PART C

SECTION I GENERAL REGULATIONS

Article 1 Boundaries

1. Where zone and district boundaries shown in said Zoning Plan and Map are not streets or alleys, and where the property has been or hereafter may be divided into blocks and lots, said zone and district boundaries shall be construed to be the lot lines nearest to the boundary line of such zones and district.

2. In unsubdivided property the zone boundary lines may be determined by the scale shown on the sectional maps of said Zoning Plan and Map now on file in the Office of the City Planning Commission and whenever there is an uncertainty as to the exact location of any zoning boundary line, such line shall be determined by said sectional maps.

PART C

SECTION I GENERAL REGULATIONS

Article 2 Building and Lot Requirements

1. Nothing in these rules and regulations, restrictions or prohibitions shall be construed as changing the plans of uses of present buildings, or the constructions, use or occupancy of any building for which a permit has heretofore been issued according to law, and the construction of such has been diligently prosecuted within three (3) months after the date of such permit.

2. No permit shall be issued for any building or group of buildings unless the plot plan filed with said permit shall bear 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

   b. constitutes a resubdivision and/or lot alteration approved by the City Planning Commission, or

   c. constitutes a lot alteration approved by the Zoning Administrator provided that such lot alteration is limited to properties in Residential A-1, A-2, A, or AA zone districts, or

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

3. 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 which does not:

   a. have a minimum frontage of fifty (50) feet on an accepted public street or on a private roadway, the latter having a minimum right-of-way width of fifty (50) feet; or

   b. have a minimum width measured at the required building setback line of fifty (50) feet and having a frontage on an accepted public street or on a private roadway, the latter having a minimum right-of-way width of fifty (50) feet.

4. Paragraph 3 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 which:

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

   b. contains at least one (1) complete lot described in a deed or deeds recorded in the Office of the County Clerk prior to March 19, 1962, or

   c. has been approved by the City Planning Commission, and measures at least forty (40) feet in frontage and one hundred (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 two hundred (200) feet of the proposed lot, or within the same block face if the block face is less than four hundred (400) feet.

5. No change in the dimension of any lot existing on March 19, 1962, through sale or otherwise, shall thereafter be made which shall render the use of said lot in violation of any of the provisions of this Ordinance, except that if a planned development is approved by the City Planning Commission in accordance with Part C, Section V, then the platting of individual lots as approved therein, and the conveyance of individual dwelling units and lot shall be permitted by the City Planning Commission and such lots and dwelling units shall not thereafter be deemed to be nonconforming within the meaning of this Ordinance.

6. Special Setback Restrictions:

   a. Setback Lines - 50% or More Occupancy - When 50% or more of the lot frontage in a block is occupied by existing buildings, the setback line for new buildings or for additions to existing buildings, shall be determined by an average established between the setback lines of the nearest buildings in the block within two hundred (200) feet in each direction, except that on corner lots the setback line on the side street shall be not less than 15% of the total front width of the lot, but need not exceed the established setback line for the side street.

   b. Setback Lines - Less Than 50% Occupancy - When less than 50% of the lot frontage in a block is occupied by existing buildings, the setback line for new buildings or for additions to existing buildings shall be established by an average of:

      (1) the actual setback lines of existing structures in such block, and

      (2) the minimum required setback line for each vacant lot as heretofore provided in the appropriate articles of this Ordinance, or if the property is not subdivided into lots, each fifty (50) feet of street frontage of such property in such block shall be deemed a lot for the purposes thereof.

   c. Maximum Setback Requirements - In no case shall a building be required to setback farther than the maximum distance hereafter established for the zone in which it is situated as follows:

      (1) Residential A-1 - the maximum required setback shall be forty- five (45) feet.
      (2) Residential A - the maximum required setback shall be thirty (30) feet.
      (3) Residential AA - the maximum required setback shall be thirty (30) feet.
      (4) Residential B-1 - the maximum required setback shall be twenty five (25) feet.
      (5) Residential B - the maximum required setback shall be twenty (20) feet.

7. Surveys:

   a. Except on lots used solely for single- and two-family dwelling purposes when the erection or alteration of a structure includes construction or alteration of any exterior foundation wall or member, no further construction beyond placement and erection of the foundation for such wall or member shall be undertaken until a survey, showing the exact location of the new foundation relative to the boundaries of the lot on which it is situated, prepared and certified as accurate by a licensed land surveyor is submitted to and approved in writing by the Division of Code Enforcement.

   b. Upon completion of the site development, a survey showing finished grades, location of curbs, drives, landscaping, parking and drainage areas must be submitted to and approved in writing by the Division of Code Enforcement before the building or buildings will be granted a Certificate of Occupancy.

PART C

SECTION I GENERAL REGULATIONS

Article 3 Changes in Streets

1. The City Planning Commission may, from time-to-time, subject to the approval of the Common Council, designate streets, alleys or other public places for future widening or altering and indicate such changes upon the said Zoning Plan and Map of the City of Syracuse.

   No building or other structure shall be erected hereafter within the proposed lines of such street, alley or public place as widened or altered.

2. Whenever any street or other publicly-owned parcel of land, or any other parcel of land not heretofore zoned is abandoned for any public purposes, the zoning district of such abandoned parcel of land shall be the zoning affecting contiguous areas.

   Where lands contiguous to such abandoned area are zoned in two (2) or more zoning districts, the zoning district affecting contiguous parcels of land shall be applicable to a point equidistant from the boundaries of such abandoned areas, until such area is rezoned under established procedures for a zone change.

PART C

SECTION I GENERAL REGULATIONS

Article 4 Swimming Pool Regulations

Swimming pools are hereby permitted as an accessory use in any district subject to the following regulations:

1. Location:

   All swimming pools and the appurtenances thereto shall be constructed and located so as to have a yard not less than five (5) 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 yard.

2. 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.

3. Fences:

   For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than four (4) feet in height. For pools projecting above the ground and which are self-enclosed by the exterior projections thereof, said enclosures shall be construed to satisfy the requirements of this provision, provided they are not less than four (4) 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.

4. Artificial Lighting:

   Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray shall cross any property line.

5. Maintenance Equipment:

   All heating, filtering, disinfectant and recirculation equipment shall not be located at any point within five (5) feet from adjacent property lines, and shall be effectively screened and enclosed so as to not adversely affect the character of surrounding properties; no 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.

6. Municipal Pools Excluded:

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

Amended 8/12/91

PART C

SECTION I GENERAL REGULATIONS

Article 5 Planting and Screening Requirements for Gasoline Service Stations, Parking Lots and Drive-In Facilities (Excluding CBD)

1. Submission of Plans:

All site plans for planting and screening shall be prepared by a landscape architect licensed to practice in the State of New York. Construction drawings and planting plans submitted to the City Planning Commission shall bear the stamp of the landscape architect.

2. Street Line Treatment Areas:

A minimum of eight (8) feet in width, measured inward from the street line(s) for the entire length of the sidewalk(s), exclusive of approach drives, shall be reserved for landscape treatment. Such areas shall be entirely surrounded by concrete or granite curbing of at least four (4) inches and not more than six (6) inches in height. Planting may be installed provided no shrubs or ground cover reach an ultimate height in excess of two (2) feet, and that no trees have a branching habit lower than ten (10) feet measured from finished grade. Textured or decorative pavement may also be utilized provided that it constitutes an all-weather hard surface. Loosely placed material, such as gravel or marble chips, shall not be used. Bituminous surfaces are not permitted.

3. Side and Rear Yard Treatment:

A screen shall be provided adjacent to either residential or office districts or uses so as to protect these areas by day and night from unreasonable disturbance by movement of people or vehicles, from lights, noises, or exposure to views not compatible with these areas. Such screens shall be appropriately designed and constructed of a substantial material and easily maintained. A solid fence, wall, or evergreen planting at least five (5) feet high shall be erected along all property lines separating the site from any lot zoned for residential or office uses. Evergreen plants shall be installed not more than two and one-half (2½) feet apart, measured from center of plant to center of plant. An area ten (10) feet in width shall be reserved for such planting and screening.

4. Right-of-Way Treatment:

Concrete sidewalks of at least five (5) feet in width shall be installed along all street frontages. Such sidewalks shall be located between the property line and street pavement or curb line, the inside edge of which to be located on the property line or to be in alignment with adjacent walks. Areas between the sidewalk and curb shall be treated in like manner to the street line treatment as specified in Paragraph 2.

5. Slope Protection:

Slopes in excess of one (1) foot vertical rise to every three (3) feet in horizontal distance shall be planted in shrubs or ground cover. Spacing between plants shall be sufficiently close (normally nine (9) inches for ground cover) to ensure full cover within two (2) growing seasons.

6. Corner Visibility:

On a corner lot, within the areas 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 twenty-five (25) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof, except that street name signs, fire hydrants, street lighting poles, and associated appurtenances thereto shall be permitted within this area.

7. Plant Material Selection:

Selection of plant varieties shall be based on regional climatic conditions, constraints of location, effectiveness in screening adjacent properties, resistance to disease and insect attack, cleanliness and ease of maintenance. Plant materials shall be installed of such a size as to grow to the dimensions required herein within two (2) growing seasons. The following plant sizes are the minimum required at time of installation:

a.	Deciduous shrubs	4' height
b.	Spreading evergreens	30" spread
c.	Tall evergreens	36" height
d.	Screen planting (evergreen)	4' height
e.	Trees	2½" caliper
f.	Ground cover	2½" pot

PART C

SECTION I GENERAL REGULATIONS

Article 6 Screening Device Regulations

1. General:

The regulations set forth in this Article are not exclusive and shall be subject to such special conditions as may be imposed by the Board of Zoning Appeals or the City Planning Commission in the exercise of their respective functions as set forth elsewhere in this Ordinance, and shall also be subject to regulations applying to specific uses. These regulations shall not be deemed to supersede any other laws applicable to the City of Syracuse which may provide other or more stringent controls, and are intended to supplement same with reference to the scope of regulations encompassed herein:

2. Height and Location:

a. Front Yard

No screening device shall exceed four (4) feet in height if placed within a required front yard.

b. Side and Rear Yards

No screening device shall exceed six (6) feet in height within required side and/or rear yards.

c. Corner Lots

On corner lots, that portion of a lot contiguous to a public right-of-way shall be considered as a front yard area for the purpose of applying the regulations herein.

d. Special Height Allowance

Within Commercial or Industrial Districts only, screening devices may attain a height of eight (8) feet within any yard area, required or otherwise.

e. Waivers

The Zoning Administrator may approve the location or height of a screening device otherwise prohibited by this paragraph upon a showing by the applicant that such fence will not be detrimental to the interests of adjoining uses whether existing or permitted, or the general health, safety or welfare of the community with particular attention to vehicular or pedestrian traffic. No application shall be decided until after a hearing with the applicant and such other parties as the Zoning Administrator deems necessary.

3. Plantings:

Plantings except trees shall not exceed two (2) feet in height if placed within ten (10) feet of the front property line.

There shall be no limit to the height of plantings if located more than ten (10) feet from the front property line.

Trees may be located within the required front yard provided all branches are trimmed up to a height of seven (7) feet.

4. Type:

a. Screening devices permitted within required front yards shall be of an open design such as chain link, ornamental iron, rail, and picket where the ratio between space and fence material is at least 50:50 or its equivalent. Opaque fences such as basket-weave and stockade are not permitted within the required front yard.

b. Barbed wire or electrical screening devices shall not be used. Exception to this prohibition shall apply to properties zoned Industrial A and B which are located farther than five hundred (500) feet from property zoned residential or used for residential purposes.

c. Screening devices required for off-street parking facilities shall be constructed in accordance with the requirements of Part C, Section III, Article 1 and Part C, Section I, Article 5 of the Zoning Ordinance.

5. Maintenance:

All screening devices and plantings shall be maintained in a sound and safe condition at all times.

6. Nonconforming Screening Devices:

Where a lawful screening device exists at the effective date of adoption or amendment of this Article that could not be constructed under the terms contained herein by reasons of restrictions on height, visibility characteristics, location, or any other requirement concerning said screening device, such screening device may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such screening device may be enlarged or altered in a way that increases its nonconformity, but any such screening device or portion thereof may be altered to decrease its nonconformity.

b. Where a screening device is damaged due to any cause, including deterioration due to the elements, or is declared unsafe, and the cost of restoration, or correction exceeds 50% of the replacement cost of the entire screening device, the same shall not be so corrected or restored except in compliance with the provisions of this Article.

c. Should such a screening device or portion thereof be relocated within a lot, that portion so relocated shall be subject to the provisions of this Article.

d. Screening devices heretofore 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 otherwise subject to the provisions of this Paragraph 6.

7. Passageway Restrictions:

No screening device or portion thereof in excess of two and one-half (2½) feet in height shall be located closer than three (3) feet to the exterior wall of a principal or accessory structure, except where said screening device 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 screening device terminating at the exterior wall of a principal or accessory structure or to a post or fixture adjacent thereto, shall not have an interior angle with reference to the exterior wall of said structure less than forty five (45) degrees.

All portions of a lot enclosed by a screening device shall be made accessible for fire fighting purposes by the installation of appropriately-located pedestrian gates not less than three (3) feet in width.

PART C

SECTION I GENERAL REGULATIONS

Article 7 Antennas, Communication Towers, and Satellite Dish Antennas

A. *Purpose and Intent*:

These regulations are established in order to minimize the impact of telecommunication antennas and their supporting structures and frameworks, including towers and dishes, on the visual quality and general welfare of the City of Syracuse.

B. *Terms as Used in this Article*:

1. Antenna:

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.

2. Tower:

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.

3. Satellite dish antenna:

Any antenna and related supporting framework which 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.

4. Height:

The distance measured from the finished grade of the parcel on which a tower or support structure sits to the highest point on the tower or structure, including the base pad and any antenna.

C. *Allowances and Restrictions*:

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

(a) In all zoning districts:

(1) Shall be placed at least thirty (30) feet above grade; and

(2) Shall not extend more than twenty (20) feet above the building roof lines;

(b) In Residential Districts, Class A-1, A-2, A, AA, B-1, B-1T, B, BT, and C, Residential Service Districts, Planned Institutional Districts, Planned Shopping Districts, Highway Service Districts and Inner Harbor Core Districts and all installation locations within one hundred (100) feet of these districts:

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

(2) Shall be installed in accordance with the applicable provisions of the General Standards for Towers and Antennas set forth in Paragraph D of this Article; and

(3) Shall require site plan approvals pursuant to Paragraph F of this Article; and

(4) Shall in no instance be installed on wood frame buildings or buildings with only one to four dwelling units:

(c) All installation locations not included in 1(b) above:

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

(2) 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 Paragraph D of this Article; and

2. New Antennas on existing towers:

(a) In Residential Districts, Class A-1, A-2, A, AA, B-1, B-1T, B, BT, and C, Residential Service Districts, Planned Institutional Districts, Planned Shopping Districts, Highway Service Districts and Inner Harbor Core Districts:

(1) Shall be installed in accordance with the General Standards for Towers and Antennas set forth in Paragraph D of this Article; and

(2) Shall require site plan approval pursuant to Paragraph F;

(b) Office Districts, Class A and B, Local Business District, Class A, all Central Business Districts, Commercial Districts, Class A and B, and Industrial Districts, Class A and B:

(1) Shall be permitted by right subject to the General Standards for Towers and Antennas as enumerated in Paragraph D;

(2) Provided that the new antennas do not extend above the towers; and

(3) Provided that the new antennas are installed in accordance with existing conditions of approval already affecting the towers;

3. New towers (and related antennas):

(a) In Commercial Districts, Class A and B, and Industrial Districts, Class A and B:

Shall be permitted by right in accordance with the General Standards for Towers and Antennas as enumerated in Paragraph D of this Article.

(b) In all zoning districts except for Commercial Districts, Class A and B, and Industrial Districts, Class A and B:

Shall be prohibited;

4. Satellite Dish Antennas:

(a) In all zoning districts:

Satellite dish antennas, one (1) meter in diameter or less, may be installed in any district as a matter of right upon issuance of applicable permits;

(b) In Residential Districts, Class A-1, A-2, A, AA, B-1, B-1T, B, BT, and C, and Residential Service the following shall apply to satellite dish antennas larger than one (1) meter in diameter:

(1) Satellite dish antennas shall be mounted on the ground within the rear yard;

(2) Satellite dish antennas shall be located no closer than thirty (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 antennas shall be no more than three (3) feet above grade level;

(5) Satellite dish antennas shall not exceed two (2) 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 (1) meter in diameter may be installed only after site plan approval in accordance with Paragraph F of this Article;

(c) Office Districts, Class A and B, Local Business District, Class A, all Central Business Districts, Planned Institutional Districts, Planned Shopping Districts, Highway Service Districts, Inner Harbor Core Districts, Commercial Districts, Class A and B, and Industrial Districts, Class A and B:

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

D. *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 enumerated in Paragraph F of this Article.

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 seventy-five (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:

a. for a single user, up to one hundred twenty (120) feet;

b. for two or more users, up to one hundred fifty (150) feet;

4. Spacing:

A minimum radius of one thousand feet (1000) 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 (2) service providers.

6. Fencing:

The base of towers shall be enclosed by security fencing a minimum of six (6) 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 (4) 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 (6) 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 (6) square feet in area.

E. *Waivers*:

Any waivers of the requirements or limitations affecting telecommunication components restricted by Paragraphs C and D of this Article must be pursued through the Site Plan Review procedures specified in Paragraph F below.

F. *Site Plan Review*:

1. Compliance with Requirements set forth in the Article:

The City Planning Commission shall review site plans as required by this Article. In approving such site plans the Commission shall consider the ability to comply with the requirements specified in this Article. For towers and antennas other than satellite dish antennas the General Standards for Towers and Antennas shall apply, with the additional requirement under site plan review that the location of the towers and antennas, as proposed, must be demonstrated as necessary to meet the frequency reuse and spacing needs of the involved communication system and provide adequate service and coverage to the intended area.

2. Waivers:

If waivers of the requirements of this Article are requested, the City Planning Commission may grant them only in accordance with the criteria set forth herein:

a. For Towers and Antennas (not including satellite dish antennas):

(1) Waivers of standards for any tower or antenna, other than a satellite dish antenna, must be based on the finding that there is no existing structure, tower, or alternative technology available which can accommodate the coverage and needs of the applicant applying for the waivers. Specifically it must be found that:

(a) No existing towers or structures are located within the geographic area which meet the applicant's requirements;

(b) Existing towers or structures are not of sufficient height to meet the engineering requirements of the applicant;

(c) Existing towers or structures do not have sufficient structural strength or space to support the proposed needs of the applicant;

(d) The applicant's proposed antenna would not cause electromagnetic interference with existing or planned antennas on existing towers or structures and any such existing towers or structures would not cause interference with the applicant's antenna;

(e) The existing tower or structure owner is unwilling to provide access, or the fees, costs or contractual provisions required by the owner of the existing tower or structure are unreasonable in order for the applicant to co-locate on such tower or structure;

(2) The City Planning Commission shall consider the following mitigating factors in determining whether to grant a requested waiver:

(a) Design of the towers as it reduces or eliminates visual obtrusiveness, including appearance of the towers as shorter than they actually are;

(b) Distancing of the towers from residential structures and residential zoning districts;

(c) Absence of sensitive uses on adjacent properties;

(d) Hilly terrain and slopes that affect the positioning of towers and alter their impact on surrounding properties;

(e) Tree coverage and other foliage affecting the view of the towers;

b. For Satellite Dish Antennas:

The City Planning Commission may, upon request as made in an application for site plan approval, waive the size, location, or height of the proposed satellite dish antenna, provided it is demonstrated that:

(1) The satellite dish antenna cannot be installed in any other location where reception of the broadcast signal is possible;

(2) The installation deviates as little as possible from the required standards in order to obtain proper reception;

(3) The installation will not be a detriment to the surrounding land uses or the general health, welfare or safety of the community.

3. Conditions:

The City Planning Commission may impose reasonable conditions as necessary in order to minimize adverse effects on adjoining and surrounding properties.

4. Public Hearings:

Where a site plan review is required for the installation of any tower or antenna, including a satellite dish antenna, in any Residential district set forth in Part B, Sections I and III of the Zoning Rules and Regulations of the City of Syracuse, the City Planning Commission shall conduct a Public Hearing prior to making its decision. For all other locations a Public Hearing shall be optional.

5. Submissions:

Each applicant shall submit:

a. A property survey;

b. Scaled site plan;

c. Scaled elevation view;

d. For towers and other antenna support structures, not including satellite dish antennas and antennas on buildings: supporting drawings, calculations, and other documentation, signed and sealed by licensed engineers, showing the location and dimensions of all improvements, including:

(1) Information concerning topography;

(2) Radio frequency coverage;

(3) Tower height requirements;

(4) Setbacks;

(5) Fencing;

(6) Landscaping.

Depending on the specifics of the application the City Planning Commission may request additional information necessary to assess the nature of the proposal and its potential impacts.

G. *Appeals*:

Appeals from determinations of the City Planning Commission shall be made in accordance with the established legal procedures governing the review of administrative decisions and shall be made within thirty (30) days of such determination.

H. *Abandonment*:

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower and/or property owner shall remove the same within ninety (90) days of receipt of notice from the authorized Building Official of the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the city to remove the tower or antenna at the expense of the owner of such antenna or tower and/or property owner.

I. *Severability*

The various parts, sections and clauses of this Article are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Article shall not be affected thereby.

Amended 12/4/00

PART C

SECTION I GENERAL REGULATIONS

ARTICLE 8 Area and Yard Requirements - Zoning Administrator Waivers

1. Additional Lot Coverage

The Zoning Administrator shall have the authority to approve additional structural coverage and additional parking surface coverage. The additional amount of each coverage shall not exceed five (5) percent over the maximum limits specified for the districts of the lots involved. When approving additional coverage for any lot the Zoning Administrator must find the following:

a. The area of the lot is no more than 10,000 square feet;

b. No additional dwelling units and no additional bedroom capacity will result;

c. Light, air, and ventilation enjoyed by abutting properties will not be impaired; and

d. No reasonable alternatives exist without the additional coverage.

2. New Structural Additions Within Required Side Yards

The Zoning Administrator shall have the authority to approve structural additions to nonconforming buildings where further encroachment into the required side yards would result. Approval of any such addition must be based on the following:

a. The side yard encroachment of the existing building is found to be legal;

b. The requested addition will come no closer to the side property line than the existing building;

c. The side yard resulting from the requested addition will be no less than fifty (50) percent of the required side yard;

d. Practical difficulties are found to exist making the requested addition necessary;

e. No new dwelling units will result;

f. The requested addition will not create any foreseeable adverse impact on adjacent properties; and

g. The requested addition will not conflict with the requirements of applicable building code regulations.

3. Replacement of Existing Porches and Garages

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:

a. The porch or garage to be replaced has been in existence within six (6) months of the time the owner of the involved property duly files for a waiver with the Zoning Administrator;

b. The porch or garage to be replaced when last standing is legally in existence as a nonconforming structure;

c. The owner demonstrates that the involved property would be affected by practical difficulties without the requested waiver;

d. 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 (Note: the finding requirement here does not restrict approval of a reduced-sized replacement or any enlargement, addition or location which meets the applicable area, yard, and height requirements for the property. Deviations from the original which do conflict with the applicable requirements must be authorized by appropriate variance or waiver approval. See paragraphs 1 and 2 above for administrative waivers);

e. The replacement will not create any foreseeable adverse impact on adjacent property; and

f. The replacement does not conflict with applicable building code restrictions.

4. Appeals to the Board of Zoning Appeals

The Board of Zoning Appeals shall hear variance requests for the lot coverages, additions, and replacements subject to the above paragraphs, upon denial by the Zoning Administrator, or in lieu of the Zoning Administrator, if the property owner chooses not to pursue an administrative determination. Because the Board of Zoning Appeals acts on variances through appellate jurisdiction, application to the Board must include either a decision of denial by the Zoning Administrator or a denial of permit from the Building Official";

Amended 4/14/97

PART C

Section I GENERAL REGULATIONS

Article 9 Home Occupations

1. Purpose and Intent:

In establishing regulations governing home occupations the primary purpose and intent of this article is:

a. To maintain the peace, quiet, and domestic tranquility of residential neighborhoods;

b. To maintain the integrity of the individual residences primarily for residential use;

c. To protect the residential neighborhoods from adverse impacts of incompatible home occupations;

The secondary purpose and intent is to provide opportunities for compatible home occupations which generate minimal vehicular and pedestrian traffic or other disturbances.

2. Application:

These regulations are limited to home occupations and apply to Residential Districts, Classes A-1, A-2, A, AA, B, B Transitional, B-1, B-1 Transitional, and C. These regulations do not apply to uses separate and distinct from the dwelling unit, the existence of which on the same premises may be permitted or restricted under other provisions of the Zoning Rules and Regulations.

3. General Restrictions:

a. 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.

b. Location identification

No sign shall be displayed or be visible from the exterior of the premises in connection with a home occupation. No motor vehicle belonging to those engaged in a home occupation shall be parked with a business name visible from the street. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation in any district classified as Residential.

c. Space allocated to the home occupation

No home occupation, including related storage, shall occupy more than 25% 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.

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

d. 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.

e. Parking and motor vehicles

No parking spaces shall be provided on the premises specifically or primarily for a home occupation. Motor 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 motor vehicles or trailers customized or specialized for use in connection with a home occupation shall be parked on or proximate to the premises.

f. Employment

Subject to applicable labor laws and regulations and with the exception of one (1) 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.

g. Deliveries

Other than by mail, no home occupation shall receive more than three (3) 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 (1) 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.

h. Business visitors and clientele

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 (1). Individuals received for other purposes shall be limited to two (2) at any one time. Groups of business visitors or clientele shall be prohibited.

i. 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.

j. 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.

k. 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.

l. 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.

m. Food preparation facilities

No on-premises kitchen or food preparation facilities independent of those used by the residents of the dwelling unit for their own household needs shall be established in connection with any home occupation.

4. Restrictions on Specific Activities:

a. Services and office related activities

A home occupation may provide services and consultations by telephone or other telecommunications media. On-premises meetings and interaction with individuals from outside the home shall clearly be incidental and subordinate to the primary activities of the home0 occupation, i.e., the performance of tasks not involving on-premises, in-person contact, such as paperwork, telephoning, bookkeeping, drafting, research, etc.).

b. Teaching

Teaching on-premises shall be limited to one (1) student at a time and to academic subjects, including art and music, or subjects typically taught in elementary and secondary schools.

c. 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 articles. 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. Production of non-durable goods shall be prohibited.

d. 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.

e. On-premises sales activity

Sales transactions conducted by telephone or other telecommunications 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.

f. Garage and yard sales, home parties, children's play activities

Restriction against sales and display shall not apply to garage and yard 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 (6) times during the calendar year, or to occasional playtime businesses (such as "lemonade stands") run by children under twelve (12) years old.

g. 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:

(1) Mass production of goods or assembly line fabrication;

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

(3) 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.);

(4) Livery and taxi services;

(5) Restaurant activities; catering involving food preparation on the premises of the home occupation;

(6) Veterinary services, kennels, animal grooming, animal breeding, butchering, taxidermy, or other activities involving live or dead animals;

(7) Mortuary services;

(8) On-premises medical or health care treatment, physical therapy, and services involving gyms or equipment for exercise or physical treatment;

(9) On-premises counseling or rehabilitation services for mental, drug, alcohol, marital, or personal or social problems;

(10) Personal grooming, barbering, hairstyling, or other cosmetic services; laundering or dry-cleaning;

(11) On-premises sales promotions or training activities;

(12) Studio work involving on-premises customer sittings or posing;

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

(14) Escort and on-premises personal entertainment services.

5. Nonconformities:

Activities conducted in the home which do not conform with these regulations on home occupations but which have status as nonconforming uses shall be subject to the protection and restrictions applicable to nonconforming uses. (See Part C, Section II, Articles 1 and 2.)

Adopted 3/25/96

PART C

SECTION I GENERAL REGULATIONS

ARTICLE 10 PROJECT SITE REVIEW

I. Purpose

The effect of establishing a comprehensive site review as follows will:

A. **Protect streetscapes** from projects that are out of character with existing development, or, if specific neighborhood plans and regulations are adopted, insure that projects are consistent with those plans and regulations.

B. **Reduce the cluttered aspects** of current development by:

1. Keeping mechanical structures and other utility features out of main view as much as possible;
2. Reducing unnecessary signage;
3. Minimizing curb cuts;
4. Improving the space for pedestrians;

C. **Enhance parking area appearances**. (*Note: Parking areas are covered in the above process when part of an overall project involving building work. They are not covered when providing parking is the sole work being done. Parking lots, as uses in and of themselves, are covered in the applicable instances by the Special Permit process, as specific issue development rather than as general projects. In Business, Commercial, and Industrial Districts under present regulations parking lots are permitted without any zoning review.)*

D. **Preserve historic and architecturally significant features.**

II. Affected Projects (commercial buildings only, does not include one- to four family dwellings)

A. All **new construction**.

B. All **additions** to existing buildings which face the street, that **exceed twenty-five percent** of the ground level space (total square feet of the footprint of the building).

C. All **exterior renovations** facing a street and/or **reorientation of existing buildings**.

D. **Demolition** of buildings – **reclamation** of sites.

E. Projects (other than demolitions) on properties:

1. Identified by the City as **Architecturally Significant**, or
2. 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.

III. Exempt Projects Covered by Other Provisions

A. **Preservation Board cases** pursuant to Part C, section VII, articles 1-9 of the City of Syracuse Zoning Rules and Regulations (Certificates of Appropriateness and demolitions on historically significant properties).

B. **Planned Institutional District projects**.

C. **Planned Development District projects**.

D. **Hazardous Conditions:** Any building(s) or structure(s), which 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.

E. **Special Permit cases**.

F. Super Projects: These are large-scale projects that exceed the scope of considerations intended by the Project Site Review. Their size makes the context of the surrounding properties immaterial to the consideration of project design. Their involvement in general with other types of review makes the considerations of the Project Design Review redundant. A Super Project shall be exempted when documentation is submitted to the Zoning Administrator that each of following three sets of criteria apply:

1. A) Project size of at least thirty (30) contiguous acres held in common interest (contiguity includes land directly across streets), B) involvement under a single development entity of at least three (3) contiguous city blocks, or C) project worth of over ten million dollars;

2. Approvals are required for government funding or economic incentives (including PILOT agreements);

3. Approvals are required for A) street abandonment or dedication, B) land subdivision or resubdivision, C) use of public land, or D) exercise of eminent domain.

Modifications to Super projects are also exempted.

The Zoning Administrator shall provide acknowledgment of the exemption to a developer of a Super Project within a reasonable time of a receiving a request for such documentation.

IV. Application Requirements

A. **Completed application form**.

B. **SEQR form**.

C. **Supplemental material**.

1. For **new construction, additions, and renovations**:

a. Site plan (see V. below for details)
b. Stamped survey.
c. Architectural drawings to scale, depicting floor plans, section views, exterior elevations, architectural design of building including proposed and existing materials, textures and colors.
d. 35 mm or digital Photographs of the existing structure or project site.

e. Photographs of existing streetscape (Must include one photograph of each adjacent property and properties directly across the street).
f. Other information or details as may be reasonably required.

2. For **demolitions:** Post demolition plans must be submitted pursuant to SEQR (617.3g)

a. Stamped survey
b. One 35 mm or digital photograph of the site.
c. Photographs of each adjacent property to project site.
d. Photos of the properties across the street from the intended demolition.
e. Key map for photos or other illustration of building locations drawn to scale.
f. Post demolition plans or reclamation plans

3. For **re-orientations** of existing buildings

a. Site Plan
b. Floor Plans
c. Photos of existing building and areas of reorientation
d. Elevations illustrating areas of reorientation

D. **Fees** (pursuant to fee schedules adopted by the Common Council)

V. <u>Site Plan Components</u> (as prepared by a New York State licensed architect, engineer, or landscape architect)

A. All existing easements and/or restrictions of record, including rights-of-way, fully dimensioned.
B. All existing and proposed utilities both public and/or private.
C. All existing and proposed buildings or structures and mature trees.
D. All watercourses, marshes, rock outcroppings, wooded areas, wetlands (DEC or Corps of Engineers) floodplains, (based on FEMA maps) and other significant natural or man-made features.
E. Topographic information (spot elevations for areas less than 2% slope and two-foot contours for slopes greater than 2%).
F. Proposed land use.
G. All driveways, parking lots, curbing, loading spaces, and driving lanes (existing and proposed).
H. All proposed landscaping, plantings, screening devices and exterior lighting.
I. All proposed signage.
J. Existing and proposed fire hydrants and fire suppression connections.
K. Detailed drainage plans showing on-site storage, floodways, and proposed easements, including siltation and erosion controls plans.
L. Proposed grading.

VI. <u>Stages of Review</u>

A. **Preparation** of the project plan (including consultation with appropriate city staff for applicable requirements).

B. **Preliminary review of project plan** by the Division of Code Enforcement to identify any major **building code inconsistencies** and any **drainage** or **other construction** issues.

C. **Submission** of application to the **Zoning Office** following review for New York State building code compliance.

D. **Review** of application for **completeness** and (if not done earlier) **identification of other approvals** that may be required.

E. **Preliminary evaluation of SEQR.**

F. **Referral of application** to other bodies as required *(responses required within 30 days)*:

1. **Onondaga County Planning Board** for projects within 500 feet of a State or County road.
2. **Syracuse Landmark Preservation Board** for recommendation on II. F. properties (historic and architecturally significant sites)

G. **Analysis**: *DETERMINED BY SEPARATE POINT BY POINT ANALYSIS FORM (ATTACHMENT A) TO BE COMPLETED BY STAFF.*

1. **Identification** of the significant **features of surrounding area** (the context).
2. **Identification** of **relevant adopted plans** and any specially adopted criteria, **if applicable**, that must be met.
3. **Point by point comparison** of proposed project against the identified salient contextual features or, **if applicable**, the specifically required adopted design criteria.

H. **Compilation** of the **point by point report** by the Zoning Office (or other duly designated staff) based upon the determinations of the above analysis.

I. **Provision** of the point by point report **to applicant** by the Zoning Office (or other duly designated staff).

J. **Receipt of applicable recommendations** (including review of project by the Syracuse Landmark Preservation Board for historically and architecturally significant properties, or Onondaga County Planning Board).

K. **Response by the applicant** to the point by point report (and to recommendations if any) in one of the following ways:

1. **Acceptance** of or **consent** to the report to be reviewed by the Zoning Administrator for decision.

2. **Withdrawal** of the application for revision and re-submission of a revised application at a later date.

3. **Written Disagreement** with all or some of the points in the report *(stops the decision "clock")* and employment of an architectural consultant of the applicant's choosing to compose a **rebuttal** to the report.

   a. Rebuttal to be submitted to staff within 30 days of report date.

   b. Forwarding of the report, application, and rebuttal to Planning Commission for Decision.

   c. Election by Planning Commission to call upon **consultant** (on retainer) for review of application, plans, report and rebuttal - consultant to provide Planning Commission with interpretation and recommendation.

L. **Scheduling of Public Hearings** at the optional discretion of the Zoning Administrator and the City Planning Commission in their respective reviews unless otherwise stated in the City of Syracuse Zoning Rules and Regulations.

M. **Decisions** in one of the following manners:

1. Approval of application as submitted.
2. Approval with Conditions.
3. Denial

A majority plus one vote shall be required to override recommendation of Syracuse Landmark Preservation Board and/or Onondaga County Planning Board. In the case of review by the Zoning Administrator matters that would involve an override shall be forwarded to the City Planning Commission, a body made up of more than one individual.

Decisions shall be made in resolution form. Original resolution shall stay in the office file, a copy shall be filed with the City Clerk, and a copy shall be provided to applicant, the Division of Code Enforcement, Permit Office, and any other pertinent involved party.

N. **Appeals** from determinations of the Zoning Administrator shall be made to the City Planning Commission. Appeals from the Planning Commission, if chosen, shall be made to the Supreme Court pursuant to Article 78 of the NYCCR.

VII. Waivers

The Syracuse Planning Commission shall have the authority to grant waivers of area, number, or design requirements for properties subject to the Project Site Review regulations set forth in this article. In approving any Waiver the Commission must find that **practical difficulties** would occur with respect to the economic and functional utilization of the property under consideration and that **reasonable alternatives** otherwise permitted do not exist. Practical difficulties affecting the property under consideration must be weighed against the **impact** the Waiver would have on the character of the surrounding area. All Waiver requests shall be subject to duly noticed public hearings.

VIII. Coordination with Other Boards and Procedures

A. **Special Permit Uses**

1. **Project Site Review not necessary**.

2. The required **Special Permit reviews** include all of the same materials that would accompany Project Plan review applications and approximate the **same point by point analysis** as involved with the project plans.

B. **Board of Zoning Appeals**

1. Where Project Site Reviews are involved the Board of Zoning Appeals shall **consider only use** variances.

2. Where Project Site Reviews are involved the Syracuse Planning Commission shall consider as waivers those requests that would otherwise be considered as variances of residential **density** requirements or required amounts of **parking**.

3. Subject to findings under State Law, the Board of Zoning Appeals may grant requested use variances, to be **preliminary to required review of the project plan** by the Syracuse Planning Commission.

4. The Board of Zoning Appeals shall have **no authority to waive the requirements for Project Site Review**, nor shall it grant waivers as reserved for review by the Syracuse Planning Commission.

5. The Board of Zoning Appeals shall have **no authority to review appeals** from the Zoning Administrator or the Syracuse Planning Commission with respect to Project Site Review.

C. **Inner Harbor District**

1. All Lakefront Design Review Board **matters shall be transferred** to the Syracuse Planning Commission.

2. The **Lakefront Design Review Board** shall **cease to exist**.

D. **James Street Overlay District**

1. All Eastwood Design Review Board **matters shall be transferred** to the Syracuse Planning Commission.

2. Those **Special Permit requirements** under Local Business A District provisions, which had been eliminated by the adoption of the James Street Overlay District, shall be **restored** as matters falling to the City Planning Commission.

3. The **Eastwood Design Review Board** shall **cease to exist**.

E. **Ministerial Construction Review**

Final detailed review of construction plans for major projects preceding issuance of permits **shall** follow the Project Site Review approval process outlined above.

Adopted 9/22/03

Case No. _____ Address _____ Property No. _____

POINT BY POINT ANALYSIS

COMPONENT	PROPOSED PROJECT	SURROUNDING AREA	ADOPTED PLAN REQUIREMENTS (if applicable)	DEVIATION *<1-2-3-4-5>* (PROJECT TO AREA OR ADOPTED PLAN*) **1=No Deviation 5=Major**
STREETS AND PUBLIC ROWS				
Street Width(s)				
Street Type(s) (arterial, collector, local)				
LOT CONFIGURATIONS				
Lot Area(s) (sq. ft.)				
Lot Frontage(s) (in ft.)				
BUILDING PLACEMENT AND MASS				
Building Setbacks				
Building Heights				
Building Spacing				
Orientation of Facades (back/ front/side)				

Case No. _____ Address _____ Property No. _____

POINT BY POINT ANALYSIS

COMPONENT	PROPOSED PROJECT	SURROUNDING AREA	ADOPTED PLAN REQUIREMENTS (if applicable)	DEVIATION *<1-2-3-4-5>* (PROJECT TO AREA OR ADOPTED PLAN*) **1=No Deviation 5=Major**
TERRAIN				
Slope				
Water Features				
LAND USES				
Types and Mix of Uses				
VISIBLE MECHANICAL FEATURES, UTILITIES, AND ACCESSORY STRUCTURES				
Street Lighting				
Private Lighting				
Utility Poles and Service Boxes				
Telephones and Vending Devices				
Building Mechanicals				
Public Shelters				

Case No. _____ Address _____ Property No. _____

POINT BY POINT ANALYSIS

COMPONENT	PROPOSED PROJECT	SURROUNDING AREA	ADOPTED PLAN REQUIREMENTS (if applicable)	DEVIATION *<1-2-3-4-5>* (PROJECT TO AREA OR ADOPTED PLAN*) **1=No Deviation 5=Major**
Accessory Structures				
Trash Containers				
ARCHITECTURAL DETAIL				
Architectural Styles				
Roof Lines and Types				
Fenestration and Building Entries				
Canopies and Marquees				
Building Materials				
Colors and Textures				
PARKING, DRIVEWAYS, AND LOADING				
On-Street Parking (type and capacity)				

Case No. _____ Address _____ Property No. _____

POINT BY POINT ANALYSIS

COMPONENT	PROPOSED PROJECT	SURROUNDING AREA	ADOPTED PLAN REQUIREMENTS (if applicable)	DEVIATION *<1-2-3-4-5>* (PROJECT TO AREA OR ADOPTED PLAN*) **1=No Deviation 5=Major**
Curb Cuts (ingress/egress)				
Off-Street Parking Size and Placement				
Surface Types				
Screening				
Features Softening Parking Area Expanses				
Loading Facilities (type and visibility)				
OPEN SPACES				
Public Gathering Areas				
Sidewalks and Paths (type and location)				
Bicycle Paths and Accommodations				
Public Landscaping				

Case No. _____ Address _____ Property No. _____

POINT BY POINT ANALYSIS

COMPONENT	PROPOSED PROJECT	SURROUNDING AREA	ADOPTED PLAN REQUIREMENTS (if applicable)	DEVIATION *<1-2-3-4-5>* (PROJECT TO AREA OR ADOPTED PLAN*) **1=No Deviation 5=Major**
Private Landscaping (trees, grass, other Plantings)				
Enclosures (walls, fences, etc.)				
Street Furniture				
SIGNS				
Freestanding Businesses Identification Signs				
Wall, Roof, and Projecting Signs				
Billboards				
Kiosks				
Street Signs And Other Public Signs				

DEMOLITIONS (POST DEMO PLANS)

Grading				
New Construction				

Case No. _____ Address _____ Property No. _____

POINT BY POINT ANALYSIS

COMPONENT	PROPOSED PROJECT	SURROUNDING AREA	ADOPTED PLAN REQUIREMENTS (if applicable)	DEVIATION *<1-2-3-4-5>* (PROJECT TO AREA OR ADOPTED PLAN*) **1=No Deviation 5=Major**
Other In-Fill				
Compatibility with Existing Streetscape				

*NOTES:

- The analysis consists of comparing each component of the project with the components of the street or area in which the project exists.
- Note is to be made of the average or typical nature of each component in the surroundings and the range of the variations in that component.
- The comparison with the existing surroundings is superseded when specific requirements have been adopted on a city-wide scale or when specific requirements are established as part of adopted neighborhood or corridor plans.
- With new construction most of the components in this table will need to be examined. With additions, renovations, and demolitions many of the components may not be applicable

PART C

SECTION I GENERAL REGULATIONS

ARTICLE 11 Mobility Access for Dwellings

1. Definitions:

Ramp: An inclined surface or connected series of surfaces and landings the individual runs of which are no wider than four feet and the rise of which does not exceed one foot vertical for each twelve feet horizontal, together with structural supports and railings installed in accord with applicable building code provisions.

Lift: A platform not exceeding five feet in width and six feet in length together with together with structural supports, railings, and the mechanics for being raised and lowered used for the purpose of providing access from exterior ground level to the interior of a dwelling for persons in wheel chairs and installed in accord with applicable building code provisions.

Dwelling: For the purposes here any building with one to eight residential units. (This definition may differ from definitions of "dwelling" in other regulations and ordinances.)

2. Location and Construction Plans:

Any ramp or lift as defined above intended to be installed in connection with a dwelling shall be represented on plans drawn to scale showing the placement location and the nature of the construction. The location plan shall be drawn at a scale of 1 inch equal to 20 feet and the construction plans showing elevation views shall be at a scale of one quarter inch to one foot. A copy of the survey of the property involved showing existing building information shall also be provided. The placement of the respective ramp or lift on the location plan shall be clear with respect to its position on the survey. If it is not, the plans will not be accepted.

3. Review of Plans:

All plans for ramps and lifts, as required above when in acceptable form, shall be submitted to the permit desk of Division of Code Enforcement. That office upon receipt of such plans shall immediately transmit copies of the plans to the Office of Zoning Administration, the Department of Public Works, and other city offices, as shall be necessary to determine whether any yard, setback, encroachment, or design restrictions apply. Responses from those bodies back to the Division of Code Enforcement shall be within five working days.

4. Permits:

All ramps and lifts shall require building permits issued by the Division of Code Enforcement and shall be subject to the applicable provisions of the current building codes.

5. Locations As Of Right:

a. *With no design restrictions:*

If there are no restrictions under yard, setback, encroachment, and design provisions identified during the review of plans, then a building permit may be issued. No limit on the duration of the ramp or lift shall be necessary in such case,

nor shall restriction on the type of construction material be necessary provided the construction meets the applicable codes and is done in a workman like manner.

b. *With limits on construction types and materials:*

Although the plans for a given ramp or lift may not have any placement restrictions, in some residential areas, as may be designated from time to time by zoning regulations or other ordinances, restrictions on the type of construction material may exist, in which case the plans for the ramp or lift must be adjusted to meet those restrictions. For example, restrictions on historic properties might allow wooden ramps but not metal ramps, or architectural restrictions might govern the style of ramps of lifts. If, in such cases, the plans are properly adjusted for the design restrictions, the process of obtaining the required building permits can proceed directly.

6. Exception Locations:

a. *Identification of restrictions:*

In certain instances, as the review of the plans will disclose, ramps and lifts will be proposed for locations that would otherwise be prohibited by the applicable zoning district restrictions. Under the provisions herein, exceptions shall apply if certain criteria as specified below are met.

b. *Locations where exceptions can apply:*

1. *Interior yards* - Where restrictions affect any required interior yard (the space along the side or at the rear of the dwelling, as opposed to the yard or yards directly facing a street) an exception shall apply for a ramp of lift, if the ramp or lift:

    a. does not project more than five feet from the side of the dwelling and is kept with the boundaries of the property;

    b. does not come closer that four feet to the rear property line;

    c. does not come closer than four feet to an adjacent dwelling; and

    d. does not encroach on a required driveway or parking space.

2. *Setbacks from the street* - Where restrictions affect required yards facing streets an exception shall apply for a ramp of lift, if the ramp of lift does not project more than ten feet from the face of the dwelling and does not cross over the property line into the street right-of-way. *(NOTE: the street right-of-way generally includes the area of the street itself and a substantial area adjacent to the pavement, extending beyond the sidewalk if there is one. The property line is often located several feet or more in from the sidewalk. The boundaries on a survey are generally not the edges of pavement or sidewalks.)*

3. *City rights-of-way* - For intended encroachments into street rights-of-way where otherwise no yard restrictions apply, a ramp or lift may be installed only if the land for the ramp or lift is acquired by the dwelling property owner or an easement removing the city from any liability is obtained. Acquisitions and easements shall be subject first to review by the Department of Public Works

with respect to traffic, safety, and feasibility concerns and, if found acceptable, then by the Common Council for approval.

c. *Proof of need:*

If an exception is to be considered, the prospective user of the ramp or lift or his or her representative shall, as an addendum to the application, submit proof to the Office of Zoning Administration for concurrence by the Office of the Corporation Counsel that there is a need for handicapped access and that the person in need resides at the dwelling in question. The likely duration of the need for access shall also be specified.

d. *Lack of alternative locations:*

In the pursuit of an exception the prospective user of the ramp or lift or his or her representative shall be required to show that no reasonable alternative access points exist which would render an exception unnecessary. It shall be shown that no lift could be installed, based on the structural limitations of the dwelling, the costs of making any alterations, and inaccessibility to the street. It shall similarly be shown that no alterative ramp locations exist. Considerations shall be based on the physical constraints of existing construction, not new construction or proposed structural additions. The material supporting elimination of alternative lift and ramp access points shall be submitted to the Division of Code Enforcement for verification as to the structural and physical limitations. The Division of Code Enforcement shall forward its verification to the Office of Zoning Administration and to the Office of the Corporation Counsel.

e. *Certification that an exception applies:*

The Office of the Corporation Counsel shall review the facts pertaining to the proof of need and the verifications relative to lack of alternative locations, and lift infeasibilities and certify whether the criteria for exception have been met. Upon certification by the Office of the Corporation Counsel the Division of Code Enforcement shall issue the required building permits subject to conformance with the accepted plans and compliance with the restrictions below and the applicable building codes.

g. *Duration:*

No ramp or lift located in an exception area shall be permanent. The ramp or lift shall remain in place only as long as the time projected in the proof of need. If it becomes apparent that the projected time is too short while the ramp or lift is still in use, the duration of time can be extended upon request to the Division of Code Enforcement with confirmation by Office of Corporation Counsel that the additional time is needed.

h. *Penalty for failure to remove a ramp or lift after its permitted duration or cessation of use:*

Absent an extension requested during the allotted time, a penalty in accordance with schedules established by the Common Council shall be imposed on the property owner on whose land the ramp or lift continues to sit after the time has expired. Such penalty shall also be imposed if the person or persons for whom the ramp or lift is intended no longer has use for the ramp or lift, irrespective of whether the full time allotted has expired.

7. Waivers:

If a proposed ramp or lift is to be outside both the unrestricted and exception areas or is to be on property for which no design can meet the applicable restrictions, then the ramp or lift would require a Variance or other similar form of relief.

Adopted: 3/1/10

PART C

SECTION II NONCONFORMING USES AND STRUCTURES

Article 1 Nonconforming Structures

Nonconforming Structures:

1. General Maintenance and Repair: Except as otherwise provided for in this Article, nonconforming structures may continue to exist and be maintained and repaired.

2. Structural Alterations, Renovations, and Additions: Alterations, renovations, and additions to a nonconforming structure may be made only to the extent that such improvements conform with 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.

3. Damaged Structures: 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% of the floor area devoted to a nonconforming use or such damage exceeds 50% of the total replacement cost of the damaged structure.

PART C

SECTION II NONCONFORMING USES AND STRUCTURES

Article 2 Nonconforming Uses

Nonconforming Uses:

1. Except as otherwise provided for in this Article, nonconforming uses may continue to exist.

2. A nonconforming use may not be enlarged to occupy additional floor area within an existing structure or additional lot space.

3. Change of Occupancy:

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

   b. Conversion to Uses Which Do Not Conform: A nonconforming use may be converted to a use which does not conform to the applicable regulations prescribed in this Ordinance, as amended, only if the City Planning Commission and Common Council find the new use to be no more objectionable than the subject nonconforming use. 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.

   c. Discontinuances: Where a nonconforming use has been inactive for a period of two (2) years, it shall be deemed abandoned and shall not be revived nor be converted to any other use which does not conform to the regulations prescribed in this Ordinance, as amended.

Amended 12/10/82

PART C

SECTION III PARKING AND LOADING REQUIREMENTS

Article 1 Required Parking

1. In all districts except as hereinafter specified required parking shall be provided and maintained in accordance with the provisions of this Article. Required parking shall be provided, except as otherwise specified with every structure or building heretofore or hereafter erected, including all such buildings or structures which are hereafter extended, enlarged or converted, and with every use or occupancy which is changed or increased in intensity regardless of structural change. Such required space shall not subsequently be reduced below the requirements of this Article, except as provided in Paragraph u (l) (Change in Intensity of Use). Provided, however, provisions of this Article shall not apply in the following area or territory: bounded on the north by the I-690 Highway; on the east by Townsend Street; on the south by Adams Street, on the west by the northeasterly line of the Delaware, Lackawanna and Western Railroad and West Street.

a. Residential Uses

(1) One, Two and Multiple Dwellings - At least one (1) parking space shall be provided for each dwelling unit.

(2) Rooming and Boarding Houses - At least one (1) parking space shall be provided for each roomer or boarder.

(3) Fraternities, Sororities and Dormitories - At least one (1) parking space shall be provided for each five (5) beds.

(4) Bed and Breakfast Establishments - At least one (1) space for the owner-occupant plus in addition, one (1) space for each bedroom used as bed and breakfast lodging.

b. Hotels and Motels

At least one (1) parking space shall be provided for each guest bedroom.

c. Tourist Homes, Motels and Cabins Where Duly Authorized

At least one (1) parking space shall be provided for each guest bedroom.

d. Private Clubs or Lodges

At least one (1) parking space shall be provided for each ten (10) members.

e. Hospitals, Sanitariums, Care Homes, Orphanages, Convents, Asylums

(1) Hospitals - At least one (1) parking space shall be provided for each four (4) beds.

(2) Sanitariums - At least one (1) parking space shall be provided for each six (6) beds.

(3) Orphanages, Convents, Asylums - At least one (1) parking space shall be provided for each ten (10) beds.

(4) Care Homes - At least one (1) parking space shall be provided for each three (3) dwelling units. (A dwelling unit for purposes here shall be either an apartment or an independent room used for sleeping purposes.) A waiver of this requirement may be obtained, however, upon review and approval of a special permit pursuant to Part C, Section IV of this Ordinance.

f. Medical or Dental Clinic or Offices

At least three (3) parking spaces shall be provided for each doctor, dentist, or analogous professional practitioner whose office is located therein.

g. Places of Public Assembly

(1) Auditoriums, Theaters, and Stadia - All buildings, structures, or any part thereof principally designed for use or used as a general auditorium, hall, or school, college or university auditorium, theater, and stadia, which are provided with seating facilities for an audience of people, excepting dance or exhibition halls and assembly hall without fixed seats, shall provide at least one (1) parking space for each ten (10) seats.

(2) Churches - At least one (1) parking space shall be provided for each five (5) seats in the main worship unit.

(3) Dance Halls, Exhibition Halls, and Assembly Halls Without Fixed Seats - At least one (1) parking space shall be provided for each one hundred (100) square feet of floor area arranged, intended or designed for dancing, exhibition or assembly purposes.

(4) Senior High Schools, Trade Schools, Business and Professional Schools, Colleges and Universities - At least one (1) parking space shall be provided for each ten (10) classroom seats in addition to the provision for one (1) parking space for each two (2) staff members.

(5) Elementary and Junior High Schools - At least one (1) parking space shall be provided for each two (2) staff members and at least (1) parking space shall be provided for each ten (10) auditorium seats.

(6) Community Centers, Libraries and Museums - At least one (1) parking space shall be provided for each two (2) staff members and at least one (1) parking space shall be provided for each ten (10) auditorium seats.

(7) Bowling Alleys - At least three (3) parking spaces shall be provided for each bowling alley.

h. Professional, Religious, Business and Similar Type Office Buildings Having More Than One Thousand (1000) Square Feet of Floor Area

At least one (1) parking space shall be provided for each five hundred (500) square feet of net floor area used for office purposes. (Total floor area less area used for halls, toilet facilities, maintenance closets, etc.) For uses which exceed one thousand (1000) square feet in net floor area, the first one thousand (1000) square feet of net floor area shall be included in calculating the required number of parking spaces.

i. Funeral Homes

At least one (1) parking space shall be provided for each five (5) seats available under maximum occupancy, at least one (1) parking space shall be provided for each funeral vehicle, and at least one (1) parking space for each dwelling unit.

j. Restaurants, Taverns, Night Clubs

All establishments for the sale and consumption on the premises of food or alcoholic beverages, or other refreshments, having more than one thousand (1000) square feet of floor area, shall provide at least one (1) parking space for each two hundred (200) square feet for that portion of floor area which is contained within the walls of rooms used for or intended to be used primarily for the consumption of food or beverages by patrons of such establishments. For uses which exceed one thousand (1000) square feet of floor area, the first one thousand (1000) square feet of floor area shall be included in calculating the required number of parking spaces. Where live or electronically-amplified entertainment is provided, the amount of required parking shall be based on each one hundred (100) instead of two hundred (200) square feet.

k. Gasoline Service Stations

At least one (1) parking space shall be provided for each two (2) employees.

l. Retail Stores (except those for which special regulations are otherwise provided), Personal Service Shops, and Clothing and Shoe Repair Shops, Hardware Stores, Having More Than One Thousand (1000) Square Feet of Floor Area

At least one (1) parking space shall be provided for each three hundred (300) square feet of floor area. For uses which exceed one thousand (1000) square feet of floor area, the first one thousand (1000) square feet of floor area shall be included in calculating the required number of parking spaces.

Shopping Centers - Five and one-half (5.5) parking spaces shall be provided for each one thousand (1000) square feet of floor area.

m. Banks

At least one (1) parking space shall be provided for each five hundred (500) square feet (over 2000 square feet area) or equivalent. For banks which exceed two thousand (2000) square feet in area, the first two thousand (2000) square feet of area shall be included in calculating the required number of parking spaces.

n. Furniture and Appliance Stores, Motor Vehicle Salesrooms, Wholesale Stores, Machinery Sales, Household Equipment or Furniture Repair Shops Having More Than One Thousand (1000) Square Feet of Floor Area

At least one (1) parking space shall be provided for each six hundred (600) square feet of floor area. For uses which exceed one thousand (1000) square feet in floor area, the first one thousand (1000) square feet of floor area shall be included in calculating the required number of parking spaces.

o. Manufacturing and Industrial Uses, Research and Testing Laboratories, Creameries, Bottling Establishments ,Newspapers and Engraving Shops

At least one (1) parking space shall be provided for each four (4) employees which such building or structure is designed to employ at maximum capacity at any one (1) period during the day or night.

p. Warehouse and Storage Buildings

At least one (1) parking space shall be provided for each six (6) employees during greatest shift.

q. Motor Freight and Local Cartage Terminals

At least one (1) parking space shall be provided for each four (4) employees.

r. Open Car-Lot and Trailer Sales

At least 10% of the minimum of two (2) parking spaces shall be designated for off-street customer parking space.

s. Junk, Coal, Lumber, Contractors' Yards

At least one (1) parking space shall be required for each two (2) employees.

t. Unspecified Uses

In the case of a use not herein specifically mentioned the requirement for off-street parking shall be the same as for the most nearly similar use which is so mentioned as determined by the Division of Buildings and Property Rehabilitation where the permits are issued.

u. General Provisions

(1) Changes in Intensity of Use

(a) Whenever a change is made in a building or its use which requires an increase of more than 15% in off-street parking facilities as determined by this Article, such facilities shall be provided to the extent to which the requirements of the new building or new use exceed those applicable to a conforming building similar to the original structure at the time of such change or increase.

(b) When a decrease in intensity of uses occurs and indicates a reduction of off-street parking requirements, existing parking facilities must not be reduced more than those required for the entire modified structure or its use under this Article.

(2) Existing Uses

Subject to the provisions of Paragraph u (l) (Changes in Intensity of Use) of this Article, nothing in this Article shall prevent the reconstruction, repairing, or rebuilding and continued use of any building or structure existing at the effective date of this Article, which is damaged by fire, collapse, explosion or Acts of God, subsequent to such effective date.

(a) Requirements of this Article except as above provided shall not apply to a building in existence at the time of the enactment of this Article except in the event of a change of use, increase in the number of dwelling units, floor area, or other unit of measurement, or a change in the intensity of use or occupancy or of occupancy content, as described in Paragraph u(l) of this Article. Buildings or structures in existence on the effective date of this Article shall be subject to the requirements applicable thereto on such date except as otherwise provided herein.

(b) An existing building which lacks required parking spaces shall be deemed to be "nonconforming" only if the space used for off-street parking is reduced in area or capacity below that existing on the effective date of this Ordinance.

(c) For the purpose of this Sub-paragraph 2 (Existing Uses), buildings and structures which were in existence on January 1, 1955 and were thereafter damaged by fire, collapse, explosion, or Acts of God, and by reason thereof, such reconstruction, repair or rebuilding is in progress or hereafter in good faith is carried out shall be deemed in existence on the effective date hereof.

(3) Plot Plan Showing Location and Layout of Parking Area

No application for building permit for a new, enlarged, or altered structure or improvement or use shall be approved unless there is included with the plan for such structure or improvement or use a plot plan, drawn to scale, showing the location and layout of the required off-street parking facilities in accordance with this Article; nor shall a permit be issued for the improvement of a parking area to serve as an accessory use to an existing building until a plot plan, drawn to scale, has been submitted in accordance with the provisions contained herein.

(4) Location of Parking Facilities

Required off-street parking or garaging facilities shall be provided and maintained as follows:

(a) Off-street parking facilities required as auxiliary to main uses shall be located within the same zoning district specified for the main use or in less restricted districts, except as otherwise provided.

(b) In residential use districts on the same lot, except as follows:

1) Where a residential structure is located in a residential use district, other than A-1, A or AA, and adjacent to a nonresidential use district, off-street parking or garaging facilities required under this Article may be provided and maintained off the premises within two hundred (200) feet therefrom in such nonresidential use district.

2) Where a permitted principal use, other than a nonconforming use, conditional use, or use permitted under a Variance or Exception by the Board of Zoning Appeals, occupies 50% or more of the frontage on one (1) side of a block between two (2) intersecting streets, the required off-street parking spaces may be situated directly opposite the frontage occupied by said principal use as projected to the opposite side of the street, upon the obtaining of a Special Permit as set forth in Part C, Section IV, except for Article 2, No. 2, Paragraph b, Sub-paragraphs (1) and (2) of said Article.

Apartments and hotel storage garages shall be regarded as residential garages insofar as their location in relation to the side and rear lot lines. In case they are more than one (1) story above the ground, they shall be subject to the same yard requirements as if they were part of the main structures. Underground parking garages may be erected in any part of the lot occupied by the apartment or hotel structure.

(c) In nonresidential use districts, churches, clubs, hotels, restaurants, taverns, night clubs, retail stores, personal service shops, clothing and shoe repair shops, banks, business and professional office buildings, furniture and appliance stores, motor vehicle sales, wholesale stores, machinery sales, household equipment or furniture repair shops, hardware stores, or any similar uses, the required spaces may be located on the lot or within five hundred (500) feet of the building they are intended to serve.

(d) For nonresidential uses other than those specified above, at least 20% of the off-street parking spaces required shall be provided and maintained within five hundred (500) feet of the building they are intended to serve.

(e) The distance specified in this section shall be the distance (as measured along established walks or street crossings) between the nearest point of the off-street parking facilities and the nearest entrance of the building to be served.

(f) No commercial or municipal off-street parking or garaging facility shall have an entrance or exit on South Salina Street between Erie Boulevard and Onondaga Street.

This provision may be waived by the City Planning Commission provided the City Planning Commission determines that the proposed application is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site, is not detrimental to adjoining land uses, and will not create hazardous or obnoxious conditions.

(5) Control of Parking Area

Where required off-street parking facilities are provided off the site of the principal use, the parking facilities shall be and remain in the same legal possession as the property occupied by the use to which the parking facilities are auxiliary. Documentary evidence of the right to such legal possession shall be furnished to the Division of Buildings and Property Rehabilitation. The foregoing provisions shall not apply so long as off-street parking facilities available for public parking are provided otherwise within the required distance and the City Traffic Engineer certifies that the required number of spaces is readily available to serve such use.

(6) Existing Parking Facilities

Existing off-street parking and garaging facilities provided at the effective date of this Ordinance and actually being used at that date for the parking and garaging of automobiles in connection with the operation of existing buildings or uses if in excess of requirements then applicable or hereof provided shall not be reduced to an amount less than is required under these regulations for a similar new building or new use. If such parking or garaging facilities are below such requirements as specified above on such date, the same shall not be further reduced.

(7) Mixed Uses

In the case of mixed uses, the total requirements for off-street parking or garaging facilities shall be the sum of the requirements set forth elsewhere in this Article, and off-street parking facilities for any other use, except that in cases where the operating hours of the building or uses do not overlap, dual use of parking facilities may or shall be permitted.

(8) Cooperative Establishment and Operation of Off-Street Parking Facilities

Requirements for the provision of off-street parking facilities with respect to two (2) or more building or property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the total number of spaces designated is not less than the sum of the individual requirements at any time; provided that the requirements of this Article with respect to location are complied with.

Amended 3/22/93

PART C

SECTION III PARKING AND LOADING REQUIREMENTS

Article 2 Improvement and Maintenance of Off-Street Parking (Required and Otherwise)

1. Improvement and Maintenance: (also see Part C, Section I, Article 5)

a. Design Standards

(1) All off-street parking facilities shall be provided with appropriate means of vehicular access to a street or alley in a number which will least interfere with traffic movements, as determined by the City Traffic Engineer.

(2) No signs shall be displayed in any parking facilities, except such signs as may be permitted by the zoning regulations subject to restrictions and limitations as set forth elsewhere in this Ordinance or in the Building Code.

(3) Each required parking space shall have an area of not less than eight (8) feet six (6) inches in width nor less than eighteen (18) feet in length. Aisles between parking vehicles shall be sufficient in width to permit free movement of cars along the aisle and during the process of parking. All off-street parking areas shall be so designed as to establish useable and workable parking facilities including an area of adequate size to permit on-site turnaround.

b. Setback

(1) The parking area, if on the same lot with a main building, shall not be located within the front yard required for such building. If not on the same lot with the main building, the paved parking area shall setback at least five (5) feet from any street line, established building line, or required setback, whichever is farther from the street. Further, any wall, fence or hedge developed around the parking area shall conform to the yard requirements of this Ordinance.

(2) Off-street parking facilities shall further be subject to restrictions and requirements governing setback lines for such buildings.

c. Screening

All off-street facilities shall be effectively screened on each side which adjoins or fronts property situated in a residential district or used for residential or institutional purposes by a wall, opaque fence or densely-planted compact evergreen hedge.

d. Surfacing

All open off-street parking areas shall be surfaced with an all-weather dustless material. Except for construction vehicles used during duly permitted periods of construction and emergency vehicles, no motor vehicles shall be parked on bare ground or grassed or vegetated areas.

e. Artificial Lighting

Artificial lights for illumination of parking space in any districts shall be so designed, constructed and maintained that there shall be no direct glare of the light beyond the boundaries of such property or to any adjacent property.

f. Encroachments and Use of Parking Facilities

(1) Except as specifically stated, off-street parking facilities developed for residential properties in any residential district in compliance with this Article, shall be used solely for the parking of personal passenger motor vehicles owned by occupants of dwelling structures intended to be served, or visitors, guests or employees of the occupants; other than for the customary delivery of goods or services to the premises, no residentially used property in a residential district shall provide parking, storage, or a base of operations for commercially used vehicles.

(2) Except for purposes of construction or demolition subject to permit by the Division of Code Enforcement or protection of health, safety, and welfare by duly authorized public agencies, no motor vehicle as defined herein shall encroach upon any area located between a street right-of-way and the required setback other than the driveway specifically leading to an off-street parking facility (open area or garage) established in accordance with the provisions of this Article. Any residential driveway located between a street right-of- way and the required setback shall not exceed twelve (12) feet in width and shall lead as directly as possible to the off-street parking facility, with the exception that multiple driveways and/or driveways wider than twelve (12) feet in such restricted areas may be permitted for residential uses other than one- or two-family dwellings by waiver by the City Planning Commission under Site Plan Review or Multi-Building /Planned Development Review.

Amended 5/92
Amended 10/9/07
Amended 6/7/10
g, h, i deleted as part of Court proceedings post 6/7/10

PART C

SECTION III PARKING AND LOADING REQUIREMENTS

Article 3 Accessory Off-Street Loading Requirements

1. Requirements:

Except as hereinafter provided, every building or part thereof hereafter erected which is arranged, intended or designed to be used for retail or wholesale purposes, hotel, hospital, and other institution, research or testing laboratory, creamery, bottling establishment, printing or engraving shop, or any similar use, loading berths shall be provided as follows:

a.

Gross Floor Area of Establishment	Required No. & Size of Berths
5,000 to 10,000 sq.ft.	1 - (10 ft. x 25 ft.)
10,000 to 25,000 sq ft.	2 - (10 ft. x 25 ft. each)
25,000 to 40,000 sq.ft.	2 - (10 ft. x 50 ft. each)
40,000 to 100,000 sq.ft.	3 - (10 ft. x 50 ft. each)
100,000 to 250,000 sq.ft.	4 - (10 ft. x 50 ft. each)

For each additional 200,000 square feet of floor area or fraction thereof over 250,000 square feet of floor area, one additional loading berth shall be provided, such additional berth to be at least 10 feet in width by 50 feet in length.

b. For Office Buildings, loading berths shall be provided as follows:

10,000 to 100,000 sq.ft.	1 berth (10 ft. x 25 ft.)
100,000 to 500,000 sq.ft.	1 additional berth (10 ft. x 50 ft. each) per 100,000 sq.ft.
Over 500,000 sq.ft.	1 additional berth (10 ft. x 50 ft. each) per 100,000 sq.ft.

c. For buildings or parts thereof used for manufacturing, warehousing and storage purposes, loading berths shall be provided as follows:

35,000 to 40,000 sq.ft.	1 berth (10 ft. x 50 ft.)
40,000 to 100,000 sq.ft.	2 berths (10 ft. x 50 ft. each)
Over 100,000 sq.ft.	1 additional berth (10 ft. x 50 ft. each) per 100,000 sq.ft.

d. The minimum clear height of each berth, including access to it from the street, shall be 14 feet.

e. Such requirements as outlined above, shall not apply to any such building having less than the minimum square feet of aggregate gross floor area arranged, intended or designed for such use. Equivalent off-street loading space may be provided.

2. Enlargement or Replacement of Existing Structures:

The provisions of this Article shall not apply to replacement or enlargement of existing structures anywhere in the City. Provided, however, that in event the aggregate gross floor area of any building or structure shall be increased by more than 50%, loading space shall be provided to the extent of the additional requirements made necessary by such increase, above those which would be applicable to a conforming building of such size at the time of such increase.

a. No building that is not arranged, intended or designed for use for the purposes specified above shall be hereafter used for such purposes unless truck loading or unloading berths as herein prescribed are provided.

b. Where such loading space does not adjoin the street, convenient and adequate access, at least 12 feet in width, to such space shall be provided.

Amended 3/89

PART C

SECTION IV SPECIAL PERMITS

Article 1 Information and Procedures

1. The City Planning Commission, after a public hearing, and with the approval of the Common Council by ordinance except as otherwise provided in this Ordinance, may permit the utilization of land by one (1) or more of the Special Permit Uses enumerated in these rules and regulations for the zoning district in which the land is situated subject to appropriate and reasonable conditions and safeguards tending to promote the intent of such rules and regulations.

2. Each specific use for which a permit is sought shall be considered as an individual case and shall conform, in addition to all other applicable standards prescribed in these rules and regulations, to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use:

   a. The nature and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with such use will not be hazardous or detrimental to the predominant character of the neighborhood or to the normal traffic of the neighborhood, taking into consideration among other things, convenient routes of pedestrian traffic, particularly street intersections, vehicular turning movements in relation to routes and of traffic flow, site distances and adequacy of parking facilities.

   b. The nature, locations, size, intensity and site layout of use shall be in harmony with the appropriate and orderly development of the area in which it is situated and that its operation shall not be detrimental by reason of dust, noise, odor, fumes, explosion, glare or otherwise.

   c. The location and height of buildings, the location, nature and height of walls, fences and other structures, and the nature and extent of drainage and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent lands and buildings, nor impair the value thereof.

3. In addition, each permitted use shall comply with the following requirement:

   a. All structures shall maintain side, rear and front yards as required in the zoning district in which the use is located: PROVIDED, however, any such use locating in a residential district shall provide side, rear and front yards equal to the height of the building or structure utilized when greater than the existing yard requirements established within the district; and provided further that, abutting public lands intended for open space recreational use may be used in computing such yard requirements.

4. All applications submitted for Special Permit review shall contain detailed plans, including site, elevations and plans of structures, and accessory use areas and landscaped development of the entire parcel devoted to Special Permit Use, and such other documents and illustrations as shall be necessary to make the above review.

5. All uses of land or buildings, now in existence, which heretofore were permitted as of right and which would hereafter be required to obtain a special permit shall be entitled to such special permit without hearing, upon submission of site 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.

6. No lands or building for which a special permit has been issued, or is issuable shall be changed to another special permit use, nor shall any alteration, or enlargement, of any structure, facility or designated area necessary or incidental to such special permit use, be made without obtaining a new special permit relating to such alteration, enlargement or change, except as provided in Paragraph 7 below. All requests for such new permits shall be considered in the same manner and under the same criteria as an original request.

7. The City Planning Commission, however, shall have the authority to alter and/or modify any Special Permit development plans and/or conditions attached thereto, which have been approved by the City Planning Commission, and if required under the Zoning Ordinance by Common Council, provided that the requested alterations and/or modifications to the approved plans and/or conditions meet the following criteria:

   a. That the proposal does not substantially change the use, design, character or nature of the development of the property in question.

   b. That the proposal is not detrimental to the appropriate development or use of adjacent lands and buildings.

   c. That the proposal is not detrimental to the orderly flow of vehicular and pedestrian traffic on-site and off-site.

   Any request for alterations and/or modifications to Special Permits heretofore approved which do not meet the above criteria shall be considered as a request for a new Special Permit and shall be processed under the same criteria as an original request.

8. Failure to comply with the appropriate and reasonable conditions and safeguards set forth in a special permit, pursuant to this Article and applicable paragraphs of Part C, Section IV, Article 2, shall be grounds for considering special permit revocation. Deliberations leading to revocation must be preceded by a report confirming failure to comply, submitted to the City Planning Commission by the office duly charged with enforcement of the zoning rules and regulations. Revocation shall be based on a finding by both the City Planning Commission and Common Council that the failure to comply has or will have a detrimental effect on the character and development of the surrounding properties and neighborhood. (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.) No matter of revocation shall be decided until after a public hearing has been held with due notice.

9. Where utilization of land requires a special permit pursuant to these rules and regulations, the Board of Zoning Appeals may not grant a variance in lieu of such special permit. Nor may denial of a special permit be appealed to the Board of Zoning Appeals. (Denial of special permits shall not be considered decisions or determinations of administrative officers charged with the enforcement of zoning matters.)

Amended 3/16/92

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

1. Gasoline Service Station:

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

a. General Locational Requirements

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

(1) is not detrimental to adjoining zoning districts and permitted uses;

(2) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;

(3) will not create hazardous or obnoxious conditions;

(4) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

b. Street Frontage

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

c. Minimum Lot Size

(1) Any lot upon which such station shall be located shall have not less than one hundred fifty (150) feet of frontage on an arterial or collector street, with a depth, or frontage along any other street of not less than one hundred (100) feet.

(2) Any such lot with minimum dimensions may have a maximum of three (3) service bays and three (3) pump islands.

(3) One (1) pump island may be added longitudinally on the subject property for each thirty (30) feet of parallel arterial or collector street frontage additional to the minimum required herein, provided such additional frontage has a depth approximately equal to that of the other portion of the subject property.

d. Minimum Yard Requirements

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

(2) No side and rear yards are required along lot lines adjacent to property zoned for nonresidential purposes except as provided in Subparagraph (3) below or by the Building or Fire Codes.

(3) Side and rear yards of not less than ten (10) feet shall be provided along all lot lines adjacent to property zoned or used for residential or office purposes.

e. Parking

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

f. Signs

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

g. Curbing

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

(1) Curbs shall be installed at the edge of the roadway along the entire street frontage of the lot upon which a gasoline service station is located.

(2) Drop curbs shall be provided at all curb-cuts.

h. Driveways

(1) The distances between the nearest sides of driveways opening onto traffic lanes leading to or away from the intersection shall be the established distances from the Point of Curve or Tangent to the Point of Intersection or twenty five (25) feet whichever is greater.

(2) Driveways located next to a residential district shall provide not less than ten (10) feet spacing between such property line and the nearest boundary of the driveway, unless otherwise determined by the City Planning Commission and the Department of Transportation as providing a traffic condition as safe as that provided by such spacing.

(3) All other driveways may be located adjacent to the property lines, unless otherwise determined by the City Planning Commission and the Department of Transportation as creating an unsafe traffic condition.

(4) Driveways shall not exceed a width of twenty four (24) feet with a curb-cut of not more than thirty (30) feet.

(5) No driveway opening on a public right-of-way shall be located within thirty (30) feet of another such driveway, except as otherwise permitted by the City Planning Commission and the Department of Transportation as providing a safer traffic condition.

(6) Driveways shall be slanted so that the angle between the curb line and driveway shall be forty five (45) degrees or more but not greater than ninety (90) degrees to permit convenient ingress and egress to the traffic lane nearest the site.

(7) All driveways shall be curbed and constructed of an impervious, all-weather, dustless material.

(8) All dimensions specified in this paragraph shall be measured along the curb line or edge of pavement if no curb exists.

i. Gasoline Pump Islands

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

j. Lighting

(1) All lighting shall be located such as to prevent the direct rays from shining upon adjacent properties.

(2) All flickering, pulsating, or flashing lights and exposed neon lights are specifically prohibited.

(3) No light which may tend to confuse the motoring public with traffic lights shall be permitted.

k. Drainage

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

l. Maintenance and Snow Storage

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

m. Outside Storage

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

n. Improvements to Existing Gasoline Service Station Sites

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

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

(2) Replacement or relocation of appurtenant facilities, such as lighting, pumps, signs and the like shall also be permitted without requiring approval by the City Planning Commission provided such facilities comply with the applicable requirements of this Article. However, relocation of appurtenant facilities approved as part of a Special Permit Use shall require approval without a Public Hearing by the City Planning Commission.

(3) Use of contiguous lands zoned for business, commercial or industrial purposes solely in conjunction with an existing gasoline service station operation is permitted provided that the land is resubdivided in accordance with the standard procedures adopted by the City Planning Commission.

o. Additions to Existing Gasoline Service Stations

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

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

(1) Any gasoline service station buildings now legally existing in any Business, Commercial or Industrial zone and not conforming to the requirements of the Zoning Ordinance may be rebuilt on the subject property upon approval by the City Planning Commission after a Public Hearing and with the concurrence of the Common Council. Before approval by the Commission of any application, plans shall be submitted and the Commission shall make specific determination:

(a) that all nonconformities affecting the use and development of the building or land which are correctable without requiring the acquisition of adjoining parcels of land owned by other persons, are corrected; and that the use of the existing gasoline service station site:

(b) is not detrimental to adjoining zoning districts and permitted uses;

(c) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;

(d) does not create hazardous or obnoxious conditions;

(e) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

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

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

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

r. Waivers, Alterations or Modifications

(1) The City Planning Commission may waive, alter, or modify the requirements hereinbefore provided, upon the finding that such proposal makes provisions to protect the health, safety, and welfare of the public, or that such waiver, alteration, or modification is necessary to permit the use of the property and to attain the objectives of these rules and regulations.

(2) Before approval of any waiver, alteration or modification of any requirement, the Commission shall make specific determination that the proposed waiver, alteration or modification:

(a) is not detrimental to adjoining zoning districts and permitted uses;

(b) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;

(c) will not create hazardous or obnoxious conditions;

(d) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

PART C

SECTION IV SPECIAL PERMITS

ARTICLE 2 Special Permit Uses and Requirements

2. Car Wash Facilities:

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

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

a. Location

(1) No car wash facility shall be located within two hundred (200) feet, of any place of public assembly such as, but not limited to churches, schools, theaters, auditoriums, parks and playgrounds.

(2) Such facilities shall have not less than one (1) street frontage on a primary, or secondary street, as designated in the 1967 General Plan of the City of Syracuse, and any subsequent amendment thereto.

b. Minimum Lot Size

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

(2) Any such lot with minimum dimensions may have a maximum of one (1) service bay or unit (A).

(3) One (1) service bay or unit may be added for each thirty (30) feet of primary or secondary street frontage additional to the minimum required herein (A).

c. Minimum Yard Requirements

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

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

(3) Side and rear yards of not less than twenty (20) feet shall be provided along all other property lines. Such yards shall be provided with an opaque fence of not less than four (4) feet, nor more than six (6) feet in height placed along the property line, or provided with an all-year, solid, evergreen hedge of not less than four (4) feet in height at the time of planting. However, any such car wash facility located adjacent to a residential area shall provide an all-year evergreen hedge of not less than four (4) feet in height planted along the property line adjacent to such residential area.

d. Parking

(1) One (1) space shall be provided per two (2) employees exclusive of others and developed in accordance with Part C, Section III, Article 1 of the Zoning Ordinance.

(2) For a coin-operated facility (A), the following additional parking spaces are required:

(a) At the entrance to the facility a waiting reserve shall be provided of four (4) spaces per bay or unit.

(b) Beyond the exit of the facility a finishing reserve shall be provided of two (2) spaces per bay or unit.

(3) For an owner-operated facility (NA), the following additional parking spaces are required:

(a) At the entrance to the facility a waiting reserve shall be provided equal to four (4) times the maximum capacity of each service aisle.

(b) Beyond the exit of the facility a finishing reserve shall be provided of two (2) spaces per service aisle.

e. Signs

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

f. Curbing

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

(1) Curbs shall be installed at the edge of the roadway along the entire street frontage of the lot upon which an automatic car wash facility is located.

(2) Drop curbs shall be provided at all curb-cuts.

g. Driveways

(1) Driveways opening on traffic lanes leading to the intersection at which the car wash is situated shall be located such as to provide not less than forty (40) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway.

(2) Driveways opening on traffic lanes leading away from the intersection shall be located such as to provide not less than fifteen (15) feet spacing between the intersection formed by the street right-of-way lines and the nearest boundary of the driveway.

(3) Driveways located next to a residential district shall provide not less than twenty five (25) feet spacing between such property line and the nearest boundary of the driveway, unless otherwise determined by the City Planning Commission as providing a traffic condition as safe as that provided by such spacing.

(4) All other driveways shall be located not less than ten (10) feet from the property lines, unless otherwise determined by the City Planning Commission as providing a traffic condition as safe as that provided by such spacing.

(5) Driveways shall not exceed a width of twenty four (24) feet with a curb-cut of not more than thirty (30) feet.

(6) No driveway opening on a public right-of-way shall be located within thirty (30) feet of another such driveway, except as otherwise permitted by the City Planning Commission as providing a safer traffic condition.

(7) Driveways shall be slanted not more than sixty (60) degrees to the curb line, to permit convenient ingress and egress to the traffic lane nearest the site.

(8) All driveways shall be constructed of an impervious, all-weather, dustless material.

(9) All dimensions specified in this paragraph shall be measured along the property line, except as otherwise specifically provided.

h. Open Area

(1) All open areas shall be landscaped, where required, or paved with an impervious, all-weather, dustless material, provided, however, all such paved areas shall be provided with a storm drainage system to conduct natural surface runoff into the nearest drainage system; all water and other liquid products produced by the use itself shall be disposed of by on-site drainage facilities which shall control the direction of flow in such a manner as to avoid surface runoff across property outside the site, including public rights-of-way.

(2) All landscaped areas shall be adequately protected by a raised curb of not more than six (6) inches in height, or a bumper guard of not more than eighteen (18) inches in height.

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

i. Lighting

(1) All lighting shall be located such as to prevent the direct rays from shining upon adjacent properties.

(2) All flickering, pulsating, or flashing lights and exposed neon lights are specifically prohibited.

(3) No light which may tend to confuse the motoring public with traffic lights shall be permitted.

j. Additions or Improvements to Existing Car Wash Facilities

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

k. Approval

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

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

(2) Before approval of any application, or deviation of any specific provision, the Commission shall make specific determination that the proposed application or deviation:

(a) is not detrimental to adjoining zoning districts and permitted uses;

(b) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;

(c) will not create hazardous or obnoxious conditions; and

(d) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

3. Transitional Parking Areas:

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

a. In the granting of any such permit, due consideration shall be given to the necessity, adequacy and aesthetic character of the proposed development and traffic circulation within the immediate vicinity. Consideration shall also be given to insure that said development is in accord with the General Plan of the City of Syracuse and not detrimental to the character of the neighborhood or inconsistent with the spirit and intent of the Zoning Rules and Regulations of the City of Syracuse.

b. All applications submitted for a special permit shall contain a site plan drawn to scale and such other documents and illustrations as required by the City Planning Commission to indicate full compliance with the following standards:

(1) All transitional parking areas shall be accessory to one (1) or more principal uses, excluding commercial parking lots and garages, not situated or permitted in the district in which such parking area is proposed, and shall be contiguous to the district wherein such principal use or uses are situated. When such district abuts a street right-of-way, the parking area may be situated opposite said district, provided, however, that the boundaries of the parking area extend no further along said street right-of-way than the boundaries of said district as projected to the opposite side of the street wherein said parking area is proposed.

(2) All transitional parking areas shall be entirely situated within two hundred (200) feet of the district wherein the principal use or uses are situated, excluding public right-of-way, provided, however, that if any portion of the land to be so utilized consists of a lot situated partially within, but whose boundaries extend beyond said two hundred (200) feet, the City Planning Commission may permit said parking area to extend to said boundary lines, but in no case shall the boundaries of the parking lot extend beyond two hundred fifty (250) feet from the aforementioned district.

(3) The following signs may be erected:

(a) One (1) sign located within twenty five (25) feet of the district wherein the principal use is situated having an area not in excess of twelve (12) square feet, no portion of which may project more than eight (8) feet above the surface of the parking area at the point where the sign is situated.

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

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

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

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

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

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

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

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

(1) is not detrimental to adjoining zoning districts and permitted uses;

(2) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;

(3) will not create hazardous or obnoxious conditions.

Amended 7/1/91

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

4. Junk Yards and Scrap Metal Processing:

a. After a public hearing before the City Planning Commission and upon approval of the Common Council by ordinance, junk yards and scrap metal processing operations shall be allowed. Upon the issuance of a special permit, in accordance with the provisions set forth in Articles 1 and 2 of this section, junk yards may thus be permitted in Industrial District, Class A zones and scrap metal processing operations may thus be permitted in Industrial District, Class A and Class B zones.

b. In the granting of any such permit, due consideration shall be given to the adequacy and aesthetic character of the proposed development and traffic circulation within the vehicular vicinity. Consideration shall also be given to insure that said development is in accord with the general plan of the City of Syracuse and not detrimental to the character of the neighborhood or inconsistent with the spirit and intent of the Zoning Rules and Regulations of the City of Syracuse. All applications submitted for said special permit shall contain a site plan drawn to scale and such other documents and illustrations as required by the City Planning Commission, to indicate full compliance with the following standards:

(1) All junk yards shall be located at least ten (10) feet from the street line and shall be surrounded by a wooden fence eight (8) feet in height above the level of the sidewalk or by a similar fence of other opaque material. Any new building constructed and to be used in conjunction with the operation of a junk yard shall be a masonry building or building approved by the Bureau of Fire Prevention of the City of Syracuse as being equivalent in fire resistivity as an enclosed masonry building. Any existing building, excluding wood or wood frame buildings, may be used in connection with the operation of a junk yard, provided such structure is approved by the Bureau of Fire Prevention of the City of Syracuse as being equivalent in fire resistivity as an enclosed masonry building.

(2) All scrap metal processing operations and related storage areas and accessory parking and loading spaces and platforms for railroad freight cars shall be maintained or conducted substantially within an enclosed eight (8) foot fence or hedge of material approved by the City Planning Commission, which fence or hedge shall be situated a minimum distance of fifty (50) feet from the lot lines of the subject property. The aforementioned fifty (50) foot buffer shall be open and unoccupied except for driveways, railroad tracks and sidings, and shall be suitably landscaped.

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

(4) All materials located within such buildings or yards shall be arranged so that reasonable inspection of or access to all parts of the premises can be had at any time by the proper fire, health, police and building authorities.

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

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

5. Offices of Religious and Educational Institutions:

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

a. Such facilities shall front on a primary or secondary road as indicated on the General Plan of the City of Syracuse, and access thereto shall be provided only from such roads.

b. There shall be no retail sales or food preparation activities conducted within such facilities.

c. All roadways and parking facilities shall be surfaced with an all-weather, dustless surface.

d. All open areas not used for vehicular purposes shall be landscaped.

e. Side and rear yards, within not less than ten (10) feet of abutting and permitted residential uses and areas, shall be landscaped with plantings to provide an adequate all-year screen.

f. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

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

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

a. All bulk storage tanks of such fuel shall be placed underground at such location and depth which shall not present a hazard to adjoining nearby uses and the general public and recommended for approval by the Bureau of Fire Prevention.

b. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.

c. The entire premises shall be enclosed within a fence, or equivalent, of not less than five (5) feet high, except as otherwise required by Ordinance.

d. The grounds of the premises not occupied by structures shall be landscaped or surfaced with an all-weather, dustless surface, unless otherwise required by Ordinance.

e. The front yard, including the area to the curb, shall be landscaped.

f. Side and rear yards within not less than ten (10) feet of abutting and residential permitted uses or areas shall be landscaped with plantings to provide an adequate all-year screen.

g. No retail sale of such fuels directly to the consumer shall be permitted on such premises.

h. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

7. Care Homes:

a. Prohibited Districts

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

b. Waivers

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

(1) Age and mobility of prospective occupants.

(2) Nature of any custodial care and/or supervision of prospective occupants, where required.

(3) Regulations of any agency, private or public, having jurisdiction over a specific Care Home, to the extent such regulations are actually imposed or are to be imposed.

(4) Accessibility to on-site or off-site active and/or passive recreational facilities (indoor and outdoor), retail goods and services, libraries, places of worship, medical services and such other facilities which may be considered necessary and/or appropriate to the needs of the prospective occupants.

(5) Traffic generating characteristics of the Care Home with particular emphasis on visitation privileges, loading requirements and availability and nature of public or private transportation facilities.

(6) Such other elements which are relevant to the particular circumstances of each individual case.

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

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

Amended 4/14/97

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

8.1 Restaurants:

a. Application

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

b. Approval Required

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

(1) Maintenance of Existing Floor Areas

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

(2) Internal Rearrangements

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

(3) Accessory Appurtenances

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

(4) Parking Changes

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

(5) Continued Operation

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

(6) Distance Limitation

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

c. Findings (General)

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

(1) The proposed use is in compliance with all applicable regulations of the Zoning Rules and Regulations of the City of Syracuse, as amended.

(2) The proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood or have an adverse impact on any properties with a unique cultural, historical, geographical, and architectural quality.

(3) The proposed use is in harmony within the visual and physical context of the immediate neighborhood.

(4) The proposed use is to be developed in such a way as to insure maximum amenities available to the site based upon a consideration of the site plan and functional requirements of the proposed use.

(5) The proposed use is compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect existing land use within close proximity to the subject site.

(6) Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. In making this determination, the Commission shall review, but need not be limited to, the following considerations:

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

(b) Pedestrian rights-of-way.

(c) Traffic regulatory devices.

(d) Location, number and design of points of ingress and egress.

(e) Accessibility to emergency vehicles with particular emphasis on proximity to structures, no-parking or no-loading zones or areas and provision for turning and free movement.

(f) Storage facilities for snow.

(g) Age and mobility of all persons for whose benefit the use is intended.

(h) Speed limits upon and general character of public highways in close proximity.

(7) The proposed use will be provided with adequate supporting services such as fire and police protection, public and private utilities and all supporting governmental services necessary and appropriate to the proposed use.

d. Requirements

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

(1) Parking

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

(2) Off-Street Loading Requirements

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

(3) Curbing

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

(a) Curbs as deemed necessary by the City Engineer shall be installed at the edge of the roadway along the entire street frontage of the lot upon which the restaurant is located.

(b) Drop curbs shall be provided at all curb cuts.

(4) Driveways

(a) Any driveway opening on a traffic lane leading to the intersection at which the restaurant is situated shall be located to provide not less than forty (40) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway.

(b) Any driveway opening on a traffic lane leading away from the intersection shall be located to provide not less than fifteen (15) feet spacing between the intersection formed by the street right-of-way lines and the nearest boundary of the driveway.

(c) Any driveway located next to a residential district shall provide not less than twenty five (25) feet spacing between such district boundary and the nearest boundary of the driveway.

(d) All other driveways shall be located not less than ten (10) feet from the property lines.

(e) Driveways shall not exceed a width of twenty four (24) feet with a curb-cut of not more than thirty (30) feet.

(f) No driveway opening on a public right-of-way shall be located within thirty (30) feet of another such driveway.

(g) Driveways shall be slanted not more than 60 degrees to the curb line, to permit convenient ingress and egress to the traffic lane nearest the site.

(h) All driveways shall be constructed of an impervious, all-weather, dustless material.

(i) All dimensions specified in this paragraph shall be measured along the property line, except as otherwise specifically provided.

(5) Open Areas

(a) All open areas shall be landscaped in a manner appropriate to the area in which the restaurant is situated and paving shall be of an impervious, all-weather, dustless material, with appropriate means to conduct surface runoff into the nearest drainage system.

(b) All landscaped areas shall be adequately protected by a raised curb approximately six (6) inches in height, or a bumper guard approximately eighteen (18) inches in height.

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

(6) Signs

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

(7) Lighting

(a) All lighting shall be located and shielded to prevent direct rays from shining upon adjacent properties.

(b) All flickering, pulsating or flashing lights are specifically prohibited.

(c) No light which may be confused by the motoring public with lighting used in official traffic regulatory devices shall be allowed.

(8) Outside Storage

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

(9) Planting and Screening

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

e. Additional Requirements

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

(1) Location

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

(2) Drive-Through Lanes

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

(3) Trash Receptacles

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

(4) Delivery Service

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

f. Additional Requirements

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

(1) Location

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

(2) Parking

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

g. Additional Requirements

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

(1) Location

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

(2) Setbacks

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

(3) Lot Width

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

(4) Minimum Lot Size

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

h. Waivers

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

(1) Compliance cannot be achieved because of circumstances which are peculiar to the subject property.

(2) Noncompliance will not adversely affect the public health, safety and welfare and will not be inconsistent with the provisions of Paragraph c, Findings (General).

i. Conditions

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

j. Conflicts

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

8.2 RESTAURANTS WITHIN THE DOWNTOWN CBD-GSA DISTRICT

a. Application

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

b. Approval Required

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

(1) Maintenance of Existing Floor Areas

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

(2) Internal Rearrangements

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

(3) Accessory Appurtenances

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

(4) Continued Operation

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

c. General Findings

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

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

(2) The subject restaurant will be in harmony within the visual and physical context of the immediate neighborhood.

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

d. Floor Space Allocations

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

(1) Areas devoted to tables and seats;

(2) Areas without tables or seats open to patrons and/or used for entertainment of patrons (standing space);

(3) Areas with seats at bars or counters.

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

e. Findings Regarding Floor Space

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

(1) The floor space arrangement, including any extensions outdoors, will be appropriate for the density and circulation of people that can be reasonably accommodated in the immediate area; such arrangement shall not contribute to the generation of excessive crowding or contribute to disruptive exterior gatherings;

(2) The arrangement and potential utilization of floor space will support an establishment which is consistent with the balance of uses in the area; such arrangement and utilization shall not support an establishment which damages or overwhelms other uses and causes the area to be less conducive to a variety of uses.

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

f. Signs

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

g. Waivers

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

1. Compliance cannot be achieved because of circumstances which are peculiar to the subject property.

2. Non-compliance will not adversely affect the public health, safety and welfare and will not be inconsistent with the general and specific findings.

h. Conditions

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

i. Conflicts

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

Amended 11/23/98

PART C

SECTION IV SPECIAL PERMITS

ARTICLE 2 Special Permit Uses and Requirements

9. Underground Storage and Transfer of Waste Oil:

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

a. All bulk storage tank facilities shall be placed underground and shall not present a hazard to adjoining nearby uses and the general public.

b. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.

c. The entire premises shall be enclosed within a fence, or equivalent, six (6) feet high, except as otherwise required by this Ordinance.

d. The grounds of the premises not occupied by structures shall be landscaped or surfaced with an all-weather, dustless surface, unless otherwise required by this Ordinance.

e. No retail sale of such fuels directly to the consumer shall be permitted on such premises.

f. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.

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

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

Amended 3/21/83
7/6/92-Paragraph numbering

PART C

SECTION IV SPECIAL PERMITS

ARTICLE 2 Special Permit Uses and Requirements

10. Indoor Amusement and Recreation Establishments:

a. Approval

(1) The City Planning Commission may approve the application for a special permit for indoor amusement and recreation establishments as a principal use or as an accessory use as hereinafter provided.

(2) Before approval of any application for a special permit, the Commission shall make specific determination that the proposed application:

(a) is not detrimental to adjoining zoning districts and permitted uses;

(b) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;

(c) will not create hazardous or obnoxious conditions; and

(d) is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.

(3) All special permit applications must be reviewed and approved by the Common Council.

b. Amusement Arcade

(1) Location of Amusement Arcades

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

(2) Exception for Accessory Game Devices

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

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

(a) An applicant for a license for accessory game devices as permitted by the provisions immediately above shall submit an application, in duplicate, to the License Commission of the City of Syracuse;

(b) Upon receipt of said duplicate application, the License Commission shall forward to the members of the Common Council one (1) copy of said application;

(c) Any Councilor within fifteen (15) days from the date of filing of said application, may file written objections to the issuance of said license if said Councilor shall determine that the issuance of said license is detrimental to the orderly flow of pedestrian and/or vehicular traffic on-site and/or off-site; will create hazardous or obnoxious conditions; or will be detrimental to the health, safety, or welfare of the public. Said written objections must be filed by said Councilor with the License Commission of the City of Syracuse and a copy of the same forwarded by the License Commission to the applicant. In the event of said objection, the applicant must comply with the procedure for the approval of a special permit in the same manner and procedure as provided for an amusement arcade;

(d) If no written objection from any Councilor is received by the License Commission within fifteen (15) days from the date of filing said application, then and in that event the License Commission may finalize issuance of a license for the placement of accessory game devices permitted pursuant to the provisions of this article within the establishment designated with said application;

(e) Such game devices shall be situated within the establishment or premises only in accordance with the provisions herein contained and other applicable regulations and licensing procedures established by the City.

(3) Exclusion

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

Amended 5/2/88
7/6/92-Paragraph numbering

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

11. Bed and Breakfast Establishments:

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

a. The establishment shall be located in an owner-occupied dwelling as the sole accessory use to the principal residential use.

b. No alterations shall be made to the exterior of the dwelling which would alter its character as a residential premises.

c. No more than four (4) bedrooms within the dwelling shall be for bed and breakfast use.

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

e. Breakfast shall be the only meal served to lodgers.

Adopted 3/22/93

PART C

SECTION IV SPECIAL PERMITS

Article 2 Special Permit Uses and Requirements

12. Other Special Permit Uses:

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

Amended 5/86
3/22/93-Paragraph numbering

PART C

SECTION V MULTI-BUILDING AND PLANNED DEVELOPMENTS

Article 1 Multi-Building and Planned Developments

1. Criteria:

Upon the request of an owner of land, the City Planning Commission may approve, in any district, multi-building and planned development in accordance with the procedures set forth herein, and may waive, alter, or modify any of the district regulations as to height of structures, setbacks and yards applicable thereto. In approving all development plans hereunder, due consideration shall be given to the nature, size, intensity and site design of the proposed development, and the traffic and pedestrian circulation within the site and the immediate vicinity so that it will be in harmony with the appropriate and orderly development of the area. The location and height of buildings, and the location, nature and height of walls and fences and the nature and extent of landscaping within the development shall be such that it will encourage the more efficient allocation, maintenance and use of land for common open space and public utilities and streets accessory and incidental to the land within the planned development and will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Consideration shall be given to insure that the planned development is in accord with the General Plan of the City of Syracuse and not inconsistent with the spirit and intent of the Zoning Rules and Regulations of the City of Syracuse and in conformity with the development standards adopted by the City Planning Commission.

The following standards shall be strictly adhered to and may not be waived by the City Planning Commission under this Article, except as otherwise specifically provided herein.

a. Tract Requirements:

All developments submitted for approval under the provisions of this Article, except as hereinafter provided for, shall contain a minimum area of twenty five thousand (25,000) square feet of land and shall have a minimum frontage of fifty (50) feet on either a public street or a private right-of-way, the latter having a minimum width at all points of fifty (50) feet, which right-of-way, may upon approval of the Commission, be situated in a more restricted district than the principal buildings. In Commercial District, Classes A and B, and Industrial Districts, Classes A and B, the minimum area of land shall be two (2) acres, and the minimum frontage on a public street shall be two hundred (200) feet.

b. Density and Land Coverage:

All multi-building and planned developments shall conform to the applicable density and land coverage regulations for the planned development as a whole.

c. Distance Between Principal Buildings:

(1) Minimum distance between buildings on one (1) lot, one (1) of which is a residential building, shall be twice the height of the taller building at the point of closest proximity in all cases where any facing wall of the residential building contain windows opening into interior living areas.

(2) Minimum distance between buildings on one (1) lot in all other cases shall be equal to the height of the taller building at the point of closest proximity, including cases where any facing wall does not contain any window except windows opening into interior common areas such as corridors, halls, stairways and stairwells and lobbies.

(3) The above spacing criteria may be waived, altered, or modified by the City Planning Commission in any multi-building and planned developments proposed within the area bound by Almond Street, Adams Street, Oneida Street, Seymour Street, West Street, and the FAI-690 Highway, where such waivers, alterations, or modifications are in accord with the intent and objective of this Article.

(4) A facing wall as used in this paragraph shall mean a wall parallel to or facing another wall at an angle of not more than ninety (90) degrees thereto, whereby straight line projection of any such wall, perpendicular to the other wall, covers more than one-fourth (1/4) of the lineal frontage of such other wall.

(5) In no case shall any point on any building be less than ten (10) feet from any point on any other building.

(6) In any case where a building faces the property line, the minimum distance between any point on that building and the property line shall not be less than the height of the building.

(7) The City Planning Commission may waive, alter or modify any of the standards that apply to distance between principal buildings and between buildings and property lines with the view of obtaining the best utilization of the land, lot characteristics, preservation of topography and other natural features.

Except for any multi-building and planned developments in the area bounded in Subparagraph (3) above, before any such waiver, alteration or modification is approved, the City Planning Commission shall conduct a Public Hearing and thereafter find and determine that the proposal:

(a) is not detrimental to the uses permitted in the proposed development or to adjoining zoning districts and permitted uses; and

(b) is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site; and

(c) will not create hazardous or deleterious conditions; and

(d) has been approved by any other municipal department having jurisdiction over the proposed use or uses; and

(e) is solely for the purposes of promoting an integrated site plan for such development.

2. Conveyance or Sale of Dwelling Units:

Plans for the platting of portions of a cluster or condominium development for the conveyance or sale of dwelling units must be approved by the City Planning Commission. The Commission shall have the power to approve the platting of lots with less than the minimum required lot dimensions if provisions are made for an owners' association or such other permanent maintenance arrangement approved by the City Planning Commission for continued acceptable maintenance of common open space, streets, sidewalks and other common facilities as may be specified in the approved site plan.

3. Other Restrictions:

All structures and uses proposed under the provisions of this Article, except as otherwise provided herein, shall conform to all other regulations applicable in the district in which the development is proposed.

4. Applications:

All applications shall contain a dimensioned site plan drawn to scale and such other plans, documents and illustrations which shall indicate in detail the following items as well as any other items considered necessary by the Commission:

a. Location, dimensions, and exterior treatment of all structures.

b. Accurate, up-to-date survey by a licensed surveyor.

c. Use and occupancy of all structures.

d. Off-street parking facilities in conformance with Part C, Section II, Article 1 of this Ordinance, including curb cuts and driveways.

e. Treatment of outdoor spaces, including fences, screening, planting, paving, pools, and retaining walls.

f. Existing and proposed topography.

g. All provisions of the Zoning Ordinance for which waivers are requested.

h. All easements, whether or not on record.

i. A vicinity sketch showing the location of the site in relation to the surrounding neighborhood.

j. Preliminary plans for public utilities.

PART C

SECTION VI SIGNS

ARTICLE 1 Intent

It is the intent of this law - - -

- to encourage sound aesthetic practices and lessen the objectionable effects of competition in respect to size and placement of signs;

- to safeguard and enhance property values in all zoning districts;

- to protect public investment in and the character and dignity of public buildings, open spaces and thoroughfares;

- to protect the distinctive appearance of Syracuse which is produced by its unique geography, topography, street patterns, skyline and architectural features;

- to provide an environment which will promote the development of business in the City;

- to reduce hazards to motorists and pedestrians traveling on the public way; and thereby

- to promote the public health, safety and welfare.

PART C

SECTION VI SIGNS

ARTICLE 2 Interpretation

The following rules shall apply to the interpretation of this law:

A. Where the provisions relating to a sign are inconsistent or conflicting, the more restrictive provisions shall apply.

B. Signs subject to the provisions of a Conditional Use, Variance, Exception, Special Permit or other special authorization, license or ordinance, issued prior to the effective date of this law shall be subject to the provisions contained therein and to the provisions of this law. Where such provisions are inconsistent or conflicting, the more restrictive provisions shall apply. All such signs which do not conform to this law shall be considered nonconforming signs *(but see the definition of "nonconforming sign" in Article 3.A.6 herein)***.**

PART C

SECTION VI SIGNS

ARTICLE 3 Definitions

The following definitions shall apply to this law:

A. SIGN TYPES

1. Sign:

An emblematic design, including those which are composed of light rays only, calculated to attract public attention to a product, service or undertaking 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.

2. Business Sign:

A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted other than incidentally, on the premises upon which such sign is located.

3. Off-Premise Advertising Sign:

A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, and which is sold, offered or conducted on such premises only incidentally, if at all. This term shall include what are commonly termed billboards and similar advertising panels. The term shall further include rotating panel or other mechanical changeable copy signs used for off-premise advertising and shall include Commercial Electronic Variable Message Signs (CEVMS), sometimes referred to as digital billboards, which are off-premise advertising signs, displays, or devices that change copy by remote or electronic control. A distinction shall be drawn between faces of Off-Premise Advertising Signs that are visible by reflective light and those the emit their own light using light emitting diodes, liquid crystal displays and any other internal illumination.

4. Special Sign:

A sign set forth and defined in ARTICLE IV of this law, identified as follows: address, arena, construction, information, integral, official, political subdivision and fraternal order, private traffic, public safety, real estate, statuary, temporary promotional or announcement, time and/or temperature device, window and window display.

5. Animated Sign:

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. With the exception of time and/or temperature devices as defined herein, whether or not they contain or are incorporated into a sign, any sign where the duration of a message and/or image is less than four seconds shall be considered animated.

6. Nonconforming Sign:

Except for Off-Premise Advertising Signs and 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 law which does not conform to the regulations contained herein shall be considered a nonconforming sign. (The formally approved signs are established in their status to continue to exist and are not, therefore, nonconforming.) 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, except as provided for by Special Amortization Consideration set forth in Article 7 herein.)

B. LOCATION TYPES

1. Ground Sign:

A sign which is supported by one (1) or more uprights or braces in or upon the ground.

2. Marquee Sign:

A sign attached to, or hung from a marquee. Marquee means a canopy or similar structure projecting from a building.

3. Projecting Sign:

A sign which is affixed to any building wall or structure and extends beyond the building wall or parts thereof, structure, building line, or property line more than fifteen (15) inches horizontally, and no portion of which projects above the roof line or parapet of a building.

4. Roof Sign:

A sign, any portion of which is either situated above the upper edge of any building wall or parapet (except as otherwise provided for in subdivision 5 below) 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.

5. Wall Sign:

A sign which is affixed and parallel to an exterior wall of a building, projecting not more than fifteen (15) inches therefrom, and extending not more than three (3) feet above the roof line or parapet of the building; where a sign extends above three (3) feet, it shall be considered a roof sign.

C. STRUCTURAL AND OPERATIONAL CHARACTERISTICS

1. Area:

The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with 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, excluding the necessary supports or uprights on which such sign is placed. The total area of all faces of signs designed to be viewed from more than one (1) direction shall be computed and considered as one (1) area, such as on double-faced, 'V' and sandwich type signs, except for Off-Premise Advertising Signs, for which limitations shall apply to each sign face.

2. Height:

The vertical distance from the uppermost point of a sign (including sign structure or structural trim) to the average ground level of the site upon which the sign is installed. For Off-Premise Advertising Signs a datum (ground elevation) shall be determined which is the predominant level of the ground from which observers are intended to read the sign. For the purpose of setting the maximum limit for an Off-Premise Advertising Sign height shall be the distance from this datum to the uppermost point of the sign, irrespective of whether the actual base of the sign is higher or lower than the datum. (This definition does not preclude lesser heights than the maximum, if individual reviews of applications for Off-Premise Advertising Signs and the respective specific site conditions warrant lesser heights.)

3. Structure:

The supports, uprights, bracing, and framework of the sign.

4. Structural Trim:

The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

5. Display Surface and Sign Face:

The display surface is the total surface made available by the structure, either for the direct mounting of letters and decoration, or for the mounting of facing material intended to carry the entire advertising message. The sign face is the individual surface of the sign upon, against, or through which the message of the sign is exhibited.

6. Letters and Decorations:

The letters, illustrations, symbols, figures, insignia, and other devices employed to express and illustrate the message of the sign.

7. 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 (8) seconds.

8. Hold Time:

With respect to changeable copy Off-Premise Advertising Signs this is the amount of time in seconds that the image or message (copy) remains unchanged.

9. Transition:

With respect to changeable copy Off-Premise Advertising Signs this is the amount of time in seconds between the hold times of one image or message and the next.

10. Brightness:

Two aspects of brightness are relevant to the regulations contained herein: the brightness that signs project and 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.

11. Orientation:

Orientation for the purposes herein consists of 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. Orientation is referred to with respect to placement of signs and in cases of Off-Premise Advertising Signs sign spacing and the degree of sign concentration or saturation in given areas. (The visibility of a sign and its appurtenances, though different from orientation, may nonetheless be a factor in sign application reviews insofar as potential impacts are concerned.)

12. Sign Maintenance:

Routine maintenance, including minor repairs, such as repainting, bulb replacement and repair of electrical or mechanical parts.

D. MISCELLANEOUS TERMS

1. District:

A district classification set forth in the Zoning Rules and Regulations of the City of Syracuse.

2. 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.

3. Zoning Administrator:

The Director of the Syracuse-Onondaga County Planning Agency or his designee shall ex officio be the Zoning Administrator.

4. City Planning Commission:

The City Planning Commission of the City of Syracuse.

Amended 5/29/09

PART C

SECTION VI SIGNS

ARTICLE 4 Special Signs

The signs hereinafter set forth shall be subject to the provisions of this law except for ARTICLES VIII thru XV, inclusive.

A. ADDRESS SIGN

1. Definition:

A sign containing only the name of an occupant and/or house or building number.

2. Restrictions:

Such sign shall not exceed two (2) square feet in any district referred to in ARTICLE VIII, four (4) square feet in any other district and be situated on the premises of the property so identified.

B. ARENA SIGN

1. Definition:

A sign situated within an open-air theatre, arena, stadium or similar enclosure, not designed to be viewed nor visible to the general public outside of such enclosure.

2. Restrictions:

None.

C. CONSTRUCTION SIGN

1. Definition:

A sign containing only the identification of persons or firms directly associated with the development or improvement of real property, such as architects, engineers, developers, construction companies, suppliers and sponsors, but expressly excluding products, services and other forms of advertising.

2. Restrictions:

All such signs shall be contained within the boundary lines of the property in question, not exceed ninety six (96) square feet (gross cumulative area of all signs), be confined to one (1) sign surface per street frontage, and not be maintained except within a period commencing not more than fourteen (14) days prior to the start of construction and terminating not more than fourteen (14) days following the completion of construction or the opening of said project or improvement, whichever is sooner.

D. INFORMATION SIGN

1. Definition:

A sign which contains information intended exclusively as a public service and of a noncommercial nature such as the location of facilities designed for public convenience and accommodation, such as rest rooms, public telephones and bus stop rest areas.

2. Restrictions:

Such signs shall be situated on the premises where such facilities are provided. No sign shall exceed three (3) square feet in area.

E. INTEGRAL SIGN

1. Definition:

An inscription carved into stone or similar material containing dates of construction and/or building names, such as are commonly found on cornerstones or stamped on sidewalks.

2. Restrictions:

None.

F. OFFICIAL SIGN

1. Definition:

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.

2. Restrictions:

None.

G. POLITICAL SUBDIVISION AND FRATERNAL ORDER SIGN

1. Definition:

A sign in the nature of a flag or pendant containing the insignia or emblem of a political subdivision or fraternal order and displayed routinely or on special occasions as an incident to the activities of such organizations, including the flags of nations and of the United Nations but expressly excluding private identification signs.

2. Restrictions:

None.

H. PRIVATE TRAFFIC SIGN

1. Definition:

A sign situated within private property providing information for traffic movement and storage, such as directional signs, parking areas, freight and loading areas, prohibited parking areas, points of ingress and egress, speed limits and related items, but expressly excluding off-street parking lot or garage identification signs.

2. Restrictions:

No sign shall exceed nine (9) square feet in area.

I. PUBLIC SAFETY SIGN

1. Definition:

A sign containing information 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.

2. Restrictions:

None.

J. REAL ESTATE SIGN

1. Definition:

A sign advertising the sale, lease or management of real property.

2. Restrictions:

(a) Signs situated within any district referred to in Article 8 which advertise the sale of real property shall not exceed four (4) square feet in sign area if single-sided nor eight (8) square feet in area if double-sided, shall not exceed ten (10) feet above ground level if attached to the building nor more than four (4) feet above ground level if attached to the ground. Not more than one (1) sign is permitted and such sign shall be situated on the premises of the property offered for sale. Such sign shall be removed within five (5) days after the sale of the property has been consummated.

(b) Signs situated within any district referred to in Article 8 which advertise the lease of real property shall not exceed four (4) square feet in sign area and shall be attached to the building at a height above ground level not to exceed ten (10) feet as measured from the top of the sign. Ground signs are prohibited. Not more than one (1) sign is permitted and such sign shall be situated on the premises of the property offered for lease. Such sign shall be removed within five (5) days after the lease of the property has been consummated.

(c) Signs situated within any district (excluding RA-1, RA-2, RA, and RAA zone districts within which such signs are not permitted), which advertise the management of real property shall be wall signs not to exceed four (4) square feet in total area and may not be placed in excess of ten (10) feet above ground level as measured from the top of the sign. The sign may indicate the name of the management and telephone number thereof and may include a detachable temporary sign indicating a dwelling unit for rent within the subject building. Such temporary sign shall be included within the four (4) square feet permitted and shall not be posted prior to forty five (45) days in advance of the unit's availability nor when all units are rented. Not more than one (1) sign is permitted and it shall be situated on the premises of the property in question.

(d) Signs situated within all nonresidential districts which advertise the sale or lease of real property shall not exceed thirty two (32) square feet in sign area if single-sided or sixty four (64) square feet in sign area if double-sided and all such signs shall be removed within fourteen (14) days after the sale or lease of the property has been consummated*. No such sign in any district shall be situated more than ten (10) feet above ground level as measured from the top of the sign, if attached thereto, nor have any elevation greater than six (6) feet, if a ground sign. Only one (1) sign shall be permitted for each property and shall be situated on the premises of the property offered for sale or lease.

* Consummated shall be deemed to mean in the case of a sale the passing of title or in the case of a lease, execution of the lease by all parties.

(e) Signs situated within all nonresidential zone districts which advertise the management of real property shall be wall signs not to exceed four (4) square feet in total area and may not be placed in excess of ten (10) feet above ground level as measured from the top of the sign. The sign may indicate the name of the management and telephone number thereof, and may include a detachable temporary sign indicating real property for lease within the subject building. Such temporary sign shall be included within the four (4) square feet permitted and shall be removed within fourteen (14) days after the lease of the property has been consummated. Not more than one (1) sign is permitted and shall be situated on the premises of the subject property.

K. STATUARY SIGN

1. Definition:

An inscription commemorating an event of unique historical, social, cultural or geographical significance such as are found on commemorative tablets and inscribed upon monuments and memorial plaques.

2. Restrictions:

None.

L. TEMPORARY PROMOTIONAL OR ANNOUNCEMENT SIGN

1. Definition:

A sign designed exclusively to inform the general public of a fund raising campaign, political campaign, social event, civic undertaking, annual festivity or related enterprise of a temporary nature, sponsored by a nonprofit organization or governmental unit.

2. Restrictions:

Within the Central Business, Local Business, Commercial A and B, and Industrial A and B Districts only, such signs may be situated within the boundaries of a vehicular right-of-way open to the public, subject to the following conditions:

(a) Area:

No individual sign shall have a sign area in excess of three hundred fifty (350) square feet.

(b) Height:

No sign shall be situated at an elevation greater than forty (40) feet or less than twenty (20) feet above grade.

(c) Illumination:

No such sign shall be illuminated directly or indirectly.

(d) Duration:

No individual sign shall be displayed for a period in excess of ten (10) days.

(e) Permit:

Applications for permits shall not be made more than sixty (60) days prior to the scheduled installation date.

(f) Structural Integrity:

All such signs shall be suspended by messenger wire or its equivalent as determined by the Building Official. The provisions of ARTICLE XVI shall be applicable as if such signs were Projecting Signs as referred to therein, except Paragraph D (2) shall not apply.

(g) Insurance:

The installation of such signs shall constitute sign work and be subject to the provisions of ARTICLE VI, Paragraph L pertaining to liability insurance, and to all other provisions of this SECTION which pertain to SPECIAL SIGNS.

Such signs may also be located within the Districts referred to above and in all other Districts but confined to interior window areas or to the site of the event or central or branch offices of the sponsor and shall be removed within fourteen (14) days after the event advertised has been concluded. Any such sign which is incorporated into an off-premise advertising sign, except as provided above, shall be subject to the provision of ARTICLES VI and VII.

M. TIME AND/OR TEMPERATURE DEVICE

1. Definition:

Any instrumentality visible to the general public and providing information as to time and/or meteorological conditions.

2. Restrictions:

Any such device containing a sign or incorporated into a sign shall be subject to the general and special regulations applicable to signs for the districts in which such device is to be situated. All other such devices shall require the issuance of an administrative permit by the Zoning Administrator.

N. WINDOW DISPLAY SIGN

1. Definition:

A sign situated on the interior of a window and forming an integral part of a window display.

2. Restrictions:

None.

O. WINDOW SIGN

1. Definition:

A sign situated on the interior of a window, not forming an integral part of a window display.

2. Restrictions:

Such signs shall not exceed 30% of the window area and shall be used solely for temporary advertising or promotional purposes as distinguished from permanent-type business signs. Signs painted upon or otherwise permanently affixed to interior window surfaces or otherwise located within twelve (12) inches therefrom exclusive of window display signs, shall constitute business signs.

P. PLANNED DEVELOPMENT OR SUBDIVISION IDENTIFICATION SIGN

1. Definition:

A sign containing only the name of the planned development or subdivision and expressly excluding products, services, or other forms of advertising.

2. Restrictions:

All such signs shall be contained within the boundary lines of the planned development or subdivision in question. Signs situated within any district referred to in Part C, Section VI, Article VIII through XV inclusively shall not exceed twenty (20) square feet (gross accumulated area of one (1) side) in sign area if the sign is parallel to the street and shall not exceed forty (40) square feet in sign area (gross accumulated area of both sides) if the sign is perpendicular to the street. No more than one (1) sign shall be permitted to identify such planned development or subdivision and it shall be the responsibility of the developer of the planned development or subdivision to continuously maintain the planned development or subdivision sign at all times. A subdivision identification sign proposed for a subdivision shall be considered a permitted principal use and it shall be situated on its own platted lot approved by the City Planning Commission.

Amended 4/13/92

PART C

SECTION VI SIGNS

ARTICLE 5 General Prohibitions

The following regulations shall be applicable within all districts:

A. EXEMPTION

Official signs as defined in ARTICLE 4, Section F, are exempt from the provisions of this ARTICLE.

B. OBSTRUCTIONS

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 (1) part of a structure or roof to another portion thereof or any opening required for ventilation or which is required to remain unobstructed by any applicable law.

C. PROJECTIONS

1. No sign shall project into the airspace above and within the boundaries of that portion of a right-of-way intended for use by vehicles or other non-pedestrian modes of transportation at the following minimum elevations above grade:

   (a) Fourteen (14) feet if the right-of-way is situated on private property and not designated or intended for use by the general public.

   (b) If the right-of-way is designed or intended for use by the general public, no signs shall project at any elevation, except temporary promotional or announcement signs.

2. No sign shall project into that portion of the airspace above and within the boundaries of a right-of-way on private or public property designed for pedestrians at an elevation less than ten (10) feet above grade.

D. PLACEMENT

No sign shall be placed upon or attached to any public or private utility pole, lamp post, water or fire hydrant, sidewalk, bridge, tree or similar installation or improvement, whether situated upon public or private property.

E. HAZARDS TO PUBLIC SAFETY

Signs which by their use or simulation of colors, design or placement, tend to confuse, detract from or in any other way obstruct the utilization of traffic regulatory devices are prohibited. All determinations of this type shall be made by the building official who shall consider, but not be limited to the following:

1. The use of words such as "stop, go, look, caution, danger, warning" and similar nomenclature.

2. The use of colors and lights in the spectrum of colors utilized by traffic regulatory devices.

3. 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.

F. ILLUMINATION

1. No sign shall produce illumination in excess of one (1) foot-candle at a distance of four (4) feet, except that illumination of off-premise advertising signs shall be regulated by Articles 6 and 7.

2. No illumination shall cause direct light rays to cross any property line.

3. All permanent outdoor lights, such as those used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid causing a hazard to motorists, pedestrians, or causing direct light rays on neighboring properties. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one (1) foot-candle.

G. CORNER VISIBILITY

On a corner lot, within the areas 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 twenty five (25) feet from their intersection, no sign shall project into the elevation between a height of two (2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof, except that this prohibition shall not apply to any official signs or to wall or marquee signs affixed to structures situated within such area.

H. ANIMATION

Animated signs within the City shall be prohibited. The only exception to this prohibition shall be amendment of the Zoning Rules and Regulations to create specific sites where such signs may be permitted. Such amendments shall be subject to public hearing and shall require approval by both the City Planning Commission and the Common Council. If such sites involve or are immediately adjacent to parcels eligible for National Register listing or are part of Protected Sites or Preservation Districts, approval of the Landmark Preservation Board shall also be necessary. Potential animated sign sites shall be limited to Commercial A and B Districts, Industrial A and B Districts, and Central Business Districts. In order for animated sign sites to be created, it must be determined in each instance that a compelling public interest exists for permitting such signs.

This article amended 5/29/09

PART C

SECTION VI SIGNS

Article 6 Administration

A. PERMITS

A permit shall be required prior to the performance of any sign work as defined in Section C of this ARTICLE except as hereinafter specified. Such permits shall be issued by the building official and shall be in addition to any administrative permits, waivers, licenses of consents required pursuant to any other applicable regulations.

B. EXCEPTIONS

No sign permit shall be required for the following:

1. Sign copy changes as defined in ARTICLE 3.

2. Sign maintenance as defined in ARTICLE 3.

3. Sign work on special signs as defined in ARTICLE 4, provided that this exception shall not apply to any of the following:

   (a) Signs exceeding one hundred (100) square feet in area.
   (b) Ground signs exceeding twenty (20) feet in height.
   (c) Sign work in excess of five thousand dollars ($5,000).
   (d) Planned Development or Subdivision Identification Signs.

The foregoing exceptions shall not waive any regulations contained in this or any other law which is otherwise applicable.

C. SIGN WORK

Sign work shall include the erection, placement, replacement, removal, relocation, repair, alteration, modification or establishment of a sign or its structural appurtenances.

D. ADMINISTRATIVE PERMITS

In addition to the requirements for a permit as specified above, the sign work hereinafter referred to shall require the issuance of an administrative permit by the Zoning Administrator, or in the case of Off-Premise Advertising Signs by the City Planning Commission as specified in Article 7.

1. <u>Non-conforming Signs:</u>

   Sign work on non-conforming signs shall require the issuance of an administrative permit where:

   a) The cost of such sign work exceeds 50% of the original cost of such sign, or

   b) Such sign work involves an enlargement of a sign area or relocation of the sign, irrespective of cost.

2. Off-Premise Advertising Signs:

Off-premise advertising signs shall require the issuance of an administrative permit as specified in Article 7.

3. Time and/or Temperature Devices:

Time and/or temperature devices shall require the issuance of an administrative permit, provided that no such device shall be allowed within the following districts: Residential Districts, Classes A-1, A, AA, A-2, B-1, B-IT, B, BT and C.

4. Roof Signs:

Roof signs shall require the issuance of an administrative permit in the following districts: All Central Business Districts, Planned Shopping, Local Business A, Commercial A and B, and Industrial A and B.

E. WAIVERS

1. Zoning Administrator:

The Zoning Administrator is hereby authorized to waive, alter or modify any of the restrictions of Subsections L and M below and any of the sign restrictions set forth for the applicable zoning districts and overlay districts, except as otherwise restricted or where the City Planning Commission has authority as provided for in Paragraph 2 below. In addition, the Zoning Administrator may also be vested with the authority to grant waivers pursuant to and in accordance with the provisions of any other laws of the City of Syracuse as provided for, from time to time, by the Common Council, and in the exercise of any such authority, none of the provisions contained in this Section VI shall be applicable except as otherwise provided for therein.

2. City Planning Commission:

The City Planning Commission is hereby authorized to waive, alter or modify any of the regulations contained in this law, except as otherwise provided for, pertaining to signs incidental to any land use activity requiring the review and/or approval of the City Planning Commission pursuant to the Zoning Rules and Regulations of the City of Syracuse, the Charter of the City of Syracuse, and any other applicable regulation

3. Waivers shall not be made for any restrictions applicable to Off-Premise Advertising Signs.

F. FINDINGS

1. Administrative Permits:

As a prerequisite to the issuance of any administrative permit, in addition to any other restrictions applicable thereto, the following findings shall be made:

(a) The proposed sign is not in conflict with the general prohibitions contained in ARTICLE 5 of this law, which may not be waived, and complies with all other applicable provisions for which no waiver is requested.

(b) 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.

(c) The proposed sign will not adversely affect the character of districts in close proximity within which such signs would be prohibited.

(d) The proposed sign will not hide, obstruct or in any way shield other signs from view.

(e) 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.

2. Criteria:

In making a determination as to compliance with any one (1) or more of the findings prescribed in Subdivision 1 of this Section, consideration shall be given but need not be limited to the following elements:

(a) Size, bulk and mass;

(b) Texture and materials;

(c) Colors;

(d) Lighting and illumination;

(e) Orientation and elevation;

(f) General and specific location;

(g) Proximity to streets, highways and mass transit routes;

(h) Design, including size and character of lettering, logos, and related contents;

(i) Message content within constitutional constraints on freedom of speech;

(j) Background or field, including the skyline;

(k) Character of structural members;

(l) Duration of changeable copy;

(m) Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision;

(n) Land use and zoning.

3. Waivers:

As a prerequisite to the issuance of any waiver permitted under Subsection E above, the following findings shall be made:

(a) In the case where an application requests a waiver of the provisions of Subsections L and M below, the findings specified in Paragraph F - 1, (a), (b), (c), (d) and (e) above, together with a determination that the imposition of the provisions contained therein, will impose a financial hardship not generally applicable to other signs within the same category and that no alternative relief is available;

(b) In all other cases where waivers are permitted, the findings specified in Paragraph F - 1, (a), (b), (c), (d) and (e) above and in addition thereto a determination that compliance with the applicable regulations will not allow the minimum information deemed essential to inform the public as to the nature, identification and/or availability of the person, product, service or activity identified by the sign and that the circumstances contributing to such constraint are unique or not generally applicable to other signs identifying persons, products, services or activities similarly situated.

G. OTHER LAWS

Compliance with all other applicable governmental regulations shall be prerequisite to the submission of any application under this ARTICLE and continued compliance with such regulations shall be deemed a condition of any administrative permit or waiver issued.

H. APPLICATIONS

Applications for administrative permits or waivers shall be submitted to the Office of the Zoning Administration for review and approval by the Zoning Administrator or the City Planning Commission as applicable. In determining any application, conditions may be imposed to effectuate the spirit and intent of this law including provision for temporary permits and elimination of similar signs within the general vicinity where under the immediate control of the applicant.

All applications requesting an administrative permit in any district listed on the National Register of Historic Places by the Department of the Interior or designated as a local preservation district or protected site or eligible for listing as evidenced by a letter by the New York State Preservation Office shall require a public hearing by the City Planning Commission.

I. APPEALS

1. Appeals from any determination of the building official or the Zoning Administrator with respect to signs shall be made to the City Planning Commission by the filing of a notice of appeal with said Commission within ten (10) days after the respective determination of the building official or the Zoning Administrator has been released. In reviewing any such appeal, the City Planning Commission shall determine such application de novo.

2. Appeals from determinations of the City Planning Commission including determinations on appeals from the Zoning Administrator shall be made in accordance with the established legal procedures governing the review of administrative decisions and shall be made within thirty (30) days of such determination, provided that where determinations by the City Planning Commission referred to in Paragraph E - 2 of this ARTICLE are incidental to land use activities requiring the approval of the Common Council of the City of Syracuse, such appeals shall be taken within thirty (30) days after action by the Common Council.

J. ALTERNATIVE PROCEDURES EXCLUDED

The jurisdiction of the building official, Zoning Administrator and City Planning Commission as referred to in this law pertaining to signs shall be exclusive and all other administrative agencies, boards or departments including the Board of Zoning Appeals are expressly prohibited from issuing Variances, Exceptions, Interpretations or in any other way modifying the application of this law or of any provision of the Zoning Rules and Regulations of the City of Syracuse pertaining to signs, it being expressly intended to vest in the building official, the City Planning Commission and the Zoning Administrator the exclusive authority to issue any permits which may be deemed appropriate in accordance with the provisions set forth herein. All signs previously permitted pursuant to action of the Board of Zoning Appeals or any other agency, board, department or commission, including previous licenses or permits by the Common Council and Conditional Uses are expressly subject to this law.

K. ENFORCEMENT AND PENALTIES FOR VIOLATION

1. Notices of Violation:

This law shall be enforced by the building official. All notices of violation and other administrative enforcement procedure and remedies shall be directed to the owner, tenant or beneficial user of the property upon which a sign is located.

2. Inspection:

It shall be the duty of the building official to inspect every sign for which a permit is required.

3. Maintenance:

All signs together with all their supports, braces, guys, anchors shall be kept in good repair and in a proper state of preservation. The building official may order the removal of any signs that are not maintained in accordance with the provisions of this law.

4. Fines and Injunctions:

The penalties and procedures prescribed by the Revised General Ordinances of the City of Syracuse shall apply to this law in addition to any other civil and criminal remedies available.

5. Application Fees:

Unless as set forth by a schedule of fees established by the Common Council all applications involving waivers, administrative permits or appeals shall require a fee of fifty dollars ($50.00) for each lot upon which such sign or signs are to be situated, irrespective of the number of signs involved.

L. ABANDONED SIGNS

The building official shall order the removal of any sign which has become abandoned. In making such determination, the building official shall consider, but need not be limited to, the following elements:

1. Period of nonuse of the activity, product, service or other item relative to the message content of the sign, provided that where a business activity has been discontinued for a period of ninety (90) days, the sign shall be presumed to have become abandoned unless the owner, beneficial user or other party in interest files a written certification with the building official indicating that such sign (including its appurtenances) is to be utilized within thirty (30) days following such ninety (90) day period.

2. The sign is situated upon or incidental to a site which has been scheduled for demolition and it appears that the activity, product, service or other item relative to the message content is no longer viable irrespective of the lapse of time.

3. The sign is a special sign as defined in ARTICLE IV and the time periods applicable to same have expired.

4. The sign is otherwise nonconforming or illegal and the owner or beneficial user cannot with reasonable diligence be located.

M. REMOVAL OF SIGNS

Any nonconforming, abandoned or illegal sign existing on or after the effective date of this law shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. Upon removal of any wall sign (including signs painted on walls) the surface area of the facade shall within thirty (30) days of removal be restored to a condition substantially equivalent to the remaining portion of the facade in appearance. The building official, upon determining that any such sign exists, shall upon expiration of the continuance period or such other time limit which may be provided for, notify the owner or beneficial user of such sign in writing, to remove the said sign within thirty (30) days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the building official shall remove or cause removal of such sign, and shall assess all costs and expenses incurred in the said removal against the property on which such sign is located.

N. RULES AND REGULATIONS

The City Planning Commission shall promulgate such rules and regulations which in its opinion are necessary and incidental to the administration of this law which shall include all necessary administrative forms to be used by the building official, Zoning Administrator and the City Planning Commission.

Amended 5/29/09

PART C

SECTION VI SIGNS

Article 7 Off-Premise Advertising Signs

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

A. PERMITTED DISTRICTS FOR OFF-PREMISE ADVERTISING SIGNS

1. Off-Premise Advertising Signs shall be permitted in the following districts only: Commercial Districts, Class A and B and Industrial Districts A and B, excluding, however, locations with orientations to Interstate Route 690 from Townsend Street on the east to West Street on the west and to Interstate Route 81 from Butternut Street on the north to Adams Street on the south. Off-Premise Advertising signs shall also be excluded entirely from the area bounded by West Onondaga and Adams Streets on the north, Midland Avenue on the west, South State Street on the east, and Castle Street on the south.

2. Off-Premise Advertising Signs with Administrative Permits in other districts or along the excluded sections of the Interstate routes shall be allowed to remain subject to the conditions and durations of their approvals. (See also the provisions for Special Amortization Consideration below.)

B. ADMINISTRATIVE PERMIT REQUIREMENT AND REVIEW BODIES

1. All Off-Premise Advertising Signs shall be required to have Administrative Permits.

2. New signs and signs intended to have extended operating life in districts where the Off-Premise Advertising Signs are permitted but have Administrative Permits soon to expire shall be subject to new Administrative Permits.

3. Changes intended for and/or made to Off-Premise Advertising Signs shall be reconciled with their respective Administrative Permits in accordance with the applicable restrictions set forth in this Article.

4. The City Planning Commission shall review all Off-Premise Advertising Signs

5. Public hearings before the City Planning Commission shall be required for all Off-Premise Advertising Signs.

6. No Administrative Permit for any Off-Premise Advertising Sign shall include waivers of the restrictions set forth in this Article.

C. APPLICATION REQUIREMENTS

1. In addition to information required for all sign applications that includes the parties involved; copies of surveys; information on other signs on site; heights and dimensions; and reasons for the requests, every Off-Premise Advertising Sign application shall provide the state plane coordinates of the proposed location of the sign.

2. Every Off-Premise Advertising Sign application shall be required to have photographs showing the current view of the proposed site with a representation of the Off-Premise Advertising Signs superimposed on the photography.

3. For Off-Premise Advertising Signs with light emitting faces photography taken under the clear weather, overcast, and nighttime conditions shall be required. Representations of the proposed signs approximating their respective brightness under those conditions shall be superimposed on the basic photography.

4. Incomplete applications shall not be accepted, and no log-in dates shall be established until complete applications are made.

D. STANDARDS FOR REVIEW

1. Before any application for an Off-Premise Advertising Sign is approved, the required findings set forth in Article 6 for Administrative Permits shall be made and adherence of the submitted plans to the provisions of Article 7 herein shall determined.

2. The review of any application for an Off-Premise Advertising Sign shall take into consideration the number and nature of other signs on premises. The approval of Off-Premise Advertising Signage may be limited or withheld entirely if the Off-premises Advertising Signs taken together with the existing signs would be excessive to or conflicting with standards for the Administrative Permits.

3. In no case shall an Off-Premise Advertising Sign act as an on-premises business sign.

E. DURATION OF APPROVAL

All new Off-Premise Advertising Sign approvals shall have a limitation of ten years. If an applicant wishes to extend that time, a new application shall be made prior to the approval expiration. Otherwise, signs remaining after the expiration of approval shall be considered abandoned and subject to removal.

F. SPECIAL AMORTIZATION CONSIDERATION

1. For those existing Off-Premise Advertising Signs with valid Administrative Permits that lie within Central Business Districts or Local Business A Districts (which no longer permit Off-Premise Advertising Signs), special considerations may be requested of the City Planning Commission. These considerations would allow for continued use of said Off-Premise Advertising Signs on an amortized basis. Justifications would be based on proofs that substantial remaining investment values exist with respect to the signs under consideration and that adverse economic hardships would occur if extensions of time were not granted for the signs to remain in use.

2. If granted the extensions of use would be for ten years for first requests. All subsequent requests for extensions if approved would be for periods mutually agreed upon by the sign owners and the City Planning Commission on the basis of the remainders of the investment lives of the signs. These extensions could be much less than ten years.

3. All special amortization considerations shall require public hearings before the City Planning Commission.

G. MAPPING OF SITES WITH OFF-PREMISE ADVERTISING SIGNS

The Office of Zoning Administration shall update the digitized zoning map with respect to Off-Premise Advertising Sign locations to show all new approvals and to show all locations that have become abandoned or have exceeded their amortization periods.

H. SIGN FACE ORIENTATION

If all faces of an Off-Premise Advertising 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 saturation.

I. SPACING AND CONCENTRATION

1. No Off-Premise Advertising Signs shall be closer than 300 feet from each other if they have orientations in the same direction.

2. The total amount of sign face surfaces for individual locations, whether on one side of the street or the other, shall average no more than six hundred (600) square feet (the equivalent of two 12' x 25' sign faces) for any 1000 foot distance along the street to which the signs are oriented (i.e., if an existing location exceeds the average, then the permitted allocations of surface area for the other locations with signs facing in the same direction along the street 500 feet to the front and 500 feet to the rear shall be correspondingly less than 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. Off-Premise Advertising Signs, other than those with light emitting sign face surfaces, with orientations to the Interstate highways shall be no closer than five hundred (500) feet from each other (consistent with the Highway Beautification Act).

5. Irrespective of Instate highway or other orientation Off-Premise Advertising Signs that have light emitting sign faces shall be no closer than one thousand (1000) feet from each other, if oriented in the same direction, and shall consist of no more than one sign face in that direction at any location.

6. If the placement, i.e., concentration, of existing Off-Premise Advertising Signs exceeds the limits specified above, then other Off-Premise Advertising Sign sites would have to be abandoned to reduce the concentration correspondingly before any new approval occurs. The removed sites could be those owned by the applicants for the new signs or those of other parties, provided all parties are agreeable to the removal(s).

7. It shall be required that the abandonment of rights to Off-Premise Advertising Signs at any site be formally reviewed and acknowledged by the City Planning Commission in order to establish a clear date and record of abandonment with respect to the Administrative Permits associated with those sites. (Administrative Permits are for use of the land on which the signs are placed, not for the signs and their accoutrements as physical structures per se.)

J. MAXIMUM HEIGHTS

No Off-Premise Advertising Sign shall have a height above its orientation datum (see the definition of "Height") greater than thirty (30) feet.

K. MAXIMUM AREAS

No individual sign face of an Off-Premise Advertising Sign shall exceed four hundred fifty (450) square feet.

L. COPY CHANGE AND PROHIBITION OF ANIMATION AND SOUND

1. Off-Premise Advertising Signs shall be permitted to have changeable copy messages and images subject to the restrictions set forth in this Article.

2. No animation, however, shall be allowed on any Off-Premise Advertising Sign.

3. All structures supporting Off-Premise Advertising Signs shall be fixed in position; none shall rotate or otherwise change position. This restriction does not refer to the rotating panels within sign faces (such as so-called tri-vision signs) duly approved through the Administrative Permit process.

4. No audio or sound producing devices shall be installed with any Off-Premise Advertising Sign.

M. DURATION OF IMAGE/MESSAGE

1. The minimum hold time of any message or image on an Off-Premise Advertising Sign shall be eight (8) seconds.

2. Each Off-Premise Advertising Sign shall have a mechanism whereby sign is shut down or the image remains static in case of malfunctioning.

N. TRANSTION FROM ONE IMAGE/MESSAGE TO THE NEXT

The transition from one message or image to the next on an Off-Premise Advertising Sign shall not be greater than one (1) second.

O. PROHIBITION ON FLASHING, SCROLLING, AND OTHER SUDDEN AND INTENSE CHANGES

No Off-Premise Advertising Sign shall exhibit 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. The transition from image to image shall be smooth and non-distracting.

P. BRIGHTNESS AND BACKGROUND/AMBIENT LIGHT

1. In concert with recommendations of the Federal Highway Administration 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 Advertising Sign at any time during daylight hours shall exceed a maximum brightness of 7500 NITs (one NIT being equal to one cd/m^2) 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 Advertising 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. Further, within two months of the installation of any Off-Premise Advertising Sign the maximum brightness limits may be lowered for individual sign faces, if on-site inspection by duly-authorized city engineers shows the operating brightness levels to be excessive for effective legibility of sign copy. In such cases the respective Administrative Permits shall be adjusted through action of the City Planning Commission.

Q. PHOTO-ELECTRIC SENSORS

1. In order to control the brightness of messages and images on Off-Premise Advertising Signs all installations shall be equipped with photo-cell light detectors which 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.

3. The City through its engineers and code officers shall have the authority to have the light sensors inspected where questions of malfunctions arise.

R. IMAGE AND BRIGHTNESS CHANGE LOGS

In approving any light emitting Off-Premise Advertising Sign the City Planning Commission may consider having the sign operators maintain logs of the changes in ambient light and the corresponding responses in the projected brightness of the sign faces. Such logs would available with respect to questions of malfunctions and irregularities. The length of time the logs would be maintained would be no longer than two weeks after the events they reflect.

Amended 5/29/09
6/21/10

PART C

SECTION VI SIGNS

ARTICLE 8 Residential Districts

The following regulations shall apply in Residential Districts, Classes A-1, A, AA, A-2, B-1, B-1T, B, B-T, and C:

A. PERMITTED SIGNS

All uses expressly allowed as principal, accessory or special permit uses may be identified by wall or ground signs; roof, animated, projecting and marquee signs are prohibited.

Planned Development or Subdivision Identification Signs shall be permitted subject to the restrictions of Part C, Section VI, Article 4, Paragraph P of this Ordinance.

B. LOCATION

No sign shall be located within any yard except those which identify permitted nonresidential uses which are expressly enumerated as principal uses. Planned Development or Subdivision Identification Signs may be located within any yard in accordance with Part C, Section VI, Article 4, Paragraph P of this Ordinance.

C. HEIGHT

No wall sign or portion thereof shall extend above the first story of the building wall to which it is attached; no ground sign shall exceed a height of six (6) feet.

D. AREA

The area of a sign identifying a permitted resident office use shall not exceed three (3) square feet; the area of any other sign shall not exceed fifteen (15) square feet. The area of a sign identifying a bed and breakfast establishment shall not exceed four (4) square feet in sign area if single-sided nor eight (8) square feet in sign area if double-sided.

E. NUMBER

No more than one (1) sign shall be permitted for any use.

Article Amended 3/22/93

PART C

SECTION VI SIGNS

ARTICLE 9 Residential Service District

The following regulations shall only apply to uses permitted in Residential Service Districts which are not permitted in Districts referred to in ARTICLE 8:

A. PERMITTED SIGNS

All uses may be identified by wall or marquee signs; roof, animated, ground, and projecting signs are prohibited.

B. LOCATION

No restrictions.

C. HEIGHT

No wall or marquee sign shall extend above the first story of the building wall to which such wall sign or marquee is attached.

D. AREA

No sign shall exceed fifteen (15) square feet in area.

E. NUMBER

No more than one (1) sign shall be used to identify any individual use. Where a structure contains two (2) or more uses, one (1) additional sign may be used to identify the structure.

PART C

SECTION VI SIGNS

ARTICLE 10 Office Districts

The following regulations shall apply in Office Districts, Classes A and B:

A. PERMITTED SIGNS

All buildings may be identified by a wall or ground sign; roof, animated, marquee and projecting signs are prohibited.

B. LOCATION

Where a building is situated further from a street line than the required setback, a ground sign may be permitted within the area between the building wall and the required setback, provided the sign face is parallel to the street line.

C. HEIGHT

No wall sign shall extend above the first story of the building wall to which the sign is attached; no ground sign shall exceed a height of six (6) feet.

D. AREA

No sign shall exceed fifteen (15) square feet in area.

E. NUMBER

Each principal building may be identified by one (1) wall sign, or as provided for by Section B herein, one (1) ground sign.

F. PROHIBITED ADVERTISING

No business identification sign for accessory retail uses shall be situated on the exterior wall of any building, or be so situated or designed to be visible to other than the residents, employees, or other occupants of the building within which the businesses are located. This prohibition shall not apply to building identification signs containing the name of a business located within such building which are otherwise expressly permitted as principal uses.

PART C

SECTION VI SIGNS

ARTICLE 11 Planned Shopping Districts

The following regulations shall apply in Planned Shopping Districts:

A. PERMITTED SIGNS

All uses and buildings may be identified by wall or ground signs; projecting, animated and marquee signs are prohibited. Roof signs shall be permitted, subject to the issuance of an administrative permit.

B. LOCATION

Signs identifying permitted uses shall be confined to wall signs; signs identifying buildings or complexes shall be confined to ground signs.

C. HEIGHT

No ground sign shall exceed thirty (30) feet in height and shall have a minimum clearance above grade of fifteen (15) feet.

D. AREA

The area of a wall sign shall not exceed one (1) square foot per linear foot frontage of the use. The area of a ground sign shall not exceed one (1) square foot for every two (2) linear feet of the depth of the front yard setback or eighty (80) square feet, whichever is less.

E. NUMBER

Only one (1) ground sign shall be allowed in each district identifying the shopping area. Only one (1) wall sign shall be allowed for each permitted use.

PART C

SECTION VI SIGNS

ARTICLE 12 Highway Service Districts

The following regulations shall apply in Highway Service Districts:

A. PERMITTED SIGNS

All uses may be identified by a wall or ground sign; projecting, animated, marquee and roof signs are prohibited.

B. LOCATION

Ground signs may be located within the district or not more than two hundred (200) feet therefrom on the same side of the street, but not in any district referred to in ARTICLES 8, 9, or 10.

C. HEIGHT

Ground signs shall not exceed thirty (30) feet in height and shall have a minimum clearance of fifteen (15) feet above grade.

D. AREA

No sign shall have an area in excess of forty (40) square feet.

E. NUMBER

Each use may have one (1) wall sign. Each district may have one (1) ground sign identifying one (1) or more uses within the district.

PART C

SECTION VI SIGNS

ARTICLE 13 Central Business Districts

The following regulations shall apply in Retail, Office and Service, Office and Services (Restricted), General Service, Local Business, High Density Residential and Medium Density Residential Districts within the Central Business District:

A. PERMITTED SIGNS

Each building or use may be identified by a wall, ground, projecting or marquee sign. Animated signs are prohibited. Roof signs shall be permitted, subject to the issuance of an administrative permit.

B. LOCATION

No restrictions.

C. HEIGHT

Signs identifying individual uses shall not be located above the first floor except where the use is the sole tenant of the building.

D. AREA

Signs identifying a building or a use which is the sole tenant shall have an area not in excess of one-half (1/2) square foot for each foot in width of the building wall to which such sign is attached. Signs identifying other uses shall have an area not in excess of one (1) square foot for each foot of linear building street frontage of such use. Signs identifying other uses which do not have street frontage may not be situated on the exterior of the building.

E. NUMBER

Only one (1) sign per wall shall be used to identify a business and only one (1) sign per building wall shall be used to identify a building.

Amended 5/29/09

PART C

SECTION VI SIGNS

ARTICLE 14 Planned Institutional Districts and Special Permit Uses

The following regulations shall apply in Institutional Districts and to certain special permit uses referred to in Part C, Section IV, of the Ordinance, to wit, Restaurants, Package Foods Restaurants, Drive-In Restaurants, Gasoline Service Stations and Car Wash Facilities:

A. PERMITTED SIGNS

Each use may be identified by ground and wall signs; projecting, roof, animated and marquee signs are prohibited.

B. LOCATION

No restrictions.

C. HEIGHT

No ground sign shall exceed thirty (30) feet in height, except that if greater than six (6) feet, shall have a minimum clearance above grade of fifteen (15) feet where situated within areas of vehicular circulation as determined by the City Planning Commission.

D. AREA

No sign shall exceed forty (40) square feet in area.

E. NUMBER

Each use may be identified by one (1) ground and one (1) wall sign.

F. ARCHITECTURAL CONTROLS

No ground sign shall be supported by more than two (2) columns, poles, or similar structural members, neither of which shall have a width or diameter in excess of one (1) foot.

G. ADDITIONAL CONTROLS

The City Planning Commission may impose more stringent controls as a condition of its approval of the district and uses referred to in this ARTICLE pursuant to its general authority under the Zoning Rules and Regulations of the City of Syracuse. In addition, the provisions of this ARTICLE shall supersede any conflicting or inconsistent provisions of ARTICLES 8 thru 13 inclusive and ARTICLE 15, as applied to special permit uses only.

H. TRANSITIONAL PARKING AREA

One (1) sign shall be permitted, located within twenty five (25) feet of the district wherein the principal use is situated, having an area not to exceed twelve (12) square feet or a height in excess of eight (8) feet.

PART C

SECTION VI SIGNS

ARTICLE 15 Local Business, Commercial and Industrial Districts

The following regulations shall apply to Local Business Districts, Class A, Commercial District, Classes A and B, and Industrial District, Classes A and B.

A. PERMITTED SIGNS

Uses and buildings may be identified by wall, projecting, marquee and ground signs; animated signs are prohibited. Roof signs shall be permitted, subject to the issuance of an administrative permit.

B. LOCATION

No restrictions.

C. HEIGHT

Ground signs shall not exceed thirty (30) feet in height.

D. AREA

The total area of all signs per street per building or use shall not exceed two (2) square feet for each one (1) foot of linear frontage along said street occupied by said use or building.

E. NUMBER

Each use or building may have not more than two (2) signs facing each street on which said building or use has frontage.

F. OFF-PREMISE ADVERTISING SIGNS

Except as prohibited in Local Business A Districts Off-premise advertising signs are allowed by administrative permit only, pursuant to ARTICLES 6 and 7. Such signs shall not be subject to the restrictions hereinabove set forth.

This article amended 5/29/09

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 1 Legislative Intent

It is desirable to take measures to provide for the creation of Preservation Districts and Protected Sites in furtherance of the following public purposes, which are found to promote the economic, cultural, educational and general welfare of the residents of the City of Syracuse:

A. To provide for the protection, enhancement, perpetuation and use of those districts and structures which are illustrative of the growth and development of the City of Syracuse and which are of particular historic or aesthetic value to the City;

B. To recognize and insure the preservation of those elements of the City's past which represent many and varied architectural, artistic, and cultural achievements which cannot be duplicated or otherwise replaced;

C. To promote the use of Preservation Districts and Protected Structures as a means of providing enjoyment and unique educational benefit by perpetuating the physical evidence of Syracuse's past;

D. To stabilize and improve property values in such areas and otherwise promote their reuse;

E. To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

F. To foster civic pride in those elements of the City's past which give Syracuse its unique character and set it apart from other cities.

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 2 Definitions

A. Preservation District:

An area of the City of Syracuse delineated on the Zoning Map of such City which (1) meets some or all of the criteria enumerated in Section V and which, by reason of such factors, constitutes a distinct section of the City; and (2) is designated as a Preservation District pursuant to amendment of the Zoning Ordinance.

B. District:

Preservation District.

C. 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.

D. 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 area; 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.

E. Protected Site:

A parcel of land, together with a building or structure thereon, not located in a Preservation District, which nevertheless (1) meets one or more of the criteria enumerated in Section V; and (2) is designated as a Protected Site pursuant to amendment of the Zoning Ordinance.

F. Material Change of Appearance:

The treatment of 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:

1. 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.

2. A change in the texture or material composition of exterior building components of a structure.

3. A change in color.

4. 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 surface or durability of the material being treated, including power blasting, whether or not involving the use of additives.

5. 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.

6. Any activity constituting excavation, modification to land contours, or installation of pavement for parking lots, driveways or sidewalks.

7. Any activity involving the deposit of refuse, waste or fill on land not previously used for such purposes.

G. Ordinary Maintenance or Repair:

Routine repair, replacement or maintenance of electrical or mechanical installations, or of damaged or worn parts or surfaces; including repainting, landscaping and treatment of flat roof areas not visible to the general public.

H. Preservation Restriction:

An easement or other interest less than a fee interest, in favor of the City of Syracuse, in a Protected Site or a structure in a District.

I. Certificate of Appropriateness:

A certificate issued by the Landmark Preservation Board authorizing a material change of appearance of a Protected Site or within a District, subject to other applicable permit requirements.

J. 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.

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 3 Landmark Preservation Board

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. Composition and Selection:

The members of the Landmark Preservation Board shall be appointed by and serve at the pleasure of the Mayor. The Board shall consist of nine (9) members of whom at least five (5) shall be City residents, and appointments shall include the following:

One (1) member from a list of no less than five (5) names submitted by the Onondaga Historical Association;

Two (2) members from a list of no less than seven (7) names submitted by the Central New York Chapter of the American Institute of Architects;

One (1) member from a list of no less than five (5) names submitted by the Syracuse Conservation Advisory Council;

One (1) member from a list of no less than five (5) names submitted by the Greater Syracuse Real Estate Board;

One (1) member from a list of no less than five (5) names submitted by the Landmarks Association of Central New York;

Three (3) members shall be appointed at large, at least one (1) of whom whose principal occupation involves finance or real estate management.

Notwithstanding the foregoing, if any of the above-named organizations shall fail to submit such lists as specified within thirty (30) days of the Mayor's written request that such list be submitted, then the Mayor shall appoint such members as he deems appropriate.

Members shall serve for three (3) year terms, except that of the members initially appointed following the adoption of this Ordinance, one-third (1/3) shall be appointed to a two (2) year term and one-third (1/3) shall be appointed to a one (1) year term. Vacancies shall be filled by the Mayor in the same manner as provided for other appointments. A Chairperson shall be selected by the Board, from among its members, for a one (1) year term.

Members of the Landmark Preservation Board shall serve without compensation but may be reimbursed for actual expenses necessarily incurred in performance of their duties.

C. Powers and Duties:

1. The Landmark Preservation Board shall make recommendations to the City Planning Commission and the Common Council for Designations of Districts and Protected Sites pursuant to Article 5 herein, and issue Certificates of Appropriateness pursuant to Article 6 herein.

2. In carrying out the aforementioned duties, the Board shall have the power to:

   (a) adopt such regulations pertaining to its duties as it may deem necessary to effectuate the purposes of this Ordinance. Copies of such regulations shall be filed with the City Clerk and the City Planning Commission;

   (b) retain or employ professional consultants, secretaries, clerks or other such personnel as may be necessary to assist them in carrying out their duties, to the extent that funds are appropriated and available therefor;

   (c) conduct surveys, in consultation with public or private agencies as appropriate, of buildings for the purpose of determining those of historic and/or architectural significance and pertinent facts about them;

   (d) formulate and publish recommendations concerning the preparation of maps, brochures, and historical markers for selected historic and/or architectural sites and buildings;

   (e) cooperate with and advise the Mayor, the Common Council, and other public and private agencies in matters involving historic and/or architectural sites and buildings;

   (f) advise owners of historic buildings on problems of preservation and restoration.

3. Nothing contained in this Ordinance shall be construed as authorizing the Board in acting with respect to an application for a Certificate of Appropriateness or in adopting regulations in relation thereto, to waive any regulation or laws relating to height and bulk of buildings, area of yards, courts and other open spaces, density of population, the locations of trades and industries, or location of buildings designed for specific uses.

4. The Board may, in exercising or performing its powers, duties or functions under this Ordinance with respect to any structure in a District or to any Protected Structure apply or impose, with respect to the construction, reconstruction, alteration, demolition or use of such structure, determinations or conditions which are more restrictive than those prescribed or made by or pursuant to the applicable District regulations contained herein or to any other applicable provisions of law.

5. The Landmark Preservation Board shall, prior to final action by the Common Council as provided for by Article 5, Subsection A, Subparagraph 3, review any proposed modification of the application of the elements constituting a material change in appearance as defined in Article 2, Subsection F(6), and submit its recommendations on such modifications to the Common Council prior to final action.

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 4 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 exterior building component in a District or of a Protected Site which does not involve such 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, 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 to do such construction, alteration or demolition or

(b) obtained a permit to do such work and such work has actually commenced.

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 5 Designation of Preservation Districts or Protected Sites

A. Designation of Exteriors and Interiors

1. Designation of a Protected Site, may apply to the exterior only, or to the interior only, or to both. The designation shall include a specific reference as to whether the interior or exterior or both is intended; where such specific reference is omitted, the designation shall be deemed to apply to the exterior only.

2. Designation of a Preservation District shall be deemed to apply to the exterior only of structures or sites therein, except that interiors of any structure within the District may be designated by specific reference thereto.

3. Anything to the contrary herein notwithstanding, at the time of designation of a Preservation District, or at any time thereafter as an amendment to said designation, the control elements constituting a "Material Change of Appearance" as defined in Article 2, Subsection F of this Article may be modified in their application to said preservation district by deleting the specific element contained in Subsection F(6), provided however, that any such modification shall have been submitted to the Landmark Preservation Board for its review and comments prior to final action.

B. No Preservation District or Protected Site, as the case may be, shall be designated unless it is found to possess one (1) or more of the following characteristics:

1. association with persons or events of historic significance to the city, region, state or nation;

2. illustrative of historic growth and development of the city, region, state or nation;

3. in the case of structures, 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 component may lack individual distinction;

4. 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;

5. in the case of interiors, possessing one (1) or more of the characteristics enumerated in 1, 2 or 3 above and, in addition, embodying distinctive characteristics of architectural scale, form and visual homogeneity, which are an integral part of the character of the structure in which the space is contained.

C. Designation of a Preservation District or a Protected Site shall become effective only after public hearing upon approval of such designation in the manner provided by law. The Landmark Preservation Board or any person, group or persons or association may petition the City Planning Commission for adoption of such a designation. In addition to any other notices required by law, the Planning Commission shall notify the Board ten (10) days prior thereto of any hearings bearing on a proposed designation or change thereof.

D. The resolutions and/or recommendations of the City Planning Commission with respect to any proposed designation or change thereof, together with the recommendations of any of the Board shall be forwarded to the City Clerk, who shall transmit copies of the same to members of the Common Council. The Council shall either adopt, modify or reject the recommendations of the Planning Commission with respect to a proposed designation or change thereof.

Within five (5) business days after a designation by Council of a District or Protected Site becomes effective, notice of such 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, and a certified copy of the designating ordinance shall be filed in the office of the Clerk of Onondaga County and indexed against the affected parcels of land.

Amended: March 2, 2009

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 6 Procedure for Issuance of Certificate of Appropriateness

A. Notwithstanding any inconsistent ordinance, code, rule or regulation concerning the issuance of building or other permits, no material change of appearance in any designated feature of a structure in a designated District or of a designated Protected Site shall be commenced without issuance of a Certificate of Appropriateness from the Board, nor shall any building or other permits for such change be issued without such a Certificate of Appropriateness having first been issued. The Certificate of Appropriateness required by this Section shall be in addition to, and not in lieu of, any building or other permit that may be required by any state or local law or regulation.

B. Application for a Certificate of Appropriateness shall be submitted to the Board in such form and including such information as the Board may require.

C. Issuance of Certificate

1. Within a reasonable time after application is filed, the Board shall determine whether the proposed material change will be appropriate to the preservation of the District or the Protected Site in view of the purposes of this Ordinance. In passing upon appropriateness, the Board shall consider the historical and architectural value and significance, architectural style, general design arrangement, texture, material and color of building component involved and the relationship thereof to other structures in the immediate neighborhood, in addition to any other pertinent factors such as practical difficulties related to spatial utilization, cost of labor and materials, and the like.

2. If the Board approves a material change proposed, the Board shall issue a Certificate of Appropriateness, which shall specify the work to be done. In issuing such Certificate the Board may prescribe any conditions that it deems to be necessary to carry out the intent and purposes of this Ordinance. A Certificate issued pursuant to this Section shall relate solely to proposed plans accompanying the application or otherwise submitted to the Board for official consideration prior to issuance of said Certificate. It shall be unlawful to deviate from the plans, including any modifications required as a condition of the issuance of such Certificate unless and until an amended Certificate shall be applied for and issued. Notwithstanding the foregoing, the Board shall not issue any such Certificate unless and until it has been advised by the agencies or departments having jurisdiction that there is no impediment to the issuance of any building or other permit as may be required by applicable state or local law or regulation, for said work.

3. Any determination of the Board which either denies a Certificate or which authorizes the issuance of a Certificate subject to conditions, may be appealed within ten (10) days of the receipt of such determination by the applicant to the City Planning Commission. The City Planning Commission shall have all the authority of the Board in viewing such application and shall decide such application de novo. Included in its review the City Planning Commission may consider those factors enumerated in Subparagraph 1 of this paragraph and may consider relevant economic factors associated with the affected property or properties.

4. Notwithstanding the foregoing, if the Board fails to issue a Certificate or notify the applicant of its determination not to issue a Certificate, within thirty (30) business days after application therefor is filed, or within such additional time period as the Board and the applicant may agree, such application shall be deemed approved.

D. Removing Dangerous Conditions

Anything to the contrary notwithstanding, where an enforcement agency orders the construction, removal, alteration, or demolition of or to any improvement on a Protected Site or in a Preservation District, for the purpose of remedying conditions determined to be dangerous to life, health or safety and such activity would result in a material change of appearance requiring the issuance of a Certificate of Appropriateness, the following shall apply:

1. If such agency determines that the procedures attendant to a Certificate of Appropriateness will prevent timely compliance with its order, the requirement for a Certificate of Appropriateness shall be considered waived. Such agency shall within three (3) days provide written notification of its order to the Board together with a statement of reasons for the order.

2. If such agency determines that the procedures attendant to a Certificate of Appropriateness will <u>not</u> prevent timely compliance, a Certificate of Appropriateness shall be applied for. Any such determination shall require that the reasonable party make application to the Board for a Certificate of Appropriateness and a copy of such determination shall be submitted within three (3) days to the Board. The issuance of a Certificate of Appropriateness shall be mandatory in such case but the Board may, where appropriate, condition the Certificate of Appropriateness in such a way as to abate or minimize any material change of appearance provided that the enforcement agency concurs that such conditions will not prevent the danger from being eliminated.

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 7 Publicly-Owned Property

The procedure contained in this paragraph shall supersede the requirements for a Certificate of Appropriateness. Plans for the construction, reconstruction, alteration or demolition of any improvement or proposed improvement which:

(a) is owned by the city, county, state or federal government or is to be constructed upon property owned by the city, county, state or federal government; and

(b) is or is to be located on a Protected Site or in a Preservation District shall prior to final City action approving or otherwise authorizing the use of such plans with respect to securing the performance of such work, be referred to the Board by the governmental agency having responsibility for the preparation of such plans. Within twenty (20) business days after such referral, the Board shall submit its recommendations thereon to the Mayor, the Council and the referring agency. Failure of the Board to submit such recommendations shall be deemed approval by the Board.

Provisions of this article shall not apply in the following area or territory: bounded on the east by Montgomery Street; on the south by E. Onondaga Street; on the west by the west line of Montgomery Street; and on the north by East Jefferson Street. All elements within this area or territory shall be subject to the requirements pertaining to certificates of appropriateness.

Amended: June 11, 1990

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 8 Demolition of Buildings or Structures Designated on the State and/or National Register of Historic Places or City of Syracuse Inventory of Buildings or Structures Identified as Eligible for Such Designation or as a Protected Site

Legislative Intent:

The purpose of this section is to prevent the demolition of building(s) or structure(s) designated on the state and/or national register of historic places or which is enumerated on a City of Syracuse inventory of buildings or structures which have been formally identified as eligible for designation on the state or national register of historic places or as a Protected Site in the City of Syracuse by establishing a procedure for a determination as to whether such building(s) or structure(s) shall be designated as a Protected Site pursuant to the Zoning Rules and Regulations of the City of Syracuse, as amended, upon application for a demolition permit with the City. Said inventory heretofore mentioned and on file in the office of the City Clerk was prepared pursuant to a State grant and reviewed by the Syracuse Landmark Preservation Board and the New York State Office of Parks, Recreation and Historic Preservation to determine whether building(s) or structure(s) shall be identified as eligible for such designation. Said inventory may be amended to include additional building(s) or structure(s) and said amendments shall be filed in the Office of the City Clerk and shall be subject to the provisions of this Article.

A. Demolition Permit:

1. Whenever an application is filed with the appropriate city department for a demolition permit of any building or structure designated on the state and/or national register of historic places or enumerated on a City of Syracuse inventory of buildings or structures described above, said city department shall forward a copy of said application to the Landmark Preservation Board within two (2) business days of receipt of the same.

2. Any owner of property who proposes to demolish any building or structure designated or enumerated as provided in paragraph 1 above, may prior to the filing of an application with the appropriate city department for a demolition permit request the Landmark Preservation Board to initiate the procedure set forth in this article for a determination whether said property shall be designated as a Protected Site as if an application for demolition had been filed.

B. Public Hearing:

The Landmark Preservation Board shall hold a public hearing for consideration as to whether said building or structure shall be recommended for designation as a Protected Site in the following manner:

1. Notice of such hearing shall be published in the city newspaper at least ten (10) days prior to the hearing;

2. A copy of the hearing notice shall be sent to each contiguous property owner, the applicant for the demolition permit, the owner of the property as appears on the City assessment rolls if not the applicant, the county legislator for that district, each member of the City Common Council, the Common Council president, each member of the City Planning Commission, the City Clerk, the Corporation Counsel, the Director of the Division of Code Enforcement, the City Fire Prevention Bureau, and the Preservation Board;

3. Informal notification shall be sent to every address within four hundred (400) feet of the subject property; and

4. Compliance with the aforementioned paragraphs 2 and 3 shall not be a condition precedent to proper notice and no hearing action taken thereat shall be deemed invalid or illegal because of any failure of the notification provided in said paragraphs.

C. Determination of the Board:

The Board shall make its determination within forty-five (45) days of the date of filing of the application for demolition permit with the City of Syracuse or request as set forth in paragraph A.2. Failure to take action thereon within such time shall be deemed a determination not to recommend the subject premises be designated as a Protected Site. All decisions of the Board recommending the designation of a building or structure for Protected Site classification or the issuance of a demolition permit shall be made in accordance with the rules of procedure of the Landmark Preservation Board.

In the event the Board recommends the designation of the subject property as a Protected Site, the Chairperson or his designee shall appear at the public hearing of the Planning Commission to give testimony on behalf of the Preservation Board. All decisions of the Board 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 following:

l. City Clerk,
2. City Planning Commission,
3. Commissioner of Community Development,
4. Applicant for the permit, or his designee, and
5. Owner of the subject property if not the applicant.

D. Designation:

The Landmark Preservation Board, in exercising its powers and duties under this section to determine if the building or structure proposed to be demolished shall be designated as a Protected Site, shall consider the following:

1. Association with persons or events of historic significance to the city, region, state or nation;

2. Illustrative of historic growth and development of the city, region, state or nation;

3. In the case of structures 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 component may lack individual distinction; and

4. In the case of interiors, possessing one (1) or more of the characteristics enumerated in 1, 2 or 3 above and, in addition, embodying distinctive characteristics of architectural scale, form and visual homogeneity, which are an integral part of the character of the structure in which the space is contained.

E. Exemption:

This Article shall not apply to building(s) or structure(s) which have been determined by the Director of the Division of Code Enforcement to constitute an imminent danger or hazard to public health, safety or welfare. In such cases said Director may exercise his emergency powers to cause said building(s) or structure(s) to be immediately demolished.

F. Miscellaneous:

1. The procedure for designation of building(s) or structure(s) as a Protected Site shall be completed in accordance with the provisions of Part C, Section VII of the zoning Rules and Regulations of the City of Syracuse, as amended.

2. The provisions of this article shall supersede any inconsistent ordinance, code, rule or regulation of the City of Syracuse, except Articles 6 and 7 herein.

Adopted 8/9/93

PART C

SECTION VII LANDMARK PRESERVATION

ARTICLE 9 Construction with Other Laws

Anything herein to the contrary notwithstanding, Ordinance No. 510 1974 is hereby incorporated herein and extended until ninety (90) days following the first meeting of the Landmark Preservation Board. Notice of the date of such first meeting shall be published in the official newspaper of the City.

Amended 8/9/93 (Article Renumbering)

PART C

SECTION VIII CERTIFICATE OF SUITABILITY

ARTICLE 1 Purpose and Intent

This section results from a recognition that homeownership tends to promote neighborhood stability, security and character. These tendencies are less assured with absentee management. It is also recognized that absentee ownership results in a more business-like use of a residential dwelling uncharacteristic of owner-occupancy. In order to protect the stability, continuity and character of Special Neighborhood Districts as herein defined, a review process is hereby established for non-owner-occupied dwellings located in Special Neighborhood Districts.

ARTICLE 2 Application

A. This Section VIII shall apply only to properties located in RA, RA-1, RA-2, and RAA Zoning Districts or to other zoning districts as the Planning Commission may determine, in Special Neighborhood Districts as established from time-to-time by the Planning Commission and City of Syracuse Common Council. Special Neighborhood Districts shall be defined as those neighborhoods with a majority of the following characteristics:

1. High tenant occupancy, either measured by a large number of tenants or a high percentage of absentee-landlords.

2. Constraints on parking, due to lack of driveways or off-street parking and/or limited on-street parking leading to over utilization of curb space.

3. Street widths which present potential limitations to emergency access.

4. A propensity for nuisance-type violations (noise, parking in front yards, illegal parking, litter and trash problems, etc.).

5. Architectural styles such as those with large square footages, allowing for a higher population density.

6. Architectural styles of single-family housing conducive to the conversion to multi-tenant use.

7. Population density approaching levels such as to significantly increase demand on City services.

8. Proximity to land uses which generate or are associated with a high intensity of use, with resulting impacts of traffic, noise, etc.

9. Terrain or other physical and environmental features which represent constraints on further development.

10. Atypical real estate market dynamics.

B. This Section shall not apply to properties located in Special Neighborhood Districts occupied by an individual or family temporarily occupying the dwelling as live-in security where the owner's legal domicile remains at the property and the owner intends to resume residence on the premises.

C. This Section shall not apply to properties located in Special Neighborhood Districts which are owner-occupied and for which there is a change in ownership without a change of occupant, provided the use and occupancy were legally existing at the time of the adoption of this Section.

D. This Section shall not apply to properties located in Special Neighborhood Districts which have received a special permit or use variance in accordance with this Ordinance.

ARTICLE 3 Issuing Agencies

A. The Issuing Agency for a Certificate of Suitability shall be the Zoning Administrator, except that where the Zoning Administrator withdraws as the Issuing Agency in favor of the Planning Commission.

B. Persons aggrieved by a decision of the Zoning Administrator may seek relief from the Planning Commission. Persons aggrieved by a decision of the Planning Commission may seek judicial review pursuant to Article 78 of the New York Civil Practice Law and. The Board of Zoning Appeals shall have no jurisdiction to review the decision of the Issuing Agency under this Section.

ARTICLE 4 Review and Definitions

A. All residential uses, except as limited above, must receive a Certificate of Suitability issued in accordance with this Section 1) on or before the two (2) year anniversary date of the establishment of the applicable Special Neighborhood District (this shall not supersede the requirements in subsections 2, 3 and 4 below); 2) prior to the transfer of title to said premises (or, in the case of a written land contract affecting said premises, no more than thirty (30) days after the execution of such contract); 3) prior to the issuance of a permit or certificate from the City Division of Code Enforcement or the appropriate permitting Department or Division; 4) upon a violation of the terms of the Certificate of Suitability as determined by the Zoning Administrator or City Division of Code Enforcement or other such entity or official so designated.

B. Absentee-Owner shall be defined as any person, corporation, partnership or other entity which holds title to the land, building and/or structure on a property located in a Special Neighborhood District where that property is not the owner's legal domicile.

C. Occupancy shall be defined as the number of persons residing on the premises.

D. Occupant shall be defined as the actual individual residing on the premises.

ARTICLE 5 Procedure

A. In accordance with this Section, the owner of the premises must submit an application for a Certificate of Suitability to the Zoning Administrator. That application must include:

1. The address of the premises.

2. The name and address of the owner of the premises.

3. The occupancy per unit.

4. The number of parking spaces on-site.

5. Sketch floor plan of the interior of each unit in the dwelling marking the uses of each room and location, dimensions and use of proposed alterations to floor space. The sketch floor plan should be drawn to a convenient scale but not less than ¼"=1'.

6. Sketch site plan of the exterior of the dwelling locating all structures on the premises, all parking areas, the names of adjacent streets, fences or screening, and any proposed alterations thereto. The sketch plan shall be drawn to convenient scale but not less than 1"=20'.

7. Accurate survey prepared by a licensed surveyor certified to the City of Syracuse and Syracuse Planning Commission.

8. An application shall be deemed submitted on the date it is determined completed by the Zoning Administrator.

B. Review by other agencies: The Issuing Agency may forward copies of the application to such officials and departments of the City for review, as it deems appropriate.

C. Action: Within thirty (30) days of receipt of a completed application, unless such time is extended by mutual agreement with the applicant, the Issuing Agency shall approve or disapprove the application. The decision of the Issuing Agency shall be filed with the City Division of Code Enforcement or other such entity or official so designated and the Office of the Issuing Agency, with a copy to the applicant. Failure to take action within the time specified, unless extended, shall constitute disapproval.

D. Standards: In considering and approving a Certificate of Suitability, the Issuing Agency shall take into consideration the purpose of this Ordinance, including the purposes of the applicable zoning district or districts, and, as a condition of approval, may require such modification of the proposed plans for the premises as the Issuing Agency deems necessary to comply with the spirit and letter of this Ordinance. The Issuing Agency shall specifically take into account the following:

1. Compliance with the definition of "single housekeeping" as set forth in this Ordinance.

2. Character of building and site orientation and overall internal design which will enhance and protect the character of a residential structure in the appropriate residential zone.

   (a) Internal traffic pattern of occupants to achieve a cohesive flow throughout the floor(s) for both ingress and egress from the premises and within the premises such that the floor plan achieves a single housekeeping unit.

   (b) Utilization of the premises should be in character with the appropriate residential zone such as single-family use in a single-family zone.

   (c) Common area, as set forth in this Ordinance, within the premises to accommodate a single housekeeping unit and avoid a high density of occupants residing in the structure so as to achieve reasonable neighborhood density appropriate for the particular residential neighborhood.

   (d) Number of occupants in the premises compared to the number of on-site parking spaces provided.

3. Character of building and overall site orientation as it relates to the safety and security of the occupants who reside on the premises.

   (a) Safe, adequate and convenient pedestrian traffic, both interior and exterior.

   (b) Compliance with all applicable Zoning, Housing, Fire, Health and related Codes, Rules, Laws or Ordinances.

Adopted 2/25/91
Amended 10/21/05

Part C

SECTION IX LAKEFRONT ZONING DISTRICT PROCEDURES

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PART C

SECTION LAKEFRONT ZONING DISTRICT PROCEDURES

Article 1 Purpose and Intent

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

Article 2 Applicability

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

Article 3 Designation of Review Authority

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

Article 4 Site Plan Approval Procedure

1. Application

   a. Every application for a building permit for the construction of any building or structure or for the reconstruction, modification, addition or alteration or demolition of any building or structure, which would affect the exterior appearance of such building or structure, shall require Site Plan Approval. In addition, any change proposed to be made to land lying between a frontage line and a building façade shall require Site Plan Approval, except that the landscaping of front yards of buildings used for up to three residential dwelling units, and not containing businesses other than home occupations, shall not require site plan review.

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

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

2. Initial Review

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

3. Final Review

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

4. Approval and Required Improvements

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

5. As-Built Plans

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

6. Expiration of Approval

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

7. Amendments

a. Minor Amendments

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

b. Substantial Amendments

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

8. Enforcement

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

9. Special Permit Review

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

Article 5 Special Permit Procedure

1. Applicability

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

2. Application Requirements

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

3. Initial Review

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

4. Formal Submission, Hearing, and Decision

a. Upon receiving a determination on the initial plans, the applicant shall submit a formal application for a Special Permit to the Planning Commission.

b. The Planning Commission shall hold a public hearing on a complete Special Permit application within 62 days of its submission. This time period may be extended with the applicant's consent. The Commission shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least ten days prior to the date thereof.

c. The Commission shall grant, deny, or grant subject to conditions the application for a Special Permit within 62 days after the hearing. The decision shall contain written findings explaining the rationale for the decision in light of the standards and requirements of the Lakefront Zoning Districts and the purposes and rationale of the LMP and Onondaga County Settlement Plan. Strict compliance with all of the requirements of Lakefront Zoning Districts shall not be required, provided that the Planning Commission provides a written explanation justifying any divergence from those requirements specifying why such divergence is necessary, appropriate, and consistent with the purposes of the LMP and Settlement Plan.

d. In granting a Special Permit, the Planning Commission may impose any conditions which it considers necessary to fulfill the purposes of Section B-IX. These conditions may include increasing or decreasing dimensional requirements, requiring the set-aside of civic space, specifying location, character and number of vehicle access points, and requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.

e. Once the Special Permit has been granted, the applicant shall submit the final Site Plan to the Zoning Administrator, who shall oversee final review and approval as provided in Article 4, subsections 3 through 5

5. Expiration, Revocation, and Enforcement

a. A Special Permit shall expire if the Special Permit use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the Special Permit within 12 months of its issuance, or if it is limited in time and its time limit expires without renewal.

b. A Special Permit may be revoked by the Planning Commission, as provided in Section C-IV-1, if the permittee violates the conditions of the Special Permit or engages in any construction or alteration not authorized by the Special Permit.

c. Any violation of the conditions of a Special Permit shall be deemed a violation of this ordinance, and shall be subject to enforcement action as provided in Section BIX, Article 4.

6. Amendments

a. Minor Amendments

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

b. Substantial Amendments

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

7. Appeal

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

Article 6 Regulating Plan Amendments

1. Application

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

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

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

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

2. Initial Review

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

3. Formal Submission, Hearing, and Decision

a. Upon receiving a determination on the initial plans, the applicant shall submit a formal application for a Regulating Plan Amendment to the Planning Commission.

b. The Planning Commission shall hold a public hearing on a complete Amendment application within 62 days of its submission. This time period may be extended with the applicant's consent. The Commission shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least ten days prior to the date thereof.

c. The Commission shall the forward its recommended approval, denial, or approval with conditions to the Syracuse Common Council within 62 days after the hearing. The decision shall contain written findings explaining the rationale for the recommendation in light of the standards and requirements of the Lakefront Zoning Districts and the purposes and rationale of the LMP and Onondaga County Settlement Plan.

d. In granting a Regulating Plan Amendment, the Planning Commission may impose any conditions which it considers necessary to fulfill the purposes of Section B-IX. These conditions may include increasing or decreasing dimensional requirements, requiring the set-aside of civic space, specifying location, character and number of vehicle access points, and requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed.

e. The Syracuse Common Council, upon receipt of the Planning Commission recommendation, shall thereafter grant, deny or grant with conditions the application for Regulating Plan Amendment.

Article 7 Alterations within Public Right-of-Way

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

Subdivision Regulation Amendments

Article 8 Subdivision Procedure within the Lakefront Zoning Districts

1. Intent and Purpose

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

2. Divisions of Ten or Fewer Lots

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

3. Divisions Involving New Streets or Eleven or More Lots

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

4. Buildings Approved by the Zoning Administrator

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

PART C

SECTION X OVERLAY DISTRICTS

Article 1 James Street Overlay District

1. Purpose and Intent:

The regulations set forth in this Article establish a specialized district for the Eastwood portion of James Street and are intended to protect and enhance the traditional neighborhood main street character of the area. A principal aim of the regulations is to maintain and stimulate a pedestrian friendly environment while encouraging business and civic growth. To facilitate the purpose and intent of the regulations a Design Review Board **[Editing Note: this board's functions now belong to the City Planning Commission]** is established to review specific plans for development.

2. Boundaries and Effect:

The James Street Overlay District shall consist of those properties zoned Local Business A within 350 feet of the right-of-way of James Street from Shotwell Park east to the city line. Unless specifically superseded by the provisions and restrictions contained in this Article, all of the provisions and restrictions otherwise set forth in the Zoning Rules and Regulations of the City of Syracuse, as amended, as they relate to the properties within the Overlay District, shall be unaffected by this Article. In particular the specification of land uses permitted in the underlying Local Business A District shall be unaffected by this Article.

3. Basic Standards:

The following Basic Standards shall be applicable to all properties within the Overlay District, unless Exceptions are granted in accordance with the requirements specified herein.

a. Setbacks Applicable to Buildings and Parking Areas:

The minimum setback from the street line of James Street and from street lines of the side streets intersecting with James Street, shall be seven (7) feet. The maximum setback from said street lines shall be twelve (12) feet. (Note also the restrictions on Parking Placement below.)

b. Side Yards (the areas between buildings and side property lines as distinct from setbacks from street lines):

Side yards measured from lot lines intersecting with the street line of James Street shall be limited in width from zero (0) to four (4) feet. (Note also the restrictions on Driveways and Parking Space Placement below.)

c. Building Alignment and Configuration:

All buildings facing James Street shall be placed so that their facades are parallel to the street line of James Street.

d. Structural Coverage:

The maximum permitted structural coverage on any lot in this district shall be 100%. The minimum structural coverage shall be 50%, except where the lot is structurally vacant.

e. Parking Surface Coverage:

The maximum permitted parking surface coverage on any lot shall be 50%. There shall be no minimum parking surface coverage.

f. Driveways and Parking Space Placement:

(1) Parking spaces shall not be located within restricted setback areas.

(2) All permitted parking areas and driveways shall be paved.

(3) On lots where parking is permitted as a principal use, which shall not include corner lots, all parking spaces shall be placed no closer to James Street than the average setback of the adjacent buildings. In the absence of an established building line the parking space setback shall be at least seven (7) feet from the street line of James Street. No lots in the Overlay District shall be used for the open storage or display of motor vehicles, trailers, boats, or other transportation equipment.

(4) Accessory parking shall be permitted on a corner lot only if there is at least 50% structural coverage and only if the parking spaces are confined to the area at the rear of the building as it faces James Street.

(5) No driveways shall be allowed on James Street. If an Exception is sought for such a driveway, together with any related Exception for a side yard wide enough to accommodate the driveway, it must be shown that no alternative access point from a side street or street in the rear is possible. (The intent of this restriction is to encourage deliveries at the rear of those buildings fronting on James Street, to protect the appearance of the streetscape along James Street, and to reduce vehicular/pedestrian conflict along the street.)

g. Signs:

(1) Each business shall be permitted to have one wall or projecting sign on each façade facing a street. The maximum area of each sign (including both faces of a projecting sign) shall be one (1) square foot for each linear foot of the façade width. No signs shall be permitted on facades not facing a street. Projecting signs shall have a minimum clearance above finished grade of at least seven (7) feet and shall project no more than six (6) feet beyond the face of the building. Ground signs and signs above the first floor shall not be permitted. Animated signs and roof signs shall be prohibited and shall not be subject to review as Exceptions. All illuminated signs shall be turned off when the businesses being identified are closed.

(2) Off-premises Advertising Signs shall be prohibited within the James Street Overlay District and shall not be subject to review as Exceptions.

(3) One wall sign may identify each property where the principal use is residential apartments. Such sign shall not exceed 25 square feet in area. Ground signs identifying apartments shall not be permitted.

(4) All signs other than those restricted above shall be subject to the regulations set forth in Part C, Section VI (Signs) of the Zoning Rules and Regulations of the City of Syracuse, as amended.

4. Standards for Design and Site Amenities:

Properties within the Overlay District shall further be subject to the provisions below, including review by the Design Review Board **[read City Planning Commission]** as specified.

a. Facades and Building Materials:

All new exterior wall construction and all changes of material of building facades and roof lines as they are visible from James Street shall be subject to Site Plan review and approval by the Design Review Board **[read City Planning Commission]**. In determining the appropriateness of materials the Design Review Board shall consider the type of materials used in adjacent existing buildings and shall consider the architectural nature of buildings facing James Street generally found in the same block. Long term durable materials traditional to James Street, such as brick, cast stone, limestone, terra cotta, and wood trim, shall be considered with greater preference than non-traditional materials, such as vinyl, aluminum or Styrofoam compositions. (The James Street Eastwood Design Guidelines as duly adopted and amended should be consulted for specifics on types of building material.) Any decision to allow use of less traditional materials or to permit façade departures from the existing architectural character of the block must be based on findings that:

(1) The alternative design is complimentary to or improves the traditional look and character of the neighborhood;

(2) Any synthetic material used is durable and visually compatible with or indistinguishable from traditional material in shape, color, and texture.

b. Doors and Windows:

For commercial buildings the combination of first floor doors and windows facing James Street shall occupy no less than 50% but no more than 75% of the respective first floor façade. The same restriction shall apply to the combination of first floor doors and windows facing any side street intersecting with James Street. Upper floor street-facing windows in commercial buildings shall occupy no more than 35% of the respective upper floor facades. For other buildings, all doors and windows facing James Street or side streets intersecting with James Street, including the first floor doors and windows, shall occupy no more than 35% of the respective facades. First floor windows in all commercial buildings shall be fitted with clear glass in order to permit the view of activities within the buildings from the contiguous sidewalk and street. Reflective or dark tinted glass shall not be considered to meet this purpose.

Installation of doors and windows visible from James Street shall be subject to Site Plan review and approval by the Design Review Board **[read City Planning Commission]**. (The James Street Eastwood Design Guidelines as duly adopted and amended should be consulted for specifics on doors and windows.) Preferential consideration shall be given to first floor windows with architectural details such as lower bulkheads and cornice/sign board trims. Buildings without windows on the first floor shall be prohibited.

c. Color:

The color of new buildings and any change in color of existing buildings as they are visible from James Street shall be subject to Site Plan review and approval by the Design Review Board **[read City Planning Commission]**. (The James Street Eastwood Design Guidelines as duly adopted and amended should be consulted for specifics on color limitations.) Before approving proposed color applications the Design Review Board **[read City Planning Commission]** shall find that:

(1) the colors do not conflict with the traditional character of the existing buildings in the area; and

(2) the number and combination of colors are not excessive for the architectural style of the buildings involved.

d. Planting and Visual Barriers:

Space shall be reserved for landscaping and visual barriers along the periphery of any off-street parking area as it faces James Street or a side street intersecting with James Street. The minimum width of this space shall be seven (7) feet as measured inward from the street line. The specific treatment of the space shall be subject to Site Plan review and approval by the Design Review Board **[read City Planning Commission]**.

Unless the Design Review Board **[read City Planning Commission]** accepts a landscaping-only alternative, a decorative street wall or fence shall be constructed and maintained within the space between the street and the parking area. Such wall or fence shall be at least three (3) feet in height and shall be consistent with the materials of buildings established on-site and on immediately adjacent properties.

Landscaped areas, which do not include a street wall or fence, shall include curbing four (4) to six (6) inches in height along all parking area margins, except for driveway/access points. Shrubs and groundcover shall be no more than three (3) feet at maintained height. Tree branching habit shall be maintained at least ten (10) feet above the finished grade.

In deciding whether a landscaping-only alternative should be accepted, the Design Review Board **[read City Planning Commission]** must weigh the practical difficulties of building a fence or wall against the community need for such amenity. The Board must also make a finding that the absence of a wall or fence will be consistent with the architectural nature of the site and its abutting properties.

In addition to treatment along the street lines, effective visual barriers shall be established along all portions of the side and rear property lines where parking areas would otherwise be visible to residential uses. Such visual barriers shall consist of a solid fence, wall or evergreen hedge. Fences and walls along side and rear property lines shall be constructed at least three and one-half (3½) feet high, but no higher than six (6) feet. Evergreen hedges shall have individual plantings no less than three (3) feet on center and initially no less than three and one-half (3½) feet in height, with a permanently maintained height of no more than six (6) feet.

(The James Street Eastwood Design Guidelines as duly adopted and amended should be consulted for specifics on landscaping and visual barriers.)

5. Exceptions:

The Design Review Board **[read City Planning Commission]** shall have the authority to grant Exceptions for properties within the James Street Overlay District. In approving any Exception the Board must find that practical difficulties would occur with respect to the economic and functional utilization of the property under consideration and that reasonable alternatives otherwise permitted do not exist. Practical difficulties affecting the property under consideration must be weighed against the impact the Exception would have on the character of the Overlay District. All Exception requests shall be subject to duly noticed public hearings.

6. Site Plan Reviews:

Where specified the Design Review Board **[read City Planning Commission]** shall review all plans for property development and improvement within the James Street Overlay District. In approving such plans the Board must make the findings set forth in the applicable paragraphs of this Article. The Board shall also be guided in its findings by the James Street Eastwood Design Guidelines as duly adopted and amended. Public hearings on Site Plan Reviews shall be at the discretion of the Board.

7. Special Permit Uses: **[Editing note: other provisions in the Zoning Rules and Regulations restore the requirements for Special Permits pursuant to Part C, Section IV, Article 2.]**

~~Within the James Street Overlay District all uses which would otherwise be allowed by Special Permit shall be allowed subject to Site Plan Review by the Design Review Board. Such uses shall not be reviewed under Special Permit procedures.~~

8. Board of Zoning Appeals:

Appeals for use variances, variances of residential density requirements, and variances of required amounts of parking shall be made to the Board of Zoning Appeals. If appropriate findings are made under State Law, the Board of Zoning Appeals may grant the requested variances, provided the development and maintenance of the properties in question adhere to the Basic Standards and the Standards for Design and Site Amenities specified in this Article. The Board of Zoning Appeals shall not have the authority to waive those Standards or grant Exceptions as reserved for review by the Design Review Board **[read City Planning Commission]**. (Variances approved by the Board of Zoning Appeals shall not include conditions allowing adjustments to building or parking layouts. Such adjustments must be taken up separately by the Design Review Board **[read City Planning Commission]**.) The Board of Zoning Appeals shall have no authority to review sign proposals or grant any waivers applicable thereto. The Board of Zoning Appeals shall have no authority to review appeals from the Design Review Board **[Editing Note: the Board of Zoning Appeals does not have the authority to review appeals from the City Planning Commission decisions affected by this paragraph]**.

9. Zoning Administrator:

The Zoning Administrator shall have no authority to review sign proposals or grant any waivers related to signs within the Overlay District. The Zoning Administrator shall have no authority to review appeals from the Design Review Board **[read City Planning Commission]** or to grant waivers within the Overlay District that would otherwise fall under the jurisdiction of the Zoning Administrator.

10. Design Review Board: **[Editing Note: this board's functions now belong to the City Planning Commission]**

~~a. Membership:~~

~~The Board shall consist of a total of seven (7) members who each reside in the City of Syracuse and who shall be appointed to the Board by the Mayor. Membership shall be constituted as follows:~~

~~(1) One (1) member who is a licensed architect and who shall serve an initial term of five (5) years upon establishment of this Board, with all subsequent terms being three (3) years. The Central New York Chapter of the American Institute of Architects may offer to the Mayor its recommendations of individuals to serve in this position.~~

~~(2) Two (2) members who are residents of the Eastwood area as defined by the Tomorrow's Neighborhoods Today (TNT) program, who are active members with the TNT Planning Council of Eastwood, and who will sit for three (3) year terms;~~

~~(3) Two (2) members who own businesses within the Overlay District. Initial terms of these members upon establishment of this Board shall be two (2) years, with all subsequent terms being three (3) years. The Eastwood Chamber of Commerce may offer to the Mayor its recommendations of individuals to serve in these positions.~~

~~(4) One (1) member who is a licensed landscape architect and who shall serve an initial term of five (5) years upon establishment of this Board, with all subsequent terms being three (3) years. The Central New York Chapter of the American Society of Landscape Architects may offer to the Mayor its recommendations of individuals to serve in this position.~~

~~(5) One (1) ex officio member (the Director of the Neighborhood Planning Office or similar city office or his or her designee) with the same voting authorization as the other members, for three (3) year renewable terms.~~

~~There shall be no limit on the number of times terms may be renewed.~~

~~b. Quorums and Voting:~~

~~(1) A quorum necessary to decide matters pursuant to this Article shall consist of at least five (5) members of the Design Review Board.~~

~~(2) Decisions to approve applications made pursuant to this Article shall require the affirmative vote of at least four (4) members of the Design Review Board.~~

~~c. Jurisdiction:~~

~~The Design Review Board shall have jurisdiction only on matters specified in this Article within the James Street Overlay District.~~

~~d. Rules of Procedure:~~

~~The Design Review Board shall duly adopt Rules of Procedure specifying the provision for election of chairperson and vice chairperson, setting times for meetings which shall be of such frequency to give timely response to applications, and specifying other matters regarding the conduct its meetings. All meetings of the Board shall be subject to the Open Meetings Law and shall be conducted according to parliamentary procedures with appropriate minutes being compiled and adopted for each meeting.~~

e. Design Guidelines:

The Design Review Board **[read City Planning Commission]** shall be guided in its deliberations by guidelines to be referred to as the James Street Eastwood Design Guidelines. These guidelines shall be duly adopted by the Board, following notice and conduct of a public hearing. The guidelines, as an aid to the public and the Board, shall not supersede the provisions contained in this Article nor set forth standards which conflict with the intent or provisions of this Article.

f. Applications and Files:

The Office of Zoning Administration shall be the location for filing all applications to the Design Review Board **[read City Planning Commission]** and shall be the official location for the filing of all decisions made by the Board. Application forms shall be established by the Office of Zoning Administration in consultation with the Design Review Board **[read City Planning Commission]**.

Adopted 9/11/00
Effected by passage of the Project Site Review procedures (C-I-10-VIII) 9/22/03

PART C

SECTION X OVERLAY DISTRICTS

Article 2 Motor Vehicle Sales Business Overlay District

1. Purpose and Intent – Under conventional zoning district provisions, motor vehicle sales businesses are permitted or prohibited on the basis of categories of use. For the most part, the conventional districts lack an effective means of accommodating new or expanded businesses in appropriate instances. Missing is an accommodation based on compatibility of specific designs and layouts and positive interrelationships with the surrounding areas.

   The same districts that affect motor vehicle sales businesses in corridors such as "Automobile Row" are also found other parts of the city and are unrelated to motor vehicle sales. The utility of possibly adding special permit or site review provisions to those districts in order to accommodate the motor vehicle sales businesses is diminished because of the effect on the unrelated areas. The alternative of changing the existing zoning districts to a more permissive district is likewise inappropriate. A new district would bring with it an array of potentially adverse or unwanted new uses and activities. Hence, the need has arisen for independently derived overlay district allowances.

   An overlay district, by means of the provisions contained herein, shall provide the opportunity for controlled development of specified components of the motor vehicle sales businesses. Areas where these components would not otherwise be allowed shall be permitted within the overlay district boundaries.

2. Core District – The overlay district must have at its core a principal zoning district (such as a Commercial or Industrial District) that permits motor vehicle sales as a matter of right. More restrictive zoning districts that do not permit motor vehicle sales as a matter of right may be included in the overlay district, provided they are contiguous to the core district or form uninterrupted blocks extending from the core district along the principal arterial street on which the core district is located. The overlay district may also be extended across a street immediately parallel to the principal arterial street, if it is shown that the far side of the street would be isolated between the overlay district and another zoning district in which motor vehicle sales is already permitted as a matter of right.

3. General Limitation on Permitted Functions and Activities – The overlay district, as a means of establishing and protecting a viable corridor of motor vehicle sales businesses, shall extend the range of permitted uses within the underlying zoning districts only to include a) new motor vehicle sales dealerships and related accessory functions and b) full-function used motor vehicle sales businesses.

   a. New motor vehicle sales businesses - These may include repair and service functions, rentals, and used motor vehicle sales. Display of motor vehicles may be on site or on land immediately contiguous to the properties on which the principal buildings of the dealerships lie. Contiguous land shall include land on the far side of a street if the display area also occupies the near side.

      New vehicles or vehicles in substantially undamaged, road-worthy condition, may be stored on such land. Where parking or storage of such vehicles occurs at the periphery of the overlay district, the view of these vehicles shall be effectively screened from adjacent residentially zoned districts. Storage of damaged or non-functioning vehicles shall limited to specific areas and conditions as indicated further below.

b. Used Motor Vehicle Sales Businesses – These shall be limited to properties directly fronting on the principal arterial street. In no case shall a used motor vehicle business be located on land in any underlying zoning district that is more restricted in range of uses than a Local Business District, Class A. (For example, no used motor vehicle business shall be permitted on any portion of a Residential District included in the overlay district). Further, any used motor vehicle sales business which is a principal use (that is, not an accessory function of a new motor vehicle sales business) shall have a permanent principal building (not a trailer, shed, or mobile unit) in which customers may enter and transact business and in which heating, plumbing, and rest rooms are provided. Such principal building shall also include a bay in which vehicles can be brought for minor servicing, cleaning, and preparation for sales. Principal used motor vehicle sales not meeting these requirements, although permitted in other zoning districts, shall not be permitted in the overlay district. Used motor vehicle sales businesses in the overlay district may provide for on-site display of vehicles for sale but shall not provide storage for any damaged or non-functioning vehicles, except under the conditions of an approved special permit for light-duty motor vehicle repair. If the rear or side of a permitted used motor vehicle sales business abuts or is across from a Residential District outside the overlay district, the view of vehicles parked or displayed on-site shall be effectively screened from the Residential District.

4. Storage and Treatment of Damaged Vehicles – For motor vehicle businesses having legitimate repair functions, damaged vehicles may be temporarily stored on-site in areas screened from view of the public. All such vehicles shall have valid work orders or be documented as awaiting resolution of insurance adjustments.

   Storage shall not include abandoned vehicles. Impoundment yards and automobile "graveyards" shall not be permitted within the overlay district, nor shall salvaging for parts or dismantling be permitted. All damaged parts, tires, and waste fluids shall be disposed of in a timely manner pursuant to applicable laws and regulations. The location of storage areas shall be behind the principal buildings of the motor vehicle business with respect to the principal arterial street. Storage areas for damaged vehicles shall not be within 30 feet of a building used as a residence. Screening of these storage areas shall be by means of solid fencing five to six feet in height installed in a work-like manner, after the issuance of a proper permit, and maintained in undamaged condition.

5. Arterial Street Frontages – Access to the motor vehicle sales businesses (curb cuts) shall not exceed fifty (50) percent of the frontage of the businesses as they face the arterial street. Display of motor vehicles shall be kept out of the street right-of-way. Concrete sidewalks shall be maintained along the frontages, and are not to be covered over with tarvia or blacktop.

6. Side and Rear Streets – Access and sidewalks along side and rear streets shall be in keeping with the predominant character of the uses abutting those streets. Vehicles related to the motor vehicle sales business shall be kept out of the streets and their rights-of-way. Specifically, tow-trucks and motor vehicle inventory shall be parked and stored off-street.

7. Signs – Signs shall be permitted and controlled, as they would be otherwise without the existence of the overlay district, except that no new freestanding sign for any business within the overlay district, including businesses other than motor vehicle sales, shall exceed twenty (20) feet in height.

8. Required Site Review – An Administrative Permit shall be required for any motor vehicle sales business, or portion thereof, to be located in parts of the overlay district where such businesses would not be allowed by right or by special permit in the underlying zoning districts. Such Administrative Permits shall be issued by the Zoning Administrator subject to a review of the building and site plans for the prospective use for adherence to the standards of the overlay district and compatible arrangement of the site with respect to adjoining properties. Building and site plans submitted for review shall be drawn to scale and of sufficient detail to show the functioning of the new development. Appeal of any negative decision by the Zoning Administrator may be made to the City Planning Commission.

Adopted: 6/20/05

PART C

SECTION X OVERLAY DISTRICTS

ARTICLE 3 CONNECTIVE CORRIDOR

1. Purpose and Intent

The regulations set forth in this article are intended to facilitate projects within the area known as the Connective Corridor, a multi-modal transportation and major streetscape concept that connects the City's University Hill with the Downtown District. It is a collaboration between the City of Syracuse and Syracuse University to use innovative design to enhance the public realm, establish the area as an arts and cultural destination, and act as a catalyst for future development and investment along a targeted district within the City. The principal goals of these regulations are:

a. to maintain and stimulate a pedestrian-friendly environment;
b. to establish the identity of the Connective Corridor; and
c. to facilitate improvements to individual properties along its route.

2. Definitions

a. Connective Corridor Identification Signage: Signage which establishes a visual link to the Connective Corridor through artistic and/or cultural displays, which may include the visual representation of ideas composed of artwork, text, and/or graphic elements. This signage shall provide creative identification of art or cultural assets, be reflective of community initiatives, and/or provide visual support for the Connective Corridor. This signage is separate and distinct from both public art (Revised General Ordinance, Chapter 51) and other signage.

b. Building Façade: Any entire exterior surface of a building which abuts or is oriented towards the City right-of-way, from grade to eave, which may include conjoined building segments.

c. Connective Corridor: Properties identified on Connective Corridor Overlay District Map.

3. Boundaries

a. The Connective Corridor shall consist of properties adjacent to the following City streets beginning at University Avenue, from Waverly Avenue north to East Genesee Street; continuing along East Genesee Street, from University Avenue west to South State Street; continuing along South Townsend Street, from East Genesee Street north to East Fayette Street; continuing along East and West Fayette Street, from South Townsend Street west to Niagara Street; continuing along South State Street, from East Adams Street north to East Water Street; continuing along East Water Street, from Montgomery Street to South State Street; continuing along Montgomery Street, from East Adams north to East Water Street; continuing along East Adams Street, between Montgomery Street and South State Street; continuing along East and West Jefferson Street, from State Street west to Clinton Street.

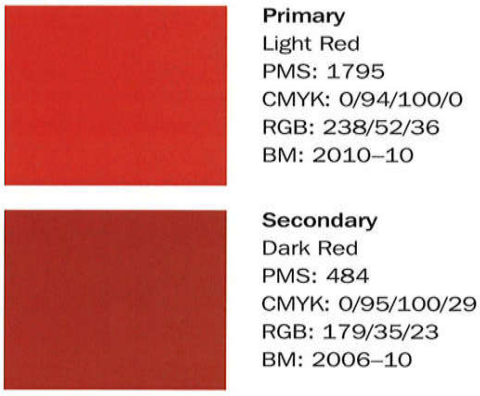
b. Unless specifically superseded by the provisions and restrictions contained in this Article, all of the provisions and restrictions otherwise set forth in the Zoning Rules and Regulations of the City of Syracuse, as amended, as they relate to the properties within the Connective Corridor, shall be unaffected by this Article. In particular the specification of land uses permitted in the underlying zoning districts shall be unaffected by this Article.

4. Characteristics

The following characteristics can be used to promote and identify destinations, events, or themes on the Connective Corridor.

a. USE Identity: The capital letters "USE" within the word "Syracuse" provide an identity for the Connective Corridor.

b. Colors: Two distinctive red values have been identified. These and other muted, compatible colors are encouraged for use within the District. These colors are identified as Light Red (PMS 1795, CMYK 0/94/100/0, RGB 238/52/360) and Dark Red (PMS 484, CMYK 0/95/100/29, RGB 179/35/23)



c. Typography: The Ohm and Franklin Gothic typefaces shall be encouraged along the Connective Corridor.

5. Basic Standards

The following standards shall be applicable to all properties within the Connective Corridor unless Exceptions are granted in accordance with the requirements specified herein.

a. Materials: The following materials shall be used for building facades within the district: brick, stone, terra cotta, wood, steel or glass.

The use of artificial siding, vinyl, plastics, concrete block, or plywood for building facades within the District is prohibited

Façade alterations which include permanently covering or reducing the size of existing openings, including windows are prohibited.

b. Color: The color of new structures and any change in color of existing structures as they are visible from the Connective Corridor shall be subject to review. Before approving proposed color applications, there shall be a finding that the colors do not conflict with the character of the existing structures in the surrounding area and may include, but are not limited to the red colors identified as a characteristic of the Connective Corridor.

c. Connective Corridor Identification Signage:

1. Number: There shall be no restrictions on the number of such signs. The creative arrangement of multiple signs shall be permitted.

2. Area: The total area of signage per building or use shall not exceed four square feet for each one foot of linear frontage along the Connective Corridor, and shall not exceed four hundred and fifty square feet in total.

3. Location: Signage shall be situated on a building façade or window.

4. Height: Signage shall not exceed the height of the building façade on which the sign is affixed.

5. Type: Signage shall be limited to wall, window, and projecting signs. Roof, ground, and animated signs are prohibited.

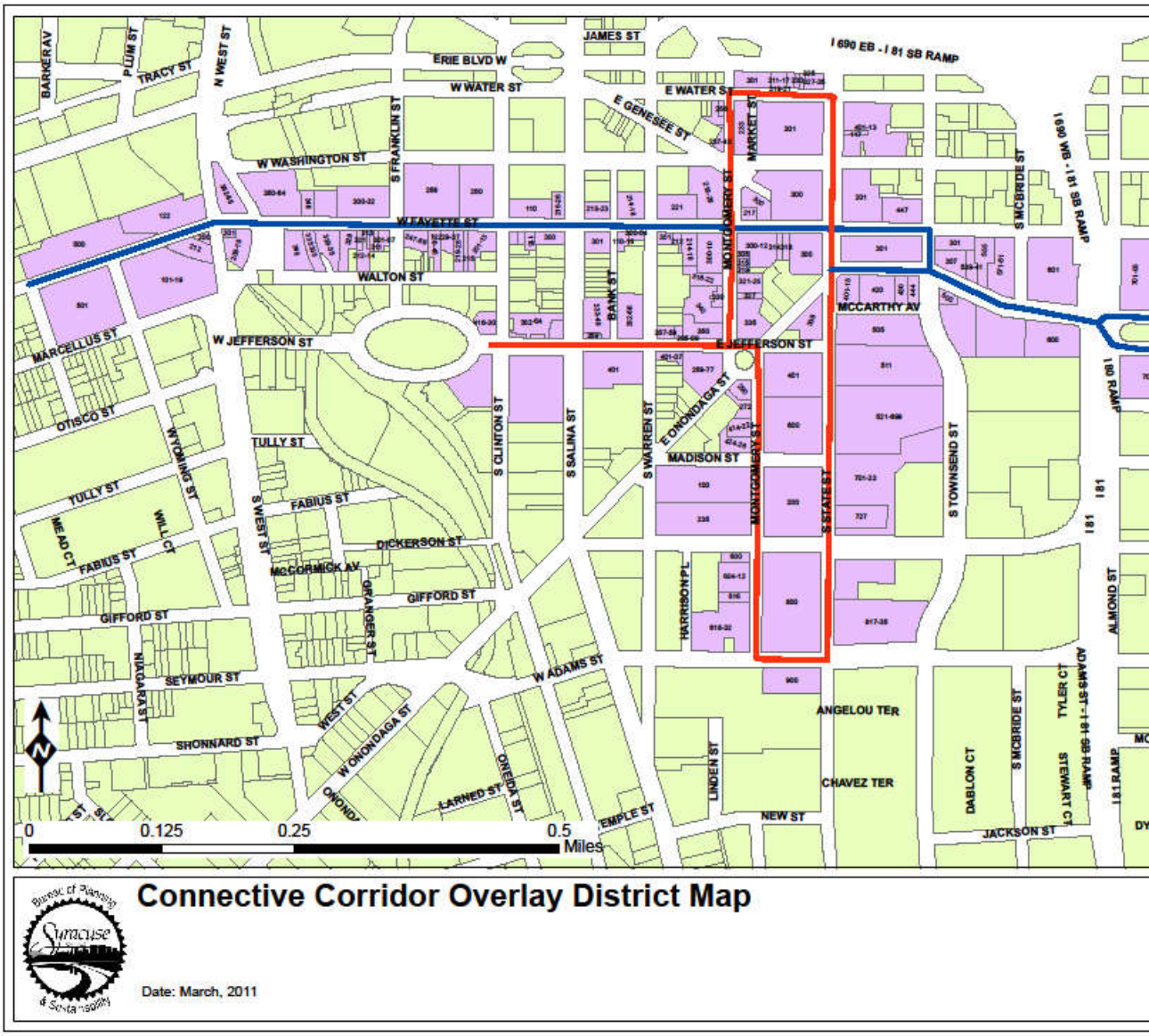
6. Zoning Administrator

The Zoning Administrator shall have authority to review plans for compliance with the standards of the overlay district. The plans submitted for review shall be drawn to scale and of sufficient detail to illustrate the proposal. Appeal of any negative decision by the Zoning Administrator may be made to the City Planning Commission.

7. Exceptions

The City Planning Commission shall have the sole authority to grant exceptions for properties within the Connective Corridor. In approving any exception, the Commission must find that practical difficulties would occur with respect to the economic and functional utilization of the property under consideration and that reasonable alternatives otherwise permitted do not exist. Practical difficulties affecting the property under consideration must be weighed against the impact the exception would have on the character of the Overlay District. All exception requests shall be subject to duly noticed public hearings.

Adopted: 5/9/11



Connective Corridor Overlay District Map

Date: March, 2011