

b. Street Frontage

Such stations shall have not less than one (1) street frontage on an arterial or collector street as designed in the adopted 1967 General Plan of the City of Syracuse, and any subsequent amendment thereto.

c. Minimum Lot Size

- (1) Any lot upon which such station shall be located shall have not less than one hundred fifty (150) feet of frontage on an arterial or collector street, with a depth, or frontage along any other street of not less than one hundred (100) feet.
- (2) Any such lot with minimum dimensions may have a maximum of three (3) service bays and three (3) pump islands.
- (3) One (1) pump island may be added longitudinally on the subject property for each thirty (30) feet of parallel arterial or collector street frontage additional to the minimum required herein, provided such additional frontage has a depth approximately equal to that of the other portion of the subject property.

d. Minimum Yard Requirements

- (1) All building footings except as otherwise provided in this Ordinance, shall be setback from the arterial or collector street line a distance of not less than forty (40) feet and from any other street line a distance of not less than thirty (30) feet.
- (2) No side and rear yards are required along lot lines adjacent to property zoned for nonresidential purposes except as provided in Subparagraph (3) below or by the Building or Fire Codes.
- (3) Side and rear yards of not less than ten (10) feet shall be provided along all lot lines adjacent to property zoned or used for residential or office purposes.

e. Parking

Every such station shall be provided with a minimum of six (6) open parking spaces designed as required in Part C, Section III, Article 1, for the exclusive use of the employees or customers. Such parking spaces shall be shown on the approved site plan and no other parking shall be permitted.

f. Signs

Permitted in accordance with the rules and regulations set forth in Part C, Section VI of this Ordinance.

g. Curbing

Curbing to regulate the location of vehicular traffic shall be provided as follows:

- (1) Curbs shall be installed at the edge of the roadway along the entire street frontage of the lot upon which a gasoline service station is located.
- (2) Drop curbs shall be provided at all curb-cuts.

h. Driveways

- (1) The distances between the nearest sides of driveways opening onto traffic lanes leading to or away from the intersection shall be the established distances from the Point of Curve or Tangent to the Point of Intersection or twenty five (25) feet whichever is greater.
- (2) Driveways located next to a residential district shall provide not less than ten (10) feet spacing between such property line and the nearest boundary of the driveway, unless otherwise determined by the City Planning Commission and the Department of Transportation as providing a traffic condition as safe as that provided by such spacing.
- (3) All other driveways may be located adjacent to the property lines, unless otherwise determined by the City Planning Commission and the Department of Transportation as creating an unsafe traffic condition.
- (4) Driveways shall not exceed a width of twenty four (24) feet with a curb-cut of not more than thirty (30) feet.

- (5) No driveway opening on a public right-of-way shall be located within thirty (30) feet of another such driveway, except as otherwise permitted by the City Planning Commission and the Department of Transportation as providing a safer traffic condition.
- (6) Driveways shall be slanted so that the angle between the curb line and driveway shall be forty five (45) degrees or more but not greater than ninety (90) degrees to permit convenient ingress and egress to the traffic lane nearest the site.
- (7) All driveways shall be curbed and constructed of an impervious, all-weather, dustless material.
- (8) All dimensions specified in this paragraph shall be measured along the curb line or edge of pavement if no curb exists.

i. Gasoline Pump Islands

Gasoline pump islands shall be located not less than twenty (20) feet from the street right-of-way and not less than thirty (30) feet from all other property lines.

j. Lighting

- (1) All lighting shall be located such as to prevent the direct rays from shining upon adjacent properties.
- (2) All flickering, pulsating, or flashing lights and exposed neon lights are specifically prohibited.
- (3) No light which may tend to confuse the motoring public with traffic lights shall be permitted.

k. Drainage

All paved areas shall be provided with a storm drainage system approved by the City Planning Commission and the City Engineer's Office to conduct surface runoff to the nearest drainage system within the adjoining streets.

l. Maintenance and Snow Storage

It shall be the responsibility of the property owner to use, operate and maintain the property, building, appurtenances, plantings, sidewalks, and the like, in a neat, orderly and safe condition. Areas for snow storage shall be designated on the site plan and shall be so located as not to interfere with the movement of vehicular and pedestrian traffic.

m. Outside Storage

Outside storage of junk; automobile parts; junk tires; debris; wrecked, abandoned, unlicensed, dismantled or partly dismantled vehicles; and the like, shall not be permitted.

n. Improvements to Existing Gasoline Service Station Sites

- (1) Improvements to a gasoline service station building now legally existing in any Business, Commercial or Industrial zone that do not involve any horizontal structural changes altering the size, shape or use of the building are permitted without requiring approval by the City Planning Commission.

However, gasoline service stations previously or subsequently approved as a Special Permit Use shall require approval without a Public Hearing by the City Planning Commission.

- (2) Replacement or relocation of appurtenant facilities, such as lighting, pumps, signs and the like shall also be permitted without requiring approval by the City Planning Commission provided such facilities comply with the applicable requirements of this Article. However, relocation of appurtenant facilities approved as part of a Special Permit Use shall require approval without a Public Hearing by the City Planning Commission.
- (3) Use of contiguous lands zoned for business, commercial or industrial purposes solely in conjunction with an existing gasoline service station operation is permitted provided that the land is resubdivided in accordance with the standard procedures adopted by the City Planning Commission.

o. Additions to Existing Gasoline Service Stations

Structural additions to gasoline service station buildings now legally existing in any Business, Commercial, or Industrial zone that involved horizontal modifications, whether partial or complete, altering the size, shape, or use of the building may be permitted by the City Planning Commission without a Public Hearing although a Public Hearing may be called by the Commission if one is considered necessary. Before approval of any application, plans shall be submitted indicating that such addition conforms in all respects to the applicable provisions of the Zoning Ordinance and all nonconformities affecting the existing building or the use and development of the subject property which are correctable without requiring the acquisition of adjoining parcels of land owned by other persons, or without requiring the removal of any nonconforming portion of the existing buildings, are corrected.

p. Rebuilding of an Existing Gasoline Service Station Without an Increase in the Number of Service Bays

- (1) Any gasoline service station buildings now legally existing in any Business, Commercial or Industrial zone and not conforming to the requirements of the Zoning Ordinance may be rebuilt on the subject property upon approval by the City Planning Commission after a Public Hearing and with the concurrence of the Common Council. Before approval by the Commission of any application, plans shall be submitted and the Commission shall make specific determination:
  - (a) that all nonconformities affecting the use and development of the building or land which are correctable without requiring the acquisition of adjoining parcels of land owned by other persons, are corrected; and that the use of the existing gasoline service station site;
  - (b) is not detrimental to adjoining zoning districts and permitted uses;
  - (c) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
  - (d) does not create hazardous or obnoxious conditions;
  - (e) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

- (2) Any gasoline service station building legally existing in any Business, Commercial or Industrial zone and conforming to the requirements of the Zoning Ordinance may be rebuilt on the subject property with approval of the City Planning Commission without necessitating a Public Hearing upon a finding by the Commission that the proposed building and the existing gasoline service station site conforms to the requirements of the Zoning Ordinance.

q. Rebuilding of an Existing Gasoline Service Station with an Increase in the Number of Service Bays

Any gasoline service station buildings now legally existing in any Business, Commercial or Industrial zone and not conforming to the requirements of the Zoning Ordinance may be rebuilt and enlarged upon the compliance with the procedures established for the locations of new stations.

r. Waivers, Alterations or Modifications

- (1) The City Planning Commission may waive, alter, or modify the requirements hereinbefore provided, upon the finding that such proposal makes provisions to protect the health, safety, and welfare of the public, or that such waiver, alteration, or modification is necessary to permit the use of the property and to attain the objectives of these rules and regulations.
- (2) Before approval of any waiver, alteration or modification of any requirement, the Commission shall make specific determination that the proposed waiver, alteration or modification:
  - (a) is not detrimental to adjoining zoning districts and permitted uses;
  - (b) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
  - (c) will not create hazardous or obnoxious conditions;
  - (d) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

PART C

SECTION IV SPECIAL PERMITS

ARTICLE 2 Special Permit Uses and Requirements

2. Car Wash Facilities:

Subject to the general requirements and procedures as set forth in Article 1 of this Section, any lot situated in a Local Business District, Class A; Planned Shopping District; Central Business District, General Service District; Commercial District, Classes A and B; and Industrial District, Classes A and B may be used and buildings or structures may be constructed thereon and used for a car wash facility upon the issuance of a special permit in accordance with the provisions set forth in this paragraph.

For purposes of this Special Permit Section, restrictions containing the symbols (A) or (NA) shall be applicable only to those uses denoted by said symbols, otherwise the restrictions to apply equally to both. (A) shall denote automatic car wash facilities and (NA) shall denote non-automatic car wash facilities.

a. Location

- (1) No car wash facility shall be located within two hundred (200) feet, of any place of public assembly such as, but not limited to churches, schools, theaters, auditoriums, parks and playgrounds.
- (2) Such facilities shall have not less than one (1) street frontage on a primary, or secondary street, as designated in the 1967 General Plan of the City of Syracuse, and any subsequent amendment thereto.

b. Minimum Lot Size

- (1) Any lot upon which such car wash facility shall be located shall have not less than seventy (70) feet of frontage on a primary, or secondary street, with a depth, or frontage along any other street of not less than two hundred (200) feet.
- (2) Any such lot with minimum dimensions may have a maximum of one (1) service bay or unit (A).
- (3) One (1) service bay or unit may be added for each thirty (30) feet of primary or secondary street frontage additional to the minimum required herein (A).

c. Minimum Yard Requirements

- (1) All structures, except as otherwise provided in this Ordinance, shall be setback from the primary, or secondary street line a distance of not less than forty (40) feet and from any other street line a distance of not less than thirty (30) feet.

- (2) No landscaping, or portable signs or other devices shall be located within the setback area required in the preceding Paragraph c-1, except as otherwise provided in this article.
- (3) Side and rear yards of not less than twenty (20) feet shall be provided along all other property lines. Such yards shall be provided with an opaque fence of not less than four (4) feet, nor more than six (6) feet in height placed along the property line, or provided with an all-year, solid, evergreen hedge of not less than four (4) feet in height at the time of planting. However, any such car wash facility located adjacent to a residential area shall provide an all-year evergreen hedge of not less than four (4) feet in height planted along the property line adjacent to such residential area.

d. Parking

- (1) One (1) space shall be provided per two (2) employees exclusive of others and developed in accordance with Part C, Section III, Article 1 of the Zoning Ordinance.
- (2) For a coin-operated facility (A), the following additional parking spaces are required:
  - (a) At the entrance to the facility a waiting reserve shall be provided of four (4) spaces per bay or unit.
  - (b) Beyond the exit of the facility a finishing reserve shall be provided of two (2) spaces per bay or unit.
- (3) For an owner-operated facility (NA), the following additional parking spaces are required:
  - (a) At the entrance to the facility a waiting reserve shall be provided equal to four (4) times the maximum capacity of each service aisle.
  - (b) Beyond the exit of the facility a finishing reserve shall be provided of two (2) spaces per service aisle.

e. Signs

Permitted in accordance with the rules and procedures set forth in Part C, Section VI of this Ordinance.

f. Curbing

Curbing to regulate the location of vehicular traffic shall be provided as follows:

- (1) Curbs shall be installed at the edge of the roadway along the entire street frontage of the lot upon which an automatic car wash facility is located.
- (2) Drop curbs shall be provided at all curb-cuts.

g. Driveways

- (1) Driveways opening on traffic lanes leading to the intersection at which the car wash is situated shall be located such as to provide not less than forty (40) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway.
- (2) Driveways opening on traffic lanes leading away from the intersection shall be located such as to provide not less than fifteen (15) feet spacing between the intersection formed by the street right-of-way lines and the nearest boundary of the driveway.
- (3) Driveways located next to a residential district shall provide not less than twenty five (25) feet spacing between such property line and the nearest boundary of the driveway, unless otherwise determined by the City Planning Commission as providing a traffic condition as safe as that provided by such spacing.
- (4) All other driveways shall be located not less than ten (10) feet from the property lines, unless otherwise determined by the City Planning Commission as providing a traffic condition as safe as that provided by such spacing.
- (5) Driveways shall not exceed a width of twenty four (24) feet with a curb-cut of not more than thirty (30) feet.
- (6) No driveway opening on a public right-of-way shall be located within thirty (30) feet of another such driveway, except as otherwise permitted by the City Planning Commission as providing a safer traffic condition.
- (7) Driveways shall be slanted not more than sixty (60) degrees to the curb line, to permit convenient ingress and egress to the traffic lane nearest the site.
- (8) All driveways shall be constructed of an impervious, all-weather, dustless material.
- (9) All dimensions specified in this paragraph shall be measured along the property line, except as otherwise specifically provided.

h. Open Area

- (1) All open areas shall be landscaped, where required, or paved with an impervious, all-weather, dustless material, provided, however, all such paved areas shall be provided with a storm drainage system to conduct natural surface runoff into the nearest drainage system; all water and other liquid products produced by the use itself shall be disposed of by on-site drainage facilities which shall control the direction of flow in such a manner as to avoid surface runoff across property outside the site, including public rights-of-way.
- (2) All landscaped areas shall be adequately protected by a raised curb of not more than six (6) inches in height, or a bumper guard of not more than eighteen (18) inches in height.
- (3) Curbs shall be provided along the edge of all areas accessible to motor vehicles to prevent the encroachment of vehicles or any portion thereof, upon adjacent property, or the street right-of-way.

i. Lighting

- (1) All lighting shall be located such as to prevent the direct rays from shining upon adjacent properties.
- (2) All flickering, pulsating, or flashing lights and exposed neon lights are specifically prohibited.
- (3) No light which may tend to confuse the motoring public with traffic lights shall be permitted.

j. Additions or Improvements to Existing Car Wash Facilities

Additions or improvements to any existing car wash facilities may be permitted upon compliance with the procedures established for the location of new facilities, provided such additions or improvements comply with the requirements of this Article.

k. Approval

- (1) The City Planning Commission may approve the application for a Special Permit, or where necessary, deviate from the specific requirements hereinbefore provided, upon the finding that such proposal makes provisions to protect the health, safety, and welfare of the public.

That such deviation is necessary to permit the use of the property and to attain the objectives of these rules and regulations.

- (2) Before approval of any application, or deviation of any specific provision, the Commission shall make specific determination that the proposed application or deviation:
  - (a) is not detrimental to adjoining zoning districts and permitted uses;
  - (b) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
  - (c) will not create hazardous or obnoxious conditions; and
  - (d) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

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3. Transitional Parking Areas:

Subject to the general requirements and procedures as set forth in Article 1 of this Section, land situated in Residential Districts, Class B-1, B-1T, B, B-T and C, may be utilized as an open air parking lot or parking garage upon the issuance of a Special Permit in accordance with the provisions set forth in this paragraph:

- a. In the granting of any such permit, due consideration shall be given to the necessity, adequacy and aesthetic character of the proposed development and traffic circulation within the immediate vicinity. Consideration shall also be given to insure that said development is in accord with the General Plan of the City of Syracuse and not detrimental to the character of the neighborhood or inconsistent with the spirit and intent of the Zoning Rules and Regulations of the City of Syracuse.
- b. All applications submitted for a special permit shall contain a site plan drawn to scale and such other documents and illustrations as required by the City Planning Commission to indicate full compliance with the following standards:
  - (1) All transitional parking areas shall be accessory to one (1) or more principal uses, excluding commercial parking lots and garages, not situated or permitted in the district in which such parking area is proposed, and shall be contiguous to the district wherein such principal use or uses are situated. When such district abuts a street right-of-way, the parking area may be situated opposite said district, provided, however, that the boundaries of the parking area extend no further along said street right-of-way than the boundaries of said district as projected to the opposite side of the street wherein said parking area is proposed.
  - (2) All transitional parking areas shall be entirely situated within two hundred (200) feet of the district wherein the principal use or uses are situated, excluding public right-of-way, provided, however, that if any portion of the land to be so utilized consists of a lot situated partially within, but whose boundaries extend beyond said two hundred (200) feet, the City Planning Commission may permit said parking area to extend to said boundary lines, but in no case shall the boundaries of the parking lot extend beyond two hundred fifty (250) feet from the aforementioned district.
  - (3) The following signs may be erected:
    - (a) One (1) sign located within twenty five (25) feet of the district wherein the principal use is situated having an area not in excess of twelve (12) square feet, no portion of which may project more than eight (8) feet above the surface of the parking area at the point where the sign is situated.

- (b) Such directional signs as are necessary, none of which shall project more than six (6) feet above the surface of the parking area at the point where such signs are situated.

None of the aforementioned signs shall contain any wording, image, illustrations, or device whatsoever having any purpose other than that of identification, statement of conditions, or traffic direction as aforesaid.

None of the aforementioned signs shall be illuminated other than by an indirect non-flashing source of incandescent or fluorescent white light, nor at any time other than during the business hours of the principal use.

- (4) All artificial lighting used to illuminate transitional parking areas shall be so situated as to prevent light rays from crossing adjacent property lines.

- (5) No driveways or curb cuts shall exceed twenty-five (25) and thirty (30) feet in width respectively, or be situated within twenty-five (25) feet of the boundary of the parking area.

- (6) A landscaped buffer not less than ten (10) feet in width, measured at right angles to the property lines, shall be established and maintained along that portion of the perimeter of the parking area which abuts or faces property used or classified as residential land. That portion of the aforementioned landscaped area which abuts a street right-of-way shall have a width comparable to that which would have been required had the property been developed in accordance with the requirements of the district in which it is situated, but in no case to be less than ten (10) feet. For corner lots, that portion of the required landscaped area which abuts the minor street shall have a landscaped area not less than ten (10) feet in width, except for that portion which is within the twenty five (25) feet of the boundary line of the property fronting on said minor street which is used or classified for residential purposes, the width of which shall be equal to the average setback of structures within two hundred (200) feet on said minor street or the adjoining structure, whichever is less, but in no case to be less than ten (10) feet. Said landscaping shall be so designed as to effectively screen vehicles parked within said area.

Said landscaped buffer area as heretofore required shall not be occupied by any signs. Nothing contained in this Article, however, shall prevent the erection of a wall or fence within said parking area, in accordance with the provisions set forth in Article 4.8.2 of the Building Code of the City of Syracuse, but shall not be situated within the aforementioned required landscaped buffer areas, except where the grade of the parking area is below the grade of adjoining land used or classified for residential purposes.

- c. As an incident to the granting of any such special permit, the City Planning Commission, with the approval of the Common Council, may impose time limitations on the duration and/or hours of operation of any such use, including provisions for termination, conversion or recertification, and in addition, may waive the specific requirements set forth in Section b herein and the provisions referred to and contained in Part C, Section IV, Article 1, Paragraph 3a. As a prerequisite to the granting of any waiver it shall be determined that the same:

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- (1) is not detrimental to adjoining zoning districts and permitted uses;
- (2) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
- (3) will not create hazardous or obnoxious conditions.

Amended 7/1/91

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4. Junk Yards and Scrap Metal Processing:

- a. After a public hearing before the City Planning Commission and upon approval of the Common Council by ordinance, junk yards and scrap metal processing operations shall be allowed. Upon the issuance of a special permit, in accordance with the provisions set forth in Articles 1 and 2 of this section, junk yards may thus be permitted in Industrial District, Class A zones and scrap metal processing operations may thus be permitted in Industrial District, Class A and Class B zones.
- b. In the granting of any such permit, due consideration shall be given to the adequacy and aesthetic character of the proposed development and traffic circulation within the vehicular vicinity. Consideration shall also be given to insure that said development is in accord with the general plan of the City of Syracuse and not detrimental to the character of the neighborhood or inconsistent with the spirit and intent of the Zoning Rules and Regulations of the City of Syracuse. All applications submitted for said special permit shall contain a site plan drawn to scale and such other documents and illustrations as required by the City Planning Commission, to indicate full compliance with the following standards:
  - (1) All junk yards shall be located at least ten (10) feet from the street line and shall be surrounded by a wooden fence eight (8) feet in height above the level of the sidewalk or by a similar fence of other opaque material. Any new building constructed and to be used in conjunction with the operation of a junk yard shall be a masonry building or building approved by the Bureau of Fire Prevention of the City of Syracuse as being equivalent in fire resistivity as an enclosed masonry building. Any existing building, excluding wood or wood frame buildings, may be used in connection with the operation of a junk yard, provided such structure is approved by the Bureau of Fire Prevention of the City of Syracuse as being equivalent in fire resistivity as an enclosed masonry building.
  - (2) All scrap metal processing operations and related storage areas and accessory parking and loading spaces and platforms for railroad freight cars shall be maintained or conducted substantially within an enclosed eight (8) foot fence or hedge of material approved by the City Planning Commission, which fence or hedge shall be situated a minimum distance of fifty (50) feet from the lot lines of the subject property. The aforementioned fifty (50) foot buffer shall be open and unoccupied except for driveways, railroad tracks and sidings, and shall be suitably landscaped.
  - (3) All buildings located on the premises of any junk yard or scrap metal processing operation shall be maintained in a neat and orderly condition.
  - (4) All materials located within such buildings or yards shall be arranged so that reasonable inspection of or access to all parts of the premises can be had at any time by the proper fire, health, police and building authorities.
  - (5) All gasoline, oil or other flammable liquids shall be drained and removed from any scrap metal or discarded article located within said buildings or yards.

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5. Offices of Religious and Educational Institutions:

Subject to the general requirements and procedures as set forth in Article 1 of this Section, land situated in any Residential District, unless otherwise permitted by right, may be used for the offices of religious and educational institutions in accordance with the additional provisions set forth in this paragraph:

- a. Such facilities shall front on a primary or secondary road as indicated on the General Plan of the City of Syracuse, and access thereto shall be provided only from such roads.
- b. There shall be no retail sales or food preparation activities conducted within such facilities.
- c. All roadways and parking facilities shall be surfaced with an all-weather, dustless surface.
- d. All open areas not used for vehicular purposes shall be landscaped.
- e. Side and rear yards, within not less than ten (10) feet of abutting and permitted residential uses and areas, shall be landscaped with plantings to provide an adequate all-year screen.
- f. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.

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6. Distribution Facilities for Off-the-Premises Retail Sale of Fuel Oil:

Subject to the general requirements and procedures as set forth in Article 1 of this Section, land situated in Industrial District, Class A and B zones, may be used for distribution facilities for off-the-premises retail sale of fuel oil, in accordance with the additional provisions set forth in this paragraph:

- a. All bulk storage tanks of such fuel shall be placed underground at such location and depth which shall not present a hazard to adjoining nearby uses and the general public and recommended for approval by the Bureau of Fire Prevention.
- b. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
- c. The entire premises shall be enclosed within a fence, or equivalent, of not less than five (5) feet high, except as otherwise required by Ordinance.
- d. The grounds of the premises not occupied by structures shall be landscaped or surfaced with an all-weather, dustless surface, unless otherwise required by Ordinance.
- e. The front yard, including the area to the curb, shall be landscaped.
- f. Side and rear yards within not less than ten (10) feet of abutting and residential permitted uses or areas shall be landscaped with plantings to provide an adequate all-year screen.
- g. No retail sale of such fuels directly to the consumer shall be permitted on such premises.
- h. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.

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7. Care Homes:

a. Prohibited Districts

Care Homes shall be permitted in all districts except for the following: Residential District, Class A-1; Highway Service District, Class A; CBD - Retail District, Office and Service District, Office and Service District (Restricted), General Service District and Local Business District; Residential Service District and Planned Shopping District; Industrial District, Class B.

b. Waivers

Care Homes shall be subject to all of the regulations applicable to permitted uses in the District within which such Care Home is to be situated, provided, however, that in order to encourage the development of such uses within the community, the City Planning Commission, with the approval of the Common Council by ordinance, may alter, waive, or modify the application of any restriction contained in this Ordinance including the restriction set forth in ARTICLE 1, Paragraph 3a of SECTION IV. In considering any such deviation, consideration shall be given to the provisions of ARTICLE 1, and in addition thereto, to the following criteria:

- (1) Age and mobility of prospective occupants.
- (2) Nature of any custodial care and/or supervision of prospective occupants, where required.
- (3) Regulations of any agency, private or public, having jurisdiction over a specific Care Home, to the extent such regulations are actually imposed or are to be imposed.
- (4) Accessibility to on-site or off-site active and/or passive recreational facilities (indoor and outdoor), retail goods and services, libraries, places of worship, medical services and such other facilities which may be considered necessary and/or appropriate to the needs of the prospective occupants.
- (5) Traffic generating characteristics of the Care Home with particular emphasis on visitation privileges, loading requirements and availability and nature of public or private transportation facilities.
- (6) Such other elements which are relevant to the particular circumstances of each individual case.

It is the express purpose of this provision to encourage the development of Care Home facilities by providing for the physical and social planning needs of the prospective occupants thereof consistent with the health, safety, and welfare of the entire community.

The granting of waivers, alterations, or modifications shall be discretionary, and whether or not granted, conditions may be imposed upon the development of any Care Home facility which are considered necessary and/or appropriate. A statement of the nature of all deviations requested from the applicable provisions of this Ordinance shall be set forth in the notice of public hearing. All applications for Care Homes shall be otherwise subject to the procedures and regulations set forth in ARTICLE 1 of the Section.

Amended 4/14/97

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8.1 Restaurants:

a. Application

This subsection shall apply to any existing or proposed restaurant (including nonconforming restaurant) in a District where restaurants are listed under Uses Permitted but where the restaurant or its off-street parking spaces is located within five hundred (500) feet of a District in which restaurants are not permitted as a principal use. This subsection shall not apply to the CBD Retail District, CBD Office and Service District, CBD Office and Service District (Restricted) or CBD General Service District.

b. Approval Required

No new restaurants shall be allowed without the approval of the City Planning Commission and the consent of the Common Council. Improvements or modifications of legally existing restaurants shall also require the approval of the City Planning Commission and the consent of the Common Council, except as provided for below. Any structural accommodations for customer activities other than eating and drinking, to the extent allowed by these regulations, whether in a new restaurant or an existing restaurant, shall not be included within the exceptions set forth below but shall be subject to the approval of the City Planning Commission and the consent of the Common Council. Structural accommodations for customer activities other than eating and drinking shall include stages, dance floors, disc jockey booths, and other areas set aside for customer and/or entertainment use without chairs, stools, or tables. (Televisions, juke boxes, and individual electronic amusement devices, which may be subject to other restrictions, shall not be considered structural accommodations.) Approval of structural accommodations for permitted activities other than eating and drinking shall be based on findings in accordance with Part C, Section IV, Article 1, Paragraph 2 and with Paragraph c below.

(1) Maintenance of Existing Floor Areas

Improvements to the principal building of a legally existing restaurant which do not increase or rearrange the floor area, customer area, or bulk space of the interior or increase the exterior size, horizontally or vertically and which do not provide any structural accommodations for customer activities other than eating and drinking may be made a matter of right.

(2) Internal Rearrangements

Rearrangements of space within the principal building of a legally existing restaurant which do not result in an increase in floor area, customer area, or bulk space and which do not accommodate customer activities other than eating or drinking may be made subject to review and approval by the City Planning Commission only, with or without a public hearing at its discretion.

(3) Accessory Appurtenances

Improvements to exterior signs, lighting units and other accessory structures and appurtenances, including replacement, may be made subject to review and approval by the City Planning Commission only, with or without a public hearing at its discretion, provided that the cost is less than 50% of the value of the involved structure or appurtenance and the resulting unit is brought into compliance with the applicable provisions of this subsection.

(4) Parking Changes

Where a restaurant has previously been approved under this subsection, improvements to off-street parking areas shall require the review and approval of the City Planning Commission only, with or without a public hearing at its discretion.

(5) Continued Operation

Legally existing restaurants, except as otherwise provided for herein, may continue to be used.

(6) Distance Limitation

Where restaurants are otherwise permitted a special permit shall not be required if the restaurant is more than five hundred (500) feet from all districts in which restaurants are not permitted as a principal use.

c. Findings (General)

As a prerequisite to the approval of any special permit for a restaurant, the following general findings shall be made:

- (1) The proposed use is in compliance with all applicable regulations of the Zoning Rules and Regulations of the City of Syracuse, as amended.
- (2) The proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood or have an adverse impact on any properties with a unique cultural, historical, geographical, and architectural quality.
- (3) The proposed use is in harmony within the visual and physical context of the immediate neighborhood.
- (4) The proposed use is to be developed in such a way as to insure maximum amenities available to the site based upon a consideration of the site plan and functional requirements of the proposed use.
- (5) The proposed use is compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect existing land use within close proximity to the subject site.

- (6) Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. In making this determination, the Commission shall review, but need not be limited to, the following considerations:
  - (a) Location and adequacy of parking and loading facilities, including compliance with the minimum standards hereinafter provided.
  - (b) Pedestrian rights-of-way.
  - (c) Traffic regulatory devices.
  - (d) Location, number and design of points of ingress and egress.
  - (e) Accessibility to emergency vehicles with particular emphasis on proximity to structures, no-parking or no-loading zones or areas and provision for turning and free movement.
  - (f) Storage facilities for snow.
  - (g) Age and mobility of all persons for whose benefit the use is intended.
  - (h) Speed limits upon and general character of public highways in close proximity.
- (7) The proposed use will be provided with adequate supporting services such as fire and police protection, public and private utilities and all supporting governmental services necessary and appropriate to the proposed use.

d. Requirements

In addition to the general findings enumerated above it shall be a prerequisite to approval that the following requirements be met for all restaurants subject to special permit (see Paragraph e through g below for additional requirements applicable in specific cases and Paragraph h for applicable waiver provisions):

(1) Parking

One (1) off-street parking space shall be provided for each two (2) persons at maximum capacity as determined by the Syracuse Fire Prevention Code [maximum capacity -one person per 15 sq. ft. of net floor area].

(2) Off-Street Loading Requirements

All permitted uses are subject to the loading requirements as set forth in Part C, Section III, Article 3 of this Ordinance.

(3) Curbing

Curbing to regulate the location of vehicular traffic shall be provided as follows:

- (a) Curbs as deemed necessary by the City Engineer shall be installed at the edge of the roadway along the entire street frontage of the lot upon which the restaurant is located.
- (b) Drop curbs shall be provided at all curb cuts.

(4) Driveways

- (a) Any driveway opening on a traffic lane leading to the intersection at which the restaurant is situated shall be located to provide not less than forty (40) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway.
- (b) Any driveway opening on a traffic lane leading away from the intersection shall be located to provide not less than fifteen (15) feet spacing between the intersection formed by the street right-of-way lines and the nearest boundary of the driveway.
- (c) Any driveway located next to a residential district shall provide not less than twenty five (25) feet spacing between such district boundary and the nearest boundary of the driveway.
- (d) All other driveways shall be located not less than ten (10) feet from the property lines.
- (e) Driveways shall not exceed a width of twenty four (24) feet with a curb-cut of not more than thirty (30) feet.
- (f) No driveway opening on a public right-of-way shall be located within thirty (30) feet of another such driveway.
- (g) Driveways shall be slanted not more than 60 degrees to the curb line, to permit convenient ingress and egress to the traffic lane nearest the site.
- (h) All driveways shall be constructed of an impervious, all-weather, dustless material.
- (i) All dimensions specified in this paragraph shall be measured along the property line, except as otherwise specifically provided.

(5) Open Areas

- (a) All open areas shall be landscaped in a manner appropriate to the area in which the restaurant is situated and paving shall be of an impervious, all-weather, dustless material, with appropriate means to conduct surface runoff into the nearest drainage system.
- (b) All landscaped areas shall be adequately protected by a raised curb approximately six (6) inches in height, or a bumper guard approximately eighteen (18) inches in height.

- (c) Curbs shall be provided along the edge of all areas accessible to motor vehicles to prevent the encroachment of vehicles or any portions thereof, upon adjacent property or the street right-of-way.

(6) Signs

Signage shall conform with the rules and regulations set forth in Part C, Section VI of this Ordinance.

(7) Lighting

- (a) All lighting shall be located and shielded to prevent direct rays from shining upon adjacent properties.
- (b) All flickering, pulsating or flashing lights are specifically prohibited.
- (c) No light which may be confused by the motoring public with lighting used in official traffic regulatory devices shall be allowed.

(8) Outside Storage

All outside storage of junk, bottles, cartons, boxes, debris and the like shall be restricted to appropriately screened enclosures not visible to the general public.

(9) Planting and Screening

Each restaurant and its facilities shall comply with the provisions of Part C, Section I, Article 5 of this Ordinance. In particular restaurants shall maintain parking areas at least ten (10) feet from any residentially used or zoned property and shall provide solid all-year screening at least four (4) feet high along the perimeters of the parking areas abutting residentially used or zoned properties.

e. Additional Requirements

As a prerequisite for approval of a special permit the following additional requirements shall be met for restaurants with provisions for drive-through pickup, carry-out service counters, and/or deliveries to customers:

(1) Location

In order to minimize potential adverse conflicts with other nearby land uses, no restaurants with provisions for drive-through windows, carry-out service counters, and/or deliveries to customers shall be placed within two hundred (200) feet of any church, school, theater, auditorium, park or playground except by waiver as provided for below, nor shall such restaurants be placed within two hundred (200) feet of any residentially zoned district or building used for residential purposes.

(2) Drive-Through Lanes

Drive-through lanes must be designed to avoid blind spots created by buildings and structures on- and off-premises and must be designed to avoid conflicting movements among the drive-through vehicles, pedestrians, and vehicles using any provided parking spaces.

(3) Trash Receptacles

Any restaurant or establishment with drive-through pickup and/or a carry-out service counter must provide suitable exterior trash receptacles, screened from the street and maintained in a neat and orderly manner without offensive odors.

(4) Delivery Service

In districts where they are permitted restaurants providing delivery service must maintain one (1) on-site parking space for each vehicle used to make deliveries.

f. Additional Requirements

As a prerequisite for approval of a special permit the following additional requirements shall be met for restaurants providing live entertainment and/or electronically amplified entertainment, except as otherwise limited by statute, ordinance, or local law:

(1) Location

In order to minimize potential conflicts with nearby residential uses, no live and/or electronically amplified entertainment shall be allowed at any restaurant situated within three hundred (300) feet of a residential zoning district. Exceptions to this restriction shall include televisions, jukeboxes, and individual electronic amusement devices, which may, nonetheless, be subject to other restrictions.

(2) Parking

Parking must be available on-site, adjacent to or directly across the street from the establishment within which the live or electronically amplified entertainment is provided.

g. Additional Requirements

As a prerequisite for approval of a special permit the following additional requirements shall be met for restaurants situated at designated arterial locations as enumerated in these Zoning Rules and Regulations:

(1) Location

Where a restaurant is to be situated on a principal or minor arterial as designated by the Federal Highway Administration Functional Classification, review for a special permit shall consider the design and potential operation of the site of the proposed restaurant with respect to the function of the arterial street(s) as an efficient transportation corridor.

(2) Setbacks

A minimum setback of ten (10) feet from the designated arterial shall be maintained for all structures and parking areas.

(3) Lot Width

A minimum of one hundred fifty (150) feet of frontage along a designated arterial shall be required for any restaurant.

(4) Minimum Lot Size

No lot less than ten thousand (10,000) square feet in area shall be used for a restaurant situated along a designated arterial.

h. Waivers

The City Planning Commission may approve, subject to the consent of Common Council, a waiver of the application of any provision, in whole or part, of the restrictions contained in the requirements and findings paragraphs, d through g, except where structural accommodations for customer activities other than eating and drinking are to be provided, where it is shown that:

- (1) Compliance cannot be achieved because of circumstances which are peculiar to the subject property.
- (2) Noncompliance will not adversely affect the public health, safety and welfare and will not be inconsistent with the provisions of Paragraph c, Findings (General).

i. Conditions

The City Planning Commission and the Common Council may impose such conditions on the approval of any application which are necessary and reasonable to implement the provisions of this subsection, including the imposition of controls pertaining to maximum noise levels.

j. Conflicts

The provisions of this subsection shall take priority over any conflicting provision of this Ordinance or any other applicable laws of the City of Syracuse.

8.2 RESTAURANTS WITHIN THE DOWNTOWN CBD-GSA DISTRICTa. Application

This subsection shall apply to any existing or proposed restaurant (including a bar) located in the CBD General Service A District within the Downtown area bounded by Interstate Route 690 on the north, Interstate Route 81 on the east, Adams Street on the south, and West Street Arterial on the west. (See Part A, Section III, Article 2, under the definition of "restaurant," for certain establishments which are excluded from the application of this subsection.)

b. Approval Required

No new restaurant shall be allowed without a Special Permit approved by the City Planning Commission and the Common Council. Improvements to or modifications of legally existing restaurants shall also require approval by the City Planning Commission and the Common Council, except as provided for below:

(1) Maintenance of Existing Floor Areas

Improvements to a legally existing restaurant which do not increase or rearrange the floor area, customer area, or bulk space of the interior and do not increase the exterior size, horizontally or vertically, may be made as a matter of right.

(2) Internal Rearrangements

Rearrangements of space within a legally existing restaurant which do not increase the floor area or customer area and which do not increase any bar space or area without seating may be made subject to review and approval solely by the City Planning Commission, a public hearing being held at its discretion.

(3) Accessory Appurtenances

Improvements to or replacement of exterior signs, lighting units, and other accessory structures and appurtenances may be made subject to review and approval solely by the City Planning Commission, no public hearing being required.

(4) Continued Operation

Legally existing restaurants, except as otherwise provided for herein, may continue to be operated.

c. General Findings

As a prerequisite to the approval of any special permit under this subsection, the following general findings shall be made:

- (1) The subject restaurant will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood or have an adverse impact on any properties with a unique cultural, historical, geographical, or architectural quality.
- (2) The subject restaurant will be in harmony within the visual and physical context of the immediate neighborhood.

- (3) The subject restaurant will not impede the development or redevelopment of the general area.

d. Floor Space Allocations

Review of any special permit under this subsection shall include comparison with the existing types and amounts of floor space maintained for public congregation in nearby establishments. Records and inventories of such floor space shall be kept by appropriate City departments as reasonably practical. Three types of such floor space shall be distinguished:

- (1) Areas devoted to tables and seats;
- (2) Areas without tables or seats open to patrons and/or used for entertainment of patrons (standing space);
- (3) Areas with seats at bars or counters.

All applications for Special Permits under this subsection shall include floor plans drawn to scale. Differentiation of the three types of space for public congregation shall be indicated in addition to any other space, such as cooking, food preparation, and storage areas. (Information shall also be obtained to specify precise premises location; applications generally require submission of copies of property surveys.)

e. Findings Regarding Floor Space

As a prerequisite to the approval under this subsection, the following specific findings shall be made:

- (1) The floor space arrangement, including any extensions outdoors, will be appropriate for the density and circulation of people that can be reasonably accommodated in the immediate area; such arrangement shall not contribute to the generation of excessive crowding or contribute to disruptive exterior gatherings;
- (2) The arrangement and potential utilization of floor space will support an establishment which is consistent with the balance of uses in the area; such arrangement and utilization shall not support an establishment which damages or overwhelms other uses and causes the area to be less conducive to a variety of uses.

The specific findings shall include consideration of the potential differences in accommodation of numbers of customers with floor space devoted to tables and seats (which has the lesser potential) and with floor space devoted to standing room or bar space (which has the greater potential).

f. Signs

Signs shall conform with the rules and regulations set forth in Part C, Section VI of this Ordinance.

g. Waivers

Subject to the consent of Common Council the City Planning Commission may waive entirely or in part the application of any of the provisions contained herein, if:

1. Compliance cannot be achieved because of circumstances which are peculiar to the subject property.
2. Non-compliance will not adversely affect the public health, safety and welfare and will not be inconsistent with the general and specific findings.

h. Conditions

The City Planning Commission and the Common Council may impose such conditions on the approval of any application which are necessary and reasonable to implement the provisions of this subsection.

i. Conflicts

The provisions of this subsection shall take priority over any conflicting provision of this Ordinance or any other applicable laws of the City of Syracuse.

Amended 11/23/98

PART C

SECTION IV SPECIAL PERMITS

ARTICLE 2 Special Permit Uses and Requirements

9. Underground Storage and Transfer of Waste Oil:

Subject to the general requirements and procedures as set forth in Article 1 of this Section, land situated in an Industrial District, Class A zone may be used for underground storage of waste oil in accordance with the additional provisions set forth in this paragraph:

- a. All bulk storage tank facilities shall be placed underground and shall not present a hazard to adjoining nearby uses and the general public.
- b. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
- c. The entire premises shall be enclosed within a fence, or equivalent, six (6) feet high, except as otherwise required by this Ordinance.
- d. The grounds of the premises not occupied by structures shall be landscaped or surfaced with an all-weather, dustless surface, unless otherwise required by this Ordinance.
- e. No retail sale of such fuels directly to the consumer shall be permitted on such premises.
- f. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.
- g. Such facility shall meet all applicable requirements of the New York State Department of Environmental Conservation.
- h. Such facility shall meet all applicable requirements of the Syracuse Fire Prevention Code.

Amended 3/21/83

7/6/92-Paragraph numbering

PART C

SECTION IV SPECIAL PERMITS

ARTICLE 2 Special Permit Uses and Requirements

10. Indoor Amusement and Recreation Establishments:

a. Approval

- (1) The City Planning Commission may approve the application for a special permit for indoor amusement and recreation establishments as a principal use or as an accessory use as hereinafter provided.
- (2) Before approval of any application for a special permit, the Commission shall make specific determination that the proposed application:
  - (a) is not detrimental to adjoining zoning districts and permitted uses;
  - (b) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
  - (c) will not create hazardous or obnoxious conditions; and
  - (d) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.
- (3) All special permit applications must be reviewed and approved by the Common Council.

b. Amusement Arcade

(1) Location of Amusement Arcades

An amusement arcade may be established only in compliance with the provisions for special permit approval as provided in this ordinance and only if located in the following zoning districts: Local Business District, Class A zone; Highway Service District, Class A zone; Planned Shopping District zone; Commercial Districts, Class A and B zones; Industrial Districts, Class A and B zones; and Central Business Districts, Retail, Office and Service, Office and Service Restricted or General Service zones.

(2) Exception for Accessory Game Devices

Notwithstanding any provision herein contained, up to seven (7) electronic or mechanical game devices may be installed and used as a matter of right only in conjunction with any of the following, legally established principal uses: restaurants, package food restaurants, bowling alleys, billiard parlors, transportation terminals, hotels and motels; and up to three (3) such game devices may be installed and used as a matter of right in conjunction with a laundromat which has been legally established as a principal use; provided the principal use is situated in a Local Business District, Class A zone; Planned Shopping District;

Highway Service District, Class A zone; Office District, Class A or B zone; Commercial District, Class A or B zone, Industrial District, Class A or B zone; or Central Business District, Class Retail, Office and Service, Office and Service Restricted or General Service zone; and subject to the following provisions:

- (a) An applicant for a license for accessory game devices as permitted by the provisions immediately above shall submit an application, in duplicate, to the License Commission of the City of Syracuse;
- (b) Upon receipt of said duplicate application, the License Commission shall forward to the members of the Common Council one (1) copy of said application;
- (c) Any Councilor within fifteen (15) days from the date of filing of said application, may file written objections to the issuance of said license if said Councilor shall determine that the issuance of said license is detrimental to the orderly flow of pedestrian and/or vehicular traffic on-site and/or off-site; will create hazardous or obnoxious conditions; or will be detrimental to the health, safety, or welfare of the public. Said written objections must be filed by said Councilor with the License Commission of the City of Syracuse and a copy of the same forwarded by the License Commission to the applicant. In the event of said objection, the applicant must comply with the procedure for the approval of a special permit in the same manner and procedure as provided for an amusement arcade;
- (d) If no written objection from any Councilor is received by the License Commission within fifteen (15) days from the date of filing said application, then and in that event the License Commission may finalize issuance of a license for the placement of accessory game devices permitted pursuant to the provisions of this article within the establishment designated with said application;
- (e) Such game devices shall be situated within the establishment or premises only in accordance with the provisions herein contained and other applicable regulations and licensing procedures established by the City.

(3) Exclusion

No amusement arcade or establishment with electronic or mechanical game devices shall be located within two hundred (200) feet of the lot lines of a public or private school.

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

11. Bed and Breakfast Establishments:

Subject to the general requirements and procedures as set forth in Article 1 of this Section, bed and breakfast establishments may be permitted in Residential Districts, Class A, AA, A-2, B-1, BIT, and C zones in accordance with the provision set forth in this paragraph:

- a. The establishment shall be located in an owner-occupied dwelling as the sole accessory use to the principal residential use.
- b. No alterations shall be made to the exterior of the dwelling which would alter its character as a residential premises.
- c. No more than four (4) bedrooms within the dwelling shall be for bed and breakfast use.
- d. No parties or receptions shall be held except for traditional household events.
- e. Breakfast shall be the only meal served to lodgers.

Adopted 3/22/93

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

12. Other Special Permit Uses:

All uses enumerated under Special Uses Permitted in the individual district regulations of Part B and which are not specifically provided for in Article 2 of this section shall be subject to the general requirements and procedures set forth in Article 1 of this Section.

Amended 5/86

3/22/93-Paragraph numbering