

Part C

SECTION IX LAKEFRONT ZONING DISTRICT PROCEDURES

Article 1 Purpose and Intent

Article 2 Applicability

Article 3 Designation of Review Authority

Article 4 Site Plan Approval Procedure

1. Application
2. Initial Review
3. Final Review
4. Approval and Required Improvements
5. As-Built Plans
6. Expiration of Approval
7. Amendments
8. Enforcement
9. Special Permit Review

Article 5 Special Permit Procedure

1. Applicability
2. Application Requirements
3. Initial Review
4. Formal Submission, Hearing and Decision
5. Expiration, Revocation, and Enforcement
6. Amendments
7. Appeal

Article 6 Regulating Plan Amendments

1. Application
2. Initial Review
3. Formal Submission, Hearing, and Decision

Article 7 Alterations within Public Right-of-Way

Article 8 Subdivision Procedure within the Lakefront Zoning Districts

1. Intent and Purpose
2. Divisions of Ten or Fewer Lots
3. Divisions Involving New Streets or Eleven or More Lots
4. Buildings Approved by the Zoning Administrator

PART C

SECTION LAKEFRONT ZONING DISTRICT PROCEDURES

Article 1 Purpose and Intent

This Section C-IX is intended to implement the provisions in Section B-IX, Lakefront Zoning Districts, created in furtherance of the City of Syracuse Lakefront Master Plan (LMP). The goal is to establish a streamlined review process for projects that fully comply with the provisions of Section B-IX to encourage and expedite redevelopment of Syracuse Lakefront Area. This Section is intended to implement the general goals, principles, and intent of the LMP, which shall be used as an interpretive guidance document and not as the governing law for these districts. In addition, the Onondaga County Settlement Plan (hereinafter, the "Settlement Plan"), which describes the transect in greater detail, shall be used as a guidance document for making Special Permit and Regulating Plan Amendment decisions.

Article 2 Applicability

The procedures in this Section shall apply only to those areas zoned General Urban (T4) and Urban Center (T5) (hereinafter "the Lakefront Zoning Districts") pursuant to Section BIX. In case of any conflict between the provisions of this Section C-IX and other sections of the Syracuse Zoning Ordinance, this Section shall control.

Article 3 Designation of Review Authority

Initial review of applications under this Section shall be conducted by the City of Syracuse Zoning Administrator who may retain design consultants familiar with the zoning and design principles embodied in the Lakefront Zoning District provisions. Where a proposed development project requires a Special Permit and must therefore be reviewed by the City of Syracuse Planning Commission such consultants may also provide technical assistance to the Commission in reviewing the application. Consultant may also provide technical assistance when a proposed development project requires an amendment to the Regulating Plan and must therefore be reviewed by the City of Syracuse planning Commission and Syracuse Common Council. Applications that do not require Special Permits or Regulating Plan Amendments shall be reviewed administratively through Site Plan Review as provided in Article 4. Procedures for Special Permits are contained in Article 5. Procedures for Regulating Plan Amendments are contained in Article 6. Actions taken within the public right-of-way by the City of Syracuse shall require consultation between the City Engineer, the Commissioner of Public Works and the Zoning Administrator as provided in Article 7.

Article 4 Site Plan Approval Procedure

1. Application
 - a. Every application for a building permit for the construction of any building or structure or for the reconstruction, modification, addition or alteration or demolition of any building or structure, which would affect the exterior appearance of such building or structure, shall require Site Plan Approval. In addition, any change proposed to be made to land lying between a frontage line and a building façade shall require Site Plan Approval, except that the landscaping of front yards of buildings used for up to three residential dwelling units, and not containing businesses other than home occupations, shall not require site plan review.
 - b. Applicants shall make initial contact with the Zoning Administrator to initiate the review process. The Zoning Administrator may schedule a pre-application conference for the applicant to supply the applicant with relevant zoning, design standards or guidelines, a summary of the review procedures, and application information.

C-IX

- c. The application shall provide all information necessary for the Zoning Administrator to determine whether or not the application complies with the provisions of Section B-IX.

2. Initial Review

The Zoning Administrator shall conduct the initial review of all applications and make a formal determination within 30 days as to whether the applicant will be permitted to proceed with the application. If the Zoning Administrator finds the submittal not to be in compliance with Section B-IX, he shall advise the applicant of necessary modifications and establish a timetable for submission of the final plan. If the Zoning Administrator determines that the application is complete and approvable as submitted, the Zoning Administrator may approve the application as submitted pursuant to subsection 4 below, and waive Final Review.

3. Final Review

Upon receiving a determination on the initial plans, the applicant shall submit final plans to the Zoning Administrator, who shall review and make a final determination within 30 days of their receipt. If the final submittal is in compliance with Section B-IX, the Zoning Administrator shall approve the application. If the final submittal is not in compliance with Section B-IX, the Zoning Administrator shall deny the application. The Zoning Administrator shall, in the case of a denial, determine whether or not the application may be eligible to apply for a Special Permit and if so, offer the applicant the option of applying to the Planning Commission for a Special Permit. Applications for uses not prohibited by Section B-IX-5 shall be eligible to apply for a Special Permit. The Zoning Administrator shall inform the applicant that Special Permits may only be granted for applications that, in the Planning Commission's judgment, satisfy the criteria in Section C-IX-5(4)(c).

4. Approval and Required Improvements

The Zoning Administrator shall issue an approval, subject to such conditions as may be needed to ensure compliance with the City of Syracuse Zoning Ordinance and other applicable regulations, including such performance guarantees as may be needed to ensure the installation of improvements on the site. The applicant shall have the option of paying the City for the cost of installing required improvements in the public ROW. Such required improvements (including but not limited to street trees and lighting fixtures), if not paid for or made by the applicant within the time limits established in the approval, may be installed by the City with the cost charged to the applicant. No certificate of occupancy shall be granted unless such required improvements have been made by the applicant or made by the City and paid for by the applicant. The Zoning Administrator shall file the decision in the office of the City Clerk within five business days after such decision is rendered, and a copy of the decision shall be mailed to the applicant.

5. As-Built Plans

Upon completion of an approved project and before issuance of a Certificate of Occupancy, the applicant shall submit to the Zoning Administrator as-built plans showing the exact location of all improvements as constructed.

6. Expiration of Approval

Unless otherwise provided in the conditions of approval, a site plan approval shall expire if substantial construction is not completed within one (1) year of approval, or if all required improvements are not completed within three (3) years of approval. Extensions of these periods may be granted for good cause shown due to unforeseen circumstances, such as changes in market conditions, lack of available financing, changes in the financial condition of the applicant, or application for amendments to the approved site plan. Such extensions may only be granted if they are requested before the site plan approval expires.

7. Amendments

a. Minor Amendments

During construction, the Zoning Administrator may authorize minor adjustments to the approved plan when such adjustments appear necessary in the light of technical or engineering considerations which were discovered during construction. Such minor adjustments shall be consistent with all provisions in Section B-IX and the general configuration in the approved plan.

b. Substantial Amendments

Where unforeseen conditions are encountered which require a change to an approved plan which the Zoning Administrator considers substantial or not in compliance with Section B-IX, or where the applicant wishes to modify the approved plan for other reasons, an amended submission shall be filed for review and approval in accordance with the same procedures required for an initial application.

8. Enforcement

Any property owner, developer, person, corporation or other entity which violates, or aids or assists in violating rehabilitation and/or construction requirements as established herein in the site plan approval process shall be subject to a cumulative penalty of three hundred dollars (\$300.00) per day for each such violation, calculated from the date of the violation until the violation is corrected.

9. Special Permit Review

Any applicant aggrieved by an action of the Zoning Administrator in approving or disapproving an application under this Article, may apply to the Planning Commission for a Special Permit. The Board of Zoning Appeals shall have no jurisdiction.

Article 5 Special Permit Procedure

1. Applicability

An applicant may apply for a Special Permit for any use which is permitted by Special Permit pursuant to Section B-IX, Article 4, Section 8.

2. Application Requirements

An applicant for a Special Permit is encouraged to communicate with the Zoning Administrator prior to submitting an application, in order to determine the application requirements and standards which the proposed action will be required to meet. The submissions shall include, at a minimum, the same materials required for a site plan approval under Article 4. The submission shall also include a narrative explaining how the proposed action advances the goals and purposes of the Lakefront Zoning Districts, the LMP, and the Onondaga County Settlement Plan.

3. Initial Review

The Zoning Administrator shall conduct an initial review of a preliminary application and make a formal determination within 30 days as to whether the application is complete. If the Zoning Administrator finds the submittal to be incomplete, he shall advise the applicant of necessary modifications and establish a timetable for resubmission of the application. If the Zoning Administrator finds that the preliminary application is complete and sufficient for formal review without additional information, he shall forward the application directly to the City Planning Commission for review pursuant to Subsection (4)(b) below.

4. Formal Submission, Hearing, and Decision

- a. Upon receiving a determination on the initial plans, the applicant shall submit a formal application for a Special Permit to the Planning Commission.
- b. The Planning Commission shall hold a public hearing on a complete Special Permit application within 62 days of its submission. This time period may be extended with the applicant's consent. The Commission shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least ten days prior to the date thereof.
- c. The Commission shall grant, deny, or grant subject to conditions the application for a Special Permit within 62 days after the hearing. The decision shall contain written findings explaining the rationale for the decision in light of the standards and requirements of the Lakefront Zoning Districts and the purposes and rationale of the LMP and Onondaga County Settlement Plan. Strict compliance with all of the requirements of Lakefront Zoning Districts shall not be required, provided that the Planning Commission provides a written explanation justifying any divergence from those requirements specifying why such divergence is necessary, appropriate, and consistent with the purposes of the LMP and Settlement Plan.
- d. In granting a Special Permit, the Planning Commission may impose any conditions which it considers necessary to fulfill the purposes of Section B-IX. These conditions may include increasing or decreasing dimensional requirements, requiring the set-aside of civic space, specifying location, character and number of vehicle access points, and requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.
- e. Once the Special Permit has been granted, the applicant shall submit the final Site Plan to the Zoning Administrator, who shall oversee final review and approval as provided in Article 4, subsections 3 through 5

5. Expiration, Revocation, and Enforcement

- a. A Special Permit shall expire if the Special Permit use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the Special Permit within 12 months of its issuance, or if it is limited in time and its time limit expires without renewal.
- b. A Special Permit may be revoked by the Planning Commission, as provided in Section C-IV-1, if the permittee violates the conditions of the Special Permit or engages in any construction or alteration not authorized by the Special Permit.
- c. Any violation of the conditions of a Special Permit shall be deemed a violation of this ordinance, and shall be subject to enforcement action as provided in Section BIX, Article 4.

6. Amendments

a. Minor Amendments

During construction, the Zoning Administrator may authorize minor adjustments to the approved plan when such adjustments appear necessary in the light of technical or engineering considerations, the existence or materiality of which was first discovered during actual construction. Such minor adjustments shall be consistent with the overall purpose of the Special Permit and shall not involve any dimensional variation of more than 5%.

b. Substantial Amendments

Where unforeseen conditions are encountered which require any change to an approved plan which the Zoning Administrator considers substantial, or where the applicant wishes to modify the approved plan for other reasons, an amended submission shall be filed with the Planning Commission for review and approval in accordance with the same procedures required for initial application.

7. Appeal

Any person or persons, jointly or severally aggrieved by any decision of the Planning Commission on a Special Permit application, may apply to the Supreme Court for review by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules of the State of New York. The Board of Zoning Appeals shall have no jurisdiction.

Article 6 Regulating Plan Amendments

1. Application

a. A project whose contents are in conflict with the maps, charts, street sections, drawings and diagrams defined as the Regulating Plan in Article 3, Section 1, established for the Lakefront Zoning Districts may apply for a formal Regulating Plan Amendment. Regulating Plan Amendments are for the purpose of modifications to the application of the Regulating Plan as set forth in Sheets One (1) through Eleven (11).

b. Modification must remain in conformance with the intended Purpose and Intent of the Lakefront Master Plan, Onondaga County Settlement Plan and the regulations contained within Articles One (1) through Five (5) of Section B-IX. Regulating Plan Amendments shall take place prior to the initiation of Site Plan Review for a particular project.

c. Applicants shall make initial contact with the Zoning Administrator to initiate the Regulating Plan Amendment process. The Zoning Administrator may schedule a pre-application conference for the applicant to supply the applicant with relevant zoning, design standards or guidelines, a summary of the amendment procedures, and application information.

d. The application shall provide all information necessary for the Zoning Administrator to determine whether or not the application complies with the provisions of Section B-IX. The submission shall also include a narrative explaining how the proposed amendment advances the goals and purposes of the Lakefront Zoning Districts, the LMP, and the Onondaga County Settlement Plan.

2. Initial Review

The Zoning Administrator shall conduct an initial review of a preliminary application and make a formal determination within 30 days as to whether the application is complete. If the Zoning Administrator finds the submittal to be incomplete, he shall advise the applicant of necessary modifications and establish a timetable for resubmission of the application. If the Zoning Administrator finds that the preliminary application is complete and sufficient for formal review without additional information, he shall forward the application directly to the City Planning Commission for review pursuant to Subsection (3)(b) below.

3. Formal Submission, Hearing, and Decision

- a. Upon receiving a determination on the initial plans, the applicant shall submit a formal application for a Regulating Plan Amendment to the Planning Commission.
- b. The Planning Commission shall hold a public hearing on a complete Amendment application within 62 days of its submission. This time period may be extended with the applicant's consent. The Commission shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least ten days prior to the date thereof.
- c. The Commission shall forward its recommended approval, denial, or approval with conditions to the Syracuse Common Council within 62 days after the hearing. The decision shall contain written findings explaining the rationale for the recommendation in light of the standards and requirements of the Lakefront Zoning Districts and the purposes and rationale of the LMP and Onondaga County Settlement Plan.
- d. In granting a Regulating Plan Amendment, the Planning Commission may impose any conditions which it considers necessary to fulfill the purposes of Section B-IX. These conditions may include increasing or decreasing dimensional requirements, requiring the set-aside of civic space, specifying location, character and number of vehicle access points, and requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.
- e. The Syracuse Common Council, upon receipt of the Planning Commission recommendation, shall thereafter grant, deny or grant with conditions the application for Regulating Plan Amendment.

Article 7 Alterations within Public Right-of-Way

Any change proposed to be made to land lying within the public right-of-way, including but not limited to paving, curbing, striping of pavement, reconstructing streets or intersections, extending uses of private property into the public ROW, or installation of public improvements of any kind shall be consistent with Section B-IX and its associated Regulating Plan. Such changes shall require consultation between the Zoning Administrator, City Engineer, and the Commissioner of Public Works. The City Engineer has the final determination of the configuration of the public right-of-way after consulting with the Commissioner of Public Works. No action, other than routine maintenance and repair of streets, sidewalks, and public improvements, shall be taken by the Commissioner of Public Works or his employees or contractors without first consulting with the Zoning Administrator to ensure its consistency with the Lakefront Zoning District provisions. For those alterations within the public right-of-way requiring action by the Common Council, no action shall be taken by the Council without first consulting with the Zoning Administrator and the Planning Commission to determine the consistency of such action with the Lakefront Zoning District Provisions.

Subdivision Regulation Amendments

Article 8 Subdivision Procedure within the Lakefront Zoning Districts

1. Intent and Purpose

In order to facilitate the approval of development that is consistent with Section B-IX within the Lakefront Zoning Districts, this Article 7 establishes a streamlined procedure to integrate subdivision, site plan, and special permit review into one process. Accordingly, submissions required for approval of divisions of land into lots, blocks, or sites, shall be made as part of the site plan approval process and shall be reviewed together with and in the same manner as site plans, provided that they comply with this Article and with all applicable submission requirements for plats established in the City of Syracuse Subdivision Regulations.

2. Divisions of Ten or Fewer Lots

Plats showing no new streets or alleys and the creation of ten or fewer lots of any size (or the alteration of any number of lot lines where the number of lots does not increase by more than ten) may be approved administratively by the Zoning Administrator in the course of Site Plan Approval, provided that such plats meet all requirements for Site Plan approval and comply with the final plat submission requirements in the Subdivision Regulations. Such plats shall not be considered “subdivisions” under General City Law Section 32(4)(a). Upon the granting of site plan approval, the Zoning Administrator shall be authorized to sign such plats with an endorsement that they are not subdivisions and that the plat has been approved by the City of Syracuse for recording. Required improvements shall be as specified in the Subdivision Regulations unless otherwise provided in Section B-IX of this ordinance.

3. Divisions Involving New Streets or Eleven or More Lots

Developments involving either the construction of new streets (or alleys) or the creation of eleven or more lots shall be considered “subdivisions” under General City Law Section 32(4)(a) and shall require, in addition to any other approvals required by the zoning ordinance, subdivision approval by the City of Syracuse Planning Commission under the City’s Subdivision Regulations. The procedures for subdivision approval are those established in Sections 32 and 33 and of the General City Law. No Sketch Plan or Preliminary Plat shall be required for such applications, provided that the applicant has submitted a site plan and/or special permit application for the development under Section C-IX. The applicant is encouraged to meet with the Zoning Administrator before applying for subdivision approval to discuss the subdivision approval requirements. However the applicant may submit a final plat application to the Planning Commission at any time, and the Planning Commission shall combine Special Permit and Subdivision approval procedures and hearings to the extent practical. Required improvements shall be as specified in the Subdivision Regulations unless otherwise provided in Section B-IX of this ordinance. All Subdivision approvals granted under this subsection (3) shall contain, as a condition of approval, a note on the plat stating that all development of land shown on the plat must be in compliance with Section B-IX of the zoning ordinance and the Regulating Plan which is incorporated therein.

4. Buildings Approved by the Zoning Administrator

Notwithstanding the provisions of Section C-I-2 (2) of this ordinance, building permits may be issued by the Department of Code Enforcement for any building or group of buildings where the plot plan filed with the permit application bears a certification that the lot containing the building or group of buildings has been approved by the Zoning Administrator under this Article 7.