REZONE SYRACUSE

A Citywide Zoning Update

Zoning Ordinance Update

CONSOLIDATED DRAFT

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CLARION

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Article 1: General Provisions

Commentary:

This article includes mostly new general provisions that apply to the entire Ordinance, such as the overall purpose and intent, and the applicability and jurisdiction of the Ordinance. Important sections include nonconformities and enforcement. This article also includes transitional provisions that address how applications will be processed during the transition from the current ordinance to the new Ordinance.

1.1 Title and Effective Date

This document is the Zoning Ordinance of the City of Syracuse, New York, and is referred to internally in this document as "this Ordinance." This Ordinance shall become effective on [insert month/day/20__].

1.2 Purpose[1]

The general purpose of this Ordinance is to protect the public health, safety, and welfare of the City of Syracuse and to implement the policies from the City of Syracuse Comprehensive Plan. This Ordinance is specifically intended to:

A. Encourage and facilitate the most appropriate use of land throughout the City;

B. Designate, regulate, and restrict the location of buildings, structures, and land;

C. Regulate and limit the height, number of stories, and size of buildings and other structures;

D. Establish requirements for site layout, site development, and other dimensional, design, and development standards;

E. Provide for administration and enforcement of this Ordinance;

F. Protect the economic stability of existing land uses that are consistent with the Comprehensive Plan;

G. Lessen congestion on streets, roads, and highways; and

H. Provide for utilities and facilities such as transportation, water, sewage, schools, parks, and other public requirements.

1.3 Authority

This Ordinance is adopted pursuant to Article V, Chapter 13 of "The Charter of the City of Syracuse – 1960," adopted by Local Law #13 of 1960.

[1] New. Intended to replace existing Part A, Section 1.

1.4 Applicability and Jurisdiction

A. General Applicability

This Ordinance shall apply to all land, buildings, structures, and uses thereof, located in the City of Syracuse, unless an express exemption is granted within this Ordinance.

B. Compliance Required

(1) No permit, certificate, license, or approval for any use that is subject to this Ordinance shall be issued or granted by any department, agency, City official, or City employee without full compliance with this Ordinance.

(2) Any permit, certificate, license, or approval issued in violation of this Ordinance is void.

(3) No building or structure shall be erected, converted, enlarged, reconstructed, or altered without full compliance with this Ordinance.

(4) No lot of record that did not exist on the effective date of this Ordinance shall be created by subdivision or otherwise that does not comply with this Ordinance.

C. Application to Governmental Agencies[2]

This Ordinance shall apply to all land, buildings, structures, and uses thereof owned by governmental agencies to the extent permitted by federal, state, and local laws.

D. Conflicts with Other Ordinances

(1) Whenever this Ordinance requires higher standards than are required in the Revised General Ordinances or other ordinances or regulations, as determined by the Zoning Administrator, this Ordinance shall govern.

(2) Whenever the Revised General Ordinances or any other ordinance or regulation requires higher standards than are required by this Ordinance, as determined by the Zoning Administrator, such other ordinance or regulation shall govern.

E. Private Covenants

Nothing in this Ordinance shall be construed to render inoperative any restrictions established by pre-existing covenants or deed restrictions running with the land unless such restrictions are prohibited by or are contrary to the provisions of this Ordinance.

1.5 Nonconformities

A. Purpose[3]

The purpose of this Section 1.5 is to regulate and limit the development and continued existence of legal uses, structures, lots, signs, and use characteristics established prior to the effective date of this

[2] New provision to encourage complying with the Ordinance even when some governmental agencies are not required to by law.
[3] New.

Ordinance, or the effective date of future amendments to this Ordinance, that no longer conform to the requirements of this Ordinance. All such situations are collectively referred to in this section as "nonconformities." While nonconformities may continue, the intent of this section is to curtail substantial investment in nonconformities in order to preserve the integrity of this Ordinance and the goals of the City of Syracuse.

B. Regulations Applicable to All Nonconformities[4]

(1) **Authority to Continue**

Nonconformities may continue to be used and occupied, subject to regulations regarding the maintenance of premises and conditions of operations set forth in this Ordinance and the Revised General Ordinances, unless such nonconformity is terminated as provided in this section.

(2) **Determination of Nonconformity Status**

The burden of establishing the existence of a legal nonconformity shall be solely on the owner of the property containing the nonconformity.

(3) **Maintenance and Minor Repair**

Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity. Minor repairs and maintenance include the following:

a. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the building or structure;

b. Maintenance of land to protect against and mitigate health and environmental hazards;

c. Repairs that are required to remedy unsafe conditions; and

d. Repairs necessary to comply with current building code and property maintenance requirements.

(4) **Change of Ownership or Tenancy**

Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this section.

C. Nonconforming Uses[5]

Nonconforming uses of land or structures are subject to the following additional limitations:

(1) **Continuation of Use**

Existing lawful uses of land that are no longer permissible under the terms of this Ordinance as enacted or amended may be continued subject to the following:

[4] New standards typically found in most codes. Are these consistent with current Syracuse policy? Yes-HSL
[5] Based on existing Part C, Section II, Article 2.

a. No nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land or additional floor area within an existing structure or additional lot space than occupied on the effective date of this Ordinance.

b. No surface parking area associated with a nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than occupied on the effective date of this Ordinance.

c. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date this Ordinance.

d. Whenever a nonconforming use of land or a building has been discontinued for a period of two consecutive and continuous years, future use of land or building shall comply with this Ordinance.[6]

(2) **Change of Use**

a. As a matter of right, any nonconforming use may be converted to a use that conforms in all respects with the applicable regulations prescribed in this Ordinance, as amended.

b. A nonconforming use may be changed to another nonconforming use, provided the Board of Zoning Appeals[7] determines, following a public hearing, that the new use creates no greater impacts on surrounding properties and is no more intensive than the use it replaces, and no structural alterations to the building are required to accommodate such change. The determination of whether the new use is more objectionable shall be based on comparison of each use as to its impact on surrounding properties and neighborhood character, including but not limited to factors such as pedestrian and vehicular activities, visual impact, noise levels, hours of activity, and numbers of individuals living at, frequenting or employed at the site in question. A nonconforming use that has been changed to a less intense use pursuant to this subsection may not subsequently be changed back to a more intense use.

c. A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this Ordinance.

(3) **Damaged or Destroyed Uses**

Nonconforming uses may be repaired and restored to their former condition after damage by casualty loss or deterioration due to the elements, except where damage involves over 50 percent of the floor area devoted to a nonconforming use or such damage exceeds 50 percent of the total replacement cost of the damaged structure.

(4) **Discontinuance**

Where a nonconforming use is abandoned or discontinued for a period of two years, regardless of any intent to resume operations, it shall be deemed abandoned and shall not be revived nor converted to any other use that does not conform to the regulations in this Ordinance. All material and equipment associated with the abandoned nonconforming use shall be completely

[6] As an example, if there is a nonconforming three-family dwelling that is being renovated for a period of two years and only two units are occupied at a time, the City will not consider that to be a situation where the nonconforming use has been discontinued.
[7] Current ordinance reserves this authority to the Planning Commission and Common Council.

removed from the premises by the owner. Extensions to the two-year period may be granted through a use variance by the Board of Zoning Appeals.[8]

D. Nonconforming Structures[9]

Nonconforming structures are subject to the following additional limitations:

(1) **Structural Alterations, Renovations, and Additions**

Alterations, renovations, and additions to a nonconforming structure may be made only to the extent that such improvements conform to all applicable regulations prescribed in this Ordinance, as amended, and only to the extent that any nonconforming use related to such structure is not expanded.

(2) **Damaged or Destroyed Structures**

a. Nonconforming structures may be repaired and restored to their former condition after damage by casualty loss or deterioration due to the elements, except where damage involves over 50 percent of the floor area devoted to a nonconforming use or such damage exceeds 50 percent of the total replacement cost of the damaged structure.

b. Work to restore a nonconforming structure that has been damaged or destroyed by fire or other causes shall be commenced within one year of such event and completed within 18 months of such event. By written request from the property owner, the Zoning Administrator may grant one extension of either the work commencement and/or the completion of work time period.[10]

E. Nonconforming Lots

(1) **Nonconforming Lots Generally[11]**

Nonconforming lots are subject to the following additional limitations:

a. A structure situated on a nonconforming lot shall be considered a nonconforming structure, subject to the requirements of this Section 1.5.

b. A nonconforming lot that was made nonconforming by virtue of enactment of this Ordinance[12] may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.

(2) **Lot Certification Required[13]**

No permit shall be issued for any building or group of buildings unless the survey and/or site plan filed with the permit application bears a certification that the lot containing the building or group of buildings:

a. Appears as a lot on a subdivision map recorded in the Office of the County Clerk; or

[8] In response to questions about whether the two-year period is necessary, since use variances run with the land: The initial two-year period does not begin with a use variance, and so the extension period is necessary.
[9] Based on existing Part C, Section II, Article 1.
[10] New.
[11] New.
[12] An example of how enactment of this Ordinance might create a nonconforming lot is through adoption of new minimum lot sizes.
[13] From existing C.I.2.

b. Constitutes a resubdivision and/or lot alteration approved by the Planning Commission; or

c. Constitutes a lot alteration approved by the Zoning Administrator, provided that such lot alteration is limited to properties in the R-1, R-2, and R-3 districts; or

d. Is described in a deed or deeds recorded in the Office of the County Clerk, prior to March 19, 1962.

(3) **Construction of Residential Buildings on Nonconforming Lots**

a. No permit for the erection of a new building to be used in whole or part for residential purposes, or the creation of more than a two-family house whether by remodeling or otherwise, shall be issued for any lot that does not:

1. Have a minimum frontage on an accepted public street or on a private roadway of 50 feet or as required by the applicable zoning district, whichever is less; or

2. Have a minimum width measured at the required building setback line of 50 feet or as required by the applicable zoning district, whichever is less.

b. Paragraph a above shall not apply, however, to the erection or the creation of, by remodeling or otherwise, a one- or two-family house on any lot that:

1. Contains at least one complete lot shown on a subdivision map filed in the Office of the County Clerk, or

2. Contains at least one complete lot described in a deed or deeds recorded in the Office of the County Clerk prior to March 19, 1962, or

3. Has been approved by the Planning Commission, and measures at least 40 feet in frontage and 100 feet in depth, provided that the new lot is not smaller in frontage or depth than the average frontage or depth of all existing lots upon which a residential structure or structures have been built within 200 feet of the proposed lot, or within the same block face if the block face is less than 400 feet.

F. Nonconforming Site Features[14]

(1) **Applicability**

a. For purposes of this section, the term "nonconforming site feature" includes any driveway, off-street parking or loading area, landscaping, buffer, screening, or exterior lighting that lawfully existed per regulations in place prior to the effective date of this Ordinance, as well as the lack of any such feature required by subsequently enacted City regulations.

b. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this Ordinance, subject to the requirements of this section.

c. No action shall be taken that increases the degree of the nonconformity of a site feature.

[14] New. This is a relatively ambitious approach for the City's consideration. We understand that bringing out-of-compliance properties into compliance is an important City goal, but also that mandatory upgrades must be balanced with consideration of economic impacts, as well as the staffing requirements necessary to track and enforce these provisions.

(2) **Nonconforming Parking**

a. **Continuation of Nonconforming Parking**

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this Ordinance that are made nonconforming by virtue of enactment of this Ordinance shall be allowed to continue, provided that:

1. Any change or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by such change or expansion is provided in accordance with subsection 4.4B(2), *Expansions and Enlargements*.

2. Nonconforming parking areas shall not be expanded, except pursuant to paragraph b below.

b. **Upgrading Nonconforming Parking**

1. Nonconforming off-street parking facilities shall be improved to comply with this Ordinance's minimum parking space requirements when the following development activities occur:

   i. An addition to or expansion of one or more structures that, over a two-year period (as shown on building permit applications), would increase the total gross floor area of the structures by more than 50 percent; or

   ii. A remodeling of one or more structures that, over a two-year period (as shown on building permit applications), would cost more than 50 percent of the current assessed value of the structures.[15]

2. Nonconforming off-street parking facilities shall be upgraded to comply with this Ordinance's parking lot landscaping requirements pursuant to paragraph (3) below.

(3) **Nonconforming Buffers, Landscaping, Screening, and Exterior Lighting**[16]

Nonconforming buffers, landscaping, screening, and exterior lighting shall be upgraded to comply with this Ordinance's buffer, landscaping, screening, and exterior lighting standards if the site containing the nonconforming site feature is proposed for any of the following development activities:

a. Any increase in the total square footage of the off-street parking, loading, circulation, and driveway areas;

b. A structural addition that increases the combined total gross floor area of all existing structures by more than 500 square feet or 20 percent, whichever is less;

c. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period (as shown on building permit applications), excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;

[15] Effective enforcement of this and similar provisions that measure cumulative changes over time requires good communication between the zoning office and the building official. Currently, zoning staff in Syracuse does not have access to information that would allow tracking of cumulative expenditures. However, developing some effective way of tracking compliance over time is important. Without cumulative tracking, a property owner could continue to evade the intent of this section by making incremental improvements that each on their own do not require a higher level of compliance.
[16] New.

d. Any tenant change of a stand-alone nonresidential structure that also involves substantial building elevation changes as determined by the Zoning Administrator, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;

e. Any tenant change of a nonresidential structure that is the anchor tenant of the property that also involves substantial building elevation changes as determined by the Zoning Administrator, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs. For purposes of this section, an "anchor tenant" shall mean a tenant that holds at least 50 percent of the gross floor area of the structure;

f. Expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas by 1000 square feet or 20 percent, whichever is less, shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity.

(4) **Compliance to the Maximum Extent Practicable**[17]

Where compliance with the requirements of this subsection is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Zoning Administrator.

G. Nonconforming Sign[18]

(1) **Continuation of Nonconforming Signs**

Except for off-premise advertising signs and signs with conditional use, variance, exception, special permit, waiver, or other formal zoning approval, any existing individual sign that exceeds the maximum area or height limitations of this Ordinance shall be considered a nonconforming sign. At the time such sign is replaced, altered, or renovated, it shall comply with all requirements of this Ordinance.

(2) **Termination of Nonconforming Signs**

a. The right to maintain a nonconforming sign terminates immediately upon any of the following:

1. Abandonment of a sign, including sign copy and/or logos and graphics, for a continuous period of 90 days;

2. Any violation of this Ordinance on the subject property and/or by the owner of the sign;

3. Destruction or damage of the sign to the extent that the cost of restoration to its condition before the occurrence exceeds 50 percent of the total cost of reconstructing the entire sign, based on its appraised value as submitted by the sign owner and subject to approval by the Zoning Administrator; or

[17] New.
[18] Replaces existing Part C, Section VI, Article 7. The first provisions are suggested new, simpler language. The final paragraph is from the existing Ordinance.

4. Determination by the Zoning Administrator in consultation with the Director of Code Enforcement that the sign is an immediate hazard to the public health, safety, and welfare because of disrepair, unsafe mounting, imminent dislodging, or other safety factors.

b. Any party wishing to appeal a determination concerning the amortization of a sign may appeal the Zoning Administrator's decision to the Planning Commission.

(3) **Existing Off-Premise Advertising Signs[19]**

By the end of the year 2008, all off-premise advertising signs then in place in order to be considered legally existing shall have had administrative permits. Those off-premise advertising signs that may have been legally in existence prior to the 1972 adoption of the sign rules and regulations but for whatever reason do not have administrative permits or other equivalent formal authorization would have lost their status over time through the amortization provisions of the Zoning Rules and Regulations. Such off-premise advertising signs would not be considered non-conforming. (Where lying within districts still permitting off-premise advertising signs, continued utilization of those now unauthorized signs would be subject to review as if the signs were new. Off-premise advertising signs without administrative permits in zoning districts no longer permitting such signs would have no nonconforming or other status to remain in use.)

H. Illegal Nonconformities[20]

An illegal nonconformity exists when:

(1) A nonconforming structure is destroyed or substantially destroyed by an intentional act of the owner or an agent. If this occurs, the nonconforming structure shall lose its nonconforming status and thereafter shall be required to be in conformity with existing codes. If a legal nonconforming use was also in the structure, the nonconforming use and all site improvements shall lose their nonconforming status and be required thereafter to come into compliance with existing codes.

(2) A use, structure, or site improvement occurs to a legal nonconformity without being lawfully authorized in accordance with the provisions of this section. Such use and/or structure shall therefore cease all operations until such time that the required plans and/or permits are approved.

1.6 Enforcement[21]

A. Purpose

This Section 1.6 establishes procedures through which the City seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for violations of this Ordinance. This section also sets forth the remedies and penalties that apply to violations of this Ordinance.

[19] *Consolidated draft: Existing provision. Staff notes that it is still correct, despite the dated references.*
[20] New.
[21] There is very little on enforcement and penalties in the current ordinance, so this is substantially new material for the City's consideration. Generally, this draft section is still being evaluated by the Legal Department and the Division of Code Enforcement, in particular regarding which enforcement responsibilities should be identified with which departments.

B. Violations[22]

Any person who violates any provision of this Ordinance shall be deemed guilty of a violation punishable in accordance with subsection 1.6D, *Penalties and Remedies*. Each of the following activities constitutes a violation of this Ordinance:

(1) **Activity Inconsistent with this Ordinance**

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this Ordinance.

(2) **Activity Inconsistent with a Permit or Approval**

Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this Ordinance.

(3) **Illustrative Examples of Violations**

Examples of violations of this Ordinance include, but are not limited to:

a. Increase of the density or intensity of any use of land or structure except in accordance with the requirements of this Ordinance;

b. Reduction or diminishment of lot area, setbacks, vegetative buffers, or other standards below the minimum requirements set forth in this Ordinance;

c. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Ordinance;

d. Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;

e. Failure to abide by conditions of any approval or agreements executed in association with an approval; and

f. Failure to comply with applicable requirements for a certificate of occupancy or building permit.

(4) **Continuing Violations**

Any violation of this Ordinance shall be considered a separate and distinct cause of action for each and every day during any portion of which any violation of this Ordinance is continued, with each violation punishable in accordance with subsection 1.6D, *Penalties and Remedies*.

C. Enforcement Actions[23]

(1) **Responsibility for Enforcement**

This Ordinance shall be administered and enforced by the Director of Code Enforcement or such other person as may be designated by the Director of Code Enforcement.

[22] New.
[23] New section. *Consolidated draft: References to "Zoning Administrator" in the Enforcement section have been changed to "Director of Code Enforcement."*

(2) **Investigation**

Whenever the Director of Code Enforcement receives a written complaint alleging a violation of this Ordinance or a permit or approval issued under this Ordinance, the Director of Code Enforcement shall investigate the complaint and inform the complainant in writing of his or her findings and any actions that have been, or will be taken.

(3) **Persons Liable**

The owner, tenant, or occupant of any building or land, or any part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance or a permit or approval issued pursuant to this Ordinance, may be held responsible for the violation and be subject to the penalties and remedies provided in this section.

(4) **Procedures Upon Discovery of Violations**[24]

a. If the Director of Code Enforcement finds that any provision of this Ordinance is being violated, the Director of Code Enforcement shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Director of Code Enforcement discretion.

b. If the person responsible for the violation does not take action to correct the violation within 30 days of the first notice, a final written notice shall be sent by certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable. The final written notice shall state the action the Director of Code Enforcement intends to take if the violation is not corrected and shall advise that the Director of Code Enforcement's decision or order may be appealed to the Common Council.

c. Following an appeal to the Common Council for failure to file a timely appeal of a decision, or notwithstanding the foregoing, when a delay would seriously threaten the effective enforcement of the Ordinance, or pose a danger to the public health, safety, and welfare, the Director of Code Enforcement may immediately issue an order for compliance by personal service, posting of the property, or certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable, and seek enforcement through the municipal court as authorized below.

(5) **Continuation of Prior Enforcement Actions**

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous regulations.

D. Penalties and Remedies[25]

The Director of Code Enforcement shall have the power to enforce this Ordinance subject to the following penalties:

[24] This is a general new procedure for enforcement that is typically what we see in other communities. This material is under internal review. If it remains, the Legal Department suggests having it mirror similar provisions in the Syracuse Property Conservation Code so that code enforcement can cite zoning violations the same way they cite other city code violations.
[25] Replaces existing Part A, Section II, Article 4.

(1) **Fines**

Each violation of this Ordinance shall be subject to a fine as set forth in the City's adopted fee schedule. Persons liable shall be subject to a cumulative civil penalty for each separate violation from the date set for correction in the notice of violation until the violation is corrected.

(2) **Deny, Withhold, or Revoke Entitlements**[26]

a. The issuing/approval authority shall have the power to deny, withhold, or revoke any form of approval granted pursuant to this Ordinance for violation of this Ordinance or violations of any conditions of approval.

b. The Director of Code Enforcement shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power to deny, withhold, or revoke the permit issued to the violator, to require the violator to take corrective measures, or to direct employees or agents of the City to enter onto the premises and to take the corrective measures required by the authority, the cost to be borne by the violator. If the issuing/approval authority is the Zoning Administrator, then the hearing shall be held pursuant to the City's procedures for administrative hearings.

c. Any entitlement or other form of authorization may be denied, withheld, or revoked after notice and a hearing, when the Director of Code Enforcement determines that:

1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;

2. The entitlement was established by false representation;

3. The entitlement was issued in error; or

4. There is any other violation of this Ordinance.

(3) **Stop-Work Orders**

a. The Director of Code Enforcement may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property.

b. The Director of Code Enforcement may issue a stop-work order on any property with an uncorrected violation of this Ordinance or approval issued under this Ordinance.

c. A stop-work order shall be in writing and directed to the person doing the work, and shall specify the provision of this Ordinance or other law in violation.

d. If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.

e. Once conditions cited in the stop-work order have been adequately addressed, the Director of Code Enforcement shall rescind the stop-work order.

[26] As written this is a broad authorization that could apply to the building or property owner, and/or to persons involved in specific projects. The specific applicability would be determined on a case-by-case basis.

E. Continuation of Prior Enforcement Actions

Nothing in this section shall be construed to prevent the City from pursuing any other remedies it may have for violations of this Ordinance.

1.7 Severability[27]

A. If any provision of this Ordinance is invalidated by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this Ordinance.

B. If any application of any provision of this Ordinance is invalidated by a court of competent jurisdiction, such judgment shall not affect the application of that provision to any other parcel, building, structure, or use not specifically included in that judgment.

C. If any condition attached to an approval of an application for development is invalidated by a court of competent jurisdiction, such order shall not affect any other conditions attached to the same approval unless specifically included in that order.

1.8 Transition from Prior Regulations[28]

A. Development Approvals

Any development approved under regulations in effect prior to the effective date of this Ordinance may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the all requirements of this Ordinance.

B. Pending Applications

A development application that has been accepted as complete by the Zoning Administrator prior to the effective date of this Ordinance may be decided under the regulations in effect when the application was accepted, or may be reviewed and decided under this Ordinance at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Ordinance.

C. Prior Violations

If a development or activity in violation of the prior development regulations fully complies with this Ordinance and is not the subject of an active enforcement action at the time of adoption of this Ordinance, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior violations are still valid and shall remain the responsibility of the violator under the prior regulations.

[27] New, replaces Part A, Section II, Article 2.
[28] New. This material covers important issues related to the transition from current regulations to the new Ordinance. It is included here for reference for readers of this draft, but is intended to be relocated to the adopting ordinance that accompanies the Zoning Ordinance during the adoption process.

Article 2: Zoning Districts

Commentary:

This article includes the standards for the zoning districts in Syracuse, including general provisions as they apply to the zoning districts; a description of each district and associated standards; specific requirements for planned districts and overlays; and rules of measurement (and exceptions) to dimensional standards within this article. Articles 2 and 3 (Use Regulations) should be reviewed together to get a fuller picture of the intent of each district.

The lineup of districts is based on the recommendations in the Annotated Outline. New district abbreviations are suggested for clarity and consistency.

2.1 General Provisions

A. Zoning Districts Established

Zoning districts are established as shown in Table 2.1. Zoning districts are established by the City's adoption of the official Zoning District Map.

Table 2.1
Zoning Districts Established

Base Zoning Districts	Section
Residential Districts	
R1: Single-Family Residential	2.2
R2: Two-Family Residential	2.3
R3: Two-Family Residential, Small-Lot	2.4
R4: Multi-Family Residential, Medium-Density	2.5
R5: Multi-Family Residential, High-Density	2.6
Mixed-Use Districts	
MX-1: Urban Neighborhood	2.7
MX-2: Neighborhood Center	2.8
MX-3: Residential/Office	2.9
MX-4: Urban Core	2.10
MX-5: Central Business District	2.11
Nonresidential Districts	
CM: Commercial	2.12
IN: Light Industrial	2.13
Special Purpose Districts	
OS: Open Space	2.14
Planned Development Districts	
PI: Planned Institutional	2.15B
PD: Planned Development	2.15C
Overlay Districts	
Preservation Districts	[reserved]

B. Official Zoning District Map[29]

(1) **Incorporation of Map**

a. The location and boundaries of the zoning districts established by this Ordinance are shown upon the official "Official Zoning District Map of the City of Syracuse" ("Official Zoning Map"). The Official Zoning Map, together with all data shown on the map and all amendments to the map, is by reference made a part of this Ordinance.

b. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, and shall bear the seal of the City and the date of adoption.

c. The Official Zoning Map shall be located in the office of the Zoning Administrator and shall be available for inspection at the City Clerk's Office and/or the Office of Zoning Administration.

d. The Official Zoning Map shall be maintained by the Syracuse-Onondaga County Planning Agency. Official zoning districts shall be determined by the Zoning Administrator, where the Zoning District Map does not reflect recent changes.

(2) **Zoning District Boundaries**

a. Except where otherwise indicated, zoning district boundaries shall follow municipal corporation limits, section lines, lot lines or right-of-way lines, or extensions of such lines.

b. Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the zoning district map by the Zoning Administrator.

c. Where a zoning district boundary coincides with a right-of-way line and the right-of-way line is abandoned, the zoning district boundary shall then follow the adjacent zoning district boundary.

d. Land not part of a public, railroad, or utility right-of-way and that is not indicated on the Official Zoning Map as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district, even when such district is separated from the land in question by a right-of-way for a street, railroad, or utility.

(3) **Boundary Clarification**

a. In the event that a zoning district boundary is unclear or is disputed, the Zoning Administrator shall determine the location of the zoning district boundary.

b. Any appeal of the Zoning Administrator's determination of the zoning district boundary shall be heard by the Planning Commission per subsection 5.5C, *Appeal of Administrative Decision*.

(4) **Amendments to Map**

Changes in the boundaries of any zoning district require an amendment per subsection 5.6A, *Rezoning (Amendment to the Official Zoning Map)*, and shall be entered on the zoning district map with an entry on the map giving the number of the amending ordinance and the date, attested by the signature of the City Clerk.

[29] New section intended to be consistent with current practice.

C. Organization of this Article

(1) **Base Zoning Districts**

a. Sections 2.2 through 2.14 of this article follow a common structure and describe the purpose and intended character of the zoning districts, the dimensional standards applying to development in the districts, and any district-specific development standards.

b. For each district, this article includes one or more illustrations depicting how the district's dimensional standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of dimensional standards, the standards in the table shall govern.

(2) **Overlay Districts**

a. Overlay zoning districts are established by an amendment to the Official Zoning Map (see subsection 5.6A, *Rezoning (Amendment to the Official Zoning Map)*). They are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another applicable overlay district, the more restrictive standards shall apply.

b. Section 2.16, *Overlay Districts*, identifies the overlay zoning districts and sets forth each district's purpose and the standards that modify those of underlying districts.

2.2 R1: Single-Family Residential

Commentary:

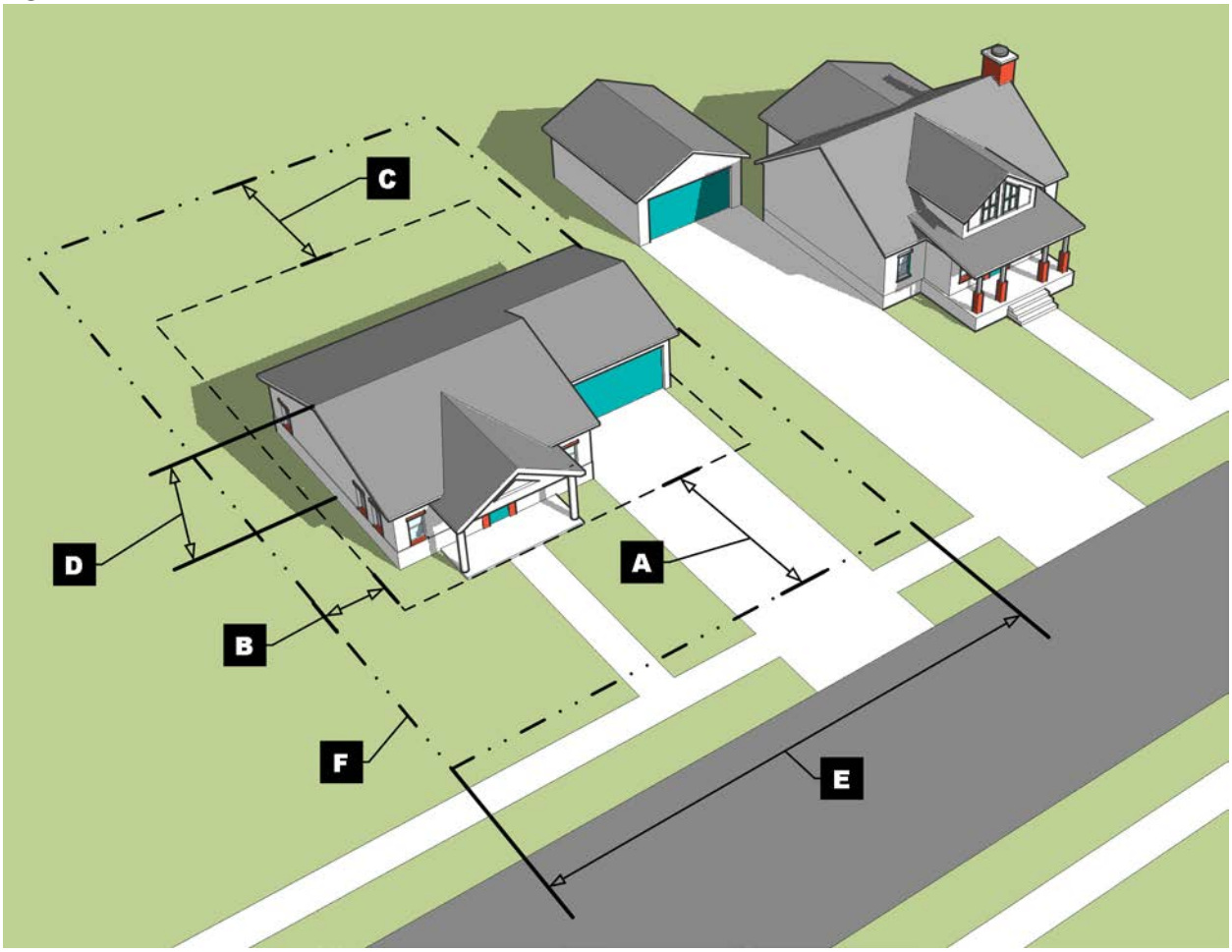
This district is based on the current Residential District, Class A-1. It is intended to be carried forward substantially unchanged, but with a new name and subject to the new development standards.

Generally, for this and all the districts, the intent is to develop a two-page facing layout – first page with illustration on the left, second page with tables on the right. We will adjust pages accordingly as we move forward with drafting the code to fine-tune the layout based on further conversations with the City.

A. Purpose[30]

The R1 district is established to provide for neighborhoods made up of primarily single-family detached homes. Complimentary uses such as parks, open space, schools, assemblies, minor utilities, and accessory structures may also be allowed.

Figure 2-1: R1 District Dimensional Standards



[30] Replaces Section 1, Article 1, "Purpose and Intent." Generally, this draft proposes more succinct purpose statements for all districts.

B. Standards

Table 2.2
R1 District: Dimensional Standards
Labels correspond to illustration.

Setbacks (minimum)[31]		
A	Front	30 feet (or average setback on partially developed street frontages; see 2.18C(4))
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet[32]
Lot (minimum)		
E	Width	40 feet
F	Area	4,000 sq ft
Impervious Coverage (maximum)[33]		
	Structural	30%
	Parking surface	30%

Commentary:

The draft table below is intended to put the reader on notice that there are important other sections of the Zoning Ordinance that should be reviewed in order to get a full picture of the development allowed in the district. Including such a table will allow the City to reproduce just this two-page spread as a handout, if desired. The table is not intended to be exhaustive.

Table 2.3
R1 District: Other Key Standards
The following sections contain important information regarding uses allowed in the R1 district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Use-Specific Standards	Section 3.3
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Off-Street Parking	Section 4.4

[31] Syracuse currently defines "required yards" and the provisions for what can/cannot be physically within those yard areas are scattered throughout (parking surface, screening devices, signs, landscaping at a certain height, etc.). For consistency and to be consistent with most other new ordinances, the new draft ordinance refers to front, side, and rear "setbacks."
[32] There is no current height limit in Class A-1.
[33] *Consolidated draft: new distinction between maximum allowed coverage for structures and parking surface area.*

2.3 R2: Two-Family Residential

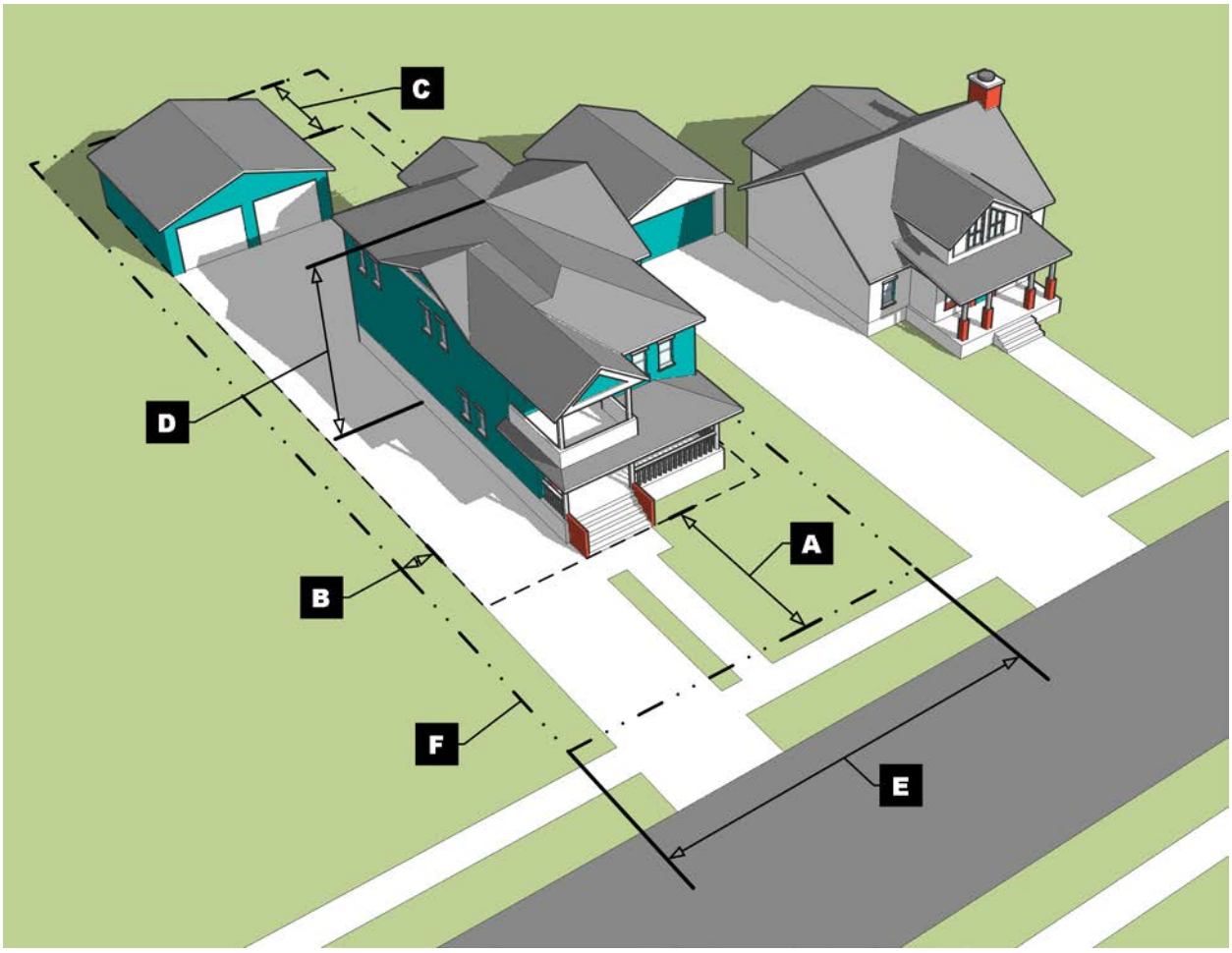
Commentary:

This district is based on the current Residential District, Class A. It is intended to be carried forward substantially unchanged, but with a new name and subject to the new development standards.

A. Purpose

The R2 district is established to provide for neighborhoods made up of single-family detached and two-family homes. Complimentary uses such as parks, open space, schools, places of assembly, minor utilities, and accessory structures may also be allowed.

Figure 2-2: R2 District Dimensional Standards



B. Standards

Table 2.4
R2 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	30 feet (or average setback on partially developed street frontages; see 2.18C(4))
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet[34]
Lot (minimum)		
E	Width	40 feet
F	Area	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 3,000 sq ft per dwelling unit
Impervious Coverage (maximum) [35]		
	Structural	30%
	Parking surface	35%

Notes:

Table 2.5
R2 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the R2 district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Use-Specific Standards	Section 3.3
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Off-Street Parking	Section 4.4

[34] There is no current height limit in Class A. 36 ft is suggested for discussion purposes.
[35] *Consolidated draft: new distinction between maximum allowed coverage for structures and parking surface area.*

2.4 R3: Two-Family Residential, Small-Lot

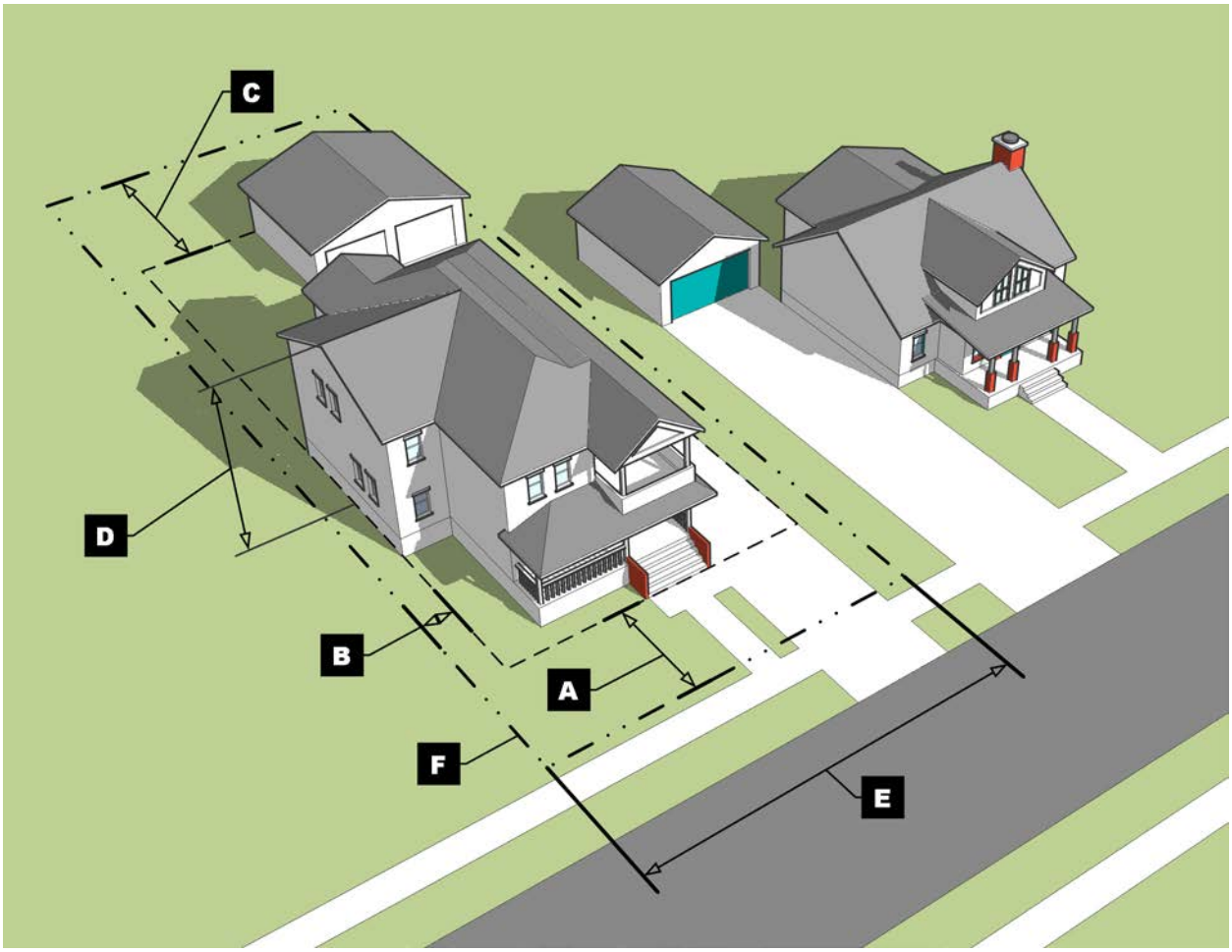
Commentary:

This district is based on the current Residential District, Class AA. It is intended to be carried forward substantially unchanged, but with a new name and subject to the new development standards.

A. Purpose

The R3 district is established to provide for neighborhoods made up of single-family detached and two-family homes on smaller lots. Complimentary uses such as parks, open space, schools, places of assembly, minor utilities, and accessory structures may also be allowed.

Figure 2-3: R3 District Dimensional Standards



B. Standards

Table 2.6
R3 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	20 feet (or average setback on partially developed street frontages; see 2.18C(4))
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet[36]
Lot (minimum)		
E	Width	40 feet
F	Area	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 2,000 sq ft per dwelling unit
Impervious Coverage (maximum) [37]		
	Structural	30%
	Parking surface	35%

Notes:

Table 2.7
R3 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the R3 district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Use-Specific Standards	Section 3.3
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Off-Street Parking	Section 4.4

[36] There is no current height limit in Class AA. 36 ft is suggested for discussion purposes.
[37] *Consolidated draft: new distinction between maximum allowed coverage for structures and parking surface area.*

2.5 R4: Multi-Family Residential, Medium-Density

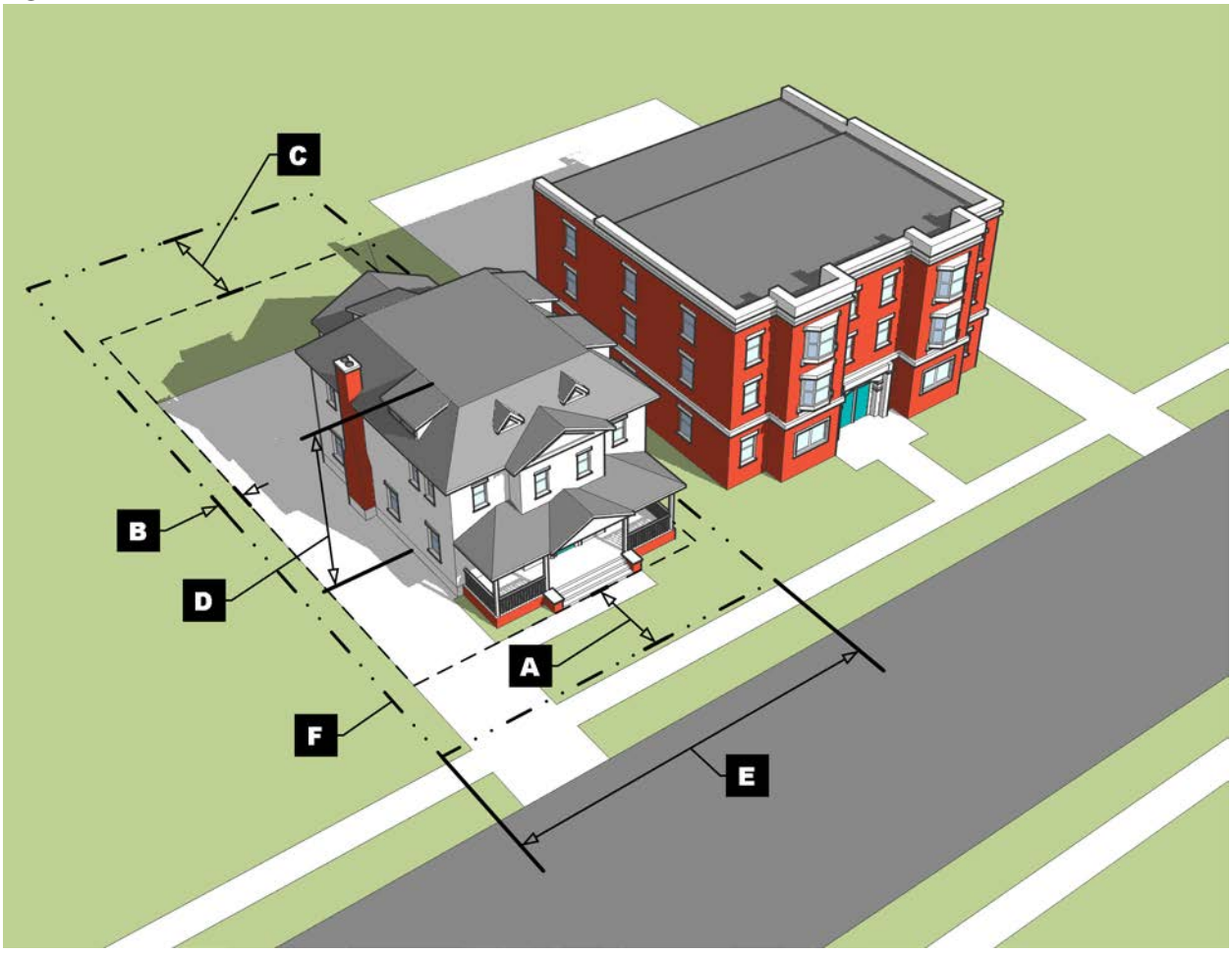
Commentary:

This district is based on the current Residential District, Class B-1 and B-1 Transitional. It is intended to be carried forward substantially unchanged, but with a new name and subject to the new development standards.

A. Purpose

The R4 district is established to provide for neighborhoods with medium-density residential development, consisting of a mixture of single-, two-, three- and four-family dwellings, live/work units, and apartment houses that preserve, to the greatest extent possible, the residential amenities and environment associated with single- and two-family residential development. Complimentary uses such as parks, open space, schools, places of assembly, minor utilities, and accessory structures may also be allowed. This district may serve as a transition between lower-density residential districts and districts of higher-density residential and commercial or mixed-use districts.

Figure 2-4: R4 District Dimensional Standards



B. Standards

Table 2.8
R4 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	20 feet (or average setback on partially developed street frontages; see 2.18C(4))
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	48 feet
Lot (minimum)		
E	Width	Single- and two-family dwelling: 40 feet
		Other residential use: 50 feet
F	Area	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 3,000 sq ft per dwelling unit
		Multi-family dwelling: 2,000 sq ft per dwelling unit
Impervious Coverage (maximum) [38]		
	Structural	30% for single- and two-family dwelling units
		35% for other permitted uses
	Parking surface	40%

Notes:

Table 2.9
R4 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the R4 district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Use-Specific Standards	Section 3.3
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Off-Street Parking	Section 4.4
Multifamily Residential Building Design	Section 4.6D

[38] *Consolidated draft: new distinction between maximum allowed coverage for structures and parking surface area.*

2.6 R5: Multi-Family Residential, High-Density

Commentary:

This district is based on the current Residential District, Class B. It is intended to be carried forward substantially unchanged, but with a new name and subject to the new development standards.

A. Purpose

The R5 district is established to provide for high-density residential development consisting of a mixture of single-, two-, and multi-family dwellings, live/work units, and other compatible land uses that are characterized by similarly high land use intensity. Complimentary uses such as parks, open space, schools, places of assembly, minor utilities, and accessory structures may also be allowed. This district is intended for locations adjacent to commercial and mixed-use areas.

Figure 2-5: R5 District Dimensional Standards

B. Standards

Table 2.10
R5 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	10 feet (or average setback on partially developed street frontages; see 2.18C(4))
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	48 feet
Lot (minimum)		
E	Width	Single- and two-family dwelling: 40 feet
		Other residential use: 50 feet
F	Area	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 3,000 sq ft per dwelling unit
		Multi-family dwelling: 1.000 sq ft per dwelling unit
Impervious Coverage (maximum) [39]		
	Structural	30% for single- and two-family dwelling units
		40% for other uses permitted
	Parking surface	40%

Notes:

Table 2.11
R5 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the R5 district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Use-Specific Standards	Section 3.3
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Off-Street Parking	Section 4.4
Multifamily Residential Building Design	Section 4.6D

[39] *Consolidated draft: new distinction between maximum allowed coverage for structures and parking surface area.*

2.7 MX-1: Urban Neighborhood

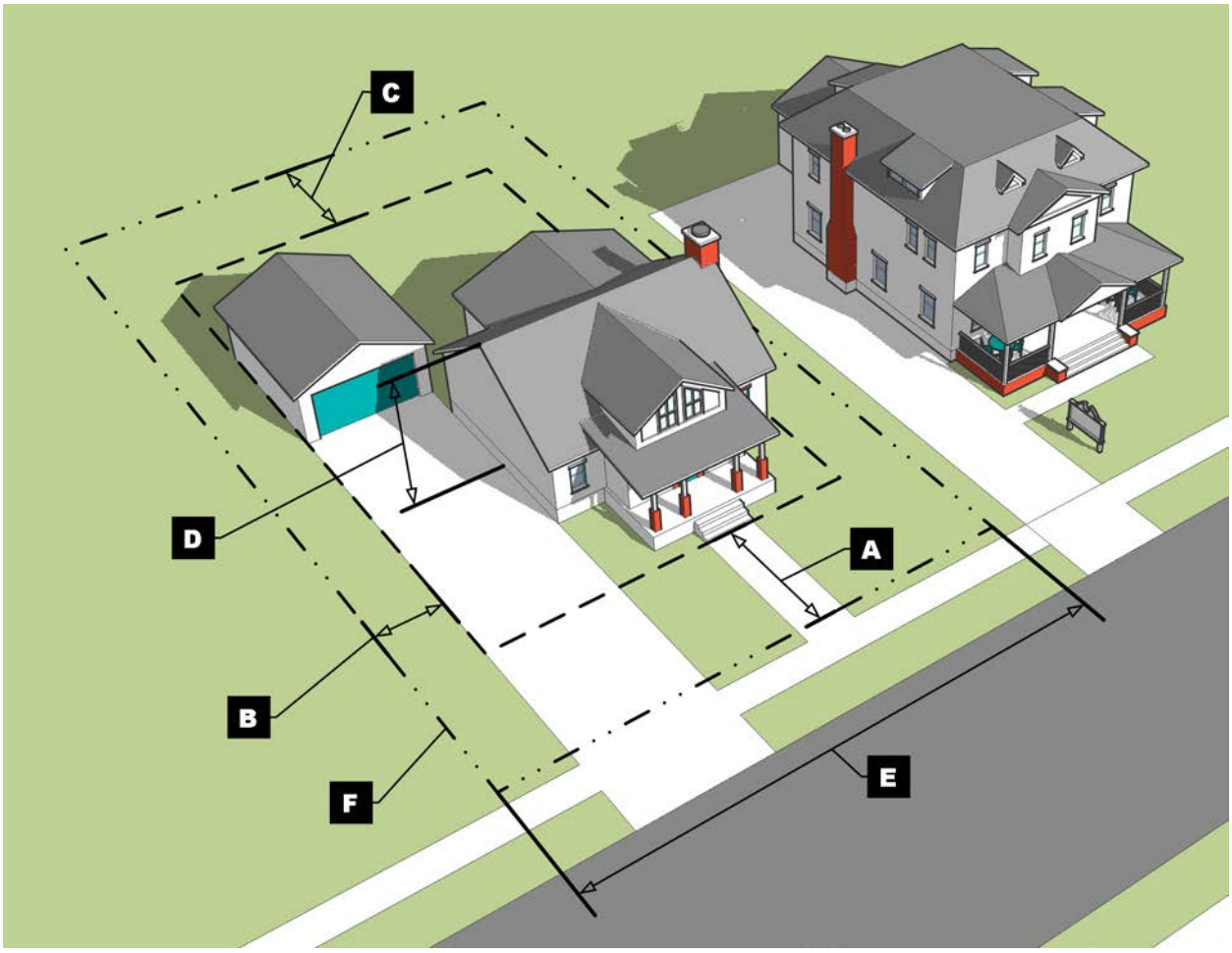
Commentary

This is one of a suite of new mixed-use districts. It is intended to primarily preserve residential character, with other small-scale uses permitted. It implements the Urban Neighborhood plan character area and also some Adapted Mansion character areas. Development in all mixed-use districts will be subject to the new development standards, including new multifamily building design standards. While this new district has not yet been mapped, the areas where it could be applied are a mix of low- and medium-density and include some single family RA-1 (Teall Ave) and medium-density RB (Euclid, S. Salina, Avery, East Genesee).

A. Purpose

The MX-1 district is established to provide for a pedestrian-friendly, transit-supportive mix of low- to medium-density residential and small-scale, low-impact nonresidential uses. This district allows new residential and nonresidential development that maintains the physical character of the surrounding low- to medium-density neighborhoods. Redevelopment of residential structures into compatible nonresidential uses is allowed if the residential building form and design is maintained.

Figure 2-6: MX-1 District Dimensional Standards



B. Standards

Table 2.12
MX-1 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	20 feet
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet
Lot (minimum)		
E	Width	Single- and two-family dwellings: 40 feet
		Other: 50 feet
F	Area (if solely occupied by residential)	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 3,000 sq ft per dwelling unit
		Multi-family: 700 sq ft per dwelling unit
Impervious Coverage (maximum)		
	Lots solely occupied by residential	60%
	Other lots	80%

Notes:

Table 2.13
MX-1 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the MN district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Residential Compatibility	Section 4.3
Off-Street Parking and Loading	Section 4.4
Commercial and Mixed-Use Site and Building Design	Section 4.6E

2.8 MX-2: Neighborhood Center

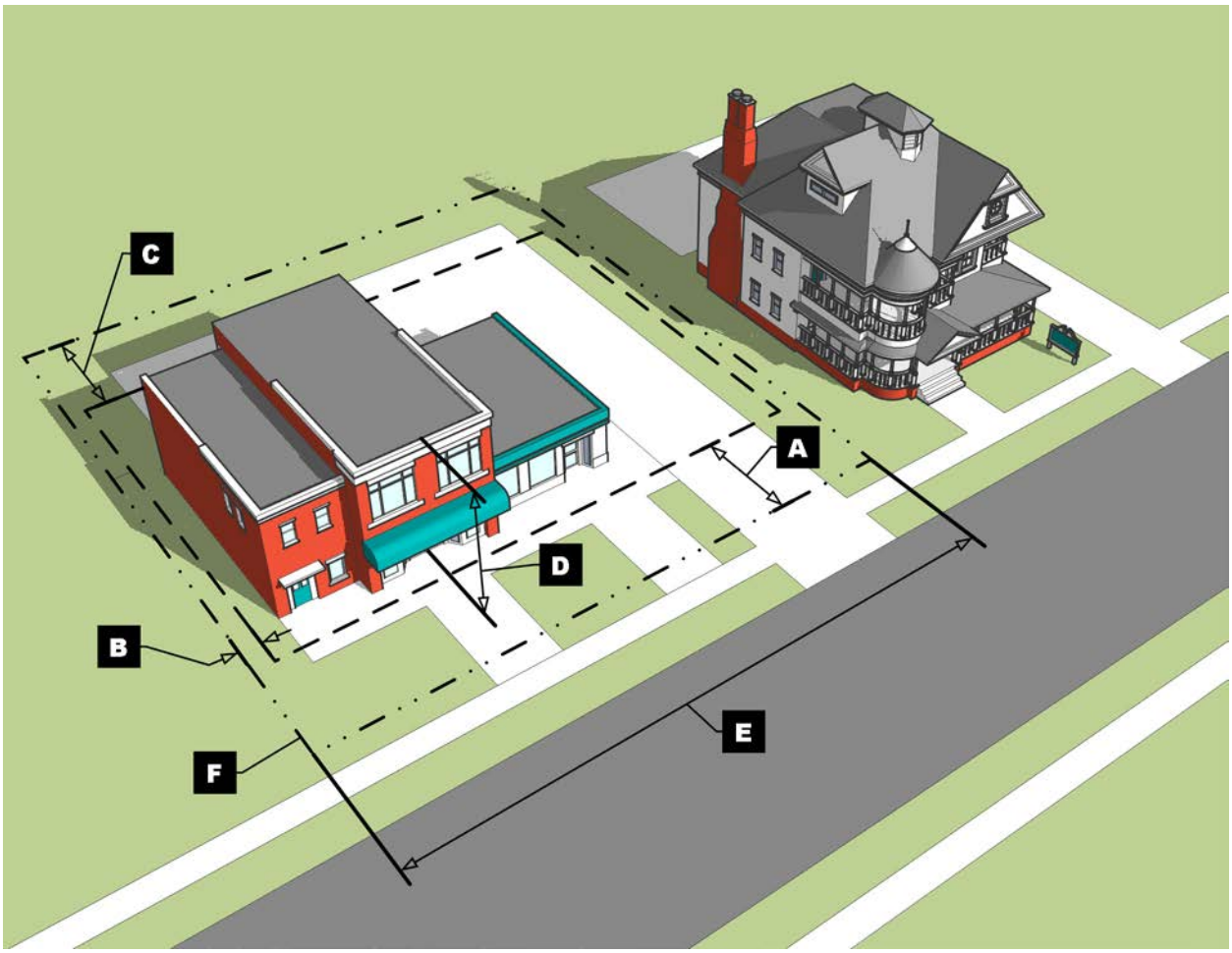
Commentary

This district is based on the current Local Business, Class A zoning district. This new district is intended to primarily implement the Neighborhood Center plan character area and a greater mix and scale of uses is allowed than in MX-1. Sample areas where the district could be considered include East Genesee St. and West Onondaga St.

A. Purpose

The MX-2 district is established to provide for a pedestrian-friendly, transit-supportive mix of medium-density residential uses and nonresidential uses that offer goods and services to surrounding neighborhoods. Preserving the character of existing streetscapes in these areas is encouraged, though new small-scale nonresidential buildings may be maintained or introduced. This district is appropriate near activity centers, and development shall be on a scale that is compatible with the immediately surrounding neighborhoods.

Figure 2-7: MX-2 District Dimensional Standards



B. Standards

Table 2.14
MX-2 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	A minimum of 80 percent of the building edge shall be located adjacent to the property line (i.e., zero setback).
B	Side	4 feet
	Side, corner lot	10 feet in width from secondary street
C	Rear	If residential only: 20 feet or 15% of lot depth, whichever is greater If mixed use: no minimum unless adjacent to residential (see Neighborhood Transition standards)
Height (maximum)		
D	Building height	48 feet
Lot (minimum)		
E	Width	Single- and two-family dwellings: 40 feet
		Other: 50 feet
F	Area (if solely occupied by residential)	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 2,500 sq ft per dwelling unit
		Multi-family: 700 sq ft per dwelling unit
Impervious Coverage (maximum)		
	Lots solely occupied by single- and two-family dwellings	60%
	Lots solely occupied by multi-family dwellings	75%
	Other lots	90%

Notes:

Table 2.15
MX-2 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the MC district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Residential Compatibility	Section 4.3
Off-Street Parking	Section 4.4
Commercial and Mixed-Use Site and Building Design	Section 4.6E

2.9 MX-3: Residential/Office

Commentary

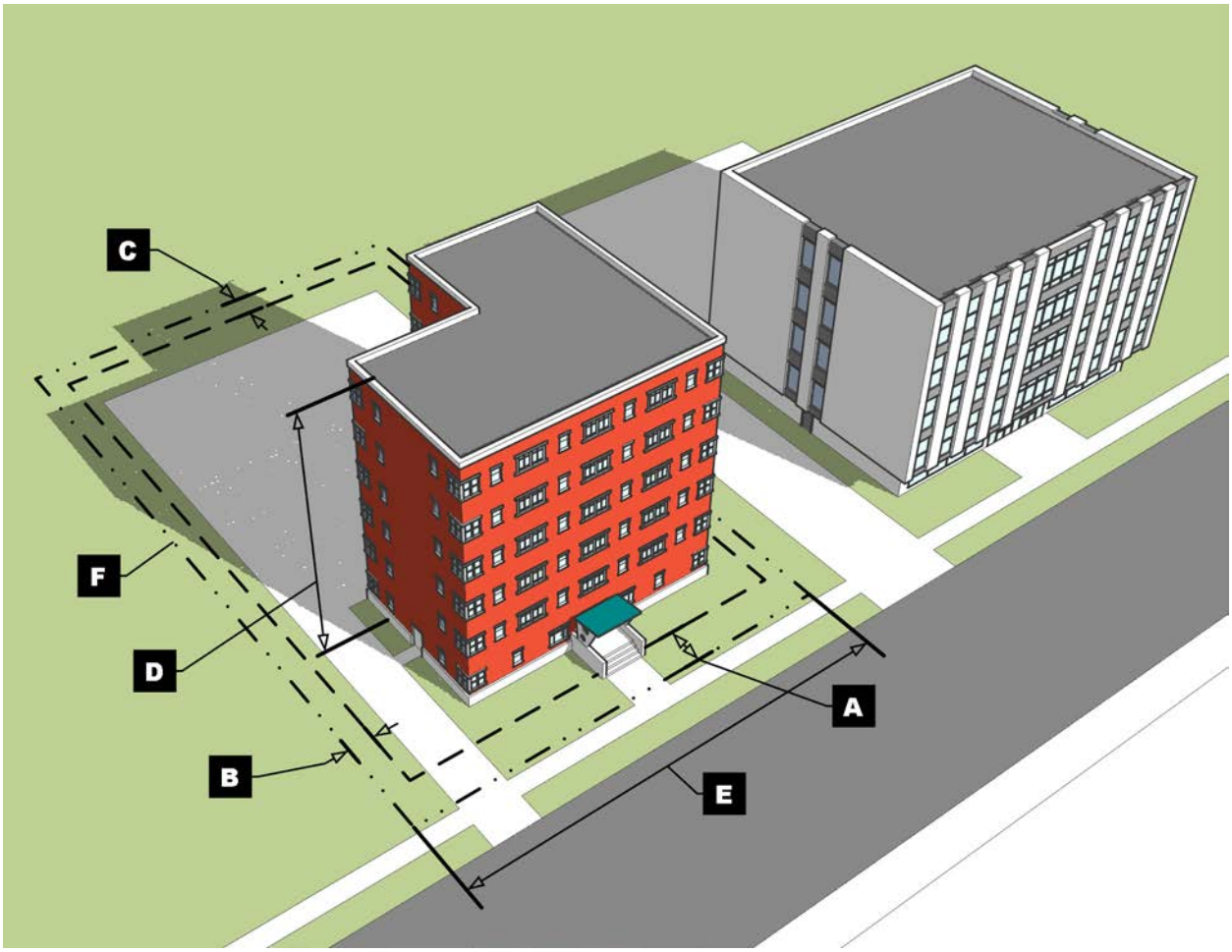
In this new district, heights and density are increased over the MX-1 and MX-2. Limited retail and service are allowed. It is intended to implement the High Density Residential Office plan character area and some of the Urban Core character areas. This district will be considered for areas that are currently zoned Office (James St), RC (East Genesee) and RB-1, RB (Brighton Ave), all medium to higher density (for Syracuse) residential areas.

Consolidated draft: Name proposed to be changed from just "Office" to more accurately reflect district character.

A. Purpose

The MX-3 district is established to provide for pedestrian-friendly, transit-supportive areas of medium- to higher-density residential development and compatible nonresidential uses, such as offices and supporting secondary commercial uses. Development shall be on a walkable scale that is compatible with surrounding residential neighborhoods. The district is intended to allow for greater vertical or horizontal mixing of uses and is appropriate near activity centers and near major arterial and collector streets. A range of residential housing types, including single- and two-family dwellings, apartments, and live-work units, is allowed.

Figure 2-8: MX-3 District Dimensional Standards



B. Standards

Table 2.16
MX-3 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	A minimum of 80 percent of the building edge shall be located adjacent to the property line (i.e., zero setback).
B	Side	4 feet
	Side, corner lot	10 feet in width from secondary street
C	Rear	5 feet
Height (maximum)		
D	Building height	60 feet
Lot (minimum)		
E	Width	40 feet
F	Area (if solely occupied by residential)	425 sq ft per dwelling unit
Impervious Coverage (maximum)		
	Lots solely occupied by single- and two-family dwellings	60%
	Lots solely occupied by multi-family dwellings	75%
	Other lots	100%

Notes:

Table 2.17
MX-3 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the MO district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Residential Compatibility	Section 4.3
Off-Street Parking	Section 4.4
Commercial and Mixed-Use Site and Building Design	Section 4.6E

2.10 MX-4: Urban Core

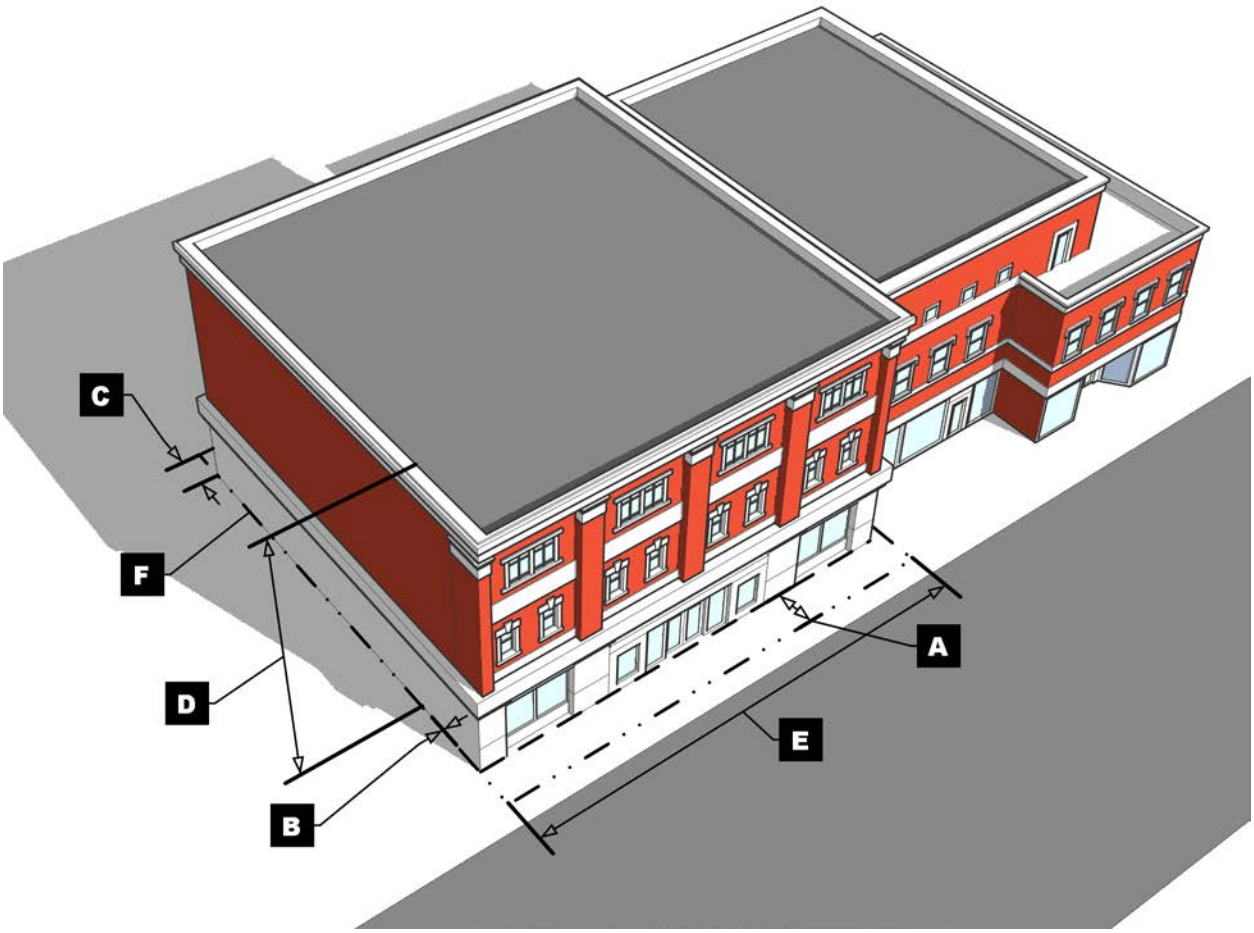
Commentary

The new MX-4 district is intended to implement the Urban Core and portions of the High Density Residential Office plan character areas. It allows increased heights and densities and a greater range of uses than other mixed-use districts. It should be considered for areas including the Near Eastside, S. Geddes, and N. Salina St.

A. Purpose

The MX-4 district is established to provide for pedestrian-friendly, transit-supportive areas of higher-density residential development and a well-integrated mix of nonresidential uses. This district is intended to promote an active streetscape and accommodate larger-scale commercial and retail uses, and is appropriate in larger nodes and primary corridors. Development shall encourage the creation of areas that provide for the needs of nearby residents and serve as destinations for the city at-large.

Figure 2-9: MX-4 Dimensional Standards



B. Standards

Table 2.18
MX-4 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section 4.3, *Residential Compatibility* Front maximum: 10 feet A minimum of 80 percent of the building edge shall be located adjacent to the property line (i.e., zero setback).
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	84
Lot		
E	Width	No minimum lot width
F	Area (if solely occupied by residential)	3,200 sq ft minimum
Impervious Coverage (maximum)		
	Lots solely occupied by residential	75%
	Other lots	100%

Notes:

Table 2.19
MX-4 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the MX-4 district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Neighborhood Transition Standards	Section 4.3
Off-Street Parking	Section 4.4
Commercial and Mixed-Use Site and Building Design	Section 4.6E

2.11 MX-5: Central Business District

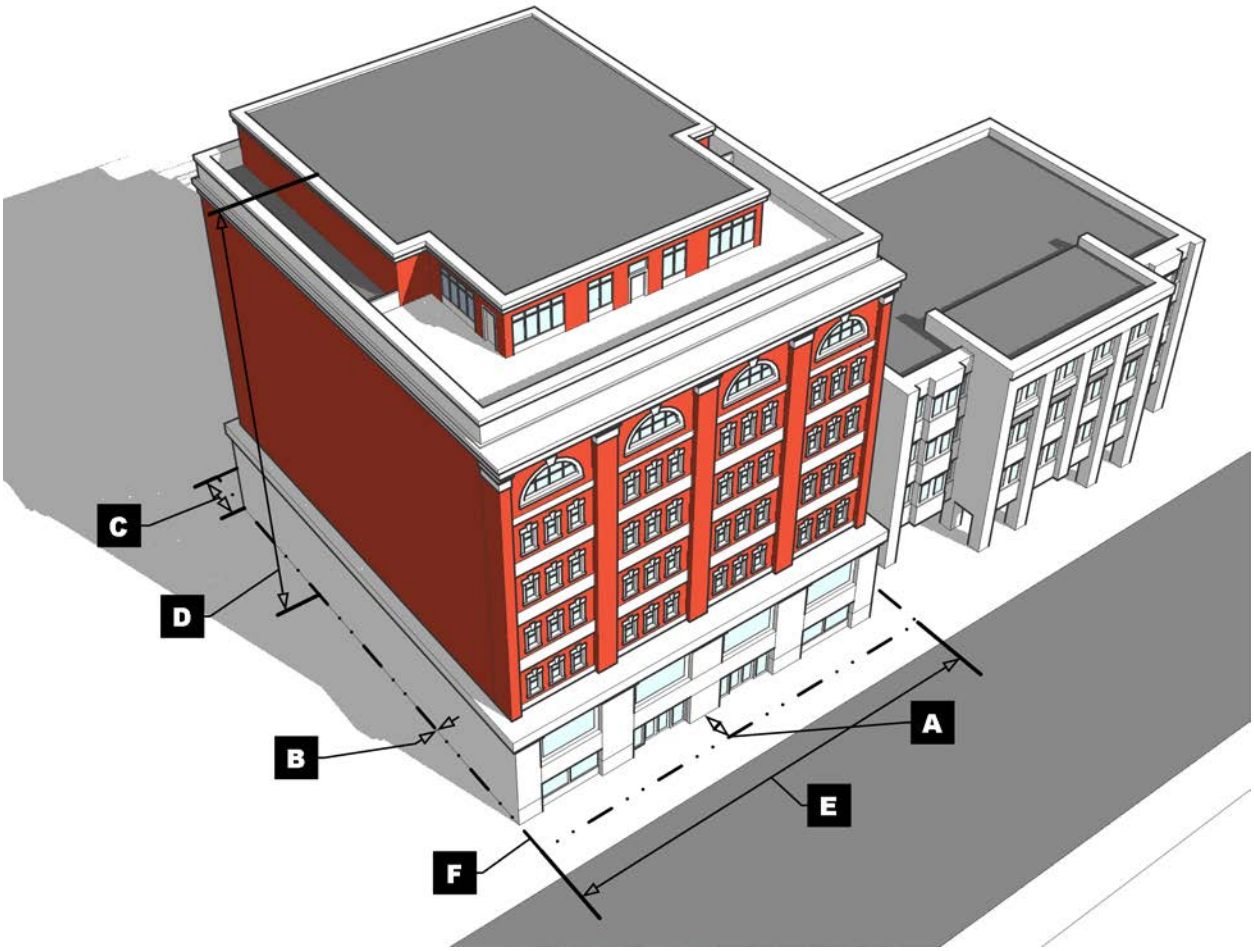
Commentary:

The proposed new MX-5, or Central Business, District consolidates the numerous existing Central Business District zones, which have a wide range of uses allowed and dimensional standards. It is intended to implement the Downtown Overlay character area. It allows the city's maximum heights and densities with minimal parking, no first-floor residential, and has greatest range of uses including retail, service, commercial, entertainment, and small-scale manufacturing.

A. Purpose

The MX-5 district is established to provide for areas of highest-density, transit-supportive residential development, maximum building heights, minimal parking, and the greatest range and mix of uses. This district is intended to create an attractive, pedestrian-focused streetscape. This area of the City functions as the vibrant, central downtown core of Syracuse.

Figure 2-10: MX-5 District Dimensional Standards (reserved)



B. Standards

Commentary

The proposed new MX-5 district replaces the numerous existing Central Business District zones, which have a wide range of dimensional standards and FAR limits, which are not carried forward.

Table 2.20
MX-5 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section 4.3, *Residential Compatibility* Front maximum: 5 feet A minimum of 80 percent of the building edge shall be located adjacent to the property line (i.e., zero setback).
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	No maximum height; minimum 30 feet
Lot (minimum)		
E	Width	No minimum lot width
F	Area (if solely occupied by residential)	3200 sq ft
Coverage[40]		
	Maximum impervious coverage	100%
	Minimum building coverage	75%

Notes:

Table 2.21
MX-5 District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the CB district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Residential Compatibility	Section 4.3
Off-Street Parking	Section 4.4
Commercial and Mixed-Use Site and Building Design	Section 4.6E

[40] Proposed for discussion. The intent is to obtain more density in the downtown. The new landscaping standards also require landscape buffers along street frontages and/or for stand-alone parking lots.

2.12 CM: Commercial

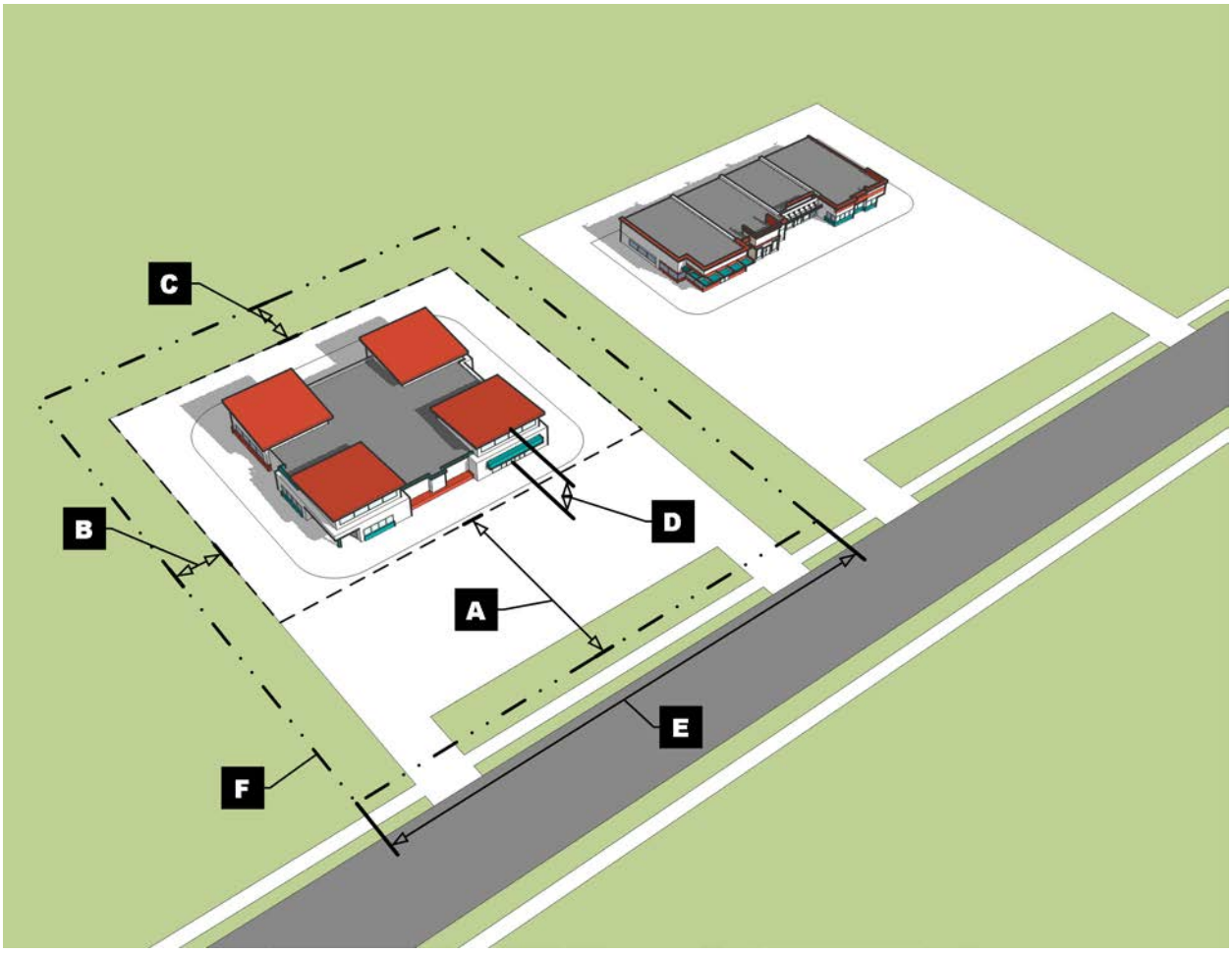
Commentary:

This district is a proposed consolidation of the current Commercial districts Class A and B. It is intended to be carried forward substantially unchanged, but with a new name and subject to the new development standards such as those that dictate how commercial development must occur when located next to residential zone districts. New dimensional standards are proposed.

A. Purpose

The CM district is established to provide appropriate areas on or near major roadways that would permit the development and continued use of land for compatible commercial and service uses where access requires good vehicular circulation. Land uses are characterized by frequent visits of both customers and clients.

Figure 2-11: CM District Dimensional Standards (reserved)



B. Standards

Table 2.22
CM District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section 4.3, *Residential Compatibility*
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	No maximum height
Lot (minimum)		
E	Width	No minimum lot width
F	Area	No minimum lot area
Impervious Coverage (maximum)		
	All	100%

Notes:

Table 2.23
CM District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the CM district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Residential Compatibility	Section 4.3
Off-Street Parking	Section 4.4
Commercial and Mixed-Use Site and Building Design	Section 4.6E

2.13 IN: Industrial

Commentary:

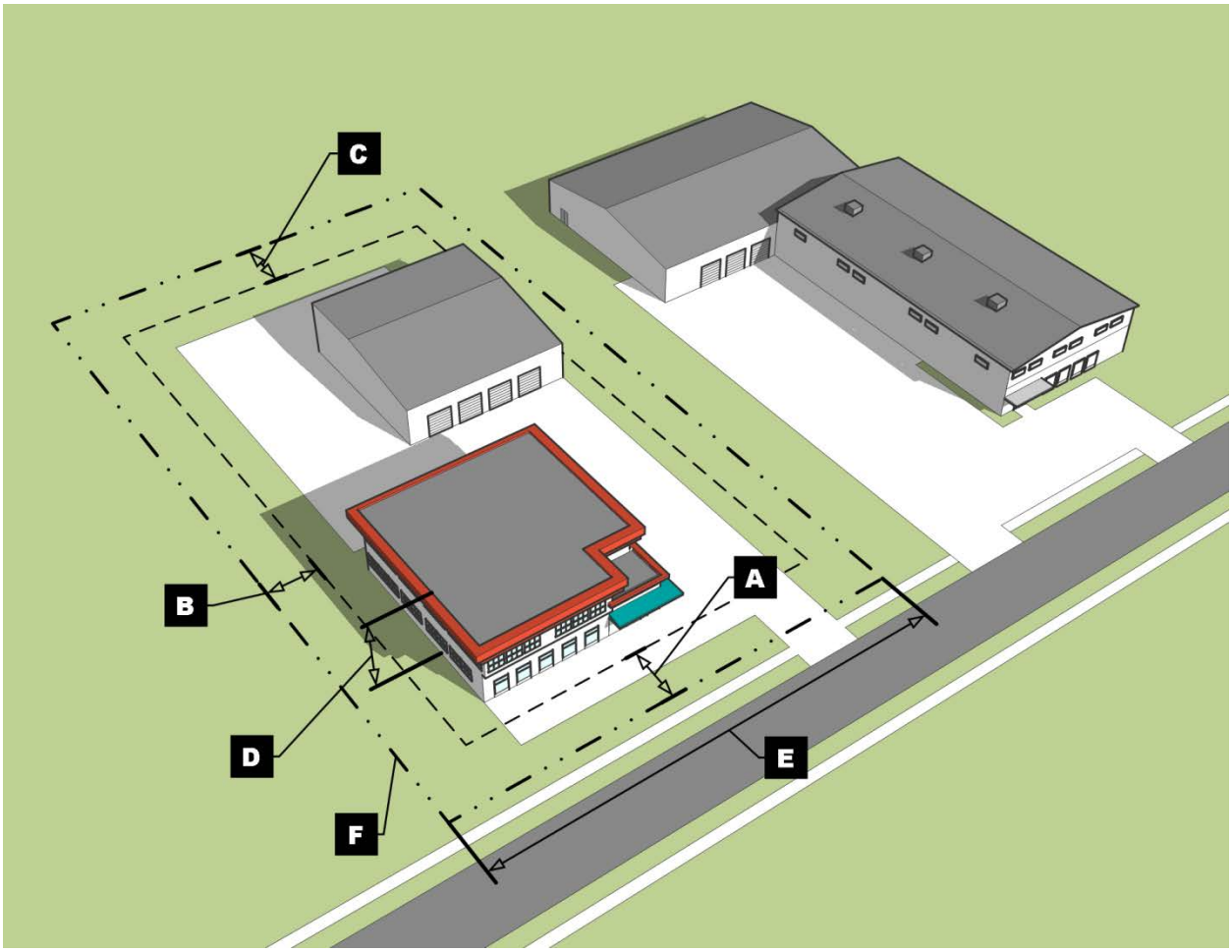
This district is based on the current Industrial District, Class A. It is intended to be carried forward substantially unchanged, but with a new name and new purpose statement, and subject to the new development standards.

Consolidated draft: Changed name from "Light Industrial" since there is now only one industrial district following removal of the Heavy Industrial district.

A. Purpose

The IN district is established to provide areas appropriate for low-intensity industrial uses including general manufacturing, warehousing and distribution, research and development, and commercial services, and to protect these areas, to the extent feasible, from the disruption and competition for space from unrelated retail uses, primary offices, and general industrial uses. Accessory office uses are allowed.

Figure 2-12: IN District Dimensional Standards



B. Standards

Table 2.24
IN District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section 4.3, *Residential Compatibility*
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	No maximum height
Lot (minimum)		
E	Width	No minimum lot width
F	Area	No minimum lot area
Impervious Coverage (maximum)		
	All	100%

Notes:

Table 2.25
IN District: Other Key Standards
The following sections contain important additional information regarding uses allowed in the IN district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Residential Compatibility	Section 4.3
Off-Street Parking	Section 4.4
Site and Building Design	Section 4.6

2.14 OS: Open Space

Commentary:

This is a new district intended to be applied to public land dedicated to uses such as active or passive recreation, or natural resource conservation.

A. Purpose

The OS district is established to provide adequate lands for recreational use and to protect those lands from being used for purposes other than open space. The district is intended for public and quasi-public open space, parks, and compatible accessory uses and structures.

B. Standards

Table 2.26
OS District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	30 feet
B	Side	20 feet
	Side, corner lot	25 feet
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	24 feet
Lot (minimum)		
E	Width	N/A
F	Area	N/A
Impervious Coverage (maximum)		
	All	10%

Notes:

Table 2.27
OS District: Other Key Standards
The following sections contain important additional information regarding uses allowed in theOS district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.17 (general measurement rules; encroachments and exceptions)
Use Regulations	Article 3:
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 4:
Residential Compatibility	Section 4.3

2.15 Planned Districts

Commentary

This section carries forward the existing Planned Institutional and Planned Development Districts as a means of providing a review and approval process for unique and specialized projects. The PID section has been edited by city staff and institutional stakeholders. Generally, much of the current PD approach (e.g., the unique approval process, the district/project plan requirements, the distinct standards) are carried forward.

A. Establishment of Planned Districts

(1) **Eligibility**

a. **Initiation**

A rezoning to a planned district may be initiated only by an institution, group of institutions, the City of Syracuse, or private individuals proposing to establish one or more principal institutional uses.

b. **Minimum District Area**

The minimum district area for a planned district shall be two contiguous acres or one entire city block. Smaller areas may be zoned planned development or planned institutional if they are contiguous to an existing planned district. Such smaller area must be treated as a subdistrict of the existing planned district. Public rights-of-way shall not be considered as affecting the contiguity of areas.

(2) **Rezoning Required**

Planned districts are established by the City's approval of a planned district rezoning; see subsection 5.6B, *Rezoning to Planned Development or Planned Institutional District*.

B. PID: Planned Institutional District

(1) **Purpose**

The purpose of the PID is to allow for the orderly, cooperative, and flexible development and expansion of institutional land uses. It is further the intent of this district:

a. To ensure compatible relationships between land use activities;

b. To ensure the compatible orientation of one building to another in regard to building size, massing, and design, and open space;

c. To provide for functional treatment of open areas;

d. To provide for an efficient and safe circulation system for both pedestrians and vehicles;

e. To provide adequate parking space for immediate and future needs;

f. To enhance the aesthetics of signage and reduce visual clutter; and

g. To encourage cooperation among individual owners and/or developers to achieve the above-listed objectives.

(2) **Permitted Uses**[41]

a. **Residential**

1. Chapter houses, permitted so long as they are officially recognized by the institution with which the residents are associated. [42]
2. Dormitory[43]

b. **Institutional**

1. Community and Cultural Facilities: assembly[44], civic building, cultural institution
2. Educational Facilities: college or university; school, public or private; vocational, arts, trade, or business school;
3. Health Care: clinic; hospital[45]

c. **Commercial**

Day care center

d. **Accessory Uses**

Such accessory uses are those either owned or operated by an institution, or an independent accessory use. Any such accessory use shall be approved as part of a district plan and found by the Planning Commission to be compatible with, in furtherance of, and not detrimental to the proposed use or uses of the Planned Institutional District. The following accessory uses are permitted but not limited to the following, provided such facilities are owned, maintained, and/or controlled by the institution with which the uses are associated:

1. Residential

   Dormitories; housing for faculty, staff, and/or students; rectories, convents and parsonages; and hotels.

2. Other Uses

   Retail, restaurant, service, wellness, theaters and auditorium, museums and recreational uses may be permitted to the extent that such uses are found by the Planning Commission to be appropriate for such a district. Power generation and/or distribution facilities are also permitted so long as they serve the institution(s) supporting the PID designation and/or other users located in a PID.

e. **Nonconforming Uses**

All nonconforming uses created by the applications of this Ordinance will be subject to the control of area regulations contained in the zoning classification that previously applied to

[41] *Consolidated draft: We have reconciled the draft list of uses in the staff document with the new use terms in the use table. Some additional refinement may be necessary.*
[42] *Consolidated draft: Staff document refers to both "fraternities and sororities" and "chapter houses," but the former term is not used in the new use table.*
[43] *Consolidated draft: Dormitories are referred to in the staff document as an accessory use only, but they appear as a principal use in the use table.*
[44] *Consolidated draft: Staff document refers to "religious institutions."*
[45] *Consolidated draft: The staff document also refers to "care homes, sanitariums" but those terms are not used in the new use table.*

the property, until such time that the property is put to uses permitted by this Ordinance, and in accordance with the approved District Plan.

(3) **Dimensional and Development Standards**

a. The requirements of this subsection 2.15B are intended to be the only zoning and land use requirements applicable to lands zoned as Planned Institutional District, and such requirements shall supersede any zoning and other land use requirements of this Ordinance, including Article 4: *Development Standards*, that would otherwise apply in the absence of this section, except for those provisions specifically referenced in the table below.

b. Development standards applicable to each Planned Institutional District are set forth in the following Table 2.28. To the extent an applicant requests different development standards, the Common Council shall have the authority to approve such requested development standards, following a recommendation from the Planning Commission.

Table 2.28

PID: Dimensional and Development Standards

Setbacks (minimum)		
A.	Front	No minimum or maximum setback requirements, except as set forth in the approved District Plan.
B.	Side	No minimum or maximum setbacks, except as set forth in the approved District Plan, or as established by the NYS Uniform Fire and Protection Code.
C.	Rear	No minimum or maximum setbacks except as set forth in the approved District Plan, or as established by the NYS Uniform Fire and Protection Code.
Height (maximum)		
D.	Building Height	No maximum height
Lot (minimum)		
E.	Width	No minimum lot width
F.	Area	2 acres unless such area encompasses an entire city block or is contiguous to and incorporated into an existing PID.
Coverage		
G.	Maximum Impervious Coverage	90% except as follows: Where the maximum impervious coverage limitations of surrounding properties are greater, such greater limitation shall apply; or where a greater amount is approved in a District Plan.
Other Development Standards		
H.	Off-Street Parking	Off-street parking facilities shall be provided in those locations specified on the District Plan or the Project Plan. The Planning Commission must find the parking provisions on the Project Plan are in conformity with the intent of this zone. Parking shall meet the minimum requirements in 4.4C.; provided that, if requested by an applicant, the location, size, and number of parking spaces may be modified by the Planning Commission as part of a Project Plan as being consistent with the intent of the PID zoning.
I.	Off-Street Loading	Off-street loading shall be provided pursuant to 4.4G; however, the Planning Commission may approve, if requested by an applicant, a different location, size, and/or number of loading berths as part of a project plan provided such requests are consistent with the intent of the

Table 2.28

PID: Dimensional and Development Standards

		PID.
J.	Signs	Except to the extent different standards are approved as part of a District Plan or Project Plan, signs within the PID shall comply with Table 4.4: Sign Standards by Sign Type and Zoning District, of this Ordinance.
K.	Landscaping, Buffering, and Screening	Landscaping, buffering, and screening shall be provided pursuant to 4.5 for all properties adjacent to the public right-of-way. .
L.	Exterior Lighting	Glare from exterior lighting shall not shine spillover onto adjacent properties except onto walkways, driveways, and streets. Except for decorative lighting, building-mounted lights shall be installed so that all light is directed downward.

C. PDD: Planned Development District

(1) Purpose

The PDD district is established to provide a flexible but controlled alternative to conventional commercial and industrial zoning districts for the development and expansion of beneficial, unobtrusive commercial and light manufacturing land uses. It is intended for establishment within neighborhoods not primarily characterized by commercial or industrial uses where conventional districts accommodating such uses would be inappropriate. The district is further intended:

a. To ensure the compatible relationship between the land uses being developed or expanded and other land uses in proximity;

b. To ensure the compatible orientation of new and existing buildings to each other;

c. To accommodate efficient and safe circulation for both pedestrians and vehicles;

d. To provide for adequate parking space for the intended development; and

e. To ensure that signs necessary for premises identification are appropriate to the aesthetics of the development and the bordering neighborhood;

(2) Allowed Uses

a. Uses Eligible for Inclusion in a Planned Development District Plan

1. Commercial

   Office, retail, wholesale, and warehouse uses with light to moderate traffic generation characteristics, specifically excluding uses involving the sales, rental, or repair of vehicles, and excluding uses where a principal function is the storage or impoundment of vehicles.

2. Light Manufacturing

   Manufacturing, fabrication, or assembly operations that are neighborhood-compatible; that generate minimally disruptive vehicular traffic; and that produce little or no noise, adverse lighting, bad odors, particulate emissions, or uncontained waste discharges.

b. **Nonconforming Uses**

Any property with a nonconforming use created by application of this Ordinance will, to the extent the nonconforming use is involved, be controlled by the area regulations of the zoning classification that affected the property immediately prior to the Planned Development District. Such regulations shall hold until such time that the property is put to a use consistent with the currently applicable Planned Development District Plan.

(3) **Standards**

[*reserved pending discussion]*

2.16 Overlay Districts

Commentary

Per the Annotated Outline, there will be fewer overlay districts in the new ordinance. The substantive requirements of most of the existing overlay districts will be carried forward in other forms: James Street Overlay will be integrated into new generally applicable development standards, and Motor Vehicle Sales Business Overlay will be carried forward as use-specific standards.

This section may contain simply a reference to the preservation districts; further discussion needed following review of the draft historic preservation ordinance, which is included in this draft.

[RESERVED]

2.17 Summary of Dimensional Standards

A. Residential Districts

Table 2.29

Summary of Residential Dimensional Standards

	R1	R2	R3	R4	R5
Setbacks (minimum)					
Front	30 feet[1]	30 feet[1]	20 feet[1]	20 feet[1]	10 feet[1]
Side	4 feet	4 feet	4 feet	4 feet	4 feet
Side, corner lot	[2]	[2]	[2]	[2]	[2]
Rear	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater
Height (maximum)					
Building height	36 feet	36 feet	36 feet	48 feet	48 feet
Lot (minimum)					
Width	40 feet	40 feet	40 feet	**Single- and two-family dwelling:** 40 feet **Other residential use:** 50 feet	**Single- and two-family dwelling:** 40 feet **Other residential use:** 50 feet
Area	4,000 sq ft	**Single-family dwelling:** 4,000 sq ft **Two-family dwelling:** 3,000 sq ft per dwelling unit	**Single-family dwelling:** 4,000 sq ft **Two-family dwelling:** 2,000 sq ft per dwelling unit	**Single-family dwelling:** 4,000 sq ft **Two-family dwelling:** 3,000 sq ft per dwelling unit **Multi-family dwelling:** 2,000 sq ft per dwelling unit	**Single-family dwelling:** 4,000 sq ft **Two-family dwelling:** 3,000 sq ft per dwelling unit **Multi-family dwelling:** 1,000 sq ft per dwelling unit
Impervious Coverage					
Structural	30%	30%	30%	**Single- and two-family dwelling:** 30% **Other permitted uses:** 35%	**Single- and two-family dwelling:** 30% **Other permitted uses:** 40%
Parking surface	30%	35%	35%	40%	40%

Notes:
[1] Or average setback on partially developed street frontages; see 2.18C(4).
[2] Not less than 15% of total front width of lot, but need not exceed established front setback line for side street.

B. Mixed-Use and Commercial Districts

Table 2.30

Summary of Mixed-Use and Commercial Dimensional Standards

	MX-1	MX-2	MX-3	MX-4	MX-5	CM
Setbacks (minimum)						
Front	20 feet	Min. 80 percent of the building edge shall be located adjacent to the property line	Min. 80 percent of the building edge shall be located adjacent to the property line	No minimum setbacks. See 4.3, *Residential Compatibility* Front maximum: 10 feet Min. of 80 percent of the building edge shall be located adjacent to the property line	No minimum setbacks. See 4.3, *Residential Compatibility* Front maximum: 5 feet Min. of 80 percent of the building edge shall be located adjacent to the property line	No minimum setbacks. See 4.3, *Residential Compatibility*
Side	4 feet	4 feet	4 feet			
Side, corner lot	[1]	10 feet in width from secondary street	10 feet in width from secondary street			
Rear	20 feet or 15% of lot depth, whichever is greater	**If residential only:** 20 feet or 15% of lot depth, whichever is greater **If mixed use:** no minimum unless adjacent to residential[3]	5 feet			
Height (maximum)						
Building height	36 feet	48 feet	60 feet	84 feet	No max.; minimum 30 feet	None
Lot (minimum)						
Width	**Single-family dwelling:** 40 feet **Other:** 50 feet	**Single-family dwelling:** 40 feet **Other:** 50 feet	40 feet	None	None	None
Area	**Single-family dwelling:** 4,000 sq ft **Two-family dwelling:** 3,000 sq ft per dwelling unit **Multi-family dwelling:** 700 sq ft per dwelling unit[2]	**Single-family dwelling:** 4,000 sq ft **Two-family dwelling:** 2,500 sq ft per dwelling unit **Multi-family dwelling:** 700 sq ft per dwelling unit[2]	425 sq ft per dwelling unit[2]	3,200 sq ft[2]	3,200 sq ft[2]	None

Table 2.30

Summary of Mixed-Use and Commercial Dimensional Standards

	MX-1	MX-2	MX-3	MX-4	MX-5	CM
Impervious Coverage (maximum)						
All lots	--	--	--	--	100%	100%
Lots solely occupied by residential	60%	--	--	75%	--	--
Lots solely occupied by single- and two-family dwellings	--	60%	60%	--	--	--
Lots solely occupied by multi-family dwellings	--	75%	75%	--	--	--
Other lots	80%	90%	100%	100%	--	--
Minimum building coverage	--	--	--	--	75%	--

Notes:
[1] Not less than 15% of total front width of lot, but need not exceed established front setback line for side street.
[2] If solely occupied by residential.
[3] See Neighborhood Transition standards.

C. Other Nonresidential Districts

Table 2.31

Summary of Other Nonresidential Dimensional Standards

	IN	OS
Setbacks (minimum)		
Front	30 feet	30 feet
Side	20 feet	20 feet
Side, corner lot	25 feet	25 feet
Rear	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
Building height	36 feet	24 feet
Lot (minimum)		
Width	N/A	N/A
Area	N/A	N/A
Impervious Coverage (minimum)		
All lots	10%	10%

2.18 Measurements and Exceptions

Commentary

This is suggested new material to help inform the measurement and application of the dimensional standards presented earlier in this article for each district. There is some, but not much, of this material in the current Syracuse ordinance, so the material below is generally new and for discussion purposes. The location of this material varies by code; some communities locate it here to help inform the district tables; other communities place it in the definitions, or sometimes in the development standards article.

A. Purpose

The purpose of this section is to provide uniform measures for interpretation and enforcement of this Ordinance.

B. Lot and Space Requirements

(1) Minimum Lot Dimensions

a. Any lot that is created, developed, used, or occupied shall meet the minimum lot size and frontage requirements set forth in this Article for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. New lots shall also meet the development standards set forth in subsection 4.6E(1)*, Block Pattern*.

b. No space needed to meet the width, setback, area, open space, lot coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased away from such lot or building.

c. No parcel of land that has less than the minimum width, depth, and area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

(2) Number of Principal Buildings or Uses Per Lot

a. Only one main building for single-family or two-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract. Every dwelling shall face or front upon and have legal means of access to a right-of-way.

b. Where a lot or tract of land is used for multi-family, mixed use, commercial, or industrial purposes, more than one main building may be located upon the lot but only when such buildings conform to all requirements of this Ordinance applicable to the uses and district, and when all main buildings face upon a right-of-way.

c. No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

C. Setbacks

(1) Measurement

Setbacks referred to in this Ordinance shall be measured as stated in Article 7: *Rules of Construction and Definitions*, under the terms "setback, front"; “setback line”; “setback, rear”; and “setback, side.”

(2) **Multifamily Dwellings**

a. Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.

b. For purposes of setback calculations for side-by-side multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit need observe the required side setback for the district.

(3) **Projections**

Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

a. Setback restrictions do not apply to: slabs, uncovered patios, walks, steps, fences, hedges, or freestanding walls. Freestanding walls are subject to any sight triangle regulations.

b. Certain architectural features and improvements may encroach into required setbacks as follows:

Table 2.18-1:

Authorized Exceptions to Setback Requirements

Storage sheds	In all residential zoning districts, storage sheds less than 120 square feet in size may be placed up to, but no closer than, four feet from a rear or side property line if they are not placed on a permanent foundation. Storage sheds shall not be located over an easement or placed in a front setback.
Front porches and stoops	In all residential zoning districts, covered front porches and stoops may extend into the required front setback up to eight feet, provided the porch or stoop is unenclosed and at least five feet from the front property line.
Mobility access ramps and lifts	Mobility access ramps and lifts may be located within required front, side, and rear setbacks. To the maximum extent practicable, they shall be located within 10 feet of the front façade and within 5 feet of the side elevations.
Uncovered balconies	In all residential zoning districts, balconies that are uncovered may extend into any side or rear setback provided these projections are at least five feet from the property line. Uncovered balconies may also extend into the required front setback up to six feet.
Incidental architectural features	Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project up to two feet into any required setback provided the projections are at least five feet from the property line.

(4) **Partially Developed Frontages**

When a vacant lot is bordered on two sides by previously constructed buildings, both of which do not meet the required front setback applicable to the district, the required front setback for the vacant lot shall be established as the average front setback of the existing buildings within 200 feet of the property, or as determined by the Zoning Administrator.[46] Where a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front setback for the district, the required front setback for the vacant lot shall be established as the average front setback of the adjacent building and the minimum required front setback for the district.

[46] This language is intended to codify an existing Syracuse policy.

(5) **Irregular Shaped Lots**

Structures on irregular shaped lots shall conform to all building setbacks.

(6) **Double-Frontage Lots**

In the case of double-frontage lots, front setbacks shall be provided on all frontages. (Corner lots shall comply with the side corner lot requirements set forth in this Article.)

(7) **Corner Sight Distance**

On any corner lot on which a front and side setback are required, all proposals are subject to additional review and approval of the Department of Public Works and other applicable departments to ensure that no wall, fence, structure, sign, or any plant growth obstructs sight lines.

D. Building Height

(1) **Measurement**

Heights referred to in this Ordinance shall be measured as stated in the definitions chapter under the term "building height."

(2) **Height Requirements Generally**

No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided in subsection (3) below or elsewhere in this Ordinance.

(3) **Exceptions**

Architectural features shall not exceed the maximum applicable building height within any zoning district, unless specifically authorized in the table below.

Table 2.18-2:

Authorized Exceptions to Maximum Height Standards

Church spires or belfries	Church spires or belfries may be up to 25% greater than the maximum allowed height; provided they are designed without provision for occupancy and plans receive prior approval of the City.
Parapet walls	Screening parapet walls may extend above the maximum height limit up to 30 inches for buildings containing two or more dwelling units.
Rooftop mechanical equipment	Cupolas, chimney ventilators, skylights, water tanks, elevator overrides, solar collection equipment, and all other mechanical equipment may extend up to five feet above the maximum height limit provided the equipment complies with screening requirements set forth in Section 4.5, *Landscaping, Buffering, and Screening*
Transmitting antennae[47]	A transmitting antenna may exceed the maximum applicable building height; provided, the total height does not exceed five feet plus twice the distance to the nearest property line, but in no case shall an antenna exceed 60 feet in height.

(4) **Building Height Averaging**

When a vacant lot is bordered on two sides by previously constructed buildings, both of which do not meet the required maximum height applicable to the district, the required height for the

[47] City legal staff is reviewing all telecommunication sections; they will prepare additional language regarding local review of "eligible facilities requests" on existing towers.

vacant lot shall be established as the average front height of the existing buildings within 200 feet of the property, or as determined by the Zoning Administrator.[48]

E. Impervious Lot Coverage

(1) **Measurements**

a. **Coverage, Parking Surface**

The aggregate percentage of the lot area with paved or unpaved surfaces used or provided for parking and related access. Driveways and access aisles shall be considered as part of parking surface coverage. Garages, which are structures included in structural coverage, shall not be considered part of parking surface coverage.

b. **Coverage, Structural**

The percentage of total lot area occupied by the portions of all buildings and structures greater than four feet above grade, but excluding arbors, trellises, fences, railings, and poles. Except for cornices, balconies, awnings, and open entrance hoods, and overhanging roofs which extend less than three feet from the face of a building, all structural overhangs and extensions greater than four feet above grade shall be considered in their entirety as part of structural coverage. The extent of coverage of such overhangs and extensions shall be measured based on the projection vertically to the ground of their greatest outward dimensions. Structural coverage shall be distinct from parking surface coverage.

(2) **Lot Coverage Requirements Generally**

Maximum lot coverage allowances in this Ordinance may not be achievable on every lot. Required minimum landscaped areas, required buffers, stormwater requirements, and other City requirements apply and may limit the total lot coverage below the maximums specified in this article.

[48] This language is based on the Syracuse policy used currently for setbacks.

Article 3: Use Regulations

Commentary

This article contains the standards related to land uses in Syracuse and is intended to be reviewed with Article 2, *Zoning Districts*. This article begins with a new summary table of allowed uses, which was a major recommendation in the Assessment Report and the Annotated Outline.

The table of allowed uses includes a cross-reference in the far right column if use-specific standards are applicable. Many of the use-specific standards are carried forward from the current ordinance, yet revised significantly for clarity and consistency. Additionally, some new use-specific standards were drafted to ensure compatibility with surrounding uses and to protect the general health, safety, and welfare of the community. These standards, whether existing or new, are indicated as such in the footnotes. The use-specific standards generally follow the same organization and order as the table of allowed uses (beginning with residential uses, and ending with industrial).

The final sections of this chapter address accessory and temporary uses and structures. The current ordinance contains very little on this subject.

3.1 Purpose and Organization of this Article

The article identifies the land uses allowed in Syracuse's zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

A. Section 3.2, *Table of Allowed Uses,* lists uses allowed by district and provides cross-references to applicable use-specific standards.

B. Section 3.3, *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.

C. Section 3.4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.

D. Section 3.5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

3.2 Table of Allowed Uses

Table 3.1: Allowed Uses, lists the uses allowed within all base zoning districts. Each listed use is defined in Article 7: *Rules of Construction and Definitions*.

A. Explanation of Table Abbreviations

(1) **Permitted Uses**

"P" in a cell indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Ordinance, including but not limited to: the dimensional standards in Article 2: *Zoning Districts;* Section 3.3, *Use-Specific Standards;* and Article 4: *Development Standards*.

(2) **Special Uses**

a. "S" in a cell indicates that the use is allowed in the respective zoning district only if reviewed and approved in accordance with the special use permit procedures of subsection 5.4B, *Special Use Permit.* Special uses are subject to all other applicable regulations of this

Ordinance, including but not limited to: the dimensional standards in Article 2: *Zoning Districts;* Section 3.3, *Use-Specific Standards;* and Article 4: *Development Standards*.

b. The "S" designation in Table 3.1: Allowed Uses, in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each special use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in subsection 5.4B, *Special Use Permit*.

(3) **Prohibited Uses**

A blank cell indicates that the use is prohibited in that zoning district.

(4) **Use-Specific Standards**

Regardless of whether a use is allowed by right or as a special use, additional standards may be applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 3.3, *Use-Specific Standards*. These standards apply in all districts unless otherwise specified.

B. Table Organization

In Table 3.1: Allowed Uses, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

C. Use for Other Purposes Prohibited

Approval of a use listed in Table 3.1: Allowed Uses, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 3.1: Allowed Uses, and approved under the appropriate process is prohibited.

D. Classification of New and Unlisted Uses

When application is made for a use category or use type that is not specifically listed in Table 3.1: Allowed Uses, the following procedure shall be followed:

(1) The Zoning Administrator shall provide an interpretation as to the use category and/or use type into which such use should be placed. In making such interpretation, the Zoning Administrator shall consider the potential impacts of the proposed use, including but not limited to: the nature of the use and whether it involves dwelling activity; sales; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; and the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated. The Zoning Administrator may also use past precedent, case law, and legal opinion. When considering an unlisted use in any zoning district as part of an interpretation, the

Zoning Administrator shall also determine whether additional use-specific standards are necessary.

(2) If the Zoning Administrator determines that a proposed use falls within an existing use category or use type, written notification shall be sent to the applicant. That determination shall become effective 14 days after written notification is sent.

(3) Appeal of the Zoning Administrator's decision may be made to the Board of Zoning Appeals following the procedures under subsection 5.5C, *Appeal of Administrative Decision*.

(4) On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Zoning Administrator may initiate an application for a text amendment to this Ordinance to list the use or structure in Table 3.1: Allowed Uses, as a permitted use or special use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Zoning Administrator shall be binding.

E. Table of Allowed Uses

Commentary

The table is based on existing Syracuse regulations, with numerous proposed updates. This table is a major step forward, but it will require careful review and fine-tuning. We view this table as a starting point for further discussion. It is not unusual for an advisory committee and staff members to spend substantial time reviewing and revising the proposed use table based on their own experiences and policy goals.

For this draft, we first created a table that shows the current district allowances in table form. This involved making some assumptions in cases where districts are proposed to be consolidated (e.g., the current Office A and B districts, which are translated into the new MX-3 district in this table).

The existing ordinance uses inconsistent terminology to describe similar uses, which required significant consolidation and renaming of uses. We noted most issues related to naming of uses in the related definitions article, which appears later in this draft.

Many specific existing uses are grouped into new, more general use categories. For example, the many specific types of existing retail uses were significantly consolidated in "general retail." Many new uses are also proposed in the table.

Changes are proposed to the level of permission for certain uses, based on one or more factors:

1) To be consistent with stakeholder comments, the themes described in the Assessment Report, and/or current planning trends;

2) Use-specific standards allow for a more permissive level of approval with less discretion.

In many cases, the City may not want to finalize the appropriate level of permission for a particular use until after reviewing the entire draft of the new ordinance. For example, the new multi-family development standards will influence the districts in which that use is allowed, and by what process.

Consolidated Draft Updates: *In this consolidated draft, we made several changes to make the table easier to read: 1) we did not carry forward the earlier color coding from the first draft table that showed that showed which use allowances have been raised or lowered; and 2) we removed the "new" labels generally to make table easier to read. This consolidated draft use table also carries forward the revised table that was introduced to the public during the discussions of the new zoning map (dated August 18, 2017). We also removed the HI (Heavy Industrial) district.*

Table 3.1: Allowed Uses

P = Permitted Use S = Special Use Permit A = Accessory Use T = Temporary Use

USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	IN	OS	
RESIDENTIAL USES															
Household Living	Dwelling, live/work			S	P	P	P	P	P	P	P				3.3A(1)
	Dwelling, multi-family				P	P	S	P	P	P	P	P			3.3A(2)
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	S				
	Dwelling, two-family		P	P	P	P	P	P	P	P					
Group Living	Boarding or rooming house					P	S	P	P						
	Chapter house					P		S	P	P					
	Dormitory					P		S	P	P					
	Residential care facility		S	S	S	S	S	S	S	S	S	P			3.3A(3)
PUBLIC, INSTITUTIONAL, AND CIVIC USES															
Community and Cultural Facilities	Assembly	P	P	P	P	P	P	P	P	P	P	P			3.3B(1)
	Civic building					P	P	P	P	P	P	P	P	P	
	Correctional facility											S	S		3.3B(2)
	Cultural institution						P	P	P	P	P	S			
	Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Educational Facilities	College or university					P	S	P	P	P	P				
	School, public or private[49]	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Vocational, arts, trade, or business[50]							S	P	P	P	P	P		
Health Care	Clinic					S	S	S	P	P	P	P			
	Hospital							S	S	S	S	P	P		
Parks and Open Space	Cemetery	S	S	S	S	S	S							S	
	Golf course	P	P	P			~~P~~	~~P~~						P	

[49] Combines permissions for "Schools" and "Churches, parish houses, convents, and schools."
[50] Combines permissions for "Business and commercial" and "Vocational or trade."

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	IN	OS	
	Park and recreation facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES															
Agriculture-Related Uses	Community garden	P	P	P	P	P	P	P	P	P				P	3.3C(6)
	Urban agriculture											P	P	P	
Animal-Related Uses	Animal grooming and day care							P	P	P	P	P	P		3.3C(1)
	Kennel											P	P		3.3C(1)
	Veterinary hospital											P	P		3.3C(1)
Day Care	Day care center		P	P	P	P	S	P	P	P	P	P			3.3C(6)
	Family day care	P	P	P	P	P	P	S							3.3C(6)
Entertainment[51]	Recreation club, private				S	S	S	S	P	P	P	P			
	Entertainment, indoor							S	S	P	P	P	P		3.3C(8)
	Entertainment, outdoor											P	P	P	
Food and Beverage[52]	Bar							S	P	P	P	P	P		3.3C(10)
	Beverage café						P	P	P	P	P	P	P		3.3C(10)
	Commercial food preparation establishment							S	S	S	S	P	P		3.3C(10)
	Microbrewery or microdistillery							S	S	S	P	P	P		3.3C(10)
	Nightclub									S	S	P	P		3.3C(10)
	Restaurant ≤1,000 sq ft						P	P	P	P	P	P	P		3.3C(10)
	Restaurant >1,000 sq ft							S	P	P	P	P	P		3.3C(10)
Lodging	Bed and breakfast or inn		S	S	S	S	P	P							3.3C(5)

[51] *Consolidated draft: Renamed from "Recreation and Entertainment" in the earlier draft.*
[52] As noted in the Assessment Report, the existing "restaurant" definition is overly broad. The addition of new use types such as bar and brewpub should allow the city to more precisely tailor what types of activities are allowed in which zones. This draft is a starting point for discussion on this important topic. The definitions for the new uses are later in this draft and were taken from New York State Code related to liquor licenses.

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P = Permitted Use S = Special Use Permit A = Accessory Use T = Temporary Use

USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	IN	OS	
	Hotel or motel							S	P	P	P	P	P		
Office & Professional Service	Business services and supply					S	P	P	P	P	P	P	P		
	Financial institution							S	P	P	P	P	P		
	Office					S	P	P	P	P	P	P			
	Radio or television station						S	P	P	P	P	P	P		
Personal Services	Funeral home						S	S	S	S					
	Personal services, general ≤1,000 sq ft[53]						P	P	P	P	P	P	P		
	Personal services, general >1,000 sq ft						S	P	P	P	P	P	P		
Retail Sales	Food and beverage retail[54]							S	S	S	P	P	P		3.3C(8)
	Greenhouse or plant nursery, commercial							P				P	P		
	Liquor store							S	S	S	P	P	P		
	Retail, general <1,000 sq ft [55]						P	P	P	P	P	P	P		
	Retail, general 1,000 -15,000 sq ft							P	P	P	P	P	P		
	Retail, general >15,000 sq ft								P	P	P	P	P		
Vehicles and Equipment	Automobile rental							S	S	S	S	P	P		3.3C(2)
	Automobile repair, heavy											S	P		3.3C(2)
	Automobile repair, light								S	S	S	S	P		

[53] This use type consolidates a number of similar types of uses in the current ordinance; the umbrella term is new, but the specific individual uses are not. The size threshold is introduced for discussion purposes, to allow for smaller, neighborhood-scale options in certain districts. Some districts currently appear to allow banks, personal services, restaurants, and other uses only in an accessory or supportive role, adjunct to another principal use – the Local Office District A is an example.

[54] *Consolidated draft: New. Replaces the "high-impact retail" use proposed in the earlier draft.*

[55] Some districts currently appear to allow retail only in an accessory or supportive role, adjunct to another principal use – for example, Residential Class C allows retail as no more than 15% of an office building. Could this new small-scale retail use type could be used to meet that need?

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USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	IN	OS	
	Automobile sales									S	S	P	P		3.3C(3)
	Automobile storage and impoundment												S		
	Car wash[56]								S	S		S	P		3.3C(4)
	Gasoline fueling station[57]									S		P	P		3.3C(11)
	Gasoline fueling station with retail and/or restaurant[58]									S		P	P		3.3C(11)
	Parking lot								S	S	S	P	P	P	4.4F
	Parking structure								S	S	S	S			3.3C(12)
INDUSTRIAL USES															
Industrial Services	Contractor yard											S	P		3.3D(2)
	Fuel or oil storage and distribution facility[59]												S		3.3D(3)
	Industrial service, general										S	P	P		
Manufacturing and Production	Manufacturing, artisan							P	P	P	P	P	P		3.3D(5)
	Manufacturing, general										S	P	P		3.3D(6)
Transportation	Motor freight or fleet terminal[60]											S	P		
	Transportation terminal								S	S	S	P	P		
Utilities and Infrastructure	Antenna or communication tower[61]	P	P	P	P	P	P	P	P	P	P	P	P	P	3.3D(1)
	Utility, major	S	S	S	S	S	S	S	S	S	S	S	S	S	

[56] *Consolidated draft: Attended and automatic automobile washes have been consolidated.*
[57] Further discussion is needed to determine the districts in which each type of fueling station should be located.
[58] *Consolidated draft: These two types of gasoline fueling stations have been consolidated.*
[59] *Consolidated draft: Oil storage and fuel distribution facility have been consolidated into one use.*
[60] *Consolidated draft: Bus Holding Area and Motor Freight Terminal have been consolidated into Fleet Terminal and Transportation Terminal use.*
[61] See note in the use-specific standards. We have carried forward the existing standards pending further discussion. It may be appropriate to separate out different types of wireless facilities in the table (e.g., new tower versus co-location on an existing tower). Also, staff has noted that some additional review or standards may be necessary in residential districts.

Table 3.1: Allowed Uses

P = Permitted Use S = Special Use Permit A = Accessory Use T = Temporary Use

USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	IN	OS	
	Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	
Warehouse and Freight Movement	Oil storage tank												S		3.3D(5)
	Mini-storage											P	P		
	Storage yard											S	P		
	Warehouse[62]									S	S	P	P		
	Wholesale establishment										S	P	P		
Waste and Salvage	Indoor dismantling facility											S	S		
	Indoor recycling center											S	S		
	Junk yard												S		3.3D(4)
	Scrap metal processing												S		3.3D(4)
ACCESSORY USES AND STRUCTURES ***(See general standards in subsection 3.4C.)***															
	Accessory dwelling unit				A	A	A	A	A						3.4D(1)
	Caretaker's quarters											A	A		3.4D(2)
	Carport, garage, or utility shed	A	A	A	A	A									
	Drive-through/drop-off window uses											A	A		3.4D(3)
	Home occupation	A	A	A	A	A	A	A	A	A	A				3.4D(3)e
	Outdoor display/sale											A	A		3.4D(5)
	Outdoor storage, accessory											A	A		3.4D(7)
	Produce stand			A	A	A	A	A						A	3.4D(8)
	Retail sale of products directly related to primary industrial use								A	A	A	A	A		
	Satellite dish antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(9)

[62] *Consolidated draft: Warehouses have been made a special use permit use in the MX-4 District.*

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USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	IN	OS	
	Solar energy collection system	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(10)
	Swimming pool	A	A	A	A	A	A	A	A	A	A				3.4D(11)
	Urban agriculture, accessory rooftop operation				A	A	A	A	A	A	A	A	A		3.4D(12)
	Wind energy conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(12)
TEMPORARY USES AND STRUCTURES *(See general standards in subsection 3.5D.)*															
	Special event	T	T	T	T	T	T	T	T	T	T	T	T	T	3.5E(3)
	Farmers' market			T	T	T	T	T	T	T	T			T	
	Expansion or replacement facilities		T	T	T	T	T	T	T	T	T	T	T	T	3.5E(2)
	Mobile vendor cart						T	T	T	T	T	T	T	T	
	Office and equipment storage					T	T	T	T	T	T	T	T		3.5E(1)
	Produce stand, seasonal			T	T	T	T	T						T	

3.3 Use-Specific Standards

Commentary

This section contains standards that apply to certain uses regardless of the districts in which they are located. Our philosophy in drafting this section is to take a relatively light touch – in other words, include standards only where there are real issues that a zoning code can address. (In contrast, some communities adopt dozens of pages of standards that may over-regulate, thus discouraging development, and/or are unenforceable.)

Where applicable, current Syracuse standards have been carried forward from Part C, Section IV, Article 2. Also, any process-related standards found in Part C, Section IV, Article 2 have not been carried forward and will be included in Article 5, *Administration*.

A. Residential Uses

(1) **Dwelling, Live/Work**[63]

a. Residential areas shall be located above or behind non-residential portions of the structure.

b. No more than two non-resident employees are permitted in addition to the residents of the dwelling.

c. The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.

(2) **Dwelling, Multi-Family**[64]

In the MX districts, dwelling units are allowed on the ground floor provided they comply with the standards in subsection 4.6D(2), *Ground-Floor Residential Units*.

(3) **Residential Care Facility**[65]

a. **Licensing**

Any residential care facility that requires a state license to operate shall be so licensed before operation commences.

b. **Modifications to Standards**[66]

1. Residential care facilities shall be subject to all of the regulations applicable to permitted uses in the district within which such facility is to be situated; provided, however, that in order to encourage the development of such uses within the community, the Planning Commission may alter, waive, or modify the application of any restriction contained in this Ordinance. In considering any such deviation, consideration shall be given to the provisions of the following criteria:

[63] Suggested new standards for a new use. These are relatively minimal standards pending discussion. We can provide language that is much more specific (e.g., specific types of businesses prohibited), similar to what Syracuse has now for home occupations, if there is interest. Note that these are different from home occupations in that a portion of the building is physically designed for business purposes.

[64] *Consolidated draft: New standards intended to ensure that ground-level uses in the MX districts are pedestrian-friendly and reserved for commercial or office. The prior requirement for a special use permit has been removed.*

[65] This is a new name for the City's existing "care home." Standards are carried forward from Part C, Section IV, Article 2, section 7. The term "waiver" has been replaced with "criteria."

[66] *Consolidated draft: Requirement for Common Council to approve by ordinance has been removed.*

i. Age and mobility of prospective occupants.

ii. Nature of any custodial care and/or supervision of prospective occupants, where required.

iii. Regulations of any agency, private or public, having jurisdiction over a specific residential care facility, to the extent such regulations are actually imposed or are to be imposed.

iv. 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.

v. Traffic-generating characteristics of the residential care facility with particular emphasis on visitation privileges, loading requirements and availability and nature of public or private transportation facilities.

vi. Such other elements that are relevant to the particular circumstances of each individual case.

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

3. The granting of alterations or modifications shall be discretionary, and whether or not granted, conditions may be imposed upon the development of any residential care facilities that 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 residential care facilities shall be otherwise subject to the procedures and regulations set forth in this Ordinance.

B. Public, Institutional, and Civic Uses

(1) Assembly[67]

a. Street Frontage

The use shall be located on a lot that fronts an arterial or collector street.

b. Parking

If the use is proposed within a facility previously used for a commercial use, it shall comply with standards for minimum number of parking spaces required for an assembly use.

c. Modifications and Conditions

A decision-making authority may grant modifications of the standards applicable to an assembly use on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and

[67] Suggested new standards for a new use. Are there other land-use issues with assembly uses (particularly religious institutions) in Syracuse to be addressed?

Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the decision-making authority may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

(2) **Correctional Facility**[68]

The following standards apply to correctional facilities in all zoning districts where they are allowed:

a. **Distance Separation Requirements**

To prevent the potential creation of an institutional setting within a residential area by concentration of correctional facilities in a neighborhood, no such facility may locate within 300 feet of another such facility or a district in which such a facility may be located, unless separated by a physical barrier, commercial zone district, or topographic feature that the Zoning Administrator determines to adequately mitigate the need for additional distance separation.

b. **Service Restrictions**

Services, such as but not limited to meals, housing, education, and job training, provided within the correctional facility shall be restricted to the residents of the facility.

c. **Maximum Occupancy**

Total occupancy shall not exceed the maximum number of residents allowed in the approved special use permit.

d. **License Required**

Any correctional facility that requires a state license to operate shall be so licensed before operation commences.

C. Commercial Uses

(1) **Animal-Related Uses**[69]

a. Animals receiving grooming services may only be boarded for a maximum period of 48 hours.

b. All animals shall be confined within an enclosed area or on a leash at all times.

1. Inside or outside runs shall be provided and shall be not less than 36 inches wide for a dog weighing not more than 45 pounds, and 48 inches wide for a dog weighing more than 45 pounds. The minimum length of runs shall be ten feet.

2. Inside pens shall be of the following minimum sizes: For animals weighing not more than 25 pounds: five square feet per animal; for dogs weighing more than 25 pounds but not more than 45 pounds: nine square feet per dog; and for dogs weighing over 45 pounds: 16 square feet per dog.

[68] Suggested new standards for a new use suggested by staff.
[69] *Consolidated draft: New minimum sizes for indoor runs and pens added per staff request. The minimize sizes are based on a staff-suggested model.* New.

c. Animal grooming uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.

d. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.

e. No exterior overnight boarding shall be allowed.

f. All structures and utilized outdoor areas shall be a minimum of 200 feet from residential districts.

g. The property owner/operator shall comply with all applicable requirements of the City Code involving the care and treatment of animals.

(2) **Automobile Rental; Automobile Repair-Heavy; Automobile Repair-Light**

No vehicles may be parked or stored in the City right-of-way at any time.

(3) **Automobile Sales**[70]

a. **Drainage, Surfacing and Maintenance**

Areas subject to wheeled traffic, whether for parking, sales, or storage, shall be properly graded for drainage, provide on-site detention of storm runoff, and be surfaced with a hard surface, pursuant to the storm drainage criteria adopted by the City.

b. **Screening**

An obscuring fence or wall at least four feet in height shall be installed along any property line adjacent to a residentially zoned property. Fences may not be required at access points or where a building provides adequate screening.

c. **Marking of Parking Lots, Structures, and Car Sales Lots**

Parking spaces shall be marked and maintained on the pavement, and any other directional markings or signs shall be installed as permitted or required by the City to ensure the approved utilization of space, direction of traffic flow, and general safety. Spaces designed and used for the display or storage of inventory in a sales lot shall not be required to be marked.

d. **Bumper and Curb**

To ensure the proper maintenance and utilization of these facilities, parking areas shall be designed so that a parked vehicle does not overhang the public right-of-way or public sidewalk. A permanent curb, bumper, or similar device shall be installed that shall be adequate to protect the public right-of-way or public sidewalk from vehicular overhangs and to protect any structure from vehicular damage.

e. **Entrances and Exits**

Areas subject to wheeled traffic shall be provided with entrances and exits located to minimize traffic congestion. Vehicular ingress and egress to major or minor arterial streets from off-street parking shall be combined, limited, located, designed, and controlled with flared and/or channelized intersections in order to direct traffic to and from such public

[70] *Consolidated draft: new. This draft also proposes merging new and used auto sales, which were separate uses in the first draft.*

right-of-way conveniently, safely, and in a manner that minimizes traffic interference and promotes free traffic flow on the streets without excessive interruption.

f. **Lighting**

All lighting shall comply with Section 4.7, *Exterior Lighting*, and shall be designed and located to confine direct rays to the premises. Lighting facilities shall be arranged that they neither disturb occupants of adjacent residential properties nor interfere with traffic. Lighting facilities shall not exceed 25 feet in height.

g. **Proximity to Public Right-of-Way**[71]

1. No equipment at filling stations or public garages for the service of gasoline, oil, air, water, etc., shall be closer to the public right-of-way line than 15 feet and shall not be located within any required sight triangle.
2. No vehicles for sale may be parked, displayed, or stored in the City right-of-way at any time.

h. **Restrictions on Use of Parking Area**

No public or required parking area shall be used for the sale, storage, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies. This shall not preclude emergency repairs to a vehicle.

i. **Back-Out Parking**

Parking areas shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.

j. **Alley Improvements**

Whenever access to the parking lot or loading areas in any business or industrial district is by way of any alley, the developer shall improve such alley access to City specifications.

k. **Lot Frontage**

There shall be a minimum of 75 feet of frontage on a major collector or arterial street. Frontage is based on the most significant adjacent roadway. Frontage on more than one major collector or arterial street shall not be combined to meet minimum frontage requirements.

l. **Code Compliance for Existing Buildings**

Upon the establishment, development, or commencement of operation of an automotive sales or rental business use, new or existing buildings shall be brought up to the current specific codes adopted by the City, including but not limited to: building, electric, plumbing, mechanical and zoning, or the buildings shall be removed prior to operating any use under this paragraph.

m. **Commercial Space in MX-5 District**

In the MX-5 district, automobile sales establishments may only be located on the first floor; are limited to indoor operations and display only; shall not include vehicle repair activities; and may include up to five cars for sale.

[71] *Consolidated draft: Provision prohibiting cars for sale from being parked, displayed, or stored on right-of-way added.*

(4) **Car Wash**[72]

a. **Location**

Such facilities shall have not less than one street frontage on an arterial or collector street.

b. **Minimum Lot Size**

1. Any lot upon which a car wash facility is located shall have not less than 70 feet of frontage on a primary or secondary street, with a depth or frontage along any other street of not less than 200 feet.

2. One service bay or unit may be added for each 30 feet of primary or secondary street frontage additional to the minimum required.

c. **Minimum Setback Requirements**

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

2. No landscaping, or portable signs or other devices shall be located within the setback area required in the preceding paragraph 1, except as otherwise provided in this article.

3. Side and rear setbacks of not less than 20 feet shall be provided along all other property lines. Such setbacks shall be provided with an opaque fence of not less than four feet, nor more than six feet in height placed along the property line, or provided with an all-year, solid, evergreen hedge of not less than four feet in height at the time of planting. However, any such car wash facility located adjacent to a residential district shall provide an all-year evergreen hedge of not less than four feet in height planted along the property line adjacent to such residential district.

d. **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 inches in height, or a bumper guard of not more than 18 inches in height.

3. Curbs shall be provided along the edge of all areas accessible to vehicles to prevent the encroachment of vehicles or any portion thereof, upon adjacent property, or the street right-of-way.

[72] *Consolidated draft: New intro language explaining the abbreviations is carried forward from the current ordinance standard requiring spacing from public uses and a maximum of one service bay have been removed.* Part C, Section IV, Article 2, 2. Removed standards for signs, curbing, driveways, and lighting.

e. **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 Ordinance.

(5) **Bed and Breakfast**[73]

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 that would alter its character as a residential premises.

c. No more than four bedrooms within the dwelling shall be for bed and breakfast use.

d. No parties or receptions shall be held except for traditional household events.

(6) **Community Garden**[74]

a. A community garden is exempt from the landscaping, screening, and buffering requirements of Section 4.5, *Landscaping, Buffering, and Screening*.

b. A community garden may be located on public lands and right of ways as designated by the City of Syracuse with approval from Common Council.

c. A community garden shall not be larger than 25,000 square feet, except in the OS district.

d. Composting is limited only to the materials generated on site and must be used on site.

e. Processing and storage of plants or plant products are prohibited on site.

f. Accessory buildings such as sheds, greenhouses, hoophouses, or farm stands may have an area of up to 400 square feet and shall comply with all other standards in subsection 3.4D, *Additional Standards for Specific Accessory Uses and Structures*.

g. Sales on site are limited to incidental sales of plants or produce generated on site.

(7) **Day Care**

a. **License Required**

Any day care facility that requires a state license to operate shall be so licensed before operation commences.

(8) **Entertainment, Indoor**[75]

a. **Approval**

1. The Planning Commission may approve the application for a special permit for indoor recreation or entertainment establishments as a principal use or as an accessory use.

[73] Part C, Section IV, Article 2, 11. Removed standard requiring breakfast to be the only meal served.
[74] *Consolidated draft: new.*
[75] Part C, Section IV, Article 2, 10. We have removed the existing separate, outdated standards for "amusement arcades." As drafted, these standards are not unique to the use type and probably are unnecessary. These standards will apply to all special use permits. Are there any unique issues associated with indoor recreation that should be addressed by new standards? Further discussion needed.

2. Before approval of any application for a special permit, the Commission shall make specific determination that the proposed application:
   i. is not detrimental to adjoining zoning districts and permitted uses;
   ii. is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
   iii. will not create hazardous or obnoxious conditions; and
   iv. 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 Planning Commission.

(9) **Food and Beverage Retail**[76]

a. This use requires a Certificate of Use Business License from the City of Syracuse.

b. No beer and/or wine sales are allowed for consumption on the premises, but beer and/or wine sales for consumption off the premises is allowed.

c. No drive-through /drop-off windows are allowed.

(10) **Food and Beverage Uses**[77]

a. **Special Use Permit Required for Certain Activities**

1. Activities Other than Eating and Drinking within 300 Feet of Residential District[78]

   A special use permit shall be required for 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, if within 300 feet of a residential district. 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.)

2. Entertainment or Outdoor Amplified Music[79]

   A special use permit shall be required for any live entertainment or any outdoor amplified music that is proposed to be associated with a food and beverage use within 300 feet of a residential district.

[76] *Consolidated draft: New. Replaces the "high-impact retail" use proposed in the earlier draft.*
[77] These standards are based on the existing Syracuse "restaurant" standards. However, the standards have been simplified and streamlined, since the use table introduces a variety of new specific use types under the new general "Food and Beverage" category, including "Bar," "Brewpub," and "Microbrewery." Many of the current standards that apply to restaurants were actually adopted to get at uses that serve alcohol; thus, many of the below standards perhaps can be removed from "restaurant" and either relocated in their current form and/or replaced as new standards for bars and other alcohol-serving uses.
[78] *Consolidated draft: Removed language requiring Special Use permit approval for all restaurants. Consolidated requirements for Armory Square/MX-5 and all other restaurants. Reorganized section for clarity.*
[79] *Consolidated draft: new. May need additional definition of what qualifies as "entertainment" for this provision.*

b. **Continued Operation for Existing Restaurants**

Legally existing restaurants, except as otherwise provided for herein, may continue to be used. Any expansion, alteration, or modification to such existing use including the interior or exterior of the building, signage, site, or intensity of use (e.g., addition of entertainment) may require a Special Permit if required in the use table. Property owners may apply for an Automatic Special Use Permit at any time if no expansions, alterations, or modifications are being sought; see subsection 5.4B(2)c.

c. **Improvements and Changes Allowed by Right**

The following physical improvements and changes to existing food and beverage uses may be made as a matter of right:

1. Maintenance of Existing Floor Areas

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

2. Internal Rearrangements[80]

   Rearrangements of space within the principal building of a legally existing restaurant that do not result in an increase in floor area, customer area, or bulk space and that do not accommodate customer activities other than eating or drinking.

d. **Accessory Appurtenances[81]**

Improvements to exterior signs, lighting units and other accessory structures and appurtenances, including replacement, may be made subject to review and approval by the Zoning Administrator.

e. **Special Use Permit Findings (General)[82]**

As a prerequisite to the approval of any special use 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 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.

4. 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:

[80] *Consolidated draft: Removed requirement for Planning Commission approval.*
[81] *Consolidated draft: Removed requirement for Planning Commission approval.*
[82] *Consolidated draft: Removed vague findings, such as "harmony" with the context of the neighborhood.*

i. Location and adequacy of parking and loading facilities, including compliance with the minimum standards hereinafter provided.

ii. Pedestrian rights-of-way.

iii. Traffic regulatory devices.

iv. Location, number, and design of points of ingress and egress.

v. 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.

vi. Storage facilities for snow.

vii. Speed limits upon and general character of public highways in close proximity.

5. 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.

f. **Additional Requirements for Restaurants Subject to Special Permit**

In addition to the general findings enumerated above, the following requirements shall apply to all restaurants subject to special permit:

1. Open Areas

i. All landscaped areas shall be adequately protected by a raised curb approximately six inches in height, wheelstops, or a bumper guard approximately 18 inches in height.

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

2. 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.

3. Planting and Screening

i. Each restaurant and its facilities shall comply with the provisions of Section 4.5, *Landscaping, Buffering, and Screening*.

ii. In addition, restaurants shall maintain parking areas at least ten feet from any residentially used or zoned property and shall provide solid all-year screening at least four feet high along the perimeters of the parking areas abutting residentially used or zoned properties.

(11) **Gasoline Fueling Station**[83]

a. **Street Frontage**

Such stations shall have not less than one street frontage on an arterial or collector street.

b. **Minimum Lot Size**

1. Any lot upon which such station shall be located shall have not less than 100 feet of frontage on an arterial or collector street.[84]
2. Any such lot with minimum dimensions may have a maximum of three service bays and three pump islands.
3. One pump island may be added longitudinally on the subject property for each 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.

c. **Minimum Setback Requirements**

1. No side and rear setbacks 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.
2. Side and rear setbacks of not less than ten feet shall be provided along all lot lines adjacent to property zoned or used for residential or office purposes.

d. **Gasoline Pump Islands**

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

e. **Drainage**

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

f. **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.

g. **Outside Storage**

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

[83] This is a pared-down version of the existing Part C, Section IV, Article 2, 1. We removed parking, signs, curbing, driveways, and lighting, all of which will be addressed in the general development standards. Renamed from "service" station to deemphasize the service/repair function.

[84] *Consolidated draft: Reduced minimum frontage from 150 to 100, and removed the minimum depth requirement.* Staff questioned the need for this existing provision; it likely was adopted to ensure adequate space for multiple vehicle entry and exit.

h. **Improvements to Existing Gasoline Fueling Station Sites**

1. Improvements to a gasoline fueling station building now legally existing in any Mixed Use, 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 Planning Commission.

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

3. Replacement or relocation of appurtenant facilities, such as lighting, pumps, signs and the like shall also be permitted without requiring approval by the 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 Planning Commission.

4. Use of contiguous lands zoned for mixed use, commercial, or industrial purposes solely in conjunction with an existing gasoline fueling station operation is permitted provided that the land is resubdivided in accordance with the standard procedures adopted by the Planning Commission.

i. **Additions to Existing Gasoline Fueling Stations**

Structural additions to gasoline fueling station buildings now legally existing in any Mixed Use, 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 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.

(12) **Parking Structure**[85]

a. **MX-3, MX-4, and MX-5 Districts**

1. In the MX-5 district, an off-street parking structure is not permitted at the level of the adjacent street unless separated from the street by a portion of the building that is occupied by a permitted use or uses, with the exception of the portion of the parking structure that provides vehicular or pedestrian access to the street. Permitted uses shall be located within the building and have a minimum depth of 25 feet from the exterior of the front wall. On corner lots, this requirement shall apply to all lot frontages.

[85] *Consolidated draft: these are new standards, based on stakeholder comments. Generally, we have renamed the prior "parking garage" to "parking structure." Added MX-3 to this section. To clarify, this provision means no street-level parking located directly adjacent to the street in the MX-5 district; parking may be at street level only in the interior of the structure behind another use.*

2. In the MX-3 and MX-4 district, an off-street parking structure shall be located a minimum of ten feet from the front lot line at the level of the adjacent street and provide a landscape buffer or screening wall between the building and the front lot line.

3. In the MX-3, MX-4, and MX-5 districts, any wall of an off-street parking structure that abuts a residential zoning district shall not contain openings; or, if it contains openings, shall be separated from the abutting lot line by a building other than a parking structure occupied by a permitted use, or uses.

(13) **Urban Agriculture**[86]

a. Urban agriculture is exempt from the landscaping, screening, and buffering requirements of Section 4.5, *Landscaping, Buffering, and Screening*.

b. Urban agriculture shall not be larger than 25,000 square feet, except in the OS district.

c. Composting is limited only to the materials generated on site and must be used on site.

d. Accessory buildings such as sheds, greenhouses, hoophouses, or farm stands may have an area of up to 400 square feet and shall comply with all other standards in subsection 3.4D, *Additional Standards for Specific Accessory Uses and Structures*.

e. Sales on site are limited to incidental sales of plants or produce generated on site.

f. Backyard hens may be kept on site provided they comply with the standards in subsection 3.4D(5), *Keeping of Chickens or Rabbits.*

D. Industrial Uses

(1) **Antenna and Communications Towers**[87]

a. **Allowances and Restrictions**

1. Antennas (and related supporting structures and frameworks) on buildings

i. In all zoning districts:

a. Shall be placed at least 30 feet above grade; and

b. Shall not extend more than 20 feet above the building roof lines;

ii. In Residential Districts, Planned Institutional Districts, and all installation locations within 100 feet of these districts:

a. Shall be placed in accordance with the height restrictions set forth in 1 above; and

b. Shall be installed in accordance with the applicable provisions of the General Standards for Towers and Antennas set forth in this section; and

c. Shall require site plan approvals pursuant to subsection 5.4A, Site Plan Review; and

[86] *Consolidated draft: new.*

[87] These are the existing standards from Part C, Section I, Article 7. We have had little discussion on these standards and so have carried them forward in this first draft pending additional comment from the City. We will work with City legal staff to ensure that new federal requirements that preempt local review of "eligible facilities requests" on existing towers are reflected in this section.

d. Shall in no instance be installed on wood frame buildings or buildings with only one to four dwelling units.

iii. All installation locations not included in ii above:

a. Shall be placed in accordance with the height restrictions set forth in 1(a) above; and

b. Shall be in permitted by right if installed in accordance with the applicable provisions of the General Standards for Towers and Antennas set forth in this section; and

2. New Antennas on Existing Towers

i. In Residential Districts, Mixed-Use Districts, and Planned Institutional Districts:

a. Shall be installed in accordance with the General Standards for Towers and Antennas set forth in this section; and

b. Shall require site plan approval pursuant to subsection 5.4A, *Site Plan Review*;

ii. Mixed-Use District, Commercial District, and Industrial District:

a. Shall be permitted by right subject to the General Standards for Towers and Antennas as enumerated in this section;

b. Provided that the new antennas do not extend above the towers; and

c. Provided that the new antennas are installed in accordance with existing conditions of approval already affecting the towers;

3. New Towers (and Related Antennas)

i. In Commercial District and Industrial District:

Shall be permitted by right in accordance with the General Standards for Towers and Antennas as enumerated in this section.

ii. In all other districts

Shall be prohibited.

b. **General Standards for Towers and Antennas (not including Satellite Dish Antennas):**

1. Construction

Tower construction shall be of a monopole design. Towers of other designs, such as lattice work or guyed support, shall be subject to waiver approval under the Site Plan review procedures of this Ordinance.

2. Setbacks

Accessory buildings, structures, antennas and guy wires shall adhere to the setbacks as prescribed by applicable zoning district regulations. Ground towers must be set back from all property lines a distance equal to at least 75 percent of the height of the tower.

3. Height

   Installation of any new tower as permitted in a Commercial or Industrial District shall be as follows:

   i. For a single user: up to 120 feet

   ii. For two or more users: up to 150 feet

4. Spacing

   A minimum radius of 1,000 feet shall be maintained between any proposed tower and any other tower, irrespective of whether the latter is located in the City of Syracuse or a contiguous municipality.

5. Co-location

   Telecommunication towers shall be designed to provide for the expansion capacity for co-location for a minimum of two service providers.

6. Fencing

   The base of towers shall be enclosed by security fencing a minimum of six feet in height and shall be designed to prevent individuals from unauthorized entry and attempts to climb the towers.

7. Landscaping

   Landscaping shall be installed and properly maintained surrounding the base of towers to provide effective visual screening from residentially zoned or used properties within 100 feet of the properties on which the towers sit. Such screening shall be a minimum of four feet in width. Existing mature tree growth and natural land forms on site shall be preserved. The required screening may consist of on-site natural land forms and evergreen foliage.

8. Color

   Towers shall be either grey in color, have a galvanized finish, or be colored to coordinate the tower's locational context to the extent that the tower is as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration.

9. Lighting

   Towers and antennas shall not be illuminated unless required by the Federal Aviation Administration. If lighting is so required, the illumination shall be designed and installed to meet the minimum mandates of the Federal Aviation Administration.

10. Accessory Equipment

    Where not located within an existing building, accessory equipment shall be located in a new building or structure limited to a maximum of 400 square feet. Buildings and structures located at ground level shall be painted neutral colors that will blend with their natural surroundings to the maximum extent possible. Any accessory equipment located on building roofs shall be located so as not to be seen, or to minimize visibility from ground level.

11. Federal and Local Standards

    All towers, antennas, and support structures shall comply with all applicable federal as well as state and local regulations including but not limited to Federal

Communications Commission, Federal Aviation Administration, and New York State Building Code. If such regulations are changed or amended, at any future date, then the owners of such facilities shall bring those facilities into compliance with such regulations within six months of the effective date of such changes or amendments, unless a more restrictive compliance schedule is mandated by the controlling agency.

12. Signs

    Signs shall not be permitted on any tower or antenna. The only signs permitted shall be those located on the accessory buildings or fencing displaying owner contact information and/or safety instructions. No sign shall exceed six square feet in area.

(2) **Contractor Yard**

All contractor yards must be fully enclosed by opaque fencing to screen from adjacent properties.

(3) **Fuel or Oil Storage Distribution Facility**[88]

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 Syracuse Fire Department.

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 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 setback, including the area to the curb, shall be landscaped.

f. Side and rear setbacks within not less than 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.

i. Such facility shall meet all applicable requirements of the New York State Department of Environmental Conservation.

j. Such facility shall meet all applicable requirements of the Syracuse Fire Prevention Code.

(4) **Junk Yards and Scrap Metal Processing**[89]

a. All junk yards shall be located at least ten feet from the street line and shall be surrounded by a wooden fence eight 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

[88] Existing Part C, Section IV, Article 2, 6. Name changed from Bureau of Fire Prevention to Syracuse Fire Department.
[89] Existing Part C, Section IV, Article 2, 4. *Consolidated draft: Oil storage use consolidated with fuel distribution and additional standards regarding compliance with other applicable requirements added.*

the operation of a junk yard shall be a masonry building or building approved by the Syracuse Fire Department. 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 Syracuse Fire Department as being equivalent in fire resistivity as an enclosed masonry building.

b. 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-foot fence or hedge of material approved by the Planning Commission, which fence or hedge shall be situated a minimum distance of 50 feet from the lot lines of the subject property. The required 50-foot buffer shall be open and unoccupied except for driveways, railroad tracks and sidings, and shall be suitably landscaped.

c. All buildings located on the premises of any junk yard or scrap metal processing operation shall be maintained in a neat and orderly condition.

d. All materials located within such buildings or setbacks 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.

e. All gasoline, oil or other flammable liquids shall be drained and removed from any scrap metal or discarded article located within said buildings or setbacks.

(5) **Manufacturing, Artisan**

a. Activities shall not involve the creation of noxious by-products.

b. No outdoor storage of goods and materials shall be permitted; all storage shall be indoors.

(6) **Manufacturing, General**[90]

a. Such establishments shall not engage in the manufacture or compounding process of raw materials, which has the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors.

b. Any activity that includes the storage of large volumes of highly flammable, toxic matter, or explosive materials needed for any manufacturing process shall require a special use permit. Such activities include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

[90] *Consolidated draft: New. This pulls forward language that was in the definition of "heavy manufacturing" in the prior draft. That term is no longer included in the ordinance, and "light manufacturing" has been changed to "general manufacturing."*

3.4 Accessory Uses and Structures[91]

Commentary

There are only minimal provisions in the current Syracuse ordinance on the topics of accessory uses and structures. This is a proposed new section on this important issue. There are two general approaches to dealing with accessory uses. Some communities adopt a broader, performance-based approach, stating that a variety of unnamed accessory uses may be allowed so long as they comply with the performance standards in the ordinance. Other communities take a narrower approach, choosing to define the specific accessory uses that may be allowed (often putting them in a table) and prohibiting unlisted uses (or providing a process for approving unlisted uses.)

For discussion purposes, this draft generally follows the latter approach and identifies some specific accessory uses in the allowable uses table, but also leaves the door open for other uses if the Zoning Administrator determines that the use complies with the performance standards set forth in this Ordinance. More discussion is needed on this issue.

A. Purpose

The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

B. Accessory Uses and Structures Allowed

(1) Table 3.1: Allowed Uses, lists allowed accessory uses and structures alphabetically. Accessory uses not listed in the table require approval under the procedure in subection 3.2D, *Classification of New and Unlisted Uses.*

(2) All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use as described in Section 7.2, *Definitions of Use Categories and Specific Use Types*, unless specifically prohibited in this section.

(3) All accessory uses are subject to the standards in this Section 3.4, in addition to any applicable requirements in Section 3.3, *Use-Specific Standards*.

C. General Standards for All Accessory Uses and Structures

(1) **Relationship to Principal Use or Structure**

a. Except as otherwise expressly allowed in this Ordinance, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.

b. If the principal use or structure is destroyed, abandoned, or removed, the accessory use or structure shall no longer be allowed.

c. The total floor area of accessory structures to a residential use shall not exceed 50 percent of the heated floor area of the principal structure(s) on the lot.

[91] New

d. Accessory uses shall not be permitted as the exclusive use of any property regardless of whether that accessory use was permitted by-right, by conditional use permit, or by special use permit.

(2) **Location of Accessory Uses and Structures**

a. No accessory use or structure shall be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.

b. No accessory structure shall impede the access to or function of a vehicle use area.

c. Accessory uses and structures more than 120 square feet in size shall comply with the minimum applicable zoning district setback standards.[92] Accessory structures less than 120 square feet shall not occupy more than 50 percent of the combined required rear and side setbacks and shall be located a minimum of three feet from the property line.

(3) **Storage Buildings Accessory to Nonresidential Uses**

Except where otherwise expressly allowed in this Ordinance, the total floor area of storage buildings accessory to a nonresidential use shall not exceed the lesser of 2,000 square feet or 10 percent of the floor area of the principal building(s) on the lot.

(4) **Same Ownership Required**

Accessory uses/structures and principal uses/structures shall be under the same ownership.

(5) **Use of Accessory Structures**

Accessory structures, except for accessory dwelling units, shall not be used for living or sleeping quarters and shall not contain plumbing capable of facilitating a bathroom or kitchen. Accessory structures, including garages, shall not be used for the storage of goods, vehicles, or maintenance tools related to another use off-site.

(6) **Maximum Size of Accessory Structures**

The maximum size of any accessory structure shall be 1,000 square feet unless otherwise stated in this Ordinance.

D. Additional Standards for Specific Accessory Uses and Structures

(1) **Accessory Dwelling Unit[93]**

Accessory apartments or dwelling units ("ADUs") shall comply with the following standards:

a. **Generally**

1. Only one ADU is allowed per property.

2. ADUs are allowed only for single-family dwellings.

b. **Location and Design**

1. Except as set forth below, an ADU shall be fully attached to or within the principal structure on the lot. "Attached" shall mean at least one/quarter of the total wall area

[92] This should be set at the same threshold as required for building permits.
[93] Suggested new standards for a new use.

or the floor or ceiling of the ADU shall be fully connected to a wall, floor, or ceiling of the principal residential structure.

2. Detached ADUs shall be located to the side or rear of the primary structure.
3. All ADUs shall have a separate exterior entrance from the principal dwelling unit and shall contain cooking, sleeping, and sanitary facilities.
4. An ADU shall not have more than one bedroom.

c. **Public Services and Utilities**

Separate water or sewer service for the ADU shall not be provided by the City. Separate metering of other utilities shall be allowed.

d. **Ownership Requirements**

Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.

(2) **Caretaker's Quarters**[94]

The living area of caretaker's quarters shall not exceed 800 square feet of net interior floor area.

(3) **Drive-Through/Drop-Off Window Uses**[95]

a. **Location**

1. 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 200 feet of any assembly use, public or private school, indoor recreation use, or park or playground except by special use permit as provided for below, nor shall such restaurants be placed within 200 feet of any residentially zoned district or building used for residential purposes.
2. A special use permit is required if the use will be located within 300 linear feet of a residential district boundary, unless an intervening building or a major or minor arterial street is located between the drive-through service and the residential district boundary.
3. Drive-through lanes and stacking spaces are prohibited between the building façade and the adjacent City right-of-way.

b. **Drive-Through Lanes**

1. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and do not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).

[94] Suggested new standard for a new use.
[95] Suggested new standards for a new use, but also integrating several provisions from Syracuse's current regulations for drive-through restaurants. This could apply to not just restaurants, but also banks and pharmacies. *Consolidated draft: Provision prohibiting drive-through lanes and stacking spaces between right-of-way and the building façade added.*

2. 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.

c. **Design**[96]

1. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.

2. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

d. **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.

e. **Compatibility**

In addition to the requirements of this section, the drive-through use may be subject to other conditions imposed by the approving body to ensure compatibility with surrounding uses, efficient vehicular travel, efficient pedestrian movement, and architectural compatibility with the principal structure and development.

(4) **Home Occupation**[97]

a. **General Restrictions**[98]

1. General

i. A home occupation shall be carried on for financial gain within a dwelling unit solely by its resident(s);

ii. A home occupation shall be clearly incidental and subordinate to the primary use of the dwelling unit as a domicile;

iii. The home occupation use shall not interfere with the integrity or functioning of the domicile as a single housekeeping unit; and

iv. A home occupation shall not conflict with occupancy standards pertaining to home occupations in dwelling units set forth in the applicable building and property conservation codes.

[96] There are other options to consider regarding drive-throughs. For example, they can be prohibited altogether in mixed-use districts. Or, they can be allowed but drive lanes prohibited between the building and the street.
[97] These are the existing Syracuse standards. Staff indicates that they are working well.
[98] *Consolidated draft: Some general restrictions that were in the definition of "Home Occupation" have been moved to the use-specific standards.*

2. Residential Appearance

   The residential appearance of any premises containing a home occupation in a residential district shall be maintained. No separate entrance exclusively for the home occupation shall be permitted.

3. Location Identification

   No sign shall be displayed or be visible from the exterior of the premises in connection with a home occupation. No vehicle belonging to those engaged in a home occupation shall be parked with a business name visible from the street.

4. Space Allocated to the Home Occupation

   i. No home occupation, including related storage, shall occupy more than 25 percent of the floor area of the dwelling unit. The percentage of floor area available for the home occupation shall be based on the entirety of the floor area of all heated and ventilated space in the dwelling unit including habitable basement and attic space.

   ii. In no case shall the amount of area utilized for a home occupation exceed that specified in the building code provisions applicable to home occupations.

   iii. No home occupation or related storage shall interfere with the functional use of a kitchen, dining room, living room, or other room necessary to sustain a single housekeeping unit.

   iv. No activities or storage related to a home occupation shall be permitted on the premises outside the dwelling unit in any other unit, out-of-doors, in any garage, or in any accessory structure or trailer.

   v. No activities or storage related to a home occupation shall be permitted on the street or streets proximate to the dwelling unit.

5. Storage of Goods, Equipment, and Material

   No home occupation shall have storage as its primary or dominant function; any storage of goods, equipment, or material shall be incidental to the conduct of the home occupation. In no case shall on-premises, exterior storage of goods, equipment, or material be permitted in connection with a home occupation. Neither on-premises storage of building materials for off-premises use nor on-premise storage of goods, equipment, or material for lease or rental shall be permitted.

6. Parking and Vehicles

   No parking spaces shall be provided on the premises specifically or primarily for a home occupation. Vehicles used in connection with the home occupation and parked on or proximate to the premises shall be limited to vehicles mainly serving the passenger needs of the residents of the dwelling unit. No vehicles or trailers customized or specialized for use in connection with a home occupation shall be parked on or proximate to the premises.

7. Employment

   Subject to applicable labor laws and regulations and with the exception of one outside individual needed for assistance where the proprietor is physically handicapped, no person other than a permanent legal resident of the dwelling unit shall be engaged

on-premises in the home occupation. There shall be no restriction against outside employees if they work elsewhere and rarely come to the premises.

8. Deliveries

   Other than by mail, no home occupation shall receive more than three deliveries of products, materials, or other items a week at the premises. No deliveries shall be made to or from a home occupation with any vehicle having a cargo capacity greater than one ton. The number of deliveries to or from the premises by members engaged in a home occupation using their own personal passenger vehicles shall not be restricted.

9. Business Visitors and Clientele

   i. Individuals received on-premises in connection with a home occupation shall be by appointment only. Except for students of those engaged in permitted teaching activities, the reception of individuals on-premises for business purposes shall clearly be secondary to the primary activities of the home occupation. The duration of visits by individuals for business purposes shall not dominate the time spent in the pursuit of the home occupation. The number of students received on-premises at any one time shall limited to one. Individuals received for other purposes shall be limited to two at any one time.

   ii. Groups of business visitors or clientele are prohibited.

10. Hours

    In no case shall individuals conducting business with a home occupation, including deliveries or pick-ups, come to the premises earlier than 8:00 A.M. or later than 9:00 P.M.

11. Nuisances

    No home occupation shall produce offensive noise, illumination, vibration, smoke, dust, fumes, odors, or heat. Nor shall any home occupation create visual or audible electrical interference in any radio or television receiver off the premises or cause fluctuation in line voltage off the premises.

12. Hazardous Material

    Toxic, inflammable, combustible, or corrosive materials may not be used or stored on the premises in connection with a home occupation, except in properly contained and handled minimal amounts incidental and necessary to the conduct of permitted activities. In no case shall explosives or other extremely dangerous or hazardous material be allowed on-premises in connection with a home occupation.

13. Equipment, Machinery, and Processes

    All equipment, machinery, and processes used in connection with a home occupation shall be consistent with the use of the premises as a dwelling unit, shall be safe and healthy, and shall not conflict with occupancy standards set forth in the applicable building and property conservation codes.

b. **Restrictions on Specific Activities**

1. Services and Office-related Activities

   A home occupation may provide services and consultations by telephone or other communications media. On-premises meetings and interaction with individuals from outside the home shall clearly be incidental and subordinate to the primary activities of the home occupation (i.e., the performance of tasks not involving on-premises, in-person contact, such as paperwork, telephoning, bookkeeping, drafting, research, etc.).

2. Teaching

   Teaching on-premises shall be limited to one student at a time and to academic subjects, including art and music, or subjects typically taught in elementary and secondary schools.

3. Production of Goods

   Production of items or material primarily involving mental effort, as opposed to physical labor, shall be permitted as part of a home occupation. Goods substantially requiring physical or manual efforts to produce shall be limited to craft items, art work, and individualized, custom-made items. Any tools, equipment, or processes used shall be compatible with maintaining the premises as a dwelling unit and shall comply with applicable health, safety, building, fire, and electrical standards, including New York State Agricultural and Markets Laws.

4. Repair Work

   Repair and restoration of portable household items shall be permitted subject to the preceding general restrictions and subject to the limitation that such items shall be transported to or from the premises only by those engaged in the home occupation.

5. On-Premises Sales Activity

   Sales transactions conducted by telephone or other communications media shall be permitted as part of a home occupation. Sales of goods in connection with a home occupation to anyone on-premises shall be prohibited, except for the sale of individually custom-made durable items. Such items shall be made on the premises by those engaged in the home occupation and shall be specifically ordered by the consumer-purchaser. Displays or other exhibitions of merchandise on-premises shall be prohibited. Off-premises sales activities are not restricted by these regulations.

6. Garage and Setback Sales, Home Parties, Children's Play Activities

   Restriction against sales and display shall not apply to garage and setback sales held no more than twice during the calendar year, to home parties for the purpose of sale or distribution of goods and services held no more than six times during the calendar year, or to occasional playtime businesses (such as "lemonade stands") run by children under 12 years old.

7. Activities Specifically Prohibited

   The following activities shall be specifically prohibited from home occupations as being incompatible with maintaining the residential character of a dwelling unit or being potentially disruptive to other properties:

   i. Mass production of goods or assembly line fabrication;

ii. Repair or alteration of internal combustion engines, lawn and garden equipment, vehicles or parts thereof, boats or other transportation equipment, or any other non-household goods;

iii. Contracting services for paving, construction, heating, plumbing, electrical work, or work related to the maintenance of real property (including lawn care and snow removal), except where use of the premises for the home occupation is strictly limited to office functions (i.e., telephoning, drawing up contracts, billing, bookkeeping, etc.);

iv. Livery and taxi services;

v. Restaurant activities;

vi. Veterinary services, kennels, animal grooming, animal breeding, butchering, taxidermy, or other activities involving live or dead animals;

vii. Mortuary services;

viii. On-premises medical or health care treatment, physical therapy, and services involving gyms or equipment for exercise or physical treatment;

ix. On-premises counseling or rehabilitation services for mental, drug, alcohol, marital, or personal or social problems;

x. Personal grooming, barbering, hairstyling, or other cosmetic services; laundering or dry-cleaning;

xi. On-premises sales promotions or training activities;

xii. Studio work involving on-premises customer sittings or posing;

xiii. On-premises parapsychological services (astrologers, palm readers, etc.);

xiv. Escort and on-premises personal entertainment services.

8. Nonconformities

Activities conducted in the home that do not conform with these regulations on home occupations but that have status as nonconforming uses shall be subject to the protection and restrictions applicable to nonconforming uses. See Section 1.5, *Nonconformities*.

(5) **Keeping of Chickens or Rabbits**[99]

a. **Licensing**

1. It is unlawful to keep backyard chickens or rabbits without a license pursuant to Section ---.[100]

[99] *Consolidated draft: new.*

[100] Some communities have a separate "backyard chicken (or beekeeping) permit/license" issued by the planning department. Typically there is a small fee charged for the staff time to review and inspect the site prior to issuance (typically around $25.00). Some communities delegate the permitting/licensing process to the animal control authority after a member of planning staff has reviewed the application. The administration and licensing procedures will need to be discussed internally to decide the best approach for Syracuse moving forward.

2. Licenses may be issued only on residential properties with dedicated rear yards; this excludes apartments and condominiums with shared outdoor spaces.

b. **Number and Type of Chickens or Rabbits**

1. No more than six chickens and/or rabbits total are permitted per property.[101]
2. Roosters and other wild and/or dangerous animals are prohibited pursuant to Municipal Code Article 18, Section 16-62. Only the keeping of hens or female chickens is allowed.

c. **Coop Standards[102]**

A coop is a physical structure where chickens are kept and that provides such chickens or rabbits with protection and shelter. Coops shall meet the following standards:

1. The coop shall be designed to be resistant to predators.
2. The coop shall be kept clean and free from offensive odors.
3. Feed shall be stored within a structure in a rodent-proof, fastened container.
4. There shall be no outdoor slaughtering of hens.
5. No live hens shall be kept in a basement, cellar, or any part of any dwelling or building used for daily human occupation.
6. The coop size shall not exceed 120 square feet and shall provide at least four square feet of space per bird.
7. The coop height shall not exceed six feet in height.
8. Coops shall be located in the rear yard and shall be no closer than five feet from any side or rear property line and no closer than 25 feet from any adjacent dwelling.

d. **Ranging Standards**

Chickens and rabbits shall have space to range in the rear yard per the following standards:

1. If a chicken run or other enclosure is used, chickens or rabbits must be provided a minimum of 20 square feet of permeable surface per bird or animal.
2. Chickens and rabbits are allowed to range in the rear yard, up to the property line, but must be kept in the required chicken coop from dusk until dawn.
3. Chickens and rabbits allowed to range in the rear yard must be contained by a fence adequate to contain animals. The fence must be a minimum of four feet in height.

[101] The allowed number of chickens can vary greatly across communities; some adopt a maximum number allowed applicable to all zones, some communities introduce a sliding scale based on lot size (i.e., more chickens allowed with larger lots), and some have no maximum limit.
[102] Minimum coop sizing requirements is one indirect way to limit the number of chickens allowed on a property as well as ensure the safety of the animal. *Consolidated draft: Additional standards for coops, prohibition on slaughter, and location of coop from adjacent dwellings added.*

(6) **Outdoor Display/Sale**[103]

Except for establishments engaged in the sale or rental of vehicles or equipment, outdoor display of merchandise for sale and material for customer pick-up shall be subject to the following standards:

a. Display/sales areas shall be located immediately adjacent to the front or sides of a building of the principal use, and shall not occur to the rear of a building;

b. Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, required landscape areas, or pedestrian ways;

c. Display/sales areas shall not exceed eight feet in height;

d. Such uses shall take place on an improved surface such as paved area; and

e. Display/sales areas shall not be located within landscaped areas.

(7) **Outdoor Storage, Accessory**[104]

a. **Generally**

1. Goods or materials in an approved outdoor storage area shall be limited to those sold or used on the premises as part of the principal use of the property.

2. In all districts where outdoor storage is permitted as an accessory use, outdoor storage shall not exceed 25 percent of the total square footage of enclosed structures.

b. **Location of Outdoor Storage**

1. Outdoor storage areas shall be located at the rear of the primary structure.

2. Goods or materials shall not be stored in areas intended for vehicular or pedestrian circulation.

c. **Fencing and Screening**

1. Outdoor storage of goods or materials not for sale shall not be visible from the ground from any direction along the property and shall be subject to the screening standards in Section 4.5*, Landscaping, Buffering, and Screening*.

2. The storage of goods or materials shall not exceed the height of the approved fence or screening.

d. **Recreational Vehicles**

1. The storage of recreational vehicles, campers, motor homes, trailers, boats or similar vehicles on private property shall be permitted in all zoning districts. However, such storage is prohibited within any required front setback. Such storage is prohibited within streets or rights-of-way dedicated to the public or owned by the City.

2. No vehicle used for commercial purposes shall be parked on any private property within any residential district.

[103] Suggested new standards for a new use.
[104] Suggested new standards for a new accessory use.

3. No recreational vehicle, camper, motor home, trailer, boat, or similar vehicles shall be used for a permanent dwelling unit, accessory building, home occupation or other use permitted in the zoning district.

(8) **Produce Stand**[105]

a. No more than one stand per lot is allowed.

b. Sales shall be limited to the retail sale of agricultural products produced on the lot, including the sale of products made from such products by the producer (e.g., jams and jellies, juices).

c. The area occupied by the stand shall not exceed 120 square feet.

(9) **Satellite Dish Antennae**[106]

a. **All Zoning Districts**

Satellite dish antennae, one meter in diameter or less, may be installed in any district as a matter of right upon issuance of applicable permits.

b. **Residential Districts and Mixed-Use Districts**

The following shall apply to satellite dish antennas larger than one meter in diameter:

1. Satellite dish antennae shall be mounted on the ground within the rear setback;
2. Satellite dish antennae shall be located no closer than 30 feet from any street line;
3. No more than one satellite dish antenna shall be located on any residential lot;
4. The bottoms of the dishes of satellite dish antennae shall be no more than three feet above grade level;
5. Satellite dish antennae shall not exceed two meters in diameter and shall be colored, camouflaged, or screened to the extent they are as unobtrusive as possible;
6. Any satellite dish antenna larger than one meter in diameter may be installed only after site plan approval.

c. **Mixed-Use, Central Business Districts, Planned Institutional Districts, Commercial District, and Industrial Districts**

Satellite dish antennae shall be permitted without restriction in size, provided they do not encroach onto restricted setback areas.

(10) **Solar Energy Collection System**[107]

a. **Setbacks, Location, and Height**

1. In single-family residential districts, solar energy collection systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, solar collection systems shall be integrated into the design and

[105] Suggested new standards for a new accessory use. *Consolidated draft: Size reduced from 150 to 120 square feet.*
[106] Existing Syracuse standards. Note that the prohibition on regulating dishes one meter in size or smaller is from federal law (which is why this section only uses the "meter" metric.) City legal staff notes that a new provision requiring removal of dishes should be discussed.
[107] New standards for a new use type.

architecture of accessory structures if placed between a principal structure and the public right-of-way.

2. In all zoning districts, freestanding solar collection systems shall be located a minimum of six feet from all property lines and other structures. When adjacent to single-family residential districts or uses, freestanding solar collection systems shall be set back from shared property lines by a distance equal to the height of the solar collection system when it is fully extended.

3. In single-family residential districts, a solar collection system mounted on a structure shall not extend more than five feet above the highest point of the roof to which it is mounted and freestanding solar collection systems shall not exceed the height of the primary structure. In all other zoning districts, solar collection systems shall not extend more than five feet above the maximum height limit in the zoning district in which it is located.

4. Restrictions regarding placement and location shall comply with all applicable state laws.

b. **Appearance**

A structure-mounted solar collection system that is visible from a single-family residential district or public right-of-way shall, to the maximum extent practicable, be integrated into the design and architectural character of the building to which it is attached.

(11) **Swimming Pools**[108]

a. **Location**

All swimming pools and associated equipment shall be constructed and located so as to have a setback not less than five feet in width on all sides except where the pool is attached to or part of a principal structure. No swimming pool shall be located in a required front or side setback.

b. **Setback for Corner Lots**

All swimming pools constructed on corner lots shall conform to the setback required for a principal residential structure on the secondary or side streets.

c. **Fences**

For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than four feet in height. For pools projecting above the ground and that are self-enclosed by exterior projections, said enclosures shall be construed to satisfy the requirements of this provision, provided they are not less than four feet in height above the ground, and provided further that any openings in the enclosure affording access to the pool proper be provided with a gate containing an automatic or manual locking device affixed in such a manner as to exclude small children.

d. **Maintenance Equipment**

All heating, filtering, disinfectant and recirculation equipment shall not be located at any point within five feet from adjacent property lines, and shall be effectively screened and enclosed so as to not adversely affect the character of surrounding properties; no

[108] Existing Syracuse standards.

equipment shall be permitted, the use of which by reason of the emission of noise, vibrations, dust or odors would be considered obnoxious or dangerous to the health and safety of the public.

e. **Municipal Pools Excluded**

The provisions of this section shall not be applicable to municipally-owned and operated swimming pools.

(12) **Urban Agriculture, Accessory Rooftop Operation**[109]

Up to five bee colonies may be kept as an accessory use to the primary activity on the site.

(13) **Wind Energy Conversion System**[110]

a. **Location and Setback**

1. Tower-mounted wind energy systems shall not be located within a front setback.
2. A wind energy conversion system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

b. **Height**

In residential districts, the maximum height of a wind energy conversion system (including the tower and extended blades) shall be the maximum height allowed in the zoning district plus 10 feet. In mixed-use and nonresidential districts, the maximum height shall be 40 feet. Requests for additional height shall be subject to approval of a special use permit.

c. **Sound**

Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed maximum noise limits established by the City. The maximum noise level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.

d. **Appearance**

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors, as determined by the Zoning Administrator, are prohibited.

e. **Blade Clearance**

The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over required setbacks, parking areas, public right of ways, driveways, or sidewalks.

[109] *Consolidated draft: new.*
[110] Suggested new standards for a new use.

f. **Lighting**

No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

g. **Access to Tower**

On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

h. **Signage Prohibited**

No wind generator, tower, building, or other structure associated with a small wind energy system shall include any signage visible from any public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

i. **Utility Notification**

No wind energy conversion system intended to connect to the electric utility shall be installed until evidence has been submitted to the City that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

j. **Abandonment**

On determining that a wind turbine has been inoperable for six consecutive months, the Division of Code Enforcement shall send the property owner a notice and order requiring restoration of the system to operating order within three months after receiving the notice. If the owner fails to restore the system to operating condition within the three-month time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the City may pursue legal action to have the wind turbine removed at the owner's expense, in accordance with Section 1.6, *Enforcement*.

3.5 Temporary Uses and Structures[111]

Commentary

There are only minimal provisions in the current Syracuse ordinance on the topics of temporary uses and structures. This is a proposed new section on this important issue. For discussion purposes, this draft identifies some specific temporary uses in the allowable uses table. A procedure for permits should be drafted as part of the new Administration article. As with accessory uses, more discussion is needed on this issue.

A. Purpose

The purpose of this section is to authorize the establishment of certain uses (including special events) and structures of a limited duration. This section is intended to ensure that such uses or structure do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

[111] New

B. Temporary Uses and Structures Allowed

Table 3.1: Allowed Uses, lists allowed temporary uses and structures alphabetically. Temporary uses and structures not listed in the table require approval under the procedure in in subsection 3.2D, *Classification of New and Unlisted Uses*. All temporary uses are subject to the standards in this Section 3.5, in addition to any applicable requirements in Section 3.3, *Use-Specific Standards*.

C. Approval Process for Temporary Uses and Structures

Prior to establishing any temporary use or structure, an applicant shall file an application for a temporary use permit for review and processing pursuant to subsection 5.4D, *Temporary Use Permit*.

D. General Standards for All Temporary Uses and Structures

(1) All accessory uses and structures are subject to the dimensional standards in Article 2: *Zoning Districts,* and the development and design standards in Article 4: *Development Standards*. In the case of any conflict, the more restrictive standards, as determined by the Zoning Administrator, shall apply.

(2) Unless otherwise specified in this Ordinance, any temporary use or structure shall:

a. Obtain any other applicable City, county, state, or federal permits, including building permits and health department permits;

b. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of an authorized not-for-profit, special, or City-recognized or authorized event;

c. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

d. Be compatible with the principal uses taking place on the site;

e. Comply with any applicable conditions of approval that apply to a principal use on the site;

f. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;

g. Not include permanent alterations to the site;

h. Comply with temporary signage standards in subsection 4.8F(4), *Temporary Event Signs*.

i. Not maintain temporary signs associated with the temporary use or structure after the activity ends;

j. Not violate the applicable conditions of approval that apply to a site or a use on the site;

k. Not interfere with the normal operations of any permanent use located on the property; and

l. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

E. Additional Standards for Specific Temporary Uses and Structures[112]

(1) **Temporary Office Space and Equipment Storage**

Temporary office space and equipment storage may be approved when accessory to an approved construction project, including sales offices on residential development sites. Such structures and uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after completion of the project. Residential sales offices may remain on site until all houses or units are sold or leased.

(2) **Expansion or Replacement Facilities**

Expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and arrive at the site ready for occupancy and are readily removed and installed at other sites, may be approved subject to this section. Such facilities may include, but are not limited to, the following:

a. Expansion of existing facilities following approval of a plan for permanent expansion or alteration.

b. Temporary classroom space for existing schools.

c. Temporary space for recreational uses provided in connection with an approved residential development under construction.

d. Temporary space for any use following the destruction of a building by fire, flood, or other catastrophic event.

(3) **Temporary Special Events[113]**

a. Events lasting longer than three days require a special use permit.

b. There shall be adequate off-street parking and accessibility.

c. The Fire and Police Departments shall determine that the site is accessible for public safety vehicles and equipment.

d. The City shall determine that any existing or proposed permanent or temporary structures comply with applicable regulation, including State regulations.

e. Adequate restroom facilities shall be provided.

f. Adjacent property owners shall be notified of the proposed event before its approval.

g. No premise shall be the site of a special event exceeding a collective total of 20 days or four weekends within any calendar year, except where the site is publicly-owned property and used for events sponsored by the City for the enjoyment or enrichment of its citizens.

(4) **Mobile Vendor Carts[114]**

No review by the Office of Zoning Administration is necessary for mobile food vendors situated on private property if the following conditions are met:

[112] These are typical types of temporary structures that we often include in codes. Are there other particular types of structures in Syracuse that we should address?
[113] These are draft simple standards for discussion purposes. The City is updating the entertainment license ordinance, which may make this unnecessary to address in the Zoning Ordinance. City legal staff will advise.
[114] This codifies a policy adopted by the Office of Zoning Administration in May 2011.

a. The food vendor may only be situated within a zoning district that allows restaurants either by right or with a special permit.

b. That the mobile vending cart will be in operation for no more than six months out of the year.

c. That the vendor caters predominantly to the pedestrian public.

d. That the vendor has the appropriate licenses/reviews/certifications from the County Health Department.

e. That there are sufficient trash receptacles and recyclable containers and that the property be kept free from debris.

f. That the vendor be situated away from any rights-of-way.

Article 4: Development Standards

Commentary

This article contains standards that address development quality, such as parking requirements, landscaping, and signage. The current zoning ordinance contains few development quality standards, and often those standards only apply to limited areas in Syracuse (e.g., Lakefront or James Street). For many standards, we started with the current regulations and modified them to apply more broadly. This proposed draft also contains a substantial amount of new material based on the Assessment Report and Annotated Outline and follow-up discussions with staff and other community stakeholders.

One of the most significant changes is the introduction of new building and site design standards, intended to "raise the bar" for quality development and address specific Syracuse concerns related to multifamily and commercial building massing, architecture, and building disposition on the site, among other issues.

This draft does not include a separate section for operational or performance standards because many of those standards (such as noise control and air pollution) are included in the City's City Code of Ordinances. In some cases, such as landscaping and signs, we include maintenance standards to clearly state the long-term maintenance and replacement standards. Additional detailed commentary is provided throughout this article as a lead-in for each section.

4.1 Purpose

This article includes standards that regulate the physical layout and design of development within Syracuse to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.

4.2 Applicability

Commentary

This section sets forth general rules of applicability for the entire article. While the new standards clearly apply to new construction, the bigger policy decision for Syracuse is how many of the standards should apply to redevelopment projects. The draft includes a suggested new approach that uses a sliding scale for additions to existing structures to determine which parts of the article must apply. It is a starting point for discussion and could be further tailored. In determining which new standards should apply to redevelopment, the community should strike a balance between upgrading properties and overall community appearance, while at the same time not setting standards so high as to discourage redevelopment.

A. General Applicability

Except as provided in subsections B and C below, the requirements of this article shall apply to all development subject to this Ordinance under Section 1.4, *Applicability and Jurisdiction*. Additional statements of applicability are provided in each of the subsections of this article.

B. Existing Structures

A modification to a structure existing as of the effective date of this Ordinance shall require compliance with all or portions of the development standards in this article to the maximum extent practicable, based on the following scaled implementation approach.

(1) **Exterior Renovation or Alteration**

Any exterior renovation or alteration of a building shall comply with the design and development standards of Section 4.6, *Site and Building Design*, for that renovation or alteration. If the renovation or alteration is proposed for only a portion of a building, the Zoning Administrator may waive compliance with the design and development standards if that renovation would be inconsistent with the overall design of the existing structure.

(2) **External Additions**

Any external additions to an existing structure as calculated based on the total floor area of that structure (and not total area of all structures per lot), shall comply with the following:

a. **Addition Less than 10 Percent of Existing Structure**

If the addition to a structure is less than 10 percent of the size of the entire structure, then the site shall comply with the following standards:

1. Section 4.4, *Off-Street Parking and Loading*, if the expansion triggers a recalculation of parking requirements (subsection 4.4B, *Applicability*).
2. The following subsections of Section 4.5, *Landscaping, Buffering, and Screening,* for the entire site:
   i. Subsection 4.5D, *Rear and Side Lot Buffers* (if applicable); and
   ii. Subsection *4.5E(1),* Screening of Parking Areas.
3. Section 4.8, *Signs,* if applicable to that addition.

b. **Addition Between 10 and 30 Percent of Existing Structure**

If the addition to a structure is more than 10 percent and less than 30 percent of the size of the entire structure, then the site shall comply with all standards listed in subsection a above and also the following:

1. The following subsections of Section 4.5, *Landscaping, Buffering, and Screening*:
   i. For nonresidential or mixed-use development, the street tree requirements of subsection 4.5C, *Street Trees and Lot Frontage Landscaping,* as applicable, for the entire frontage along public or private streets.
   ii. Subsection 4.5E, *Parking Area Landscaping*, for the entire site.
2. For nonresidential or mixed-use development, the following requirements of Section 4.6, *Site and Building Design*, as applicable:
   i. Facade colors for new colors applied to the building exterior, and not just the tenant space; and
   ii. Covered entryways for that tenant space.
3. Section 4.8, *Signs,* as pertinent to that tenant space and any site signs.

c. **Addition More than 30 Percent of Existing Structure**

If the addition to a structure is 30 percent or more of the size of the entire structure, then the addition and site shall comply with all of the standards in this article.

(3) **External Damage**

Structures damaged to the extent of 50 percent or more of their assessed value shall have all reconstruction or new construction fully comply with the design and development standards of this article.

(4) **Timeframe for Expansions**

Any application to expand buildings or structures following the effective date of this Ordinance shall remain on record with the City. Any subsequent application to expand structures shall be cumulative to any previous request. The total square footage of expansions shall be used by the Zoning Administrator to determine the necessary level of compliance with this article.

(5) **Removal of Square Footage**

For purposes of determining the amount of building square footage added during a redevelopment project, square footage removed from a building shall not be counted toward the overall square footage of the site.

C. Exemptions

(1) **General Exemptions**

The following are exempt from this article:

a. Projects for which a complete site plan application has been submitted or approved prior to the effective date of this Ordinance are exempt from this article, provided that full improvement plans are submitted within one year from the approval date of the site plan; however, subsequent modifications shall comply with the applicable standards listed above in subsection 4.2B, *Existing Structures*.

b. Development under an approved planned development, provided the existing planned development has specific development and design standards in each of the categories described in this article (e.g., landscaping, screening, building design), as determined by the Zoning Administrator. Where the existing planned development is missing development or design standards as provided in this article, this article shall apply pursuant to 4.2, *Applicability*. If a new planned development is established for a particular property following the effective date of this Code, this article shall serve as the baseline for the approval of any development or design standards to be incorporated into the plan.

(2) **Historic Structures**[115]

Building design standards in Section 4.6, *Site and Building Design*, shall not apply to the restoration, repair, or expansion of structures that are identified by the City of Syracuse as Local Protected Sites or located within a Local Protected District, or properties listed on or eligible for the National Register of Historic Places. Such alterations are subject to review by the Office of Zoning Administration for their review and comment on the alteration, and/or directly to the Syracuse Landmark Preservation Board for a Certificate of Appropriateness.

[115] *Consolidated draft: Requirement for review by Zoning Administration or directly to the Landmark Preservation Board for a Certificate of Appropriateness added.*

4.3 Residential Compatibility[116]

Commentary:

As suggested in the Assessment and Annotated Outline, these are new standards to ensure compatible transitions between residential and nonresidential districts and uses. The standards in this section are not the only standards that serve to protect neighborhoods in the new Syracuse ordinance. For example, the zoning map itself will ensure that appropriate transitions are being applied between more intense development and residential development. As another example, the building design standards in Section 4.6 also help to protect neighborhoods by setting the bar higher for development quality and aesthetics.

By locating the standards together and first in the article, they are given added emphasis. As an alternative to this dedicated section on residential buffering, these standards could be woven throughout the zoning ordinance.

Are there other important aspects of neighborhood protection that should be addressed in this section?

A. Purpose

The purpose of this section is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when nonresidential and multifamily districts abut lower-intensity residential districts.

B. Applicability

The residential compatibility standards in this section apply when multi-family, nonresidential, or mixed-use development is proposed adjacent to lots used by or zoned for single-family or two-family dwellings in the R1, R2, and R3 districts and lots in a Planned Development district that contain single-family or two-family dwellings.

C. Use Limitations

(1) Where these residential compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:

a. Public address systems;

b. Outdoor storage; and

c. Uses providing delivery services via large tractor trailers (not including package delivery services such as Federal Express or UPS).

(2) Service areas containing outdoor garbage or recycling containers or off-street loading areas shall not be located within 10 feet of a lot zoned for residential use.

(3) Service and loading areas shall be screened from lots zoned for residential use pursuant to subsection 4.5G, *Screening of Service Areas*.

(4) Drive-through lanes shall not be located between a primary building and the boundary of any lot zoned for residential use.[117]

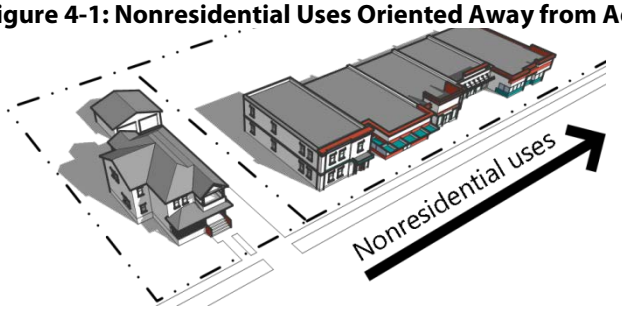
[116] The original proposed title of this section was "Neighborhood Protection," but following discussions with staff, "Residential Compatibility" seemed to better reflect the content.
[117] The use-specific standards for drive-through uses as proposed in Module 1 prohibit drive-through restaurants within 200 feet of a residential zoning district or use. These residential compatibility standards would apply to all drive-through uses (including banks).

D. Building Organization and Design

(1) Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses, so that new structures have a comparable scale as adjacent residential structures along the shared lot line or street frontage.

(2) Horizontally integrated mixed-use developments shall locate nonresidential uses away from adjacent lots zoned for residential land uses. (See Figure 4-1.)

Figure 4-1: Nonresidential Uses Oriented Away from Adjacent Residential Lots



Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses.

(3) Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts. (See Figure 4-2.)

Figure 4-2: Gathering Spaces Oriented Away from Adjacent Residential Lots

E. Off-Street Parking

(1) Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order from highest to lowest; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.

a. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;

b. Adjacent to lot lines abutting nonresidential development;

c. Adjacent to lot lines abutting mixed-use development;

d. On the side of a corner lot not facing the primary street frontage;

e. Behind the building; or

f. Adjacent to lot lines abutting residential uses.

(2) In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged.

F. Buffering and Screening

Landscaped buffers shall be provided pursuant to subsection 4.5D, *Rear and Side Lot Buffers*.

G. Exterior Lighting

Exterior lighting shall meet all standards in Section 4.7, *Exterior Lighting,* and shall:

(1) Have a maximum pole height of 15 feet within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 30 feet in all other locations;

(2) Be fully-shielded;

(3) Be configured so that the source of illumination is not visible;

(4) Be directed away from adjacent lots in residential districts; and

(5) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing residential use.

H. Operation

(1) Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 p.m.

(2) Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 10:00 p.m.

(3) Alternate hours of outdoor activities may be approved through the special use permit process.[118]

[118] Staff note: Double-check with Legal on special use permit control of ours of operation.

4.4 Off-Street Parking and Loading

Commentary:

This section replaces the current Part C – Section III – Parking and Loading Requirements. As proposed in the Annotated Outline, this draft includes a table of required parking spaces that corresponds to the table of allowed uses (ensuring that each proposed land use type has an associated off-street parking requirement). The current parking requirement for each use is listed (if one exists) in the third column for comparison against the new proposed requirement. That column will be removed prior to the adoption draft.

This draft also includes new parking maximum standards, limiting parking spaces to within 125 percent of the minimum requirement with some exceptions as noted in this section. For example, if the minimum required parking for a proposed retail store was calculated at 200 parking spaces, the maximum allowed would be 250 parking spaces (200 x 1.25 = 250).

Several other new and revised sections are included in this section, including alternative parking standards, parking lot design standards, bicycle parking requirements, and loading requirements.

A. Purpose[119]

This section is intended to provide off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

(1) Avoiding and mitigating traffic congestion;

(2) Encouraging multi-modal transportation options and enhanced pedestrian safety;

(3) Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and

(4) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

B. Applicability[120]

(1) **New Development**

Except when specifically exempted, every building or land use established, every existing building enlarged, and every existing use expanded shall provide off-street parking and loading areas in accordance with the minimum parking requirements set forth in this subsection 4.3H. Existing parking and loading spaces may not be reduced below the minimums required by subsection 4.4C, *Minimum Required Off-Street Parking Spaces*.

(2) **Expansions and Enlargements[121]**

The off-street parking and loading standards of this section apply when the floor area of an existing structure or use is expanded or enlarged by 30 percent or more, or for any expansion or enlargement that requires a special use permit. In the case of such expansions or enlargements, additional off-street parking and loading spaces are required to serve only the enlarged or

[119] New.
[120] Adapted from current C.III.1.1 (opening statement for parking and loading requirements).
[121] *Consolidated draft: Changed from 20 percent to 30 percent to be consistent with other standards.* Revised from current C.III.1.u standard to allow greater flexibility for redeveloping properties. The current standard requires compliance with parking standards whenever a change to the building or use results in an increase in required parking by more than 15 percent.

expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (preexisting plus expansion) shall equal at least 75 percent of the minimum required ratio as defined in subsection 4.4C, *Minimum Required Off-Street Parking Spaces*.

(3) **Exemptions**

Minimum required off-street parking spaces indicated in Table 4.1 shall not apply to the following:

a. All development in the MX-5 district;[122]

b. Lots of 5,000 square feet or less, except for single- or two-family dwellings;[123] and

c. Retail and office uses of 1,000 square feet or less, except for uses that require special use permit approval. [124]

(4) **Change in Use**

Off-street parking and loading shall be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use as defined in this section.

C. Minimum Required Off-Street Parking Spaces

(1) **Minimum Required Parking, Generally**

Unless otherwise provided in this Ordinance, off-street parking spaces shall be provided in accordance with Table 4.1 below.

Table 4.1: Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required *(Current)*[125]	Spaces Required (per GFA unless noted) *(Proposed New)*[126]
RESIDENTIAL USES			
Household Living	Dwelling, single-family	1 space/du	1 space per dwelling unit
	Dwelling, live/work		1 space per dwelling unit
	Dwelling, two-family	1 space/du	1 space per dwelling unit
	Dwelling, multi-family	1 space/du	1 space per dwelling unit
Group Living	Boarding or rooming house	1 space/roomer or boarder	1 space per bedroom
	Chapter house	1 space/5 beds[127]	1.5 spaces per bedroom
	Dormitory	1 space/5 beds	1.5 spaces per bedroom
	Residential care facility	1 space/3 du	1 space per 400 sq ft

[122] This MX-5 exemption replaces the current exemption for "the area bounded on the north by Highway I-690; on the east by Townsend Street; on the south by Adams Street; and on the west by the northeasterly line of the Delaware, Lackawanna and Western Railroad, and West Street," which is currently zoned multiple variations of CBD.
[123] New standard to promote infill and redevelopment.
[124] *Consolidated draft: Lowered threshold from 1,500 to 1,000.*
[125] The current standards are included for reference only. This column will be removed prior to adoption.
[126] Proposed new parking requirements are based on national best practices and discussions with Syracuse stakeholders.
[127] Current requirement for "fraternities, sororities and dormitories."

Table 4.1: Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required *(Current)*[125]	Spaces Required (per GFA unless noted) *(Proposed New)*[126]
PUBLIC, INSTITUTIONAL, AND CIVIC USES			
Community and Cultural Facilities	Assembly	1 space/100 sq ft floor area intended for assembly[128]; 1 space/5 seats in the main worship unit[129]	1 space per 250 sq ft
	Civic building		1 space per 500 sq ft
	Correctional facility		1 space per 500 sq ft
	Cultural institution	1 space/2 staff members; and 1 space/10 auditorium seats[130]	1 space per 500 sq ft
	Public safety facility		No requirement
Educational Facilities	College or university	1 space/10 classroom seats; and 1 space/2 staff member	1 space per 500 sq ft office, research, and library; plus 1 space per 300 sq ft assembly areas
	School, public or private[131]	1 space/2 staff members; and 1 space/10 auditorium seats	1.5 spaces per classroom
	Vocational, arts, trade, or business	1 space/10 classroom seats; and 1 space/2 staff member	1 space per 300 sq ft
Health Care	Clinic	3 spaces/professional practitioner	1 space per 300 sq ft
	Hospital	1 space/4 beds	1 space per 4 beds, based on maximum capacity
Parks and Open Space	Cemetery		No requirement
	Golf course[132]		2 spaces per golf hole
	Park and recreation facility		Discretionary – see 4.4.C.(2)
COMMERCIAL			
Agriculture-Related Uses	Community garden		No requirement
	Urban agriculture		Discretionary – see 4.4.C.(2)
Animal-Related Uses	Animal grooming and day care		1 space per 500 sq ft
	Kennel		1 space per 1,000 sq ft
	Veterinary hospital		1 space per 500 sq ft
Day Care	Day care center		1 space per 250 sq ft plus 2 stacking spaces
	Family day care		No requirement
Entertainment	Entertainment, indoor		1 space per 500 sq ft
	Entertainment, outdoor		1 space per 250 sq ft building; plus 1 space per 10,000 sq ft site area
	Recreation club, private	1 space/10 members[133]	1 space per 500 sq ft
Food and Beverage	Bar		1 space per 250 sq ft

[128] Current requirement for "dance halls, exhibition halls, and assembly halls without fixed seats."
[129] Current requirement for "churches."
[130] Current requirement for "community centers, libraries, and museums."
[131] Current requirement for "elementary and junior high schools." "Senior high schools" requirements are same as shown for college or university.
[132] *Consolidated draft: Parking requirement reduced from 4 to 2 spaces per golf hole.*
[133] Current requirement for "private clubs or lodges."

Table 4.1: Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required *(Current)*[125]	Spaces Required (per GFA unless noted) *(Proposed New)*[126]
	Beverage café		1 space per 250 sq ft
	Commercial food preparation establishment		1 space per 1,000 sq ft
	Microbrewery or microdistillery		1 space per 250 sq ft seating and/or tasting area
	Nightclub		1 space per 200 sq ft
	Restaurant less than or equal 1,000 sq ft	Establishments of >1,000 sq ft of floor area: 1 space/200 sq ft for floor area in rooms intended for consumption of food or beverages. Where live or amplified entertainment is provided: 1 space/100 sq ft. For restaurants requiring special permits: 1 space/2 persons at maximum capacity as determined by the Fire Prevention Code.	1 space per 200 sq ft
	Restaurant greater than 1,000 sq ft		1 space per 200 sq ft[134]
Lodging	Bed and breakfast or inn	1 space/lodging bdrm; 1 space for owner-occupant	1 space per bedroom; plus 1 space for owner and/or manager
	Hotel or motel	1 space/guest room	1 space per guestroom
Office & Professional Service	Business services and supply		1 space per 250 sq ft
	Financial institution	1 space/500 sq ft[135]	1 space per 500 sq ft
	Office	>1,000 sq ft: 1 space/500 sq ft[136]	>1,000 sq ft: 1 space per 500 sq ft
	Radio or television station		1 space per 500 sq ft
Personal Services	Funeral home	1 space/5 seats; 1 space/funeral vehicle; 1 space/du	1 space per 250 sq ft
	Personal services, general less than or equal 1,000 sq ft		1 space per 250 sq ft
	Personal services, general greater than 1,000 sq ft		1 space per 250 sq ft
Retail Sales	Food and beverage retail		1 space per 300 sq ft
	Greenhouse or plant nursery, commercial		1 space per 1,000 sq ft; plus 1 space per 2,500 sq ft outdoor display and storage area
	Grocery store		1 space per 300 sq ft
	Liquor store[137]		1 space per 300 sq ft

[134] The current ordinance has two parking requirements for restaurants that are not carried forward here – 1) restaurants with entertainment, the demand for which should be covered in the general parking requirement based on size of the establishment; and 2) restaurants that require special use permits (where the decision-maker has specific authority to set a separate parking requirement as part of that approval).
[135] Current requirement for "banks."
[136] Current requirement for "professional, religious, business and similar type office buildings having more than 1,000 square feet of floor area."
[137] Still under review as to whether this should be a separate land use, distinct from general retail.

Table 4.1: Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required *(Current)*[125]	Spaces Required (per GFA unless noted) *(Proposed New)*[126]
	Retail, general less than or equal 1,000 sq ft	>1,000 sq ft: 1 space/300 sq ft floor area Shopping Center: 5.5 spaces/1,000 sq ft floor area	1 space per 300 sq ft
	Retail, general 1,000 -15,000 sq ft		1 space per 300 sq ft
	Retail, general greater than 15,000 sq ft		1 space per 250 sq ft
Vehicles and Equipment	Automobile rental		1 space per 300 sq ft of building area + 1 space per 5,000 sq ft of outdoor display area
	Automobile repair, heavy		4 spaces per repair bay
	Automobile repair, light		2 spaces per repair bay
	Automobile sales	>1,000 sq ft: 1 space/600 sq ft[138]	1 space per 300 sq ft of building area + 1 space per 5,000 sq ft of outdoor display area
	Automobile storage and impoundment		Discretionary – see 4.4.C.(2)
	Car wash[139]	1 space/2 employees; plus 4 spaces per bay or unit stacking; plus 2 beyond the exit of a service bay or unit.	2 stacking spaces per bay
	Gasoline fueling station	1 space/2 employees	1 space per fueling pump (separate from and additional to spaces at pumps)
	Gasoline fueling station with retail or restaurant		1 space per fueling pump; plus 1 space per 400 sq ft building area (retail, office, service, food service)
	Parking lot		No requirement
	Parking structure		No requirement
INDUSTRIAL			
Industrial Services	Contractor yard	1 space/2 employees[140]	Discretionary – see 4.4.C.(2)
	Fuel or oil storage and distribution facility		Discretionary – see 4.4.C.(2)
	Industrial service, general		Discretionary – see 4.4.C.(2)
Manufacturing and Production	Manufacturing, artisan		1 space per 500 sq ft
	Manufacturing, general		1 space per 2,000 sq ft manufacturing area; plus 1 space per 500 sq ft office or administrative area
Transportation	Motor freight or fleet terminal		Discretionary – see 4.4.C.(2)
	Transportation terminal		Discretionary – see 4.4.C.(2)
Utilities and	Antenna or communication tower		No requirement

[138] Current requirement for "furniture and appliance stores, motor vehicle sales rooms, wholesale stores, machinery sales, household equipment or furniture repair shops having more than one thousand (1000) square feet of floor area." There is also a requirement for "open car-lot and trailer sales," – "At least 10% of the minimum of two (2) parking spaces."
[139] *Consolidated draft: Changed name from "automobile wash." Parking requirement for automobile wash increased from 1 to 2 stacking spaces per bay.*
[140] Current requirement for "junk, coal, lumber, contractors' yard."

Table 4.1: Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required *(Current)*[125]	Spaces Required (per GFA unless noted) *(Proposed New)*[126]
Infrastructure	Utility, major		No requirement
	Utility, minor		No requirement
Warehouse and Freight Movement	Oil storage tank		No requirement
	Mini-storage		4 spaces; plus 1 space per office/on-site manager
	Storage yard		Discretionary – see 4.4.C.(2)
	Warehouse	1 space/6 employees during greatest shift	1 space per 2,000 sq ft warehousing area; plus 1 space per 500 sq ft office area
	Wholesale establishment		1 space per 2,000 sq ft wholesaling area; plus 1 space per 500 sq ft office area
Waste and Salvage	Indoor dismantling facility		1 space per 2,000 sq ft
	Indoor recycling center		1 space per 2,000 sq ft
	Junk yard	1 space/2 employees[141]	Discretionary – see 4.4.C.(2)
	Scrap metal processing		1 space per 2,000 sq ft
ACCESSORY USES AND STRUCTURES			
	Accessory dwelling unit		1 space per unit
	Caretaker's quarters		1 space per unit
	Carport, garage, or utility shed		No requirement
	Drive-through/drop-off window uses		Five stacking spaces per stacking lane
	Home occupation		No additional parking requirements beyond principal dwelling requirements
	Outdoor display/sale		No requirement
	Outdoor storage, accessory		No requirement unless otherwise stated in this table
	Produce stand		No requirement
	Retail sale of products directly related to primary industrial use		1 space per 500 sq ft area intended for retail sales
	Satellite dish antenna		No requirement
	Solar energy collection system		No requirement
	Swimming pool		No requirement
	Wind energy conversion system		No requirement
TEMPORARY USES AND STRUCTURES			
	Special event		None required, unless specified in temporary use permit
	Farmers' market		
	Expansion or replacement facilities		
	Mobile vendor cart		
	Office and equipment storage		
	Produce stand, seasonal		

[141] Current requirement for "junk, coal, lumber, contractors' yard."

(2) **Calculations**

a. **Area Measurements**

All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.

b. **Fractions**[142]

When measurements of the number of required spaces result in a fractional number, the fraction shall be rounded up to the nearest whole number.

For example*: If a computation results in a parking requirement of 5.74 spaces then the required parking shall be rounded up to six spaces. If a computation results in a parking requirement of 23.49 spaces then the required parking shall be rounded down to 23 spaces.*

(3) **Discretionary Requirements Based on Demand Study**[143]

Uses that reference this paragraph in Table 4.1 have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving an application for a use subject to this paragraph, the Zoning Administrator shall apply the off-street parking and loading standards on the basis of a parking and loading demand study prepared by the applicant. Such a study should estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and relevant data collected for uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(4) **Required Off-Street Parking for Unlisted Uses**[144]

For uses not expressly listed in Table 4.1, the Zoning Administrator is authorized to:

a. Apply the minimum off-street parking space requirement specified in Table 4.1 for the listed use that is deemed most similar to the proposed use (based on operating characteristics, the most similar related Occupancy Classification of the New York State Uniform Fire Prevention and Building Code, or other factors determined by the Zoning Administrator); or

b. Establish the minimum off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data; or

c. Establish the minimum off-street parking space requirement based on a parking and loading demand study prepared by the applicant according to 4.4.C.(2).

[142] New.
[143] New requirements give staff flexibility to determine appropriate parking rather than relying on a one-size-fits-all approach.
[144] Current C.III.1.1.t, Unspecified Uses, specifies the determination for the "most nearly similar use which is so mentioned" be made by the "Division of Building and Property Rehabilitation where the permits are issued."

D. Maximum Parking Spaces[145]

(1) **Limitations and Exceptions**

No commercial or industrial use shall include off-street parking spaces in an amount that is more than 125 percent of the minimum requirements established in Table 4.1 unless:

a. The proposed development has unique or unusual characteristics, such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;

b. Additional landscaping is provided in an amount and design deemed consistent with the intent and purposes of subsection 4.4H by the Zoning Administrator; or

c. Permeable pavers or other porous materials are used for any parking provided above the 125 percent maximum.

(2) **Calculating Maximum Spaces**

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:

a. Accessible parking;

b. Parking for ridesharing programs;

c. Fleet vehicle parking;

d. On-street parking adjacent to the lot or lots on which the parking is located; and

e. Parking structures, underground parking, and parking within, above, or beneath the building(s) it serves.

E. Parking Reductions and Alternatives[146]

(1) **General; Maximum Cumulative Reduction**

This section authorizes reductions to the minimum off-street parking amounts required by Table 4.1. Multiple reductions may be available for a particular project; however, in no case shall the overall cumulative reduction be greater than 75 percent of the minimum number of spaces required by Table 4.1.

(2) **Deductions for Mixed-Use Development[147]**

For new mixed-use development, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. However, to reflect the reduced automobile use associated with mixed-use developments, all uses within the following MX districts shall be eligible for the following reductions from the minimum off-street parking amounts required in Table 4.1: Required Off-Street Parking Spaces:

[145] Alternatively, these maximum standards could apply only to certain zoning districts (e.g., mixed-use districts).

[146] *Consolidated draft: Relocated the mixed-use reductions into this section and clarified how multiple reductions can be combined, subject to a proposed new maximum cap.* Mostly new standards intended to provide greater flexibility.

[147] The MX districts generally are intended to have lower vehicle usage and thus have lower parking requirements. This draft exempts the downtown altogether and proposes automatic parking reductions for the other MX districts. To help ensure that parking in the MX-1 district does not create impacts on adjacent neighborhoods, it is not given a flat reduction. However, many uses in the MX-1 district will fall within the general exemptions provided for small retail/offices uses and small-lot development.

a. MX-2 district: 15 percent parking reduction;

b. MX-3 district: 30 percent parking reduction; and

c. MX-4 district: 50 percent parking reduction.

(3) **Shared Parking and/or Off-Site Parking**[148]

The Zoning Administrator may approve shared parking and/or off-site parking for developments and/or uses with different operating hours or different peak business periods if the shared parking complies with the following:

a. **Location**[149]

Every shared and/or off-site parking space shall be located within 1000 feet (measured along the shortest legal pedestrian route) of the entrance to each building for which the shared parking is provided.

b. **Zoning Classification**

1. Shared and/or off-site parking areas shall be located on a site with the same or more intensive zoning classification than required for the primary uses served. [150]

2. Off-site parking areas for residential uses shall only be permitted in nonresidential districts and shall be within 200 feet of the subject residential use.[151]

c. **Ineligible Activities**

Required parking spaces for persons with disabilities (ADA parking) shall not be permitted off-site from the use that they are required to serve.

d. **Parking Demand Study Required**

Shared and/or off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of shared and/or off-site parking through a parking demand study. Such study shall be prepared in a form and manner prescribed by the Zoning Administrator

e. **Shared Parking Agreement Required**

The parties involved in the joint use of shared parking facilities and/or the use of off-site parking facilities shall submit a written agreement in a form and including content as deemed acceptable to the Zoning Administrator. Such agreement shall be recorded prior to issuance of a certificate of occupancy for any use to be served by the shared and/or off-site parking facility. Subsequent revocation of such agreement may render any parking facilities that do not comply with this Ordinance nonconforming.

(4) **On-Street Parking**[152]

The Zoning Administrator may approve the counting of on-street parking spaces along the property line against the minimum off-street parking requirements. Any usage of the public right-of-way may require other City approvals.

[148] Replaces C.III.1.1.u.(8), Cooperative Establishment and Operation of Off-Street Parking Facilities.
[149] Current standard requires location within 500 feet for many nonresidential uses. We could increase this standard to 600 feet for additional flexibility.
[150] Clarifies C.III.1.1.u.(4).a.
[151] From current C.III.1.1.u.(4)(b)1.
[152] Note that the Zoning Administrator is only able to approve the counting of on-street spaces toward the minimum parking requirements; any usage of the public right-of-way may require other city approvals outside the zoning office.

(5) **Public Parking Facilities**[153]

Spaces in public parking facilities within 1,000 feet of the subject use may be counted toward the total amount of required off-street parking, up to a maximum of 50 percent of the required parking spaces.

(6) **Proximity to Transit**[154]

Proposed uses within one-quarter mile from a transportation terminal shall be eligible for a reduction in the required parking spaces up to 30 percent.

(7) **Other Eligible Alternatives**

The Zoning Administrator may approve other alternatives to providing required parking spaces if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking evaluation shall be prepared in a form and manner prescribed by the Zoning Administrator. The applicant shall demonstrate that such proposed alternative:

a. Does not negatively impact surrounding neighborhoods; and

b. Maintains traffic circulation patterns; and

c. Results in a similar site layout and design quality as would otherwise result from strict compliance with this Ordinance.

F. Off-Street Parking Area Use and Design

(1) **Use of Parking and Loading Areas**[155]

a. No required off-street parking or loading space shall be used for any purpose other than the parking of vehicles or bicycles. Off-street parking spaces provided in excess of the number required may be used for any legal purpose within the respective zoning district. If a mandatory required off-street parking space is converted to another use or can no longer be used for off-street parking, it shall be deemed a violation of this Ordinance.

b. Driveways or parking surface areas in residential districts shall not be used for commercial vehicles, recreational vehicles, or boats.

c. Parking shall not occur on grass or bare ground.

(2) **Dimensions of Parking Spaces and Drive Aisles**[156]

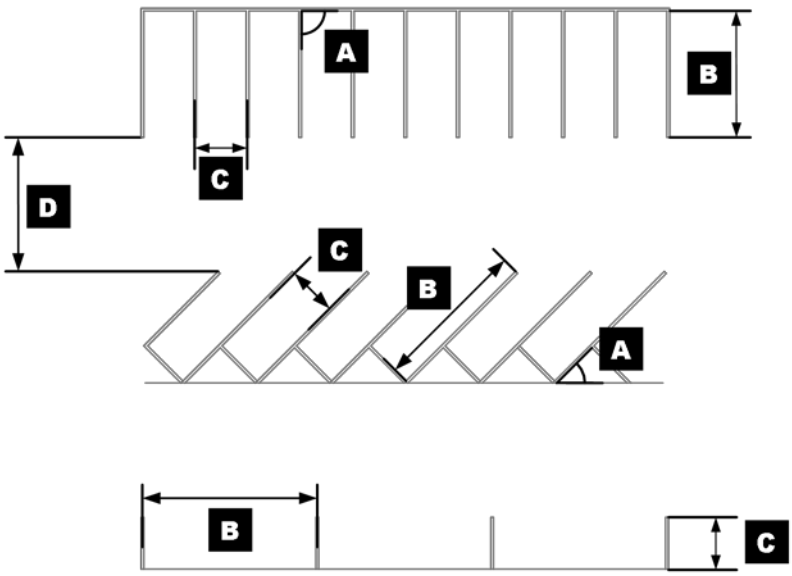
a. Parking spaces and drive aisles shall be designed as follows: (See Figure 4-3.)

[153] Replaces current C.III.1.1.u.(5), Control of Parking Area, which allows off-site parking with certification from the City Traffic Engineer that such spaces are readily available to serve the use.
[154] *Consolidated draft: Changed from "served by transit," which would have included almost all of the city," to the more limited "transportation terminal." This is intended to be a more rigorous standard that simply being located next to a bus stop.* Staff can request information about transit station proximity on the application.
[155] New. *Consolidated draft: New standards regarding parking in residential districts and parking on bare ground or grass added.*
[156] Current C.III.2.1.a.(3) requires that all spaces be designed to 8.5' x 18', with aisles wide enough to sufficiently permit free movement of cars during the process of parking. These are new standards, based on APA's Planning and Urban Design Standards, other national standards, and are fairly consistent with Rochester, NY dimensional standards. We will check with DPW to confirm these are satisfactory for Syracuse.

Table 4.2: Required Parking Space Dimensions

Type of Parking/Angle	Parking Space		Aisle width, min.
	Length, min.	Width, min.	
A	B	C	D
Parallel	22 feet	8 feet	n/a
90°	18 feet	8.5 feet	24 feet
60°	21 feet	9 feet	18 feet
45°	19 feet	9 feet	13 feet
30°	20 feet	9 feet	12 feet
Compact	16 feet	8 feet	18 feet

Figure 4-3: Parking Space Dimensions



b. Up to 20 percent of required parking spaces may be designed as compact parking spaces, designed as head-in (90-degree) with dimensions pursuant to Table 4.2.

c. Dimensions and design of individual parking spaces shall comply with the New York State Building Code, ADA requirements, and other applicable City ordinances and codes.

(3) **Surface Materials**[157]

All parking and vehicular circulation areas shall be surfaced with asphalt, concrete, permeable pavers, or other similar materials unless otherwise approved by the Zoning Administrator. All paving materials shall comply with ADA accessibility guidelines, and material selection should be sensitive to the needs of mobility-impaired persons. No parking surface area shall be grass or bare ground.

(4) **Location of Parking Areas**

a. For single-family and two-family dwellings in all districts, off-street parking areas may be located only in a garage or on a paved driveway and may not be located elsewhere within a required front setback.

[157] New.

b. For all other uses in all residential and MX districts, off-street parking areas shall not be located between the front building façade and the adjacent street frontage.[158]

(5) **Access and Circulation**[159]

a. **Access**

1. To the maximum extent practicable, parking lots shall share access lanes.

2. No parking facility shall have access on South Salina Street between Erie Boulevard and Onondaga Street.[160]

3. New curb cuts for parking facilities are strongly discouraged in the MX-5 district and are prohibited unless the applicant can demonstrate no feasible alternative exists to provide access to a site.

4. No parking facility in a mixed-use or nonresidential district shall have access on James Street from Shotwell Park east to Ridgewood Drive unless access from a side street or from a rear alley is not possible.[161]

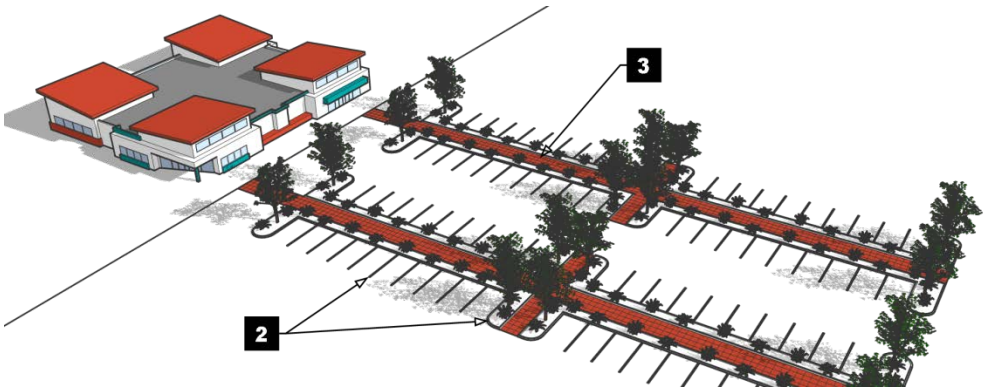
b. **Circulation**

1. Vehicular circulation areas shall be designed to facilitate safe movement of vehicles while maintaining safe circulation of pedestrians, bicycles, and other modes of transportation for persons of all ages and abilities. (See Figure 4-4.)

2. Parking areas containing 20 or more parking spaces shall be broken up into bays containing not more than 10 parking spaces separated by landscaped islands, pedestrian ways, or drive aisles.

3. Pedestrian crossings and walkways shall be designed using a variation of materials that distinguish them from vehicular circulation areas.

Figure 4-4: Parking Lot Circulation



[158] New.
[159] Mostly new standards unless otherwise noted.
[160] *Consolidated draft: New restriction on new curb cuts in the downtown.* Is there interest in restricting curb cuts in other areas/streets downtown? This provision is from C.III.1.1.u.(4)(f), but did not carry forward provision for waiving this standard with Planning Commission approval. Variances (and other adjustment procedures) will be addressed in Module 3.
[161] From current C.X.1.3.f.(5), revised to reference the boundary of the current James Street overlay district.

(6) **Snow Storage and Handling**[162]

All nonresidential and multifamily uses shall comply with the following:

a. A minimum of 10 percent of any unheated or uncovered parking area shall be reserved for snow storage in winter months and shall be designated on the site plan.

b. Snow shall not be stored in required landscaping areas or on pedestrian walkways or sidewalks.

(7) **Parking Area Landscaping**

See subsection 4.5E, *Parking Area Landscaping*.

(8) **Parking Area Lighting**[163]

a. Lighting for vehicle and bicycle parking areas shall comply with Section 4.7, *Exterior Lighting*.

b. Lighting for vehicle and bicycle parking areas shall be designed to provide adequate lighting for safety if such parking area is intended to be occupied at night, and shall not produce glare beyond the property boundaries.

G. Loading and Stacking Areas

(1) **Loading Areas**

a. **Applicability**

1. Except in the MX-4 and MX-5 districts, construction of commercial and industrial uses consisting of 25,000 square feet or more and that require regular shipping and/or deliveries by means of a heavy duty truck tractor with a gross trailer weight rating of over 26,000 pounds[164] shall provide adequate off-street loading areas pursuant to this section.[165]

2. Expansions or enlargements that increase the square footage of an existing structure or use by less than 50 percent shall not be subject to off-street loading requirements.

3. The Zoning Administrator may exempt a project from the off-street loading requirements if the applicant clearly demonstrates that no off-street loading berths are necessary.[166]

b. **Number of Off-Street Loading Berths**

Required loading berths shall be provided at the following rates and sizes:

[162] Some uses currently have snow storage and maintenance requirements (e.g., gasoline service stations in C.IV.2.1.l). These new standards are more objective and apply more broadly.
[163] Replaces current C.III.2.1.e, Artificial Lighting. *Consolidated draft: Lighting requirements for bicycle parking facilities integrated.*
[164] The federal government classifies "heavy duty vehicles" in three categories: (1) heavy duty pickup trucks and vans; (2) heavy duty vocational vehicles; and (3) truck tractors within a GVWR above 26,000 pounds.
[165] Revised standards replace C.III.3.1. Current ordinance requires loading berths for developments as small as 5,000 sf for retail, 10,000 sf for office uses, and 35,000 sf for manufacturing and warehousing. The trend, especially for small retail and office establishments, is increased frequency of deliveries in smaller vehicles – mostly sufficiently addressed by on-street or alley loading.
[166] New.

Table 4.3: Required Off-Street Loading Berths

Gross Floor Area	Number of Loading Berths	Minimum Size of Each Loading Berth
25,000 to 49,999 sf	1	10 feet x 25 feet
50,000 to 99,999 sf	2	10 feet x 25 feet
100,000 sf or more	2, plus 1 additional berth per 100,000 sf over the first 100,000 sf	10 x 50 feet

c. **Location of Off-Street Loading Areas**

1. Loading areas shall not be permitted in a front yard, except in the IN district.[167]
2. Loading areas shall be separated from pedestrian facilities.

(2) **Vehicle Stacking Areas[168]**

a. Where traffic flow is controlled by an entry gate or drive-through facility, a stacking lane outside the public right-of-way shall be provided separate from required parking spaces, vehicle maneuvering areas, and pedestrian or biking paths.

b. Stacking space requirements for specific uses such as car wash and drive-through are listed in Table 4.1, *Required Off-Street Parking Spaces*.

c. Required stacking spaces are subject to the following design and layout standards.

1. Stacking spaces shall be a minimum of eight feet by 20 feet in size.
2. Stacking spaces may not impede onsite or offsite traffic movements or movements into or out of off-street parking spaces.
3. Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Zoning Administrator for traffic movement and safety.

H. Off-Street Bicycle Parking[169]

(1) **Applicability**

All public/institutional and commercial uses shall provide off-street bicycle parking spaces at a minimum ratio of one bicycle parking space per three vehicle parking spaces, and not less than two bicycle parking spaces per 15,000 square feet of gross building floor area. Uses with 30,000 square feet of gross building floor area shall provide covered bicycle parking. Accessory occupancy areas shall be included in the calculation of primary occupancy area.

a. **Change in Occupancy**

Where a change in occupancy results in an increase in the occupant load of the building, bicycle parking shall be provided to support the new occupancy.

[167] New.
[168] New standards. Current requirements for stacking at automobile wash facilities were integrated into Table 4.1, Required Off-Street Parking Spaces.
[169] New. *Consolidated draft: Requirement increased to 2 bicycle parking spaces per 15,000 square feet and requirement for large building to provide covered bicycle parking added. New arrangement and design requirements added.*

b. **Exemption**

No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building floor area.

c. **Additional Reductions**

Subject to the approval of the Zoning Administrator, the number of bicycle parking spaces may be reduced through the administrative adjustment process because of building site characteristics including, but not limited to, isolation from other development.

(2) **Arrangement and Design**

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

a. The parking facility shall be located in a visible, well-lit ground-level area that:

1. Is conveniently accessible to the primary entrances of a primary building(s);
2. Does not require users to lift bicycles into or on it;
3. Does not interfere with pedestrian traffic;
4. Is protected from conflicts with vehicular traffic; and
5. Is entirely situated on private property.

b. The parking facility shall provide a space at least 18 inches by 60 inches for each bicycle.

c. The parking facility shall have an overhead clearance of at least seven feet and at least six feet of clearance around its perimeter.

d. The parking facility shall be anchored and designed to support parked bicycles securely and enable them to be locked.

4.5 Landscaping, Buffering, and Screening

Commentary:

As mentioned in the Assessment Report and Annotated Outline, the current Syracuse zoning ordinance has only minimal landscaping standards. This draft expands on the existing regulations and applies them more broadly across the City. The proposed standards would apply to a wider range of sites, and would allow for flexibility through a proposed alternative process, allowance of deferred installation, and other means. Specific information related to appropriate tree and plant species and spacing requirements are not included in this draft and should be relocated to an Administrative Manual, or referenced to standards maintained and enforced within the general ordinances.

A. Purpose[170]

The City recognizes landscaping, buffering, and screening as important components that contribute to Syracuse's sense of place by:

(1) Providing a better transition between land uses;

(2) Providing for the natural visual screening of parking and loading areas;

[170] New. The current ordinance does not contain an overall landscaping purpose or intent statement.

(3) Establishing an attractive streetscape that contributes to the character and appearance of the city and creates a safe and pleasant environment for pedestrians;

(4) Improving the appearance of development to protect and enhance public and private investments and property values;

(5) Conserving water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are regionally appropriate;

(6) Realizing the environmental benefits of landscaping such as storm water retention; recharging groundwater; retaining soil moisture and preventing erosion; minimizing the urban heat island effect; and mitigating air quality, water pollution, dust, noise, heat, and glare; and

(7) Providing screening to minimize the visual impacts of some types of facilities, structures, and equipment.

B. Applicability[171]

(1) New Development

a. Except for properties with a single-family or two-family residential primary structure, every building or land use established; every existing primary building enlarged or relocated; and any existing use renovated or expanded in a manner that requires a building permit ; shall provide landscaping, buffering, and screening in accordance with the minimum requirements set forth in this section.

b. This section shall apply to the creation of any new parking lot with four or more spaces, and to the redesign or reconstruction of an existing parking lot containing four or more spaces to include relocations of, or additions or subtractions to, parking spaces, driving aisles, and access drives.

(2) Expansions and Enlargements[172]

The standards of this section apply when the floor area of an existing structure or use is expanded or enlarged by 30 percent or more, or for any expansion or enlargement that requires a special use permit. In the case of such expansions or enlargements, additional landscaping is required to serve only the enlarged or expanded area.

(3) Conflicting Standards

In case of any conflict between the various landscaping standards in this section, the stricter standard shall apply. Wherever the requirement for two or more landscaping standards overlap, the same plant material may be counted toward meeting the requirements of both standards.

(4) Landscape Plan Required

A landscape plan shall be included as part of any application for a site plan approval for development subject to the standards described in the Administrative Manual, and subject to applicable standards as noted in Administrative Manual.[173]

[171] New.
[172] *Consolidated draft: New applicability statements to match those for parking and other sections.*
[173] Administrative Manual, as previously discussed, would contain specific technical requirements (such as plant materials, application requirements, fees, etc.) that are not best suited for the zoning ordinance because they are frequently updated.

(5) **Deviations from Landscaping Standards**

Deviations from the landscaping standards in this section may be authorized in subsection 5.5B, *Administrative Adjustment*, or subsection 4.5H, *Alternative Landscaping Plan*.

C. Street Trees and Lot Frontage Landscaping[174]

Street trees and landscaping located within the lot frontage shall comply with requirements as set forth in the Administrative Manual.

D. Rear and Side Lot Buffers[175]

(1) **Where Required**

Landscaped buffers shall be provided along rear and side lot lines where the following conditions occur and where abutting properties are not separated by a street or waterway:

a. Where a multifamily dwelling or any non-residential structure abuts a residential zoning district or a property containing a residential use; or

b. Where new or redeveloped primary structures will contain four or more stories and the abutting property contains an occupied residential primary structure containing three or fewer stories; or[176]

c. Where a new or redeveloped multifamily dwelling or any non-residential structure abuts an Open Space district.

(2) **Buffer and Screening Options**

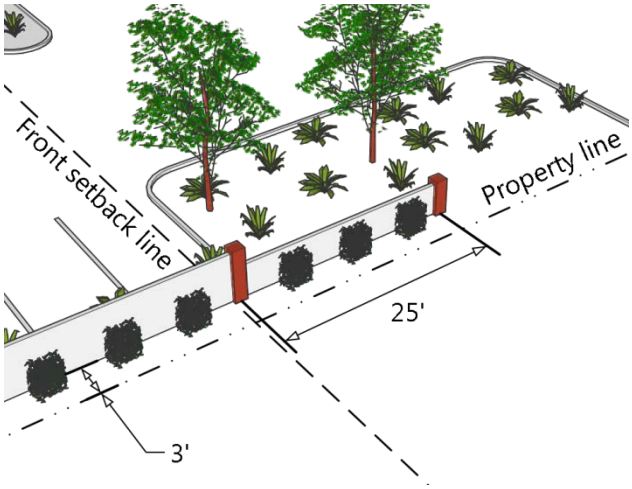
Required side or rear buffers shall conform to one of the following options:

a. A landscape buffer, containing shade trees and large shrubs. At least 60 percent of the ground surface shall be comprised of living materials. Spacing of trees and shrubs should be designed to minimize light or noise impacts.

b. An opaque wall, fence, or vegetative screen six feet in height in areas behind the front setback of the primary building, and four feet in height with at least 50 percent opacity in areas forward of the front setback of the primary building. If a wall or fence is used to meet this requirement, the side facing away from the applicant's property shall be at least as finished in appearance as the side facing the applicant's property; the wall or fence shall be placed at least three feet inside the property line; and three small shrubs per 25 linear feet of lot line shall be provided between the wall or fence and the property line. If a dense vegetative screen is proposed behind the front setback, it shall be at least four feet in height at the time of planting. (See Figure 4-5.)

[174] For street line treatment of parking areas, see Section 4.3.D.
[175] New standards to address adjacency issues between potentially incompatible developments.
[176] *Consolidated draft: Changed from two to three stories to be consistent with the allowed height in R1 and R2 of 36 feet (3 stories).*

Figure 4-5: Buffer and Screening Options



(3) **Parking Area Buffers**

See subsection 4.5E, *Parking Area Landscaping*, for required buffer treatments of parking lot areas.

E. Parking Area Landscaping[177]

(1) **Screening of Parking Areas**

Off-street parking areas adjacent to a public or private street or residential zoning district shall be screened pursuant to the following standards:

a. **Adjacent to a Public or Private Street**

1. A landscaped buffer of five feet in depth, as measured inward from the property line inward on all frontages facing the City right-of-way, exclusive of approach drives;
2. An opaque fence or wall between 3 and 4 feet in height, provided that this is not within a required front setback;
3. A berm of at least three feet in height with a slope no greater than 3:1; or
4. An opaque continuous evergreen hedge at least three feet in height.

b. **Adjacent to a Residential Zoning District**

1. A landscaped buffer of 10 feet in width, as measured inward from the property line on all sides of the property abutting the residential districts; or
2. An opaque fence or wall between four and six feet in height, provided that this is not within a required front setback.

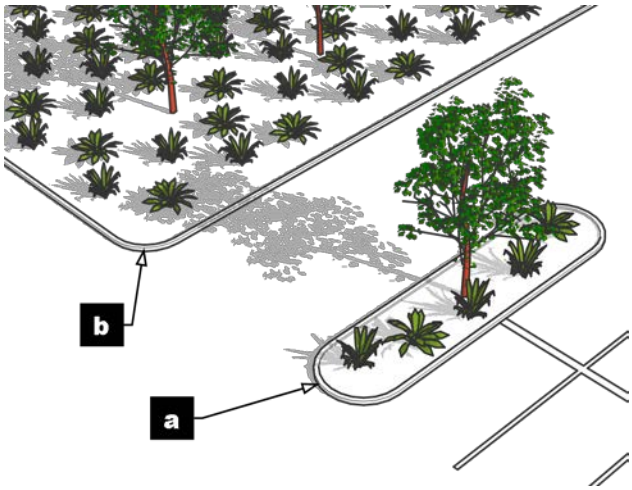
[177] These standards are primarily taken from C.I.5, except as noted. Primary change is that the existing ordinance only applies to gas stations, parking lots, and drive-through businesses; as proposed, this standard would apply to all parking lots near to/visible from the street. It is noted that the existing regulations do not require interior landscaping, or give credit towards other landscaping requirements (outside of the parking lot), which are some additional issues that staff may wish to consider.

(2) Internal Parking Lot Landscaping[178]

a. Each landscaped island shall be a minimum size of 200 square feet, and 600 cubic feet, and shall include a minimum of either two trees, or one tree and five shrubs.

b. All unimproved areas shall contain live plant material or shall otherwise be protected from erosion. (See Figure 4-6.)

Figure 4-6: Internal Parking Lot Landscaping



F. Walls and Fences[179]

(1) Height and Location

Insert graphic

a. **Front Setback**

No walls or fences shall exceed four feet in height if placed within a required front setback.

b. **Side and Rear Setbacks**

No walls or fences shall exceed six feet in height within required side and/or rear setbacks.

c. **Corner Lots**

On corner lots, that portion of a lot contiguous to a public right-of-way shall be considered a front setback area for the purpose of applying these regulations.

d. **Special Height Allowance**

Within Commercial or Industrial zoning districts only, walls or fences may attain a height of eight feet within any setback area, required or otherwise.

[178] *Consolidated draft: Added option for two trees in addition to one tree and five shrubs.*
[179] Taken from C.I.6 of existing code. Deleted subsections on Applicability and Plantings, as these would be repetitive with other sections. Also revised the term "screening devices" to "walls or fences" for consistency.

(2) **Materials and Type Permitted**

a. Walls or fences permitted within required setbacks shall be of an open design such as chain link, ornamental iron, rail, or picket, where the ratio between space and fence material is at least 50:50 or its equivalent.

b. Barbed wire or electrical screening devices shall not be used. Exception to this prohibition shall apply to properties zoned Light or Heavy Industrial which are located farther than 500 feet from property in a residential zoning district or used for residential purposes.

c. Walls or fences allowed by special act of the Common Council of the City of Syracuse shall be continued subject to the restrictions set forth in said special legislative acts but are otherwise subject to the provisions of this section.

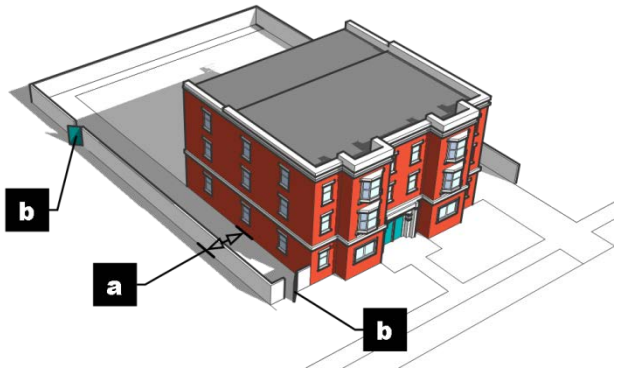
Insert graphic

(3) **Passageway Restrictions**

a. No wall or fence or portion thereof in excess of two and one-half feet in height shall be located closer than three feet to the exterior wall of a principal or accessory structure, except where said wall or fence is connected to said exterior wall or terminated at a post or similar fixture adjacent to said exterior wall. For the purpose of avoiding narrow passageways, that portion of a wall or fence terminating at the exterior wall of a principal or accessory structure or to an adjacent post or fixture, shall not have an interior angle with reference to the exterior wall of said structure of less than 45 degrees.

b. All portions of a lot enclosed by a wall or fence shall be made accessible for fire-fighting purposes by the installation of appropriately-located pedestrian gates not less than three feet in width. (See Figure 4-7.)

Figure 4-7: Passageway Restrictions



G. Screening of Service Areas

(1) Where a loading, service or trash enclosure area in a mixed-use district is adjacent to a residential district or a lot containing a primary residential use, the loading, service, or trash area shall be screened from the adjacent district or use by enclosure walls or vegetative screens such as trees or hedges. The walls or vegetative screen shall be a minimum of four feet in height, but

in any event the walls or vegetative screen shall be higher than screened trash receptacles and at least 80 percent opacity.

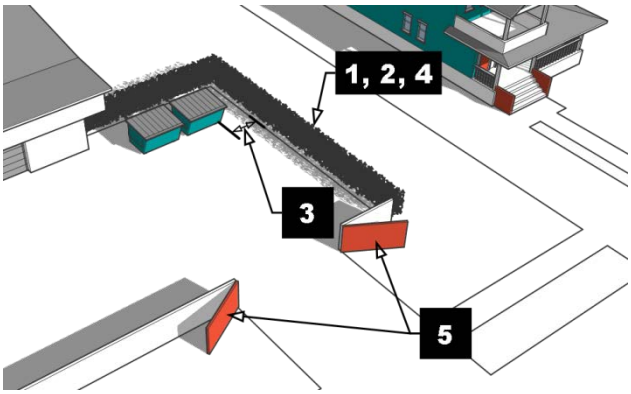
(2) Where a loading, service or trash enclosure area in a commercial or industrial district is adjacent to a residential or mixed-use district or a lot containing a primary residential or non-commercial or non-industrial use, the loading, service, or trash area shall be screened from the adjacent district or use by enclosure walls or vegetative screens such as trees or hedges. The walls or vegetative screen shall be a minimum of six feet in height, but in any event the walls or vegetative screen shall be higher than screened trash receptacles and 100 percent opacity.

(3) There shall be a minimum of two feet of clearance between trash receptacles and each wall or vegetative screen.

(4) Where vegetative screens are used, they shall form a year-round dense screen of the minimum required height at the time of the initial planting. In addition, where vegetation screens are used to screen one or both sides of a trash receptacle, the plantings shall be curbed or otherwise protected from damage by collection vehicles and by the receptacle as it is moved in and out of the enclosure.

(5) Where a gate is necessary to provide access to the hauler, the gate shall either swing fully outward or slide parallel to the wall of the enclosure. Gates shall be designed to be secured when in the open and closed positions. Gates shall be closed at all times except when the receptacle is being accessed. (See Figure 4-8.)

Figure 4-8: Screening of Service Areas



H. Alternative Landscaping Plan[180]

(1) General

The Zoning Administrator may approve an alternative landscape plan where a deviation from the landscaping, buffering, and screening standards in this section is justified because of site or development conditions that make strict compliance with such standards impossible or impractical. The alternative landscape plan shall indicate how the proposed deviations are justified by site or development conditions and illustrate how compliance with the standard(s)

[180] New process proposed to provide some flexibility since most of these landscaping standards are new to Syracuse.

from which a deviation is sought can be achieved to the maximum extent practicable. Conditions justifying approval of an alternative landscape plan may include:

a. Natural conditions, such as watercourses, natural rock formations, or topography;

b. The likelihood that landscaping material would be ineffective at maturity due to topography, placement, or other existing site conditions;

c. Lot size or configuration;

d. Infill development or redevelopment on small lots;

e. The presence of existing utility or other easements;

f. The potential for interference with public safety; and

g. Other situations where strict adherence to the buffer or landscaping standards in this Ordinance are determined impractical by the Zoning Administrator.

(2) **Submittal and Review**

An applicant may submit an alternative landscape plan as part of an application for site plan approval, as appropriate. The Zoning Administrator may approve an alternative landscape plan if it meets the purpose and intent of the landscaping, buffering, and screening standards, as appropriate. Additional review fees are assessed to cover the City's additional costs in reviewing alternative landscape plans.

(3) **Allowable Deviations**

Allowable deviations from the landscaping, buffering, and screening standards include, but are not limited to, the following:

a. **Reduced Planting Rates Due to Existing Public Utilities**

An adjustment to planting locations or reduction of up to 20 percent in the total number of required trees or shrubs may be allowed when underground connections to public utilities or public easements or rights-of-way, are located upon or in close proximity to the parcel.

b. **Reduction in Standards Due to Nature of Parcel**

A reduction in the count or spacing standards by up to 20 percent may be allowed when desirable in terms of enhanced protection of existing natural resources, greater consistency with the goals of the Comprehensive Plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this Ordinance.

c. **Reduction in Standards Due to Site Size**

A reduction in the count, configuration, or location of required landscaping materials may be allowed in cases where a lot is nonconforming in terms of dimensional requirements or setbacks, or in cases of redevelopment on existing small lots, is not capable of supporting the minimum amount of landscaping material required.

d. **Upgrading of Nonconforming Landscaping**

An adjustment to planting locations or spacing may be allowed in conjunction with an upgrading of nonconforming buffer or landscaping in accordance with subsection 1.5F, *Nonconforming Site Features*.

e. **Reduction in Standards Due to Existing Infrastructure**

A reduction in the count, configuration, or location of required landscaping materials is permitted in cases where landscaping is strictly prohibited since it creates a public safety hazard (e.g., headwalls of dams).

4.6 Site and Building Design

Commentary:

As discussed in the Assessment Report and Annotated Outline, the current ordinance contains minimal building and site design standards for a few areas in Syracuse (e.g., James Street Overlay and Lakefront Districts). Substantial comments from stakeholders indicated the need for broader application of citywide design standards for multifamily, mixed-use, and commercial buildings in the R4, R5, MX-1, MX-2, MX-3, MX-4, MX-5, and CM districts.

This draft tries to strike an important balance between raising the bar for design while recognizing that staff capacity limits the City's ability to effectively administer and enforce too many new standards. A lighter approach could be taken initially by only applying these standards to the mixed-use districts (and not the R4, R5, or CM districts). Alternatively, the applicability of these standards could be expanded to include public, institutional, and civic uses and/or industrial uses where appropriate. This draft builds on Syracuse's current minimal design standards, and includes several new standards based on other communities and then tailored to address issues noted by Syracuse staff and other stakeholders.

Many of these standards could be accompanied by graphics that illustrate the desired result of the design standard. Supplementary graphics will be prepared for subsequent drafts (after the proposed standards have been reviewed).

A. Purpose[181]

This section is intended to promote high-quality site and building design. The standards are intended to:

(1) Protect and enhance the character and quality of residential, commercial, and mixed-use areas;

(2) Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas;

(3) Mitigate any potential negative impacts created by the scale, bulk, and mass of buildings;

(4) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

(5) Encourage a pedestrian- and bicycle-friendly environment; and

(6) Protect and enhance property values and encourage further investment.

B. Applicability[182]

(1) The standards in this section apply to all new structures for multifamily residential, mixed-use, and commercial use in the R4, R5, MX, and CM districts.

(2) Some standards in this section may apply to redevelopment affecting existing structures, as set forth in Section 4.2, *Applicability*.

[181] New.
[182] As drafted, this does not explicitly address façade alterations that do not include additions of floor area, which currently are reviewed by the Zoning Department. Should those projects be addressed and subject to compliance with any new standards?

C. Building and Site Design, Generally

The following standards apply to all multifamily residential dwellings, all buildings that contain seven or more single-family attached dwellings, and all mixed-use and commercial buildings.

(1) Building Placement and Orientation

a. The siting of a building shall reflect the natural topography, preserve existing trees and landscaping materials that meet the intent and requirements of Section 4.5, *Landscaping, Buffering, and Screening*, and be compatible with the siting of the original structure in the case of expansions and remodels.[183]

b. Local climatic conditions shall be considered when orienting buildings.

1. Because north-facing facades are susceptible to snow and ice accumulations, building entry treatments and snow piling zones shall be considered when arranging the site pursuant to subsection 4.4.F.(6).

2. The orientation of buildings shall take advantage of both passive and active solar heating capabilities and minimize cold and wind by additional design features and insulation on the north- and west-facing walls.

c. A minimum of 60 percent of the primary façade shall be constructed parallel to the primary street frontage. On corner lots, a minimum of 60 percent of the secondary façade shall be constructed parallel to a side street frontage.[184]

d. In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least two or more transparent windows that meet the requirements of subsection 4.6D(5) (multi-family) or subsection 4.6E(5) (commercial and mixed-use), as applicable.

Insert graphic

(2) Building Entrances[185]

a. The primary building entrance shall face the street providing the main access to the site. If on a corner, there shall be either an additional entrance on the side frontage, or the secondary façade shall be designed so that it addresses the street and not have a blank wall.

b. All buildings shall have their primary entrance directly off the street or through a recessed area, courtyard, or plaza located adjacent to the street.

c. The primary entryway shall be readily apparent as a prominent architectural component from the street, thus creating a focal point. However, non-residential buildings with multiple tenants on the ground floor or multiple primary entrances shall have all entrances treated architecturally.

[183] New.
[184] Clarifies and combines current Lakefront T4 and T5 building disposition standards. The T5 district requires 70 percent whereas the T4 requires 50 percent. This 60 percent requirement splits the difference.
[185] New.

d. Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, and overhangs.

e. All ground-floor pedestrian entrances shall be covered or inset.

Insert graphic

(3) **Materials**[186]

a. All exposed surfaces of primary buildings shall use a variety of durable materials, including:

1. Brick, stone, or other masonry;
2. Composite siding;
3. Split-face block;
4. Steel or rust-resistant architectural metals;
5. Treated rot-resistant or paint grade wood; or
6. Comparable material approved by the Zoning Administrator.

b. The following materials are prohibited as exterior cladding or roofing materials:

1. Aluminum siding or cladding;
2. Galvanized steel or other bright metal;
3. Plastic or vinyl siding;
4. Unfinished or smooth concrete block/masonry units or concrete wall;
5. Exposed aggregate; and
6. Reflective glass.

(4) **Façade Colors**[187]

The use of metallic colors, or fluorescent colors is prohibited.

(5) **360-Degree Architecture**

All building elevations that are visible from a public street, public right-of-way, or other area to which the public has legal access shall be architecturally finished with similar levels of materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.). Blank walls void of architectural details or other variation are prohibited. The most extensive architectural detailing shall be on the front and side elevations.

(6) **Roof Form**

a. Buildings shall be designed to avoid any continuous roofline longer than 50 feet. Rooflines longer than 50 feet shall include at least one vertical elevation change of at least two feet in height.[188]

[186] The current standards for exterior finishes in the Lakefront Districts (B.IX.4.4.b for T4 and 5.b for T5) limit materials to brick, stone, wood, or cementitious clapboard siding. In the T5 Franklin Square subdistrict, there are further prohibitions of stone veneer, aluminum siding, galvanized steel, wood siding, drive-it, and plastic siding. We allow for steel in this draft, and offer flexibility in materials according to the Zoning Administrator. Should any OTHER materials be specifically prohibited?
[187] *Consolidated draft: Restriction of the use of black color removed.*

b. Unless otherwise provided in this Ordinance, buildings with pitched roofs shall have a minimum primary roof slope of 5:12, except that shed roofs over porches and other architectural elements shall have a minimum roof slope of 3:12. [189]

Insert graphic

(7) **Vertical Articulation**

Each street-facing façade of a building with three or more stories shall incorporate the following vertical articulation elements:

a. A clearly defined base, middle, and cap for each building façade facing a street or facing a residential zoning district; and

b. At least one of the following vertical articulation options shall be used for any building requiring a base, middle, and cap:

1. Base

i. Use of heavy material on the ground floor, such as brick, stone, or other durable material to delineate the ground floor.

ii. A horizontal reveal line at the base of the building a minimum of two feet from the ground.

iii. An arcade, gallery, or colonnade to accentuate the ground floor.

iv. Enhanced architectural detailing or windows on the ground floor.

2. Middle

i. A stepback in massing by a minimum of five feet from the ground floor façade.

ii. A change in material between the ground floor and upper floors.

iii. A visible variation in window size from ground floor to upper floors.

3. Cap

i. Use of cornice or parapet on a flat-roof building, or a projecting roof line for sloped roofs.

ii. A reveal line or change in material, texture, pattern, or color beginning at a minimum of two feet from the top of the building.

Insert graphic

[188] New.
[189] From current T4 and T5 standards B.IX.4.4.b(3) and 5.b(3), revised for clarity and to apply to broaden the applicability mixed-use and commercial buildings.

(8) **Mechanical Equipment Screening**[190]

a. **Rooftop Equipment**

Buildings with flat roofs shall conceal rooftop mechanical equipment from view from adjacent properties and any adjacent street or public space, measured from a height of four feet above the ground below.[191] Methods for rooftop screening may include any of the following:

1. Free-standing screening wall.
2. Extended parapet wall.
3. Other similar technique approved by the Zoning Administrator.

b. **Ground- or Wall-Mounted Equipment**

1. Ground- or wall-mounted equipment such as HVAC units, metering devices, electric panels, transmission boxes, and other similar equipment shall be screened from public view from public streets or other adjacent public spaces by using architecturally compatible walls and/or landscaping.
2. Ground or wall-mounted equipment shall not be located on the primary building façade.
3. When screening walls are constructed to screen mechanical equipment, the walls shall use similar building materials and details as those used on the primary building.

Insert graphic

(9) **Design for Security**[192]

Consistent with Crime Prevention through Environmental Design (CPTED) standards, development shall comply with the following:

a. **All Multifamily, Mixed-Use, and Commercial Development**

Sites shall be designed to avoid the creation of confined areas that are shielded on multiple sides by barriers such as walls or bushes and thus have low visibility. Such areas shall be avoided in site design to the maximum extent practicable or otherwise well-lit with some form of surveillance.

b. **Multifamily Development**

1. Shared mailboxes shall be located in high-visibility and well-lit areas.
2. Community laundry rooms shall be visible from common, walking, and driving areas. All laundry rooms shall have transparent panels to view into the room before entering.

[190] Mostly new standards, with exceptions as noted.
[191] Paragraphs "b" and "c" are from current T4 and T5 standards B.IX.4.4.b(3) and 5.b(3), revised for clarity and expanded to apply to public streets and spaces and to include a measurement standard.
[192] New. CPTED standards were mentioned as a key issue linking land use to public safety.

(10) **Utilities**[193]

In the MX-4 and MX-5 districts, all new development shall place utilities underground to the maximum extent practicable.

D. Multifamily Residential Building Design[194]

In addition to complying with the general standards in subsection 4.6C above, any multifamily residential dwelling shall comply with the standards in this subsection.

(1) **Primary Entrance Orientation**

a. At least one main building entry shall face an adjacent street, or a courtyard or common open space that has a direct and visible connection to an adjacent street.

b. Building entries shall connect to adjacent public sidewalks to the maximum extent practicable.

c. The pedestrian entries to the site from the public right-of-way shall be emphasized with enhanced landscaping, special paving, gateways, arbors, or similar features.

(2) **Ground-Floor Residential Units**[195]

In the MX districts, dwelling units are allowed on the ground floor provided they comply with the following standards, which are intended to provide privacy and an enhanced streetscape:

a. The entrance to ground-floor units shall be raised a minimum of three feet above the grade of the sidewalk, but not more than five feet. Exterior steps or a mobility access ramp shall be provided from the sidewalk to the raised entrance.

b. Where programmatic or unique site constraints prevent units from being raised at least three feet above grade, the building shall include greater setbacks (nine feet minimum) that extend vertically for at least the first two stories of the building, or 20 feet above grade. Deeper setbacks and tall ceiling heights can partially compensate, but do not provide the same privacy benefits as raising a unit above sidewalk grade.

(3) **Height**[196]

Multifamily residential buildings located within 100 feet of property occupied by or zoned for single-family detached residential use shall not exceed 36 feet in height. The height of a multi-story structure shall "step-down" adjacent to lower-intensity districts to a height comparable to the height of the adjacent building, if the adjacent building is shorter

(4) **Massing and Horizontal Articulation**

a. The maximum length of any multifamily building shall be 180 feet.

b. Blank walls void of architectural details or other variation are prohibited. Each building façade facing a street or a residential zoning district shall incorporate at least two of the following horizontal articulation elements:

[193] Current B-IX-4.3.a(13), expanded to apply more broadly.
[194] New.
[195] *Consolidated draft: New standards intended to ensure that ground-level uses in the MX districts are pedestrian-friendly and reserved for commercial or office. The prior requirement for a special use permit has been removed.*
[196] *Consolidated draft: Height increased from 35 to 36 feet to be consistent with the maximum height in R1 and R2.*

1. Projections or recesses with a minimum depth of three feet at an interval of every 50 feet and a total of at least 20 percent of the total length of the façade;
2. A horizontal wall offset of at least three feet for a minimum of at least 50 percent of the total length of the façade;
3. A change in materials, textures, patterns, or colors that extend the full height of the façade, excluding the ground level; or
4. A change in the fenestration pattern, with different window size, style, or placement.

Insert graphic

(5) **Transparency (Windows, Doors, and Openings)**[197]

a. The ground-floor level of each façade facing a public street or other public area such as a plaza, park, or pedestrian walkway shall contain a minimum of 30 percent windows or doorways.

b. Upper floors of each façade facing a public street shall contain a minimum of 15 percent windows.

c. For these transparency requirements, a lesser amount may be allowed if limited by state and/or local energy codes, up to the maximum percentage possible. (See Figure 4-9.)

Figure 4-9: Transparency (Multifamily Residential)

E. Commercial and Mixed-Use Site and Building Design

In addition to complying with the general standards in subsection 4.6C above, any commercial and/or mixed-use building shall comply with the standards in this subsection.

(1) **Block Pattern**[198]

The layout of any development site 10 acres in size or larger shall be designed to reinforce a pattern of individual blocks.

a. Blocks shall be designed as an extension of the surrounding neighborhood, aligning with and connecting to adjacent streets and mirroring the scale and orientation of adjacent blocks (for residential areas of the development).

[197] *Consolidated draft: New language regarding the energy code. Note that there is no specific requirement for vertical versus horizontal orientation, which leaves flexibility in how the applicant responds.*
[198] New.

b. On large sites or where block consolidation is proposed (by right-of-way abandonment), special consideration shall be given to pedestrian and vehicular circulation patterns and access to surrounding neighborhoods.

c. New development shall establish a regular pattern of blocks to the extent feasible to avoid creating especially large blocks that limit pedestrian and vehicular circulation. Maximum block lengths shall be limited to 660 feet by 660 feet. Blocks shall be measured from street edge to street edge, regardless of whether the street is public or private.

(2) **Building Placement and Orientation**[199]

Developments comprised of multiple buildings and/or totaling 100,000 square feet or more shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by placing the building wall up to the property line (or "building to" the sidewalk or required landscape buffer), and by using building walls to frame and enclose:

a. The corners of street intersections or entry points into the development;

b. A "main street" pedestrian or vehicle access corridor within the development site;

c. A parkway street or frontage road that parallels the corridor;

d. A linear park or trail corridor that parallels the corridor;

e. Parking areas, public spaces, or other site amenities on at least three sides; or

f. A plaza, pocket park, square, or other outdoor gathering space for pedestrians.

Insert graphic

(3) **Building Edge to Sidewalk**[200]

In the MX-2, MX-3, MX-4, and MX-5 districts, a minimum of 80 percent of the building edge shall be located adjacent to the sidewalk edge (i.e., zero setback).

(4) **Massing and Horizontal Articulation** [201]

a. Buildings shall have a minimum separation distance of 15 feet from other buildings.

b. The building facade shall be visually divided into individual bays that are a maximum of 30 feet in width. No blank wall area or facade shall exceed more than 30 feet in horizontal direction. Building facades shall include three or more of the following treatments for every 30 feet of building length:

1. Projections or recesses with a minimum depth of three feet at an interval of every 50 feet and a total of at least 20 percent of the total length of the façade;

2. A horizontal wall offset of at least three feet for a minimum of at least 50 percent of the total length of the façade;

3. A change in materials, textures, patterns, or colors that extend the full height of the façade, excluding the ground level;

[199] New.
[200] *Consolidated draft: New. This is the minimum build-to line discussed in various meetings.*
[201] Similar in concept to the multifamily standards, except that mixed-use and commercial buildings have to incorporate three of the elements instead of just two.

4. A change in the fenestration pattern, with different window size, style, or placement;
5. Decorative parapet (arched, gabled, stepped, etc.) or cornice treatments;
6. Deep-set windows with mullions or decorative glazing;
7. Ground-level arcades or upper balconies/galleries;
8. Columns or pillars;
9. Art work or bas relief; or
10. Other facade treatments as agreed to by the Zoning Administrator.

Insert graphic

(5) **Transparency (Windows, Doors, and Openings)**

a. A minimum percentage of the total area of each building facade that abuts a public street, plaza, park, or other public space shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages shall vary by location as follows:

1. The ground floor of any façade facing a public street or other public area such as a plaza, park, or pedestrian walkway shall contain a minimum of 40 percent windows, display areas, or doorways. Windows shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, or display areas.
2. Upper floors of all façades shall contain a minimum of 20 percent windows.

b. For the purposes of the above standards, all percentages shall be measured using elevation views of the building plan and "street level" shall be measured from floor-plate to floor-plate. Glazing on all street-level windows shall have a minimum Visible Light Transmittance of 0.65 and a maximum Visible Light Reflectance of 0.2, and black or mirrored glass is prohibited.

c. Glazing required by this Ordinance should be concentrated in areas of high pedestrian activity.

d. Transparent glazing required by this Code shall be maintained without interior or exterior obstructions that substantially limit visibility or create visual distraction, including, but not limited to: window signs; interior shelving; window coverings (except window blinds) during hours of business operation; or temporary or permanent illumination in the form of neon tubing, rope lights, or similar embellishments. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

e. For these transparency requirements, a lesser amount may be allowed if limited by state and/or local energy codes, up to the maximum percentage possible. [202]

Insert graphic

[202] *Consolidated draft: New language regarding the energy code.*

(6) **Uses in MX Districts**[203]

A diverse range of commercial, office, residential, and civic uses is desired within the MX districts. The appropriate mix of uses for each district will vary by its location, size, and the surrounding development contexts. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites. The following standards shall apply within the MX districts:

a. **Required Mix of Uses—Sites 50,000 Square Feet or Larger**

All developments on sites that exceed 50,000 square feet of gross floor area shall include at least one commercial use allowed in the district as identified in Table 3.1: Allowed Uses.

b. **Ground-Floor Uses**

1. The incorporation of retail shops and/or restaurants is encouraged at the street level to promote a more active environment for pedestrians and to support residential and office uses located within the same building (on upper floors) or nearby. This configuration of uses is particularly encouraged along major street frontages as well as adjacent to major public spaces, where a high level of activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to retail or restaurant space, such space shall be located along those façades adjacent to or most visible from primary street frontages or major pedestrian walkways.

2. In the MX districts, dwelling units are allowed on the ground floor provided they comply with standards in subsection 4.6D(2), *Ground-Floor Residential Units*.[204]

(7) **MX-1 District: Additional Building Design Standards**

a. **Purpose**

These additional building design standards in the MX-1 district are intended to promote the revitalization of the district through infill development and redevelopment, especially the adaptive re-use of existing structures, that maintains the established architectural character of the district.

b. **Adaptive Nonresidential Reuse of Residential Dwellings**

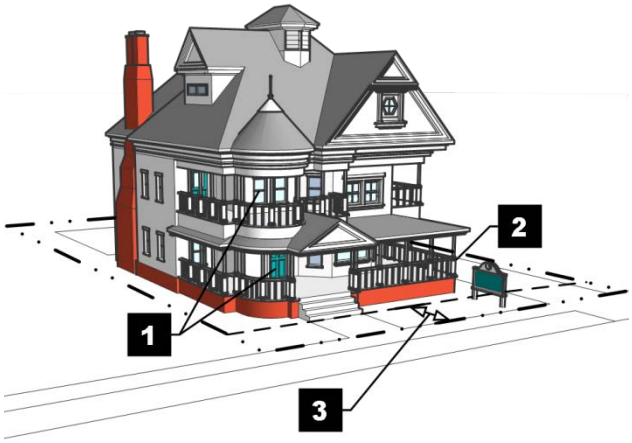
The adaptive reuse of residential dwellings for non-residential uses, such as offices, restaurants, or small retail stores, is strongly encouraged in the MX-1 district. The residential character of these uses shall be preserved by maintaining architectural elements original to the residential structure, including:

1. Window and door openings;
2. Window styles and fenestration patterns;
3. Porches
4. Interior floor-to-ceiling heights, especially on the ground floor;
5. Architectural trim and other decorative elements;

[203] New.
[204] *Consolidated draft: New standards intended to ensure that ground-level uses in the MX districts are pedestrian-friendly and reserved for commercial or office. The prior requirement for a special use permit has been removed.*

6. Exterior building materials, provided they are in good condition, or replacement materials that are similar in appearance to the original materials;
7. The existing depth and landscaped character of the front yard setback; and
8. Other distinguishing features of the building as determined by the applicant in consultation with the Zoning Administrator during the site plan review process. (See Figure 4-10.)

Figure 4-10: Adaptive Nonresidential Reuse of Residential Dwellings



c. **New Construction**

For new development adjacent to or near existing residential buildings, the following considerations shall be taken into account in the design of new buildings to ensure maintenance of established architectural character.

Insert graphic

1. Setback and Height Compatibility Along Block Face

A lot's block face shall be the one adjacent to the street from which the lot derives its street address unless the Zoning Administrator determines that an alternative block face is more appropriate. New development shall:

i. Maintain a front setback that is within 125 percent of the average front setback of the existing buildings along the same block face;

ii. Be within 125 percent of the average height of the closest three principal structures, but shall not exceed the maximum allowed height for the MX-1 district;

iii. Maintain a consistent orientation relative to the front lot line as structures along the same block face; and

iv. Maintain side setbacks that are within 200 percent of lots along the same block face.

v. Height that is taller than any adjacent historic building shall be stepped down to reduce visibility and reduce impact on the integrity of the historic buildings.

Insert graphic

2. Building and Site Features

Development shall respect and reinforce the character found on surrounding buildings and sites, including:

i. The placement and orientation of garages and other accessory structures in relation to the habitable portion of the structure;

ii. Size, shape, and alignment of windows and doors;

iii. Roof shape, pitch, and overhangs or eaves;

iv. Provision of front porches or porticos;

v. Exterior building materials and details;

vi. Location of off-street parking; and

vii. Lot layout and grading patterns, including location on sloped lots.

Insert graphic

3. Massing and Form

i. The overall massing and form of infill development and substantial renovations shall be based on the building forms typical of historic and existing structures in the area.

ii. Renovation projects that add new floor area outside of the existing building footprint shall incorporate such new floor area at the rear or side of and perpendicular to the primary building module so as to appear visually subordinate to the primary building module in terms of its height, mass, and footprint.

Insert graphic

d. **Signage**

In addition to meeting all applicable requirements of subsection 4.8F, *Sign Standards*, signs shall be designed to reflect the residential scale and/or historic character of the MX-1 district. Signs shall be constructed of durable materials that are compatible with the building that they serve.

4.7 Exterior Lighting

Commentary:

The current ordinance has minimal exterior lighting standards, mostly which apply to only specific uses (e.g., fueling stations and car washes). Although we have not discussed exterior lighting standards with staff, we propose some minimal standards in this draft to apply more broadly throughout the City. Some communities include much more robust lighting standards, including creation of lighting zones with distinct illumination criteria. Comprehensive lighting standards require additional up-front submittal requirements to demonstrate compliance and can require additional code enforcement measurement devices.

A. Purpose[205]

This section is intended to ensure that vehicle circulation areas, pedestrian areas, parking areas, public gathering spaces, and other areas have adequate outdoor illumination to provide safety at night, while limiting negative impacts of exterior lighting on adjacent properties.

B. Applicability

This section applies to new development and new buildings on previously developed lots.

C. Exterior Lighting Standards

(1) Lighting along public rights-of-way and landscaped areas within a specific development shall be designed uniformly.[206]

(2) Lighting shall be the minimum recommended practice necessary for safety and security per IESNA recommended practices, as amended.[207]

(3) Glare from exterior lighting shall not spillover onto adjacent properties except onto walkways, driveways, and streets.[208]

(4) Except for decorative lighting, building-mounted lights shall be installed so that all light is directed downward.[209]

(5) Flickering, pulsating, flashing lights, exposed neon lights, high- and low-pressure sodium lights, and any lights that could distract or confuse a motorist are prohibited.[210]

(6) Street lighting shall be required and installed pursuant to Code of Ordinances Chapter 24, Article 10 and all standards established by the Commissioner of Public Works.[211]

[205] New.
[206] New.
[207] Based on a current requirement for the Lakefront districts for service and storage areas.
[208] Replaces current standards for some uses state that "all lighting shall be located such as to prevent the direct rays from shining upon adjacent properties."
[209] New.
[210] Combines and clarifies current C.IV.2.2.i.(2) and (3), and B.IX.4.3.f(1).
[211] New.

4.8 Signs

Commentary:

This section is based on standards regulating signs in Section VI of Part C of the current zoning ordinance. The standards are reorganized and formatted consistent with the other sections in this draft. References to specific zoning districts have been updated to reflect the new district lineup. Several signs currently listed in Article 4, Special Signs, are placed in a new section that establishes a sign review exemption for certain signs. Standards in Articles 8 through 15 of Section VI are consolidated into a new table in order to make them more easily accessible. New standards for electronic changeable message signs are proposed. In several instances, standards that reference specific sign content are modified or omitted based on federal First Amendment protections. Finally, definitions are moved to Article 7 and new sign review procedures are in Article 5.

A. Purpose[212]

The purpose of this section is to regulate signs to:

(1) Enhance the aesthetics of signage and reduce visual clutter;

(2) Mitigate the negative impacts of competition in respect to size and placement of signs;

(3) Protect property values;

(4) Protect the distinctive appearance of Syracuse including its unique geography, topography, street patterns, skyline, historic buildings, and architectural features;

(5) Protect the character and dignity of public buildings, open spaces, and thoroughfares;

(6) Encourage further investment in the City; and

(7) Reduce hazards to motorists, bicyclists, and pedestrians.

B. Applicability

(1) **General**

Unless exempted by paragraph (2) below, the erection, placement, replacement, removal, relocation, repair, alteration, modification, or establishment of a sign or its structural appurtenances shall comply with the standards in this subsection.

(2) **Exempt Signs**

The following signs are exempt from the standards in this subsection:

a. Any official government sign; and[213]

b. Signs located inside buildings that are not visible from outside the building.[214]

C. Sign Review and Approval Procedures

The procedures for review and approval of signs are in subsection 5.4C, *Sign Review*.

[212] From C.VI.1, revised for clarity.
[213] Combines C.VI.4.F, "Official Sign" and C.VI.4.I, "Public Safety Sign."
[214] New, builds on current provision for "arena sign" in C.VI-4.B.

D. Signs Not Requiring Zoning Review[215]

The following signs are subject to the standards in this Section 4.8 but do not require zoning review pursuant to subsection 5.4C, *Sign Review*.

(1) **Building Identification Signs**

One sign containing only the name of a residential occupant, building name, and/or building number per building and, if a building contains more than one dwelling unit, one such sign per dwelling unit, provided the sign area shall not exceed two square feet in the R1, R2, R3, R4, or R5 district and four square feet in any other district.

(2) **Building Address Signs[216]**

One sign containing only the address per building and, if a building contains more than one dwelling unit, one such sign per dwelling unit, provided the sign area shall not exceed two square feet in the R1, R2, R3, R4, or R5 district and four square feet in any other district.

(3) **Information Signs[217]**

Any sign designed for the convenience of the general public having a sign area of three square feet or less and located within 10 feet from a public rest room, public telephone, bus stop rest area, or other similar facility.

(4) **Yard Signs[218]**

a. **In Residential Zoning Districts**

Yard signs are permitted pursuant to the following standards:

1. Shall not exceed more than four signs per property at any one time.
2. Shall not exceed 32 square feet total yard signage within any parcel.
3. Shall not exceed a height of four feet.
4. Shall not be displayed for a period of more than 90 days per calendar year.

b. **In All Other Zoning Districts**

Yard signs are permitted pursuant to the following standards:

1. Shall not exceed more than four signs per property at any one time.
2. Shall not exceed 64 square feet total yard signage within any property.
3. Shall not exceed a height of six feet.
4. Shall not be displayed for a period of more than 90 days per calendar year.

[215] This section includes many of the provisions in Article 4, Special Signs, of Section VI, Part C of the current zoning ordinance, modified for content-neutrality based on recent developments in federal First Amendment case law. This section includes many of the sign types defined in Article 4 that are allowed without restrictions or with restrictions only on sign area. It requires that the signs comply with the standards in the new zoning ordinance, but it does not require zoning review just for the sign (other aspects of the project may trigger zoning review, however). Additional discussion will take place on the sign permit procedure during the drafting of Module 3 (Administration).
[216] Consolidated draft: New. This was merged with building identification signs in the prior draft.
[217] From current C.VI.4.D, revised to remove content-based regulation.
[218] New, includes current regulations for real-estate signage.

(5) **Integral Signs**[219]

Any inscription carved into stone or similar material that is integral to a building, such as is commonly found on cornerstones or stamped into sidewalks, having a sign area of 12 square feet or less;

(6) **Internal Site Signs**[220]

Any sign located outside the public right-of-way having an area of nine square feet or less that is solely intended to be viewed from and oriented toward areas of internal site traffic movement, and that does not advertise any use on the property.

(7) **Flags**[221]

Any flag, not including feather signs, affixed to a permanent flagpole or affixed to a building, provided the area of the flag shall not exceed 50 square feet in area in the R1, R2, R3, R4, and R5 zoning districts.

(8) **Temporary Window Signs**[222]

Signs located on the interior or exterior of a window. Temporary window signs shall not:

a. Cover more than 30 percent of any window panel; nor

b. Be painted or permanently affixed to window surfaces; nor

c. Be displayed for a period longer than 90 days;[223] nor

d. Include neon tubing, rope lighting, or other similar embellishment.

E. Prohibited Signs

The following signs are prohibited unless otherwise stated in this Ordinance:

(1) **Abandoned Signs**[224]

Abandoned signs shall be removed within six months following written notice. If an existing sign pole or structure is expected to be used for future use of an existing building, then such pole or structure may remain intact with approval of written certification by the Division of Code Enforcement; however, the copy, text, icon, or any messages on such pole or structure shall be removed.

(2) **Animated or Moving Signs**[225]

Animated or moving signs are not permitted.

[219] Carries forward the current Integral Sign provision with modifications for content neutrality and a new sign area limitation.
[220] This content-neutral provision replaces the Private Traffic Sign section in the current ordinance.
[221] This provision modifies the Political Subdivision and Fraternal Order Sign provision and establishes a maximum area for flags in residential zoning districts.
[222] Combines window display signs and window signs. The overabundance of internal window signage is an issue for many retail establishments in Syracuse. We understand that the primary issue currently is not the sign regulations themselves, but the lack of resources to consistently enforce the standards.
[223] The time limitation is new. This may be difficult to enforce, but we propose it as a means for further enforceability of window signs at retail locations.
[224] Replaces current C.VI.6.L.
[225] *Consolidated draft: Animated or moving signs now prohibited in all districts.*

(3) **Distracting or Confusing Signs**[226]

No sign shall be allowed that confuses, detracts from, or in any other way obstructs the use of traffic regulatory devices, by its use or simulation of colors, design, or placement. The Division of Code Enforcement shall consider the following, at a minimum, in making a determination on confusing or distracting signage:

a. The use of words such as "stop, go, look, caution, danger, warning" and similar nomenclature;

b. The use of colors and lights in the spectrum of colors utilized by traffic regulatory devices; and

c. The use of blinking, intermittent flashing, or other animated forms of illumination or light, and all sources of illumination which through direct or indirect means create glare.

(4) **Feather Signs**[227]

Feather flags and similar devices shall be prohibited.

(5) **Obscene, Indecent, or Immoral Signs**[228]

There shall be no signs or pictures of an obscene, indecent, or immoral character such as will offend morals or decency in accordance with constitutional standards.

(6) **Obstructive Signs or Signs in the Right-of-Way**

a. No sign shall obstruct by physical or visual means any fire escape, window, door or any opening providing ingress or egress or designed for fire or safety equipment, any passageway from one part of a structure or roof to another portion of such structure or roof, or any opening required for ventilation or that is required to remain unobstructed by any applicable law.[229]

b. Other than official government signs, no sign shall be located in the public right-of-way.[230]

c. Except wall or marquee signs affixed to structures that are located within an intersection sight triangle as established or identified by the Department of Public Works, no sign shall be located within an intersection sight triangle that projects the area between a height of two feet and 10 feet above the average grade of each street at its centerline.[231]

(7) **Portable Signs**[232]

Portable signs are prohibited except as part of approved temporary signage. Portable signs shall not be converted directly for use as a pole or monument sign.

(8) **Posters and Handbills**[233]

No sign shall be attached to any public or private utility pole, lamp post, water or fire hydrant, sidewalk, bridge, tree or similar installation or improvement.

[226] From C.VI.5.E, "Hazards to Public Safety."
[227] New.
[228] New.
[229] From C.VI.5.B.
[230] New.
[231] From C.VI.5.G, revised for clarity.
[232] New.
[233] From C.VI.5.D.

(9) **Streamers**[234]

No sign shall contain or consist of pennants, ribbons, streamers, spinners, dancing air socks, or other similar moving, fluttering, or revolving devices.

F. Sign Standards

(1) General Standards

a. Materials and Safety[235]

1. All signs shall be constructed of durable materials and installed to withstand wind, snow loads, and deterioration from the elements.

2. Permanent signs shall not be made of paper, cloth, canvas, cardboard, wallboard, or other similar nondurable materials.

b. Sign Measurement[236]

1. Sign Area

Sign area is the entire surface area of a sign, including nonstructural trim. Sign area shall include the entire area within a continuous single perimeter enclosing the limits of text, emblems, symbols, photographs, logos, or any figure of similar character, including any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of a sign shall exclude the necessary supports or uprights on which a sign is placed. (See Figure 4-11.)

i. Multi-Faced Sign

The total area of all faces of signs designed to be viewed from more than one direction shall be computed and considered as one area, such as on double-faced signs.

ii. Off-Premise Signs

For off-premise signs, area limitations shall apply to each sign face.

Figure 4-11: Sign Area

2. Sign Height[237]

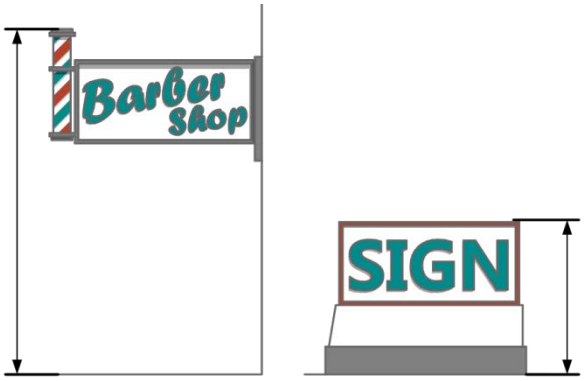
i. The height of a sign shall be measured from the average grade at the base of the sign to the highest point of the sign.

[234] New.
[235] New standards proposed to ensure more durable, high-quality signs.
[236] From C.VI.3.C.1 and 2, revised for clarity.
[237] Substantially simplified, replaces current C.VI.3.C.2., which includes a complex height measurement for off-premise signs which is not carried forward.

ii. The height of a wall sign shall be measured from the highest point of a sign to the lowest point. No point of any wall sign shall be located higher than the wall to which the sign is affixed.[238]

iii. For off-premise signs, sign height is the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade in the area within the required landscape area around the base of the sign. If said average grade is more than two feet lower than the average grade of the nearest abutting street (if two streets are equidistant, the higher of the two), then the height of the detached sign shall be measured from the elevation of said street to the top of the higher of the sign face or sign structure. (See Figure 4-12.)

Figure 4-12: Sign Height



c. **Illumination[239]**

1. Except for off-premise signs and electronic message signs, no sign shall produce illumination in excess of one foot-candle measured at a distance of four feet from the sign.

2. No sign illumination shall cause direct light rays to cross any property line.

3. No sign illumination shall cause an increase in light measured at any property line, other than a street line, of more than one foot-candle.[240]

d. **Maintenance[241]**

All signs together with all their supports, braces, guys, anchors shall be kept in good repair and in a proper state of preservation. The Division of Code Enforcement may order the removal of any sign that is not maintained in accordance with this Ordinance.

[238] *Consolidated draft: New.*
[239] From C.VI.5.F, revised for clarity.
[240] Provisions currently located in the sign regulations that pertain to permanent outdoor lights generally are not included here.
[241] From C.VI.6.K.3.

e. **Projection Within or Above Right-of-Way**[242]

1. Within or above right-of-way intended for use by vehicles or other non-pedestrian modes of transportation:

   i. No sign shall project at any elevation, if the right-of-way is designed or intended for use by the general public; and

   ii. No sign shall project at or below an elevation of 14 feet above grade if the right-of-way is designated or intended for vehicular use.

2. Within or above right-of-way designed exclusively for pedestrians, no sign shall project at or below an elevation of 10 feet above grade.

(2) **Permanent Sign Standards**

a. **Summary Table of Permanent Sign Standards**

Table 4.4 summarizes the requirements for permanent signs. Additional requirements for certain sign types follow the table.

[242] From C.VI.5.C, revised for clarity.

Table 4.4: Sign Standards by Sign Type and Zoning District

Standards by Sign Type	Zoning District[243]					
	R1, R2, R3, R4, R5	MX-1, MX-2	MX-3, MX-4	MX-5	CM, IN	OS, PI, PD
AWNING SIGN[244]						
Allowed?	**Prohibited in R1, R2, R3; Allowed for nonresidential uses in R4, R5**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number allowed (max.)	One awning sign OR wall sign or ground sign per use	One awning OR wall OR projecting sign per use; AND one additional awning, wall, ground, projecting OR marquee sign per building that contains two or more uses	One awning sign OR ground sign per primary building	One awning, wall, marquee, OR projecting sign per use; PLUS one additional awning, wall, marquee OR projecting sign per building wall	Two total signs per use or building per street frontage on which the building or use faces	One per use
Location	See sign height limitations				No restrictions	
Sign area (max.)	10 sq ft per sign	MX-1: 10 sq ft per sign Other districts: 15 sq ft per sign		Total sign area: **Single-tenant buildings:** 0.5 sq ft per foot of width of the wall to which the sign is attached **Multiple-tenant buildings:** 1 sq ft per foot of linear building street frontage occupied by the tenant	Total area for all signs: 2 sq ft per foot of linear building street frontage occupied by the tenant	40 sq ft per sign
Sign height (max.)	See awning sign restrictions.			**Single-tenant buildings:** No restrictions **Multiple-tenant buildings:** No sign shall extend above the first story of the building wall to which it is attached. Building name or sign identifying principal tenant may be located above first floor.	No restrictions	

[243] Did not carry forward the standard in current C.VI.14 related to special permit uses (restaurants, package foods restaurants, drive-in restaurants, gasoline service stations, and car wash facilities) having to abide by separate sign standards. These uses are instead regulated by zoning district to remain content neutral.
[244] *Consolidated draft: Awning signs have been added to the table. The standards mirror those of wall signs for discussion purposes.*

Table 4.4: Sign Standards by Sign Type and Zoning District

Standards by Sign Type	Zoning District[243]					
	R1, R2, R3, R4, R5	MX-1, MX-2	MX-3, MX-4	MX-5	CM, IN	OS, PI, PD
GROUND SIGN						
Allowed?	**Prohibited in R1, R2, R3; Allowed for nonresidential uses in R4, R5**	**Allowed for nonresidential uses**	**Allowed**	**Prohibited**	**Allowed**	**Allowed**
Number allowed (max.)	One ground sign OR wall sign per use	One wall OR projecting sign per use; AND one additional wall, ground, projecting, OR marquee sign per building that contains two or more uses	One ground sign OR wall sign per primary building		Two total signs per use or building per street frontage on which the building or use faces	One per use; plus one additional sign in transitional parking areas[245]
Location	Signs shall be located outside of any required setback[246]	Shall be located between the building wall and required setback, and the sign face shall be parallel to the street	Shall be located between the building wall and required setback, and the sign face shall be parallel to the street			**Transitional parking areas:** Sign shall be located within 25 feet of the district where the primary use is located **All other areas:** No restrictions
Sign area (max.)	15 sq ft per sign[247]	15 sq ft per sign	15 sq ft per sign		Total area all signs: 2 sq ft per foot of linear building street frontage occupied by the tenant	**Transitional parking areas:** 12 sq ft **All other areas:** 40 sq ft
Sign height (max.)	4 feet	4 feet	6 feet		25 feet	**Transitional parking areas:** 8 feet **All other areas:** 30 feet[248]
Illumination	Prohibited	External	External or internal		External or internal	**OS:** external only **PI and PD:** external or internal

[245] Transitional parking areas are authorized under the Special Permit section of the current ordinance, and staff notes that they could identify/map all of the cases where they have been approved.
[246] This simplifies the current language in the interest of content neutrality. The current ordinance allows signs for principal nonresidential uses anywhere on the parcel—this distinction is removed due to first amendment concerns.
[247] We did not carry forward different size limitations on signs based on uses (e.g., smaller signs for resident offices and bed and breakfast uses.)
[248] The provision establishing minimum clearance was carried forward earlier as a broad requirement.

Table 4.4: Sign Standards by Sign Type and Zoning District

Standards by Sign Type	Zoning District[243]					
	R1, R2, R3, R4, R5	MX-1, MX-2	MX-3, MX-4	MX-5	CM, IN	OS, PI, PD
MARQUEE SIGN						
Allowed?	**Prohibited**	**Allowed**	**Prohibited**	**Allowed**	**Allowed**	**Prohibited**
Number allowed (max.)		One wall OR projecting sign per use; AND one additional wall, ground, projecting OR marquee sign per building that contains two or more uses		One wall sign OR marquee sign OR projecting sign per use; AND one additional wall sign OR marquee sign OR projecting sign per building wall	Two total signs per use or building per street frontage on which the building or use faces	
Location		See sign height limitations		See sign height limitations	No restrictions	
Sign area (max.)		15 sq ft per sign		Total area all signs: **Single-tenant buildings:** 0.5 sq ft per foot of width of the wall to which the sign is attached **Multiple-tenant buildings:** 1 sq ft per foot of linear building street frontage occupied by the tenant	Total area all signs: 2 sq ft per foot of linear building street frontage occupied by the tenant	
Sign height (max.)		No sign shall extend above the first story of the building wall to which it is attached		**Single-tenant buildings:** No restrictions **Multiple-tenant buildings:** No sign shall extend above the first story of the building wall to which it is attached	No restrictions	

Table 4.4: Sign Standards by Sign Type and Zoning District

Standards by Sign Type	Zoning District[243]					
	R1, R2, R3, R4, R5	MX-1, MX-2	MX-3, MX-4	MX-5	CM, IN	OS, PI, PD
PROJECTING SIGN						
Allowed?	**Prohibited**	**Allowed**	**Prohibited**	**Allowed**	**Allowed**	**Prohibited**
Number allowed (max.)		One wall OR projecting sign per use; AND one additional wall, ground, projecting OR marquee sign per building that contains two or more uses		One wall sign OR marquee sign OR projecting sign per use; AND one additional wall sign OR marquee sign OR projecting sign per building wall	Two total signs per use or building per street frontage on which the building or use faces	
Location		See sign height limitations		No restrictions	No restrictions	
Sign area (max.)		6 sq ft per side		Total area for all signs: **Single-tenant buildings:** 0.5 sq ft per foot of width of the wall to which the sign is attached **Multiple-tenant buildings:** 1 sq ft per foot of linear building street frontage occupied by the tenant	Total area for all signs: 2 sq ft per foot of linear building street frontage occupied by the tenant	
Sign height (max.)		No sign shall extend above the first story of the building wall to which it is attached		**Single-tenant buildings:** No restrictions **Multiple-tenant buildings:** No sign shall extend above the first story of the building wall to which it is attached		

Table 4.4: Sign Standards by Sign Type and Zoning District

Standards by Sign Type	Zoning District[243]					
	R1, R2, R3, R4, R5	MX-1, MX-2	MX-3, MX-4	MX-5	CM, IN	OS, PI, PD
ROOF SIGN						
Allowed?	**Prohibited**	**Prohibited**	**Prohibited**	**Prohibited**	**Allowed**	**Prohibited**
Number allowed (max.)					Two total signs per use or building per street frontage on which the building or use faces	
Location					No restrictions	
Sign area (max.)					Total area all signs: 2 sq ft per foot of linear building street frontage occupied by the tenant	
Sign height (max.)					No restrictions	

Table 4.4: Sign Standards by Sign Type and Zoning District

Standards by Sign Type	Zoning District[243]					
	R1, R2, R3, R4, R5	MX-1, MX-2	MX-3, MX-4	MX-5	CM, IN	OS, PI, PD
WALL SIGN						
Allowed?	**Prohibited in R1, R2, R3; Allowed for nonresidential uses in R4, R5**	**Allowed**	**Allowed**	**Allowed**	**Allowed**	**Allowed**
Number allowed (max.)	One wall sign OR ground sign per use	One wall OR projecting sign per use; AND one additional wall, ground, projecting OR marquee sign per building that contains two or more uses	One wall sign OR ground sign per primary building	- One wall, marquee, OR projecting sign per use; PLUS one additional wall, marquee OR projecting sign per building wall - High-rise building: one additional sign allowed per façade for identification of principal tenant (occupying 51 percent or more of a building's floor space) [249]	Two total signs per use or building per street frontage on which the building or use faces	One per use
Location	See sign height limitations[250]				No restrictions	
Sign area (max.)	10 sq ft per sign[251]	MX-1: 10 sq ft per sign Other districts: 15 sq ft per sign		Total area for all signs: **Single-tenant buildings:** 0.5 sq ft per foot of width of the wall to which the sign is attached **Multiple-tenant buildings:** 1 sq ft per foot of linear building street frontage occupied by the tenant	Total area for all signs: 2 sq ft per foot of linear building street frontage occupied by the tenant	40 sq ft per sign
Sign height (max.)	No sign shall extend above the first story of the building wall to which it is attached			**Single-tenant buildings:** No restrictions **Multiple-tenant buildings:** No sign shall extend above	No restrictions	

[249] Reflects current interpretation of the number limit in C.VI.13.E. The high-rise provision is new.
[250] We did not carry forward the current restriction on exterior signs identifying accessory retail uses to make the regulation content neutral—the number restriction above allows signs only on buildings used for a principal use, so that a building where only an accessory use is located would not be allowed a wall sign.
[251] We did not carry forward different size limitations on signs based on uses (e.g., smaller signs for resident offices and bed and breakfast uses.)

Table 4.4: Sign Standards by Sign Type and Zoning District						
Standards by Sign Type	**Zoning District[243]**					
	R1, R2, R3, R4, R5	**MX-1, MX-2**	**MX-3, MX-4**	**MX-5**	**CM, IN**	**OS, PI, PD**
				the first story of the building wall to which it is attached. Building name or sign identifying principal tenant may be located above first floor.		
ELECTRONIC CHANGEABLE MESSAGE SIGN						
Allowed?	**Prohibited**	**Prohibited**	**Prohibited**	**Prohibited**	**Allowed**	**Allowed**
Standards					See subsection 4.8F(2)b	See subsection 4.8F(2)b

b. **Electronic Changeable Message Sign[252]**

Electronic changeable message signs are allowed in the CM, IN, PI, and PD zoning districts subject to the following standards:

1. Location

   In any district, no electronic changeable message sign shall be placed within 300 feet of another electronic changeable message sign.

2. Luminance

   i. The luminance of any electronic changeable message sign shall not exceed 1,500 NITs during the period starting 30 minutes after sunrise and ending 30 minutes prior to sunset; at all other times the luminance of any such sign shall not exceed 150 NITs.[253]

   ii. All electronic changeable message signs shall be programmed to automatically dim in order to not exceed the maximum allowed luminance at any time.

3. Display and Transitions

   Electronic changeable message signs may include automatic changes of the sign's message, subject to the following standards:

   i. Each message shall be static and shall not incorporate any animation, flashing, or other dynamic effect;

[252] *Consolidated draft: Changed allowance from all districts to only certain districts.* This section builds on and replaces the time and/or temperature device provisions in the current zoning ordinance, and includes some provisions from the current off-premise advertising sign regulations in C.VI.7. Electronic changeable message signs, also known as electronic message center signs, are increasingly common, and many communities have adopted zoning regulations to address specific aspects of these signs.
[253] These are much dimmer than the current brightness levels for the off-premise advertising sign regulations (7,500 and 500 nits, respectively).

ii. The minimum period of time that any message is displayed shall be 30 seconds; and

iii. Transitions between messages shall be no longer than one second and shall not include dissolving, fading, vertical or horizontal scrolling, flashing, or other dynamic effect.

4. Maintenance

Electronic changeable message signs shall be designed to shut down the sign or maintain a static image if a malfunction occurs.

c. **Awning Signs**[254]

Signs on awnings may be permitted; provided, that the sign or awning meets the following requirements:

1. The bottom of the awning shall be a minimum of eight feet above the ground surface when projecting over a private or public walkway.
2. Awnings shall project no more than five feet into a public right-of-way and shall project no closer than two feet from the face of the curb line.
3. Projecting signs may be permitted; provided, that such signs do not project more than 36 inches beyond the building face, including projections over the public right-of-way, and are less than six square feet in size on each side. Projecting signs that are located above the public right-of-way shall maintain an eight-foot clearance between the right-of-way and the sign.
4. Awning signs are subject to the general sign standards contained in this section, with the exception that lettering on all faces or sides of the awning shall be considered as one sign.

d. **Ground Signs**

1. No ground sign shall be supported by more than two columns, poles, or similar structural members, each with a maximum diameter of one foot.
2. For monument signs, the width of the base or structural frame shall be a minimum of one half the width of the widest part of the sign face. The base shall not exceed a height of three feet above the average finished grade and the overall height shall not exceed the allowed maximum height for ground signs. An enclosed or solid sign base shall not be required if the sign face is within two feet of the average finished grade. The materials of the base of a monument sign shall be either masonry, wood, anodized metal, stone or concrete.[255]

e. **Planned Development or Subdivision Entrance Signs**[256]

One ground sign may be located within 40 feet of an entrance to a planned development or subdivision, subject to the following standards:

[254] *Consolidated draft. New per discussions.*
[255] New. The current regulations do not define ground signs or monument signs, and do not clearly identify monument signs as a type of ground signs.
[256] This section carries forward the planned development or subdivision identification sign provision of the current ordinance (C.VI.4.P) modified for clarity and content neutrality.

1. No more than one such sign is allowed per planned development or subdivision.
2. No such sign shall have a sign area of more than 40 square feet.
3. All such signs shall be located on a separate platted lot or tract within the boundary lines of the planned development or subdivision.
4. Maintenance of a planned development or subdivision entrance sign and the lot on which it is located shall be the same as for common open space of the planned unit development or subdivision.

(3) **Off-Premise Signs**[257]

a. **Location**

1. Off-premise signs are allowed only within the CM and IN zoning districts.
2. Off-premise signs with sign 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.

b. **Sign Face Orientation**

If all faces of an off-premise sign at a given location are oriented in one direction, sign faces in any other direction shall be reviewed separately with respect to spacing and concentration.

c. **Spacing and Concentration**

1. No off-premise sign shall be closer than 300 feet to another sign with the same orientation direction.
2. The average of all sign areas for off-premise signs oriented in the same direction in all 1,000-foot segments of the street to which the signs are oriented shall not exceed 600 square feet.
3. Regardless of individual size, no more than two sign faces with the same orientation shall be installed at any one location.
4. An off-premise sign, other than those with light-emitting sign face surfaces, orientated toward an Interstate highway shall be no closer than 500 feet from any other off-premise sign oriented in the same direction on either side of the highway.
5. Irrespective of Interstate highway or other orientation, off-premise signs that have light-emitting sign faces shall be no closer than 1,000 feet from each other, if oriented in the same direction, and shall consist of not more than one sign face in that direction at any location.
6. If the placement, i.e., concentration, of existing off-premise signs exceeds the limits specified above, then other off-premise sign sites shall be abandoned to reduce the concentration before any new approval occurs. The removed sites may be owned by

[257] *Consolidated draft: removed specific reference to area covered by Gateway plan, which was redundant with the district references.* This section carries forward the off-premise advertising sign provisions in the current ordinance (C.VI.7) with no substantive changes. We did not carry forward the term "advertising" to maintain content neutrality. Did not carry forward introductory note about superseding state, federal, or local laws, which is covered already in more broad general regulations.

the applicants for the new signs or other parties, provided all parties are agreeable to the removal(s).

7. The abandonment of rights to off-premise signs at any site shall be formally reviewed and acknowledged by the Planning Commission in order to establish a clear date and record of abandonment with respect to the sign permits associated with those sites.

d. **Maximum Height**

The maximum height of an off-premise sign shall be 30 feet. Measurement of height for off-premise signs shall be as set forth in 4.8F(1)b.2 above.

e. **Maximum Area**

The maximum area of a sign face of an off-premise sign shall be 450 square feet.

f. **Maximum Brightness**

1. Brightness of light-emitting sign faces shall be adjusted in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public. Control of brightness shall also be required so that the signs are not obtrusive with respect to their surroundings.
2. No light-emitting sign face of an off-premise sign at any time during daylight hours shall exceed a maximum brightness of 7500 NITs (one NIT being equal to one cd/m2) as measured from the brightest part of the sign face.
3. At no time from dusk to dawn shall maximum brightness as measured from the brightest part of the sign face exceed 500 NITs.
4. If during the review of any application of an off-premise sign, reasonable information is presented to show that sign copy would be effectively legible with lower maximum brightness outputs, then correspondingly lower limits may be applied to the sign under review. Specific positioning and back-drop factors may be considered in the lowering of the maximum brightness allowances.
5. Within two months of the installation of any off-premise sign, the maximum brightness limits may be lowered for individual sign faces, if on-site inspection by City engineers shows the operating brightness levels to be excessive for effective legibility of sign copy. In such cases the respective sign permits shall be adjusted through action of the Planning Commission.

g. **Brightness Control**

1. In order to control the brightness of messages and images on off-premise signs, all installations shall be equipped with photo-cell light detectors that measure the ambient light conditions and relay that information to appropriate control devices regulating the brightness of the sign faces.
2. Under darkened ambient light conditions, the light detector shall correspondingly trigger the projected brightness of the sign faces to dim to a level no more necessary than to allow effective legibility of sign copy, in accordance with the maximum brightness in 4.8.F.(3).f.
3. The City shall have the authority to have any light detectors inspected where questions of malfunctions arise.

4. In approving any light-emitting off-premise sign, the Planning Commission may require the sign operator to maintain a log of the changes in ambient light and the corresponding responses in the projected brightness of the sign face(s) in order to resolve questions of malfunctions and irregularities. Maintenance of log entries shall not be required longer than two weeks after the events they reflect.

h. **Changeable Copy**

Off-premise signs shall be permitted to have changeable copy messages and images, subject to the following standards:

1. Each message shall be static and shall not incorporate any animation, flashing, or other dynamic effect;
2. The minimum period of time that any message is displayed shall be eight seconds;[258] and
3. Transitions between messages shall be no longer than one second and shall not include dissolving, fading, vertical or horizontal scrolling, flashing, or other dynamic effect.

i. **Prohibited Off-Premise Signs**

The following are prohibited with respect to off-premise signs:

1. Animation or animated features.
2. Messages or images that flash with rapid changes of light or color, have scrolling features, such as moving text, have rippling effects, or project other sudden and intense changes.
3. Any support structure that rotates or otherwise changes position, not including rotating panels within a sign face (such as so-call "tri-vision" signs).
4. Any audio or sound producing device.

(4) **Temporary Event Signs[259]**

Temporary signs may be displayed within 500 feet of a property on which a one-time event approved or sponsored by the City, subject to the following standards:

a. **Generally**

1. Such signs may be displayed only in interior window areas, on the site of the event, or on City-approved designated sign structures; and[260]
2. No such sign shall be displayed more than two weeks prior to the start of the event or more than two weeks after the after the conclusion of the event.

[258] In response to questions, we note that this existing minimum timeframe is not unusual. However, some communities go shorter (e.g., three to five seconds). Another option would be to go longer, such as 30 seconds, which applies to the electronic changeable copy signs.
[259] This carries forward the Temporary Promotional or Announcement Sign provisions in the current ordinance with modifications to make them more content-neutral.
[260] Added language for "city approved sign structures" to allow for hanging banners.

b. **In the MX-5, CM, and IN Zoning Districts**[261]

In addition to interior window areas, on the site of the event, or on designated sign structures, such signs may also be located within or adjacent to the right-of-way, provided that such signs:

1. Shall not have a sign area of more than 350 square feet;
2. Shall be located between 20 feet and 40 feet above grade;
3. Shall not be illuminated either directly or indirectly;
4. Shall be suspended by messenger wire or its equivalent as determined by the City; and
5. Shall not be displayed for a period of more than 10 days.

G. Nonconforming Signs[262]

Except for signs with conditional use, variance, exception, special permit, waiver or other formal zoning approval, any sign legally established prior to the effective date of this Ordinance that does not conform to the standards of this Section 4.8 shall be considered a nonconforming sign.

H. Noncommercial Speech Signs[263]

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

[261] *Consolidated draft: Restriction no longer applicable in the MX-C District.*

[262] The amortization period for off-premise advertising signs expired at the end of 2008 and is not carried forward. The special amortization consideration provisions will be addressed in Module 3.

[263] New standard that we typically include in sign regulations.

Article 5: Administration and Procedures

Commentary:

This article describes the process for reviewing and approving development applications in Syracuse. The article begins with a **summary table** that provides a snapshot of the review procedures, the review and decision-making authorities, and public notice requirements.

The next section includes the **common review procedures** that apply to most development application types. Common review procedures (as recommended in the Assessment Report) will help Syracuse avoid repetition throughout the Ordinance and eliminate conflicting information among development applications. The remaining sections describe the **application-specific** development procedures, linking back to applicable common review procedures, and noting any modifications or additions. Each specific procedure includes a flowchart depicting the steps for review and approval. The final section of this article describes the **decision-making authorities** in Syracuse as they relate to this Ordinance.

The term **"Zoning Administrator"** is used throughout this article as the chief administrative officer in charge of administering the Ordinance, and is defined as the Zoning Administrator or his or her designee.

In this article, we refer to an **"administrative manual,"** which is proposed to include the requirements for application submittal materials, fees, time periods for review, and other administrative information that does not need to be included in this Ordinance. Keeping such material outside the Ordinance allows it to be updated more regularly without formal Ordinance amendments. Syracuse already hosts a lot of development information on the City's website, so the "manual" could simply expand on that framework. This draft also refers to the "Technical and Engineering Specifications Manual," which is intended as a separate document.

*Consolidated draft: The **Construction Plans** section has been removed following staff discussion. This would allow Zoning to perform a relatively quick review/approval of the initial Site Plan review/referrals, and the subsequent construction plans review would be led by the Permit desk. This would be in contrast to the initial draft proposal, in which the Zoning office played a lead role in both reviews. Importantly, there will be a required pre-application meeting with Zoning to discuss this procedure, and there will be the ability for applicants to submit Site Plan & construction plans concurrently at their option. This maintains applicant's ability to seek and obtain Zoning approval without a significant investment in construction plans, but the construction plans review will be administered by another Department (Permits) that is better equipped to handle that review.*

5.1 Purpose and Organization of this Article

A. The purpose of this Article is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this Ordinance.

B. This Article describes the review and approval procedures for application for land use and development in the City, and is divided into the following sections:

(1) Section 5.2, *Summary Table of Review Procedures*, contains a summary of all development application types authorized in this Article.

(2) Section 5.3, *Common Review Procedures,* describes the standard procedures that apply to most development application types.

(3) Sections 5.4 through 5.6 contain specific information on each application type within three categories (development permits, flexibility and relief procedures, and ordinance amendments), including approval criteria and any additions or modifications to the common review procedures.

(4) Section 5.7, *Review and Decision-Making Bodies*, describes the review and decision-making authorities, including the Syracuse Common Council, Planning Commission, Board of Zoning Appeals, Syracuse Landmark Preservation Board, Zoning Administrator, and other City officials.

5.2 Summary Table of Review Procedures

Table 5.1: Summary Table of Review Procedures, lists the development applications authorized by this Ordinance. For each type of application, the table indicates whether public notice is required, whether a pre-application conference is required, and the role of City review and decision-making bodies.

Table 5.1: Summary Table of Review Procedures[264]

R = review and comment D = review and decision A = appeal
< > = public hearing required ✓ = required

Procedure		Section	Notice			Pre-Application Conference	Staff	Syracuse Landmark Preservation Board	Board of Zoning Appeals	Planning Commission	Common Council
			Published	Written	Posted						
Development Permits											
Site Plan Review	Minor	5.4A(3)				Optional	D			<A>	
	Major	5.4A(4)	✓	✓	✓	✓	R			<D>	
Special Use Permit		5.4B	✓	✓	✓	✓	R			<D>	
Sign Review		5.4C			✓	Optional	D			<A>	
Off-Premise Advertising		5.4C				✓	R			<D> [1]	
Temporary Use Permit		5.4D			✓	Optional	D			<A>	
Flexibility and Relief											
Variance		5.5A	✓	✓	✓	✓	R		<D>		
Administrative Adjustment		5.5B				Optional	Decision-maker is same as associated application.				
Appeal of Administrative Decision		5.5C	✓	✓	✓	Optional	R		<D>		
Ordinance Amendments											
Rezoning		5.6A	✓	✓	✓	✓	R			<R>	<D>
Rezoning to Planned Development (PD/PI)		5.6B	✓	✓	✓	✓	R			<R>	<D>
Ordinance Amendment (text)		5.6C	✓	✓	✓		R			<R>	<D>
Resubdivision		See Ordinance ---									
Historic Preservation Procedures											
Certificate of Appropriateness		6.5				✓[265]	R	<D>		<A>	
Signs on Historic Properties not Locally Designated										<D>	

Notes:
[1] Except for signs in historic districts, which are acted upon by the Landmark Preservation Board.

[264] *Consolidated draft: Created new section for Historic Preservation. Added separate rows for subdivision and off-premise advertising.*
[265] *Consolidated draft: Pre-application conference made mandatory for Certificate of Appropriateness applications.*

5.3 Common Review Procedures

Commentary

The common review procedures introduced in this section are new to Syracuse. There is very little information describing how applications are processed in the current ordinance, apart from some limited provisions in the Project Site Review and Special Use Permit sections. Also, the Lakefront section describes additional procedures that somewhat overlap those generally applicable sections.

Per the Assessment, these new common review procedures consolidate general steps that are applicable to multiple development application types. The application-specific procedures in the following sections refer back to these common review procedures and note any modifications or additions.

Because there is so little on this topic in the current Syracuse Zoning Ordinance, there is a significant amount of new material here for the City's consideration. Staff has reviewed the draft text to help ensure it matches actual current practice.

A. Purpose

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Ordinance. Common review procedures include six steps, as illustrated in Figure 5-1: Overview of Common Review Procedures, not all of which are applicable to every development application. Application-specific procedures in sections 5.4 through 5.6 identify additional procedures and rules beyond those in this section.

Figure 5-1: Overview of Common Review Procedures

B. Pre-Application Conference[266]

(1) Purpose

The pre-application conference is intended to provide an opportunity for the applicant to meet with Zoning staff to review applicable submittal requirements, review procedures, and to identify any issues associated with the proposed development.

[266] New. This is a new tool intended to provide more upfront discussion about applicable zoning requirements. It is not intended to replace the existing "pre-development meeting," which is similar but broader in scope because it includes other departments and is managed by the City's Department of Neighborhood and Business Development. The purpose of this meeting should not be to get into specific details, but rather to discuss whether the project is feasible and, if so, applicable procedures and standards for approval. (The current ordinance mentions similar "pre-application conferences" in the Lakefront ordinance, where they are authorized as optional for both site plan and special use permit applications.

(2) **When Required**

A pre-application conference is required for certain application types as specified in Table 5.1: Summary Table of Review Procedures. A pre-application conference is optional for all other application types.

(3) **Procedure**

Pre-application conferences shall be scheduled and conducted in accordance with the following procedures:

a. **Request**[267]

The applicant shall submit a request for a pre-application conference to the Zoning Administrator.

b. **Scheduling**[268]

The Zoning Administrator shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the conference.

c. **Required Information**[269]

At least five days prior to the scheduled pre-application conference, the applicant shall submit:

a. Proof of ownership (such as, but not limited to, a deed, an executed lease, or a contract for purchase);
b. A written description of the proposed project;
c. Conceptual drawings showing the location, layout, and primary elements of the proposal;[270]
d. Specific uses, location of uses, and densities proposed;
e. Proposed construction phasing (if applicable); and
f. A draft of a completed zoning application (optional).[271]

[267] *Consolidated draft: If the meetings are mandatory, we recommend that the city's website and/or application materials clearly state that the pre-app meeting is a prerequisite to submitting the application.*
[268] Especially for optional conferences, these could be very informal. Staff notes that phone calls may suffice for optional conferences.
[269] This is a limited list for the City's consideration. Some communities go farther and request info on issues such as floor area, parking demand, exterior materials, timing, landscaping, irrigation, grading, lighting, and signs.
[270] This is intentionally vague regarding the quality of the drawings, which allows the possibility of either professionally prepared materials or very informal crude drawings. If a desired minimum level of specificity is needed, we recommend setting it in the administrative manual. The standard should be sufficient to allow evaluation of the concept, but not so onerous as to discourage compliance.
[271] This last item is optional because the full application is not required at this stage. However, the applicant may wish to submit a draft application to get feedback from staff on whether it is filled out correctly.

d. **Conference Determinations**[272]

Zoning staff attending the pre-application conference shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Ordinance. City staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project, such as a variance or administrative adjustment.

(4) **Effect**[273]

Any information or discussions held at the pre-application conference are for guidance purposes only and shall not be binding on the Office of Zoning Administration or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

C. Application Submittal and Processing

(1) **Authority to Submit Application**[274]

a. Unless expressly stated otherwise in this Ordinance, an application for one of the permits described in this Article shall be submitted by:

1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or

2. A person authorized to submit the application on behalf of the owner, provided the application is accompanied by a letter or document signed by the owner authorizing the submission.

b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such property owners shall sign the application or a letter or document consenting to the application.

(2) **Application Content**

a. The application shall be submitted to the Office of Zoning Administration.

b. The application shall be submitted on a form established by the Office of Zoning Administration.

c. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements.

[272] *Consolidated draft: Some public comments on this section asked if the staff could provide written notes at or following the pre-application meeting. This has not been included for two reasons. First, the staff does not have the resources to produce written meeting summaries or recommendations. Second and more importantly, any written feedback may create an expectation of reliance, and the purpose of the following subsection ("Effect") is that the discussions at pre-app meeting are not binding. Generally, no feedback from the City is binding until a complete application is submitted.*

[273] New standard to establish that the pre-application conferences are intended to encourage problem-solving and innovation. Additionally, this provision helps clarify that any pre-application discussions of potential conditions do not in fact constitute actual conditions placed on the approval.

[274] New. City staff may consider developing a standard form for non-owners/authorized applicants. Such form could be included in an administrative manual.

(3) **Application Fees**[275]

a. Application fees shall be paid at time of submittal according to the type of application. Fees shall be established by resolution by the Common Council and may be reviewed annually.

b. All fees required by this Ordinance shall be paid to and collected by the City of Syracuse Commissioner of Finance.

c. In the event the Zoning Administrator determines that it is necessary to utilize the services of a consultant not on staff, the Zoning Administrator may impose additional fees associated with such outside consultant. [276]

(4) **Submittal and Review Schedule**[277]

The Zoning Administrator shall establish a submittal and review schedule for zoning applications and shall include that information in the Administrative Manual. The Zoning Administrator may amend the schedule to ensure effective and efficient review under this Ordinance.

(5) **Determination of Application Completeness**[278]

The Zoning Administrator shall determine whether the application is complete or incomplete within [ten] business days and shall notify the applicant of application acceptance or denial by the end of that period.

a. **Complete Applications**

A complete application shall be processed for review according to the procedures in this article. An application will be considered complete if it is submitted in the required form, includes all required information specified in this Ordinance and the Administrative Manual, meets the applicable specifications in the Administrative Manual, and is accompanied by the applicable fee.

b. **Incomplete Applications**

An incomplete application shall not be processed or reviewed. The Office of Zoning Administration shall provide written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for determination of application completeness. An incomplete application that is not resubmitted within 45 days shall be considered abandoned.

(6) **Minor Application Revisions**[279]

An applicant may revise an application after receiving notice of compliance deficiencies following staff review according to subsection 5.3D, *Staff Review and Action*, or on requesting

[275] New. Because they are subject to frequent updating and change, we recommend that fee schedules be located in an administrative manual.
[276] This replaces a much lengthier provision in the current ordinance that applies only to hiring consultants for design assistance in the Lakefront.
[277] New provision allowing the Zoning Administrator to set an appropriate timeframe for internal review of application types.
[278] New provisions formalize the application completeness review process. This is not a sufficiency review, but rather just making sure that the applicant submits the full list of required materials. If materials are inaccurate or insufficient in some way, that can be addressed by staff during the "Staff Review and Action" process. This expands on similar language from current Lakefront, describing the Zoning Administrator's authority to review applications and/or forward them to the Planning Commission for review and decision.
[279] New.

and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Zoning Administrator. All other application revisions shall be processed as a new application.

(7) **Application Withdrawal**[280]

a. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a signed letter of withdrawal to the Zoning Administrator.

b. If an application is withdrawn after required notice of any scheduled public hearing, the application shall be subject to limitations on the subsequent submittal of similar applications. The Zoning Administrator shall submit the request to the respective Board for consideration and the hearing will proceed and public comments will be added to the record.

c. An applicant is not entitled to a refund of application fees for applications that are withdrawn after the application has been distributed to referral agencies.

D. Staff Review and Action

(1) **Referral to Staff and Referral Agencies**[281]

a. The Office of Zoning Administration shall distribute the complete application to appropriate staff and referral agencies per the Administrative Manual.

b. Actions proposed within the City right-of-way shall be referred to the City Engineer, the Commissioner of Public Works, and the Zoning Administrator, and any other applicable referral agencies.[282]

(2) **Staff Review and Application Revisions** [283]

Staff and all applicable referral agencies shall review the application and submit comments to the applicant in a form established by the Zoning Administrator. The applicant may revise the application pursuant to 5.3C(6), *Minor Application Revisions*.

[280] New. *Consolidated draft: Clarification that the hearing proceeds and public comments are still collected after an applicant requests withdrawal of an application.*

[281] Policy discussion needed. Some communities use a "Development Review Committee" to help coordinate feedback from multiple departments. It can be formal or informal, and it can be used both at the front end of the process (pre-application) as well as later in the actual review stages. We heard there are challenges with interdepartmental coordination in Syracuse, so embracing this DRC concept in some way in the new Ordinance could provide a potential internal framework to improve coordination. For now, this draft text does not mention a DRC, but communities that do have such a committee in place do assign them a role in the code.

[282] From the Lakefront ordinance, Part C, Section IX, Article 3.

[283] New. This language is open-ended, which allows Administrator discretion to move the application along in the process as they determine appropriate. Note that some communities also provide that an application shall not move forward for further review until the applicant "adequately" responds to staff/DRC recommendations and comments. Some communities also limit the number of times that staff can review the application.

(3) **Applications Subject to Staff Review**[284]

a. **Staff Report**[285]

If an application is subject to a staff review per Table 5.1: Summary Table of Review Procedures, staff shall prepare a written staff report. The staff report shall state whether or not the application complies with Ordinance requirements and shall include all applicable review comments from the referral agencies for consideration by the appropriate decision-making body.

b. **Distribution and Availability of Application and Staff Report**

Within a reasonable time period before a meeting or hearing at which a zoning application is scheduled for review by an advisory or decision-making body, the Zoning Administrator shall submit a copy of the staff report to the applicant and advisory or decision-making body, and shall make the case file available for public review.

(4) **Applications Subject to Staff Decision**[286]

a. **Decision**

If an application is subject to staff review and a final decision by the Zoning Administrator per Table 5.1: Summary Table of Review Procedures, the Zoning Administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

b. **Conditions of Approval**

Any conditions of approval imposed by the Zoning Administrator shall comply with the provisions in subsection 5.3F(3), *Conditions of Approval*.

(5) **Simultaneous Processing of Development Applications**[287]

Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, this Article intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process. Review and decision-making bodies considering applications submitted simultaneously shall render separate reports, recommendations, and decisions on each application based on the specific standards applicable to each approval.

a. Examples of concurrent filing and processing of applications include, but are not limited to:

1. Site plan and special use permit;
2. Site plan and variance;
3. Site plan and administrative adjustment;

[284] New.
[285] *Consolidated draft: Removed all references to staff "recommendation" throughout this article.* There is ongoing staff discussion about the extent to which this staff report should include a formal "recommendation," as is common in most communities but which is not currently done in Syracuse. At minimum, the review board and the applicant should have a clear indication from Zoning staff whether the application is compliant or not. Whether this constitutes a "recommendation" is semantics, but staff should provide guidance. They have spoken with, met with, advised, and communicated with applicants; board members have not. They should provide guidance for board/commission consideration.
[286] New.
[287] New. The purpose is to help applicants by expediting the overall process, not to burden them with two separate procedures.

4. Site plan and sign review; and
5. Site plan and subdivision.[288]

b. Generally, no rezoning application shall be accepted or processed while an application for any of the permits or approvals listed in this Article is pending for the same property, and vice versa.

c. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this Article intends to accommodate simultaneous processing, applicants should note that each of the reviews and approvals set forth in this Article has its own timing and review sequence.

E. Scheduling and Notice of Public Hearings[289]

(1) Scheduling

a. If an application is subject to a public hearing per Table 5.1: Summary Table of Review Procedures, the Zoning Administrator shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.

b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per subsection 5.3D, *Staff Review and Action*.

(2) Public Hearing Notice

a. **General Notice Requirements**

All public hearings required by this Ordinance shall be preceded by the notices identified in Table 5.1: Summary Table of Review Procedures.

b. **Responsibility of Party Seeking Hearing[290]**

The Office of Zoning Administration shall be responsible for the proper publication and mailing of notice of the public hearing. The applicant shall post notice of the public hearing on the subject property. The applicant shall pay all costs for all forms of notice through the associated application fees.

(3) Notice Format and Content

a. **Published and Mailed Notice**

1. Required published or mailed notices shall:

i. Identify the application type;

[288] *Consolidated draft: New list of example types of concurrent processing.*
[289] New. There is very little information on the format, scheduling, and content of required notices in the current ordinance.
[290] *Consolidated draft: This text selects "option three" from the multiple options listed in the prior draft.* Staff notes that current practice is outlined in the Rules of Procedure for the Planning Commission and in the current Ordinance for the BZA. The only requirement is to publish the notice 10 days prior to the hearing in the local newspaper. As a courtesy, staff sends postcards to any property owner within 400 feet of a proposal. Staff uses discretion if it is a controversial project, very large property, or within certain areas of the City and provide notification to a wider radius. Generally, the city intends in the new ordinance to move away from subjective notification and base it on objective distances.

ii. Describe the general nature of the proposed project;

iii. Identify the location subject to the application;

iv. Identify the date, time, and location of the hearing being noticed;

v. Identify where and when the application and associated materials may be inspected; and

vi. Indicate the opportunity to appear at the public hearing.

2. Published notice shall appear in a newspaper of general circulation in the City at least ten days prior to the scheduled hearing.

3. Mailed notices shall be sent at least 10 days prior to the scheduled hearing via first class mail to all property owners as listed in the records of the Onondaga County tax assessor's office within 400 feet of the subject property, as measured from property boundaries.[291]

b. **Posted Notice[292]**

1. For an application requiring posted notice per Table 5.1: Summary Table of Review Procedures, the applicant shall post at least one sign on the parcel at least 15 days prior to the scheduled hearing. Staff shall provide the required signage. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until after the hearing.

2. The Zoning Administrator may require additional signs based on access and configuration of the property.

3. Required posted notice shall:[293]

i. Identify the application type;

ii. Describe the nature of the proposed project;

iii. Identify the date, time, and location of the hearing being noticed; and

iv. Identify a website and telephone number for additional information.

c. **Certification of Notice**

The applicant shall provide certification and photographic evidence that proper notice has been posted. The format of such certification shall be established by the Zoning Administrator. The applicant shall submit the certification to the Zoning Administrator at least ten[294] days prior to the scheduled public hearing.

[291] Further discussion needed. Current SOCPA GIS system measures from the "centroid," versus property boundaries. It is unclear if the current system could be used to provide boundary-based measurements.
[292] The system of posted notice can actually be easier to administer than mailed notice provided good systems are established. Most communities have their own physical signs, which the applicant borrows and uses for a project. Some communities require the applicant to provide their own signs. Either way, the city needs to spend a little time upfront establishing the required sign format, costs, etc.
[293] Physical characteristics of signs (e.g., size of posting, size of font, color of sign) are typically in an administrative manual, not the code itself.
[294] *Consolidated draft: changed from 7 to 10 days.*

d. **Constructive Notice**

1. Minor Defects in Notice Shall Not Invalidate Proceedings

   Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

2. Failure to Receive Notice Shall Not Invalidate Action

   Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance.

3. Failure to Provide Notices Not Required by Statute[295]

   Failure of the City to provide a notice that is not required by New York state law, regardless of whether such notice is required by this Ordinance, shall not invalidate subsequent action.

F. Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)[296]

(1) **Hearing, Review, and Decision**

a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 5.1: Summary Table of Review Procedures.

b. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).

c. The applicable review body shall approve, approve with conditions, deny without prejudice, or deny the application based on the applicable approval criteria listed in the application-specific procedures.

d. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.

e. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

[295] *Consolidated draft: New.*
[296] New.

f. The applicable review body may amend a failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process.[297]

(2) **Public Hearings**

Public hearings required by this Article shall be conducted according to the procedures established by the respective bodies.

(3) **Conditions of Approval[298]**

a. Where this Ordinance authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this Ordinance or other regulations, or to mitigate the impacts of that development on surrounding properties and streets.

b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this Ordinance. No conditions of approval shall be less restrictive than the requirements of this Ordinance, except where the Ordinance expressly allows deviations.

c. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

d. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval. [299]

e. Unless otherwise provided in this Ordinance, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

(4) **Improvements Agreement[300]**

As a condition of final approval, the City may require the applicant to enter into an improvements agreement in a form acceptable to the City Corporation Counsel and the Common Council that provides security to the City to complete certain public improvements within a reasonable time period if the applicant fails to do so. The City will not issue certificates

[297] *Consolidated draft: new.*
[298] New standards that we typically recommend to help decision-makers establish conditions of approval that are legally defensible.
[299] This provision is based on recent case law, specifically *Koontz vs. St. John's River Water Management District.* The intent is to clearly designate that "talk is talk" concerning mitigating conditions, unless and until it is integrated into an official decision by a local government.
[300] *Consolidated draft: New. This is kept very general and provides a broad authorization only, leaving the specifics up to the City Attorney, Council, and applicant (e.g., amount, form of security, etc.).*

of occupancy for any buildings or units until all public improvements identified on the applicable building permit have been completed or such an agreement has been entered into by the applicant.

(5) **Final Plans**[301]

Within 60 days of approval, the applicant shall submit to the Office of Zoning a final version of any plans approved showing any conditions, restrictions, or other modifications agreed to or required during final approval. Failure to do so shall nullify the approval.

G. Post-Decision Actions and Limitations[302]

(1) **Notice of Decision**

a. Within 10 days after a final decision on an application, or final adoption of the resolution if applicable, the City Clerk (for Common Council decisions) or the Zoning Administrator (for all other decisions) shall provide written notification of the decision via hand delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Office of Zoning Administration.

b. If the review involves a quasi-judicial hearing, the Zoning Administrator shall, within 10 days after a final decision on the application, or final adoption of the resolution if applicable, also provide a written notification of the decision via hand delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision before its effective date.

(2) **Appeal**

a. A party aggrieved or adversely affected by any decision by the Planning Commission or the Board of Zoning Appeals may seek review of the decision in the courts in accordance with applicable state law.

b. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in subsection 5.5C, *Appeal of Administrative Decision*.

(3) **Expiration of Approval**

a. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in sections 5.4 through 5.6 for the particular type of application.

b. A change in ownership of the land shall not affect the established expiration time period of an approval.

c. The Zoning Administrator may grant extensions of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the decision-making body for the original application.

[301] The staff's experience has been that, if a Board makes a condition and that condition requires a revised plan, that it is best that the plan be submitted to the Zoning Office and then incorporated into the resolution; only then is the resolution sent out. However, this has become problematic in that some applicants never submit those revisions nor follow up with the conditions and the case files linger in our office for long periods of time. This new provision can hopefully provide some clarity and help solve this problem.
[302] New.

(4) **Modification or Amendment of Approval**

Unless otherwise provided in this Ordinance, any modification of an approved plan, permit, or condition of approval following the final decision shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

(5) **Limitation on Subsequent Similar Applications**[303]

a. Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar, as determined by the Zoning Administrator, within one year of the previous denial. This waiting period may be waived by the decision-making body provided that there is a majority vote by the body that heard the original request and one of the following conditions is met:

1. There is a substantial change to facts, evidence, or conditions with respect to the neighborhood, and/or new information is available relevant to the issues or facts considered during the previous application review; or

2. The new application is materially different from the previous application.

b. The above does not apply if the board hearing the original request denied the application without prejudice, in which case an applicant may resubmit at any time with a new application that must address the reasons for denial.

[303] These new standards prevent applicants from repeatedly submitting applications trying to achieve a different response or to "wear down" the City without providing a substantially different application or new information.

5.4 Development Permits and Procedures

Commentary:

Generally, the procedures in sections 5.4 through 5.7 are organized in alignment with the summary table of procedures at the beginning of this article. Specific procedures applicable to each type of application are listed in subsection C within each respective procedure. These are in addition to the applicable common review procedures in Section 5.3.

A. Site Plan Review

Commentary:

The proposed site plan review procedure replaces the current Project Site Review procedure (which applies mostly to commercial projects), as well as the Site Plan tool applicable in the Lakefront districts. This draft introduces a **two-tiered system for site plan reviews** in which the Zoning Administrator approves minor site plans and the Planning Commission approves major site plans. Draft thresholds for the types of site plan review are identified in Table 5.2. A referral procedure is also included, by which site plan review applications can be referred to the Planning Commission by the Zoning Administrator.

The proposed text proposes a site plan review process that is simpler than the process set forth in the Lakefront District provisions (and which requires two steps -- an initial review and final review). We understand from discussions that the Lakefront site plan tool had not been widely used since its adoption.

As discussed in the Assessment, there may be an opportunity to clarify the distinction between site plans, which are intended to be higher-level tools for evaluating overall site layout and building design, and more detailed construction drawings. Because the latter can require greater time and money to prepare, an increasing number of communities split the approval procedures and do not require submission of construction plans until after site plan approval. This draft includes a process to obtain site plan approval **prior to submitting construction plans**, thus saving the applicant from submitting technical engineered drawings prior to receiving approval of entitlements.

(1) **Purpose**[304]

This section describes the process by which proposed development is reviewed for compliance with the development and design standards of this Ordinance. The site plan review procedure ensures that potential impacts of development are considered before submittal of an application for construction plan approval or issuance of a building permit.

(2) **Applicability**[305]

a. **Affected Activities**

The following activities shall require site plan review, unless exempted pursuant to subsection 5.4A(2)b, *Exempt Activities*:

[304] New. This new purpose statement makes it clear that site plan approval does not include construction plan approval. The Assessment recommended separation of these procedures so that applicants are required to submit less detail up front in the review process, before knowing whether or not a site plan would be approved. The technical specifications and engineering standards should be located in a separate manual and cross-referenced in this Ordinance.

[305] These draft thresholds and exemptions are proposed to be citywide and for discussion purposes. The current site plan procedure in the Lakefront applies to: "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," plus "any change proposed to be made to land lying between a frontage line and a building façade…"

1. All new construction;
2. Alteration, repairs, or additions to existing buildings that increase the gross floor area by 25 percent or more;[306]
3. All exterior renovations or alterations facing a street and/or reorientation of existing buildings;
4. Demolition of buildings and/or reclamation of sites; and
5. Projects (other than demolitions) on properties: [307]
   i. Identified by the City as Architecturally Significant, or
   ii. By the New York State Office of Parks, Recreation, and Historic Preservation (SHPO) as:
      a. Located in a National Register District,
      b. Individually listed in the Nation Register, or
      c. Eligible for inclusion in the National Register.

b. **Exempt Activities[308]**

The following are exempt from site plan review, but are subject to the standards of this Ordinance:

1. A change in use that does not involve or require other development (such as new or expanded structures or creation of additional parking);
2. Conversion of existing building area into up to four new dwelling units without changing the existing building footprint or building exterior, or increasing the building area or height;[309]
3. Alterations, repairs, or additions to existing buildings that do not increase the gross floor area by more than 25 percent;
4. Interior tenant maintenance and/or improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements);
5. Exterior painting;
6. Construction of or exterior alteration to a residential property with up to four dwelling units, and structures accessory to such dwellings;
7. Projects subject to Syracuse Landmark Preservation Board review pursuant to Article 6: *Historic Preservation*;

[306] Simplified to match the related exemption. Current language is "All additions to existing buildings that face a street and that exceed 25 percent of the existing ground level space (total square feet of the footprint of the building)." Further discussion needed as to whether 25 percent is the proper threshold.
[307] Further discussion is necessary to ensure consistency with new preservation ordinance.
[308] Items 1-4 are new, item 5 is current policy, items 6-8 are from the current Project Site Review section. "Super Projects" are an additional exemption from current Project Site Review; they are not carried forward in this draft pending further discussion.
[309] Consolidated draft: changed threshold from three to four, to match the five in the table. Also, removed restriction that this exemption applied just to nonresidential and mixed-use buildings. In this new language, creation of four new dwelling units in any type of existing building would be exempt, while five or more would require site plan review.

8. Projects within an approved Planned Institutional or Planned Development District; and

9. Any building(s) or structure(s) that have been determined by the Director of the Division of Code Enforcement and/or Chief of Fire to constitute an immediate danger or hazard to public health, safety, or welfare.

c. Site Plan Review Types[310]

1. Thresholds

   A project subject to site plan review shall be classified as either a minor site plan (review and decision by Zoning Administrator), or major site plan (review and decision by Planning Commission), depending on the development size and type. Table 5.2 describes the applicable site plan review type thresholds.

Table 5.2: Site Plan Review Thresholds

Type of Development	**Minor Site Plan** (Zoning Administrator decision)	**Major or Site Plan** (Planning Commission decision)
Residential	Establishment of 5 to 7 new dwelling units[311]	Development of 8 or more new dwelling units
Nonresidential	Less than 10,000 square feet gross floor area	Development of at least 10,000 square feet gross floor area
Mixed-Use	Establishment of 5 to 7 dwelling units and less than 10,000 square feet gross floor area	Development of 8 or more dwelling units and/or at least 10,000 square feet gross floor area

Notes:
- Notwithstanding the thresholds above, any development requiring dedication of land to the City shall be processed as a major site plan.

2. Zoning Administrator Referral to Planning Commission[312]

   The Zoning Administrator may refer minor site plans to the Planning Commission for a final decision that in the Administrator's discretion presents issues that require Planning Commission attention. Such referral shall not require additional public notification. Examples of issues include, but are not limited to:

   i. Whether the project requests any administrative adjustments;

   ii. Whether the project requests additional curb cuts or other modifications to existing circulation networks;

[310] *Consolidated draft: Added the mixed-use row, and also removed the three-acre threshold for major site plans.*
[311] Currently, Project Site Review exempts one- to four-family dwellings.
[312] *Consolidated draft: A few more detailed examples of referral criteria are suggested. However, the intent is to keep this a discretionary decision; we recommend against trying to limit this to purely objective thresholds. Additional example of receipt of adverse comments added.* Generally, the intent of referral provisions is to acknowledge that some applications may be especially sensitive, regardless of whether they meet the criteria for "major" site plans. The referral procedure allows the Administrator to forward those sensitive applications directly to the Planning Commission. (Some communities also allow this to work in reverse, giving the Commission the power to identify sensitive applications and call-them up on their own initiative). Not all communities have these procedures; they are simply a tool to provide some relief from the strict criteria otherwise used to classify site plans.

iii. Whether adverse comments have been received from an applicable referring department that have not been addressed or mitigated;

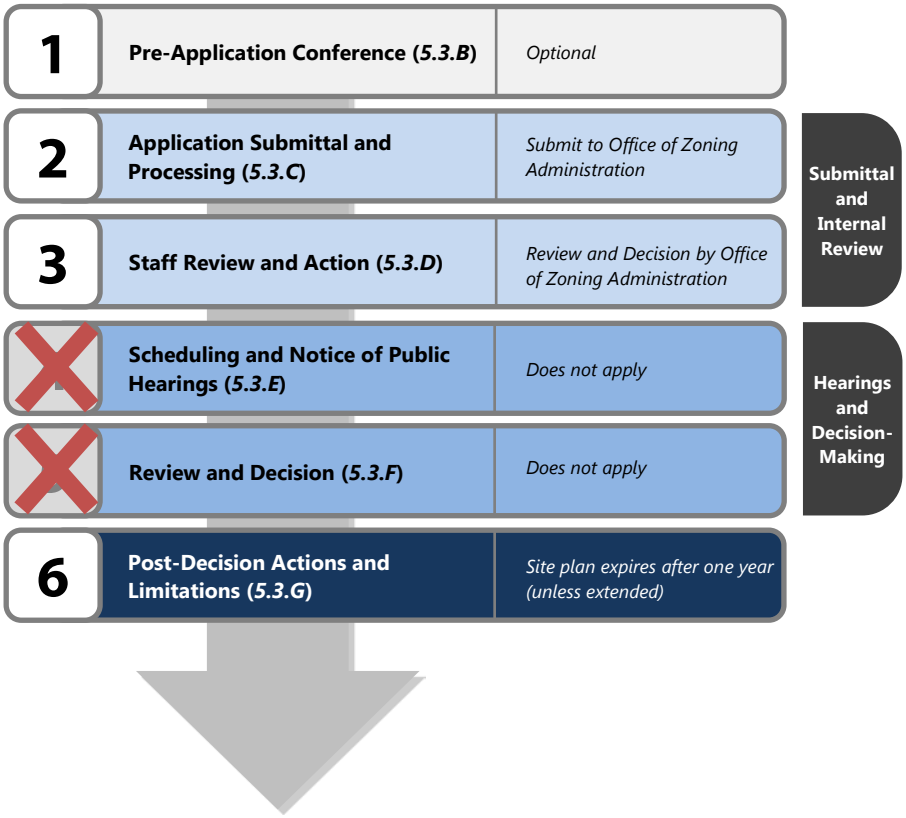
iv. Whether the project introduces a use or structure that is significantly different than existing surrounding conditions; and/or

v. Potential traffic impacts.

(3) **Minor Site Plan Review Procedure**

Figure 5-2: Summary of Minor Site Plan Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of minor site plans. Additions or modifications to the common review procedures are noted below.

Figure 5-2: Summary of Minor Site Plan Procedure



a. **Pre-Application Conference**

An optional pre-application conference may be held in accordance with subsection 5.3B at the applicant's discretion.

b. **Application Submittal and Handling**

The minor site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

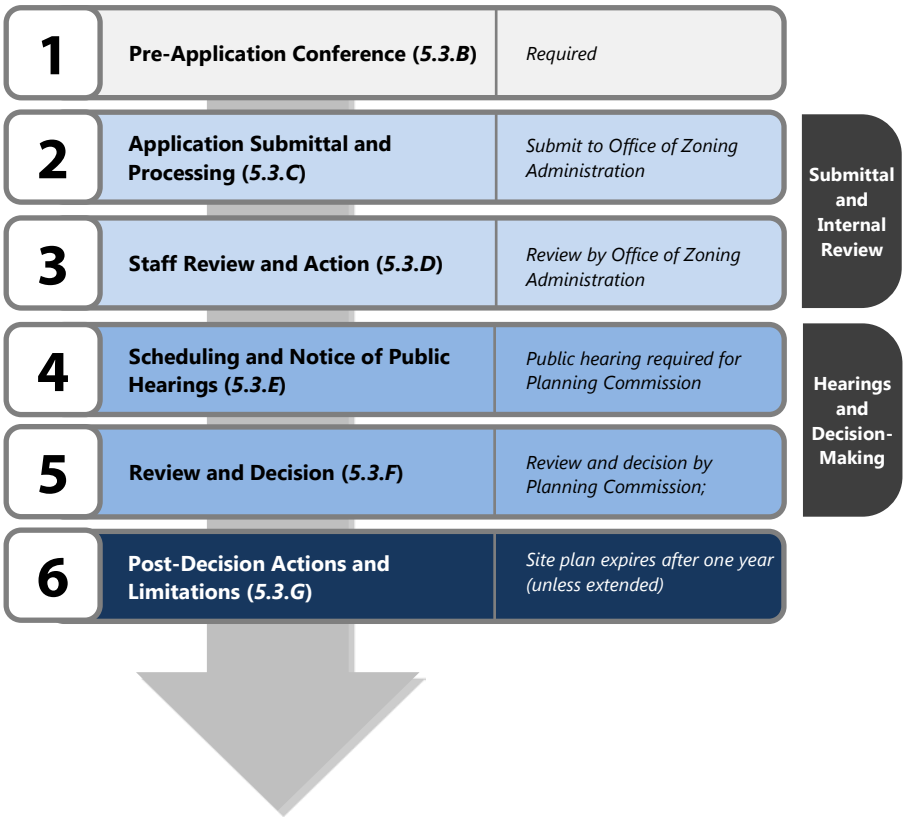
c. **Staff Review and Action**[313]

The Office of Zoning Administration shall review the minor site plan application and approve, approve with conditions, or deny the application in accordance with subsection 5.3D, *Staff Review and Action,* and the approval criteria in subsection 5.4A(6), *Approval Criteria for Site Plans (Minor and Major)*.

(4) **Major Site Plan Review Procedure**

Figure 5-3: Summary of Major Site Plan Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of major site plans. Additions or modifications to the common review procedures are noted below.

Figure 5-3: Summary of Major Site Plan Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B.

b. **Application Submittal and Handling**

The major site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

[313] In cases of denial, the current Lakefront site procedure authorizes the Zoning Administrator to determine whether or not the application may be eligible to apply for a Special Permit. Also, the applicant can apparently just file a Special Permit application as a type of appeal. We did not carry forward those provisions, since the applicability of the Special Permit tool is intended to be more tightly defined (and limited) in the new ordinance.

c. **Staff Review and Action**

The Office of Zoning Administration shall review the major site plan application and prepare a staff report in accordance with subsection 5.3D.

d. **Scheduling and Notice of Public Hearings**

The major site plan application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with subsection 5.3E.

e. **Planning Commission Review and Decision**

The Planning Commission shall review the major site plan application and approve, approve with conditions, deny without prejudice, or deny the major site plan in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the approval criteria in subsection 5.4A(6)*, Approval Criteria for Site Plans (Minor and Major)*.

(5) **Post-Decision Actions and Limitations for Minor and Major Site Plans**

a. **Applicant Notification**[314]

The Zoning Administrator shall mail a copy of the decision to the applicant.

b. **No Building Permit without Approval**

No building permit shall be issued until the site plan and any associated construction plans have been approved.

c. **Expiration of Approval**[315]

1. Unless otherwise provided in the conditions of approval, site plan approval shall expire if the authorized use or construction has not obtained all necessary permits within one year of approval, or an extension is granted pursuant to subsection 5.3G. All conditions of the approval shall be met within 18 months or the approval shall become null and void.

2. 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.

d. **Amendments**[316]

1. Insubstantial Changes Allowed

During construction, the Zoning Administrator may authorize minor, or "insubstantial," adjustments to the approved site plan when such adjustments appear necessary in the light of technical or engineering considerations that were discovered during construction. The Zoning Administrator may approve such insubstantial adjustments upon determining that the proposed changes:

[314] *Consolidated draft: Requirement to file within 30 days removed.*
[315] Time limits are new, proposed to be easily trackable based on permit data and consistent with SUP expiration language.
[316] This process for amendments is based on language in the current Lakefront site plan review procedure. However, we have added additional criteria to help determine what constitutes a minor change. Also, we have suggested the new terminology of "insubstantial" versus "substantial" to help distinguish this issue from " minor" and "major" site plans.

i. Could be approved under the allowable administrative adjustments pursuant to subsection 5.5B, had they been requested with the original application;

ii. Comply with the standards of this Ordinance;

iii. Are necessary to meet provisions of the New York State Uniform Fire Prevention and Building Code;

iv. Are necessary to meet conditions of approval by other City, County, or State departments and/or agencies; and/or

v. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the site plan.

2. Substantial Changes

Where unforeseen conditions are encountered that require a change to an approved plan that the Zoning Administrator considers substantial because they exceed the criteria in the paragraph above, 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 site plan application.

(6) **Approval Criteria for Site Plans (Minor and Major)**

A site plan shall be approved upon a finding that the application meets all of the following criteria:

a. The site plan is consistent with the general purpose and intent of this Ordinance;

b. The site plan is consistent with the dimensional, design, development, and all other standards of this Ordinance;

c. The site plan is consistent with any previously approved precedent land use approval; and

d. The site plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

(7) **Concurrent Review**[317]

a. **Special Use Permit**

An application for site plan approval may be submitted and reviewed concurrently with an application for a special use permit. In such a case, decisions can be made on the concurrent applications at the same public hearing provided that the appropriate approval body shall not decide the site plan approval application until after an official decision is made on the special use permit.

b. **Construction Plans**

An application for site plan approval may be submitted and reviewed concurrently with an application for construction plan review that is submitted to the Permit office. In such a case, the Zoning Administrator shall review the construction plan application concurrently

[317] Generally, further discussion necessary. This provision allows the combination of separate and distinct procedures in order to fast-track the overall timeline. The intent is to expedite approvals, but staff is concerned that this may prolong the overall application process. We should further discuss how the concurrent review may be streamlined to not overly burden applicant or staff.

with the site plan application, but the Permit office shall not decide the construction plan approval until after the site plan decision is made by the appropriate approval body.[318]

B. Special Use Permit

Commentary:

This proposed special use permit review procedure is intended to update and replace the current procedure in Part C, Section IV, Article 1 of the current Zoning Ordinance, and also the similar but distinct SUP procedure for the Lakefront districts. The main edits are to simplify the procedure and make it consistent with the new common procedures.

The final decision-maker on special use permits is clarified in this draft as the Planning Commission. As noted in the Annotated Outline, it is common for communities to make the Planning Commission the final decision-maker on these permits to help streamline the overall process and free up the Council for bigger policy issues.

(1) **Purpose**[319]

The special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.

(2) **Applicability**

a. **General**

A special use permit is required for certain land uses as specified in Table 3.1: Allowed Uses.

b. **Variances Not Allowed**[320]

Where utilization of land requires a special use permit pursuant to this Ordinance, the Board of Zoning Appeals may not grant a variance in lieu of such special permit.

c. **Automatic Special Use Permits for Existing Land or Buildings**[321]

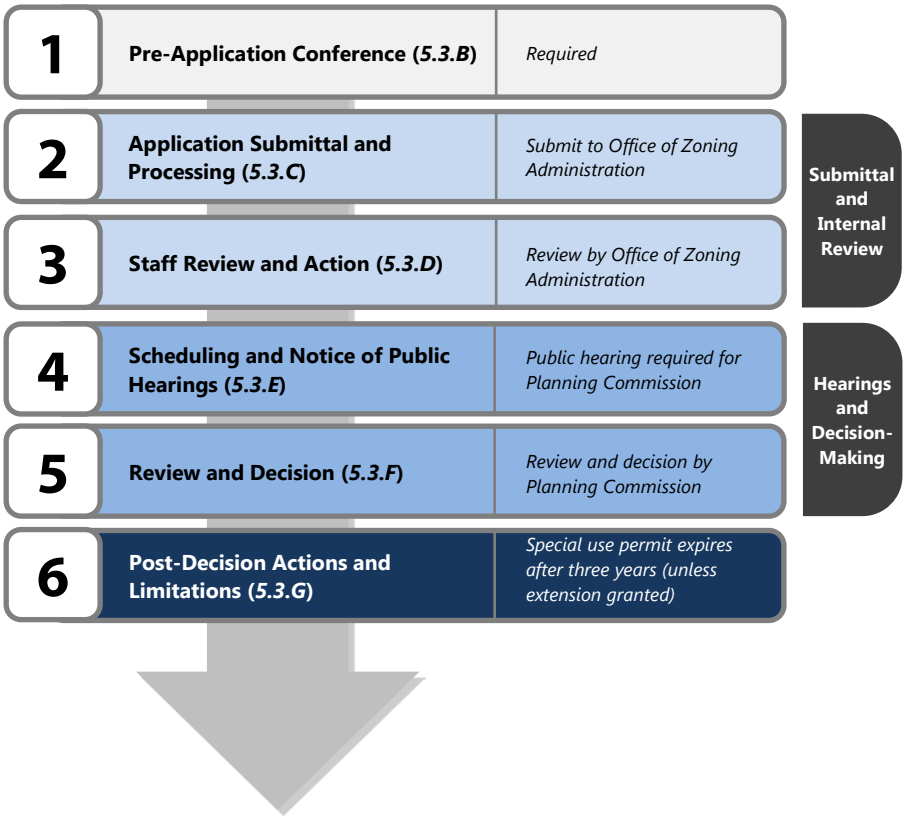
All uses of land or buildings now in existence that, before the effective date of this Ordinance were permitted as of right and that would after the effective date of this Ordinance be required to obtain a special use permit, shall be entitled to such special permit without hearing, upon submission of a complete description of the operation, floor plans, site plans, sign plans, and elevations of structures drawn to scale, notwithstanding any failure to meet the requirements of this Article or any other provision of this Ordinance.

[318] New standard to allow for concurrent review of construction plans at the discretion of the applicant. The Assessment recommended separating standards for site plan review and the more detailed construction drawings (which can be costly at such an early stage of development review, without assurance of entitlements).
[319] New.
[320] From the current ordinance.
[321] From the existing ordinance. Staff notes that this is used when there is a nonconforming special permit use and the owner is making changes that do not require a waiver, as an accommodation to property owners. These currently are called "Automatic Special Permits" and do not require a hearing and nor go to Common Council. *Consolidated draft: Additional submission requirements listed.*

(3) Special Use Permit Procedure

Figure 5-4: Summary of Special Use Permit Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of special use permits. Additions or modifications to the common review procedures are noted below.

Figure 5-4: Summary of Special Use Permit Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with subsection 5.3B.

b. Application Submittal and Handling

The special use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

c. Staff Review and Action

The Office of Zoning Administration shall review the special use permit application and prepare a staff report in accordance with subsection 5.3D.

d. **Scheduling and Notice of Public Hearings**[322]

The special use permit application shall be scheduled for public hearings before the Planning Commission and noticed in accordance with subsection 5.3E.

e. **Review and Decision**[323]

1. The Planning Commission shall a public hearing within 62 days of the submission of the application, unless the applicant consents to an extension. The decision must be made within 62 days of the hearing.

2. The Planning Commission shall review and approve, approve with conditions, deny without prejudice, or deny the special use permit application in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the approval criteria in subsection 5.4B(4) below. The Planning Commission may also remand the application back to the Zoning Administrator for further consideration.

3. A denial of a special permit may not be appealed to the Board of Zoning Appeals.

f. **Post-Decision Actions and Limitations**[324]

Post-decision actions and limitations in subsection 5.3G shall apply with the following modifications:

1. Expiration of a Special Use Permit

A special use permit shall expire if the authorized use or construction has not obtained all necessary building permits within one year of after the date of special use permit approval, or an extension is granted pursuant to subsection 5.3G.[325] All conditions of the special use permit approval shall be met within 18 months or the approval shall become null and void.

2. Expansion or Enlargement[326]

Minor expansion or enlargement of a special use shall not require a new special use permit application, provided the Zoning Administrator determines that:

i. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the City; and

ii. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in subsection 5.5B.[327]

[322] This draft clarifies that the Planning Commission is the decision-maker, though this is unclear in the current ordinance. Staff notes that all special permit uses are subject to the consent of the Common Council, but Common Council does not hold a hearing on them.
[323] *Consolidated draft: The 62-day timeframes are from the Lakefront SUP procedure and based on state law. They now apply citywide in this new text.*
[324] New standards.
[325] The 12-month period is current general city policy. The expiration period in the Lakefront SUP ordinance is 24 months of non-use, or 12 months of failing to comply with SUP conditions.
[326] This is new language and is less strict than the current policy in that it opens the possibility for the Administrator to approve minor changes (currently, any change requires a new permit). The proposed new citywide language is consistent with the current Lakefront ordinance.
[327] This replaces the current "Modifications of Special Use Permit Plans and/or Conditions," which staff has noted are ambiguous and hard to enforce.

Proposed expansions or modifications that the Zoning Administrator determines do not meet these criteria shall require a new application. In making this determination, the Zoning Administrator may consult with the Planning Commission and is authorized to approve the expansion or enlargement without an additional hearing.[328]

3. Revocation of Special Use Permit[329]

   Failure to comply with the conditions set forth in a special use permit shall be grounds for considering special use permit revocation. Deliberations leading to revocation shall be preceded by a report confirming failure to comply, submitted to the Planning Commission by the Zoning Administrator. Revocation shall be based on a finding by the Planning Commission that the failure to comply has or will have a detrimental effect on the character and development of the surrounding properties and neighborhood.

   i. Absence of a finding of detrimental effect does not release a property owner from obligation to bring about compliance. Nor does absence of such finding impinge upon enforcement measures to insure compliance.

   ii. No matter of revocation shall be decided until after a public hearing has been held with due notice.

(4) **Special Use Permit Approval Criteria[330]**

A special use permit may be approved upon a finding that the application meets all of the following criteria:

a. The use will be compatible with the surrounding area;

b. The impacts of the use on surrounding areas have been adequately minimized;

c. The use will be consistent with the general purpose and intent of this Ordinance;

d. The use will comply with all applicable standards of this Ordinance;

e. The use is in conformance with the Comprehensive Plan and other City plans and policies; and

f. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

[328] This final provision about consultation codifies current policy.
[329] *Consolidated draft: Clarified that this is a Planning Commission decision only.* From the existing SUP ordinance. Note that both Council and the Commission are given roles in this process. Should that be retained? Staff is holding further discussions on this provision with legal counsel to ensure consistency with applicable general City ordinances, the City Charter, and state law.
[330] This is simplified language proposed to replace the existing criteria in 070.040.040(a)(1).

C. Sign Review[331]

Commentary:

This section generally carries forward the main substance of the current sign permit system, while simplifying it and adapting it to the new common procedures format.

The current system sometimes requires two different sign approvals– one by the building official and another by the Zoning Administrator (and even sometimes the Planning Commission for off-premise signs). This is a relatively complex system. In an attempt at simplification, the "Administrative Permit" term is not carried forward in this draft, but additional review is still called out for some types of signs.

One issue not yet addressed in this draft is the current "sign waiver," and how (or if) that tool should be carried forward. The intent generally is to not carry forward the term "waiver" in any context in the new Ordinance. However, there may be a need to clarify that deviations from sign standards are subject to different procedures than the new administrative adjustments and/or variances. (Currently, sign waivers are administrative, and appeals of sign waivers go to the Planning Commission.)

(1) **Purpose**

The sign review procedure provides a mechanism for the City to evaluate prospective signs to ensure compliance with applicable standards of this Ordinance, including the signage requirements in Section 4.8, *Signs*.

(2) **Applicability[332]**

a. **Sign Permit Required**

A sign permit shall be required prior to the performance of any sign work as defined in subsection 5.4C(2)b below, unless excepted in subsection 5.4C(2)c. Sign permits shall be issued by the Building Official and shall be in addition to any administrative permits, waivers, licenses, or consents required pursuant to any other applicable regulations.

b. **Sign Work**

Sign work shall include the erection, placement, replacement, removal, relocation, repair, alteration, modification, or establishment of a sign or its structural appurtenances.

c. **Exceptions**

No sign permit shall be required for the following:

1. Sign copy changes as defined in Article 7;
2. Sign maintenance as defined in Article 7;
3. Sign work on signs not requiring zoning review pursuant to 4.8D, *Signs Not Requiring Zoning Review*, provided that this exception shall not apply to any of the following:
   i. Signs exceeding 100 square feet in area.
   ii. Ground signs exceeding 20 feet in height.

[331] Part C, Section VI, Article 6. Restructured and rewritten to match the new common review procedures format.
[332] This new text attempts to simplify current practice. (For background, this is current practice: Zoning staff does not necessarily review all signs. They review a request for a sign permit from the Permit Desk through the Division of Code Enforcement. Then they either approve that request through the City's electronic database system or deny it stating if it necessitates a waiver, or is subject to some other review such as a Special Permit modification because it is part of a Special Permit Use (Special Permit reviews through the Planning Commission look at all aspects of all things happening on the property as a whole- including signs), etc.)

iii. Sign work in excess of $5,000.

iv. Planned Development or Subdivision Identification Signs.

These exceptions shall not waive any regulations contained in this or any other law that is otherwise applicable.

d. **Additional Sign Review and Approval for Certain Sign Types**[333]

In addition to the requirements for a sign permit specified above, the sign work listed below shall also require review and approval by the Zoning Administrator or, in some cases, review and approval by the Planning Commission.

1. Review and Approval by Zoning Administrator

The following types of sign work shall require review and approval by the Zoning Administrator:

i. Nonconforming Signs[334]

Sign work on nonconforming signs that involves an enlargement of a sign area, relocation or reorientation of a sign, change in illumination, or other alteration to a sign other than copy, irrespective of cost.

ii. Time and/or Temperature Devices

Time and/or temperature devices, provided that no such device shall be allowed within the residential districts.

iii. Roof Signs

Roof signs in the following districts: MX districts, CM, IN.

2. Review and Approval by Planning Commission

The following types of sign work shall require review and approval by the Planning Commission, following a public hearing:

i. Off-premise advertising signs. Strict compliance is required for such applications; administrative adjustment requests are not allowed.[335]

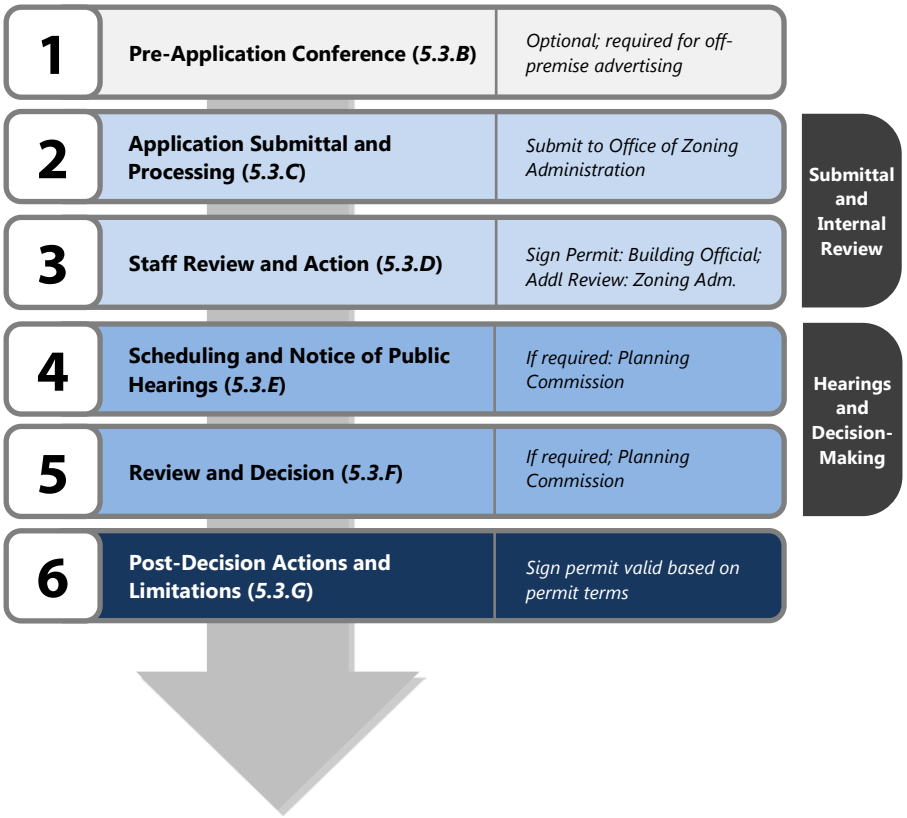
ii. All applications for sign work in any district listed on the National Register of Historic Places or designated as a local preservation district or protected site or eligible for listing as evidenced by a letter by the New York State Office of Parks, Recreation, and Historic Preservation. Such applications shall also require comment by the Syracuse Landmark Preservation Board.[336]

[333] This replaces the current section called "Administrative Permits." The current system sometimes requires two different sign permits – one by the building official and another by the Zoning Administrator. In an attempt at simplification, the "Administrative Permit" term is not carried forward, but additional review is still called out for some types of signs. The term "waiver" is not being carried forward.
[334] *Consolidated draft: Additional types of sign work listed.*
[335] *Consolidated draft: Strict compliance language is new and carries forward current policy.*
[336] *Consolidated draft: Requirement for comment by the SLPB added.*

(3) Sign Review Procedure

Figure 5-5: Summary of Sign Review Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of signs. Additions or modifications to the common review procedures are noted below.

Figure 5-5: Summary of Sign Review Procedure



a. Pre-Application Conference

A pre-application conference is required for off-premise advertising signs and shall be held pursuant to subsection 5.3B. A pre-application conference is optional for all other sign applications.

b. Application Submittal and Processing[337]

A complete sign application shall be submitted to the Zoning Administrator in accordance with subsection 5.3C.

c. Staff Review and Action

1. The Building Official, and the Zoning Administrator if additional review is required, shall review the sign permit application pursuant to subsection 5.3D and shall

[337] *Consolidated draft: Staff notes: "Need to decide whether all signs go to the Permit desk to file for an actual permit, or to the Office of Zoning Administration for a review." Further discussion needed.*

approve, approve with conditions, or deny the permit based on the criteria and findings in 5.4C(4) below.

2. For off-premises advertising signs and signs in historic districts or at protected or eligible historic sites, the Zoning Administrator shall review the application, prepare a staff report, and schedule the application for public hearing and review by the Planning Commission.

3. Applications for signs in historic districts or at protected or eligible historic sites shall be referred to the Syracuse Landmark Preservation Board or review and comment prior to the public hearing.

d. **Scheduling and Notice of Public Hearings**[338]

An application for an off-premise advertising sign, a sign in a historic district, or a sign located on an historic property as defined by the City of Syracuse or the New York State Office of Parks, Recreation, and Historic Preservation shall be scheduled for public hearings before the Planning Commission and noticed in accordance with subsection 5.3E.

e. **Review and Decision**[339]

The Planning Commission shall review and approve, approve with conditions, deny without prejudice, or deny an application for an off-premise advertising sign, located on an historic property as defined by the City of Syracuse or the New York State Office of Parks, Recreation, and Historic Preservation in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the approval criteria in subsection 5.4C(4) below. The Planning Commission may also remand the application back to the Zoning Administrator for further consideration.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3G shall apply, with the following modifications:

1. Effect of Approval

A sign approval authorizes establishment, construction, or installation of the approved sign in accordance with the terms and conditions of the approval.

2. Expiration of Approval

A sign approval shall be valid beginning on the date specified on the approval and shall remain valid for the time period indicated on the approval. Upon request, the Zoning Administrator may grant a one-year extension; however, in no case shall an approval be valid for more than one year after its original expiration date.

(4) **Approval Criteria and Considerations**

a. **Approval Criteria** [340]

For any sign review and any additional review required by this section, the Building Official and the Zoning Administrator shall find that:

[338] *Consolidated draft: Historic properties identified by the city or state added. Ensure term is defined in new preservation ordinance.*
[339] *Consolidated draft: Historic properties identified by the city or state added.*
[340] From the existing ordinance. The initial criterion has been adjusted to remove reference to sign waivers, which are not being carried forward.

1. The proposed sign complies with all applicable signage requirements of Section 4.8, *Signs*;
2. The proposed sign will not have any adverse impact upon the character or integrity of any land use having a unique cultural, historical, geographical, or architectural significance;
3. The proposed sign will not adversely affect the character of districts in close proximity within which such signs would be prohibited;
4. The proposed sign will not hide, obstruct, or in any way shield other signs from view; and
5. The proposed sign is otherwise compatible within the context of its visual and physical environment within the district in which the sign is proposed; in making this determination, consideration shall be given to existing and allowable land use activities within the subject district and also to the scale of structures located within close proximity.

b. **Considerations**[341]

In determining compliance with any one or more of the above approval criteria, consideration shall be given but need not be limited to the following elements:

1. Size, bulk and mass;
2. Texture and materials;
3. Colors;
4. Lighting and illumination;
5. Orientation and elevation;
6. General and specific location;
7. Proximity to streets, highways and mass transit routes;
8. Design, including size and character of lettering, logos, and related contents;
9. Message content within constitutional constraints on freedom of speech;
10. Background or field, including the skyline;
11. Character of structural members;
12. Duration of changeable copy;
13. Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision;
14. Character of the property and its architectural elements;
15. Land use and zoning.

[341] These are listed as "criteria" in the current ordinance, but are not really approval criteria. Nevertheless, it is a good list of potential considerations for decision-makers to take into account. *Consolidated draft: Additional consideration of character and architectural elements added.*

D. Temporary Use Permit[342]

(1) Purpose

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures of limited duration to ensure compliance with applicable standards of this Ordinance, including Section 3.5, *Temporary Uses and Structures*.

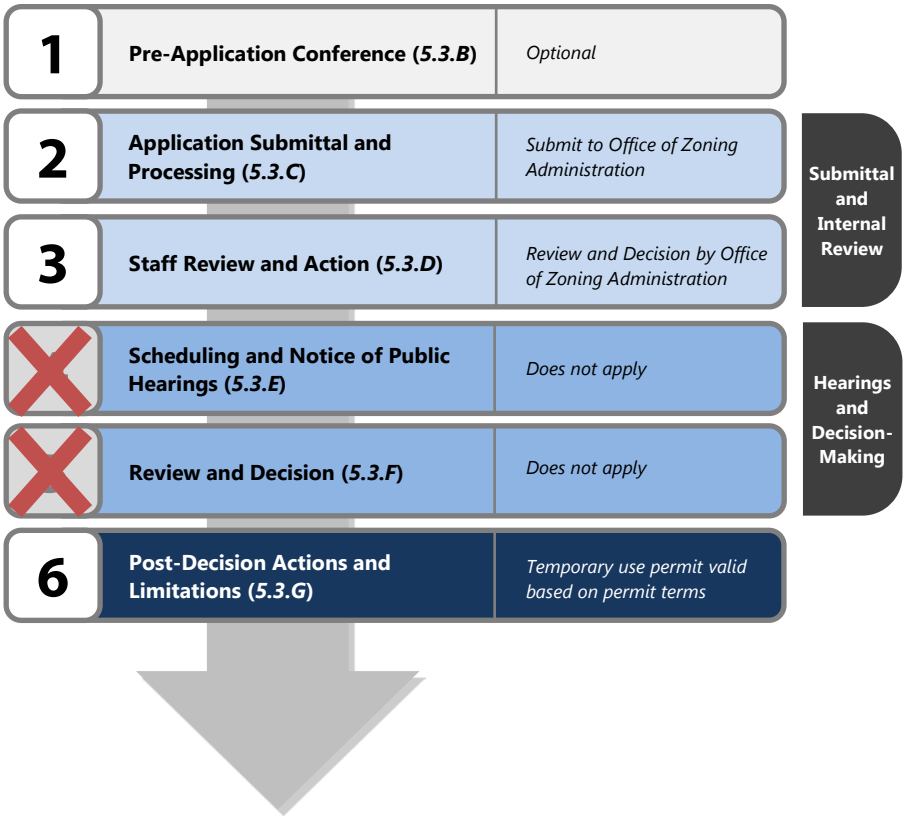
(2) Applicability

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure designated as requiring a temporary use permit in Section 3.5, *Temporary Uses and Structures*.

(3) Temporary Use Permit Procedure

Figure 5-6: Summary of Temporary Use Permit Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of temporary use permits. Additions or modifications to the common review procedures are noted below.

Figure 5-6: Summary of Temporary Use Permit Procedure



a. Pre-Application Conference

An optional pre-application conference may be held in accordance with subsection 5.3B at the applicant's discretion.

[342] New procedure.

b. **Application Submittal and Processing**

A complete temporary use permit application shall be submitted to the Zoning Administrator in accordance with subsection 5.3C.

c. **Staff Review and Action**

The Office of Zoning Administration shall review the temporary use permit application pursuant to subsection 5.3D and based on the criteria below and shall approve, approve with conditions, or deny the permit.

d. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3G shall apply, with the following modifications:

1. Effect of Approval

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

2. Expiration of Approval[343]

A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. Upon request, the Zoning Administrator may grant an extension of up to one year; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended. Any temporary use permit requesting an approval period beyond one year shall require a special use permit approval pursuant to subsection 5.4B, *Special Use Permit*.

3. Removal and Restoration

Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Zoning Administrator.

(4) **Temporary Use Permit Approval Criteria**

The Zoning Administrator may approve a temporary use permit upon finding that the application meets all of the following criteria:

a. Is consistent with the Comprehensive Plan;

b. Complies with applicable temporary use standards, as well as all other applicable standards in this Ordinance;

c. Complies with building and fire codes, if applicable, and obtains a building permit if required;

d. Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and

[343] This is intended to prevent temporary uses from becoming permanent uses without the appropriate public processing (such as special use permit, site plan approval, or rezoning).

e. Complies with all requirements and conditions of approval of any prior development permits or approvals.

5.5 Flexibility and Relief Procedures

Commentary:

This section includes procedures for modifications and relief of standards in this Code, including variances and appeals. Per the Assessment, this section also includes a new procedure for administrative adjustments by which the Zoning Administrator may approve minor modifications to certain Ordinance standards; this would replace, in part, the current "waiver" provisions.

Additional flexibility has been integrated into other sections of the draft ordinance (such as the alternative parking provisions), to help reduce the need for variance and adjustment requests.

A. Variance[344]

(1) Purpose[345]

The variance procedure is intended to provide limited relief from the requirements of this Ordinance where strict application of the Ordinance would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Ordinance. The Board of Zoning Appeals may vary the application of any of the requirements of this Ordinance relating to the use of land or to physical or dimensional requirements so that the spirit of this Ordinance is observed, public safety and welfare secured, and substantial justice done.

(2) Applicability

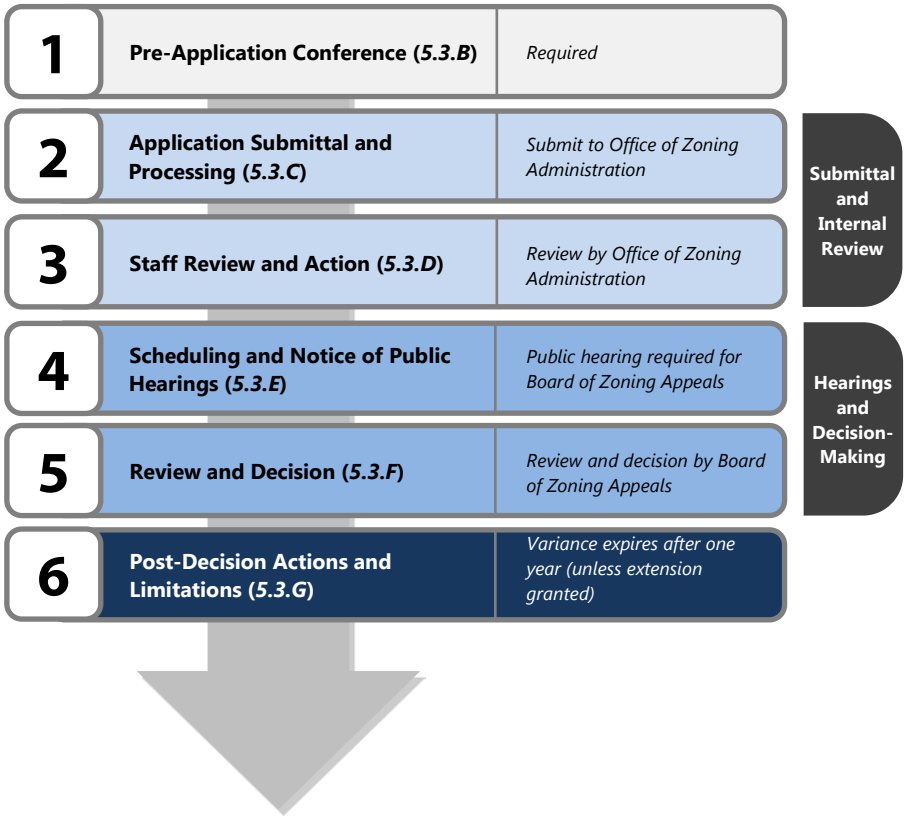
Any property owner seeking relief from this Ordinance may request a variance when the strict application of the Ordinance would result in an undue hardship.

(3) Variance Procedure

Figure 5-8: Summary of Variance Procedure, identifies the applicable steps from the Section 5.3, *Common Review Procedures*, that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

[344] New procedure written to be consistent with the new common procedures. The existing ordinance authorizes variances in the section describing the Board of Zoning Appeals. City legal staff is currently reviewing this language to ensure compliance with Revised General City Ordinances and state law.
[345] New. Integrates existing language from the Board of Zoning Appeals section.

Figure 5-7: Summary of Variance Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B.

b. **Application Submittal and Handling**

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

c. **Staff Review and Action**

The Office of Zoning Administration shall review the variance application and prepare a staff report in accordance with subsection 5.3D.

d. **Scheduling and Notice of Public Hearings**

The variance application shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with subsection 5.3E.

e. **Review and Decision (Board of Zoning Appeals)**

1. The Board of Zoning Appeals shall review the variance application and shall approve, approve with conditions, deny without prejudice, or deny the variance in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the applicable criteria in subsections 5.5A(4) and 5.5A(5) below. The Board of Zoning Appeals may also remand the application back to the Zoning Administrator for further consideration.

2. The relief granted shall be the minimum variance necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

3. The Board of Appeal's decision shall be based only on the record of the public hearing and shall be reduced to writing; include findings of fact based on competent, material, and substantial evidence presented at the hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3G shall apply with the following modifications:

1. Expiration of Variance

A variance shall expire if the authorized use or construction has not obtained all necessary building permits within one year of approval, or an extension is granted pursuant to subsection 5.3G. All conditions of the variance approval shall be met within 18 months or the variance shall become null and void.

2. Non-Transferable

An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

(4) **Use Variance Approval Criteria**[346]

No use variance shall be granted by the Board of Zoning Appeals without a showing by the applicant that applicable requirements of this Ordinance have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate that, for each and every allowed use under the zoning district in which the property is located:

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and

d. The alleged hardship has not been self-created.

(5) **Area Variance Approval Criteria**[347]

In evaluating a request for an area variance, the Board of Zoning Appeals shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider whether:

[346] This section carries forward language from General City Law 81-b(3).
[347] This section carries forward language from General City Law 81-b(3).

a. An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

b. The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

c. The requested area variance is substantial;

d. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

e. The alleged difficult was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude the granting of the area variance.

B. Administrative Adjustment

Commentary:

As recommended in the Assessment, this new administrative adjustment procedure gives staff flexibility to approve minor deviations from certain dimensional or other numeric standards. The tool is intended to replace, in part, the various "waivers" authorized throughout the current ordinance (such as in the gas station standards) with a less open-ended tool that still provides some flexibility. The review standards are intended to ensure that they are approved only when justified by unique circumstances, rather than assumed an automatic deviation by right.

Many communities use the administrative adjustment procedure modestly at first, and then revise it to add additional adjustments or remove adjustments if the tool proves successful. In this draft, we include a table of allowable administrative adjustments to indicate which standards may be adjusted, and to what extent. These percentages should be considered in light of the draft standards that were introduced in Articles 2, 3, and 4.

Alternatively, we could replace the table with a blanket percentage by which any numeric standards could be adjusted. However, we recommend the table approach at least as a starting point, allowing the City to be more strategic and fine-grained in how it exercises this new tool.

(1) Purpose

a. The administrative adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this Ordinance with approval by the Zoning Administrator. Administrative adjustments are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not a waiver of current standards of this Ordinance and shall not be used to circumvent the variance procedure.

b. In addition, the Federal Fair Housing Act, as amended, requires that local governments be prepared to make "reasonable accommodations" in order to permit housing for certain protected groups to occur in certain types of residential areas. Administrative adjustments may be used when the City determines that an adjustment to the provisions of this Ordinance is required or advisable to comply with these requirements of the Federal Fair Housing Act.

(2) Applicability[348]

a. Table of Administrative Adjustments

An application for an Administrative Adjustment that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act may request only the following types of adjustments shown in in Table 5.3: Allowable Administrative Adjustments.

Table 5.3: Allowable Administrative Adjustments[349]

Code Standard	Allowable Administrative Adjustment (maximum percentage)
Site Standards	
Lot coverage, maximum	5
Lot Dimensional Standards	
Front setback, minimum	10
Side setback, minimum	10
Rear setback, minimum	10
Encroachment into setback, maximum	10
Building Standards	
Building height, maximum	10
Accessory building height, maximum	10
Separation between buildings, minimum	10
Development Standards	
Number of required parking spaces, maximum or minimum	10
Lighting height, maximum	10
Sign height, maximum	10
Sign area, maximum[350]	10
Fence or wall height, maximum[351]	10 (1 foot maximum)
Minimum landscaping requirements	10

b. Replacement of Existing Porches and Garages[352]

In addition to the administrative adjustments listed in Table 5.3, the Zoning Administrator shall have the authority to waive yard, setback, and structural coverage requirements in order to permit replacement of a porch or garage, subject to the following findings:

1. The porch or garage to be replaced has been in existence within six months of the time the owner of the involved property duly files for an adjustment with the Zoning Administrator;

[348] We have integrated some provisions here from the existing limitations on certain waivers that the Zoning Administrator is authorized to make under the current ordinance.
[349] The intent here is to be broader than the "waivers" allowed under the existing ordinance, which are mostly in Part C, Section 1, Article 8. Are there any specific provisions from that article that should be carried forward in this table? Yes I will send -HSL
[350] *Consolidated draft: Added ability to adjust sign area.*
[351] Should any other aspects of the fence or wall controls be subject to adjustment, beyond height?
[352] From existing C-I-8.

2. The porch or garage to be replaced when last standing is legally in existence as a nonconforming structure;
3. The owner demonstrates that the involved property would be affected by practical difficulties without the requested adjustment;
4. The replacement will have the same location on the property as the original porch or garage, will not exceed the applicable structural coverage restrictions any more than the original, and will not project horizontally or vertically into a required yard any farther than the original
   i. The finding requirement here does not restrict approval of a reduced-sized replacement or any enlargement, addition, or location that meets the applicable area, yard, and height requirements for the property.
   ii. Deviations from the original that do conflict with the applicable requirements must be authorized by appropriate variance or adjustment approval.
5. The replacement will not create any foreseeable adverse impact on adjacent property; and
6. The replacement does not conflict with applicable building code restrictions.

c. **Other Allowed Administrative Adjustments**[353]

In addition to the administrative adjustments listed in Table 5.3, the Zoning Administrator shall have the power to grant adjustments in the following instances:

1. Lot Does Not Meet Minimum Requirements

   The Zoning Administrator may permit the construction of a building on a lot that does not meet the minimum area requirements of this Ordinance, provided that the lot is owned by the applicant and provided further that the ownership was of record prior to the adoption of this Ordinance as amended. No such permit shall be granted if the applicant purchased such property after the adoption of this Ordinance as amended, or if the applicant is the owner of adjoining vacant property so that compliance with the requirements of this Ordinance could be met.

2. Zoning District Boundary Divides Lot in Single Ownership

   Where a zoning district boundary line divides a lot in single ownership, the Administrator may permit a use permitted in the less restricted district to extend into the more restricted portion of the lot for a distance of not more than 50 feet or, in the case of a lot running through to the next street, one-half of the distance from the street front of the lot to the next street.

3. Public Utility Uses

   The Administrator may permit the erection and use of a building or the use of premises in any district by a public service corporation for public utilities purposes if the Administrator finds that such use is reasonably necessary for the public

[353] This list is carried forward from the existing ordinance, where these actions are called "exceptions." This draft proposes calling them "adjustments" and giving the authority to the Administrator, and not requiring notice and a public hearing. Further discussion necessary.

convenience or welfare and that it will not substantially interfere with the use or character of surrounding property.

i. No such building shall be permitted unless it meets the height and yard requirement of the use district in which it is located or to be located, and provided that the lot coverage is not more than 35 percent. Provided, however, that electric power transmission lines, poles and towers may exceed height limitations.

ii. This provision does not include antennas, communication towers, and satellite dish antennas, which are subject to subsection 3.3D(1), *Antenna and Communications Towers*, and subsection 3.4D(9), *Satellite Dish Antennae*, respectively.

d. **Reasonable Accommodations Under the FFHA**

1. In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Zoning Administrator is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:

i. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or

ii. Reduce any off-street parking requirement by no more than one space.

2. The Zoning Administrator may approve a type of reasonable accommodation different from that requested by the applicant if the Zoning Administrator concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Zoning Administrator shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

e. **Limitations on Administrative Adjustments**

1. The administrative adjustment procedure shall not apply to any proposed modification or deviation that results in:

i. An increase in the overall project density;

ii. An increase in the number of dwelling units or bedroom capacity;

iii. A change in permitted uses or mix of uses;

iv. A deviation from the standards in Section 3.3, *Use-Specific Standards*;

v. A change to a development standard already modified through a separate administrative adjustment or variance; or

vi. Requirements for public roadways, utilities, or other public infrastructure or facilities.

2. Except when requested as a reasonable accommodation for Federal Fair Housing Act ("FFHA") purposes, a request for an Administrative Adjustment shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Article 4: *Development Standards*.

(3) **Review Procedures**

a. **Application Submittal and Handling**

An application for an administrative adjustment shall be submitted and reviewed concurrently with an application for a special use permit or site plan approval (minor or major). To assist in evaluation of the adjustment request, the Zoning Administrator may refer the application to applicable city departments for comment.

b. **Review and Decision**

1. Where the concurrently reviewed application requires review and approval by the Planning Commission, the Planning Commission shall review and decide the administrative adjustment application based on the criteria below.

2. The Zoning Administrator shall review all other administrative adjustment applications and shall approve, approve with conditions, or deny the adjustment based on the criteria below.

c. **Effect of Approval**

Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

d. **Expiration of Administrative Adjustment**

An administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

e. **Appeal**

An appeal of a decision on an administration adjustment may be taken to the Board of Zoning Appeals.

(4) **Administrative Adjustment Approval Criteria**

An administrative adjustment may[354] be approved if the decision-maker finds that the adjustment meets all of the following:

a. Is consistent with the Comprehensive Plan;

b. Is consistent with the intent of the applicable zoning district(s);

c. Will not result in incompatible development;

d. Will not result in adverse impacts unless adequately mitigated; and

e. Is of a technical nature and is required to:

[354] "May" (versus "shall") emphasizes the discretionary nature of this decision, and clarifies that an applicant should not presume that an adjustment is always available. This is important to keep from locking in an automatic expectation of adjustments.

1. Compensate for an unusual site condition;
2. Eliminate a minor inadvertent failure to comply with an Ordinance standard; or
3. Protect a sensitive resource, natural feature, or community asset.

C. Appeal of Administrative Decision[355]

(1) **Purpose[356]**

The appeal procedure establishes an administrative mechanism for persons claiming to have been aggrieved by a decision of the Zoning Administrator or other administrative official in administering this Ordinance to appeal that decision.

(2) **Applicability**

a. **Appeals of Administrative Decisions**

Any person may appeal a decision of an administrative office or agency made in the administration or enforcement of this Ordinance. Appeals of administrative decisions shall be made to the appropriate body as indicated in Table 5.1: Summary Table of Review Procedures and processed pursuant to this section.

b. **Appeals of Planning Commission Decisions**

Appeals of decisions by the Planning Commission shall be made 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.[357]

c. **Appeals of Board of Zoning Appeals Decisions**

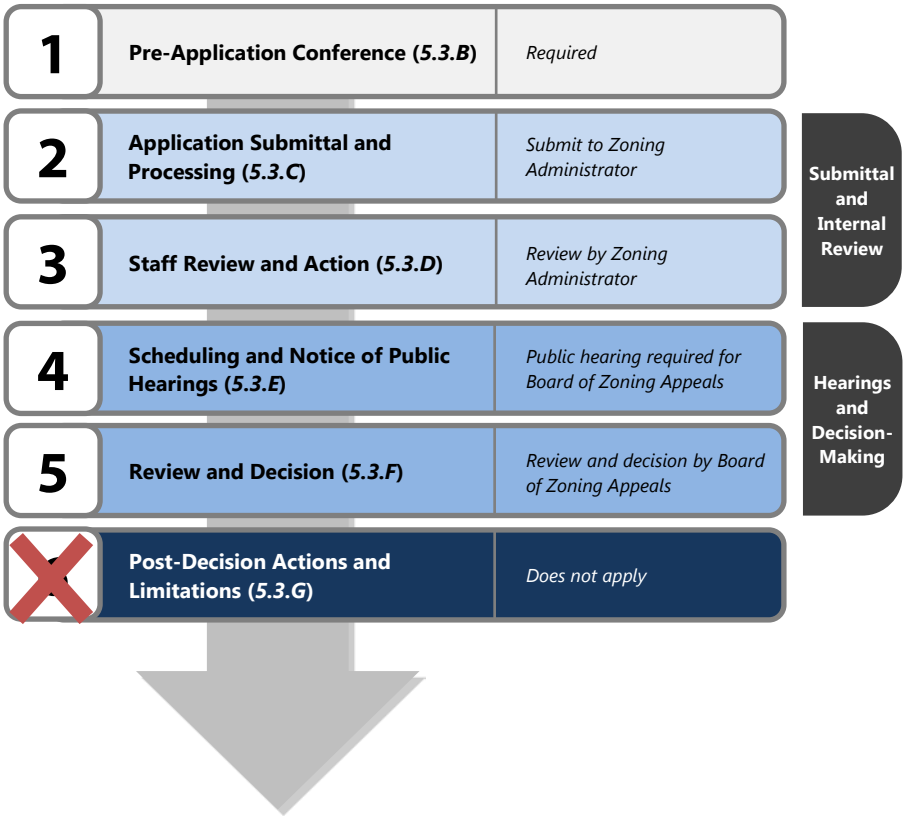
Appeals of decisions by the Board of Zoning Appeals shall be made to the District Court in accordance with state law.

(3) **Appeal Procedure**

Figure 5-9: Summary of Appeals Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

[355] This section replaces the current appeal provisions, which are in Part A, Section II, Article 5 (from the BOA section).
[356] New.
[357] *Consolidated draft: Extended from just special permit decisions to all Planning Commission decisions.*

Figure 5-8: Summary of Appeals Procedure



a. **Pre-Application Conference**

An optional pre-application conference may be held in accordance with subsection 5.3B at the applicant's discretion.

b. **Application Submittal and Handling**[358]

The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C, with the following modifications:

1. Burden of Proof on Appellant

   The person making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall include applicable specific section references within this Ordinance, and shall be provided at the time of application.

2. Time Limit

   Appeals shall be made in writing and filed with the Office of Zoning Administration within seven days of the decision being denied.

[358] Current ordinance includes a fee amount ($25), which should be in the admin manual and is not carried forward.

3. Stay of Proceedings[359]

   An appeal shall stay all proceedings in furtherance of the action from which appeal is made unless the officer from whose determination the appeal is taken certifies to the Board of Zoning Appeals after notice of appeal shall have been filed, that, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which, after notice to the officer from whose determination the appeal is taken upon due cause shown, may be granted by the Board or by the Supreme Court.

c. **Staff Review and Action**

The Office of Zoning Administration shall review the appeal application and prepare a staff report in accordance with subsection 5.3D, with the following modifications:

g. Staff review of the appeal shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.

h. The staff report shall not make a formal recommendation and shall only include the necessary facts to warrant an appeal, which shall be provided by the applicant.

d. **Scheduling and Notice of Public Hearings**

The appeal shall be scheduled for public hearings before the Board of Zoning Appeals and noticed in accordance with subsection 5.3E.

e. **Review and Decision**

1. The Board of Zoning Appeals shall review the appeal application and may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.

2. The Board of Zoning Appeals may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

(4) **Approval Considerations**

The Board of Zoning Appeals shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:

a. The facts stated in the application, as presented by the appellant and/or the Zoning Administrator;

b. The requirements and intent of the applicable standards from this Ordinance compared to the written decision that is being appealed;

c. Evidence related to how the applicable standards from this Ordinance have been administered or interpreted in the past; and

d. Consistency with the Comprehensive Plan.

[359] This paragraph carried forward from current ordinance.

5.6 Ordinance Amendment Procedures

Commentary:

This 5.4 describes the procedures for all ordinance amendments, including rezonings, planned development (PD and PI) approvals, and Zoning Ordinance text amendments.

While this section was listed first in the Annotated Outline (and we usually list it as the first category of procedures in most of our codes), we located it at the back of the procedures in this draft, based on our conversations with staff that ordinance amendments are expected to be very rare.

The PD procedures were based initially on the Planned Institutional District but revised significantly.

A. Rezoning (Amendment to the Official Zoning Map)[360]

(1) Purpose

The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Syracuse to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezonings should not be used when a special use permit, variance, or administrative adjustment could be used to achieve the same result.

(2) Applicability

a. An application for rezoning may be approved by the Common Council following review and recommendation by the Planning Commission. A rezoning to a Planned Development District is a distinct type of amendment to the Official Zoning Map and shall follow the approval procedures in subsection 5.6B, *Rezoning to Planned Development*.

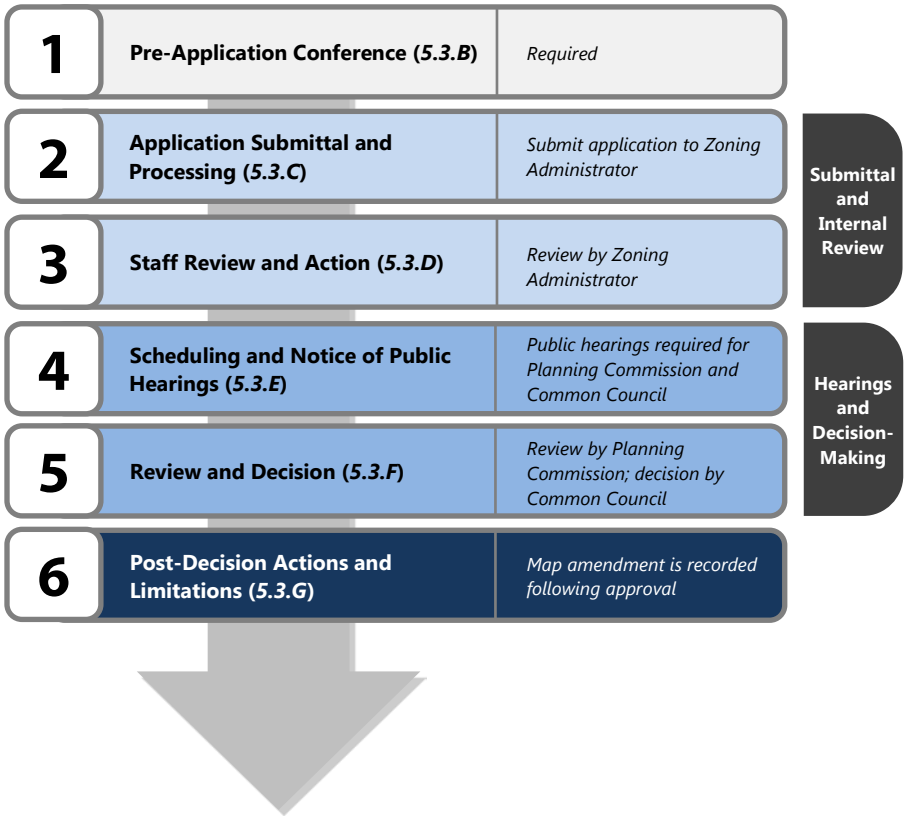
b. Changes to generally applicable standards within zoning districts (such as setbacks) and development standards that apply within districts (such as off-street parking requirements) shall be processed as text amendments pursuant to subsection 5.6C, *Zoning Ordinance Text Amendment*.

(3) Rezoning Procedure

Figure 5-10: Summary of Rezoning Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

[360] The current Syracuse Zoning Ordinance does not address rezonings, so this is an entirely new section for the city's consideration. City legal staff is reviewing to ensure consistency with Revised General City Ordinances and the charter.

Figure 5-9: Summary of Rezoning Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B.

b. **Application Submittal and Processing**

The application for rezoning shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C. When multiple parcels are proposed for rezoning, a separate application for each parcel shall be submitted, unless the Zoning Administrator approves a consolidated petition during the pre-application conference.

c. **Staff Review and Action**

The Office of Zoning Administration shall review the application and prepare a staff report in accordance with subsection 5.3D.

d. **Scheduling and Notice of Public Hearings**[361]

1. The rezoning application shall be scheduled for public hearings before the Planning Commission and Common Council, and noticed in accordance with subsection 5.3E.

[361] *Consolidated draft: Zoning staff is interested in establishing additional criteria to determine whether an application is granted a public hearing. They suggest that not all applications should be entitled to a hearing. Further discussion necessary with Corporation Counsel.*

2. For City-initiated rezonings, affected property owners shall be notified by certified mail of the intended zoning change and public hearing(s) at least 15 days prior to the public hearing date.

e. **Review and Decision**[362]

1. Planning Commission Review and Recommendation

i. The Planning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the criteria in subsection 5.6A(5), *Rezoning Approval Criteria*, below.

ii. If the Planning Commission recommends denial, the Planning Commission shall communicate its reasons to Common Council, and Common Council shall have the power to overrule such recommendation for denial by a recorded vote of not less than three-fourths of its entire voting membership.

2. Common Council Review and Decision

The Common Council shall review the rezoning application and act to approve, approve with conditions, or deny the rezoning in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the criteria in subsection 5.6A(5), *Rezoning Approval Criteria*, below.

3. Protest Procedure

i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of General City Law § 83.

ii. A protest against a rezoning shall be signed by the owners of:

a. At least 20 percent of the area of land included in the proposed zoning change; or

b. At least 20 percent of the area of land extending a radius of 100 feet from the land that is subject to the zoning change (excluding public rights-of-way).

iii. In case of protest against a rezoning, approval shall require three-fourths of the entire voting membership of Common Council prior to a rezoning becoming effective.

iv. The Council shall vote upon any proposed rezoning that is the subject of a protest within 90 days after the filing of the protest with the City.

(4) **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3G shall apply with the following modifications:

[362] General City Law § 83 requires public notice and a hearing, but is flexible on the hearing body: either the council, a committee of the council, or the planning board. We have proposed two rounds of hearings (PC followed by Council), which is common in many communities, but appears to be more than is required by state law.

a. Following approval of a rezoning by Common Council, the Zoning Administrator shall prepare an appropriate revision to the Official Zoning Map and shall record the amendment map and ordinance with the Onondaga County Clerk and Recorder as soon as practicable.

(5) **Rezoning Approval Criteria**

The Planning Commission may recommend approval and the Common Council may approve a proposed rezoning if:

a. The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this Ordinance; and

b. The proposed rezoning is consistent with the purpose statement of the proposed zoning district; and

c. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and

d. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development; and

e. There have been significant changes in the area to warrant a zoning change; or

f. There was an error in establishing the current zoning.

B. Rezoning to Planned Development or Planned Institutional District[363]

(1) **Purpose**

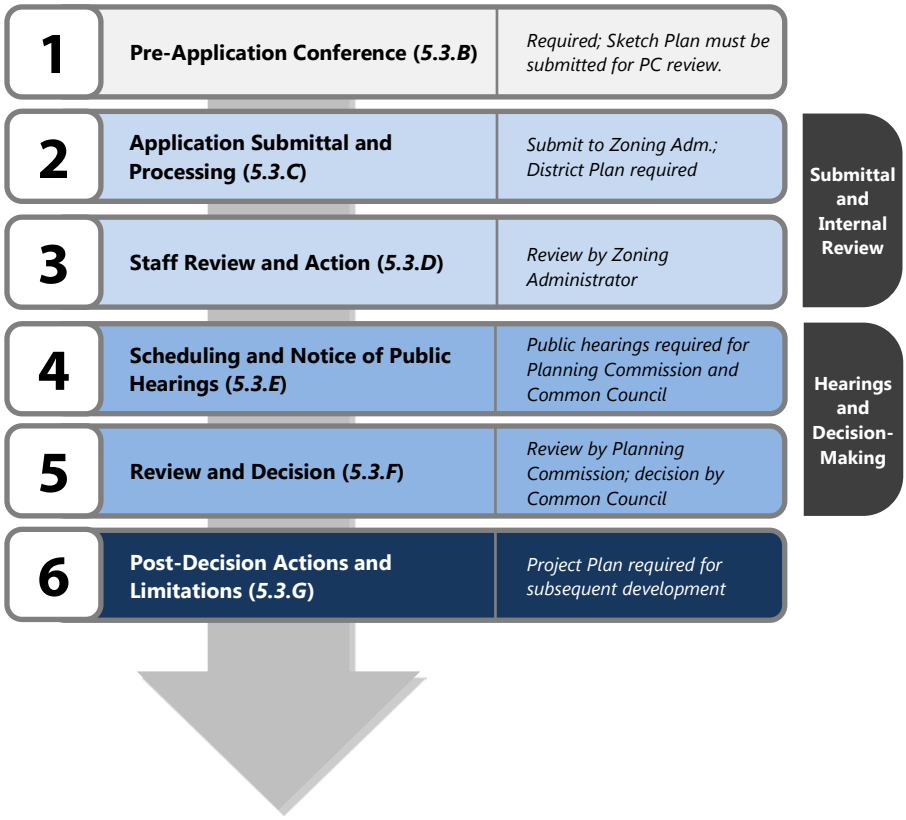
The boundaries of a zoning district or the zoning classification of any parcel may be changed to either the PD or PI district, collectively referred to in this Ordinance as "planned districts," pursuant to this section and Section 2.15, *Planned Districts*. The purpose of a planned district rezoning is to achieve greater flexibility than allowed by the strict application of the Ordinance while providing greater benefit to the City. The planned district rezoning procedure shall not be used when a special use permit, variance, administrative adjustment, or rezoning to an existing base zoning district could achieve the same level of flexibility.

(2) **Rezoning Procedure**

Figure 5-11: Summary of Planned District Rezoning Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of planned district rezonings. Additions or modifications to the common review procedures are noted below.

[363] *Consolidated draft: Updated section to include both PID and PDD, and to include new comments from staff.* Based on existing procedures for the Planned Institutional District, but modified to generally fit all planned districts and to match the new common procedures format. This is separate from the general rezoning procedure because it involves more significant submittal requirements, including a plan that is tailored to the specific district, and also subsequent project plan requirements that do not apply to general rezonings.

Figure 5-10: Summary of Planned District Rezoning Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B, with the following modification:

1. Sketch Plan Required[364]

   At the pre-application conference, or at a subsequent meeting prior to submission of a full application, the applicant shall submit a sketch plan showing the boundaries of the proposed planned district and the type and location of all principal land uses. The Zoning Administrator shall schedule a meeting with the Planning Commission to provide feedback on the sketch plan at a conceptual level. The purpose of the sketch plan is to enable the Planning Commission to determine if a planned district is appropriate for the proposed location.

b. **Application Submittal and Processing**

The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C and the following modification.

[364] Existing requirement. We suggest folding it into the pre-application stage. Further discussion needed. Is this meeting actually held in practice?

1. District Plan[365]

   The application for establishment of and rezoning to a planned district shall include a District Plan, which shall require review and approval by the Planning Commission concurrent with the rezoning. The District Plan shall include the required information listed in the Administrative Manual.

c. **Staff Review and Action**

The Office of Zoning Administration shall review the application and prepare a staff report in accordance with subsection 5.3D.

d. **Scheduling and Notice of Public Hearings[366]**

1. The application shall be scheduled for public hearings before the Planning Commission and Common Council, and noticed in accordance with subsection 5.3E.
2. For City-initiated rezonings, property owners required to be noticed in accordance with subsection 5.3E. shall be notified by certified mail of the intended zoning change and public hearing(s) at least 15 days prior to the public hearing date.

e. **Review and Decision[367]**

1. Planning Commission Review and Recommendation

   i. The Planning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the criteria in subsection 5.6B(3), *Planned District Rezoning Approval Criteria*, below.

   ii. If the Planning Commission recommends denial, the Planning Commission shall communicate its reasons to Common Council, and Common Council shall have the power to overrule such recommendation for denial by a recorded vote of not less than three-fourths of its entire voting membership.

2. Common Council Review and Decision

   The Common Council shall review the rezoning application and act to approve, approve with conditions, or deny the rezoning in accordance with subsction 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the criteria in subsection 5.6B(3), *Planned District Rezoning Approval Criteria*, below.

3. Protest Procedure

   i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of General City Law § 83.

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[365] From the existing ordinance. *Consolidated draft; Submittal requirements removed for placement in the Administrative Manual.*
[366] *Consolidated draft: Zoning staff is interested in establishing additional criteria to determine whether an application is granted a public hearing. They suggest that not all applications should be entitled to a hearing. Further discussion necessary with Corporation Counsel.*
[367] General City Law § 83 requires public notice and a hearing, but is flexible on the hearing body: either the council, a committee of the council, or the planning board. We have proposed two rounds of hearings (PC followed by Council), which is common in many communities, but appears to be more than is required by state law.

ii. A protest against a rezoning shall be signed by the owners of:

a. At least 20 percent of the area of land included in the proposed zoning change; or

b. At least 20 percent of the area of land extending a radius of 100 feet from the land that is subject to the zoning change (excluding public rights-of-way).

iii. In case of protest against a rezoning, approval shall require three-fourths of the entire voting membership of Common Council prior to a rezoning becoming effective.

iv. The Council shall vote upon any proposed rezoning that is the subject of a protest within 90 days after the filing of the protest with the City.

f. **Post-Decision Actions and Limitations**[368]

Post-decision actions and limitations in subsection 5.3G shall apply with the following modifications:

1. Map Revisions

i. Following approval of a rezoning by Common Council, the Zoning Administrator shall prepare an appropriate revision to the Official Zoning Map.

ii. Following approval of a rezoning, the Zoning Administrator shall record the amendment map and ordinance as soon as practicable.

2. Project Plan

i. Prior to the issuance of a building permit for the construction of any new structure or parking or access facilities in a Planned Institutional District, a Project Plan for the facility to be constructed shall be approved by the Planning Commission. All facilities existing within a PID as of the date of the most recent District Plan approval shall be deemed to have Project Plan approval except to the extent otherwise stated in such District Plan.

ii. Notwithstanding the above, the following changes may be made at any time and shall not require Project Plan Review or other approval by the Planning Commission or the Zoning Administrator; provided that, considering such changes, the work complies with applicable dimensional standards, and provided further that any other applicable laws, shall continue to apply:

a. Signage;

b. Screening of utilities or parking areas;

c. Landscaping improvements;

d. Fencing;

e. ADA required improvements;

iii. In order to approve a Project Plan, the Planning Commission shall find that the Project Plan is in substantial conformance with the District Plan; that it makes

[368] *Consolidated draft; Submittal requirements removed and will be placed in the Administrative Manual.*

adequate provision for fire and police access, drainage, and utilities; and that it meets other applicable regulations within its jurisdiction. The Planning Commission may call a public hearing on Project Plans at its discretion.

iv. To facilitate review, Project Plans shall be submitted in preliminary form for review, and then, for final approval, in the form required for issuance of building permits. They shall include the required information listed in the Administrative Manual.

(3) **Planned District Rezoning Approval Criteria**

The Planning Commission may recommend approval and the Common Council may approve a proposed rezoning to a planned district if:

a. The proposed district meets all applicable standards of this subsection 5.6B, *Rezoning to Planned Development or Planned Institutional District*;

b. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and

c. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.

(4) **Amendment of Plans**

a. **Amendment of District Plan**

Any proposal to amend an approved District Plan shall be subject to the same procedures as establishment of the District Plan itself. Either the Zoning Administrator or the Planning Commission shall have the right to waive any submittal requirements determined not necessary or appropriate to evaluate and act upon the amendment request.

b. **Amendment of Project Plan**

1. An amendment to a Project Plan requiring approval shall be approved by the Zoning Administrator in either of the following circumstances:

i. if such work does not change the established uses or development standards applicable in such district, does not front on a public street and does not change that portion of the previously approved Project Plan along any boundary of such district or along a public street, construction or modification of any building or structure within any PID shall be permitted; or

ii. if the request for such amendment shows that it substantially conforms to the approved Project Plan and continues to make adequate provisions for fire and police access, drainage, and utilities and that it meets all other applicable use and development standards.

2. If the Zoning Administrator determines that a request does not meet the standard set forth in paragraph 1 above, the applicant shall have the right to modify the request so that either of such standards are met. Otherwise, the Zoning Administrator shall refer the request to the Planning Commission, which shall review the plan and determine that such request is consistent with the intent of the originally approved District Plan. The Planning Commission shall have the right to authorize a public hearing.

(5) **Resubdivision**

Appropriate resubdivisions shall be made where structures are to be built across existing property lines or where required by the Planning Commission.

(6) **Transition Regarding Existing District Plans and Project Plans**

a. All District Plans approved prior to the effective date of this Ordinance shall remain in full force and effect, except that the development standards set forth in Table 2.28 shall automatically apply and be incorporated into such approved District Plans without further action.

b. All Project Plans approved or deemed approved prior to the effective date of this Ordinance shall remain in full force and effective as approved. An amendment to any Project Plan shall be subject to the requirements of this subsection 2.15B.

(7) **Termination of PID Status**

Except as otherwise approved by the Common Council, PID-status lands that are proposed to be transferred for or otherwise devoted to a non-PID use shall, upon such transfer or cessation of PID use, automatically convert to the predominant abutting zoning district. This provision shall not prohibit re-establishment of new PID status, subject to compliance with the applicable PID formation requirements.

C. Zoning Ordinance Text Amendment[369]

(1) **Purpose**

This section describes the review and approval procedures for amending the text of this Zoning Ordinance to respond to changed conditions or changes in public policy, or to advance the general welfare of the City.

(2) **Applicability[370]**

An amendment to the text of this Zoning Ordinance shall be initiated by the Zoning Administrator, the Planning Commission, or the Common Council.

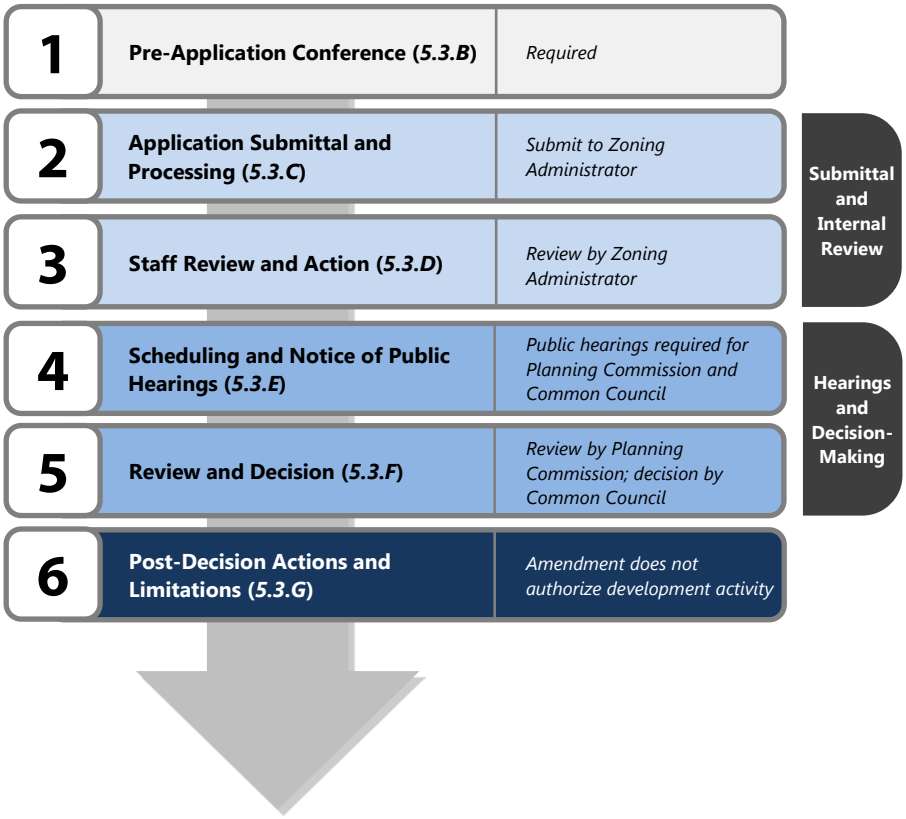
(3) **Zoning Ordinance Text Amendment Procedure**

Figure 5-12: Summary of Zoning Ordinance Text Amendment Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of Zoning Ordinance text amendments. Additions or modifications to those common review procedures are noted below.

[369] The current Syracuse Zoning Ordinance does not address text amendments, so this is an entirely new section for the city's consideration.

[370] This proposed draft limits the initiation of text amendments to the Administrator, the Planning Commission, and the Common Council. It is unusual to allow property owners to initiate an application for what is a citywide legislative change.

Figure 5-11: Summary of Zoning Ordinance Text Amendment Procedure



a. **Application Submittal and Processing**

The application for a text amendment to this Zoning Ordinance shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C. The application shall be prepared by the Zoning Administrator. If the amendment is initiated by the Planning Commission or Common Council, the Zoning Administrator shall prepare the application at the request of the Planning Commission or Common Council.

b. **Staff Review and Action**

The Office of Zoning Administration shall prepare a staff report in accordance with subsection 5.3D.

c. **Scheduling and Notice of Public Hearings**

The application shall be scheduled for public hearings before the Planning Commission and Common Council, and noticed in accordance with subsection 5.3E.

d. **Review and Decision**

1. Planning Commission Review and Recommendation

The Planning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the criteria in subsection 5.6C(5), below.

2. Common Council Review and Decision

   The Common Council shall review the application and act to approve, approve with conditions, or deny the amendment in accordance with subsection 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/*or Common Council), and the criteria in subsection 5.6C(5), below.

(4) **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3G shall apply with the following modifications:

a. Approval of an amendment to this Zoning Ordinance authorizes the approved revision to the text only. A text amendment does not authorize specific development activity.

b. A text amendment shall remain valid until the revised text of the Zoning Ordinance is subsequently amended in accordance with this section.

(5) **Zoning Ordinance Text Amendment Approval Criteria**

A Zoning Ordinance text amendment is a legislative decision by the Common Council. Prior to recommending approval or approving a proposed text amendment, the Planning Commission and Common Council shall consider whether and to what extent that the proposed amendment:

a. Is consistent with the Comprehensive Plan;

b. Does not conflict with other provisions of this Ordinance or other provisions in the Syracuse Revised General Ordinances;

c. Is necessary to address a demonstrated community need;

d. Is necessary to respond to changing conditions or policy; and

e. Is consistent with the purpose and intent of the zoning districts in this Ordinance, would improve compatibility among land uses within the City, or would result in an orderly and logical development pattern.

5.7 Review and Decision-Making Bodies

This section identifies officers and bodies authorized to review, recommend, or make decisions regarding required applications, permits, and approvals under this Ordinance. Any reference to an officer or body includes any agents, employees, subordinates, or others to which the named individual or body has lawfully delegated power to take action.

A. Common Council

In the administration of this Ordinance, the Common Council has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures. In addition, the Common Council shall have all powers granted it by the Municipal Charter and, where not limited by the Charter or the Constitution of the State of New York, such additional powers granted to cities of the same class by the statutes of the State of New York.

B. Planning Commission

In the administration of this Ordinance, the Planning Commission has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures. In addition, the Planning Commission shall perform those functions specified in Section 5-1303 of the Syracuse Code of Ordinances. The Planning Commission also has the powers and duties permitted under New York law.

C. Board of Zoning Appeals[371]

(1) **Creation**

There is established in and for the City of Syracuse, a Board of Zoning Appeals, per Section 5-1306 of the Syracuse Code of Ordinances.

(2) **Membership**

a. The Board shall consist of seven members appointed by the Mayor.

b. The term of office of each member, except as provided in this section, shall be for three years dating from July 1 of each year; provided, however, that two of the members first appointed under these provisions shall be appointed for a term of office of one year, two members for a term of office of two years and one member for a term of three years.

c. Members of the Common Council and the Planning Commission shall be ineligible for appointment to the Board of Zoning Appeals.

d. The Zoning Administrator shall be ex-officio a member of the Board of Zoning Appeals and shall act as its Secretary and shall not be entitled to vote as a member thereof.

e. An appointment to a vacancy occurring prior to the expiration of term shall be for the remainder of the unexpired term.

(3) **Salary and Compensation**

Appointive Members of the Board of Zoning Appeals shall be paid such salary or compensation for their actual time incurred in the conduct of public hearings as may be fixed and determined by the Board of Estimate[372], and may be reimbursed for their actual expenses incurred in the performance of their duties if such sums are provided for in the annual budget.

(4) **Staff Support**

The Corporation Counsel shall be and act as the legal advisor of the Board of Zoning Appeals. The Board of Zoning Appeals may utilize the staff and facilities of the Syracuse-Onondaga County Planning Agency and may appoint such additional personnel as shall be authorized by the Board of Estimate and at such salaries or compensation as fixed by the Board of Estimate.

(5) **Organization and Procedure**

a. The Board of Zoning Appeals shall elect annually from its membership, a chairman and vice-chairman and may make, adopt, promulgate and enforce rules of procedure for the

[371] Part A, Section II, Article 5. Carried forward in substance, but we added subsection headings to break apart the large paragraphs. City legal staff is reviewing to ensure this is all still accurate and whether it should potentially be removed to an Administrative Manual and/or is already covered in the Charter or other city ordinances.
[372] Update the name of this body.

conduct of its meetings, consistent with law and the ordinances applicable thereto which shall become effective on the date when the same are filed with the City Clerk.

b. Meetings of the Board shall be held not less than once each month except in the month of August, and as otherwise modified by the Board, and at such other times as the Board may determine. Special meetings may be called by the chairman and must be called at the request of any two members of the Board of Zoning Appeals.

c. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses.

d. Hearings of the Board of Zoning Appeals shall be public. The Board shall keep minutes of its proceedings, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep a record of its inspections and other official action, all of which shall be filed promptly with the Secretary of the Board and which shall be a public record. The basis for the determination of each appeal and a brief summary of the facts upon which the determination is made shall be recorded in the decision and shall constitute a part of the record thereof.

e. The presence of four members shall constitute a quorum. The Board of Zoning Appeals shall act by resolution. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination made by an enforcement officer charged with the enforcement of any ordinance, code or regulation, over which the Board has original or appellate jurisdiction now in effect or hereafter conferred upon it by ordinance of the Common Council, and any order, requirement, decision or determination of the Division of Buildings and Property Rehabilitation or to decide in favor of the applicant any matter upon which he is required to determine under any such an ordinance, or to grant any variance from the requirements of such an ordinance.

f. No member of the Board of Zoning Appeals shall sit in hearing or vote in any case, in which he shall be personally or financially interested, nor shall he vote on the determination of any appeal unless he shall have attended the public hearing thereon.

(6) **Duties and Powers**

a. In the administration of this Ordinance, the Board of Zoning Appeals has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures.

b. In addition, the Board of Zoning Appeals shall decide any question involving the interpretation of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto, after a public hearing held upon notice to the owners affected thereby and may make such a determination relative thereto as may in its judgment carry out and apply the intent and purpose of any zoning ordinance of the City of Syracuse.

c. Notwithstanding any contrary provisions contained herein the Board of Zoning Appeals is hereby divested of any authority to waive, alter, or modify the regulations contained in [Part C, Sections VI and VII of the Zoning Rules and Regulations] of the City of Syracuse.[373]

[373] The highlighted sections refer to the exiting "Stages of Review" and "Waivers" sections. Discuss whether this prohibition on modifications by the BZA should be carried forward and applied to any sections of the new ordinance.

(7) **Review of Decisions of Board of Zoning Appeals**

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any officer, Department, Board or Bureau of the City, may upon proper cause shown review any decision of determination of the Board of Zoning Appeals in the manner prescribed by Article 78 of the Civic Practice Act.

D. Syracuse Landmark Preservation Board

[RESERVED]

E. Syracuse-Onondaga County Planning Agency[374]

[RESERVED]

F. Zoning Administrator

(1) **General**

The Zoning Administrator is the City official responsible for administering provisions of this Ordinance.

(2) **Powers and Duties[375]**

The Zoning Administrator shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 5.1: Summary Table of Review Procedures. In addition, the Zoning Administrator shall have the following additional powers and duties under this Ordinance:

a. To establish requirements for the contents and format of development applications reviewed under this Ordinance and a schedule for the submittal and review of such applications;

b. To develop, adopt, and amend an administrative manual that may specify detailed submittal and procedural requirements for various development applications (e.g., application forms, submittal checklists, the content and scale/format of plans and documents submitted, schedules and timelines for application review steps), identify application fees, and summarize development review procedures and standards to facilitate the use and understanding of them;

c. To maintain the official Zoning Map and related materials;

d. To serve as or assign professional staff to the Planning Commission and Board of Zoning Appeals;[376]

e. To assist in enforcing this Ordinance in accordance with Section 1.6, *Enforcement*;

[374] Further discussion needed on how specifically we should identify and define staff responsibilities in the ordinance. Some communities have a simple and very brief broad grant of authority, while others identify various different city departments in some detail who have code responsibilities.
[375] This is a draft list for staff's consideration. We based it off the list in the newly adopted Albany ordinance.
[376] *Consolidated draft: Removed Landmark Preservation Board from this list. Based on updates to the preservation article, the secretary to the SLPB is appointed by the Planning Director.*

f. To interpret the provisions of this Ordinance in accordance with Article 7: *Rules of Construction and Definitions*, and the intent and purpose statements included in this Ordinance;

g. To provide expertise and technical assistance to the City's review and decision-making bodies on request;

h. To maintain on file a record of all development applications reviewed under this Ordinance and make copies available on request through the City's Public Records request process;

i. To assist the City's Planning Division and Planning Commission in preparing, maintaining, and amending the City's Comprehensive Plan; and

j. To perform such other functions specified in the Syracuse Code of Ordinances.

Article 6: Historic Preservation

Commentary:

New to the consolidated draft, this article integrates the draft city historic preservation ordinance, which has been prepared by city staff. Staff will facilitate additional discussions about this draft for community feedback.

Additional fine-tuning may be necessary to fully integrate this article with the rest of the new Zoning Ordinance. Because this is still a draft ordinance, the sections describing procedures and the duties of the Landmark Preservation Board appear in this article, so that all historic preservation materials may be reviewed together. However, these sections should be considered for relocation into the Article 5 (Administration) in the final adoption draft.

6.1 Legislative Intent

The City of Syracuse finds as a matter of public policy that the preservation and protection of buildings, structures, sites, landscapes, objects, and districts of historic, architectural, cultural, educational, and aesthetic merit are public necessities and are in the interests of the health, prosperity, and welfare of the people of the City of Syracuse. The purpose of this Ordinance is to:

A. Protect, enhance, and perpetuate the use of those districts, sites and structures, which represent the many and varied architectural, artistic and cultural achievements of the City and which cannot be duplicated or otherwise replaced;

B. Strengthen the economy of the City by stabilizing and improving property values and by enhancing the City's attractiveness for all who live, work and visit the City;

C. Encourage energy conservation and the conservation of natural and material resources through the rehabilitation and reuse of the City's existing building stock and infrastructure;

D. Promote the educational and cultural benefits of the preservation and continued use of buildings and districts, which are the physical reminders of the history, growth and development of the City; and

E. Foster civic pride in those elements of the City's past which give Syracuse its unique character and set it apart from other cities.

6.2 Regulated Conduct

A. No material change in appearance as hereinabove defined shall be made within a designated District or to a Protected Site except as hereinafter provided. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any building component in a District or of a Protected Site which does not result in a material change in appearance.

B. This Ordinance shall apply to all Protected Sites and to all buildings, structures, outbuildings, walls, fences, steps, topographical features, significant landscape features, earthworks, paving, and signs within a designated District, provided however that it shall not apply to the construction, alteration or demolition of any structure where prior to date of public notice of any proposed designation:

(1) The applicant has in good faith either:

a. Undertaken contractual commitments which require him/her to do such construction, alteration or demolition; or

b. Obtained a permit to do such work and such work has actually commenced.

6.3 City of Syracuse Landmark Preservation Board[377]

A. Jurisdiction and Purpose

To effectuate the goals of this Ordinance, there is hereby established in and for the City of Syracuse the Syracuse Landmark Preservation Board, hereinafter called the Board.

B. Membership and Selection

The members of the Board shall be appointed by and serve at the pleasure of the Mayor. The Board shall consist of seven members, of whom at least four shall be City residents. To the extent possible, the Board members shall be required to have the following expertise and experience:

(1) Two members shall be state-licensed architects selected from a list of no less than five names submitted by the Central New York Chapter of the American Institute of Architects;

(2) One member shall be a state-licensed landscape architect selected from a list of no less than three names submitted by the New York Upstate Chapter of the American Society of Landscape Architects;

(3) One member shall be a state-licensed real estate professional from a list of no less than three names submitted by the Greater Syracuse Association of Realtors;

(4) One member shall be a historian or historic preservation professional selected from a list of no less than three names submitted by the Onondaga Historical Association;

(5) Two members shall be appointed at large. In selecting the at-large members, preference shall be given to individuals who possess demonstrated expertise in finance, commercial or business activity, and/or own property located within a Preservation District or that is a Protected Site.

C. Terms and Reappointment

Members shall serve for three-year terms, except that of the members originally appointed following the adoption of this Ordinance, one-third) shall be appointed to a two-year term and one-third) shall be appointed to a one-year term. Members may serve for more than one term and each member shall serve until the appointment of a successor.

D. Vacancies

Vacancies shall be filled by the Mayor in the same manner as provided for other appointments.

E. Compensation

Members of the Board shall serve without compensation.

[377] Because this is still a draft ordinance, this section describing the Board is kept in this location, so that all historic preservation materials may be reviewed together. However, this section should be relocated into the procedures section in the final draft, along with the other review bodies.

F. Quorum

A simple majority of the Board members shall constitute a quorum for the transaction of business. An affirmative majority vote of the full Board is required to approve any resolution, motion, or other matter before the Board.

G. Organization

(1) **Officers**

The Board shall elect by majority vote of its membership a Chairperson and a Vice Chairperson whose terms shall be established by the Board. The Vice Chairperson shall, in the absence or disability of the Chairperson, perform the duties of the Chairperson.

(2) **Secretary**

The Director of Planning for the City of Syracuse, or his/her designee, shall serve as Secretary to the Board. Preference shall be given to individuals who meet the Secretary of the Interior's Professional Qualifications for Historic Preservation Planners as outlined in 36 CFR Part 61. The Secretary shall keep all records, conduct all correspondence of the Board, and supervise the clerical work of the Board. The Secretary shall keep minutes of all meetings of the Board and shall record all decisions and/or recommendations of the board. The Secretary shall be responsible for notifying all appropriate governmental agencies and affected owners of landmark designations as per the provisions of part C, section VII of the zoning rules and regulations of the City of Syracuse.

H. Powers and Duties

(1) In the administration of this Ordinance, the Syracuse Landmark Preservation Board has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures.

(2) The Board shall make recommendations to the City Planning Commission and the Common Council for designation of Preservation Districts and Protected Sites pursuant to Section 6.4, *Designation of Protected Sites and Preservation Districts*.

(3) The Board shall regulate the appearance of new construction, additions to or alterations of Protected Sites and properties within Preservation Districts by issuing Certificates of Appropriateness pursuant to Section 6.5, *Certificate of Appropriateness*.

(4) In carrying out the aforementioned duties, the Board shall have the power to:

a. Adopt policies and procedures pertaining to its duties as it may deem necessary to accomplish the goals of this Ordinance. Copies of such regulations shall be filed with the City Clerk;

b. Provide written notification to the Division of Code Enforcement pertaining to the enforcement of the regulations set forth in this Ordinance;

c. Retain and employ professional consultants, secretaries, clerks or other such personnel as may be necessary to assist them in carrying out their duties;

d. Conduct surveys of buildings, structures, sites or landscapes, in consultation with public or private agencies as appropriate, for the purpose of determining those historic and/or architectural significance and pertinent facts about them;

e. Develop and publish maps and brochures, and make recommendations concerning historical markers for selected historic and/or architectural sites and buildings;

f. Advise the Mayor, the Common Council, City departments, City Planning Commission, Board of Zoning Appeals, and other public and private agencies in matters involving historic and/or architectural properties;

g. Provide guidance to owners and developers seeking to adaptively reuse historic properties; and

h. Advise owners of historic properties on appropriate preservation and restoration measures.

(5) Nothing contained in this Ordinance shall be construed as authorizing the Board in the administration of its powers and duties to waive any regulation or laws relating to height and bulk of buildings, area of yards, court and other open space, density of population, the locations of trades and industries, or location of buildings for specific uses.

6.4 Designation of Protected Sites and Preservation Districts

As set forth in subsection 6.3H, the Board is responsible for recommending to the City Planning Commission and Common Council individual or groups of properties that it deems worthy of designation as Protected Sites or as Preservation Districts.

A. Criteria and Designation of Protected Sites and Preservation Districts

(1) The Board may recommend designation if a property, structure, object, landscape, site, or district is found to possess one or more of the following characteristics:

a. Association with persons or events of historic significance to the city, region, state or nation;

b. Illustrative of historic growth and development of the city, region, state, or nation;

c. In the case of structures or sites, embodying distinctive characteristics of a type, period or method of construction, or representing the work of a master, or possessing unique architectural and artistic qualities, or representing a significant and distinguishable entity whose components may lack individual distinction;

d. In the case of districts, possessing a unique overall quality of architectural scale, texture, form and visual homogeneity even though certain structures within the district may lack individual distinction; and

e. In the case of interiors, possessing one or more of the characteristics enumerated in a, b, or c and, in addition, embodying distinctive characteristics of architectural scale, form, and visual homogeneity, which are in integral part of the character of the structure in which the space is contained.

(2) Designation of a Protected Site shall apply to the exterior of a property, including, but not limited to, the primary structure and its exterior building components, secondary buildings and their exterior components, and site features, including natural and man-made features.

(3) Designation of a Protected Site may apply to the interior of a property if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, region, state, or nation; and:

a. It is customarily open or accessible to the public; or

b. It is an interior into which the public is customarily invited.

(4) Designation of a Preservation District shall be deemed to apply to the exterior only of structures, features or sites within the Preservation District. Interiors of any structure within the Preservation District also may be designated by specific reference within the designation document.

(5) Properties that have achieved significance within the past 50 years ordinarily are not considered eligible for designation under this Ordinance. However, such properties may qualify for designation if they are:

a. Integral parts of historic districts that meet the criteria for designation; or

b. If they are properties of exceptional importance.

B. Procedure[378]

(1) Any person, group of persons, or association may petition the Board for adoption of the designation of a Preservation District or Protected Site.

(2) The petitioner must file an application for designation with the Board. The application shall contain, but not be limited to:

a. Applicant name and address

b. Signature of applicant

c. Owner name and address

d. Property address

e. Property survey

f. Description of exterior

g. Description of interior, as applicable

h. Structure and site history

i. Description of the historical, architectural or cultural significance

j. Sources of historical information

k. Images of exterior and interior (when applicable) keyed to a site plan

l. Any other information that the Board may deem necessary to document the structure.

(3) The Board shall schedule a public hearing to consider the proposed designation in the following manner:

a. Notice of the public hearing shall be published in the City's paper of record at least ten (10) days prior to the hearing.

b. In the case of an individual designation, a copy of the hearing notice shall be sent to the owner or owners of the property as appears on the City assessment roles, each contiguous property owner, each member of the City Common Council, each member of the City

[378] Consider rewriting all procedures in this article in the style of the new Article 5 (Administration) with flowcharts and references to common procedures.

Planning Commission, the City Clerk, and the Corporation Counsel. Informal notice shall be sent to every address within four hundred (400) feet of the subject property.

c. In the case of a district designation, a copy of the hearing notice shall be sent to the owner or owners of each property within the district boundaries as appears on the City assessment roles, each member of City Common Council, each member of the City Planning Commission, the City Clerk and the Corporation Counsel.

d. No hearing action shall be deemed invalid or illegal because of any failure of notification provided in the aforementioned paragraphs 3.b and 3.c. Compliance with said paragraphs shall not be condition precedent for proper notice.

e. No building permits or demolition permits shall be issued by the City of Syracuse as long as the proposed designation is under active consideration by the Board, Planning Commission, or Common Council and until the Board, Planning Commission and/or Council has made its decision.

f. The Board shall have 62 days to make a decision following the opening of the public hearing. If the Board recommends designation of the subject property as a Protected Site or Preservation District, the decision shall be recorded by the Secretary of the Board and the Secretary shall be responsible for transmitting a copy of the decision of the Board to the City Planning Commission and property owner.

g. The City Planning Commission shall hold a public hearing to consider the petition of the Board for the proposed designation. The Board's Chairperson or designee shall appear at the public hearing and give testimony on behalf of the Preservation Board.

h. The resolutions of the City Planning Commission with respect to any proposed designation or change thereof, together with the recommendations of the Board shall be forwarded to the City Clerk, who shall transmit copies of the same to the members of the Common Council. The Council shall adopt, modify or reject the recommendations of the City Planning Commission and Board with respect to a proposed designation or change thereof.

i. Within five business days after Common Council adopts a designation notice of the designation shall be sent to all affected property owners, and to all City and County departments having power to administer and enforce any laws, codes or regulations governing real property within the city.

C. Amendment or Rescission

The Board may amend or rescind any designation of a Protected Site or Preservation District in the same manner and using the same procedures as followed for designation.

6.5 Certificate of Appropriateness

A. No person or entity shall carry out exterior alteration, restoration, reconstruction, demolition, new construction, or relocation of a Protected Site or property within a Preservation District, nor shall any person or entity make any material change in appearance of such property or its site, including, but not limited to, light fixtures, signs, sidewalks, fences, steps, paving or other exterior site elements without obtaining a Certificate of Appropriateness that authorizes such work. A Certificate of Appropriateness will be in addition to and not in lieu of any building permit or other approval that may be required by any state or local law, ordinance or regulation.

B. Criteria for Consideration

(1) The Board shall issue a Certificate of Appropriateness if it determines that the proposed work will not have a substantial adverse effect on the historical, architectural, or aesthetic significance and value of an individual Protected Site. In the case of a property located within a Preservation District, the proposed work will not have a substantial adverse effect on the historical, architectural, or aesthetic significance of the property itself, the district or neighboring properties in such district.

(2) In making this determination, the Board shall be guided by the Secretary of the Interior's Standards for Rehabilitation. A copy of this publication is accessible to the public in the office of Secretary and in the City Clerk's office.

(3) In addition, the Board may use adopted guidelines specific to individual Protected Sites or Preservation Districts in its decisions. These guidelines shall be consistent with the Secretary of the Interior's Standards for Rehabilitation.

C. Procedure

(1) Prior to the commencement of any work, an application for a Certificate of Appropriateness shall be submitted to the Board.

(2) No City department shall issue a permit for or approval of proposed work until a Certificate of Appropriateness has been issued by the Board.

(3) The application shall contain, but not limited to:

a. Name, mailing address, email address, telephone number of the applicant

b. Property location

c. Property survey

d. Signature of both the owner of record and the applicant, if different. An application will not be considered valid without the signature of the owner of record.

e. Description of the proposed work

f. Images of the property and its context

g. Elevation drawings of the proposed changes, if applicable

h. List of building materials, material specifications and samples

i. Any other information that the Board may deem necessary to visualize or understand the proposed work.

(4) Upon receipt of all the information required herein, the Board shall determine if the application is complete and accurate.

(5) The Board may delegate in writing to staff the authority to:

a. Determine whether proposed work constitutes ordinary maintenance and repair and does not require a Certificate of Appropriateness;

b. Approve work that is any other type that has been previously determined by the Board to be appropriate for delegation to staff.

(6) The Board shall make a decision regarding the application within forty-five (45) days of the determination that the application is complete and accurate. If the Board requires a public hearing on an application in order to gather public comment, the Board shall have a forty-five (45) day extension to make its decision. In the event that no decision is made by the Board within the allotted time, the permit may be issued without a decision of the Board. An application may be held open for longer than the 45-day period upon the mutual agreement between the Board and the applicant.

(7) The decision of the Board shall be in writing and shall state the reasons for approving, denying or modifying any application. If an approval, it will be in the form of a Certificate of Appropriateness. The Certificate shall specify the work to be done including any conditions that the Board may deem necessary to carry out the intent and purpose this Ordinance. The Certificate shall relate solely to the proposed plans accompanying the application or otherwise submitted to the Board for official consideration prior to issuance of said Certificate. Copies of the decision shall be provided to the applicant, to the Division of Code Enforcement and other applicable City departments, and a copy shall be filed in the office of the Board Secretary for public inspection.

(8) A Certificate of Appropriateness is valid for a period of one year from the date of issue, unless the Board has granted an extension following a written request by the applicant.

D. Publicly-Owned Property

In the case of a project involving the construction, reconstruction, alteration or demolition of City-owned property that is designated as local Protected Sites or is located with a Preservation District, the City agency or department that is responsible for the project shall refer the project plans to the Board for review and comment prior to final City action approving or otherwise authorizing said plans. In addition, agencies of the county, state, and federal government shall be encouraged to request Board review and comment of proposed alterations to or demolition of locally designated county, state, or federal properties. Within 20 business days after the referral, the Board shall submit its recommendations to the Mayor, the Common Council, and the referring agency or department. Failure of the Board to submit such recommendations shall be deemed approval by the Board.

E. Removing Dangerous Conditions

Where the Division of Code Enforcement or other appropriate City department orders the construction, removal, alteration, or demolition of any portion of a Protected Site or building within a

Preservation District for the purpose of addressing conditions that it determines to be dangerous to life, health or safety, the following shall apply:

(1) If the Division of Code Enforcement determines that the Certificate of Appropriateness process will prevent timely compliance with its order, the requirement for a Certificate of Appropriateness shall be considered waived. The department shall within three days provide written notice of its order to the Board together with a statement of reasons for the order.

(2) If the Division of Code Enforcement determines that the Certificate of Appropriateness process will not prevent timely compliance, the owner shall apply for a Certificate of Appropriateness. The Board shall consult with the agency to determine that appropriate action is taken to both minimize any material change in appearance and eliminate the dangerous condition.

6.6 Alteration Hardship Appeals Criteria and Process

A. Upon receiving notification of the denial of a Certificate of Appropriateness from the Board, an applicant may seek to waive or modify any of the criteria or standards adopted pursuant to Article 6, Section B. The Board reserves the right to waive the criteria or standards upon a finding that such action is necessary to eliminate economic hardship associated with strict interpretation of the provisions of this Ordinance and that the result will not violate the spirit and intent of these provisions. The applicant at shall have the burden of proving any economic hardship that is claimed.

B. Criteria for Consideration of Hardship

(1) In all cases other than a proposed demolition, removal or relocation, the applicant shall prove the existence of hardship by demonstrating to the Board that:

a. the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of or surrounding neighborhood or district; and

b. the requested relief, if granted, will not alter the essential character of the property or district, as applicable; and

c. the alleged hardship has not been self-created.

(2) The applicant must prove that the denial of the Certificate of Appropriateness will prevent him/her from realizing a reasonable rate of return on his/her property, regardless of whether that return represents the most profitable return possible. The applicant must demonstrate that the impact on the rate of return is substantial based on competent financial evidence, as determined by the Board. Cost of repair alone is not sufficient grounds for a hardship determination.

(3) Demonstration of a hardship shall not be based on or include any of the following circumstances:

a. Willful or negligent acts by the owner, tenant or occupant; or

b. Failure to perform normal maintenance and repairs by the owner, tenant or occupant.

C. Hardship Procedure

(1) Upon receiving notification of a denial of a Certificate of Appropriateness, applicants seeking a hardship finding must complete a Certificate of Hardship application and provide sufficient information, as determined by the Board, to support a hardship finding.

(2) The applicant shall complete a Certificate of Hardship application and submit the following items with the application:

a. Current level of economic return;

b. Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;

c. Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

d. Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;

e. Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;

f. All appraisals obtained within the last twelve months by the owner or applicant in connection with the purchase, financing, or ownership of the property;

g. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

h. Any state or federal income tax returns relating to the property for the last two years;

i. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding: (a) any real estate broker or firm engaged to sell or lease the property, (b) reasonableness of price or rent sought by the applicant, or (c) any advertisements placed for the sale or rent of the property;

j. Feasibility of alternative uses for the property that could earn a reasonable economic return;

k. Report from a state-licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation;

l. Cost estimates prepared by a state-licensed engineer or architect with experience in rehabilitation for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a Certificate of Appropriateness;

m. Estimated market value of the property prepared by a state-licensed real estate broker or appraiser: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and (c) after renovation of the existing property for continued use;

n. Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation;

o. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; and

p. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

The above list is not exhaustive. The Board may request additional materials to supplement the application and hardship information, as required. Pursuant to and in accordance to this Article, the Board reserves the right to hire at the applicant's expense appropriate professional expertise to analyze all materials submitted.

(3) The Board shall make a decision within forty-five (45) days of the determination that the application is complete and accurate. If the Board authorizes a public hearing on a hardship application in order to gather public comment, the Board shall have a forty-five (45) day extension following the close of any public hearing held on the application to determine whether the applicant has met the burden of proof to support the Certificate of Hardship.

(4) In granting a Certificate of Hardship, the Board shall approve only such work as is necessary to alleviate the hardship.

(5) All decisions of the Board shall be in writing and shall state the reasons for granting or denying the requested finding of hardship. A copy shall be sent to the applicant and a copy retained by the Secretary for public inspection.

6.7 Demolition, Removal, or Relocation of a Protected Site or Property located in Preservation District

A. Demolition, removal or relocation of a Protected Site or resource located in and contributing to a Preservation District shall be allowed only in the case of economic hardship, unless the Director of Code Enforcement or other appropriate City department, upon due deliberation, has made a written finding that the structure presents an imminent threat to the public health, safety and welfare. The applicant shall have the burden of proving any hardship that is claimed.

B. Criteria for Consideration

(1) In order to prove the existence of a hardship sufficient to justify demolition, removal, or relocation, the applicant shall establish to the satisfaction of the Board that:

a. Denial of a certificate of appropriateness will prevent the applicant from earning a reasonable rate of return on investment, regardless of whether that return represents the most profitable return possible;

b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

c. Diligent efforts to find a purchaser interested in acquiring the property and preserving it have failed.

C. In deciding upon such application for removal, relocation or demolition, the Board may consider whether the applicant has created his/her own hardship through waste and neglect, thereby permitting the property to fall into a serious state of disrepair.

D. Demolition, removal, or relocation of a Protected Site or property within a Preservation District shall be permitted only after the owner has submitted and obtained design approval of his/her plans for new development under the provisions of this Ordinance, including acceptable timetable and guarantees, which may include performance bonds for demolition and completion of the project. In no case shall the time between demolition and commencement of new construction or lot improvement exceed six months.

E. Procedure

(1) An applicant whose Certificate of Appropriateness for demolition, removal or relocation of a Protected Site or property located in and contributing to a local Preservation District has been denied and who desires to apply for relief on the grounds of economic hardship, shall submit a Historic Resource Demolition/Relocation/Removal application to the Board. In addition, the applicant shall submit the following items with the application:

a. Current level of economic return;

b. Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;

c. Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

d. Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;

e. Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;

f. All appraisals obtained within the last twelve months by the owner or applicant in connection with the purchase, financing, or ownership of the property;

g. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

h. Any state or federal income tax returns relating to the property for the last two years;

i. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding: (a) any real estate broker or firm engaged to sell or lease the property, (b) reasonableness of price or rent sought by the applicant, or (c) any advertisements placed for the sale or rent of the property;

j. Feasibility of alternative uses for the property that could earn a reasonable economic return;

k. Report from a state-licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation;

l. Cost estimates prepared by a state-licensed engineer or architect with experience in rehabilitation for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a Certificate of Appropriateness;

m. Estimated market value of the property prepared by a state-licensed real estate broker or appraiser: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and (c) after renovation of the existing property for continued use;

n. Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation;

o. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; and

p. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

The above list is not exhaustive. The Board may request additional materials to supplement the application and hardship information, as required. Pursuant to and in accordance to this Article, the Board reserves the right to hire at the applicant's expense appropriate professional expertise to analyze all materials submitted.

(2) The Board shall make a decision within 45 days of the determination that the Historic Resource Demolition/Removal/Relocation application and supplemental economic hardship documentation are complete and accurate. If the Board authorizes a public hearing, the Board shall have a 45-day extension following the close of any public hearing to take one of the following actions:

a. Approve the demolition application in conformance with the hardship criteria enumerated in Section B of this Article;

b. Approve the demolition application subject to a waiting period of up to 180 days to consider relocation or documentation; or

c. Deny the demolition application.

(3) Before approving the removal, relocation or demolition of an individual Protected Site or contributing property within a Preservation District, the Board may suspend the application for up to 180 days to allow the applicant to consult in good faith with the Board, local preservation groups, and the public in a diligent effort to seek a less intrusive alternative to demolition.

(4) As part of the decision to approve the removal, relocation, or demolition of an individual Protected Site or a contributing property within a Preservation District, the Board may require documentation at the applicant's expense of the subject property according to Historic American Buildings Survey standards as promulgated by the National Park Service.

(5) All decisions of the Board shall be in writing and shall state the reasons for granting or denying the requested demolition. A copy shall be sent to the applicant and a copy retained by the Board Secretary for public inspection.

(6) Approval of a Historic Resource Demolition/Removal/Relocation application is valid for a period of one year from the date of issue.

6.8 Demolition of Non-Landmarked Structures

A. In the absence of a comprehensive historic resources survey of the city, no property 50 years old or older shall be demolished prior to the review and determination by the Board of the subject property's eligibility for designation as a Protected Site or as a contributing structure within a Preservation District. Where the Director of Code Enforcement and Chief of the Fire Department have determined that a property presents an imminent danger or hazard to public health, safety and welfare, the following review procedure shall be considered waived.

B. Demolition Permit

(1) When an application is filed with a City department for a demolition permit of any building or structure that is 50 years old or older, said City department shall forward a copy of said application to the Board within two business days of receipt of the demolition application.

(2) Any owner of property who proposes to demolish any building or structure that is 50 years old or older may prior to the filing of an application with the appropriate City department for a demolition permit request the Board to initiate the procedure set forth in this Article for a determination whether said property shall be designated as a Protected Site or a contributing property in a Preservation District.

C. Procedure

(1) The Board shall evaluate the property for its age, architectural features and integrity, integrity of its surroundings, and any known historical documentation regarding former uses or owners of said property. Based on this review the Board shall determine the following:

a. If the Board deems a property ineligible for designation as a Protected Site or as part of a Preservation District, the Board shall submit its determination of ineligibility to the appropriate City department with a recommendation for the issuance of the demolition permit.

b. If the Board deems a property eligible for designation as a Protected Site or as part of a District, the Board shall submit its preliminary determination of eligibility in writing to the appropriate City department. The Board shall then prepare a local Protected Site application and schedule a public hearing according to the procedures set forth under Article 5 of this Ordinance.

(2) The Board shall make its determination within 62 days of the date of filing of the application for demolition permit with the City of Syracuse or request as set forth in subsection B (2) of this Article. Failure to take action within this time period shall be deemed a determination not to recommend the subject property be designated as a local Protected Site or a contributing property in a Preservation District.

(3) All decisions of the Board recommending the designation of a building or structure for Protected Site status or the issuance of a demolition permit shall be made in accordance with the rules of procedure of the Landmark Preservation Board.

6.9 Affirmative Maintenance and Repair Requirement

A. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any Protected Site or structure within a Preservation District, which does not result in a change in material appearance.

B. No owner or person with an interest in property designated as a Protected Site or included within a Preservation District shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the provisions of the Property Maintenance Code of New York State, Syracuse Property Conservation Code and all other applicable local regulations.

C. Every owner of a designated property shall keep in good repair:

(1) All exterior portions of said property; and

(2) All interior portions thereof which, if not maintained, may cause or tend to cause the exterior portions of the property to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair. Examples of prohibited disrepair include, but are not limited to:

a. Deteriorated or inadequate foundation;

b. Defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;

c. Deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;

d. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;

e. Ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;

f. Defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;

g. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety; or

h. Any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.

D. Every owner of a Protected Site interior shall keep in good repair:

(1) All portions of said designated interior; and

(2) All other portions of the property which, if not so maintained, may cause or tend to cause the designated interior to deteriorate, decay, or become damaged or otherwise to fall into a serious state of disrepair.

6.10 Enforcement

A. All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to the requirements included therein.

B. The provisions of this Ordinance shall be enforced by the Division of Code Enforcement. It is the responsibility of the Director of Code Enforcement to inspect such work to assure compliance. Any person or corporation that violates or aids or assists in violating this Ordinance, or any of the rules, regulations, prohibitions or restrictions herein set forth, shall be fined not more than three hundred dollars ($300.00) a day for each such offense.

6.11 Appeals

Any person or persons jointly or severally aggrieved by any decision of the Landmark Preservation Board or any Officer, Department, Board or Bureau of the City, may upon proper cause shown review any decision of determination of the Landmark Preservation Board in the manner prescribed by Article 78 of the Civic Practice Law and Rules.

Article 7: Rules of Construction and Definitions

7.1 Rules of Ordinance Language Construction[379]

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general purpose set forth in Section 1.2, *Purpose*, and the specific purpose statements set forth throughout this Ordinance. When, in a specific section of this Ordinance, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

E. Technical and Non-technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

F. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

G. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions, or events apply; and

(2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

[379] New.

H. Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

7.2 Definitions of Use Categories and Specific Use Types

Commentary

Unless otherwise indicated, all definitions are new. In terms of organization, we have kept the definitions in order here so that they can be reviewed collectively in related groups. **However, in the final draft, staff requests that all use type definitions be inserted alphabetically into Section 6.3, along with all other defined terms.** This section will then contain only the use category definitions, which could remain here or could also be moved into the Use Regulations article.

This section defines the general use categories and specific use types listed in Table 3.1: Allowed Uses.

A. Residential Uses

(1) Household Living

Uses in this category are characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis; lodging where tenancy may be arranged for a period of less than 30 days is classified under the "lodging facilities" category. Common accessory uses include recreational activities, gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

a. **Dwelling, Live/Work**

A dwelling unit containing an integrated living and working space that is intended to function predominantly as business workspace with incidental residential use occupied by the business owner or operator.

b. **Dwelling, Multi-family**[380]

A building containing three or more dwelling units.

c. **Dwelling, Single-family**

A building containing one dwelling unit not physically attached to any other principal structure.

d. **Dwelling, Two-family**

A single building containing two dwelling units, each of which includes a separate household.

(2) Group Living

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a family. Generally, group living

[380] This includes both stacked and side-by-side units. The current Syracuse ordinance includes some references to "townhouses" in some districts as distinct from "apartments." In some communities, we include a use type called "single-family attached"; however, staff prefers not to introduce that term in Syracuse and to use instead a broad definition of "dwelling, multi-family."

structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

a. **Boarding or Rooming House**

A building other than a motel or hotel, fraternity, sorority, dormitory or chapter house, where lodging and/or meals for three or more roomers or boarders or guests are served for compensation. Facilities for lodgers may include sleeping or living quarters or rooms, with or without individual bathrooms, but shall not include individual cooking facilities.

b. **Chapter House**[381]

A place of residence other than a hotel, boarding or rooming house, or dormitory that is operated by a nationally chartered membership organization or a local chartered organization and used, occupied and maintained for persons enrolled in a college, university or other educational institutions, and which is recognized and subject to controls by such educational institution.

c. **Dormitory**[382]

A place of residence, other than a hotel or boarding or rooming house that is used, occupied, and maintained for persons enrolled in a college, university, or other educational institution, and that is recognized and subject to controls by such educational institution.

d. **Residential Care Facility**[383]

A multi-family dwelling licensed by the State of New York and occupied as a temporary or permanent residence by three or more persons where accessory services primarily for older adults or other with special needs are provided to help with normal daily activities as an integral part of the dwelling. Such facilities may also be known as assistive living, continuing care community, senior independent living, senior living community, or other similar term. This term shall include, by way of illustration and not limitation, nursing homes, rest homes, homes for prenatal care, and convalescent homes, and shall similarly exclude hospitals, clinics, mental health facilities, and similar institutions devoted primarily to the diagnosis and/or treatment of disease or injury, except where such facilities are accessory to a Residential Care Facility.

B. Public, Institutional, and Civic Uses

(1) Community and Cultural Facilities

Uses in this category include buildings, structures, or facilities owned, operated, or occupied by a governmental entity or non-profit organization to provide a service to the public.

[381] The current ordinance refers separately to "chapter houses," "fraternities," and "sororities." However, we think all three terms can be combined in the definition of "chapter house," carried forward here.
[382] Existing "Dormitory" definition.
[383] Proposed new name. Replaces and expands upon the current "care home" definition.

a. **Assembly**[384]

A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse, with membership not required for participation. Examples include community centers, places of worship, meeting or lecture halls, exhibition rooms, or auditoria. If an assembly use is ancillary to another principal use, and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.

b. **Civic Building**

A building that provides for civic meetings and/or activities including, but not limited to, City Hall, post offices, school administration buildings, and other public buildings owned or operated by the City, state or federal government, or other public agency, but not including public safety facilities.

c. **Correctional Facility**

A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. This use includes but is not limited to an adult detention center, juvenile delinquency center, jail, prison, and residential reentry facility.

d. **Cultural Institution**

A nonprofit institution displaying or preserving objects of interest in one or more of the arts or sciences. The use includes, but is not limited to, libraries, museums, and art galleries.

e. **Public Safety Facility**

Publicly owned safety and emergency stations, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance services.

(2) **Educational Facilities**

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

a. **College or University**[385]

Public or private institutions of higher learning authorized by the State of New York to grant academic degrees, associate academic degrees, certificates and/or diplomas, and requiring for admission at least a high school diploma or equivalent general academic training. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, and athletic facilities.

[384] This is a new term for the Syracuse ordinance, but is intended to include a variety of existing uses, including but not limited to "nonprofit community center" and "church, parish houses, convents." Federal law requires that churches and other religious institutions generally be held to the same requirements as other types of assembly uses, so as not to burden religious exercise. The most straightforward way to ensure that they are treated equally is to group all assembly-type uses together.

[385] Incorporates existing definition of "College or University." Should "dormitory" remain within this definition as an accessory use type? The draft use table proposes them as a separate type of principal use.

b. **School, Public or Private**[386]

An educational institution that satisfies the applicable education laws of the State of York for students in elementary or secondary grades. Accessory facilities may include recreational fields, gymnasiums, and stadiums.

c. **Vocational, Arts, Trade or Business School**[387]

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in the arts, industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

(3) **Health Care**

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking or other amenities primarily for the use of employees in the firm or building.

a. **Clinic**

An establishment providing dental, medical, psychiatric, or minor surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

b. **Hospital**

A building or structure for the diagnosis and medical or surgical care of human sickness or injury. Services regularly include the keeping of patients overnight.

(4) **Parks and Open Space**

Uses in this category focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, water bodies, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to:

a. **Cemetery**

Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Columbaria, crematoria, mausoleums, and mortuaries may be operated in conjunction with the cemetery.

b. **Golf Course**

Golf courses open to the public, including accessory club houses and related outbuildings.

c. **Park and Recreation Facility**

Publicly accessible parks, playgrounds, recreation facilities, and open spaces. Examples include trails, playgrounds, soccer fields, softball fields, or picnic areas, but not including golf courses.

[386] Incorporates existing definition of "School."
[387] Consolidates and updates definitions of "Business and commercial school" and "Vocational or trade school."

C. Commercial Uses

(1) Agricultural-Related Uses

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Typical agricultural uses in an urban environment involve beekeeping, horticulture, floriculture. Standards in this Ordinance are intended to provide for compatibility between such activities and neighboring land uses and are in addition to other applicable City and state requirements governing farming and food production. Accessory uses may include parking and storage areas.

a. Community Garden

An area of land that is managed and maintained by an individual or group to grow and harvest food crops and/or non-food ornamental crops such as flowers, for personal or group use, consumption, donation, or sale. They may be divided into separate plots for cultivation by one or more individuals, may be farmed collectively by members of a group, may include common areas maintained and used by group members, and may include composting areas.

b. Urban Agriculture[388]

The production of poultry or poultry products; horticultural or nursery stock; fruit, vegetables, forage, grains, timber, or trees; or bees and apiary products, conducted on either unenclosed land or in enclosed structures, such as greenhouses and barns. There are three types of operation:

1. Indoor Operation

   All activities are conducted within completely enclosed buildings. Typical operations include greenhouses, vertical farming, hydroponic systems, and aquaponic systems.

2. Outdoor Operation.

   Activities generally are conducted in unenclosed areas or partially enclosed structures, but may include indoor operations in conjunction with outdoor operations. Typical operations include growing beds, growing fields, hoophouses, and orchards.

3. Rooftop Operation

   All allowed activities occur on the roof of a principal building as a principal use or accessory use. Typical operations include growing beds and growing trays.

(2) Animal-Related Uses

This category includes uses involving the care and keeping of animals on a commercial or non-profit basis. Accessory uses may include parking and storage areas. Standards in this Ordinance are intended to provide for compatibility between such animals and neighboring land uses and are in addition to other applicable City and state requirements governing animals.

a. Animal Grooming and Day Care

Provision of bathing, grooming, and day care services for small domestic animals on a commercial basis.

[388] *Consolidated draft: new name and more detail from the prior draft's "general agriculture."*

b. **Kennel**[389]

Any facility where animals owned by another person are temporarily boarded for compensation; provided, however, that this definition shall not apply to zoos or to veterinary hospitals.

c. **Veterinary Hospital**

A building or structure for the diagnosis and medical or surgical care of sick or injured animals, including facilities for the temporary housing of such animals. Use as a kennel shall be limited to short-term boarding and shall be only incidental to the clinic/hospital use.

(3) **Day Care**

a. **Day Care Center**[390]

Care of seven or more individuals away from their own home, for less than 24 hours a day, in a facility licensed by the state for such purposes, for compensation or otherwise, for at least three hours a day.

b. **Family Day Care**[391]

Care of at least three but not more than six individuals away from their own home, for less than 24 hours a day, in an individual's home licensed by the state for such purposes, for compensation or otherwise, for at least three hours a day.

(4) **Entertainment**

Uses in this category provide recreation and entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

a. **Entertainment, Indoor**[392]

Commercial activities conducted indoors for the purpose of physical recreation and/or amusement, including, but not limited to, gymnasiums, climbing walls, amusement arcades, billiard parlors, theaters, dance halls, bowling alleys, and indoor skating rinks. This term shall exclude outdoor recreation facilities such as miniature golf courses, drive-in theaters, and go-cart tracks.

b. **Entertainment, Outdoor**

Facilities devoted to active entertainment or recreation where activities predominately take place outdoors, including, but not limited to, go-cart tracks, miniature golf, archery ranges, sport stadiums, and may or may not feature stadium-type seating.

c. **Recreation Club, Private**

Private recreation clubs not generally open to the public, including golf courses, tennis clubs, swimming clubs, including accessory club houses and related outbuildings.

(5) **Food & Beverage**

Uses in this category include establishments that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

[389] Replaces existing definition: "Any premises on which four or more domestic animals, six months old or older are kept."
[390] Edited existing definition for "Day-care centers." Additional research necessary to ensure consistency with NYS definitions.
[391] Edited existing definition for "Family day-care."
[392] Existing definition.

a. **Bar**[393]

An establishment that allows on-premises consumption of liquor, wine, and beer, and in which the sale of food such as soups, sandwiches, and light snacks is secondary.

b. **Beverage Café**

An establishment primarily engaged in preparing and serving coffee, juice, or other non-alcoholic beverages for on- or off-site consumption. A beverage café may serve a limited food menu.

c. **Commercial Food Preparation Establishment**[394]

An establishment where food and/or drink are prepared in batch (not individual) servings to be delivered, served, and consumed primarily off-premises. This includes catering facilities, commercial kitchens, wholesale bakeries, and other establishments providing food service for large events rather than a family meal.

d. **Microbrewery or Microdistillery**[395]

An establishment that may produce or brew beer or liquor and that meets New York state requirements for a microbrewery, farm brewery, and/or farm distillery.

e. **Nightclub**

An establishment engaged primarily in offering entertainment to the general public in the form of music for dancing or live and recorded performances. The establishment engages in the preparation and retail sale of alcoholic beverages for consumption on the premises. An establishment of a similar nature that caters to, or markets itself predominantly to, persons under 21-years of age is not a nightclub but an indoor entertainment facility (see entertainment, indoor). This definition shall not include adult entertainment businesses.

f. **Restaurant**

An area or structure in which the principal business is the preparation and sale of foods and beverages to the customer in a ready-to-consume state. Drive-through facilities are permitted as accessory uses in certain zoning districts pursuant to Table 3.1: Allowed Uses.

(6) **Lodging**

This category includes for-profit facilities where lodging, meals, and other services are provided to transient visitors and guests for a defined period, less than 30 days at a time.

a. **Bed and Breakfast or Inn**[396]

An owner-occupied building containing no more than four sleeping rooms that are occupied or intended or designed to be occupied as temporary accommodations for persons who are lodged with or without meals, for compensation, but not including a rooming or boarding house, or hospital.

[393] *Consolidated draft: Added "secondary" note on food sales.* From New York State Liquor Authority definition of "On-Premises Liquor" license.
[394] *Consolidated draft: new.*
[395] *Consolidated draft: Revised to reference New York terms for the different establishment types, and to remove quantity thresholds.*
[396] Based on existing definition, but with owner-occupied term added a threshold of 4 rooms to distinguish from hotels. Also includes the existing "tourist lodging house."

b. **Hotel or Motel**[397]

A building or group of buildings containing five or more sleeping rooms that are occupied or intended or designed to be occupied as temporary accommodations for persons who are lodged with or without meals, for compensation. Accessory facilities may include dining rooms, kitchens, serving rooms, ballrooms, and other facilities for the accommodation of the public.

(7) **Office & Professional Services**

Uses in this category provide executive, management, administrative, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

a. **Business Services and Supply**

Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services.

b. **Financial Services**

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

c. **Office**[398]

Professional, executive, management, or administrative offices of private organizations, government agencies, religious or educational institutions. Examples include City offices, medical offices, administrative offices, legal offices, and architectural firms.

d. **Radio or Television Station**

A building or portion of a building used as a place to record and broadcast music, videos, television, and other related media. This use shall not include transmitting facilities or accompanying antennae, other than transmitting facilities normally associated with mobile communication units.

[397] Replaces existing definition and introduces a suggested new threshold (5 rooms or more) to distinguish from B&Bs or inns. Discuss if motel should be separated from hotel per NY code.

[398] This is a broader definition than the current Syracuse ordinance, which places medical, religious, and educational offices in separate categories. For purposes of the use table, all these uses are treated collectively in this draft; however, certain types of offices (esp. medical) may be reviewed for separate parking requirements in the next module.

(8) **Personal Services**

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

a. **Funeral Home**

An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

b. **Personal Services, General**

An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, beauty and barber shops, laundromat, massage therapy, tanning salons, tailors, shoe cleaning or repair shops, and dry cleaning pick-up and drop-off shops.

(9) **Retail Sales**

Uses in this category are involved in the sale, lease, or rent of new or used products directly to the general public, but not specifically or exclusively for the purpose of resale. Any outdoor display or sale is subject to the standards in subsection 3.4D(6)*, Outdoor Display/Sale*. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

a. **Food and Beverage Retail**[399]

A retail establishment that sells foods and/or drinks to customers for consumption off-site. This use does not include restaurants, grocery stores, liquor stores, microbreweries, and/or beverage cafes. Bakeries, candy stores, and other food stores with on-site manufacturing of products for on-site retail sales of individual servings are included; batch production is not included and is classified as "commercial food preparation establishment."

b. **Greenhouse or Plant Nursery, Commercial**

An establishment where trees, shrubs, or plants are grown for transplanting, for use as stocks for building and grafting, or for sale.

c. **Liquor Store**

A licensed retail sales establishment selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site.

d. **Retail, General**[400]

A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to: apparel shops, appliance sales, auto parts store without service, bookstores, department stores, factory outlet stores, florists, gourmet/specialty food stores, grocery stores, and similar consumer goods. This use does not include commercial greenhouses or liquor stores.

[399] *Consolidated draft: New.*
[400] *Consolidated draft: Clarification on bakeries is new.*

(10) **Vehicles and Equipment**

Uses in this category include a broad range of uses for the maintenance, sale, or rental of vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

a. **Automobile Rental**[401]

The utilization of land or buildings or portions thereof for the parking or storage and renting or leasing of vehicles and/or trailers. This term shall not include maintenance or repair facilities, nor shall this term include the servicing, repair, or dismantling of vehicles, activities which are encompassed by separately defined terms.

b. **Automobile Repair, Heavy**[402]

The utilization of a building or portion thereof for any or all types of vehicle repair and servicing but not including dismantling as regulated by the State of New York. This term shall not include the outside storage of vehicle hulks and parts (see "junk yard"). This term shall be distinct from "automobile sales" which encompasses vehicle maintenance or repairs as a related accessory function.

c. **Automobile Repair, Light**[403]

The utilization of a building or portion thereof for maintenance and servicing of vehicles, including repairs that do not require the removal of engines or transmissions or require body or frame work. This term shall not include dismantling as regulated by the State of New York. Further, this term shall not include the outside storage of vehicle hulks and parts (see "junk yard"). This term shall be distinct from "automobile sales," which encompasses vehicle maintenance or repairs as a related accessory function.

d. **Automobile Sales**[404]

The utilization of land or buildings or portions thereof for the storage, display, and retail sale of new or used vehicles. This term shall also include related accessory vehicle maintenance and repair services and incidental leasing or rental of new or used vehicles. This term shall include the incidental sale of used vehicles when such vehicles are stored and displayed on the same premises utilized for the retail sale of new vehicles.

e. **Automobile Storage and Impoundment**[405]

Any lot or piece of land, including buildings, at which unregistered vehicles not for retail sale to the general public are stored awaiting transfers of vehicle title or at which registered vehicles are impounded awaiting reclamation by their owners or transfers of vehicle title resulting from failure of reclamation by the owners. This term shall not include any vehicle dismantling or scrap metal processing and shall be distinguished from "parking lot" and "parking structure."

[401] Existing definition.
[402] Existing definition.
[403] Existing definition.
[404] *Consolidated draft: This is a new consolidation of new and used auto sales. Based on the existing definition of "motor vehicle sales."*
[405] Existing definition.

f. **Car Wash**[406]

A structure designed for washing and/or cleaning of vehicles, involving manual wash, self-service, and coin-operated automatic or semi-automatic type equipment machines.

g. **Gasoline Fueling Station**[407]

An installation or building in which the public sale of gasoline from tank storage and petroleum products is made at retail on the premises, and which may or may not include facilities for the servicing of vehicles. The use also may have an integrated convenience retail store and/or a restaurant, depending on the zoning district.

h. **Parking Lot**

An open, hard-surfaced area, other than a street or public way, to be used for the temporary storage of operable vehicles, and available to the public, whether for compensation or for free. This use type does not include off-street parking that is provided as accessory to principal use. This use does not include multi-level structured parking.

i. **Parking Structure**

A multi-level structure to be used for the temporary storage of operable vehicles, and available to the public, whether for compensation or for free. This use type does not include off-street parking that is provided as accessory to principal use. This use does not include parking lots.

D. Industrial Uses

(1) **Industrial Services**

Uses in this category include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

a. **Building Materials Sales**[408]

An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage. Operations may be indoor and/or outdoor.

b. **Fuel or Oil Storage and Distribution Facility**

A permanent facility for the storage of gasoline, propane, butane, or other petroleum products offered for wholesale distribution (not for direct sale to the general public).

c. **Industrial Service, General**

A facility or area for industrial services designed to support industrial or heavy commercial activities in the vicinity, provided that such services are not listed separately as a permitted or special use in this Ordinance. Examples include, but are not limited to: construction storage yard; welding shops; electric motor repair; repair, storage, salvage, or wrecking of heavy machinery; heavy truck servicing and repair; as heating, ventilation, cooking and

[406] *Consolidated draft: Changed name from "automobile wash." Combination of attended and automatic washes in one use type.* Existing definition.
[407] Existing definition.
[408] Proposed new name and definition.

refrigeration supplies; motion picture production; plumbing supplies; printing and photocopying; exposition building or center; dry cleaning or dyeing; and other similar uses.

d. **Innovation and Research-Oriented**

[reserved for further discussion]

(2) **Manufacturing and Production**

Uses in this category include all transformative processes, regardless of whether or not the new product is finished or semi-finished. This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

a. **Manufacturing, Artisan**

Establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of tools and small-scale equipment. Activities do not involve the creation of noxious by-products.

b. **Manufacturing, General**

Establishments engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, machine shops; welding shops; paint shops; and printing and publishing shops.

(3) **Transportation**

Uses in this category are primarily associated with the operation of vehicles, trains, and boats.

a. **Motor Freight or Fleet Terminals**

A central facility for the distribution, storage, loading, and repair of motor freight or fleet vehicles, with or without associated dispatch services and offices. This definition includes uses such as courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; and taxi services.

b. **Transportation Terminal**[409]

A building and its land that serves as a site for passengers to transfer from one means of transportation to another, including the incidental transfer of goods, or where transportation vehicles are parked or stored. .

(4) **Utilities and Infrastructure**

This category includes all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution,

[409] Existing definition.

collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

a. **Antenna**[410]

Any exterior transmitting or receiving device mounted on a tower, building, or other support structure fixed to the ground and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

b. **Tower**[411]

Any fixed structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio or similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structure itself and any physical supports thereto. The term includes radio and television transmission towers, microwave towers, and alternative tower structures, but does not include mobile units or those installations associated solely with residential radio and television reception, citizen band antennas, or towers and antennas under 70 feet in height, owned and operated by federally-licensed amateur radio station operators.

c. **Utility, Major**

Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or utility providers.

d. **Utility, Minor**

Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, and underground water and sewer lines.

(5) **Warehouse and Freight Movement**

Uses in this category are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

a. **Oil Storage Tank**[412]

[reserved]

b. **Mini-storage**

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

[410] Existing definition.
[411] Existing definition.
[412] Existing use; need definition. Can this be combined with Fuel Distribution Facility?

c. **Storage Yard**

Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable vehicles, construction equipment, construction materials, or other tangible materials and equipment, regardless of how long such materials are kept on the premises.

d. **Warehouse**

A structure used primarily for the storage of raw materials, goods, or property.

e. **Wholesale Distribution**

An establishment for the distribution of products, supplies, and equipment to retailers, to industrial, commercial, institutional, or professional users, or other wholesalers. Uses include, but are not limited to: feed mills, granaries, and elevators; household moving and general freight storage; cold storage plants, including frozen food lockers; parcel services; major post offices; and grain terminals. This shall not include retail sales, heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

(6) **Waste and Salvage**[413]

Uses in this category receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

a. **Indoor Dismantling Facility**[414]

A building in which vehicles or parts thereof are dismantled in accordance with state regulations and licensing. This term shall not include dismantling conducted outdoors, with the exception of fuel tank removal as may be required by applicable fire safety regulations, nor shall this term include the outside storage of unregistered vehicles, vehicle hulks or parts, or other junk or discarded material. This term shall be distinct from the terms "junk yard" and "automobile storage and impoundment yard."

b. **Indoor Recycling Center**[415]

A building in which discarded nontoxic objects and materials are sorted and reclaimed using means that do not require chemical, electrical, or heating processes. This term shall specifically exclude the reclamation or treatment of any liquids, gasses, vehicles or parts thereof, machinery, tools, or toxic solids. This term further excludes the outdoor stockpiling of material to be processed.

c. **Junkyard**[416]

Any lot or piece of land that is utilized in whole or in part for the outdoor storage, stockpiling, or accumulation of discarded metallic and/or nonmetallic material and that is not an integral part of premises used for scrap metal processing (see "scrap metal

[413] City legal staff notes that they need to spend more time thinking through these definitions to see if they need tweaking, specifically as it relates to the storage and dismantling to vehicles.
[414] Existing definition.
[415] Existing definition.
[416] Existing definition.

processing"). Discarded material shall include, but not be limited to, vehicle hulks, parts of vehicles, and scrapped machinery and equipment. This term includes, where consistent with state and local regulations, the dismantling of vehicles, conducted indoors or outdoors, as an activity incidental to the storage, stockpiling, or accumulation of discarded material and subject to the limitations set forth in this Ordinance. This term shall not include the storage of trash or garbage. For purposes of interpretation, the outdoor storage of wastepaper and rags shall be considered within the meaning of "trash." Wastepaper and rags stored indoors, if in accordance with applicable regulations, may be considered "commodities" as used in the definition of "warehouse."

d. **Scrap Metal Processing**

The preparation, in or out-of-doors, of discarded machinery and equipment, metal parts, or fragments of metal discarded as waste in manufacturing for further use in a metallurgical process. This term shall include the outdoor stockpiling of material necessary to be processed.

E. Accessory Uses

Uses in this category are related to but incidental and subordinate to the principal use on the same lot.

(1) **Accessory Dwelling Unit**

A subordinate dwelling unit added to, created within, or detached from a single-family residence, but located on the same lot or parcel as a primary residential structure, that provides basic requirements for living, sleeping, cooking, and sanitation.

(2) **Caretaker's Quarters**

Accessory housing for an employee acting as a caretaker, custodian, or security personnel for a principal use on the same property.

(3) **Carport, Garage, Carport, or Utility Shed**

Any garage or other accessory building used or intended for use as vehicle or equipment storage.

(4) **Drive-Through/Drop-Off Window Uses**

An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.

(5) **Home Occupation**[417]

a. A home occupation is an accessory activity, subject to compliance with all applicable laws and regulations, that is distinguished from commercial activities that constitute principal uses and from hobby activity. A home occupation is also distinct from taking in roomers, boarders, or other paying guests or tenants, which is subject to separate definitions and regulations.

b. Home occupations are further distinguished from garage sales or yard sales and home parties conducted for the purpose of sale or distribution of goods and services. Garage and yard sales are incidental to a residence, if the total of all such sales does not exceed two in any calendar year. Home parties not exceeding six in any calendar year are also incidental

[417] Consolidated draft: Relocated the regulatory portions of this definition into the Home Occupation use standards. Existing definition.

to a residence. Garage sales, yard sales, and home parties in excess of these numbers shall be considered separate uses subject to applicable restrictions and prohibitions.

(6) **Outdoor Display/Sale**

The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber setbacks.

(7) **Outdoor Storage, Accessory**

Storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. Storage is subordinate to a lawful principal permitted or special use.

(8) **Produce Stand**

A structure or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. This definition includes when accessory to a primary use of the property the sale of items such as : other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts, provided that no commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.

(9) **Retail Sale of Products Directly Related to Primary Industrial Use**

The display and sale (or rental) of products subordinate to a lawful principal permitted or special on-site industrial use.

(10) **Satellite Dish Antenna**

Any antenna and related supporting framework that includes a parabolic dish with either an open mesh or solid surface and which is used for the capture of electromagnetic or other communication signals. This term shall not include radar devices.

(11) **Solar Energy Collection System**

Any solar collector or other solar energy device, certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.

(12) **Swimming Pool**[418]

Any receptacle for water having a depth at any point of more than two feet, or having a surface area exceeding 250 square feet, which is intended for recreation purposes, and including all appurtenant decks, walks and equipment constructed, installed, and maintained in or above the ground outside of the principal structure to which the pool is accessory.

(13) **Wind Energy Conversion System**

A wind turbine and associated parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy, and that is intended primarily to reduce on-site consumption of utility power.

[418] Existing definition.

F. Temporary Uses and Structures

An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

(1) **Temporary Uses**

a. **Farmers' Market**

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

b. **Mobile Food Cart**

A vending cart used for the temporary business of selling prepared food items.

c. **Special Event**

A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include, but are not limited to carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, equestrian shows and events, corporate receptions, and weddings.

(2) **Temporary Structures**

a. **Office and Equipment Storage**

The temporary use of land prior, during, and after activities that involve equipment, storage, loading or unloading of materials or equipment, or offices, and accessory structures such as fences, walls, buildings, and barricades. Includes temporary construction offices; temporary real estate offices.

b. **Produce Stand, Seasonal**

A produce stand, as defined in this Ordinance, that exists and is operated on a temporary basis for the sale of seasonal produce.

7.3 Other Definitions

Commentary

Current relevant definitions carried forward below. Definitions highlighted in yellow were either added or revised. New definitions (not currently defined in Syracuse) are noted as such in the footnotes.

Active Consideration
An application is considered under active consideration from the time that the Board has determined the application is complete until the final determining body has completed its review and has taken action.

Adaptive Reuse
Conversion of a building originally designed for a certain purpose to a different purpose.

Adjacent
The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, or street.

Administrative Adjustment
A development approval authorizing limited deviations from certain provisions of this Ordinance's dimensional or numerical development standards that is reviewed under subsection 5.5B.

Apiary
Keeping or propagation of honeybee colonies for collection of honey or other bee products.

Applicant
A person whom submits a development application requesting a development permit or approval authorized by this Ordinance.

Aquaponic System
The symbiotic propagation of plants and fish in an indoor, constructed, and recirculating environment.

Arterial Street
A street defined as an "arterial" by the Planning and Policy Committees of the Syracuse Metropolitan Transportation Council.

Awning
A framed, decorative roof-like cover attached to a building facade for the purpose of protecting doorways and windows from rain and sunlight exposure.

Block Face
The properties on one side of a street, from one intersection to the next.

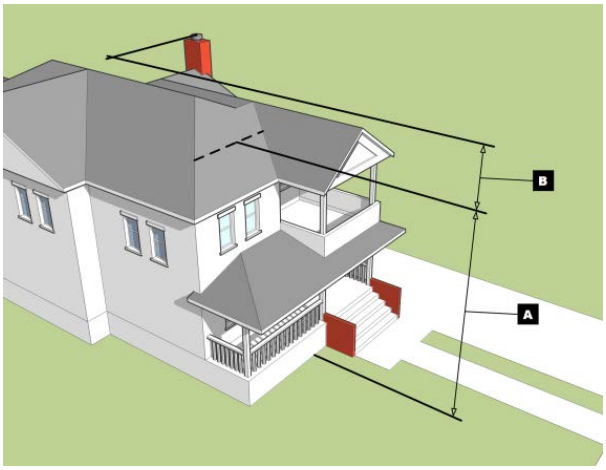
Board
City of Syracuse Landmark Preservation Board

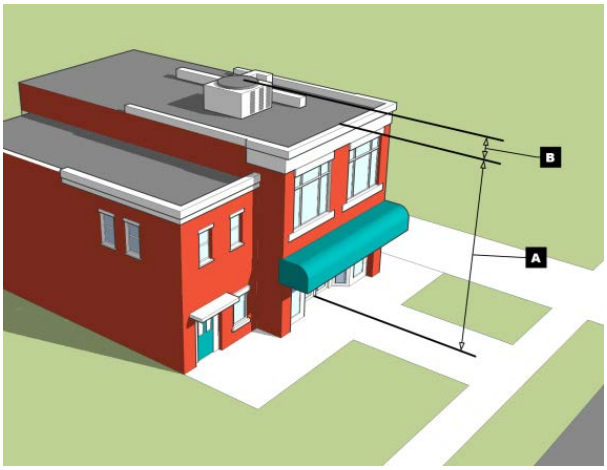
Building
Any structure with exterior walls and a roof. Structural connections such as a covered walkway or canopy, porch, roof, foundation walls, tunnel and/or horizontal shaftways, or other similar structural connections above or below ground, enclosed or otherwise, shall not be construed as creating a single building from two or more buildings.

Building, Accessory
A subordinate building, the use of which is incidental to that of the primary building and located on the same lot.[419]

Building Height[420]
The vertical distance from the proposed finished grade from the center of the front of the building or structure to the highest point of the roof for flat roofs, or to the mean height between eaves and ridge, for gable, hip, gambrel, or mansard roofs (see "A" in figures below). The highest point of the roof shall exclude rooftop appurtenances and/or equipment as provided in Table 2.18-2 (see "B" in figures below).

Figure 7-1: Building Height





Building Line
Shall mean "setback line," as defined in this Ordinance.

Building Official
The municipal officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of this law. Except as otherwise provided for, the Director of the Division of Code Enforcement or designee of such officer shall be the building official.

Building, Primary
A building or group of buildings in which the main or principal use conducted on the lot.

Certificate of Appropriateness
A certificate issued by the City of Syracuse Landmark Preservation Board authorizing a material change of appearance of a building, structure, site, landscape, or object designated as a Protected Site or within a Preservation District, subject to other applicable permit requirements.

Certificate of Occupancy
A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of buildings and structures, certifying that such buildings, structures, and uses have been constructed and will be used in compliance with the Syracuse Code of Ordinances.

[419] Revised since Module 1 to refer to "primary building" instead of "main building" and "lot" instead of "plot."
[420] New definition and illustrations. The current ordinance does not have a clear definition of building height. This new definition is intended to codify existing policy.

City
The City of Syracuse.

City Code of Ordinances
The revised general ordinances of the City of Syracuse.

Collector Street
A street defined as a "collector" by the Planning and Policy Committees of the Syracuse Metropolitan Transportation Council.

Comprehensive Plan
The Comprehensive Plan for the City of Syracuse, stating the goals, recommendations, and policies as adopted by the Planning Commission and Common Council.

Construction Plans
Technical engineered drawings demonstrating compliance with this Ordinance, the Building Code, and the City of Syracuse Engineering and Technical Specifications Manual.

Dangerous Conditions
A determination made by an enforcement agency that circumstances exist, which if not corrected, constitute a threat to the life, health or safety of the general public or such other persons for whose protection such regulations were intended. Such determination may be verbal or in writing. The term "enforcement agency" shall refer to any public agency or official having jurisdiction to issue orders affecting the life, health and safety of persons within the City of Syracuse, including by way of illustration, police, fire, civil defense, health, building and related code enforcement personnel.

Demolition
Partial or complete demolition of an improvement.

Design Guideline
A standard of appropriate activity that will preserve the historic, aesthetic, cultural and architectural character of a building, structure, site, landscape, object, or district.

Developer
Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

Development
The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, logging, excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Districts
Parts of the City for which the regulations governing the use and occupation of property are the same.

Dwelling
A place of abode; a private house designed or used as a residence. For the purpose of these rules, a dwelling shall be distinguished from an apartment house or hotel by not containing more than four (4) families.

Dwelling Unit
A single unit providing complete independent facilities including permanent facilities for living, cooking, sanitation, and sleeping for the use of one family. For the purpose of applying density rules in fraternities,

sororities, chapter houses, colleges, boarding houses, rooming houses, care homes and the like which provide other than independent living units, four persons shall be deemed equivalent to a family or dwelling unit.

Easement
A grant by a property for use of land for designated private or public purposes by another agency or the public.

Exterior Building Component
Any exterior structural, ornamental, or functional element of a structure which shall be open to public view including, but not limited to, type, color and texture of building materials; entry ways; fenestration; lighting fixtures; roofing; sculpture and carving; steps; rails; fencing; vents and other openings; grillwork; signs; canopies; and other attachments.

Façade
The exterior walls of a building exposed to public view or any side of a building facing a street or other open space.

Façade, Primary
The façade of a building oriented toward the primary street frontage.

Family

(1) A householder plus one or more persons related by blood, marriage or adoption living together in a family-like arrangement as a single, not-for-profit housekeeping unit sharing one common kitchen facility; or

(2) A group of persons headed by a person or persons responsible for providing care for a reasonable number of individuals, sharing one common kitchen facility, in a family-like living arrangement which is the functional and factual equivalent of a family of related persons; or

(3) One or more persons occupying a premises and living together as a single housekeeping unit, subject to a limit of not more than five unrelated persons 18 years of age or older.

Gross Floor Area
The total floor area of all stories of a building or buildings, measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage (including basements), but not including any uncovered or unenclosed porches, patios, or decks.

High-Rise Building
A structure seventy-five feet or more in height.

Horizontal Articulation
The way in which a building wall surface is broken down into horizontal modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Hydroponic System
Propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growing media.

Infill
Land development that occurs within designated areas based on local land use or adopted plan where the surrounding area is generally developed, and where the site or area is either vacant or has been previously used for another purpose.

In-Kind Repair and Replacement
To repair or replace a feature of a building, structure, site, landscape or object using the same material, design, dimensions, texture, detailing and exterior appearance.

Interior Building Component
Any structural, ornamental or functional element of a structure located within the interior of a public building or other building accessible to the general public, including, but not limited to, entry ways; lobby areas; hallways and corridors; auditoriums and places of public assembly; galleries and exhibition areas; and interior courtyards.

The structural, ornamental or functional elements referred to herein shall include, but not be limited to: type, color and texture of building materials; lighting fixtures; flooring; ceilings; ornamental woodwork; moldings and trim; casings; stairs; rails; masonry; paintings and works of art; sculpture and carving; doors; transoms and sidelights; fenestration; skylights; and other interior elements.

Intersection Sight Triangle[421]
An area formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of 25 feet from their intersection.

Lot
An area contained within lot lines shown on a properly recorded subdivision map or similar document approved pursuant to this Ordinance or any previous zoning or subdivision code of the City of Syracuse or described in a deed recorded prior to March 19, 1962, or approved as a lot by any applicable regulation. Areas shown on maps or described in deeds that are contiguous shall be deemed separate lots unless otherwise specified as one lot in such map or deed.[422]

Lot Alteration
Any change in the dimension or orientation of a lot line not resulting in or constituting subdivision or resubdivision as defined herein, where there is no increase in the number of lots and no reconfigured lot is in excess of 10,000 square feet in area.

Lot, Double Frontage
A lot that has fronts two or more streets front to back.

Lot Line
The established division line between different parcels of property.

Material Change in Appearance
The treatment of a property designated as a Protected Site or situated within a Preservation District, including the land and improvements, which is described in any of the following categories:

a. A change in bulk, location or mass of exterior building components and, if designated, interior building components, of any structure, including partial or total demolition or construction of new structures or additions to existing structures.
b. A change in the texture or material composition of exterior building components of a structure.
c. A change in color.
d. Any process used to clean or treat exterior or interior building components of a structure which can reasonably be expected to cause discoloration, pitting or other change in the

[421] From definition of corner visibility in the sign regulations, Section C.VI.5.G.
[422] Final sentence is existing. Staff has asked for clarification, but we are unsure of the original intent.

surface or durability of the material being treated, including power blasting, whether or not involving the use of additives.

e. Any change in design or location of advertising on the exterior of any structure, or sign work as defined by the Sign Ordinance of the City of Syracuse.

f. Any activity constituting excavation, modification to land contours, or installation of pavement for parking lots, driveways or sidewalks.

g. Any activity involving the deposit of refuse, waste or fill on land not previously used for such purposes.

Maximum Extent Practicable
Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance.

Multi-Family Dwelling
One designed for or occupied by three or more families as a residence.

Noncommercial Speech
Speech where the speaker is not engaged in commerce and the intended audience is not actual or potential customers.

Nonconforming Lot
A lawfully established lot created prior to adoption of this Ordinance that does not comply with the minimum lot size requirements of this Ordinance.

Nonconforming Sign
A lawfully established sign constructed or installed prior to adoption of this Ordinance that does not comply with the sign regulations of this Ordinance.

Nonconforming Site Feature
Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that lawfully existed prior to adoption of this Ordinance but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this Ordinance.

Nonconforming Structure
A lawfully established building or structure constructed or installed prior to adoption of this Code that does not comply with the area, height, or placement regulations of this Code.

Nonconforming Use
A use that lawfully existed prior to adoption of this Code, but does not comply with the terms of this Code.

Open Space
An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes.

Ordinary Maintenance and Repair
Any routine repair, replacement or maintenance of any damaged or worn part of an improvement where the purpose and effect of such work or replacement is to correct any deterioration or decay of, or damage to such improvement or any part thereof and to restore same to its condition prior to the occurrence of such deterioration, decay or damage.

Parcel
A unit of land created by partitioning. When referencing lot configurations or lot dimensions, the term "parcel" may be used interchangeably with the term "lot." See also "tract" and "lot of record."

Person with a Disability
Any person who has a physical or mental impairment that limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Planned Development District (or PDD)
A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts established by this Ordinance. Planned Development Districts are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development. Approval of a PDD shall require a rezoning pursuant to subsection 5.6B.

Planned Institutional District (or PID)
A development designed to accommodate the orderly, cooperative, and flexible development and expansion of institutional land uses in patterns or layouts not otherwise permissible in other zoning districts established by this Ordinance. Planned Institutional Districts are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development. Approval of a PID shall require a rezoning pursuant to subsection 5.6B.

Planning Commission
The Planning Commission of the City of Syracuse.

Preservation District
A geographically definable area so designated pursuant to this Ordinance, which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically by past events or united aesthetically by plan or development. A Preservation District also may comprise individual elements, separated geographically, but linked by association or history.

Property Line
The established boundary lines of the right-of-way of a street, alley or public thoroughfare (also known as "street line").

Protected Site
A building, structure, site, landscape, or object, or any part thereof, so designated pursuant to the provisions of this Ordinance.

Quasi-Judicial[423]
Actions or procedures relating to or involving an executive or administrative official's adjudicative acts.

Quasi-Judicial Hearing
A public hearing that is judicial-like in only applying the existing adopted regulations or policies to a specific development application, as opposed to the legislative-like creation of new laws or policies or judicial proceedings that may set a precedent that may apply to any future cases.

Reclamation
The act or an instance of improving the value of economically useless land by physically changing the land, including, but not limited to, removal of contaminated material, grading, erosion and sedimentation control, and revegetation.

[423] *Consolidated draft: new.*

Revised General Ordinances
The revised general ordinances of the City of Syracuse.

Rezoning
A change in the zoning district classification applied to land by the Official Zoning Map, reviewed and decided by the Common Council under subsection 5.6A.

Setback, Front
An open space unoccupied on the same lot with the main building, extending the full width of the lot and situated between the front line of the lot and the extreme front line of the building projected to the side lines of the lot. The depth of the front setback shall be measured between the extreme front line of the building and the front line of the lot. Covered porches shall be considered as part of the main building and shall not project into a required front setback, whether enclosed or unenclosed. The front setback depth or front setback requirement for corner lots shall be measured from the property line which has the smallest street frontage.

Setback Line
The distance from the street line to the part of the structure nearest the street, measured at right angles to the street line.

Setback, Rear
An open space on the same lot with a main building, unoccupied except as hereinafter otherwise permitted, extending the full width of the lot and situated between the rear line of the lot and the extreme rear line of the building projected to the side lines of the lot. The depth of the rear setback shall be measured between the rear line of the lot, or the center line of the alley if there be an alley, and the rear line of the building.

Setback, Side
An open space unoccupied and unobstructed by buildings, or structures from the ground to the sky except for landscaping, fencing, walls, driveways or parking located on the same lot with a main building situated between the side line of the building and any integral projection therefrom and the adjacent side line of the lot and extending from the rear line of the front setback to the front line of the rear setback. If no front setback is required, the front boundary of the side setback shall be the rear line of the lot.

Sign
An emblematic design, including those which are composed of light rays only, calculated to attract public attention to a product, service, undertaking, message, or idea encompassing activities both on and off the property where such designs are situated, including what are commonly termed billboards, posters, symbols, and similar devices, of whatever composition, size, location, or color. [424]

> **Abandoned Sign**
> Any sign where the activity, product, service, or other item relative to the message of the sign has been discontinued for a period of 90 days or more.
>
> **Animated Sign[425]**
> A sign or any portion thereof having movement effected by mechanical, electronic, or natural means, including by way of illustration and not limitation, rotating signs, wind signs and signs where movement is simulated by illumination devices. This term shall include the use of blinking, flashing and general intermittent light, as opposed to light of a constant intensity and value. Any sign where

[424] Added "message or idea."
[425] Omits exclusion for time and/or temperature devices, which are incorporated into electronic changeable message signs.

the duration of a message and/or image is less than four seconds shall be considered animated. This term shall not include feather signs.

Awning Sign
A sign integrally attached or imprinted on the face of an awning.

Brightness of Sign[426]
Two aspects of brightness are relevant to signs: 1) the brightness that signs project, and 2) the brightness of their surroundings during various times of day, i.e., ambient brightness. Sign faces are either reflective or emit their own light or are a combination of both. Reflective sign faces use ambient light to be seen or provide light external to their surfaces for illumination. Sign faces emitting light have light-emitting diodes, liquid crystal displays, internal bulbs, neon tubes, fiber optics, or other internal lighting sources. Several different units are used in the measure of light: One candela is the power of a light source in one direction with the intensity of a typical candle; a NIT is one candela per square meter; a lumen is a unit of luminous flux of one steradian from a uniform point source with an intensity of one candela; and a lux (lx) is the luminance of one lumen on a one square meter surface.

Electronic Changeable Message Sign
A sign, other than an off-premise sign, that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Feather Sign
A temporary sign with a vertically elongated sign face made of flexible fabric held taut or semi-taut by a pole to which the sign face is attached.

Ground Sign
A sign that is supported by one or more upright posts or braces in or upon the ground, or a monument sign.

Marquee Sign
A sign that is attached to or hung from a canopy or similar structure projecting from a building.

Monument Sign
A type of detached ground sign whose sign surface is attached to a base or structural frame, the width of which shall be a minimum of one half the width of the widest part of the sign face. The base shall not exceed a height of three feet above the average finished grade. An enclosed or solid sign base shall not be required if the sign face is within two feet of the average finished grade. The materials of the base of a monument sign shall be either masonry, wood, anodized metal, stone or concrete.

Official Government Sign[427]
A sign established pursuant to governmental authority or used for the identification of public buildings, facilities and activities sponsored by or of an official character such as traffic regulation devices authorized by the Vehicle and Traffic Law of the State of New York or the Traffic Code of the City of Syracuse, Civil Defense warning, railroad crossing designations, bus stops and any other sign authorized and required under local, state or federal law. Official government signs also include signs

[426] This is existing language. We understand from staff that the city currently is using NITS and Footcandles to measure brightness, consistent with this definition, and rely on the applicant to supply the documentation. If it exceeds the restrictions and a complaint is called in, Code Enforcement will cite.
[427] From C.VI.4.F.1, "official sign" combined with the definition of C.VI.4.I.1, "public safety sign."

designed for the protection and safety of the general public, such as warnings, danger areas, trespassing notices, work areas, utility warnings, street elevators, sentry dogs, security systems, safety warning devices, and similar notices.

Off-Premise Sign[428]
A sign that directs attention to a business, product, service, message, idea, or entertainment not conducted, sold, or offered upon the lot/property where the sign is located.

Portable Sign
Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Projecting Sign
A sign that is affixed to any building wall or structure and extends beyond the building wall or parts of the building, structure, building line, or property line by more than 15 inches horizontally, and no portion of which projects above the roof line or parapet of a building.

Roof Sign
A sign, other than a wall sign, any portion of which is either situated above the upper edge of any building wall or parapet or erected or painted on or above the roof covering any portion of a building, including signs supported on the roof or on an independent structural frame or located on the side or roof of a penthouse, roof tank, roof shed, elevator housing, or other roof structure.

Temporary Event Sign
A sign designed exclusively to inform the general public of a fundraising campaign, political campaign, social event, civic undertaking, annual festivity, or similar even of a temporary nature sponsored by a nonprofit organization or governmental entity.

Wall Sign
A sign that is affixed and parallel to an exterior wall of a building, projecting not more than 15 inches from the building, and extending not more than three feet above the roof line or parapet of the building. A sign extending above the roof line or parapet of the building by more than three feet shall be considered a roof sign.

Window Sign
Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes, or glass and is visible from the exterior of the window.

Sign Orientation
The expected vantage points from which legibility is reasonably possible. This is not be confused with the vantage points from which a sign and its appurtenances can be seen without the copy being legible. Sign orientation is referred to with respect to placement of signs and, in cases of off-premise signs, sign spacing and the degree of sign concentration or saturation in given areas.

Sign Structure
The supports, uprights, bracing, and framework of the sign.

Sign Structural Trim
The molding, batten, capping, nailing strips, latticing, and platforms that are attached to the sign structure.

[428] Replaces current "off-premise advertising sign."

Sign Display Surface
The display surface is the total surface made available by the structure, either for the direct mounting of letters, illustrations, symbols, figures, insignia, and other devices employed to express and illustrate the message of the sign, or for the mounting of facing material intended to carry the entire message.[429]

Sign Face
The sign face is the individual surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign Maintenance
Routine maintenance, including minor repairs, such as repainting, bulb replacement and repair of electrical or mechanical parts.

Sign Copy Changes
Change of copy on a sign, the customary use of which involves frequent and periodic changes of copy such as those customarily associated with theatre marquees and bulletin boards. Changeable copy shall include message and/or image changes on Off-Premise Advertising Signs where the duration of the message/image is no less than eight seconds.

Yard Sign
A non-permanent sign constructed of paper, vinyl, plastic, wood, metal, or other material that is intended to be displayed for a limited duration.

Single Housekeeping Unit[430]
A group of persons that live and cook together in a common household.

Site Plan
A plan drawn to scale showing uses and structures proposed for a lot, including all associated submittal materials specified in this Ordinance.

Site Plan Review
Review of site plans according to the procedures in subsection 5.4A.

Special Use Permit
A type of approval issued pursuant to subsection 5.4B for uses designated in Table 3.1: Allowed Uses, as requiring special use permit approval.

Spillover Lighting
Also called "light trespass." Unwanted light that causes annoyance, discomfort, distraction, or a reduction in visibility.

Stop-Work Order
An order issued by the Director of Code Enforcement that directs the person responsible for an activity in violation of this Ordinance to cease and desist such activity, pursuant to subsection 1.6D(3)*Stop-Work Orders*.

Street Frontage
The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

[429] Removed the term "advertising."
[430] New, intended to help support the definition of "family." We did not find any good existing definitions of this term yet in our research. "Live and cook" is from the Poughkeepsie ordinance.

Street Frontage, Primary
Street frontage to which the primary building on the site is oriented, generally the street containing the primary pedestrian entrance to the building and/or the numbered street address of the building.

Structure
Including anything constructed or erected, the use of which demands a temporary or permanent location on the soil, or attached to something having a temporary or permanent location on the soil.

Three-Family Dwelling
One designed for or occupied by three families as a residence.

Tract
A unit of land created by partition or subdivision, created for and limited by deed restriction or dedication to a specific use, including but not limited to access, utility placement, vehicle storage, open space, or significant natural resource areas. In phased developments, the term may also be used to describe units of land intended for future development.

Two-Family Dwelling
One designed for or occupied by two families as a residence.

Use
The purposes for which a structure or premises, or part thereof is occupied, designed, arranged or intended.

Variance, Area
The authorization by the Board of Zoning Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable regulations of this Ordinance, including any requirements of Section 4.8, *Signs*.

Variance, Use
The authorization by the Board of Zoning Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable regulations of this Ordinance.

Vertical Articulation
The way in which a building wall surface is broken down into vertical modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Zoning Districts
Parts of the City for which the regulations governing the use and occupation of property are the same.