REZONE SYRACUSE

A Citywide Zoning Update

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Zoning Ordinance Update

February 2023

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Article 1: General Provisions

1.1 Title and Effective Date

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

1.2 Purpose

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

A. Encourage and facilitate appropriate use of property throughout the City in such a way that is responsible;

B. Designate, regulate, and restrict the location of buildings in order to create compatibility with neighboring land uses;

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

D. Establish requirements for site layout, site development, and other dimensional, design, and development standards in order to increase performance with respect to aesthetics, safety, design, and public health;

E. Provide for administration and enforcement of this Ordinance;

F. Protect and further the economic activity and stability of land uses; and

G. Provide for infrastructure and facilities such as transportation, water, sewer, schools, parks, and other public requirements.

1.3 Authority

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

1.4 Applicability and Jurisdiction

A. General Applicability

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

B. Compliance Required

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

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

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

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

~~(4)~~(5) No site shall be altered with intent to develop without complying with this Ordinance.

C. Application to Governmental Agencies

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

D. Conflicts with Other Ordinances

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

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

E. Private Covenants

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

1.5 Nonconformities

A. Purpose

The purpose of this Section 1.5 is to regulate and limit the development and continued existence of legal uses, structures, lots, signs, and use characteristics established prior to the effective date of this Ordinance, or the effective date of future amendments to this Ordinance, that no longer conform to the requirements of this Ordinance. All such situations are considered legal nonconformities and are collectively referred to in this section as "nonconformities." ~~While nonconformities may continue, t~~The intent of this section is to allow nonconformities to be brought into compliance with ~~curtail substantial investment in nonconformities in order to preserve the integrity of~~ this Ordinance and further the goals of the City of Syracuse with investment over time.

B. Regulations Applicable to All Nonconformities

(1) Authority to Continue

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

(2) Determination of Nonconformity Status

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

(3) Maintenance and ~~Minor~~ Repair

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

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

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

c. Repairs that are required to remedy unsafe conditions;

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

~~d.~~e. Repairs and improvements that enable compliance with zoning regulations and lessen the degree of noncompliance.

(4) Change of Ownership or Tenancy

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

C. Nonconforming Uses

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

(1) Continuation of Use

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

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

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

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

d. Whenever a nonresidential nonconforming use of land or a building has been discontinued for a period of one consecutive and continuous year, future use of land or building shall comply with this Ordinance.

e. Whenever a nonconforming residential use of land or a building consisting of one-, two-, three-, or four-unit dwellings has been discontinued for a period of five or more consecutive and continuous years, future use of land or building shall comply with this Ordinance.

(2) Change of Use

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

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

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

(3) Damaged or Destroyed Uses

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

(4) Discontinuance and Transfer

Where a nonconforming use is abandoned or discontinued , regardless of any intent to resume operations, it shall be deemed abandoned and shall not be revived nor converted to any other use that does not conform to the regulations in this Ordinance. All material and equipment associated with the abandoned nonconforming use shall be completely removed from the premises by the owner. Extensions to the one-year period may be granted by the Board of Zoning Appeals for up to two years. A nonconforming use may be transferred to a new owner. The new owner may apply to the Board of Zoning Appeals to establish a new nonconforming use that is similar in type and intensity of the existing nonconforming use within one year of discontinuance.

D. Nonconforming Structures

Nonconforming structures are subject to the following additional limitations:

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

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

(2) **Damaged or Destroyed Structures**

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

b. Work to restore a nonconforming structure that has been damaged or destroyed by fire or other causes shall be commenced within one year of such event and completed within 24 months of such event. By written request from the property owner, the Code Enforcement Officer may grant one extension of either the work commencement and/or the completion of work time period.

E. Nonconforming Lots

(1) **Lot Certification Required**

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

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

b. Constitutes a resubdivision approved by the City Planning Commission; or

c. Constitutes a lot alteration approved by the Zoning Administrator; or

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

(2) **Construction on Nonconforming Lots**

Nonconforming lots are subject to the following additional limitations:

a. A single-unit dwelling may be constructed on a nonconforming lot in any zoning district where such use is permitted so long as the new construction meets all of the setback minimums, and does not exceed height, structural coverage, and parking surface coverage maximums.

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

F. Nonconforming Site Features

(1) Applicability

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

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

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

(2) Nonconforming Parking

a. Continuation of Nonconforming Parking

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this Ordinance that are made nonconforming by virtue of enactment of this Ordinance shall be allowed to continue, provided that Nonconforming parking areas shall not be expanded except pursuant to paragraph b below.

b. Upgrading Nonconforming Required Off-Street Parking Spaces

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

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

   ii. Changes of Occupancy that require an additional number of parking spaces.

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

(3) Nonconforming Landscaping, Buffering, Screening, and Exterior Lighting

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

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

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

c. Building elevation changes involving 50 percent or more of any façade (as shown on building permit applications), excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;

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

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

f. Expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas by 1,000 square feet or 20 percent, whichever is less, shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity.

(4) Compliance to the Maximum Extent Practicable

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

G. Nonconforming Signs

(1) Continuation of Nonconforming Signs

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

(2) Termination of Nonconforming Signs

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

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

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

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

b. Any party wishing to appeal a determination concerning the termination of the right to maintain a nonconforming sign may appeal the Zoning Administrator's decision to the Board of Zoning Appeals within 60 days of the date of written notice provided by the City.

(3) **Existing Off-Premise Advertising Signs**

In order to be considered legally existing, all off-premise advertising signs shall have administrative permits or other equivalent formal authorization. Those without formal approval or authorization shall not be considered nonconforming. Off-premise advertising signs without administrative permits or other formal authorization in zoning districts no longer permitting such signs have no status to remain in use.

H. Illegal Nonconformities

An illegal nonconformity exists when:

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

(2) A use, structure, or site improvement occurs to a legal nonconformity without being lawfully authorized in accordance with the provisions of this section.

1.6 Enforcement

A. Purpose

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

B. Violations

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

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

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

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

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

(3) **Illustrative Examples of Violations**

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

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

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

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

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

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

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

(4) **Continuing Violations**

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

C. Enforcement Actions

(1) **Responsibility for Enforcement**

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

(2) **Investigation**

Whenever a complaint is received by the Division alleging a violation of this Ordinance or a permit or approval issued under this Ordinance, the Director of Code Enforcement shall investigate the complaint.

(3) **Persons Liable**

The owner, tenant, agent, property manager, or other person who creates or maintains any situation that is contrary to the requirements of this Ordinance or a permit or approval issued pursuant to this Ordinance, may be held responsible for the violation and be subject to the penalties and remedies provided in this section.

(4) **Procedures Upon Discovery of Violations**

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

1. The notice of violation shall be posted in a conspicuous place upon the premises affected and a copy thereof sent to the property owner, and any other responsible party via Certified mail or First Class mail to the address on file with the Division of

Code Enforcement. When the notice of violation is sent via First Class mail seven additional calendar days shall be given for compliance with this Ordinance

2. The notice of violation shall state the action the Director of Code Enforcement intends to take if the violation is not corrected and shall advise the owner of record and any other responsible party of their right to request an administrative hearing; This hearing must be requested within the shortest time period given to correct any violations of this Ordinance.

b. Whenever the Director of Code Enforcement finds that a violation of this Ordinance exists which, in their opinion, requires immediate action to abate a hazard, or constitutes an immediate danger to the health, safety or welfare of the occupants of a building or the general public, they may, without prior notice of hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard of danger. Notwithstanding any other provisions of this Ordinance, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

(5) Continuation of Prior Enforcement Actions

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

D. Penalties and Remedies

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

(1) Fines

Each violation of this Ordinance shall be subject to a fine as set forth in the City's adopted fee schedule. Persons liable shall be subject to a cumulative civil penalty for each separate violation from the date set for correction in the notice of violation until the violation is corrected, and each violation shall constitute a separate cause of action. At their discretion, the Director of Code Enforcement may refer each cause of action for adjudication through either a proceeding in a court of competent jurisdiction or the City of Syracuse Bureau of Administrative Adjudication.

(2) Deny, Withhold, or Revoke Entitlements

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

b. The Director of Code Enforcement shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power to deny, withhold, or revoke the permit issued to the violator, to require the violator to take corrective measures, or to direct employees or agents of the City to enter onto the premises and to take the corrective measures required by the authority, the cost to be borne by the violator.

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

1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
2. The entitlement was established by false representation;
3. The entitlement was issued in error; or
4. There is any other violation of this Ordinance related to the entitlement at issue.

(3) **Stop-Work Orders**

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

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

c. A stop-work order shall be in writing and directed to the person doing the work, and shall specify the provision of this Ordinance or other law in violation. A copy of the stop-work order shall also be provided to the owner of the property and sent to the address on file with the Division of Code Enforcement.

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

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

E. Continuation of Prior Enforcement Actions

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

1.7 Severability

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

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

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

1.8 Transition from Prior Regulations

A. Development Approvals

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

B. Pending Applications

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

C. Prior Violations

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

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Article 2: Zoning Districts

2.1 General Provisions

A. Establishment of Zoning Districts

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

Table 2.1
Zoning Districts Established

Base Zoning Districts	Section
Residential Districts	
R1: Single-Unit Residential	2.2
R2: Low Density Residential	2.3
R3: Small Lot Residential	2.4
R4: Medium Density Residential	2.5
R5: High Density Residential	2.6
Mixed-Use Districts	
MX-1: Urban Neighborhood	2.7
MX-2: Neighborhood Center	2.8
MX-3: Mixed-Use Transition	2.9
MX-4: Urban Core	2.10
MX-5: Central Business District	2.11
Nonresidential Districts	
CM: Commercial	2.12
LI: Light Industry and Employment	2.13
Special Purpose Districts	
OS: Open Space	2.14
Planned Development Districts	
PID: Planned Institutional	2.15B
PDD: Planned Development	2.15C
Overlay Districts	
Local Historic Districts	Article 6: *Historic Preservation*

B. Official Zoning District Map

(1) **Incorporation of Map**

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

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

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

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

(2) Zoning District Boundaries

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

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

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

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

(3) Boundary Clarification

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

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

(4) Amendments to Map

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

C. Organization of this Article

(1) Base Zoning Districts

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

b. For each district, this Article includes one or more illustrations depicting how the district's dimensional standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a

particular development. If a standard shown in an illustration is inconsistent with the respective table of dimensional standards, the standards in the table shall govern.

(2) **Overlay Districts**

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

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

D. Exceptions to Dimensional Standards

(1) **Maximum Story Exception for Integrated On-Site Parking in the MX-2, MX-3, and MX-4 Districts**

Projects incorporating 75 percent or more of the net required residential off-street parking in Section 4.4, *Off-Street Parking and Loading*, within the proposed or existing building, but not an off-street surface parking area, are allowed an additional story over the maximum allowance in Article 2: *Zoning Districts*. All other Zoning District standards must be met.

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2.2 R1: Single-Unit Residential

A. Purpose

The R1 district is established to provide for neighborhoods made up of primarily detached, single-unit homes with green space, street trees, front porches and sidewalks. Complementary uses such as parks, open space, schools, assemblies, minor utilities, and accessory dwelling units and accessory structures may also be allowed.

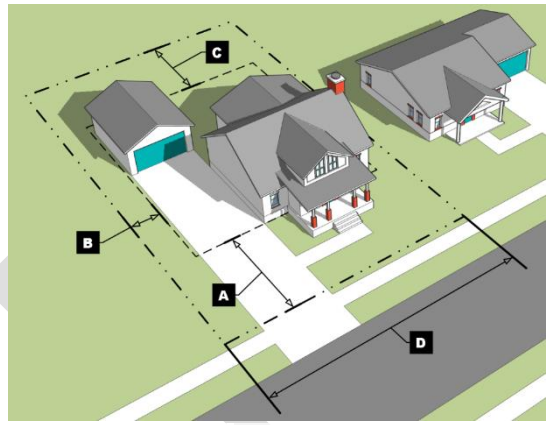

Figure 2-1: R1 District Dimensional Standards

B. Standards

Table 2.2
R1 Single-Unit District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	Average setback on developed street frontages; see 2.17C(4). If the block is less than 50% developed, the setback shall be 30 feet.	May not be located within the front setback
B	Side	4 feet/0 feet for common wall construction	
	Side, corner lot	Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street.	
C	Rear	20 feet or 15% of lot depth, whichever is greater	4 feet
Height maximum			
	Building height	40 feet	16 feet
Lot minimum			
D	Width	Single-unit detached dwelling: 40 feet Single-unit attached dwelling: 25 feet	n/a
	Area	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 3,000 square feet	
Impervious coverage maximum			
	Structural	30%	
	Parking and driveway surfaces	30%	

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2.3 R2: Low Density Residential

A. Purpose

The R2 district is established to provide for neighborhoods made up of single-unit and two-unit dwellings with green space, street trees, front porches and sidewalks. This district may include attached dwellings, and multi-unit dwellings if it meets the definition of a Mixed Income Development. Complementary uses such as parks, open space, schools, places of assembly, minor utilities, and accessory dwelling units and accessory structures may also be allowed.

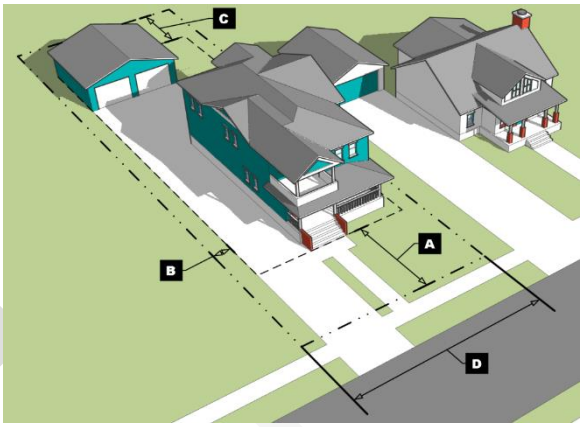

Figure 2-2: R2 District Dimensional Standards

B. Standards

Table 2.3
R2 Low Density Residential District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	Average setback on developed street frontages; see 2.17C(4). If the block is less than 50% developed, the setback shall be 30 feet.	May not be located within the front setback
B	Side	4 feet/0 feet for common wall construction	
	Side, corner lot	Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street.	
C	Rear	20 feet or 15% of lot depth, whichever is greater	4 feet
Height maximum			
	Building height	40 feet	25 feet
Lot minimum			
D	Width	Single-unit detached dwelling: 40 feet Single-unit attached dwelling: 25 feet	n/a
	Area	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,500 square feet Two-unit dwelling: 3,000 square feet per dwelling unit Mixed Income Development: 1,500 square feet per dwelling unit	
Impervious coverage maximum			
	Structural	30%	
	Parking and driveway surfaces	35%	
	Mixed Income Development	35% for parking and 35% for structures for a total of 70%	

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2.4 R3: Small Lot Residential

A. Purpose

The R3 district is established to provide for neighborhoods made up of single-unit and two-unit dwellings on smaller lots with green space, street trees, front porches, and sidewalks. This district may include attached dwellings. Complementary uses such as parks, open space, schools, places of assembly, minor utilities, and accessory dwelling units and accessory structures may also be allowed.

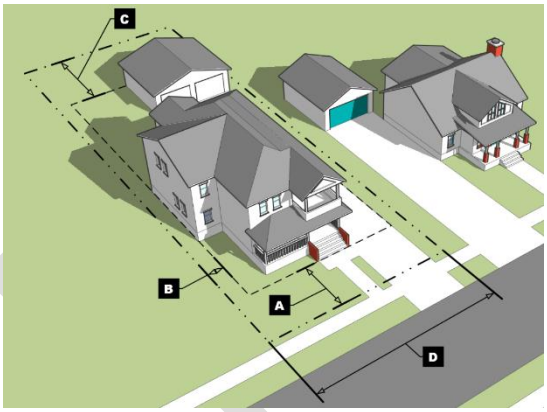

Figure 2-3: R3 District Dimensional Standards

B. Standards

Table 2.4
R3 Small Lot Residential District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	Average setback on developed street frontages; see 2.17C(4). If the block is less than 50% developed, the setback shall be 20 feet.	May not be located within the front setback
B	Side	4 feet/0 feet for common wall construction	
	Side, corner lot	Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street.	
C	Rear	20 feet or 15% of lot depth, whichever is greater	4 feet
Height maximum			
	Building height	40 feet	25 feet
Lot minimum			
D	Width	Single-unit detached dwelling: ~~40~~ 35 feet Single-unit attached dwelling: 25 feet	n/a
	Area	Single-unit detached dwelling: ~~4,000~~3,500 square feet Single-unit attached dwelling: 2,500 square feet Two-unit dwelling: 2,000 square feet per dwelling unit	
Impervious coverage maximum			
	Structural	30%	
	Parking and driveway surfaces	35%	

2.5 R4: Medium Density Residential

A. Purpose

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

Figure 2-4: R4 District Dimensional Standards

B. Standards

Table 2.5
R4 Medium Density Residential District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	Average setback on developed street frontages; see 2.17C(4). If the block is less than 50% developed, the setback shall be 20 feet.	May not be located within the front setback
B	Side	4 feet/0 feet for common wall construction	
	Side, corner lot	Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street.	
C	Rear	20 feet or 15% of lot depth, whichever is greater	4 feet
Height maximum			
	Building height	50 feet	25 feet
Lot minimum			
D	Width	Single-unit detached and two-unit dwellings: 40 feet Single-unit attached dwelling: 25 feet Other residential use: 50 feet	n/a
	Area	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 1,500 square feet per dwelling unit	
Impervious coverage maximum			
	Structural	30% for single- and two-unit dwellings; 35% for other permitted uses	
	Parking and driveway surfaces	40%	
	Mixed Income Development	35% for parking and 40% for structure for a total of 75%	

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2.6 R5: High Density Residential

A. Purpose

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

Figure 2-5: R5 District Dimensional Standards

B. Standards

Table 2.6
R5 High Density Residential District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	Average setback on developed street frontages; see 2.17C(4). If the block is less than 50% developed, the setback shall be 10 feet.	May not be located within the front setback
B	Side	4 feet/0 feet for common wall construction	
	Side, corner lot	Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street.	
C	Rear	20 feet or 15% of lot depth, whichever is greater	4 feet
Height maximum			
	Building height	50 feet	25 feet
Lot minimum			
D	Width	Single-unit detached and two-unit dwellings: 40 feet Single-unit attached dwelling: 25 feet Other residential use: 50 feet	n/a
	Area	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 700 square feet per dwelling unit	
Impervious coverage maximum			
	Structural	30% for single- and two-unit dwellings; 40% for other uses permitted	
	Parking and driveway surfaces	40%	
	Mixed Income Development	40% for parking and 40% for structures for a total of 80%	

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2.7 MX-1: Urban Neighborhood

A. Purpose

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

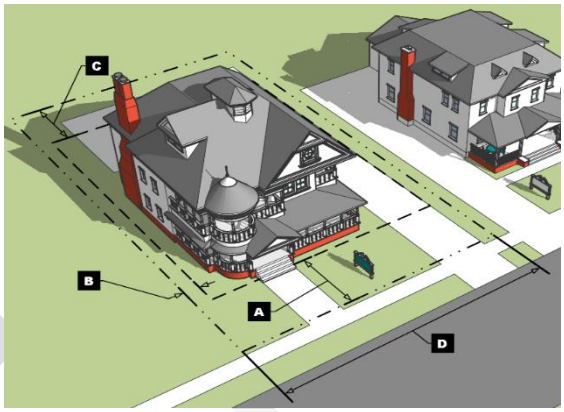

Figure 2-6: MX-1 District Dimensional Standards

B. Standards

Table 2.7
MX-1 Urban Neighborhood District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	20 feet	May not be located within the front setback
B	Side	4 feet/0 feet for common wall construction	
	Side, corner lot	Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street.	
C	Rear	20 feet or 15% of lot depth, whichever is greater	4 feet
Height and number of stories			
	Building height	40 feet	25 feet
	Number of stories	2 stories minimum; 3 stories maximum (50% of building footprint must meet minimum-story requirement)	n/a
Lot size			
D	Width minimum	Single-unit detached~~-~~ and two-unit dwellings: 40 feet Single-unit attached dwelling: 25 feet Other: 50 feet	n/a
	Area maximum (all uses)	10,000 square feet	
	Area minimum if solely occupied by residential	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 1,000 square feet per dwelling unit	
Impervious coverage maximum			
	Lots solely occupied by residential	60%	
	Other lots	~~80~~75%	

2.8 MX-2: Neighborhood Center

A. Purpose

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

This district is appropriate near activity centers, and development shall be on a scale that is generally compatible with the immediately surrounding neighborhoods.

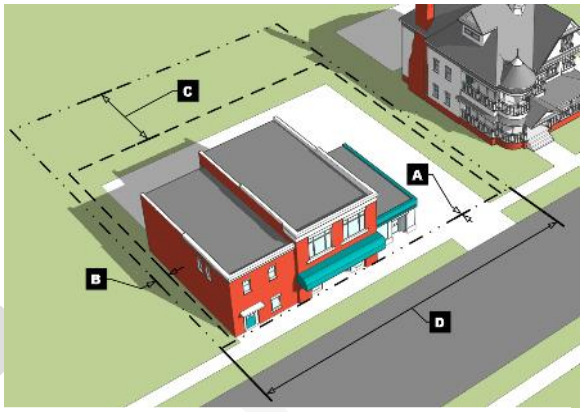

Figure 2-7: MX-2 District Dimensional Standards

B. Standards

Table 2.8
MX-2 Neighborhood Center District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	~~Facades shall abut a minimum of 80 percent of the street frontage (i.e., zero setback).~~Facades along the public realm will have zero setback with allowance for transitional features as defined in Building Edge. (See Section 7.3.) Alternatively, a build-to line may be established through sketch plan consultation with the City Planning Commission for projects with facades which present upon at least 50% of street frontage on a block.	May not be located within the front setback
B	Side	0 feet	4 feet
	Side, corner lot	10 feet in width from secondary street	Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street
C	Rear	If residential only: 20 feet or 15% of lot depth, whichever is greater; If mixed-use or mixed income: no minimum unless adjacent to a residential use or district. (See Residential Compatibility standards in Section 4.3.)	4 feet
Height and number of stories			
	Building height	No maximum height	25 feet
	Number of stories	2 stories minimum; 3 stories maximum; 4 stories maximum for Mixed Income Development One additional story allowed up to 5 stories with 75,000 square feet minimum lot area and at least 75% of off-street parking is located within the building per 2.1D(1).	n/a

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		50% of the building footprint must meet the minimum story requirement.	
Lot minimum			
D	Width	Single-unit detached and two-unit dwellings: 40 feet Single-unit attached dwelling: 25 feet Other: 50 feet	n/a
	Area if solely occupied by residential	Single-unit detached dwelling: 4,000 square feet Single--unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 700 square feet per dwelling unit	
	Area if Mixed-Use Project and/or Mixed Income Development	No area requirement	
Impervious coverage maximum			
	Lots solely occupied by single- or two-unit dwelling	60%	
	Lots solely occupied by a multi-unit dwelling	~~75~~80%	
	~~Other lots~~Mixed Income, Mixed-Use and other uses	90%	

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2.9 MX-3: Mixed-Use Transition

A. Purpose

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

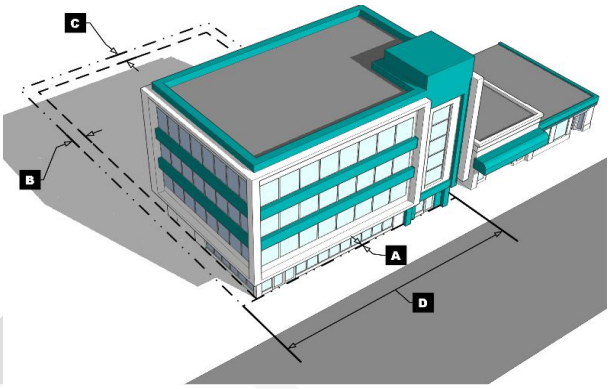

Figure 2-8: MX-3 District Dimensional Standards

B. Standards

Table 2.9
MX-3 Mixed-Use Transition District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	~~Facades shall abut a minimum of 80 percent of the street frontage (i.e., zero setback).~~Facades along the public realm will have zero setback with allowance for transitional features as defined in Building Edge. (See Section 7.3.) Alternatively, a build-to line may be established through sketch plan consultation with the City Planning Commission for projects with facades which present upon at least 50% of street frontage on a block.	May not be located within the front setback
B	Side	0 feet	
	Side, corner lot	10 feet in width from secondary street	
C	Rear	4 feet	
Height and number of stories			
	Building height	No maximum height	25 feet
	Number of stories	2 stories minimum; 6 stories maximum (60% of building footprint must meet minimum-story requirement). One additional story is allowed if 75% of off-street parking is located within the building per 2.1D(1).	n/a
Lot minimum			
D	Width	40 feet	n/a
	Area if solely occupied by residential	400 square feet per dwelling unit	
	Area if Mixed-Use Project and/or Mixed Income Development	No area requirement	
Impervious coverage maximum			

	Lots solely occupied by single- and two-unit dwellings	70%
	Lots solely occupied by multi-unit dwellings	80%
	~~Other lots~~Mixed Income, Mixed-Use, and other uses	~~100~~95%

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2.10 MX-4: Urban Core

A. Purpose

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

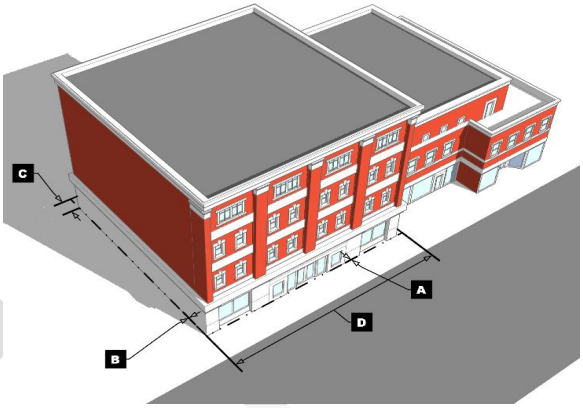

Figure 2-9: MX-4 Dimensional Standards

B. Standards

Table 2.10
MX-4 Urban Core District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	~~No minimum setbacks. See Section 4.3, *Residential Compatibility*~~ ~~Front maximum: 10 feet~~ ~~A minimum of 80 percent of the building edge shall be located adjacent to the property line (i.e., zero setback).~~ Facades along the public realm with have zero setback with allowance for transitional features as defined in Building Edge. (See Section 7.3.) Alternatively a build-to line may be established through sketch plan consultation with the City Planning Commission for projects with facades which present upon at least 50% of street frontage on the block.	May not be located in front of the principal structure
B	Side		
	Side, corner lot		
C	Rear		
Height and number of stories			
	Building height	n/a	25 feet
	Number of stories	3 stories minimum; 8 stories maximum (70% of building footprint must meet minimum-story requirement). One additional story allowed if 75% of off-street parking is located within the building, per 2.1D(1).	n/a
Lot minimum			
D	Width	No minimum lot width	n/a
	Area if solely occupied by residential	Multi-unit dwelling: 3,200 square feet minimum	
	Area if Mixed-Use Project and/or Mixed Income Development	No area requirement	n/a
Impervious coverage maximum			

Lots solely occupied by residential	80%
~~Other lots~~Mixed Income, Mixed-Use, and other uses	~~100~~95%

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2.11 MX-5: Central Business District

A. Purpose

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

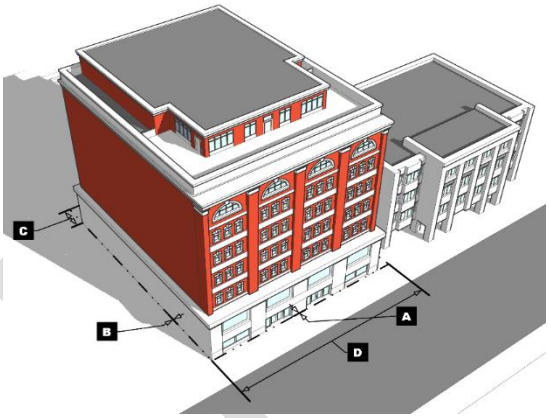

Figure 2-10: MX-5 District Dimensional Standards

B. Standards

Table 2.11
MX-5 Central Business District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	~~No minimum setbacks. See Section 4.3, *Residential Compatibility*~~ ~~Front maximum: 5 feet~~ ~~A minimum of 80 percent of the building edge shall be located adjacent to the property line (i.e., zero setback).~~ Facades along the public realm will have zero setback with allowance for transitional features as defined in Building Edge. (See Section 7.3.) Alternatively a build-to line may be established through sketch plan consultation with the City Planning Commission for projects with facades which present upon at least 50% of street frontage on a block.	May not be located in front of the principal structure
B	Side		
	Side, corner lot		
C	Rear		
Height and number of stories			
	Building height	No maximum height; minimum 30 feet	25 feet
	Number of stories	3 stories minimum. 100% of building footprint must meet minimum-story requirement.	n/a
Lot minimum			
D	Width	No minimum lot width	n/a
	Area if solely occupied by residential	Multi-unit dwelling: 3,200 square feet	
	Area if Mixed-Use Project and/or Mixed Income Development	No area requirement	
Coverage			
	Maximum impervious coverage	100%	

	Minimum building coverage	75%

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2.12 CM: Commercial

A. Purpose

The CM district is established to provide appropriate areas that permit the development and continued use of land for commercial and service uses characterized by frequent visits of customers and clients in high volumes. These areas generally include commercial uses that attract customers from a wider region.

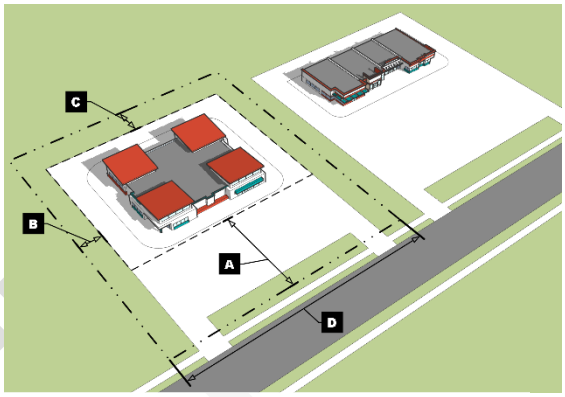

Figure 2-11: CM District Dimensional Standards

B. Standards

Table 2.12
CM Commercial District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	No minimum setbacks. See Section 4.3, *Residential Compatibility*	May not be located in front of the principal structure
B	Side		
	Side, corner lot		
C	Rear		
Height maximum			
	Building height	No maximum height	50 feet
Lot minimum			
D	Width	No minimum lot width	n/a
	Area	No minimum lot area	
Impervious coverage maximum			
	All	100%. Landscaping, screening, or other minimum requirements may limit ability to reach 100%.	

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2.13 LI: Light Industry and Employment

A. Purpose

The LI district allows a wide range of employment opportunities without potential conflicts from low-density residential uses. The emphasis of the district is on a range of uses including industrial, commercial, office, retail, and entertainment uses, typically in a flex-space development pattern. The district allows mixed uses and is intended for areas in the City that have predominantly employment and commercial types of development. Residential uses are allowed~~, but are not intended to predominate or set development standards for other uses in the area~~.

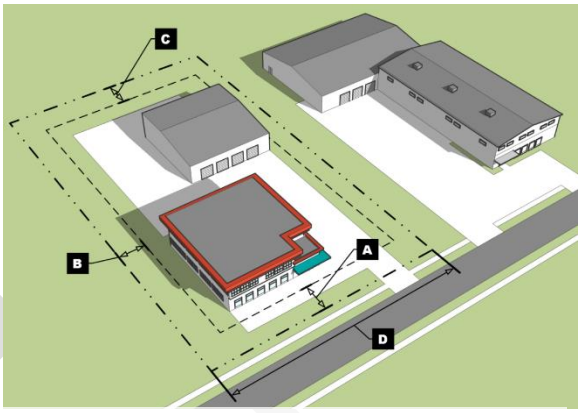

Figure 2-12: LI District Dimensional Standards

B. Standards

Table 2.13
LI Light Industry and Employment District: Dimensional Standards
Labels correspond to illustration

		Principal Structure	Accessory Structure
Setbacks minimum			
A	Front	No minimum setbacks. Build-to lines will be established during Site Plan Review. See Section 4.3, *Residential Compatibility*	May not be located in front of the principal structure
B	Side		
	Corner lot		
C	Rear		
Height maximum			
	Building height	No maximum height	50 feet
Lot minimum			
D	Width	No minimum lot width	n/a
	Area	No minimum lot area	
Impervious coverage maximum			
	All	100%	

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2.14 OS: Open Space

A. Purpose

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

B. Standards

Table 2.14
OS Open Space District: Dimensional Standards

		Principal Structure	Accessory Structure
Setbacks minimum			
	Front	30 feet	May not be located within the required setbacks
	Side	20 feet	
	Side, corner lot	25 feet	
	Rear	20 feet or 15% of lot depth, whichever is greater	
Height maximum			
	Building height	40 feet	25 feet
Lot minimum			
	Width	n/a	
	Area	n/a	
Impervious coverage maximum			
	All	20%	

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2.15 Planned Districts

A. Establishment of Planned Districts

(1) Eligibility

a. Initiation

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

~~b. Minimum District Area~~

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

(2) Rezoning Required

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

B. PID: Planned Institutional District

(1) Purpose

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

a. To ensure compatible relationships between land use activities;

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

c. To provide for functional treatment of open areas;

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

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

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

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

(2) Permitted Uses

a. Institutional

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

b. **Commercial**

Day care center

c. **Accessory Uses**

Except to the extent otherwise provided in this Ordinance:

1. Accessory uses are those either owned or operated by an institution, or an independent accessory use. Any such accessory use shall be approved as part of a district plan or project plan; and

2. The following accessory uses are permitted but not limited to the following, provided such facilities are owned, maintained, and/or controlled by the institution with which the uses are associated:

   i. Residential

   Dormitories; housing for faculty, staff, and/or students; chapter houses; multi-unit dwellings; single-unit dwellings; rectories, convents and parsonages; and hotels; and

   ii. Other Uses

   The following uses may be permitted to the extent that such uses are found by the City Planning Commission to be appropriate within the PID: retail; restaurant; service; health and wellness; theaters and auditoriums; museums; recreational uses; assembly, parking lots; parking structures; offices; clinics; entertainment; personal service uses; power generation and/or distribution facilities that serve PID associated institution(s) and/or other users located in the PID; research facilities; and facilities associated with administration and physical maintenance of the institution.

d. **Nonconforming Uses**

All nonconforming uses created by the applications of this Ordinance will be subject to the control of area regulations contained in the zoning classification that previously applied to the property, until such time that the property is put to uses permitted by this Ordinance, and in accordance with the approved District Plan.

(3) **Dimensional and Development Standards**

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

b. Development standards applicable to each Planned Institutional District are set forth in the following Table 2.15.

Table 2.15
PID: Dimensional and Development Standards

Setbacks minimum		
A.	Front	No minimum or maximum setback requirements, except as set forth in the approved District Plan.
B.	Side	No minimum or maximum setbacks, except as set forth in the approved District Plan, or as established by the NYS Uniform Fire and Protection Code.
C.	Rear	No minimum or maximum setbacks except as set forth in the approved District Plan, or as established by the NYS Uniform Fire and Protection Code.
Height maximum		
D.	Building Height	No maximum height
Lot minimum		
E.	Width	No minimum lot width
F.	Area	1 contiguous acre unless such area is contiguous to and incorporated into an existing PID.
Coverage maximum		
G.	Impervious Coverage	90% except as follows: Where the maximum impervious coverage limitations of surrounding properties are greater, such greater limitation shall apply; or where a greater amount is approved in a District Plan.
Development Standards		
H.	Off-Street Loading	Off-street loading shall be provided pursuant to 4.4G; however, the City Planning Commission may approve, if requested by an applicant, a different location, size, and/or number of loading berths as part of a project plan provided such requests are consistent with the intent of the PID.
J.	Landscaping, Buffering, and Screening	Except to the extent that different standards are approved as part of a District Plan or Project Plan, landscaping, buffering, and screening shall be consistent with the character of any abutting nonresidential use. Where a use abuts a non-institutional residential use or district, a dense evergreen shrub or opaque fencing at least four feet in height shall be installed.
K.	Exterior Lighting	Glare from exterior lighting shall not shine spillover onto adjacent properties except onto walkways, driveways, and streets. Except for decorative lighting, building-mounted lights shall be installed so that all light is directed downward.
L.	Off-Street Parking	Notwithstanding Article 4, off-street parking facilities shall be provided in the number and locations shown by an applicant on a District Plan or Project Plan. Except as otherwise shown on a District Plan or Project Plan, the number of off-street parking spaces shall be as follows:

Use Category	Use Type	Spaces Required (per GFA unless noted)
General	- Administrative/Offices - Retail/Service - Dormitories/Chapter Houses	1 space per 400 SF 1 space per 500 SF 1.5 spaces per bedroom
Health Care	- Hospitals - Convalescent Facilities - Residential Care Facility	1 space per 4 beds 1 space per 6 beds 1 space per 6 beds
Assembly	- Religious Organizations	1 space per 250 SF
Education Facilities	- School, Public - Classrooms, Libraries, and Laboratories	1.5 spaces per classroom

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Table 2.15
PID: Dimensional and Development Standards

			- Vocational, Arts, Trade, or Business - College or University	1 space per 500 SF 1 space per 300 SF 1 space per 2,000 SF of college or university non-residential use 1 space per 10 bedrooms of college or university residential use
M.	Signs	See subsection 2.15B(4)		

(4) **Sign Standards within a PID**

Except to the extent different standards are approved as part of a District Plan or Project Plan, the following requirements shall apply to signs within a PID:

a. With respect to signs directly abutting and fronting on a City street right-of-way:

1. Building or use identification signs:

i. No more than one wall sign per building façade for every 250 linear feet or portion thereof abutting and fronting on a City street right-of-way, with total area of all such signs not exceeding 100 square feet for every such 250 linear feet or portion thereof; and

ii. No more than one ground or monument sign per building façade for every 250 linear feet or portion thereof, abutting and fronting on a City street right-of-way, either 1– or 2– sided, with total area of all such signs not exceeding 100 square feet for every such 250 linear feet, or portion thereof. Each such sign structure shall not exceed six feet in height; and

2. On-site directional signs:

No more than one ground or monument sign for every 500 linear feet of land, or portion thereof, abutting and fronting on a City street right-of-way, either 1– or 2– sided. Each such sign shall not exceed 70 square feet in total area and shall be located not less than 20 linear feet from and no more than 250 linear feet from the nearest intersection. Each sign structure shall not exceed six feet in height; and

3. Institutional use identification signs:

i. No more than one ground or monument sign identifying the institutional use at each entrance to such institutional use abutting and fronting on a City street right-of-way; and may be either 1– or 2– sided. Each sign shall not exceed 200 square feet in total area and each sign structure shall not exceed seven feet in height.

ii. No more than one ground or monument sign, identifying each distinctive area, location or component use within the institutional use other than buildings or uses, shall be allowed for each abutting and fronting City street right-of-way. Each such sign may be either 1– or 2– sided, and shall not exceed 100 square feet in total area and each such sign structure shall not exceed six feet in height.

4. Signs may be internally or externally lit, or have no lighting. If internally lit, such lighting shall be designed so as to not shine beyond the institutional use property boundary. The provisions of subections 4.8E and 4.8H(1) shall apply, except to the extent other standards are provided for in this subsection 2.15B(4)a above.

b. With respect to signs that are located on private property and do not abut or front on a City street right-of-way, the provisions of subsection 2.15B(4)a above shall not apply. The type, size and number of signs shall be compatible with the size, scale and massing of the institutional use, except that no roof signs, signs prohibited by subsection 4.8E, or off-premise signs shall be permitted. Compatibility shall be determined by the Zoning Administrator.

c. For purposes of this section, "City street right-of-way" shall mean the area within the dedicated right-of-way of a street owned by the City of Syracuse.

d. Notwithstanding the above:

1. The Zoning Administrator may waive, alter or otherwise modify the above sign requirements;

2. If the Zoning Administrator denies approval or waiver of a sign hereunder, determines that a sign proposed under subsection 2.15B(4)a.2 above is not compatible or that such compatibility determination should be made by the Planning Commission, application may be made to the Planning Commission for approval, waiver, or compatibility finding, as the case may be; and

3. Any waivers previously granted shall remain valid and any signs constructed in reliance on such waivers as of the effective date of this Ordinance shall be deemed conforming.

C. PDD: Planned Development District

(1) Purpose

The PDD district is established to provide a flexible but controlled alternative to conventional zoning districts for the development and expansion of beneficial, unobtrusive land uses. The district is further intended:

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

b. To allow for flexibility and innovation that could not be predicted during a comprehensive rezoning effort for projects that further the goals of the City, and that will enhance neighborhoods and create value-oriented development;

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

d. To accommodate efficient and safe circulation for both pedestrians and vehicles.

(2) **Allowed Uses**

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

1. Commercial

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

2. Manufacturing

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

3. Mixed-Use Projects

Mixed-use projects that are beneficial to a neighborhood and that add value-oriented development to the surrounding land uses and that cannot be accomplished in established zoning districts.

4. Mixed Income Projects

Mixed-use or residential projects that meet the definition of Mixed Income Development.

b. **Nonconforming Uses**

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

(3) **Development Requirements and Adjustments**

The City Planning Commission and Common Council shall not adopt District Plans that are less restrictive than the requirements below but may adopt District Plans that are more restrictive. The City Planning Commission in its review of Project Plans may adjust the requirements stated below if such adjustments do not jeopardize to any extent the intent of this district and if the adjustments are in no way detrimental to adjoining property or development.

a. **Maximum District Coverage**

No more than 75 percent of any district or block bounded by public rights-of-way within a district may be covered by structures. Open parking areas and parking garages below grade shall not be considered structures for the purpose of maximum lot coverage.

b. **Setbacks**

Building setback or build-to lines from public rights-of-way shall be established during the District Plan process.~~so as to be compatible with surrounding existing uses. Where the district abuts other districts, the immediately abutting portions of the district shall have the same side or rear setback requirements respectively as the contiguous properties on the~~

~~other side of the district boundaries. No side or rear setback restrictions need otherwise be adopted.~~

c. **Off-Street Parking**

Off-street parking facilities shall be provided in accordance with parking requirements in subsection 4.4C, *Minimum Required Off-Street Parking Spaces*. Satisfactory alternative numbers of parking spaces less than the required spaces specified in that subsection must be justified and must be approved as part of the District Plan.

~~d. **Off-Street Loading**~~

~~Adequate off-street loading must be provided for each building. Loading berths (12' x 45') shall be provided for each building of 50,000 square feet or more of gross space. Such berths shall be provided at the rate of one berth for each 100,000 square feet of gross space or portion thereof.~~

2.16 Overlay Districts

A. Local Historic Districts

Local historic districts are identified on the City's inventory of historic properties. See Article 6: *Historic Preservation*.

2.17 Measurements and Exceptions

A. Purpose

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

B. Lot and Space Requirements

(1) **Lot Dimensions**

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

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

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

(2) **Number of Principal Buildings or Uses Per Lot**

a. Generally one building for single-unit or two-unit use, with permitted accessory buildings, may be located upon a lot or unplatted tract. Each dwelling shall face or front upon and have legal means of access to a right-of-way. If multiple buildings are proposed on one lot,

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the second building must be oriented in a way in which future subdivision is possible in compliance with zoning and building codes.

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

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

C. Setbacks

(1) Measurement

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

(2) Multiple Buildings on One Lot

a. Multiple buildings on one lot shall be construed as one structure for purpose of measuring setbacks.

b. For purposes of setback calculations for side-by-side multi-unit buildings and single-unit attached dwellings, only those buildings that do not share a common wall with an adjacent unit need observe the required side setback for the district.

(3) Projections

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

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

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

Table 2.16
Authorized Exceptions to Setback Requirements

Storage sheds	In all residential zoning districts, storage sheds less than 120 square feet in size may be placed up to, but no closer than, one foot from a rear or side property line if they are not placed on a permanent foundation. Storage sheds shall not be located over an easement or placed in a front setback.
Front porches and stoops	In all residential zoning districts, covered front porches and stoops may extend into the required front setback up to ten feet, provided the porch or stoop is unenclosed and at least five feet from the front property line.
Mobility access ramps and lifts	Mobility access ramps and lifts may be located within required front, side, and rear setbacks, so long as the location and installation meet all applicable federal, state, and local laws and regulations, and does not violate any other provisions of this Ordinance.
Uncovered balconies	In all residential zoning districts, balconies that are uncovered may extend into any side or rear setback provided these projections are at least five feet from the property line. Uncovered balconies may also extend into the required front setback up to six feet.

Table 2.16
Authorized Exceptions to Setback Requirements

Incidental architectural features	Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project up to two feet into any required setback provided the projections are at least five feet from the property line.

(4) **Partially Developed Frontages**

When a vacant lot is bordered by nonconforming buildings not meeting the required front setback, the Code Enforcement Officer shall establish the front setback for the vacant lot by taking the average front setback of the existing buildings within 200 feet of the property and may adjust the setback based upon conditions on the ground regarding safety and performance and conforming as nearly as possible to the requirements of the zone.

(5) **Irregular Shaped Lots**

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

(6) **Double-Frontage Lots**

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

(7) **Corner Sight Distance**

On any corner lot, all proposals are subject to additional review and approval of the Code Enforcement Office in consultation with the Department of Public Works and other applicable departments to ensure that no wall, fence, structure, sign, or any plant growth creates a hazard by obstruction of sight lines.

D. Building Height

(1) **Measurement**

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

(2) **Height Requirements Generally**

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

(3) **Exceptions**

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

Table 2.17
Authorized Exceptions to Maximum Height Standards

Church spires or belfries	Church spires or belfries may be up to 25% greater than the maximum allowed height; provided they are designed without provision for occupancy and plans receive prior approval of the City.
Parapet walls	Screening parapet walls may extend above the maximum height limit up to 30 inches for buildings containing two or more dwelling units.
Rooftop mechanical equipment	Cupolas, chimney ventilators, skylights, water tanks, elevator overrides, solar collection equipment, and all other mechanical equipment may extend up to five feet above the

Table 2.17
Authorized Exceptions to Maximum Height Standards

	maximum height limit provided the equipment complies with screening requirements set forth in Section 4.5, *Landscaping, Buffering, and Screening*
Transmitting antennae	A transmitting antenna may exceed the maximum applicable building height; provided, the total height does not exceed five feet plus twice the distance to the nearest property line, but in no case shall an antenna exceed 60 feet in height measured from the ground.

E. Impervious Lot Coverage

(1) Measurements

a. Coverage, Parking and Driveway Surfaces

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

b. Coverage, Structural

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

(2) Lot Coverage Requirements Generally

Maximum lot coverage allowances in this Ordinance may not be achievable on every lot. Required minimum landscaped areas, required buffers, stormwater requirements, and other City requirements apply and may constrain the potential to reach the actual lot coverage limit.

2.18 Additional Standards

A. Applicability

The following standards apply to particular building and project types as indicated. Such standards are not subject to subsection 4.2D, *Modification to Development Standards*:

(1) Multi-Unit Dwelling, Mixed-Use, and Commercial

For any building that contains ~~five~~ four or more dwelling units, all development of ~~five~~ four or more single-unit attached dwellings, all mixed-use buildings, and all buildings containing "commercial" uses as set forth in Table 3.1:

a. Building Placement and Orientation

A minimum of 60 percent of the primary façade shall be constructed parallel to the primary street frontage. On corner lots, a minimum of 60 percent of the secondary façade shall be constructed parallel to a side street frontage.

b. **Building Entrances**

1. The primary building entrance shall face the street providing the main access to the site. If on a corner, there shall be either an additional entrance on the side frontage, or the secondary façade shall be designed so that it addresses the street and does not have a blank wall.

2. All buildings shall have their primary entrance directly off the street or through a recessed area, courtyard, or plaza located adjacent to the street.

(2) **Multi-Unit Dwelling**

For any building that contains four or more dwelling units and all development of four or more single-unit attached dwellings.

a. **Transparency (Windows, Doors, and Openings)**

1. The ground-floor level of each façade facing a public street or other public area such as a plaza, park, or pedestrian walkway shall contain a minimum of 30 percent windows, doorways, or openings. (See "a" in Figure 2-13.) False windows (i.e., those that are permanently covered with opaque materials) shall not satisfy this standard.

2. Upper floors of each façade facing a public street shall contain a minimum of 15 percent windows. (See "b" in Figure 2-13.)

3. For these transparency requirements, a lesser amount may be allowed if limited by state and/or local energy codes, up to the maximum percentage possible.

Figure 2-13: Transparency (Multi-unit Residential)

(3) **Commercial and Mixed-Use**

For any mixed-use buildings, and all buildings containing "commercial" uses as set forth in Table 3.1.

a. **Transparency (Windows, Doors, and Openings)**

A minimum percentage of the total area of each building facade that abuts a public street, plaza, park, or other public space shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages shall vary by location as follows:

1. The ground floor of any façade facing a public street or other public area such as a plaza, park, or pedestrian walkway shall contain a minimum of 40 percent windows,

display areas, openings, or doorways. Windows shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, or display areas.

2. Upper floors of all façades shall contain a minimum of 20 percent windows.

Figure 2-14: Transparency (Commercial and Mixed-Use)

(4) **MX-1 District**

a. **New Construction**

For new development within the zoning district, the following considerations shall be taken into account in the design of new buildings to ensure maintenance of established architectural character.

1. Setback and Height Compatibility Along Block Face

New development shall:

i. Maintain a front setback that is within 125 percent of the average front setback of the existing buildings along the same block face;

ii. Be within 125 percent of the average height of the closest three principal structures, but shall not exceed the maximum allowed height for the MX-1 district;

iii. Maintain a consistent orientation relative to the front lot line as structures along the same block face;

iv. Maintain side setbacks that are within 200 percent of lots along the same block face; and

v. Be stepped down in height, if taller than any adjacent historic building, to reduce visibility and reduce impact on the integrity of the historic buildings.

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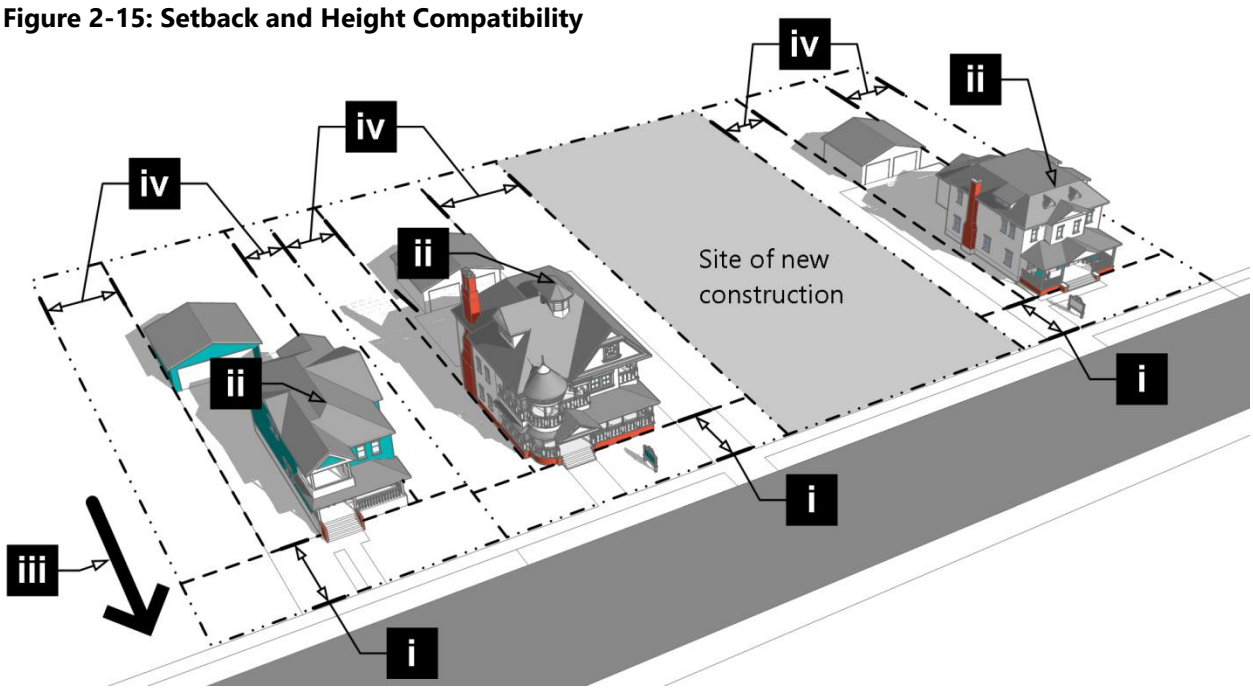
Figure 2-15: Setback and Height Compatibility



2.19 Summary of Dimensional Standards

A. Residential Districts

Table 2.18
Summary of Residential Dimensional Standards for Principal Structures

	R1	R2	R3	R4	R5
Setbacks minimum					
Front	30 feet [1]	30 feet [1]	20 feet [1]	20 feet [1]	10 feet [1]
Side	4 feet/0 feet for common wall construction				
Side, corner lot	Not less than 15% of total front width (narrower frontage) of lot, but need not exceed established front setback line for side street.				
Rear	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater	20 feet or 15% of lot depth, whichever is greater
Height maximum					
Building height	40 feet	40 feet	40 feet	50 feet	50 feet
Lot minimum					
Width	Single-unit detached dwelling: 40 feet	Single-unit detached dwelling: 40 feet	Single-unit detached dwelling: 35 feet~~40 feet~~	Single-unit detached and two-unit dwellings: 40 feet	Single-unit detached and two-unit dwellings: 40 feet

	Single-unit attached dwelling: 25 feet	Single-unit attached dwelling: 25 feet	Single-unit attached dwelling: 25 feet	Single-unit attached dwelling: 25 feet Other residential use: 50 feet	Single-unit attached dwelling: 25 feet Other residential use: 50 feet
Area	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 3,000 square feet	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,500 square feet Two-unit dwelling: 3,000 square feet per dwelling unit Mixed Income Development: 1,500 square feet per dwelling unit	Single-unit detached dwelling: 3,500 square feet~~4,000 sq ft~~ Single-unit attached dwelling: 2,500 square feet Two-unit dwelling: 2,000 square feet per dwelling unit	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 1,500 square feet per dwelling unit	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 700 square feet per dwelling unit
Impervious coverage maximum					
Structural	30%	30%	30%	Single- and two-unit dwelling: 30% Other permitted uses: 35%	Single- and two-unit dwelling: 30% Other permitted uses: 40%
Parking and driveway surfaces	30%	35%	35%	40%	40%
Mixed Income Development	n/a	35% for parking and 35% for structures for a total of 70%	n/a	35% for parking and 40% for structures for a total of 75%	40% for parking and 40% for structures for a total of 80%

Notes:
[1] If the block is less than 50% developed, or average setback on developed street frontages; see 2.17C(4).

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B. Mixed-Use and Commercial Districts

Table 2.19
Summary of Mixed-Use and Commercial Dimensional Standards for Principal Structures

	MX-1	MX-2	MX-3	MX-4	MX-5	CM
Setbacks minimum						
Front	20 feet	~~Min. 80% percent of the building edge shall be located adjacent to the property line~~Facades along the public realm will have zero setback with allowance for transitional features as defined in Building Edge (see Section 7.3). Alternatively, a build-to line may be established through sketch plan consultation for projects with facades which present upon at least 50% of street frontage on block.		Facades along the public realm will have zero setback with allowance for transitional features as defined in Building Edge (see Section 7.3). Alternatively, a build-to line may be established through sketch plan consultation for projects with facades which present upon at least 50% of street frontage on block. ~~No minimum setbacks. See 4.3, *Residential Compatibility*~~ ~~Front maximum: 10 feet~~ ~~Front maximum: 5 feet~~ ~~Min. of 80% percent of the building edge shall be located adjacent to the property line~~		No minimum setbacks. See 4.3, *Residential Compatibility*
Side	4 feet/0 feet for common wall construction	0 feet	0 feet			
Side, corner lot	[1]	10 feet in width from secondary street	10 feet in width from secondary street			
Rear	20 feet or 15% of lot depth, whichever is greater	**If residential only:** 20 feet or 15% of lot depth, whichever is greater **If mixed-use or mixed income:** no minimum unless adjacent to a residential use or district[2]	4 feet			
Height and number of stories						
Building height	40 feet	No max	No max	No max	No max.; minimum 30 feet	No max
Number of stories	2 minimum 3 maximum 50% of building	2 minimum ~~4~~ 3 maximum	2 minimum 6 maximum See subsection	3 minimum 8 maximum See subsection	3 minimum 100% of building footprint	None

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Table 2.19
Summary of Mixed-Use and Commercial Dimensional Standards for Principal Structures

	MX-1	MX-2	MX-3	MX-4	MX-5	CM
	footprint must meet minimum-story requirement.	See subsection 2.8B for allowances. 50% of building footprint must meet minimum-story requirement.	2.9B for allowances. 60% of building footprint must meet minimum-story requirement.	2.10B for allowances. 70% of building footprint must meet minimum-story requirement.	must meet minimum-story requirement.	
Lot size						
Width	Single-unit detached and two-unit dwellings: 40 feet Single-unit attached dwellings: 25 feet Other: 50 feet	Single-unit detached and two-unit dwellings: 40 feet Single-unit attached dwellings: 25 feet Other: 50 feet	40 feet	None	None	None
Area maximum (all uses)	10,000 square feet	None	None	None	None	None
Area if solely occupied by residential	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 1,000 square feet per dwelling unit	Single-unit detached dwelling: 4,000 square feet Single-unit attached dwelling: 2,000 square feet Two-unit dwelling: 2,000 square feet per dwelling unit Multi-unit dwelling: 700 square feet per dwelling unit	400 square feet per dwelling unit	Multi-unit dwelling: 3,200 square feet	Multi-unit dwelling: 3,200 square feet	None

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Table 2.19
Summary of Mixed-Use and Commercial Dimensional Standards for Principal Structures

	MX-1	MX-2	MX-3	MX-4	MX-5	CM
Area if Mixed-Use Project and/or Mixed Income Development		No area requirement	No area requirement	No area requirement	No area requirement	
Impervious coverage maximum						
All lots					100%	100%
Lots solely occupied by residential	60%			80%		
Lots solely occupied by single- and two-unit dwellings		60%	70%			
Lots solely occupied by multi-unit dwellings		~~75~~80%	80%			
Mixed Income, Mixed-Use and other uses		90%	95%	95%		
Other lots	~~80~~75%	~~90%~~	~~100%~~	~~100%~~		
Minimum building coverage	None	None	None	None	75%	None

Notes:
[1] Not less than 15% of total front width (narrower frontage) of the lot, but need not exceed established front setback line for side street.
[2] See Residential Compatibility standards in Section 4.3.

C. Other Nonresidential Districts

Table 2.20
Summary of Other Nonresidential Dimensional Standards for Principal Structures

	LI	OS
Setbacks minimum		
Front	No minimum setbacks. Build-to lines will be established during Site Plan Review. See Section 4.3, *Residential Compatibility*	30 feet
Side		20 feet
Side, corner lot		25 feet
Rear		20 feet or 15% of lot depth, whichever is greater
Height maximum		
Building height	None	40 feet
Lot minimum		
Width	None	None
Area	None	None
Impervious Coverage maximum		
All lots	100%	20%

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Article 3: Use Regulations

3.1 Purpose and Organization of this Article

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

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

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

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

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

3.2 Table of Allowed Uses

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

A. Table Organization

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

B. Explanation of Table Abbreviations

(1) **Permitted Uses**

"P" indicates that the use is allowed. All multi-unit dwellings of four dwelling units or greater and nonresidential uses require Site Plan Review pursuant to subsection 5.4A, *Site Plan Review*, unless otherwise excepted. Permitted uses are subject to all applicable regulations of this Ordinance, including but not limited to: the dimensional standards in Article 2: *Zoning Districts;* Section 3.3, *Use-Specific Standards;* Article 4: *Development Standards;* and Article 5: *Administration and Procedures*.

(2) **Special Uses**

a. "S" indicates that the use is allowed in the respective zoning district only if reviewed and approved in accordance with the special use permit procedures of subsection 5.4B, *Special Use Permit*. All multi-unit dwellings and nonresidential uses also require Site Plan Review

pursuant to subsection 5.4A, *Site Plan Review*, unless otherwise excepted. Special uses are subject to all other applicable regulations of this Ordinance, including but not limited to: the dimensional standards in Article 2: *Zoning Districts;* Section 3.3, *Use-Specific Standards;* and Article 4: *Development Standards*, and Article 5: *Administration and Procedures*.

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

(3) **Prohibited Uses**

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

(4) **Use-Specific Standards**

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

C. Prohibited Uses

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

Specific prohibitions:

(1) Conversion of household common areas to bedrooms is expressly prohibited unless the building is undergoing a significant redevelopment.

D. Classification of New and Unlisted Uses

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

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

(2) If the Zoning Administrator determines that a proposed use falls within an existing use category or use type, written notification shall be sent to the applicant.

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

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

E. Table of Allowed Uses

Table 3.1
Allowed Uses
P = Permitted Use S = Special Use Permit A = Accessory Use T = Temporary Use

USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
RESIDENTIAL USES															
Household Living	Dwelling, live/work		S	S	P	P	P	P	P	P	P				3.3A(1)
	Dwelling, multi-unit				P	P	S	P	P	P	P	P	P		3.3A(2)
	Dwelling, single-unit attached	P	P	P	P	P	P	P	S	S	S				3.3A(3)
	Dwelling, single-unit detached	P	P	P	P	P	P	P	P						
	Dwelling, two-unit		P	P	P	P	P	P	P						
	Mixed income development		P	P	P	P	P	P	P	P	P	P	P		3.3A(4)
Group Living	Boarding or rooming house				P	P	S	P	P	P					
	Chapter house				S	P		S							
	Dormitory				P	P		S	P	P	P	P			
	Residential care facility	S	S	S	S	S	S	S	S	S	S	P	P		3.3A(3)
PUBLIC, INSTITUTIONAL, AND CIVIC USES															
Community and Cultural Facilities	Assembly	P	P	P	P	P	P	P	P	P	P	P			3.3B(1)
	Civic building					P	P	P	P	P	P	P	P	P	
	Family support facility					P	P	P	P	P	P				
	Correctional facility											S	S		3.3B(2)
	Cultural institution						P	P	P	P	P	S			
	Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Educational Facilities	College or university					P	S	P	P	P	P	P	P		

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Allowed Uses
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USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
	School, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Vocational, arts, trade, or business					P	S	S	P	P	P	P	P		
Health Care	Clinic					S	S	S	P	P	P	P	P		
	Hospital							S	S	P	P	P	P		
Parks and Open Space	Cemetery	S	S	S	S	S	S							S	
	Golf course													P	
	Park and recreation facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES															
Agriculture-Related Uses	Community garden	P	P	P	P	P	P	P	P	P				P	3.3C(6)
	Urban agriculture	S	S	S	P	P	S	S	S	S	S	P	P	P	
Animal-Related Uses	Animal grooming and day care							P	P	P	P	P	P		3.3C(1)
	Kennel								S	S		P	P		3.3C(1)
	Veterinary hospital							S	P	P	S	P	P		3.3C(1)
Day Care	Day care center		S	P	P	P	S	P	P	P	P	P	P		3.3C(6)
	Family day care	P	P	P	P	P	P	P	P	P	P	P	P		3.3C(6)
Entertainment	Entertainment and Recreation, indoor							S	S	P	P	P	P	S	3.3C(8)
	Entertainment and recreation, outdoor									S	S	P	P	P	
	Recreation club, private				S	S	S	S	P	P	P	P	P		
Food and Beverage	Bar							S	S	P	P	P	P		3.3C(10)
	Beverage café						P	P	P	P	P	P	P		3.3C(10)
	Commercial food preparation establishment							S	P	P	P	P	P		3.3C(10)
	Microbrewery or microdistillery							S	~~S~~P	P	P	P	P		3.3C(10)
	Nightclub									S	P	P	P		3.3C(10)

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
	Restaurant ≤1,000 sq ft						~~P~~S	P	P	P	P	P	P		3.3C(10)
	Restaurant >1,000 sq ft							S	P	P	P	P	P		3.3C(10)
Lodging	Bed and breakfast or inn		S	S	S	P	P	P	P	P	P				3.3C(5)
	Hotel or motel							S	P	P	P	P	P		
Office & Professional Service	Business services and supply					S	S	P	P	P	P	P	P		
	Financial institution							~~S~~P	P	P	P	P	P		
	Office					S	P	P	P	P	P	P	P		
	Radio or television station						S	P	P	P	P	P	P		
Personal Services	Funeral home						S	S	S	P		P			
	Personal services, general ≤1,000 sq ft						P	P	P	P	P	P	P		
	Personal services, general >1,000 sq ft							P	P	P	P	P	P		
Retail Sales	Food and beverage retail							S	S	S	P	P	P		3.3C(9)
	Greenhouse or plant nursery, commercial							P	S	S		P	P		
	Liquor store							S	S	~~S~~P	P	P	P		
	Retail, general <1,000 sq ft						P	P	P	P	P	P	P		
	Retail, general 1,000 -15,000 sq ft							P	P	P	P	P	P		
	Retail, general >15,000 sq ft								P	P	P	P	P		
Signs	Off-premise sign											P	P		4.9
Vehicles and Equipment	Automobile rental							S	S	S	S	P	P		3.3C(2)
	Automobile repair, heavy											S	P		3.3C(2)
	Automobile repair, light								S	S		S	P		
	Automobile sales								S			P	P		3.3C(3)

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USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
	Automobile showroom							P	P	P	P	P	P		3.3C(3)
	Automobile storage and impoundment											S	S		
	Car wash								S			P	P		3.3C(4)
	Gasoline fueling station							S	S	S		P	P		3.3C(11)
	Gasoline fueling station with retail and/or restaurant							S	S	S		P	P		3.3C(11)
	Parking lot							S	S	S		P	P		4.4F
	Parking structure							S	S	P	P	P	P		3.3C(12)
INDUSTRIAL USES															
Industrial Services	Contractor yard								S			P	P		3.3D(1)b.12
	Fuel distribution facility												P		3.3D(3)
	Industrial service, general								S			P	P		
	Research and innovation							S	P	P	P	P	P		
Manufacturing and Production	Manufacturing, artisan							P	P	P	P	P	P		3.3D(6)
	Manufacturing, general							S	S	S		P	P		3.3D(7)
Transportation	Motor freight or fleet terminal								S		S	S	P		
	Transportation terminal								S	S	S	P	P		
Utilities and Infrastructure	Antenna or communication tower	P	P	P	P	P	P	P	P	P	P	P	P	P	3.3D(1)
	Utility, major				S	S	S	S	S	S	S	S	S	S	
	Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	
Warehouse and Freight Movement	Oil storage tank												S		3.3D(3)
	Mini-storage											~~P~~S	P		
	Storage yard											S	P		
	Warehouse								S	S	S	P	P		

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USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
	Wholesale establishment								S	S	S	P	P		
Waste and Salvage	Indoor dismantling facility											S	S		
	Indoor recycling center							S	S	S		P	P		3.3D(4)
	Junk yard												S		3.3D(5)
	Scrap metal processing												S		3.3D(5)
MIXED-USE															
Mixed-Use	Mixed-use development						P	P	P	P	P	P	P		

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

USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
ACCESSORY USES AND STRUCTURES ***(See general standards in subsection 3.4C.)***															
	Accessory dwelling unit	A	A	A	A	A	A	A	A						3.4D(1)
	Accessory animal uses	A	A	A	A	A	A	A	A	A			A	A	3.4D(2)
	Caretaker's quarters		A	A	A	A	A	A	A	A	A	A	A		3.4D(3)
	Carport, garage, or utility shed	A	A	A	A	A	A	A							
	Drive-through/drop-off window uses											A	A		3.4D(4)
	Electric vehicle charging station				A	A	A	A	A	A	A	A	A		3.4D(5)
	Home occupation	A	A	A	A	A	A	A	A	A	A	A	A		3.4D(6)
	Outdoor display/sale								A	A		A	A		3.4D(7)
	Outdoor storage, accessory											A	A		3.4D(8)
	Produce stand		A	A	A	A	A	A	A	A	A	A	A	A	3.4D(9)
	Retail sale of products directly related to principal industrial use								A	A	A	A	A		
	Satellite dish antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(10)
	Solar energy collection system	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(11)
	Swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(12)
	Wind energy conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(13)
TEMPORARY USES AND STRUCTURES ***(See general standards in subsection 3.5D.)***															
	Special event	T	T	T	T	T	T	T	T	T	T	T	T	T	3.5E(3)
	Farmers' market			T	T	T	T	T	T	T	T			T	
	Expansion or replacement facilities		T	T	T	T	T	T	T	T	T	T	T	T	3.5E(2)
	Mobile vendor cart						T	T	T	T	T	T	T	T	3.5E(4)
	Office and equipment storage					T	T	T	T	T	T	T	T		3.5E(1)

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

USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
	Produce stand, seasonal			T	T	T	T	T	T					T	

3.3 Use-Specific Standards

A. Residential Uses

(1) Dwelling, Live/Work

a. The nonresidential use shall be operated by a resident of the live/work dwelling. One additional employee may be allowed in the conduct of the profession, occupation, or trade.

b. The nonresidential use shall not be otherwise prohibited in the permitted zoning district, and shall comply with any applicable use-specific standards of this Ordinance as applicable.

c. A non-illuminated wall sign no more than two square feet in size and located no higher than the first floor of the building is permitted.

d. Generally, the residential component shall not be located at the primary street entrance to the building. However, the City Planning Commission may allow the residential component to be located on the primary street entrance to the building, provided that residential uses on that level would be in keeping with the surrounding uses.

(2) Dwelling, Multi-Unit

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

(3) Dwelling, Single-Unit Attached

a. Each individual dwelling unit shall have legal means of access to a right-of-way.

b. Minimum side yard setback requirements shall apply to end units only.

(4) Mixed Income Development

a. Mixed income development requirements by zoning district as described in Article 2: *Zoning Districts* are:

1. R4, R5, MX-1, MX-2, MX-3, MX-4, MX-5, CM, and LI Zoning Districts:
   i. All development or redevelopment of 20-75 dwelling units: 10 percent of the total number of dwelling units must be included in the development and certified as affordable dwelling units.
   ii. All development or redevelopment of 76 or more dwelling units: 12 percent of the total number of dwelling units must be included in the development and certified as affordable dwelling units.
2. R2 Zoning District as described in Article 2: *Zoning Districts*:
   i. Mixed income development or redevelopment projects may establish 3 or 4 dwelling units, but must include at least 1 affordable dwelling unit, and mixed income redevelopment projects may establish 5 or 6 dwellings units, but must include at least 2 affordable dwelling units.
   ii. No more than 6 dwelling units may be established in the R2 zoning district.

b. Affordable dwelling units must comply with City income restrictions in perpetuity, unless the residential use of the development is reduced to 19 or less residential units, or the mixed income development regulations are abandoned by the City.

c. Income restrictions for affordable dwelling units will be based upon a percentage, or range of percentages, of the annual median income for the Syracuse metropolitan statistical area as defined by the United States Department of Housing and Urban Development. This data will be identified on an annual basis in the Administrative Manual.

d. Affordable dwelling units must comply with City income restrictions regardless of a change in building or property ownership.

e. All affordable dwelling units must be certified by the City's Department of Neighborhood and Business Development administrative procedures.

f. Density and bulk and area allowances have been made in Article 2: *Zoning Districts* of this Ordinance to induce the establishment of mixed income development.

g. Projects which demonstrate a practical hardship associated with physical compliance of this requirement may offset a portion, up to one quarter of the required number of affordable dwelling units through a payment to the City's Affordable Housing Trust Fund with an established fee for each affordable dwelling unit omitted following the procedures described in the Administrative Manual and other associated requirements of the trust fund.

h. All mixed income development projects that do not provide certified affordable dwelling units will be subject to fines and penalties established by the City's Department of Neighborhood and Business Development.

~~(4)~~(5) Residential Care Facility

a. **Licensing**

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

b. **Modifications to Standards**

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

   i. Age and mobility of prospective occupants.

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

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

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

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

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

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

3. The granting of alterations or modifications shall be discretionary, and whether or not granted, conditions may be imposed upon the development of any residential care facilities that are considered necessary and/or appropriate. A statement of the nature of all deviations requested from the applicable provisions of this Ordinance shall be set forth in the notice of public hearing. All applications for residential care facilities shall be otherwise subject to the procedures and regulations set forth in this Ordinance.

B. Public, Institutional, and Civic Uses

(1) Assembly

a. **Street Frontage**

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

b. **Parking**

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

c. **Modifications and Conditions**

The City Planning Commission may grant modifications of the standards applicable to an assembly use on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the City Planning Commission may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

(2) **Correctional Facility**

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

a. **Distance Separation Requirements**

To prevent the potential creation of an institutional setting within a residential area by concentration of correctional facilities in a neighborhood, no such facility may locate within 300 feet of another such facility or a district in which such a facility may not be located.

b. **Service Restrictions**

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

c. **Maximum Occupancy**

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

d. **License Required**

Any correctional facility shall be licensed by applicable state or federal authorities before operation commences.

C. Commercial Uses

(1) **Animal-Related Uses**

a. Animals receiving grooming services may not be boarded overnight.

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

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

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

e. No exterior overnight boarding shall be allowed.

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

g. The property owner/operator shall comply with all applicable requirements of the Syracuse Revised General Ordinances and applicable New York State laws and regulations involving the care and treatment of animals.

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

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

(3) **Automobile Sales**

a. **Drainage, Surfacing and Maintenance**

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

b. **Screening**

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

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

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

d. **Bumper and Curb**

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

e. **Entrances and Exits**

Areas subject to wheeled traffic shall be provided with entrances and exits located to minimize traffic congestion. Vehicular ingress and egress to arterial streets from off-street parking shall be combined, limited, located, designed, and controlled with flared and/or channelized intersections in order to direct traffic to and from such public right-of-way conveniently, safely, and in a manner that minimizes traffic interference and promotes free traffic flow on the streets without excessive interruption.

f. **Lighting**

All lighting shall comply with Section 4.7, *Exterior Lighting*, and shall be designed and located to confine direct rays to the premises. Lighting facilities shall be arranged that they do not interfere with traffic. Lighting facilities shall not exceed 25 feet in height.

g. **Proximity to Public Right-of-Way**

1. No equipment at filling stations or public garages for the service of gasoline, oil, air, water, etc., shall be closer to the public right-of-way line than 15 feet and shall not be located within any required sight triangle.

2. No vehicles for sale may be parked, displayed, or stored in the City right-of-way at any time.

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

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

i. **Back-Out Parking**

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

j. **Alley Improvements**

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

k. **Lot Frontage**

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

l. **Code Compliance for Existing Buildings**

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

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

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

(4) **Car Wash**

a. **Location**

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

b. **Minimum Lot Size**

1. Any lot upon which a car wash facility is located shall have not less than 70 feet of frontage on a primary or secondary street, with a depth or frontage along any other street of not less than 200 feet.
2. One service bay or unit may be added for each 30 feet of primary or secondary street frontage additional to the minimum required.

c. **Minimum Setback Requirements**

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

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

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

d. **Open Area**

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

2. All landscaped areas shall be adequately protected by a raised curb of not more than six inches in height.

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

e. **Additions or Improvements to Existing Car Wash Facilities**

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

(5) **Bed and Breakfast**

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

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

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

(6) **Community Garden**

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

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

c. A community garden shall not be larger than 15,000 square feet, except in the OS district.

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

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

f. Accessory buildings such as sheds, greenhouses, hoophouses, or farm stands may have an area of up to 500 square feet and shall comply with all other standards in subsection 3.4D, *Additional Standards for Specific Accessory Uses and Structures*.

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

(7) **Day Care**

a. **License Required**

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

(8) **Entertainment, Indoor**

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

(9) **Food and Beverage Retail**

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

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

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

(10) **Food and Beverage Uses**

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

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

A special use permit shall be required for any structural accommodations for customer activities other than eating and drinking, to the extent allowed by these regulations, whether in a new restaurant or an existing restaurant, if within 300 feet of a residential district. Structural accommodations for customer activities other than eating and drinking shall include stages, dance floors, disc jockey booths, and other areas set aside for customer and/or entertainment use without chairs, stools, or tables. (Televisions, juke boxes, and individual electronic amusement devices, which may be subject to other restrictions, shall not be considered structural accommodations.)

2. Indoor or Outdoor Entertainment or Amplified Music

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

b. **Continued Operation for Existing Restaurants**

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

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

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

1. Maintenance of Existing Floor Areas

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

2. Internal Rearrangements

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

d. **Accessory Appurtenances**

Improvements and/or alterations to accessory structures and appurtenances, including replacement, may be made subject to review and approval by the Zoning Administrator.

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

The following requirements shall apply to all restaurants subject to special permit:

1. Open Areas

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

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

2. Outside Storage

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

3. Planting and Screening

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

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

(11) **Gasoline Fueling Station**

a. **Street Frontage**

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

b. **Minimum Lot Size**

1. Any lot upon which such station shall be located shall have not less than 100 feet of frontage on an arterial or collector street.

2. Any such lot with minimum dimensions may have a maximum of three service bays and three pump islands.
3. One pump island may be added longitudinally on the subject property for each 30 feet of parallel arterial or collector street frontage additional to the minimum required herein, provided such additional frontage has a depth approximately equal to that of the other portion of the subject property.

c. **Minimum Setback Requirements**

1. No side and rear setbacks are required along lot lines adjacent to property zoned for nonresidential purposes except as provided by the Building or Fire Codes.
2. Side and rear setbacks of not less than ten feet shall be provided along all lot lines adjacent to property zoned or used for residential or office purposes.

d. **Gasoline Pump Islands**

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

e. **Drainage**

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

f. **Maintenance and Snow Storage**

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

g. **Outside Storage**

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

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

1. Improvements to a gasoline fueling station building now legally existing in any Mixed-Use, Commercial, or Industrial zone that do not involve any structural changes altering the size or use of the building are permitted without requiring approval by the City Planning Commission.
2. However, gasoline fueling stations previously or subsequently approved as a Special Permit Use shall require approval without a Public Hearing by the City Planning Commission.
3. Replacement or relocation of accessory 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 section. However, relocation of accessory facilities approved as part of a Special Permit Use shall require approval without a Public Hearing by the City Planning Commission.

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

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

Structural additions to gasoline fueling station buildings now legally existing in any Mixed-Use, Commercial, or Industrial zone that involve modifications, whether partial or complete, altering the size 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.

(12) **Parking Structure**

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

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

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

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

(13) **Urban Agriculture**

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

b. Urban agriculture shall not be larger than 40,000 square feet, except in the OS district.

~~c. Composting must be used on site.~~

~~d.~~c. Accessory buildings such as sheds, greenhouses, hoophouses, or farm stands may have an area of up to 1,000 square feet and shall comply with all other standards in subsection 3.4D, *Additional Standards for Specific Accessory Uses and Structures*.

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

~~f.~~e. Hens may be kept on site provided they comply with the standards in subsection 3.4D(2), *Accessory Animal Uses*.

D. Industrial Uses

(1) Antenna and Communications Towers

a. Allowances and Restrictions

1. Antennas (and related supporting structures and frameworks) on Buildings
   - i. In all zoning districts:
     - a. Shall be placed at least 30 feet above grade;
     - b. Shall not extend more than 20 feet above the building roof lines; and
     - c. Antenna and/or related hardware shall not be affixed to any fire escape or means of egress.
   - ii. In Residential Districts, Planned Institutional Districts, and all installation locations within 100 feet of these districts:
     - a. Shall be placed in accordance with the height restrictions set forth in i above;
     - b. Shall be installed in accordance with the applicable provisions of the General Standards for Towers and Antennas set forth in this section;
     - c. Shall require site plan approval pursuant to subsection 5.4A, *Site Plan Review*; and
     - d. Shall in no instance be installed on wood frame buildings or buildings with only one to four dwelling units.
     - e. These rules shall not apply to small Satellite Dish Antennas on residential property.
   - iii. In all installation locations not included in ii above:
     - a. Shall be placed in accordance with the height restrictions set forth in i above; and
     - b. Shall be permitted by right if installed in accordance with the applicable provisions of the General Standards for Towers and Antennas set forth in this section.
2. New Antennas on Existing Towers
   - i. In Residential Districts, Mixed-Use Districts, and Planned Institutional Districts:
     - a. Shall be installed in accordance with the General Standards for Towers and Antennas set forth in this section; and
     - b. Shall require site plan approval pursuant to subsection 5.4A, *Site Plan Review*.
   - ii. In Mixed-Use Districts, Commercial Districts, and Industrial Districts:
     - a. Shall be permitted by right subject to the General Standards for Towers and Antennas as enumerated in this section;

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

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

3. New Towers (and Antennas Affixed to New Towers)

i. In Commercial Districts and Industrial Districts:

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

ii. In all other districts

Shall be prohibited.

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

1. Construction

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

2. Setbacks

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

3. Height

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

i. For a single user: up to 120 feet

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

4. Spacing

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

5. Co-location

Telecommunication towers, or support structures, shall be designed to provide for the expansion capacity for co-location for a minimum of two service providers, persons, firms, or corporations.

6. Fencing

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

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7. Landscaping

Landscaping shall be installed and properly maintained surrounding the base of towers to provide effective visual screening from residentially zoned or used properties within 100 feet of the properties on which the towers sit. Such screening shall be a minimum of four feet in height and 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 (FAA) or other governmental authority.

9. Lighting

Towers and antennas shall not be artificially illuminated unless required by the Federal Aviation Administration (FAA) or other governmental authority. If lighting is so required, the illumination shall be designed and installed to meet the minimum mandates of the Federal Aviation Administration (FAA) or other governmental authority and must, to the greatest extent feasible, be designed to cause the least disturbance to the surrounding area.

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. Signs

Signs or advertising material 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 appropriate warning signs or other notifications designed to alert the public to safety concerns or safety instructions. No sign shall exceed six square feet in area.

12. Federal and Local Standards

All towers, antennas, and support structures shall comply with all applicable federal as well as state and local regulations including but not limited to Federal Communications Commission, Federal Aviation Administration, and New York State Building Code. If such regulations are changed or amended, at any future date, then the owners of such facilities shall bring those facilities into compliance with such regulations within six months of the effective date of such changes or amendments, unless a more restrictive compliance schedule is mandated by the controlling agency.

13. Eligible Facilities Requests

Notwithstanding any other provision of this Article, the issuing/approval authority shall approve any eligible facilities request for modification of an eligible support

structure that does not substantially change the physical dimensions of such structure, according to the procedures established by the Federal Communications Commission.

14. Small Wireless Facilities

Pursuant to Federal Communications Commission's rules, the issuing/approval authority must act on all applications for qualifying small wireless facilities within a reasonable period of time. Small wireless facilities include facilities that satisfy the following conditions:

i. Each antenna is no more than three cubic feet.

ii. All associated equipment is no more than 28 cubic feet.

iii. Any of the following height criteria are met:

a. Mounted on structures measuring 50 feet in height or less;

b. Mounted on structures that are no more than 10 percent taller than other adjacent structures; or

c. Does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

(2) Contractor Yard

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

(3) Fuel Distribution Facility

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

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

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

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

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

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

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

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

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

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

(4) Indoor Recycling Center

Outside storage shall be prohibited.

(5) Junk Yards and Scrap Metal Processing

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

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

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

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

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

(6) Manufacturing, Artisan

a. Activities shall not involve the creation of noxious byproducts.

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

(7) Manufacturing, General

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

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

3.4 Accessory Uses and Structures

A. Purpose

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

B. Accessory Uses and Structures Allowed

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

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

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

C. General Standards for All Accessory Uses and Structures

(1) Relationship to Principal Use or Structure

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

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

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

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

(2) Location of Accessory Uses and Structures

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

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

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

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

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

(4) **Same Ownership Required**

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

(5) **Use of Accessory Structures**

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

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

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

D. Additional Standards for Specific Accessory Uses and Structures

(1) **Accessory Dwelling Unit**

Accessory apartments or dwelling units ("ADUs") shall require Minor Site Plan Review and comply with the following standards:

a. **Generally**

1. Only one ADU is allowed per property.
2. ADUs are allowed only for single-unit dwellings.

b. **Location and Design**

1. Except as set forth below, an ADU shall be fully attached to or within the principal structure on the lot. "Attached" shall mean at least 25 percent of the total wall area or the floor or ceiling of the ADU shall be fully connected to a wall, floor, or ceiling of the principal residential structure.
2. Detached ADUs shall be located to the side or rear of the principal structure.
3. All ADUs shall have a separate exterior entrance from the principal dwelling unit and shall contain cooking, sleeping, and sanitary facilities.
4. An ADU shall not have more than one bedroom.

c. **Public Services and Utilities**

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

d. **Ownership Requirements**

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

2. The owner of the property on which the ADU is located shall be required to reside in either the primary dwelling unit or in the ADU.

(2) **Accessory Animal Uses**

a. **Hens and Rabbits**

1. Number and Type

i. No more than a total of six of any combination of hens and/or rabbits are permitted per property.

ii. Roosters and other wild and/or dangerous animals are prohibited pursuant to Municipal Code Article 18, Section 16-62. Only the keeping of hens or female chickens is allowed.

iii. There shall be no slaughtering of hens or rabbits on site.

iv. All hens or rabbits shall be kept in a coop or hutch, as applicable, which complies with the standards in subsection 2 below.

v. No live hens shall be kept in a basement, cellar, or any part of any dwelling or building used for daily human occupation.

2. Coop and Hutch Standards

Coop or hutches are physical structures where hens or rabbits are kept and provide such animals with protection and shelter. A coop or hutch is required to house hens or rabbits, and shall meet the following standards:

i. Shall be designed to be resistant to predators.

ii. Shall be kept clean and free from offensive odors.

iii. Shall not exceed 120 square feet in size and shall provide at least four square feet of space per animal.

iv. Shall not exceed six feet in height.

v. Shall be located in the rear yard and shall be no closer than five feet from any side or rear property line and no closer than 25 feet from any adjacent dwelling.

vi. Feed shall be stored within a structure in a rodent-proof, fastened container.

3. Ranging Standards

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

i. If a run or other enclosure is used, hens or rabbits must be provided a minimum of 20 square feet of permeable surface per animal.

ii. Hens and rabbits are allowed to range in the rear yard, up to the property line, but must be kept in the required enclosure from dusk until dawn.

iii. Hens and rabbits allowed to range in the rear yard must be contained by a fence adequate to contain animals. The fence must be a minimum of four feet in height and no higher than six feet in height.

b. **Bee Colonies**

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

(3) **Caretaker's Quarters**

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

(4) **Drive-Through/Drop-Off Window Uses**

a. **Location**

1. In order to minimize potential adverse conflicts with other nearby land uses, no restaurants with provisions for drive-through windows, carry-out service counters, and/or deliveries to customers shall be placed within 200 feet of any assembly use, school, indoor entertainment use, or park or playground except by special use permit as provided for below, nor shall such restaurants be placed within 200 feet of any residentially zoned district or building used for residential purposes.
2. A special use permit is required if the use will be located within 300 linear feet of a residential district boundary, unless an intervening building or an arterial street is located between the drive-through service and the residential district boundary.
3. Drive-through lanes and stacking spaces are prohibited between the building façade and the adjacent City right-of-way.

b. **Drive-Through Lanes**

1. Drive-through facilities (including the drive lanes and stacking spaces) are discouraged between a building and any adjacent street unless it can be demonstrated that the facilities are integrated into the site, screened from view of the adjacent street, and do not create negative impacts on pedestrian movement. Screening methods include landscaping, landscaping with a berm, a low screen wall with landscaping, or other similar feature(s).
2. Drive-through lanes must be designed to avoid blind spots created by buildings and structures on- and off-premises and must be designed to avoid conflicting movements among the drive-through vehicles, pedestrians, and vehicles using any provided parking spaces.

c. **Design**

1. Design of the drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site, screening, coordination with pedestrian movement along sidewalks and through areas intended for public use, and architectural compatibility with the principal structure, and shall demonstrate how the drive-through will not be a negative impact on the pedestrian environment of the overall development.
2. Applicants are encouraged to locate usable building space above any drive-through facility where feasible.

d. **Trash Receptacles**

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

e. **Compatibility**

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

(5) **Electric Vehicle (EV) Charging Stations**

a. Up to ten percent of the required number of off-street vehicle parking spaces may be used and designated as electric vehicle (EV) charging stations, subject to the use-specific standards in paragraph b below. Such spaces may include one required accessible parking space. The Office of Zoning Administration shall have authority to approve the use and designation of additional required parking spaces as electric vehicle charging stations.

b. Vehicle parking spaces used as electric vehicle charging stations shall consist as one or more group(s) of contiguous spaces located where they can be readily identified by electric vehicle drivers (e.g., through directional signage), but where their use by non-electric vehicles is discouraged (e.g., not in locations most convenient to the entrances of the buildings served).

(6) **Home Occupation**

a. **General Restrictions**

1. General

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

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

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

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

2. Residential Appearance

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

3. Location Identification

No sign shall be displayed or be visible from the exterior of the premises in connection with a home occupation.

4. Space Allocated to the Home Occupation

i. No home occupation, including related storage, shall occupy more than 25 percent of the floor area of the dwelling unit. The percentage of floor area available for the home occupation shall be based on the entirety of the floor area

of all heated and ventilated space in the dwelling unit including habitable basement and attic space.

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

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

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

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

5. Storage of Goods, Equipment, and Material

No home occupation shall have storage as its principal 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 rent shall be permitted.

6. Parking and Vehicles

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

7. Employment

Subject to applicable labor laws and regulations and with the exception of one outside individual needed for assistance where the proprietor is physically handicapped, no person other than a permanent legal resident of the dwelling unit shall be engaged on-premises in the home occupation. There shall be no restriction against outside employees if they work elsewhere and rarely come to the premises.

~~8. Deliveries~~

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

~~9.~~8. Business Visitors and Clientele

i. Individuals received on-premises in connection with a home occupation shall be by appointment only. Except for students of those engaged in permitted teaching

activities, the reception of individuals on-premises for business purposes shall clearly be secondary to the principal activities of the home occupation.

ii. Groups of business visitors or clientele are prohibited.

~~10.~~9. 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 8:00 P.M.

~~11.~~10. Nuisances

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

~~12.~~11. Hazardous Material

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

~~13.~~12. Equipment, Machinery, and Processes

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

b. **Restrictions on Specific Activities**

1. Services and Office-related Activities

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

2. Teaching

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

3. Private Counseling Services

Counseling services shall be limited to individual, couples, or small group therapy no greater than four persons at one time.

4. Production of Goods

Production of items or material primarily involving mental effort, as opposed to physical labor, shall be permitted as part of a home occupation. Goods substantially requiring physical or manual efforts to produce shall be limited to craft items, art

work, and individualized, custom-made items. Any tools, equipment, or processes used shall be compatible with maintaining the premises as a dwelling unit and shall comply with applicable health, safety, building, fire, and electrical standards, including New York State Agricultural and Markets Laws.

5. 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.

6. On-Premises Sales Activity

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

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

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

8. Activities Specifically Prohibited

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

i. Mass production of goods or assembly line fabrication;

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

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

iv. Restaurant activities;

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

vi. Mortuary services;

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

viii. Laundering or dry-cleaning;

ix. On-premises sales promotions or training activities;

x. On-premise parapsychological services (astrologers, palm readers, etc.) ;

xi. Escort and on-premises personal entertainment services.

9. Nonconformities

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

(7) **Outdoor Display/Sale**

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

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

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

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

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

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

(8) **Outdoor Storage, Accessory**

a. **Generally**

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

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

b. **Location of Outdoor Storage**

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

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

c. **Fencing and Screening**

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

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

d. **Recreational Vehicles**

1. The storage of recreational vehicles, campers, motor homes, trailers, boats or similar vehicles on private property shall be permitted in all zoning districts. However, such storage is prohibited within any required front setback. Such storage is prohibited within streets or rights-of-way dedicated to the public or owned by the City.
2. No vehicle used for commercial purposes shall be parked on any private property within any residential district.
3. No recreational vehicle, camper, motor home, trailer, boat, or similar vehicles shall be used for a permanent dwelling unit, accessory building, home occupation or other use permitted in the zoning district.

(9) **Produce Stand**

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

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

c. The area occupied by the stand shall not exceed 50 square feet.

(10) **Satellite Dish Antennae**

a. **All Zoning Districts**

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

b. **Residential Districts and MX-1, MX-2, MX-3, and MX-4 Districts**

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

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

c. **MX-5 District, Planned Institutional Districts, Commercial District, and Industrial Districts**

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

(11) Solar Energy Collection System

a. Setbacks, Location, and Height

1. In single-unit residential districts, solar energy collection systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, solar collection systems shall be integrated into the design and architecture of accessory structures if placed between a principal structure and the public right-of-way.
2. In all zoning districts, freestanding solar collection systems shall be located a minimum of six feet from all property lines and other structures. When adjacent to single-unit residential districts or uses, freestanding solar collection systems shall be set back from shared property lines by a distance equal to the height of the solar collection system when it is fully extended.
3. In single-unit residential districts, a solar collection system mounted on a structure shall not extend more than five feet above the highest point of the roof to which it is mounted and freestanding solar collection systems shall not exceed the height of the principal structure. In all other zoning districts, solar collection systems shall not extend more than five feet above the maximum height limit in the zoning district in which it is located.
4. Restrictions regarding placement and location shall comply with all applicable state laws.

b. Appearance

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

(12) Swimming Pools

a. Location

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

b. Setback for Corner Lots

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

c. Fences

For the protection of the general public, all swimming pools shall be effectively fenced in accordance with the applicable state and local building code.

d. Maintenance Equipment

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

vibrations, dust or odors would be considered obnoxious or dangerous to the health and safety of the public.

e. **Municipal Pools Excluded**

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

(13) **Wind Energy Conversion System**

a. **Location and Setback**

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

b. **Height**

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

c. **Sound**

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

d. **Appearance**

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

e. **Blade Clearance**

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

f. **Lighting**

No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA) or other governmental authority. If lighting is so required, the illumination shall be designed and installed to meet the minimum mandates of the FAA or other governmental authority and must be, to the greatest extent feasible, designed to cause the least disturbance to the surrounding area.

g. **Access to Tower**

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

h. **Signage Prohibited**

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

i. **Abandonment**

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

3.5 Temporary Uses and Structures

A. Purpose

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

B. Temporary Uses and Structures Allowed

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

C. Approval Process for Temporary Uses and Structures

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

D. General Standards for All Temporary Uses and Structures

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

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

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

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

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

d. Comply with all applicable provisions of this Ordinance, and be compatible with the principal uses taking place on the site;

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

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

g. Not include permanent alterations to the site;

h. Comply with temporary signage standards in subsection 4.8H(3)l, *Event Signs*.

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

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

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

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

E. Additional Standards for Specific Temporary Uses and Structures

(1) Temporary Office Space and Equipment Storage

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

(2) Expansion or Replacement Facilities

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

a. These facilities shall only include uses permitted within the applicable zoning district, or approved or allowed on the property.

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

c. Temporary classroom space for existing schools.

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

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

(3) Temporary Special Events

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

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

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

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

e. Adequate restroom facilities shall be provided.

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

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

(4) Mobile Vendor Carts

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

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

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

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

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

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

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

Article 4: Development Standards

4.1 Purpose

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

4.2 Applicability

A. General Applicability

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

B. Existing Structures

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

(1) **Exterior Renovation or Alteration**

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

(2) **External Additions**

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

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

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

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

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

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

1. The following subsections of Section 4.5, *Landscaping, Buffering, and Screening*:

   i. For nonresidential or mixed-use development, the street tree requirements of subsection 4.5C, *Street Trees and Landscaping,* as applicable, for the entire frontage along public or private streets.

   ii. Subsection 4.5E, *Parking Area Landscaping*, for the entire site.

2. For nonresidential or mixed-use development, the requirements of Section 4.6C(2), *Building Entrances*; and

3. Section 4.8, *Signs,* as pertinent to that tenant space and any site signs.

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

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

(3) **External Damage**

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

(4) **Timeframe for Expansions**

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

(5) **Removal of Square Footage**

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

C. Exemptions

(1) **General Exemptions**

The following are exempt from this Article:

a. Projects for which a complete site plan application has been ~~submitted~~ deemed complete or approved prior to the effective date of this Ordinance are not subject to the requirements of this Article, provided that full improvement plans are submitted within one year from the approval date of the site plan; however, subsequent modifications shall comply with the applicable standards listed above in subsection 4.2B, *Existing Structures*.

b. Development under an approved planned development, provided the existing planned development has specific development and design standards in each of the categories described in this Article (e.g., landscaping, screening, building design), as determined by

the Zoning Administrator. Where the existing planned development is missing development or design standards as provided in this Article, this Article shall apply pursuant to Section 4.2, *Applicability*. If a new planned development is established for a particular property following the effective date of this Ordinance, this Article shall serve as the baseline for the approval of any development or design standards to be incorporated into the plan.

(2) **Historic Structures**

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

D. Modification to Development Standards

The applicable decision-making bodies authorized by this Ordinance to hear and decide upon Site Plan Review and Special Use Permit applications ("board of jurisdiction") are hereby authorized as part of those actions to approve modifications to development standards not readily subject to Board of Zoning Appeals evaluation as an Area Variance or an Interpretation. The board of jurisdiction may approve modifications or alternative approaches to fulfillment of these development standards by evaluating proposals using the following criteria:

(1) The proposed design is consistent with and fulfills the intent of the development standards required to the same or further degree.

(2) The proposed design fulfills the intent of this Ordinance to the same or better degree than the required development standards.

(3) The proposed design is generally consistent with the overall character of the neighborhood, or the overall intent of the neighborhood character being created consistent with the City's Comprehensive Plan.

(4) The proposed design demonstrates an equivalent or greater degree of performance than the development standards set forth in this Ordinance.

(5) The proposed design imposes no greater adverse impacts than would compliance with the specific requirements of this Ordinance.

4.3 Residential Compatibility

A. Purpose

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

B. Applicability

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

C. Use Limitations

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

a. Public address systems;

b. Outdoor storage; and

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

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

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

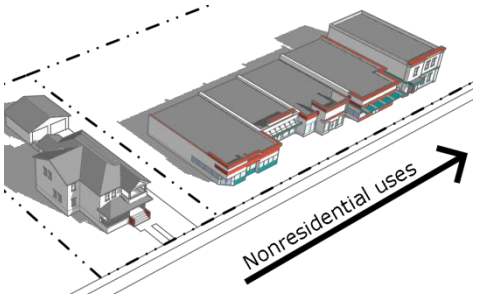
(4) Drive-through lanes shall not be located between a principal building and 100 feet of the boundary of any lot zoned for residential use, or a mixed-use district that has residential uses established.

D. Building Organization and Design

(1) Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses, so that new structures have a comparable scale as adjacent residential structures along the shared lot line or street frontage.

(2) Horizontally integrated mixed-use developments shall locate nonresidential uses away from adjacent lots zoned for residential land uses. (See Figure 4-1.)

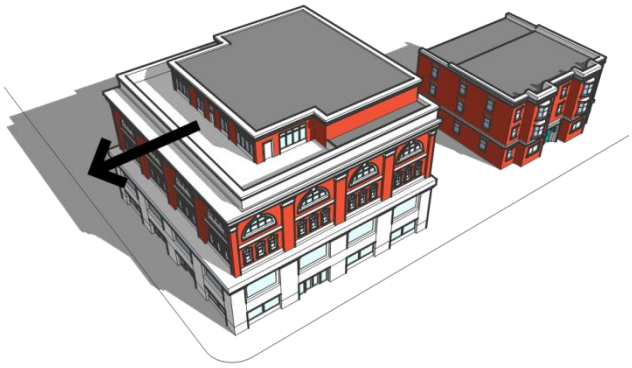
Figure 4-1: Nonresidential Uses Oriented Away from Adjacent Residential Lots



(3) Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses.

(4) Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts. (See Figure 4-2.)

Figure 4-2: Gathering Spaces Oriented Away from Adjacent Residential Lots



E. Off-Street Parking

(1) Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order from highest to lowest; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.

a. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;

b. Adjacent to lot lines abutting nonresidential development;

c. Adjacent to lot lines abutting mixed-use development;

d. On the side of a corner lot not facing the primary street frontage;

e. Behind the building; or

f. Adjacent to lot lines abutting residential uses.

(2) In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged.

F. Buffering and Screening

Landscape buffers shall be provided pursuant to subsection 4.5D, *Rear and Side Lot Buffers*.

G. Exterior Lighting

Exterior lighting shall meet all standards in Section 4.7, *Exterior Lighting,* and shall:

(1) Have a maximum pole height of 15 feet within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 30 feet in all other locations;

(2) Be fully-shielded;

(3) Be configured so that the source of illumination is not visible;

(4) Be directed away from adjacent lots in residential districts;

(5) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing a residential use; and

(6) Shall be dark-sky compliant.

H. Operation

Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 10:00 p.m. within 200 feet of any residential district.

4.4 Off-Street Parking and Loading

A. Purpose

This section is intended to provide off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

~~(1) Avoiding and mitigating excessive and chronic traffic congestion;~~

~~(2)~~(1) Encouraging multi-modal transportation options and enhanced pedestrian safety;

~~(3)~~(2) Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and

~~(4)~~(3) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

B. Applicability

(1) New Development

Except when specifically exempted, every building or land use established, every existing building enlarged, and every existing use expanded shall provide off-street parking and loading areas in accordance with the minimum parking requirements set forth in subsection 4.4C, *Minimum Required Off-Street Parking Spaces*. ~~Existing parking and loading spaces may not be reduced below the minimums required by subsection 4.4C.~~

(2) Expansions and Enlargements

The off-street parking and loading standards of this section apply when the size (i.e., total floor area) of an existing structure or use is expanded or enlarged by 30 percent or more, or for any expansion or enlargement that requires a special use permit. In the case of such expansions or enlargements, additional off-street parking and loading spaces are required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and

loading spaces provided for the entire use (preexisting plus expansion) shall equal at least 75 percent of the minimum required ratio as defined in subsection 4.4C, *Minimum Required Off-Street Parking Spaces*.

(3) **Exemptions**

Minimum required off-street parking spaces indicated in Table 4.1 shall not apply to the following:

a. All development in the MX-5 district;

b. Lots of 5,000 square feet or less; and

c. Retail and office uses of 1,000 square feet or less permitted through Site Plan Review.

(4) **Change in Use**

Off-street parking and loading shall be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use as defined in this section.

C. Minimum Required Off-Street Parking Spaces

(1) **Minimum Required Parking, Generally**

Unless otherwise provided in this Ordinance, off-street parking spaces shall be provided in accordance with Table 4.1 below.

Table 4.1
Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required (per GFA unless noted)
RESIDENTIAL USES		
Household Living	Dwelling, live/work	1 space per dwelling unit
	Dwelling, multi-unit	0.5 space per dwelling unit
	Dwelling, single-unit attached	None required
	Dwelling, single-unit detached	None required
	Dwelling, two-unit	~~1~~ 0.5 space per dwelling unit
Group Living	Boarding or rooming house	None required
	Chapter house	1 space per bedroom
	Dormitory	1 space per bedroom
	Residential care facility	1 space per 400 sq ft
PUBLIC, INSTITUTIONAL, AND CIVIC USES		
Community and Cultural Facilities	Assembly	1 space per 250 sq ft
	Civic building	1 space per 500 sq ft
	Correctional facility	1 space per 500 sq ft
	Cultural institution	1 space per 500 sq ft
	Public safety facility	None required
Educational Facilities	College or university	1 space per 500 sq ft office, research, and library area; plus 1 space per 300 sq ft assembly areas
	School, public or private	1.5 spaces per classroom
	Vocational, arts, trade, or business	1 space per 300 sq ft
Health Care	Clinic	1 space per 300 sq ft
	Hospital	1 space per 4 beds, based on maximum capacity
Parks and Open Space	Cemetery	None required
	Golf course	2 spaces per golf hole

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Table 4.1
Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required (per GFA unless noted)
	Park and recreation facility	Discretionary – see 4.4C(3)
COMMERCIAL		
Agriculture-Related Uses	Community garden	None required
	Urban agriculture	Discretionary – see 4.4C(3)
Animal-Related Uses	Animal grooming and day care	1 space per 500 sq ft
	Kennel	1 space per 1,000 sq ft
	Veterinary hospital	1 space per 500 sq ft
Day Care	Day care center	1 space per 250 sq ft; plus 2 stacking spaces
	Family day care	None required
Entertainment	Entertainment, indoor	1 space per 500 sq ft
	Entertainment, outdoor	1 space per 250 sq ft building area; plus 1 space per 10,000 sq ft site area
	Recreation club, private	1 space per 500 sq ft
Food and Beverage	Bar	1 space per 250 sq ft
	Beverage café	1 space per 300 sq ft
	Commercial food preparation establishment	1 space per 1,000 sq ft
	Microbrewery or microdistillery	1 space per 250 sq ft seating and/or tasting area
	Nightclub	1 space per 200 sq ft
	Restaurant less than or equal 1,000 sq ft	1 space per 250 sq ft
	Restaurant greater than 1,000 sq ft	1 space per 200 sq ft
Lodging	Bed and breakfast or inn	1 space per bedroom; plus 1 space for owner and/or manager
	Hotel or motel	1 space per guestroom
Office & Professional Service	Business services and supply	1 space per 250 sq ft
	Financial institution	1 space per 500 sq ft
	Office	>1,000 sq ft: 1 space per 500 sq ft
	Radio or television station	1 space per 500 sq ft
Personal Services	Funeral home	1 space per 250 sq ft
	Personal services, general less than or equal 1,000 sq ft	1 space per 300 sq ft
	Personal services, general greater than 1,000 sq ft	1 space per 250 sq ft
Retail Sales	Food and beverage retail	1 space per 300 sq ft
	Greenhouse or plant nursery, commercial	1 space per 1,000 sq ft building area; plus 1 space per 2,500 sq ft outdoor display and storage area
	Liquor store	1 space per 300 sq ft
	Retail, general less than or equal 1,000 sq ft	None required ~~unless Special Permit: 1 space per 300 sq ft~~
	Retail, general 1,000 -15,000 sq ft	1 space per 300 sq ft
	Retail, general greater than 15,000 sq ft	1 space per ~~250~~ 300 sq ft
Vehicles and Equipment	Automobile rental	1 space per 300 sq ft building area; plus 1 space per 5,000 sq ft outdoor display area
	Automobile repair, heavy	4 spaces per repair bay
	Automobile repair, light	2 spaces per repair bay
	Automobile sales	1 space per 300 sq ft building area; plus 1 space per 5,000 sq ft outdoor display area
	Automobile storage and impoundment	Discretionary – see 4.4C(3)
	Car wash	2 stacking spaces per bay
	Gasoline fueling station	1 space per fueling pump (separate from and additional to spaces at pumps)

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Table 4.1
Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required (per GFA unless noted)
	Gasoline fueling station with retail or restaurant	1 space per fueling pump; plus 1 space per 400 sq ft building area (retail, office, service, food service)
	Parking lot	None required
	Parking structure	None required
INDUSTRIAL		
Industrial Services	Contractor yard	Discretionary – see 4.4C(3)
	Fuel distribution facility	Discretionary – see 4.4C(3)
	Industrial service, general	Discretionary – see 4.4C(3)
	Research and innovation	Discretionary – see 4.4C(3)
Manufacturing and Production	Manufacturing, artisan	1 space per 500 sq ft
	Manufacturing, general	1 space per 2,000 sq ft manufacturing area; plus 1 space per 500 sq ft office or administrative area
Transportation	Motor freight or fleet terminal	Discretionary – see 4.4C(3)
	Transportation terminal	Discretionary – see 4.4C(3)
Utilities and Infrastructure	Antenna or communication tower	None required
	Utility, major	None required
	Utility, minor	None required
Warehouse and Freight Movement	Oil storage tank	None required
	Mini-storage	4 spaces; plus 1 space per office/on-site manager
	Storage yard	Discretionary – see 4.4C(3)
	Warehouse	1 space per 2,000 sq ft warehousing area; plus 1 space per 500 sq ft office area
	Wholesale establishment	1 space per 2,000 sq ft wholesaling area; plus 1 space per 500 sq ft office area
Waste and Salvage	Indoor dismantling facility	1 space per 2,000 sq ft
	Indoor recycling center	1 space per 2,000 sq ft
	Junk yard	Discretionary – see 4.4C(3)
	Scrap metal processing	1 space per 2,000 sq ft
ACCESSORY USES AND STRUCTURES		
	Accessory dwelling unit	None required
	Caretaker's quarters	~~1 space per unit~~None required
	Carport, garage, or utility shed	None required
	Drive-through/drop-off window uses	Five stacking spaces per stacking lane
	Electrical vehicle charging station	See 3.4D(5)
	Home occupation	None required
	Outdoor display/sale	None required
	Outdoor storage, accessory	None required
	Produce stand	None required
	Retail sale of products directly related to principal industrial use	1 space per 500 sq ft area intended for retail sales
	Satellite dish antenna	None required
	Solar energy collection system	None required
	Swimming pool	None required
	Wind energy conversion system	None required
TEMPORARY USES AND STRUCTURES		
	Special event	None required, unless specified in temporary use permit
	Farmers' market	
	Expansion or replacement facilities	
	Mobile vendor cart	

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Table 4.1
Required Off-Street Parking Spaces

Use Category	Use Type	Spaces Required (per GFA unless noted)
	Office and equipment storage	
	Produce stand, seasonal	

(2) **Calculations**

a. **Area Measurements**

All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.

b. **Fractions**

When measurements of the number of required spaces result in a fractional number, the fraction shall be rounded down to the nearest whole number.

(3) **Discretionary Requirements Based on Demand Study**

Uses that reference this paragraph in Table 4.1 have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving an application for a use subject to this paragraph, the Zoning Administrator shall apply the off-street parking and loading standards on the basis of a parking and loading demand study prepared by the applicant. Such a study should estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and relevant data collected for uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(4) **Required Off-Street Parking for Unlisted Uses**

For uses not expressly listed in Table 4.1, the Zoning Administrator or City Planning Commission is authorized to:

a. Apply the minimum off-street parking space requirement specified in Table 4.1 for the listed use that is deemed most similar to the proposed use (based on operating characteristics, the most similar related Occupancy Classification of the New York State Uniform Fire Prevention and Building Code, or other factors determined by the Zoning Administrator);

b. Establish the minimum off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data; or

c. Establish the minimum off-street parking space requirement based on a parking and loading demand study prepared by the applicant according to 4.4.C.(2).

D. Maximum Parking Spaces

(1) Limitations and Exceptions

No commercial or industrial use, as listed in Table 3.1 shall include off-street parking spaces in an amount that is more than ~~125~~ 100 percent of the minimum requirements established in Table 4.1 unless:

a. The proposed development has unique or unusual characteristics, such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;

b. Additional landscaping is provided in an amount and design deemed consistent with the intent and purposes of subsection 4.5E, *Parking Area Landscaping* by the Zoning Administrator; or

c. Permeable pavers or other porous materials are used for any parking provided above the ~~125~~ 100 percent maximum.

(2) Calculating Maximum Spaces

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:

a. Accessible parking;

b. Parking for ridesharing programs;

c. Fleet vehicle parking;

d. On-street parking adjacent to the lot or lots on which the parking is located; and

e. Parking structures, underground parking, and parking within, above, or beneath the building(s) it serves.

E. Parking Reductions and Alternatives

(1) General

This section authorizes reductions to the minimum off-street parking amounts required by Table 4.1. Multiple reductions may be available for a particular project. The request for parking reduction shall be made as part of the application for Site Plan Review or Special Use Permit, as applicable. Any applicant proposing to utilize a parking reduction or alternative shall be required to submit a site plan for review.

(2) Reductions for Mixed-Use and Mixed Income Development

For new mixed-use development, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. However, to reflect the reduced automobile use associated with mixed-use developments, applicants within the following MX districts shall be eligible for the following reductions from the minimum off-street parking required in Table 4.1 if the project is a mixed-use and/or mixed income project:

a. MX-2 district: 20 percent parking reduction;

b. MX-3 district: 30 percent parking reduction;

c. MX-4 district: 50 percent parking reduction; and

~~c.~~d. All Districts with Mixed Income Development: 50 percent parking reduction.

(3) **Shared Parking and/or Off-Site Parking**

The Zoning Administrator, upon demonstration by the applicant, may approve shared parking and/or off-site parking for developments and/or uses with different operating hours or different peak business periods if the shared parking generally complies with the following:

a. **Location**

Every shared and/or off-site parking space shall be located within 2,000 feet (measured along the shortest legal pedestrian route) of the primary entrance to each building for which the shared parking is provided.

b. **Zoning Classification**

1. Shared and/or off-site parking areas shall be located on a site with the same or more intensive zoning classification as required for the principal uses served.
2. Shared off-site parking areas for residential uses shall only be permitted in nonresidential districts and shall be within 1,000 feet of the subject residential use.

c. **Ineligible Activities**

Required parking spaces for persons with disabilities (ADA parking) shall not be permitted off-site from the use that they are required to serve.

d. **Parking Demand Study Required**

Shared and/or off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of shared and/or off-site parking through a parking demand study. Such study shall be prepared in a form and manner prescribed by the Zoning Administrator

e. **Shared Parking Agreement Required**

The parties involved in the joint use of shared parking facilities and/or the use of off-site parking facilities shall submit a written agreement in a form and including content as deemed acceptable to the Zoning Administrator. Such agreement shall be recorded prior to issuance of a certificate of occupancy for any use to be served by the shared and/or off-site parking facility. Subsequent revocation of such agreement may render any parking facilities that do not comply with this Ordinance nonconforming.

(4) **On-Street Parking**

The Zoning Administrator may approve the counting of on-street parking spaces within 1,000 linear feet against the minimum off-street parking requirements. Any usage of the public right-of-way may require other City approvals.

(5) **Public Parking Facilities**

Available spaces in public parking facilities within 2,000 linear feet of the subject use may be counted toward the total amount of required off-street parking, up to a maximum of 50 percent of the required parking spaces. For purposes of this allowance, public parking spaces may not be counted toward more than one off-site project.

(6) **Proximity to Transit**

Proposed uses within 1,000 linear feet of an existing bus stop shall be eligible for a reduction in the required parking spaces up to 30 percent.

(7) Bicycle Parking

Proposed uses that exceed the required amount of minimum bicycle parking by 50 percent or more shall be eligible for a reduction in the required parking spaces of up to 15 percent.

(8) Other Eligible Alternatives

The Zoning Administrator may approve other alternatives to providing required parking spaces if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking evaluation shall be prepared in a form and manner prescribed by the Zoning Administrator. The applicant shall demonstrate that such proposed alternative:

a. Does not negatively impact surrounding neighborhoods; and

b. Maintains traffic circulation patterns; and

c. Results in a similar site layout and design quality as would otherwise result from strict compliance with this Ordinance.

F. Off-Street Parking Area Use and Design

(1) Use of Parking and Loading Areas

a. No required off-street parking or loading space shall be used for any purpose other than the parking of vehicles or bicycles. Off-street parking spaces provided in excess of the number required may be used for any legal purpose within the respective zoning district. If a mandatory required off-street parking space is converted to another use or can no longer be used for off-street parking, it shall be deemed a violation of this Ordinance.

b. Driveways or parking surface areas in residential districts shall not be used for commercial vehicles or recreational vehicles.

c. Parking shall not occur on grass or bare ground unless part of an approved low-impact, green infrastructure plan.

(2) Dimensions of Parking Spaces and Drive Aisles

a. Parking spaces and drive aisles shall be designed as shown in Table 4.2 and Figure 4-3.

b. Up to 20 percent of required parking spaces may be designed as compact parking spaces, designed as head-in (90-degree) with dimensions pursuant to Table 4.2.

c. Dimensions and design of individual parking spaces shall comply with the New York State Building Code, ADA requirements, and other applicable City ordinances and codes.

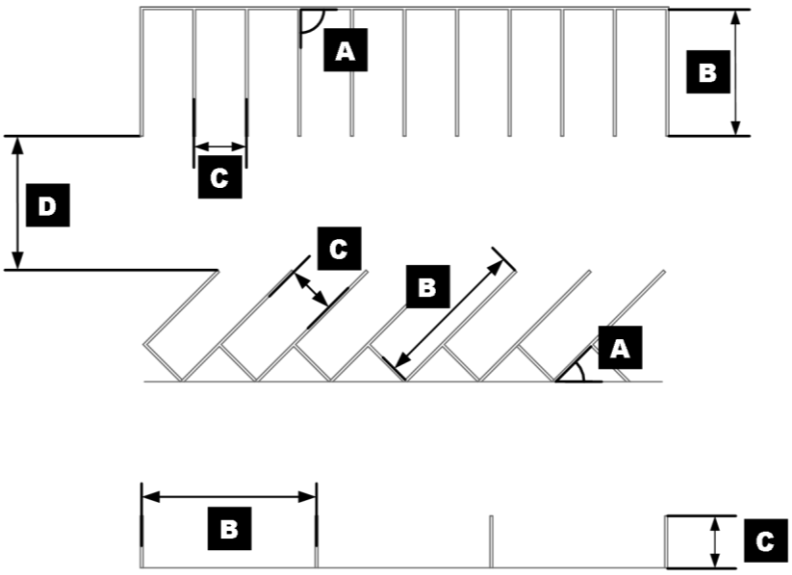
Table 4.2
Required Parking Space Dimensions

Type of Parking/Angle	Parking Space		Aisle width, min.
	Length, min.	Width, min.	
A	B	C	D
Parallel	22 feet	8 feet	n/a
90°	18 feet	8.5 feet	24 feet
60°	21 feet	9 feet	18 feet

Table 4.2
Required Parking Space Dimensions

Type of Parking/Angle	Parking Space		Aisle width, min.
	Length, min.	Width, min.	
45º	19 feet	9 feet	13 feet
30º	20 feet	9 feet	12 feet
Compact	16 feet	8 feet	18 feet

Figure 4-3: Parking Space Dimensions



(3) **Surface Materials**

All parking and vehicular circulation areas shall be surfaced with asphalt, concrete, permeable pavers, or other similar materials unless otherwise approved by the Zoning Administrator. All paving materials shall comply with ADA accessibility guidelines for ADA-compliant parking spaces, and material selection should be sensitive to the needs of mobility-impaired persons. No permanent parking surface area shall be grass or bare ground unless part of an approved green infrastructure and/or overflow parking approach.

(4) **Location of Parking Areas**

a. No required parking or loading area shall encroach into the City right-of-way.

b. For single- and two-unit dwellings in all districts, off-street parking areas shall be located only in a garage or on a paved driveway and shall not be located elsewhere within a required front setback including a garage.

c. For all other uses in all residential and MX districts, off-street parking areas shall not be located between the front building façade and the adjacent street frontage including garages and garage doors.

(5) Access and Circulation

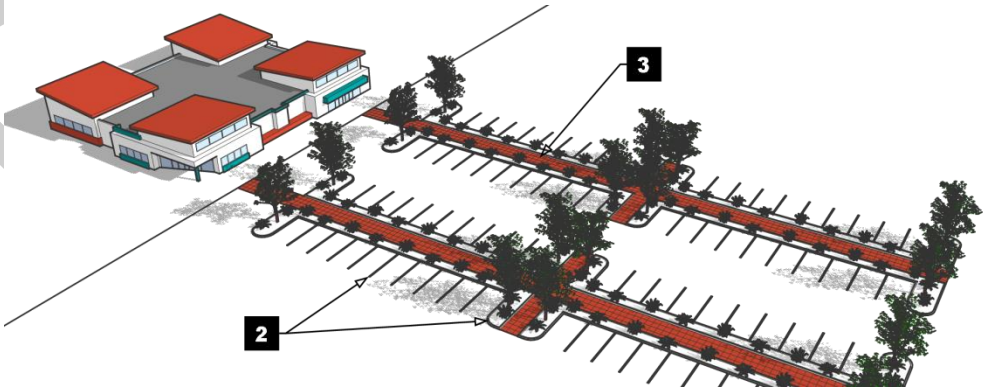
a. Access

1. To the maximum extent practicable, parking lots shall share access lanes.
2. No parking facility shall have access on South Salina Street between Erie Boulevard and Onondaga Street.
3. New curb cuts for parking facilities in the MX-5 district are prohibited unless the applicant can demonstrate no feasible alternative exists to provide access to a site.
4. No parking facility in a mixed-use or nonresidential district shall have access on James Street from Shotwell Park east to Ridgewood Drive unless access from a side street or from a rear alley is not possible due to lack of physical or legal access.

b. Circulation

1. Vehicular circulation areas shall be designed to facilitate safe movement of vehicles while maintaining and prioritizing safe circulation of pedestrians, bicycles, and other modes of transportation for persons of all ages and abilities. (See Figure 4-4.)
2. Parking areas containing 20 or more parking spaces shall be broken up into bays containing not more than 12 parking spaces separated by landscaped islands, pedestrian ways, or drive aisles and will avoid a drive lane across the front of the building entrances.
3. Pedestrian crossings and walkways shall be designed using a variety of materials that distinguish them from vehicular circulation areas. All paving materials shall comply with ADA accessibility guidelines, and material selection shall be sensitive to the needs of mobility-impaired persons.

Figure 4-4: Parking Lot Circulation



(6) Snow Storage and Handling

All nonresidential and multi-unit uses shall comply with the following:

a. A minimum of 10 percent of any unheated or uncovered parking area shall be reserved for snow storage in winter months and shall be designated on the site plan.

b. Snow shall not be stored in required landscaping areas or on pedestrian walkways or sidewalks.

(7) **Parking Area Landscaping**

See subsection 4.5E, *Parking Area Landscaping*.

(8) **Parking Area Lighting**

a. Lighting for vehicle and bicycle parking areas shall comply with Section 4.7, *Exterior Lighting*.

b. Lighting for vehicle and bicycle parking areas shall be designed to provide adequate lighting for safety if such parking area is intended to be occupied at night, and shall not produce glare beyond the property boundaries.

G. Loading and Stacking Areas

(1) **Loading Areas**

a. **Applicability**

1. Except in the MX-4 and MX-5 districts, construction of commercial and industrial uses consisting of 25,000 square feet or more and that require regular shipping and/or deliveries by means of a heavy duty truck tractor with a gross trailer weight rating of over 26,000 pounds shall provide adequate off-street loading areas pursuant to this section.

2. Expansions or enlargements that increase the square footage of an existing structure or use by less than 50 percent shall not be subject to off-street loading requirements.

3. The Zoning Administrator may exempt a project from the off-street loading requirements if the applicant clearly demonstrates that no off-street loading berths are necessary.

b. **Number of Off-Street Loading Berths**

Required loading berths shall be provided at the following rates and sizes:

Table 4.3
Required Off-Street Loading Berths

Gross Floor Area	Number of Loading Berths	Minimum Size of Each Loading Berth
25,000 to 49,999 sf	1	10 feet x 25 feet
50,000 to 99,999 sf	2	10 feet x 25 feet
100,000 sf or more	2, plus 1 additional berth per 100,000 sf over the first 100,000 sf	10 x 50 feet

c. **Location of Off-Street Loading Areas**

1. Loading areas shall not be permitted in a front setback, except in the LI district.

2. Loading areas shall be separated from pedestrian facilities.

(2) **Vehicle Stacking Areas**

a. Where traffic flow is controlled by an entry gate or drive-through facility, a stacking lane outside the public right-of-way shall be provided separate from required parking spaces, vehicle maneuvering areas, and pedestrian or biking paths.

b. Stacking space requirements for specific uses such as car wash and drive-through are listed in Table 4.1.

c. Required stacking spaces are subject to the following design and layout standards.

1. Stacking spaces shall be a minimum of eight feet by 20 feet in size.
2. Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street parking spaces.
3. Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Zoning Administrator for traffic movement and safety.

H. Off-Street Bicycle Parking

(1) Applicability

a. Minimum Ratio

All public/institutional, mixed-use, and commercial uses shall provide off-street bicycle parking spaces at a minimum ratio of one bicycle parking space per six vehicle parking spaces, and not less than two bicycle parking spaces per 15,000 square feet of gross building floor area, up to a maximum of 30 required spaces. However, the City may request a higher number of spaces due to the size of the development. Uses with 30,000 square feet of gross building floor area shall provide covered bicycle parking. Accessory occupancy areas shall be included in the calculation of primary occupancy area.

b. Change in Occupancy

Where a change in occupancy results in an increase in the occupant load of the building, bicycle parking shall be provided to support the new occupancy.

(2) Arrangement and Design

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

a. The required spaces shall be located in a visible, well-lit ground-level area that:

1. Is conveniently accessible to the primary entrances of a principal building(s);
2. Does not require users to lift bicycles into or on it;
3. Does not interfere with pedestrian traffic;
4. Is protected from conflicts with vehicular traffic; and
5. Is entirely situated on private property.

b. The required spaces shall be at least 18 inches by 60 inches for each bicycle.

c. The required spaces shall have an overhead clearance of at least seven feet and at least six feet of clearance around its perimeter.

d. The required spaces shall be anchored and designed to support parked bicycles securely and enable them to be locked.

e. Any required parking spaces within a parking garage shall be internal to the garage, on the first floor of the garage, within the sight line of an attendant booth and/or cameras.

f. Required spaces at intermodal transportation facilities or transfer centers shall be completely covered. Any bicycle spaces provided beyond the minimum requirements shall be in long-term secure facilities such as bicycle lockers.

g. Bicycle lockers, racks, and similar facilities shall comply with any specifications adopted by the City as set forth in the Administrative Manual.

4.5 Landscaping, Buffering, and Screening

A. Purpose

The City recognizes landscaping, buffering, and screening with trees, shrubs, and herbaceous perennials as important components that contribute to Syracuse's sense of place by:

(1) Providing the environmental benefits of storm water retention; recharging groundwater; retaining soil moisture and preventing erosion; minimizing the urban heat island effect; and mitigating air quality, water pollution, dust, noise, heat, and glare;

(2) Providing a transition between land uses;

(3) Providing for the natural visual screening of parking and loading areas;

(4) Establishing an attractive streetscape that contributes to the character and appearance of the City and creates a safe and pleasant environment for people;

(5) Improving the appearance of development to protect and enhance public and private investments and property values;

(6) Conserving water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are regionally appropriate; and

(7) Providing screening to minimize the visual impacts of some types of facilities, structures, and equipment.

B. Applicability

(1) New Development

a. Except for properties with a single- or two-unit residential principal structure, every building or land use established as new development shall provide landscaping, buffering, and screening in accordance with the minimum requirements set forth in this section.

b. Except for properties with a single- or two-unit residential principal structure, this section shall apply to the creation of any new parking lot or accessory parking area with four or more spaces, and to the redesign or reconstruction of an existing parking lot or accessory parking area containing four or more spaces, including relocations of, or additions or subtractions to, parking spaces, driving aisles, and access drives.

(2) Expansions and Enlargements

The standards of this section apply when the size (i.e., total floor area) of an existing structure or use is expanded or enlarged by 30 percent or more, or for any expansion or enlargement that requires a special use permit. In the case of such expansions or enlargements, additional landscaping is required to serve only the enlarged or expanded area, pursuant to subsections 4.5C through 4.5G.

(3) Conflicting Standards

In case of any conflict between the various landscaping standards in this section, the stricter standard shall apply. Wherever the requirement for two or more landscaping standards overlap, the same plant material may be counted toward meeting the requirements of both standards.

(4) Landscape Plan Required

A landscape plan shall be included as part of any application for a site plan approval for development subject to the standards described in the Administrative Manual, and subject to applicable standards as noted in Administrative Manual. Landscape plans will include soil plans that assume existing soil substrate is not adequate for plant growth or water infiltration.

(5) Deviations from Landscaping Standards

Deviations from the landscaping standards in this section may be authorized in subsection 5.5B, *Adjustment*, or subsection 4.5H, *Alternative Landscaping Plan*.

C. Street Trees and Landscaping

Any landscaping located within the lot frontage shall comply with requirements as set forth in the Administrative Manual.

D. Rear and Side Lot Buffers

(1) Where Required

Landscaped buffers shall be provided along rear and side lot lines where the following conditions occur and where abutting properties are not separated by a street or waterway:

a. Where a multi-unit dwelling or any nonresidential structure abuts a residential zoning district or a property containing a residential use;

b. Where new or redeveloped principal structures will contain four or more stories and the abutting property contains a residential principal structure containing three or fewer stories; or

c. Where a new or redeveloped multi-unit dwelling or any nonresidential structure abuts an Open Space district.

(2) Buffer and Screening Options

Required side or rear buffers shall conform to one of the following options:

a. A landscape buffer containing ~~shade trees and large shrubs~~trees and shrubs that grow large at maturity. At least 60 percent of the ground surface of the required setback shall be comprised of living materials. Spacing of trees and shrubs should be designed to minimize light and noise impacts. Buffers are important to shade creation and it is expected that trees will be planted in them whenever possible.

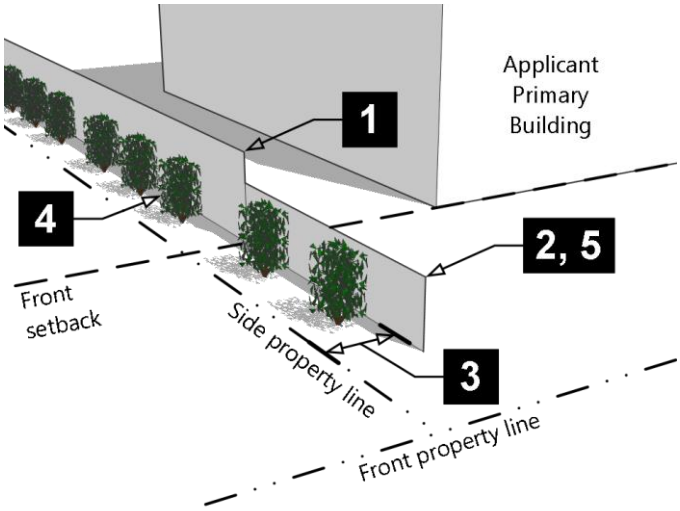
b. An opaque wall, fence, or vegetative screen:

1. Six feet in height in areas behind the front setback.

2. Four feet in height with at least 50 percent opacity in areas forward of the front setback.

3. The wall or fence shall be placed at least three feet inside the property line; and three shrubs per 25 linear feet of lot line shall be provided between the wall or fence and the property line.
4. If a vegetative screen is proposed behind the front setback, it shall be at least four feet in height at the time of planting.
5. If a wall or fence is used to meet this requirement, the side facing away from the applicant's property shall be at least as finished in appearance as the side facing the applicant's property. (See Figure 4-5.)

Figure 4-5: Buffer and Screening Options



(3) **Parking Area Buffers**

See subsection 4.5E, *Parking Area Landscaping*, for required buffer treatments of parking lot areas.

E. Parking Area Landscaping

(1) **Screening of Parking Areas**

Off-street parking areas adjacent to a public or private street or residential zoning district shall be screened pursuant to the following standards:

a. **Adjacent to a Public or Private Street**

At least one of the following shall be provided:

1. A landscaped buffer of five feet in depth, as measured inward from the property line on all frontages facing the City right-of-way, exclusive of approach drives;
2. An opaque fence or wall between three and four feet in height, provided that this is not within a required front setback;
3. A berm of at least three feet in height with a slope no greater than 3:1; or
4. An opaque continuous evergreen hedge at least three feet in height.

b. **Adjacent to a Residential Zoning District**

At least one of the following shall be provided:

1. A landscaped buffer of 10 feet in width, as measured inward from the property line on all sides of the property abutting the residential districts; or
2. An opaque fence or wall between four and six feet in height, provided that this is not within a required front setback.

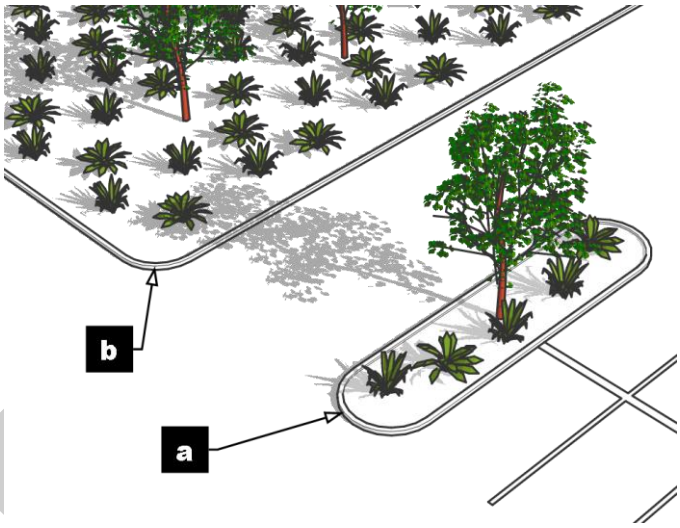
(2) **Internal Parking Lot Landscaping**

a. Each landscaped island shall be a minimum size of 200 square feet, and 600 cubic feet, and shall include a minimum of either two trees, or one tree and five shrubs.

b. All unimproved areas shall contain live plant material or shall otherwise be protected from erosion. (See Figure 4-6.)

c. Soil in medians shall be of a specified nature and shall not be existing fill on site.

Figure 4-6: Internal Parking Lot Landscaping



F. Walls and Fences, General Standards

Table 4.4
Walls and Fences, Summary of General Standards

Location	Maximum height within required setback (feet)	Types allowed
Front Yard	4	Open, picket (50:50 ratio, min)
Side Yard	6	Open, picket, solid
Side Yard (corner)	Same as Front Yard for portion of lot contiguous to public right-of-way	
Rear Yard	6	Open, picket, solid

(1) **Height and Location**

a. **Front Setback**

No walls or fences shall exceed four feet in height if placed within a required front setback. (See "A" in Figure 4-7.)

b. **Side and Rear Setbacks**

No walls or fences shall exceed six feet in height within required side and/or rear setbacks. (See "B" in Figure 4-7.)

c. **Corner Lots**

On corner lots, that portion of a lot contiguous to a public right-of-way shall be considered a front setback area for the purpose of applying these regulations. (See "C" in Figure 4-7.)

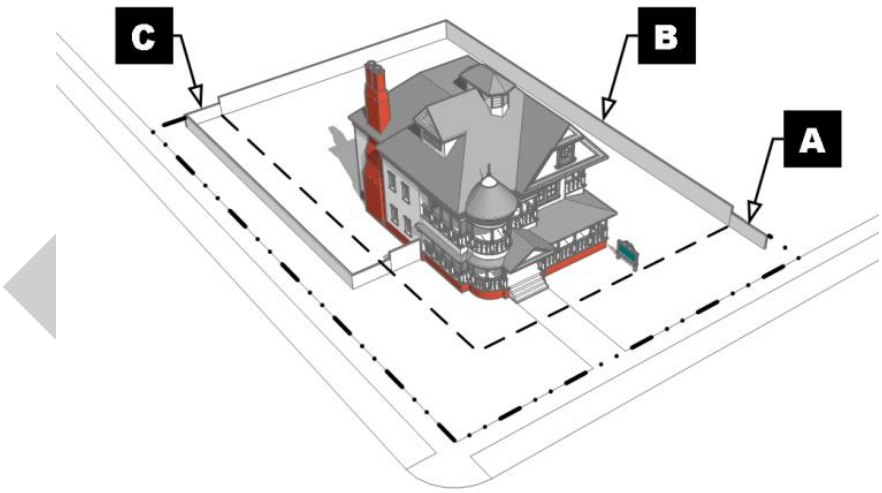
d. **Setbacks and Trees**

Fences shall be placed so that trees have adequate room to grow and expand. Fences shall not be placed in the center of the buffer.

~~d.~~e. **Special Height Allowance**

Within Commercial or Industrial zoning districts only, walls or fences may attain a height of eight feet within any setback area, required or otherwise.

Figure 4-7: Wall and Fence Height and Location



(2) **Materials and Type Permitted**

a. Walls or fences permitted within required setbacks shall be of an open design such as chain link, ornamental iron, rail, or picket, where the ratio between space and fence material is at least 50:50 or its equivalent.

b. Barbed wire or electrical screening devices shall not be used. Exception to this prohibition shall apply to properties zoned Industrial which are located farther than 500 feet from property in a residential zoning district or used for residential purposes.

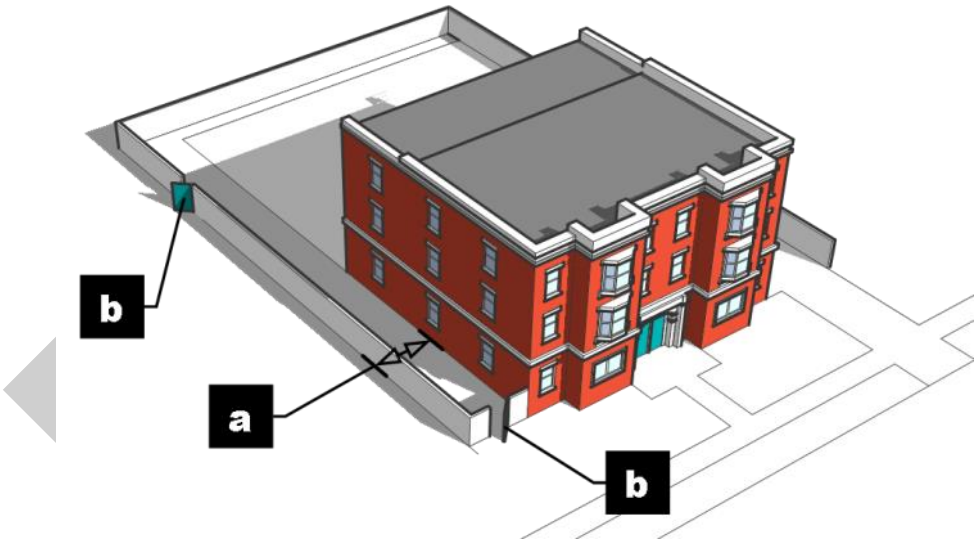
c. Walls or fences allowed by special act of the Common Council of the City of Syracuse shall be continued subject to the restrictions set forth in said special legislative acts but are otherwise subject to the provisions of this section.

(3) **Passageway Restrictions**

a. No wall or fence or portion thereof in excess of two and one-half feet in height shall be located closer than three feet to the exterior wall of a principal or accessory structure, except where said wall or fence is connected to said exterior wall or terminated at a post or similar fixture adjacent to said exterior wall. For the purpose of avoiding narrow passageways, that portion of a wall or fence terminating at the exterior wall of a principal or accessory structure or to an adjacent post or fixture, shall not have an interior angle with reference to the exterior wall of said structure of less than 45 degrees.

b. All portions of a lot enclosed by a wall or fence shall be made accessible for fire-fighting purposes by the installation of appropriately-located pedestrian gates not less than three feet in width or as prescribed by the New York State Fire and Safety Code requirements. (See Figure 4-8.)

Figure 4-8: Passageway Restrictions



G. Screening of Service Areas

(1) Where a loading, service or trash enclosure area in a mixed-use district is adjacent to a residential district or a lot containing a principal residential use, the loading, service, or trash area shall be closer to the waste-generating use than to the residential districts. The service area shall be screened from the adjacent district or use by enclosure walls or vegetative screens such as trees or hedges. The walls or vegetative screen shall be a minimum of four feet in height, but in any event the walls or vegetative screen shall be higher than screened trash receptacles and at least 80 percent opacity.

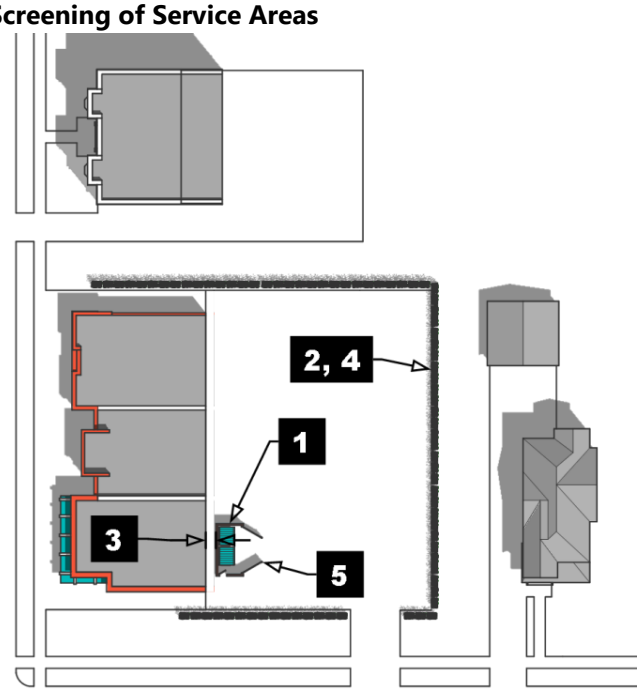
(2) Where a loading, service or trash enclosure area in a commercial or industrial district is adjacent to a residential or mixed-use district or a lot containing a principal residential or non-commercial or non-industrial use, the loading, service, or trash area shall be screened from the adjacent district or use by enclosure walls or vegetative screens such as trees or hedges. The walls or vegetative screen shall be a minimum of six feet in height, but in any event the walls or vegetative screen shall be higher than screened trash receptacles and 100 percent opacity.

(3) There shall be a minimum of two feet of clearance between trash receptacles and each wall or vegetative screen.

(4) Where vegetative screens are used, they shall form a year-round dense screen of the minimum required height at the time of the initial planting. In addition, where vegetation screens are used to screen one or both sides of a trash receptacle, the plantings shall be curbed or otherwise protected from damage by collection vehicles and by the receptacle as it is moved in and out of the enclosure.

(5) Where a gate is necessary to provide access to the hauler, the gate shall either swing fully outward or slide parallel to the wall of the enclosure. Gates shall be designed to be secured when in the open and closed positions. Gates shall be closed at all times except when the receptacle is being accessed. (See Figure 4-9.)

Figure 4-9: Screening of Service Areas



H. Alternative Landscaping Plan

(1) General

The Zoning Administrator may approve an alternative landscape plan where a deviation from the landscaping, buffering, and screening standards in this section is justified because of site or

development conditions that make strict compliance with such standards impossible or impractical. The alternative landscape plan shall indicate how the proposed deviations are justified by site or development conditions and illustrate how compliance with the standard(s) from which a deviation is sought can be achieved to the maximum extent practicable. Conditions justifying approval of an alternative landscape plan may include:

a. Natural conditions, such as watercourses, natural rock formations, or topography;

b. The likelihood that landscaping material would be ineffective at maturity due to topography, placement, or other existing site conditions;

c. Lot size or configuration;

d. Infill development or redevelopment on small lots;

e. The presence of existing utility or other easements;

f. The potential for interference with public safety; and

g. Other situations where strict adherence to the buffer or landscaping standards in this Ordinance are determined impractical by the Zoning Administrator.

(2) Submittal and Review

An applicant may submit an alternative landscape plan as part of an application for site plan approval, as appropriate. The Zoning Administrator may approve an alternative landscape plan if it meets the purpose and intent of the landscaping, buffering, and screening standards, as appropriate. Additional review fees are assessed to cover the City's additional costs in reviewing alternative landscape plans.

(3) Allowable Deviations

Allowable deviations from the landscaping, buffering, and screening standards include, but are not limited to, the following:

a. Reduced Planting Rates Due to Existing Public Utilities

An adjustment to planting locations or reduction of up to 20 percent in the total number of required trees or shrubs may be allowed when underground connections to public utilities or public easements or rights-of-way, are located upon or in close proximity to the parcel. Developers must demonstrate that alternative locations for utilities were explored and deemed not feasible.

b. Reduction in Standards Due to Protection of Natural Resources

A reduction in the count or spacing standards by up to 20 percent may be allowed and will be encouraged when it enhances ~~when desirable in terms of enhanced~~ protection of existing natural resources (such as, but not limited to, protection of existing mature trees or water bodies).

c. Reduction in Standards Due to Site Size

A reduction in the count, configuration, or location of required landscaping materials may be allowed in cases where a lot is nonconforming in terms of dimensional requirements or setbacks, or in cases of redevelopment on existing small lots, is not capable of supporting the minimum amount of landscaping material required.

d. **Upgrading of Nonconforming Landscaping**

An adjustment to planting locations or spacing may be allowed in conjunction with an upgrading of nonconforming buffer or landscaping in accordance with subsection 1.5F, *Nonconforming Site Features*.

e. **Reduction in Standards Due to Existing Infrastructure**

A reduction in the count, configuration, or location of required landscaping materials is permitted in cases where landscaping is strictly prohibited since it creates a public safety hazard (e.g., headwalls of dams).

4.6 Site and Building Design

A. Purpose

This section is intended to promote high-quality site and building design. The standards are intended to:

(1) Protect and enhance the character and quality of residential, commercial, and mixed-use areas;

(2) Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas;

(3) Mitigate any potential impacts created by the scale, bulk, and mass of buildings;

(4) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

(5) Encourage a human-oriented environment; and

(6) Protect and enhance property values and encourage further investment.

B. Applicability

(1) The standards in this section apply to all new structures for multi-unit residential, mixed-use projects, mixed income development, and commercial use in the R4, R5, MX, and CM districts.

(2) Some standards in this section may apply to redevelopment affecting existing structures, as set forth in subsection 4.2(B).

C. Building and Site Design, General Standards

The following standards apply to all buildings that contain ~~five~~ four or more dwelling units, all development of ~~five~~ four or more single-unit attached dwellings, all mixed-use buildings, and all buildings containing "commercial" uses as set forth in Table 3.1.

(1) Building Placement and Orientation

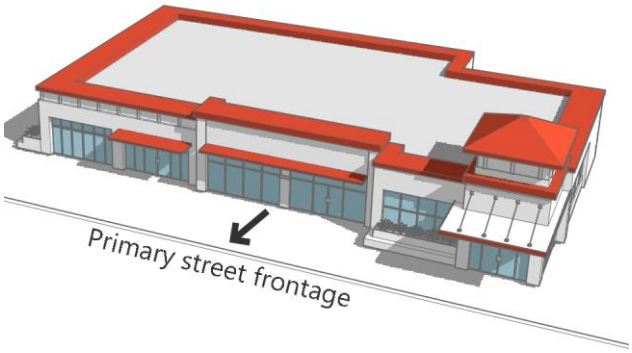
a. The siting of a building shall reflect the natural topography, preserve existing trees and landscaping materials that meet the intent and requirements of Section 4.5, *Landscaping, Buffering, and Screening*, and be compatible with the siting of the original structure in the case of expansions and remodels.

b. Local climatic conditions shall be considered when orienting buildings.

1. Because north-facing facades are susceptible to snow and ice accumulations, building entry treatments and snow piling zones shall be considered when arranging the site pursuant to subsection 4.4.F.(6).

2. The orientation of buildings shall take advantage of both passive and active solar heating capabilities and minimize cold and wind by additional design features.

Figure 4-10: Building Placement and Orientation

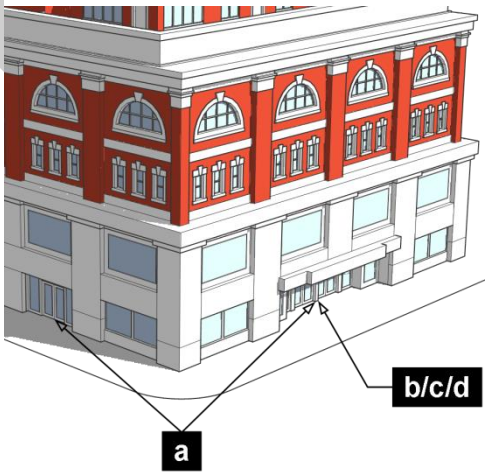


(2) Building Entrances

a. The primary entryway shall be readily apparent as a prominent architectural component from the street, thus creating a focal point. However, nonresidential buildings with multiple tenants on the ground floor or multiple primary entrances shall have all entrances treated architecturally.

b. Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, and overhangs.

Figure 4-11: Building Entrances



(3) Materials

a. All exposed surfaces of principal buildings shall use a variety of durable materials, including:

1. Brick, stone, or other masonry;
2. Composite siding;
3. EIFS (exterior insulation finishing system);
4. Split-face block;
5. ~~Steel or rust-resistant a~~Architectural metals;
6. Treated rot-resistant or paint grade wood; or
7. Comparable material approved by the Zoning Administrator.

b. The following materials are prohibited as exterior cladding or roofing materials:

1. Aluminum siding or cladding;
2. Galvanized steel or other bright metal;
3. Plastic or vinyl siding;
4. Unfinished or smooth concrete block/masonry units or concrete wall;
5. Exposed concrete aggregate; and
6. Reflective glass.

(4) **360-Degree Architecture**

All building elevations that are visible from a public street, public right-of-way, or other area to which the public has legal access shall be architecturally finished with similar levels of materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.). Blank walls void of architectural details or other variation are prohibited. The most extensive architectural detailing shall be on the front and side elevations.

(5) **Roof Form**

a. Buildings shall be designed to avoid any continuous roofline longer than 50 feet. Rooflines longer than 50 feet shall include at least one vertical elevation change of at least two feet in height.

b. Unless otherwise provided in this Ordinance, buildings with pitched roofs shall have a minimum primary roof slope of 5:12, except that shed roofs over porches and other architectural elements shall have a minimum roof slope of 3:12.

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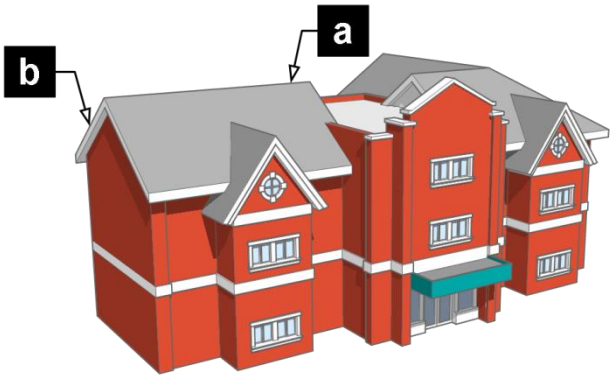
Figure 4-12: Roof Form



(6) **Vertical Articulation**

Each street-facing façade of a building with three or more stories shall incorporate the following vertical articulation elements:

a. A clearly defined base, middle, and cap for each building façade facing a street or facing a residential zoning district; and

b. At least one vertical articulation option from each of paragraphs 1, 2, and 3 below shall be used for any building requiring a base, middle, and cap:

1. Base

   i. Use of heavy material on the ground floor, such as brick, stone, or other durable material to delineate the ground floor.

   ii. A horizontal reveal line at the base of the building a minimum of two feet from the ground.

   iii. An arcade, gallery, or colonnade to accentuate the ground floor.

   iv. Enhanced architectural detailing or windows on the ground floor.

2. Middle

   i. A step-back in massing by a minimum of five feet from the ground floor façade.

   ii. A change in material between the ground floor and upper floors.

   iii. A visible variation in window size from ground floor to upper floors.

3. Cap

   i. Use of cornice or parapet on a flat-roof building, or a projecting roof line for sloped roofs.

   ii. A reveal line or change in material, texture, pattern, or color beginning at a minimum of two feet from the top of the building.

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Figure 4-13: Vertical Articulation

(7) **Mechanical Equipment Screening**

a. **Rooftop Equipment**

Buildings with flat roofs shall conceal rooftop mechanical equipment from view from adjacent properties and any adjacent street or public space. Methods for rooftop screening may include any of the following:

1. Free-standing screening wall.
2. Extended parapet wall.
3. Other similar technique approved by the Zoning Administrator.

b. **Ground- or Wall-Mounted Equipment**

1. Ground- or wall-mounted equipment such as HVAC units, metering devices, electric panels, transmission boxes, and other similar equipment shall be screened from public view from public streets or other adjacent public spaces by using architecturally compatible walls and/or landscaping.
2. Ground or wall-mounted equipment shall not be located on the primary building façade.
3. When screening walls are constructed to screen mechanical equipment, the walls shall use similar building materials and details as those used on the principal building.

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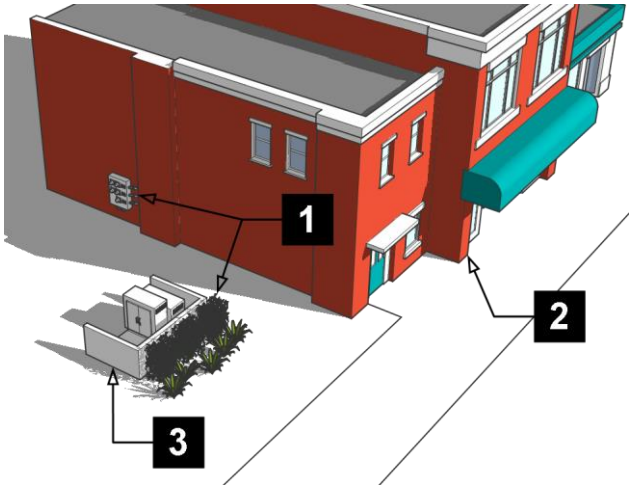
Figure 4-14: Ground- or Wall-Mounted Equipment



(8) **Design for Security**

Consistent with Crime Prevention through Environmental Design (CPTED) standards, development shall comply with the following:

a. **All Multi-unit, Mixed-Use, and Commercial Development**

Sites shall be designed to avoid the creation of confined areas that are shielded on multiple sides by barriers such as walls or bushes and thus have low visibility. Such areas shall be avoided in site design to the maximum extent practicable or otherwise lit with some form of surveillance.

b. **Multi-unit Development**

1. Shared mailboxes shall be located in high-visibility and lit areas.
2. Community laundry rooms shall be visible from common, walking, and driving areas. All laundry rooms shall have transparent panels to view into the room before entering.

(9) **Utilities**

In the MX-4 and MX-5 districts, all new development shall place utilities underground to the maximum extent practicable.

D. Multi-unit Residential Building Design

In addition to complying with the general standards in subsection 4.6C above, any residential structure containing five or more dwelling units shall comply with the standards in this subsection.

(1) **Primary Entrance Orientation**

a. At least one main building entry shall face an adjacent street, or a courtyard or common open space that has a direct and visible connection to an adjacent street.

b. Building entries shall have a direct pedestrian connection to the adjacent right-of-way.

c. The pedestrian entries to the site from the public right-of-way shall be emphasized with enhanced landscaping, decorative paving, gateways, arbors, or similar features.

(2) Ground-Floor Residential Units

In the MX-1, MX-2, MX-3, and MX-4 districts, ground-floor spaces are generally intended for commercial or office uses. Residential dwelling units are allowed on the ground floor provided they comply with the following standards, which are intended to provide privacy and an enhanced streetscape:

a. The exterior entrance to ground-floor units shall be raised a minimum of three feet above the grade of the sidewalk, but not more than five feet. Interior or exterior steps or a mobility access ramp shall be provided from the sidewalk to the raised entrance. Access accommodations shall be incorporated into the design of the building. Access shall be fully compliant with ADA requirements.

b. Where programmatic or unique site constraints prevent units from being raised at least three feet above grade, the required setbacks shall be at least nine feet; the building shall not protrude into the required setback whether on the ground or in the air for at least a minimum building height of 20 feet.

(3) Height

Any building containing five or more dwelling units shall not exceed 40 feet in height if located on a property within 100 feet of an R1 zoning district. The height of such a structure shall "step-down" adjacent to lower-intensity districts to a height comparable to the height of the building in near proximity, if the latter building is shorter.

(4) Massing and Horizontal Articulation

a. The maximum length of any multi-unit building shall be 180 feet.

b. Blank walls void of architectural details or other variation are prohibited. Each building façade facing a street or a residential zoning district shall incorporate at least two of the following horizontal articulation elements:

1. Projections or recesses with a minimum depth of three feet at an interval of every 50 linear feet and a total of at least 20 percent of the total length of the façade;
2. A horizontal wall offset of at least three feet for a minimum of at least 50 percent of the total length of the façade;
3. A change in materials, textures, patterns, or colors that extend the full height of the façade, excluding the ground level; or
4. A change in the fenestration pattern, with different window size, style, or placement.

Figure 4-15: Massing and Horizontal Articulation

E. Commercial and Mixed-Use Site and Building Design

In addition to complying with the general standards in subsection 4.6C above, any commercial and/or mixed-use building shall comply with the standards in this subsection.

(1) Block Pattern

The layout of any development site shall be designed to reinforce a pattern of individual blocks.

a. Blocks shall be designed as an extension of the surrounding neighborhood, aligning with and connecting to adjacent streets and mirroring the scale and orientation of adjacent blocks.

b. On large sites or where block consolidation is proposed (by right-of-way abandonment), special consideration shall be given to pedestrian and vehicular circulation patterns and access to surrounding neighborhoods.

c. New development shall establish a regular pattern of blocks to the extent feasible to avoid creating especially large blocks that limit pedestrian and vehicular circulation. Maximum block lengths shall be limited to 660 feet by 660 feet. Blocks shall be measured from street edge to street edge, regardless of whether the street is public or private. In larger areas, these regular blocks may be disrupted by a street or green space feature to add character and unique block forms and places within the development.

(2) Building Placement and Orientation

Developments comprised of multiple buildings shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by placing the building wall up to the property line (or “building to” the sidewalk or required landscape buffer), and by using building walls to frame and enclose:

a. The corners of street intersections or entry points into the development;

b. A "main street" pedestrian or vehicle access corridor within the development site;

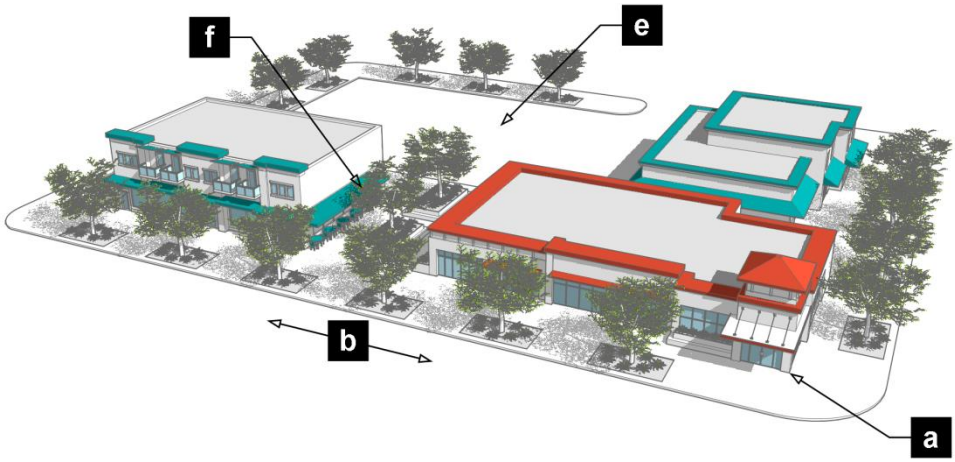
c. A parkway street or frontage road that parallels the corridor;

d. A linear park or trail corridor that parallels the corridor;

e. Parking areas, public spaces, or other site amenities on at least three sides; or

f. A plaza, pocket park, square, or other outdoor gathering space for pedestrians.

Figure 4-16: Building Placement and Orientation



(3) **Building Façade to Property Boundary**

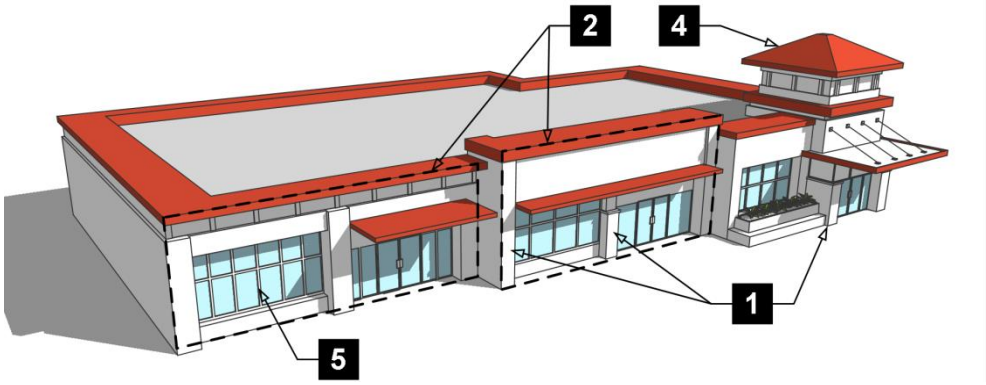
In the MX-2, MX-3, MX-4, and MX-5 districts, ~~a minimum of 80 percent of the building façade shall be located adjacent to the property boundary (i.e., zero setback)~~ must be consistent with the Zoning District standards identified in Article 2: *Zoning Districts*. Additional space may be allocated to allow for pedestrian amenities and public spaces that will not reduce the intent of this provision as established during Site Plan Review.

(4) **Massing and Horizontal Articulation**

The building facade shall be visually divided into individual segments that are a maximum of 30 feet in width. No blank wall area or facade shall exceed more than 30 feet in horizontal direction. Building facades shall include three or more of the following treatments for every 30 feet of building length:

1. Projections or recesses with a minimum depth of three feet at an interval of every 50 feet and a total of at least 20 percent of the total length of the façade;
2. A horizontal wall projection or recess of at least three feet for a minimum of at least 50 percent of the total length of the façade;
3. A change in materials, textures, patterns, or colors that extend the full height of the façade, excluding the ground level;
4. A change in the fenestration pattern, with different window size, style, or placement;
5. Decorative parapet (arched, gabled, stepped, etc.) or cornice treatments;
6. Deep-set windows with mullions or decorative glazing;
7. Ground-level arcades or upper balconies/galleries;
8. Columns or pillars; or
9. Artwork or bas relief.

Figure 4-17: Massing and Horizontal Articulation



(5) **Transparency (Windows, Doors, and Openings)**

a. For the purposes of the above standards, all percentages shall be measured using elevation views of the building plan and "street level" shall be measured from floorplate to floorplate. Glazing on all street-level windows shall allow the transmission of light. Black or mirrored glass is prohibited.

b. Glazing required by this Ordinance should be concentrated in areas of high pedestrian activity.

c. Transparent glazing required by this Ordinance shall be maintained without interior or exterior obstructions that substantially limit visibility or create visual distraction, including, but not limited to window signs; interior shelving; window coverings (except window blinds) during hours of business operation; or temporary or permanent illumination in the form of neon tubing, rope lights, or similar embellishments. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

d. For these transparency requirements, a lesser amount may be allowed if limited by state and/or local energy codes, up to the maximum percentage possible.

(6) **Uses in MX-3, MX-4, and MX-5 Districts**

A diverse range of commercial, office, residential, and civic uses is desired within the MX-3, MX-4, and MX-5 districts. The appropriate mix of uses for each district will vary by its location, size, and the surrounding development contexts. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites. The following standards shall apply within the MX-3, MX-4, and MX-5 districts:

a. **Required Mix of Uses—Sites 30,000 Square Feet or Larger**

All residential developments exceeding 30,000 square feet of gross floor area shall include at least one first-floor commercial use allowed in the district as identified in Table 3.1. Buildings shall be designed to accommodate such uses at street level as set forth in the subsection b below.

b. **Ground-Floor Uses**

1. The incorporation of retail shops and/or restaurants is encouraged at the street level to promote a more active environment for pedestrians and to support residential and office uses located within the same building (on upper floors) or nearby. This

configuration of uses is particularly encouraged along major street frontages as well as adjacent to major public spaces, where a high level of activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to retail or restaurant space, such space shall be located along those façades adjacent to or most visible from primary street frontages or major pedestrian walkways.

2. In all MX districts except MX-5, dwelling units are allowed on the ground floor provided they comply with standards in subsection 4.6D(2), *Ground-Floor Residential Units*.

(7) MX-1 District: Additional Building Design Standards

a. Purpose

These additional building design standards in the MX-1 district are intended to promote the revitalization of the district through infill development and redevelopment, especially the adaptive re-use of existing structures that maintain the established architectural character of the district.

b. Adaptive Nonresidential Reuse of Residential Dwellings

The adaptive reuse of residential structures in whole or in part for nonresidential uses, such as offices, restaurants, or small retail stores, is encouraged in the MX-1 district. The residential character of these uses shall be preserved by maintaining architectural elements original to the residential structure, including:

1. Window and door openings;
2. Window styles and fenestration patterns;
3. Porches
4. Interior floor-to-ceiling heights, especially on the ground floor;
5. Architectural trim and other decorative elements;
6. Exterior building materials, provided they are in good condition, or replacement materials that are similar in appearance to the original materials;
7. The existing depth and landscaped character of the front yard setback; and
8. Other distinguishing features of the building as determined by the Office of Zoning Administration during the Site Plan Review process. (See Figure 4-18.)

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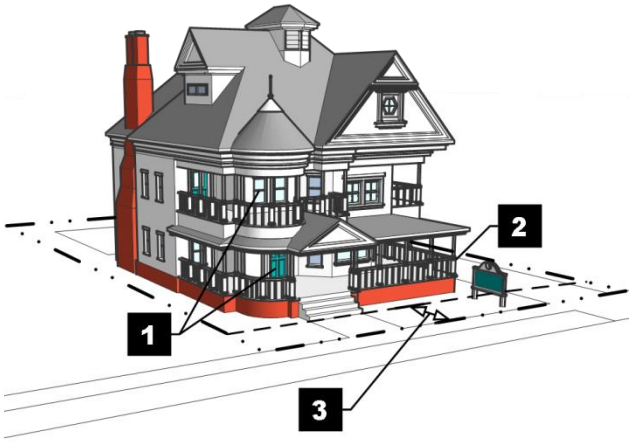
Figure 4-18: Adaptive Nonresidential Reuse of Residential Dwellings



9. Building and Site Features

Development shall respect and reinforce the character found on surrounding buildings and sites, including:

i. The placement and orientation of garages and other accessory structures in relation to the habitable portion of the structure;

ii. Size, shape, and alignment of windows and doors;

iii. Roof shape, pitch, and overhangs or eaves;

iv. Provision of front porches or porticos;

v. Exterior building materials and details;

vi. Location of off-street parking; and

vii. Lot layout and grading patterns, including location on sloped lots.

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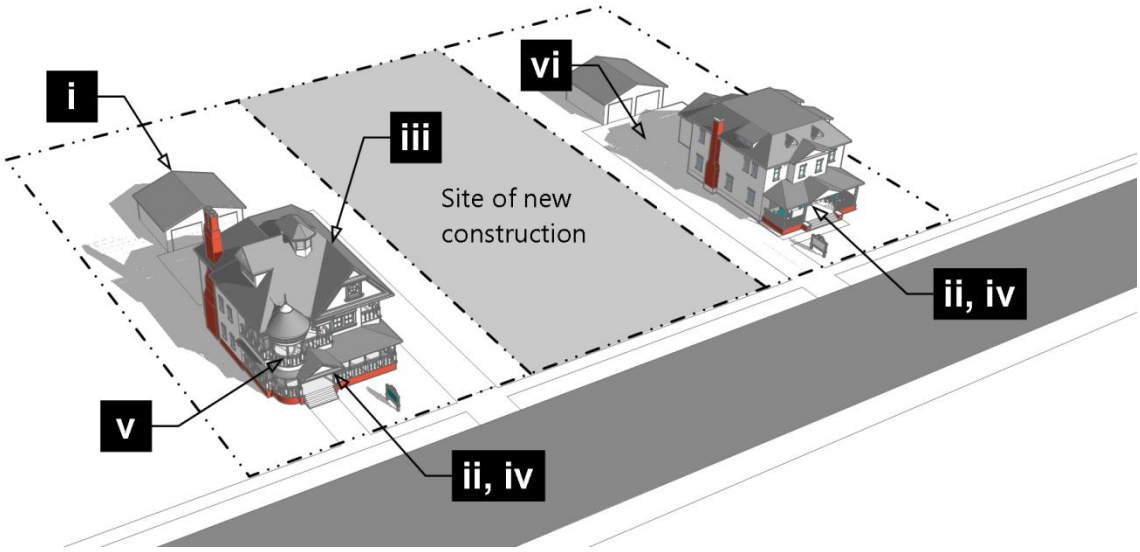
Figure 4-19: Building and Site Features

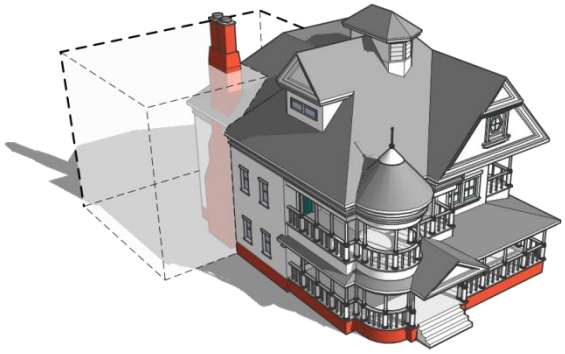


10. Massing and Form

    i. The overall massing and form of infill development and renovations that meet the thresholds in 4.2B, *Existing Structures*, shall be based on low- to medium-density residential form and design.

    ii. Renovation projects that add new floor area outside of the existing building footprint shall incorporate such new floor area at the rear or side of and perpendicular to the principal building module so as to appear visually subordinate to the principal building module in terms of its height, mass, and footprint.

Figure 4-20: Massing and Form



4.7 Exterior Lighting

A. Purpose

This section is intended to ensure that vehicle circulation areas, pedestrian areas, parking areas, public gathering spaces, and other areas have adequate outdoor illumination to provide safety at night, while limiting negative impacts of exterior lighting on adjacent properties.

B. Applicability

This section applies to all new development.

C. Exterior Lighting Standards

(1) Lighting along public rights-of-way and landscaped areas within a specific development shall be designed uniformly.

(2) Lighting shall be the minimum recommended practice necessary for safety and security per Illuminating Engineering Society of North America (IESNA) recommended practices, as amended.

(3) Glare from exterior lighting shall not spillover onto adjacent properties except onto walkways, driveways, and streets and shall be directed downward.

(4) Except for decorative lighting, building-mounted lights shall be installed so that all light is directed downward.

(5) Interior or exterior flickering, pulsating, flashing lights, neon tubing or lights, high- and low-pressure sodium lights, and any other lights that could distract or confuse a motorist are prohibited.

(6) Street lighting shall be required and installed pursuant to Code of Ordinances Chapter 24, Article 10 and all standards established by the Commissioner of Public Works.

4.8 Signs

A. Purpose

The purpose of this section is to regulate signs to:

(1) Enhance the aesthetics of signage and reduce visual clutter;

(2) Mitigate the negative impacts of competition in respect to size and placement of signs;

(3) Protect property values;

(4) Protect the distinctive appearance of Syracuse including its unique geography, topography, street patterns, skyline, historic buildings, and architectural features;

(5) Protect the character and dignity of public buildings, open spaces, and thoroughfares;

(6) Encourage further investment in the City; and

(7) Reduce hazards to motorists, bicyclists, and pedestrians.

B. Applicability

(1) **General**

The erection, placement, replacement, removal, relocation, repair, alteration, modification, or establishment of a sign or its structural appurtenances shall comply with the standards in this section.

(2) **Exempt Signs**

The following signs are exempt from the standards in this section:

a. Any official government sign;

b. Signs located inside buildings that are not visible from outside the building; and

c. Off-premise signs.

C. Sign Review and Approval Procedures

The procedures for review and approval of signs are in subsection 5.4C, *Sign Review*.

D. Exceptions

The following signs are subject to the standards in this 4.8, *Signs*, but do not require zoning review pursuant to subsection 5.4C, *Sign Review*.

(1) **Building Address Signs**

One sign containing only the address per building, and if a building contains more than one dwelling unit, one such sign per dwelling unit, provided the sign area shall not exceed two square feet in the R1, R2, R3, R4, or R5 districts and four square feet in any other zoning district.

(2) **Building Directory Signs**

One wall sign per street located on the first story that can be internally or externally lit and shall not exceed 25 square feet.

(3) **Business Information Signs**

Any sign designed for general business operations shall not exceed two square feet.

(4) **Flags**

Any flag provided that the flag shall not exceed 50 square feet in area in the R1, R2, R3, R4, and R5 districts.

(5) **Internal Signs**

(6) **Public Convenience Signs**

Any sign designed for the convenience of the general public shall not exceed three square feet and must be located within 10 feet from the public facility.

(7) **Temporary Window Signs**

Signs located on the interior or exterior of a window. Temporary window signs shall not:

a. Cover more than 30 percent of any window panel;

b. Be painted or permanently affixed to window surfaces;

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c. Be displayed for a period longer than 90 days; or

d. Include window border lighting, neon tubing, rope lighting, or other similar embellishment.

(8) **Yard Signs**

a. **In R1, R2, R3, R4, and R5 districts**

Yard signs are permitted pursuant to the following standards:

1. Shall not exceed more than four signs per property at any one time;
2. Shall not exceed 32 square feet total yard signage within any parcel;
3. Shall not exceed a height of four feet; and
4. Shall not be displayed for a period of more than 90 days per calendar year.

b. **In All Other Districts**

Yard signs are permitted pursuant to the following standards:

1. Shall not exceed more than four signs per property at any one time;
2. Shall not exceed 64 square feet total yard signage within any property;
3. Shall not exceed a height of six feet; and
4. Shall not be displayed for a period of more than 90 days per calendar year.

E. Prohibited Signs

The following signs are prohibited unless otherwise stated in this Ordinance:

(1) **Abandoned Signs**

Abandoned signs shall be removed within six months following the date that written notice is mailed to the property owner. If an existing sign pole or structure is expected to be used for future use of an existing building, then such pole or structure may remain intact with approval by the Division of Code Enforcement; however, the copy, text, icon, or any messages on such pole or structure shall be removed.

(2) **Animated or Moving Signs**

Animated or moving signs are not permitted.

(3) **Distracting or Confusing Signs**

Distracting or confusing signs are not permitted.

(4) **Obscene, Indecent, or Immoral Signs**

There shall be no signs or pictures of an obscene, indecent, or immoral character such as will offend morals or decency in accordance with constitutional standards.

(5) **Obstructive Signs or Signs in the Right-of-Way**

a. Ground, monument, and projecting signs shall not impede pedestrian and vehicular line of sight as determined by the Department of Public Works.

b. No sign shall obstruct by physical or visual means any fire escape, window, door or any opening providing ingress or egress or designed for fire or safety equipment, any passageway from one part of a structure or roof to another portion of such structure or

roof, or any opening required for ventilation or that is required to remain unobstructed by any applicable law.

c. Other than official government signs, no sign shall be located in the public right-of-way.

d. No sign shall project into the right-of-way except as provided by the Sign Standards such as Awning, Canopy, and Projecting Signs.

(6) **Posters and Handbills**

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

(7) **Portable Signs**

Portable signs are prohibited except as part of approved temporary signage, and otherwise shall not be converted directly for use as a ground or monument sign.

F. Nonconforming Signs

Except for signs with other formal zoning approval, any sign legally established prior to the effective date of this Ordinance that does not conform to the standards of 4.8 Signs shall be considered a nonconforming sign.

G. Noncommercial Speech Signs

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

H. Sign Standards

(1) **General Standards**

a. **Materials and Safety**

1. All signs shall be constructed of durable materials and installed to withstand wind, snow loads, and deterioration from the elements.

2. Permanent signs shall not be made of paper, cloth, canvas, cardboard, wallboard, or other similar nondurable materials.

b. **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 Division of Code Enforcement may order the removal of any sign that is not maintained in accordance with 4.8 Signs.

c. **Illumination**

1. No sign shall produce illumination in excess of one foot-candle measured at a distance of four feet from the sign.

2. Sign illumination shall not cause direct light rays to cross any property line.

3. Sign illumination shall not cause an increase in light measured at any property line, other than a street line, of more than one foot-candle.

d. **Design**

1. Signs shall be scaled and proportioned appropriately in its design and in its visual relationship to buildings and surroundings.
2. Sign materials, size, color, lettering, illumination, and location and arrangement shall be integral to the site and building design.
3. Graphic elements and text shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
4. Sign supports and braces shall be an integral part of the sign design.
5. Signs in the MX-1 district shall be designed to reflect the residential scale and/or historic character of the MX-1 district. Signs shall be constructed of durable materials that are compatible with the building that they serve.

e. **Sign Measurement**

1. Sign Face Area

Sign area is the entire surface area of a sign, including nonstructural trim, and shall include the entire area within a continuous single perimeter enclosing the limits of text, emblems, symbols, photographs, logos, or any figure of similar character, including any frame, or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. (See Figure 4-21)

Figure 4-21: Sign Face Area

i. Multi-Faced Signs

The total area of all sign faces designed to be viewed from more than one orientation, including, but not limited to, double-faced signs shall be computed and considered as one area.

ii. Ground Signs

The poles and supports shall not be included in the calculation of the sign area.

iii. Monument Signs

The sign base shall be included in the calculation of the sign area.

2. Sign Height

i. The height of a ground sign shall be measured from the average grade at the base of the sign to the highest point of the sign. (See Figure 4-22)

ii. The height of a wall or projecting sign shall be measured from the highest point of a sign to the lowest point.

Figure 4-22: Sign Height

(2) **Table of Sign Allowances**

Table 4.5 summarizes the sign allowances by zoning district. Standards for specific sign types follow the table.

Table 4.5
Sign Allowances

R1, R2, R3, R4, R5	A maximum of one Business Identification Sign per allowed use. Signs above the first floor are not allowed.				
	Max. Area	**Number Allowed**	**Max. Sign Face Height**	**Max. Sign Height**	**Illumination**
Ground	Not Allowed				
Monument	~~30~~ 25 sq ft	1	-	5 ft	External
Changeable Message	~~30~~ 25 sq ft	1	-	5 ft	External
Wall	15 sq ft	1	-	-	External
Awning/Canopy	10 sq ft	1	-	First Story	External

MX-1	A maximum of one Business Identification Sign per allowed use, per street on which the business fronts. Total square footage cannot exceed 1 sq ft per 1 linear ft of business structure/tenant space street frontage. Signs above the first floor are not allowed.				
	Max. Area	**Number Allowed**	**Max. Sign Face Height**	**Max. Sign Height**	**Illumination**
Monument	~~30~~ 25 sq ft	1	-	5 ft	External
Changeable Message	~~30~~ 25 sq ft	1	-	5 ft	External
Wall	15 sq ft	1	-	-	External
Window	15 sq ft, not to exceed 50%	1	-	-	External
Projecting	10 sq ft	1	3 ft	First Story	External
Awning/Canopy	15 sq ft, not to exceed 50%	1	-	-	External

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MX-2	A maximum of two business identification signs per allowed use, per street on which the business fronts. Total square footage cannot exceed 1 sq ft per 1 linear ft of business structure/tenant space street frontage. Signs above the second floor are not allowed.				
	Max. Area	**Number Allowed**	**Max. Sign Face Height**	**Max. Sign Height**	**Illumination**
Monument	30 sq ft	1		5 ft	External
Changeable Message	30 sq ft	1		5 ft	External
Wall	15 sq ft	1			External
Window	15 sq ft, not to exceed 50%	2			Internal or External
Projecting	10 sq ft	1	3 ft	First Story	External
Awning/Canopy	15 sq ft, not to exceed 50%	2			External
Canopy, Attached	15 sq ft per side	1			Internal or External

MX-3	A maximum of two business identification signs per allowed use, per street on which the business fronts. Total square footage cannot exceed 1 sq ft per 1 linear ft of business structure/tenant space street frontage. Signs above the second floor are not allowed.				
	Max. Area	**Number Allowed**	**Max. Sign Face Height**	**Max. Sign Height**	**Illumination**
Ground	30 sq ft	1		12 ft	Internal or External
Monument	30 sq ft	1		5 ft	Internal or External
Multi-Tenant	50 sq ft	1	2 ft	12 ft	Internal or External
Changeable Message	48 sq ft	1			Internal or External
Wall	1 sq ft per 1 linear ft	1			Internal or External
Window	15 sq ft, not to exceed 50%	2			Internal or External
Projecting	10 sq ft	1	4 ft	First Story	Internal or External
Awning/Canopy	15 sq ft, not to exceed 50%	2			External
Canopy, Attached	15 sq ft per side	1			Internal or External
Multi-story Bldg. Wall Sign	See Below		See Below	See Below	Internal or External
	One building wall sign per street frontage with a maximum of two signs for any building. Signs must be located above the third floor.				
3 – 5 Stories	0.5 sq ft per 1 linear ft of building street frontage with a maximum height of 1.5 ft and width of seven ft.				

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MX-4	A maximum of two business identification signs per allowed use, per street on which the business fronts. Total square footage cannot exceed 1 sq ft per 1 linear ft of business structure/tenant space street frontage. Signs above the second floor are not allowed, except multi-story building wall signs.				
	Max. Area	**Number Allowed**	**Max. Sign Face Height**	**Max. Sign Height**	**Illumination**
Ground	30 sq ft	1		12 ft	Internal or External
Monument	30 sq ft	1		5 ft	Internal or External
Multi-Tenant	100 sq ft	1	2 ft	12 ft	Internal or External
Changeable Message	48 sq ft	1		5 ft	Internal or External
Wall	1 sq ft per 1 linear ft	1			Internal or External
Window	15 sq ft, not to exceed 50%	2			Internal or External
Projecting	10 sq ft	1	4 ft		Internal or External
Awning/Canopy	15 sq ft, not to exceed 50%	2			External
Canopy, Detached	15 sq ft per side	1			Internal or External
Multi-story Bldg. Wall Sign	See Below		See Below	See Below	Internal or External
	One building wall sign per street frontage with a maximum of two signs for any building. Signs must be located above the third floor.				
3 - 5 Stories	.5 sq ft per 1 linear ft of building street frontage with a maximum height of 2 ft and width of 10 ft.				
6 + Stories	A total of 25 sq ft per story including stories 1 -5 with a maximum height of 10 ft.				

MX-5	Total square footage cannot exceed 1 sq ft per 1 linear ft of business structure/tenant space street frontage. Signs above the second floor are not allowed, except multi-story building wall signs.				
	Max. Area	**Number Allowed**	**Max. Sign Face Height**	**Max. Sign Height**	**Illumination**
Changeable Message	24 sq ft	1			Internal or External
Wall	1 sq ft per 1 linear ft	1			Internal or External
Window	15 sq ft, not to exceed 50%	3			Internal or External
Projecting	15 sq ft	1	5 ft		Internal or External
Awning/Canopy	15 sq ft, not to exceed 50%	3			External
Canopy, Attached	20 sq ft per side	1			Internal or External
Multi-story Bldg. Wall Sign	See Below		See Below	See Below	Internal or External
	One building wall sign per street frontage with a maximum of two signs for any building. Signs must be located above the third floor.				
3 - 5 Stories	.5 sq ft per 1 linear ft of building street frontage with a maximum height of 2 ft and width of 10 ft				
6 + Stories	A total of 25 sq ft per story including stories 1 -5 with a maximum height of 10 ft				

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CM, IN	A maximum of two business identification signs per use, per street frontage on which the use is located. Total square footage cannot exceed 2 sq ft per 1 linear ft of business structure/tenant space street frontage. Each business can have two signs per street that it fronts.				
	Max. Area	**Number Allowed**	**Max. Sign Face Height**	**Max. Sign Height**	**Illumination**
Ground	2 sq ft per 1 linear ft – max of 100 sq ft	1		20 ft	Internal or External
Monument	48 sq ft	1		7 ft	Internal or External
Multi-Tenant	500 sq ft	1 per street	8 ft	20 feet	Internal or External
Changeable Message	48 sq ft	1			Internal or External
Wall	2 sq ft per 1 linear ft – max. of 100 sq ft	2			Internal or External
Window	20 sq ft, no to exceed 50%	2			Internal or External
Projecting	15 sq ft	2	7 ft		Internal or External
Awning/Canopy	20 sq ft, not to exceed 50%	2			External
Canopy, Attached	20 sq ft per side	1			Internal or External

(3) **Sign Type Standards**

a. **Awning Signs**

Signs on awnings may be permitted provided that the sign or awning meets the following requirements:

1. Internally- or back-lit translucent awnings and awning signs are prohibited.
2. The bottom of the awning shall be a minimum of eight feet above the ground surface when projecting over a private walkway, or the public right-of-way.
3. Awnings shall project no more than five feet into a public right-of-way and no closer than two feet from the face of the curb line.

b. **Residential Building Signs**

One sign containing only the name of a residential occupant, building name, and/or building number per building and, if a building contains more than one dwelling unit, one such sign per dwelling unit, provided the sign area shall not exceed two square feet in the R1, R2, R3, R4, or R5 district and four square feet in any other district.

c. **Changeable Message Signs**

1. Allowed Signs

i. Except as otherwise provided in this standard, Changeable Message Signs are allowed for the following on-site uses only: Assembly; Civic Building; Cultural Institution; Public Safety Facility; and School, Public or Private, except as provided below.

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ii. Gasoline Fueling Stations may have changeable Message Signs that display gasoline prices only.

2. Display and Transitions

i. The minimum period of time that any message is displayed shall be 30 seconds.

ii. Transitions between messages shall be no longer than one second and shall not include dissolving, fading, vertical or horizontal scrolling, flashing, or other dynamic effect.

d. **Drive-Up Signs**

Allowed in Commercial and Industrial zoning districts.

e. **Ground Signs**

No ground sign shall be supported by more than two columns, poles, or similar structural members, each with a maximum diameter of one foot.

f. **Integral Signs**

Any inscription carved into stone or similar material that is integral to a building, such as is commonly found on cornerstones or stamped into sidewalks, having a sign area of 12 square feet or less.

g. **Internal Site Signs**

Any sign located outside the public right-of-way having an area of nine square feet or less that is solely intended to be viewed from and oriented toward areas of internal site pedestrian and vehicular traffic movement.

h. **Monument Signs**

1. The sign base shall be included in the calculation of sign area.
2. The width of the base or structural frame shall be a minimum of one half the width of the widest part of the sign face.
3. The base shall not exceed a height of three feet above the average finished grade.
4. The materials of the base of a monument sign shall be either masonry, wood, anodized metal, stone, or concrete.

i. **Multi-Tenant Signs**

1. A multi-tenant sign shall be located at or near the entrance of the facility.
2. A multi-tenant sign shall have a minimum of four individual tenant sign faces and one additional sign face for the business or complex in which each tenant is located.
3. One additional sign face can be used for an Electronic Changeable Message sign, if allowed.

j. **Planned Development or Subdivision Entrance Signs**

One ground sign may be located within 40 feet of an entrance to a planned development or subdivision, subject to the following standards:

1. No more than one such sign is allowed per planned development or subdivision.

2. No such sign shall have a sign area of more than 20 square feet.
3. All such signs shall be located on a separate platted lot or tract within the boundary lines of the planned development or subdivision.
4. Maintenance of a planned development or subdivision entrance sign and the lot on which it is located shall be the same as for common open space of the planned unit development or subdivision.

k. Projecting Signs

1. Projecting signs shall not project more than three feet beyond the building face, including projections over the public right-of-way; and
2. Projecting signs shall not project more than five feet into a public right-of-way; and
3. Projecting signs shall not project to any point closer than two feet from the face of the curb line.
4. The bottom of the project sign shall be a minimum of eight feet above the ground surface when projecting over a private walkway, or the public right-of-way.

l. Event Signs

Event signs may be displayed within 500 feet of a property on which a one-time event approved or sponsored by the City, subject to the following standards:

1. General
   i. Such signs may be displayed only in interior window areas, on the site of the event, or on City-approved designated sign structures; and
   ii. No such sign shall be displayed more than two weeks prior to the start of the event or more than two weeks after the conclusion of the event.
2. In the MX-5, CM, and LI Zoning Districts

   In addition to interior window areas, on the site of the event, or on designated sign structures, such signs may also be located within or adjacent to the right-of-way, provided that such signs:
   i. Shall not have a sign area of more than 350 square feet;
   ii. Shall be located between 20 feet and 40 feet above grade;
   iii. Shall not be illuminated either directly or indirectly;
   iv. Shall be suspended by messenger wire or its equivalent as determined by the City; and
   v. Shall not be displayed for a period of more than 10 days.

m. Wall Sign Standards

No point of any wall sign shall be located higher than the wall to which the sign is affixed.

4.9 Off-Premise Signs

A. Purpose

The purpose of this section is to regulate off-premise signs to:

(1) Enhance the aesthetics of off-premise signage and reduce visual clutter;

(2) Mitigate the negative impacts of competition in respect to size and placement of off-premise signs;

(3) Protect property values;

(4) Protect the distinctive appearance of Syracuse including its unique geography, topography, street patterns, skyline, historic buildings, and architectural features;

(5) Protect the character and dignity of public buildings, open spaces, and thoroughfares;

(6) Encourage further investment in the City; and

(7) Reduce hazards to motorists, bicyclists, and pedestrians.

B. Applicability

Any off-premise sign work as defined in subsection 7.3, *Other Definitions,* shall comply with these standards.

C. Off-Premise Sign Review and Approval Procedures

The procedures for review and approval of off-premise signs are in subsection 5.4D, *Off-Premise Sign Permits*.

D. Prohibited Off-Premise Signs

The following are prohibited with respect to off-premise signs:

(1) Animation or animated features.

(2) Messages or images that flash with rapid changes of light or color, have scrolling features, such as moving text, have rippling effects, or project other sudden and intense changes.

(3) Any support structure that rotates or otherwise changes position, not including rotating panels within a sign face.

(4) Any audio or sound producing device.

E. Nonconforming Off-Premise Signs

Legal off-premise signs with sign permits shall be allowed to remain subject to the conditions and durations of their approvals.

F. Off-Premise Sign Standards

(1) **Location**

a. **Zoning Districts**

Off-premise signs are allowed only within the CM and IN zoning districts with the exception of those excluded in subsection b below.

b. **Exclusions**

Off-premise advertising signs shall be completely excluded within the following areas.

1. I-690 Downtown

Any location that would allow an I-690 off-premise sign orientation from West Street east to North and South Townsend Streets.

2. I-81 Downtown

Any location that would allow an Interstate Route 81 off-premise sign orientation from Butternut Street south to Adams Street.

3. South of Downtown

Any location, regardless of orientation, within 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) **Sign Face**

a. Each individual face of an off-premise sign will be reviewed with respect to orientation.

b. The maximum area of a sign face of an off-premise sign shall be 450 square feet.

c. No more than two sign faces with the same orientation shall be installed on any one sign.

(3) **Height**

The maximum height of an off-premise sign shall be 30 feet.

(4) **Concentration**

The average sign area for all off-premise signs oriented in the same direction within any 1,000 foot street or highway segment shall not exceed 600 square feet.

(5) **Spacing**

a. No off-premise sign shall be any closer than 300 feet to another sign with the same orientation.

b. No off-premise sign orientated toward an Interstate highway shall be closer than 500 feet from any other off-premise sign oriented in the same direction.

c. No digital off-premise sign shall be closer than 1,000 feet from any other digital off-premise sign oriented in the same direction.

(6) **Message, Electric (Digital)**

a. **Luminance**

1. The luminance shall be adjusted in response to changes in light levels so that the signs are not unreasonably bright or obtrusive to their surroundings.
2. The luminance of any electronic changeable message sign shall not exceed 7,500 NITs during the period starting 30 minutes after sunrise and ending 30 minutes prior to sunset; at all other times the luminance of any such sign shall not exceed 500 NITs.
3. All electronic changeable message signs shall be programmed to automatically dim in order to not exceed the maximum allowed luminance at any time.

b. **Display and Transitions**

1. The minimum period of time that any message is displayed shall be eight seconds.
2. Transitions between messages shall be no longer than one second and shall not include dissolving, fading, vertical or horizontal scrolling, flashing, or other dynamic effect.

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Article 5: Administration and Procedures

5.1 Purpose and Organization of this Article

A. The purpose of this Article is to provide consistent procedures for the review of development proposals and to ensure development proposals are in accordance with the purposes and standards of this Ordinance.

B. This Article describes the land use and development application review and approval procedures in the City, and is divided into the following sections:

(1) Section 5.2, *Summary Table of Review Procedures*, contains a summary of all development application types authorized in this Article.

(2) Section 5.3, *Common Review Procedures*, describes the standard procedures that apply to most development application types.

(3) Sections 5.4 through 5.6 contain specific information on each application type within three categories: development permits, flexibility and relief procedures, and ordinance amendments. These sections include approval criteria and any additions or modifications to the common review procedures.

(4) Section 5.7, *Review and Decision-Making Bodies*, describes the review and decision-making authorities, including the Syracuse Common Council, City Planning Commission, Board of Zoning Appeals, Syracuse Landmark Preservation Board, Zoning Administrator, and other City officials.

5.2 Summary Table of Review Procedures

Table 5.1 lists the development applications authorized by this Ordinance. For each type of application, the table indicates whether public notice is required, whether a pre-application conference is required, and the role of City review and decision-making bodies.

Table 5.1
Summary Table of Review Procedures

R = review and comment D = review and decision A = appeal
< > = public hearing required ✓ = required O = optional <<public hearing discretionary>>

Procedure		Section	Notice: Published	Notice: Written	Notice: Posted	Pre-Application Conference	Staff	Syracuse Landmark Preservation Board	Board of Zoning Appeals	City Planning Commission	Common Council
Development Reviews											
Site Plan Review	Minor	5.4A(3)	O	O	✓ O	✓Optional	D	[3]	<A>		
	Major	5.4A(4)	✓	✓	✓	✓	R	[3]		<<D>> [1]	
Special Use Permit		5.4B	✓	✓	✓	✓	R	[3]		<R>	<D>
Sign Review		5.4C				Optional	D	[2]	<A>		
Off-Premise Sign Permit		5.4D	✓	✓	✓	✓	R	[3]		<D> [2]	
Temporary Use Permit		5.4E				Optional	D		<A>		
Street Action		5.4F	✓	✓	✓		R			<R>	<D>
Planned District Plan		2.15	✓	✓	✓	✓	R	[3]		<R>	D
Planned District Project Plan Review		2.15, 5.6B				Optional	R	[3]		<<D>>	
Flexibility and Relief											
Variance		5.5A	✓	✓	✓	✓	R		<D>		
Adjustment		5.5B				N/A	Decision-maker is same as associated application.				
Appeal of Administrative Decision		5.5C	✓	✓	✓	N/A	R		<D>		
Ordinance Amendments											
Rezoning (map)		5.6A	✓	✓	✓	✓	R			<R>	<D>
Rezoning (ordinance text amendment)		5.6A	✓				R			<R>	<D>
Rezoning to Planned Development (PD/PI)		5.6B	✓	✓	✓	✓	R			<R>	<D>
Resubdivision			See Ordinance ---								
Historic Preservation Procedures											
Designation of Protected Site or Preservation District		6.3A	✓	✓	✓	R✓	R	<R>		<R>	<D>
Certificate of Appropriateness		6.3B	✓	✓	✓	ROptional	R	<D>		<A>	
Demolition of Non-Landmarked Historic Building		6.3C	✓	✓	✓	ROptional	R	DR		<RA>	<D>
Flexibility and Relief (Historic Preservation)											
Economic Hardship Appeal		6.4A	✓	✓	✓	ROptional	R	<D>		<A>	
Appeal of Administrative Decision		6.4B	✓	✓	✓	OptionalN/A	R	<D>		<A>	

Notes:
[1] If a major site plan is processed concurrently with a special use permit application, then the Common Council shall hear both applications. In such scenario, the City Planning Commission would not review or hear the major site plan application except upon referral by the Common Council.
[2] Signage on property designated as a Local Protected Site or within a Preservation District must obtain a Zoning review and a Certificate of Appropriateness from the Landmark Preservation Board.
[3] Review required by the Landmark Preservation Board if property is on the City's Historic Properties List.

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5.3 Common Review Procedures

A. Purpose

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Ordinance. Common review procedures include six steps, as illustrated in Figure 5-1: Overview of Common Review Procedures, not all of which are applicable to every development application. Review-specific procedures in sections 5.4 through 5.6 identify additional procedures and rules and requirements.

Figure 5-1: Overview of Common Review Procedures

B. Pre-Application Conference

(1) **Purpose**

The pre-application conference is intended to provide an opportunity for the applicant to meet with Zoning staff to review applicable submittal requirements, identify applicable procedures, and to identify any issues associated with the proposed development.

(2) **When Required**

A pre-application conference is required for certain application types as specified in Table 5.1. A pre-application conference is optional but highly recommended for all other application types.

(3) **Procedure**

Pre-application conferences shall be scheduled and conducted in accordance with the following procedures:

a. **Request**

The applicant shall submit a request for a pre-application conference to the Office of Zoning Administration.

b. **Scheduling**

The Office of Zoning Administration shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the conference.

c. **Required Information**

At least five days prior to the scheduled pre-application conference, the applicant shall submit:

a. A scaled property survey(s) showing current conditions to include all existing natural features, including individual trees and forests, or other natural resources;

~~a.~~b. Photographs and/or aerial imagery of the site;

~~b.~~c. Proof of ownership such as, but not limited to, a deed, an executed lease, a contract for purchase, or a signed letter from the landowner giving permission to pursue approval;

~~c.~~d. A written description of the proposed project;

~~d.~~e. Conceptual drawings showing the location, layout, and primary elements of the proposal including tree, forest, or other natural resource protection or mitigation plans for proposed removals; These conceptual drawings may be of a preliminary nature only;

~~e.~~f. Specific uses, location of uses, and densities proposed and their relation to nearby buildings, streets, rights-of-way, easements, and other nearby pertinent features;

~~f.~~g. Proposed construction phasing (if applicable); and

~~g.~~h. A draft ~~of a completed zoning~~ application (optional).

d. **Conference Determinations**

The pre-application conference is intended to identify review procedures required for the proposed project and may include any concerns or factors relative to the scope, features, and potential impacts of the project as they relate to this Ordinance.

(4) **Effect**

Any information or discussions held at the pre-application conference are for guidance purposes only and shall not be binding on the Office of Zoning Administration or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action.

C. Application Submittal and Processing

(1) **Authority to Submit an Application**

a. Unless expressly stated otherwise in this Ordinance, an application shall be authorized by:

1. The owner or legal representative in the property on which development is proposed; or

2. A person authorized to submit the application on behalf of the owner, provided the application is accompanied by a letter or document signed by the owner authorizing the submission.

b. If there are multiple owners, or other persons authorized to submit the application, all such property owners shall sign the application or a letter or document consenting to the application.

(2) **Application Content**

a. The application includes the appropriate form, current survey by a licensed surveyor and other drawings as required, a narrative describing the project and other items detailed in the appropriate section of this Ordinance i.e., Site Plan Review, Special Permit etc.

~~a.~~b. The application shall be submitted to the Office of Zoning Administration.

~~b.~~c. The application shall be submitted on a form established by the Office of Zoning Administration.

~~c.~~d. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with zoning requirements.

(3) **Application Fees**

a. Application fees are non-refundable and shall be paid at time of submittal of an application. Fees shall be established by the Common Council and may be reviewed annually.

b. All fees required by this Ordinance shall be paid to and collected by the City of Syracuse Commissioner of Finance.

c. In the event it is necessary to utilize the services of a consultant not on staff, the City shall require funds from the applicant to pay the cost of the review.

(4) **Submittal and Review Schedule**

The Zoning Administrator shall establish a submittal and review schedule for zoning applications and shall include that information in the Administrative Manual. The Zoning Administrator may amend the schedule to ensure effective and efficient review under this Ordinance.

(5) **Determination of Application Completeness**

An application will be determined complete or incomplete for purposes of initiating review within 30 business days of receipt and the applicant will be notified of this determination by the end of that period. Written notice of this determination will be provided within five business days following the determination.

a. **Incomplete Application**

An incomplete application shall not be processed or reviewed for a final determination. The Zoning Administrator shall provide written notice of the submittal deficiencies and return the application. The applicant may put the application in order and correct the deficiencies to resubmit the application. The application must be put in order and include required or additional information as required by the Zoning Administrator and/or Board and resubmit within ~~30~~45 days, or the application shall be considered withdrawn.

b. **Complete Applications**

An application will be considered complete if it is submitted in the required form, includes all information specified in this Ordinance and as determined during pre-application conference, addresses specifications in the Administrative Manual, and includes payment of application fees. A complete application shall be processed for review according to the procedures in this Article. Application review may result in modifications or corrections to the application. ~~Following a determination of completeness for review, the City may still request additional information or revisions to a submitted application.~~

(6) **Application Withdrawal**

a. After an application has been deemed complete and accepted for review, the applicant may withdraw the application at any time by submitting notice of withdrawal to the Zoning Administrator.

b. An applicant is not entitled to a refund of application fees for applications that are withdrawn.

D. Staff and Agency Review

(1) Referral to Staff and Referral Agencies

The Office of Zoning Administration, or other administrative body established by the City, shall distribute the complete application to appropriate staff and referral agencies per the Administrative Manual.

(2) Staff Review and Application Revisions

Staff and all applicable referral agencies shall review and comment on the application. Comments shall be provided to the applicant by the Zoning Administrator. The applicant may revise the application pursuant to 5.3D(3), *Minor Revisions to the Application*.

(3) Minor Revisions to the Application

An applicant may make minor revisions to an application based upon review comments following review according to subsection 5.3D, *Staff and Agency Review*, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Zoning Administrator. ~~All other~~Any substantive application revisions shall be processed as a new application. Some potential modifications may be allowed as a condition of approval.

(4) Applications Subject to Staff Review

a. Staff Assessment

A staff review and assessment shall be prepared that shall evaluate the degree to which the application complies with Ordinance requirements. Assessment tools used will be available to the applicant to the extent practicable ~~within the Administrative Manual~~ so the applicant is aware of how the application will be evaluated.

b. Distribution and Availability of Application and Staff Assessment

Within a reasonable time period before a meeting or hearing at which a zoning application is scheduled for review by an advisory or decision-making body, the Office of Zoning Administration shall submit a copy of the staff assessment and agency comments to the applicant and advisory or decision-making body. The application and case file will be made available for public review throughout the review process to the extent practicable.

(5) Applications Subject to Staff Decision

If an application is subject to staff review and final decision by the Zoning Administrator per Table 5.1, the Zoning Administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for approval or denial.

(6) Simultaneous Processing of Development Applications

a. Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, this Article intends to accommodate the simultaneous processing of applications for different permits and reviews that may be required for the same development project in order to expedite the overall review process. Review and decision-making bodies considering applications submitted simultaneously shall render unique reports, recommendations, and decisions on each application based on the specific standards applicable to each approval.

b. Some forms of approval depend on the applicant having previously received another form of approval or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this Article intends to accommodate simultaneous processing, applicants should note that each of the reviews and approvals set forth in this Article has its own timing and review sequence.

E. Schedule and Notice of Public Hearings

(1) Schedule

If an application is subject to a public hearing per Table 5.1, the Zoning Administrator shall schedule the public hearing on a complete application for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.

a. The public hearing shall be scheduled to allow sufficient time to prepare a staff assessment per subsection 5.3D, *Staff and Agency Review* within established time periods.

(2) Public Hearing Notice

a. General Notice Requirements

All public hearings on complete applications required by this Ordinance shall be preceded by the notices identified in Table 5.1.

b. Responsibility of Party Seeking Hearing

The Office of Zoning Administration shall be responsible for the proper publication and mailing of notice of the public hearing. The applicant shall post notice of the public hearing on the subject property within three days of the date of public notice. The applicant shall pay all costs for all forms of notice.

(3) Notice Format and Content

a. Published and Mailed Notice

1. Required published or mailed notices shall contain all content specified in the Administrative Manual.

2. Published notice shall appear in a newspaper ~~of general circulation in the City~~as described in the Administrative Manual at least ten days prior to the scheduled hearing.

3. Mailed notices shall be sent at least five days prior to the scheduled hearing via first class mail to the applicant and all property owners as listed in the records of the

Onondaga County tax assessor's office within 400 feet of the subject property, as measured from property boundaries.

4. Notice of videoconferencing, live streaming, and other online meetings shall be provided pursuant to the Administrative Manual.

b. **Posted Notice**

For an application requiring posted notice per Table 5.1, the applicant shall post at least one sign on the property(ies)/project site at least 10 days prior to the scheduled hearing. The required signage shall be provided. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until a decision is rendered.

1. Additional signs may be necessary based on access and configuration of the property(ies)/project site involved in a project/proposal.

2. ~~Required p~~Posted notice shall be of a type and form as determined by the Zoning Administrator, and must:

   i. Identify the application type; and

   ii. Identify a website and telephone number for additional information.

(4) **Certification of Notice**

The applicant shall provide certification and photographic evidence that proper notice has been posted. The format of such certification shall be established by the Zoning Administrator. The applicant shall submit the certification to the Zoning Administrator at least ten days prior to the scheduled public hearing.

F. State Environmental Quality Review Act Compliance

Before an application is deemed complete and ready for a decision by the Board of Zoning Appeals, City Planning Commission, Common Council, and/or Zoning Administrator, compliance with the State Environmental Quality Review Act ("SEQRA") shall be required. A party seeking approval shall submit with its application the appropriate environmental assessment form and shall provide any additional requested information to enable a thorough environmental review of the application in accordance with SEQRA. Further information regarding SEQRA compliance can be found in the Administrative Manual.

G. Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common Council

(1) **Review and Decision**

a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 5.1.

b. The applicable review body shall consider the application, relevant support materials, staff assessment, and any evidence and public comments from the public hearing if required.

c. The applicable review body shall render a decision on the application based on the applicable approval criteria listed in the application-specific procedures.

d. If the review involves a public hearing, the recommendation or decision (as applicable) ~~shall be based only on the record of the public hearing;~~ shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.

e. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

f. Unless otherwise provided in this Ordinance, any representations made by the property owner or their agent, or in submittal materials or during public hearings, shall be made binding as conditions of approval.

(2) Public Hearings

Public hearings required by this Article shall be conducted according to the procedures established by the respective bodies.

(3) Improvements Agreement

As a condition of final approval, the City may require the applicant to enter into an improvements agreement in a form acceptable to the City Corporation Counsel and the Common Council that provides security to the City to complete certain public improvements within a reasonable time period. If the applicant fails to do so, the City will not issue certificates of occupancy for any buildings or units until all public improvements identified on the applicable site plan and/or building permit have been completed or such an agreement has been entered into by the applicant.

(4) Final Plans

Within 30 days of approval, the applicant shall submit to the Office of Zoning Administration a final version of any plans approved showing any conditions, restrictions, or other modifications agreed to or required during final approval. Failure to do so shall nullify the approval. The applicant may request one 30-day extension for good cause shown.

H. Post-Decision Actions and Limitations

(1) Notice of Decision

After a decision on an application, or final adoption of the resolution if applicable, the Office of Zoning Administration shall provide written notification of the decision via hand delivery, electronic mail, or first-class mail to the property owner and/or applicable parties listed on the application.

(2) Appeal of Decision

A party aggrieved by an administrative decision related to this Ordinance may appeal the decision to the Board of Zoning Appeals in accordance with the procedures and standards in subsection 5.5C, *Appeal of Administrative Decision* and NYS General Municipal Law.

(3) Expiration of Approval

a. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in sections 5.4 through 5.6 for the particular type of application.

b. The Zoning Administrator may grant extensions of the approval expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the decision-making body for the original application.

c. A change in ownership of the land shall not affect the established expiration time period of an approval.

(4) **Modification or Amendment of Approval**

Unless otherwise provided for in this Ordinance, any substantive modification of an approved plan, permit, or condition of approval following the decision shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

(5) **Limitation on Subsequent Similar Applications**

a. Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar, as determined by the Zoning Administrator, within one year of the previous denial. This waiting period may be waived by the decision-making body provided that there is a unanimous vote by the body that heard the original request and one of the following conditions is met:

1. There is a substantial change to facts, evidence, or conditions with respect to the neighborhood, and/or new information is available relevant to the issues or facts considered during the previous application review; or

2. The new application is materially different from the previous application.

b. The above does not apply if the board hearing the original request denied the application without prejudice, in which case an applicant may resubmit at any time with a new application that must address the reasons for denial.

5.4 Development Reviews and Procedures

A. Site Plan Review

(1) **Purpose**

This section describes the process by which proposed development is reviewed for compliance with the development and design standards of this Ordinance. The Site Plan Review procedure ensures that potential impacts of development are considered before submittal of an application for construction plan approval or issuance of a building permit.

(2) **Applicability**

a. **Affected Activities**

The following activities on all properties shall require Site Plan Review, unless exempted pursuant to subsection 5.4A(2)c and d:

1. All exterior renovations, alterations, or additions ~~viewable from the adjacent public right-of-way~~ and/or reorientation of existing buildings; and/or

2. New construction, i.e., site preparation for and construction of entirely new structures, whether or not the site was previously occupied; and/or

3. Construction of, or alterations to, parking areas and/or parking lots that contain six or more parking spaces; and/or
4. Demolition of buildings or portions thereof and/or reclamation of sites; and/or
5. Projects (other than demolitions) on properties:
   i. Identified on the City's inventory of historic properties, and/or
   ii. By the New York State Office of Parks, Recreation, and Historic Preservation (SHPO) as:
      a. Located in a National Register District,
      b. Individually listed on the National Register of Historic Places, or
      c. Eligible for inclusion on the National Register of Historic Places.

   See Article 6: *Historic Preservation*, for additional regulations regarding historic properties.
6. Changes from one use to another use that requires Site Plan Review.

b. Site Plan Review Types

1. Thresholds

Site Plan Review shall be classified as either a minor site plan or major site plan depending on the development size and type as set forth in the table below.

Table 5.2
Site Plan Review Thresholds

Type of Development	Minor Site Plan Zoning Administrator decision	Major Site Plan City Planning Commission decision
Residential	Establishment of ~~5~~ 4 to 7 new dwelling units	Development of 8 or more new dwelling units
Nonresidential	Development less than 10,000 square feet gross floor area	Development of at least 10,000 square feet gross floor area
Mixed-Use	Establishment of ~~5~~ 4 to 7 dwelling units and less than ~~25~~15,000 square feet gross floor area	Development of 8 or more dwelling units and/or at least ~~25~~15,000 square feet gross floor area
MX-4 and MX-5 districts	All projects*	None*

Notes:
- Notwithstanding the thresholds above, any development requiring a street action, including but not limited to the dedication of land to the City or abandonment of land by the City, shall be processed as a major site plan.
- * Unless referred to the City Planning Commission in 5.4(2)b.2

2. Zoning Administrator Referral to City Planning Commission

The Zoning Administrator may refer applications to the City Planning Commission for a final decision that may present issues that require City Planning Commission consideration. Such referral shall not require additional public notification unless the City Planning Commission requires a public hearing. Examples of issues include, but are not limited to:

i. Whether the project requests any adjustments;

ii. Whether the project requests additional curb cuts or other modifications to existing circulation networks;

iii. Whether adverse comments have been received from an applicable referring department that have not been addressed or mitigated;

iv. Whether the project introduces a use or structure that is significantly different than existing surrounding conditions;

v. Potential traffic impacts; and/or

vi. Whether the project requires additional environmental review based upon findings identified from a short Environmental Assessment Form, or due to the action being deemed a Type 1 Action under NYS SEQRA.

c. Exempt Activities Subject to this Ordinance

The following are exempt from Site Plan Review, but remain subject to the standards of this Ordinance:

1. ~~A change in use that does not involve or require other development (such as new or expanded structures or creation of additional parking)~~A change to a property without a change in occupancy that does not involve or require other development such as new or expanded structures, additional or modified parking, changes to the site, and any other change that would alter the performance or appearance of the site;
2. Construction of or exterior alteration to a residential property with up to ~~four~~ three dwelling units, and structures accessory to such dwellings;
3. Conversion of existing building area into up to ~~four~~ three new dwelling units without changing the existing building footprint or building exterior, or increasing the building area, parking area, or height;
4. Interior maintenance and/or improvements that do not increase gross floor area or building height, increase the density or intensity of use, change the occupancy, or affect other development standards (such as parking or landscaping requirements);
5. Exterior painting, siding replacement, roof repairs or replacement;
6. ~~Repaving exterior legal~~ Maintenance of approved parking lots that are compliant with the development standards of this Ordinance;
7. ~~Projects subject to Syracuse Landmark Preservation Board review pursuant to Article 6: *Historic Preservation*;~~
8. ~~8.~~7. Projects within an approved Planned Institutional or Planned Development District unless otherwise required in those districts; and
9. ~~9.~~8. The City or County demolition of any building(s) or structure(s) that have been determined by the Director of the Division of Code Enforcement and/or Chief of Fire to constitute an immediate danger or hazard to public health, safety, or welfare.

d. LI Special Project Exemption

Notwithstanding any other provision of this Ordinance:

1. A Special Project (as defined below) located in and containing one or more uses allowed in the "Light Industry and Employment" zoning district for which documentation is submitted demonstrating that either the criteria set forth in 5.4A(2)d.1.i or 5.4A(2)d.1.ii below are met shall be exempt from Site Plan Review and not subject to the standards and requirements of this Ordinance except as required in this subsection ("LI Special Project Exemption") if it:

   i. meets the following criteria:

      a. Occupies at least five contiguous acres, whether in one or more parcels. Special Projects may be part of a larger development plan where one or more lots, tracts, or parcels of land are identified by the developer and are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures, as one use or a mix of uses as allowed by this Ordinance; and

      b. The Special Project boundary does not directly abut (as defined below) a Residential zoning district; and

      c. The Special Project boundary does not directly abut a municipal boundary;

      or

   ii. Is an existing project that has obtained construction financing totaling at least $50 million as of the effective date of this Ordinance.

2. Any modification or new construction, including addition of lands, relating to a previously documented Special Project shall be entitled to the LI Special Project Exemption provided that the use associated with such modification or new construction is located and allowed in the "Light Industry and Employment Zoning District" as such uses and/or areas exist as of the effective date of this Ordinance, and further provided that if the uses and/or area of such district are expanded, such added uses and/or areas shall also be entitled to the LI Special Project Exemption;

3. For purposes of applying the LI Special Project Exemption criteria:

   i. The term Special Project shall include one or more uses, and buildings, structures, parking and other site features, and the lands identified by the developer as devoted to or planned for same; and if an existing Special Project is part of a larger development plan, such larger development plan, including developer-controlled contiguous lands, may, at the developer's option, be treated as part of the Special Project. The term "directly abut" means having a common border with, or being separated by only a right-of-way, alley, waterbody over 20 feet wide, or a utility or access easement;

   ii. A Special Project may be a project existing as of the effective date of this Ordinance or it may include both existing projects and future projects;

   iii. An existing Special Project that is part of a larger development plan may be considered on its own, or, if the developer controls contiguous lands, it may, at its option, include in its supporting documentation some or all of such contiguous lands for LI Special Project designation; and

iv. For purposes of identifying contiguous lands in clauses 5.4A(2)d.1.i.a and 5.4A(2)d.3.iii above, lands separated by a public right-of-way, utility easement, waterway and/or other rights-of-way shall be interpreted as contiguous.

4. Any property subject to a right-of-way identified in clause d(3)(iv) above that is abandoned or otherwise terminated shall be automatically included in a related LI Special Project Exemption.

5. Signs associated with a Special Project must be designed and oriented to the use or uses generally within the Special Project area without creating an on-site hazard or off-site adverse impact. The type, size and number of signs shall be compatible with the size, scale and massing of the Special Project, including any existing signage. Compatibility shall be determined by the Zoning Administrator. If the Zoning Administrator determines that a proposed sign is not compatible or that such determination should be made by the Planning Commission, application may be made to the Planning Commission. No off-premise signs or billboards, roof signs, and signs prohibited by subsection 4.8E are allowed as part of a Special Project. Off-premise signs may be allowed by applying for separate approval. Any waivers previously granted shall remain valid and any signs constructed in reliance on such waivers shall be deemed conforming.

6. The Zoning Administrator shall acknowledge applicability of the Special Project Exemption in writing to a developer requesting same within a reasonable time of receiving a request for same, including that the Special Project shall be deemed conforming to the Ordinance.

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(3) Minor Site Plan Review Procedure

Figure 5-2: Summary of Minor Site Plan Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of minor site plans. Additions or modifications to the common review procedures are noted below.

a. Pre-Application Conference

~~An optional~~A pre-application conference may be held in accordance with subsection 5.3B.

~~The Board may, in appropriate cases, waive further Site Plan Review based upon the information provided in the Sketch Plan after review of the same.~~

b. Application Submittal and Processing

The minor site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

At or following the pre-application conference the Zoning Administrator may require that the applicant provide more information, including, but not limited to any or all of the items from the following list. In determining the information it will require, the Zoning Administrator may consider the type of use, its location, and the size and potential impact of the project:

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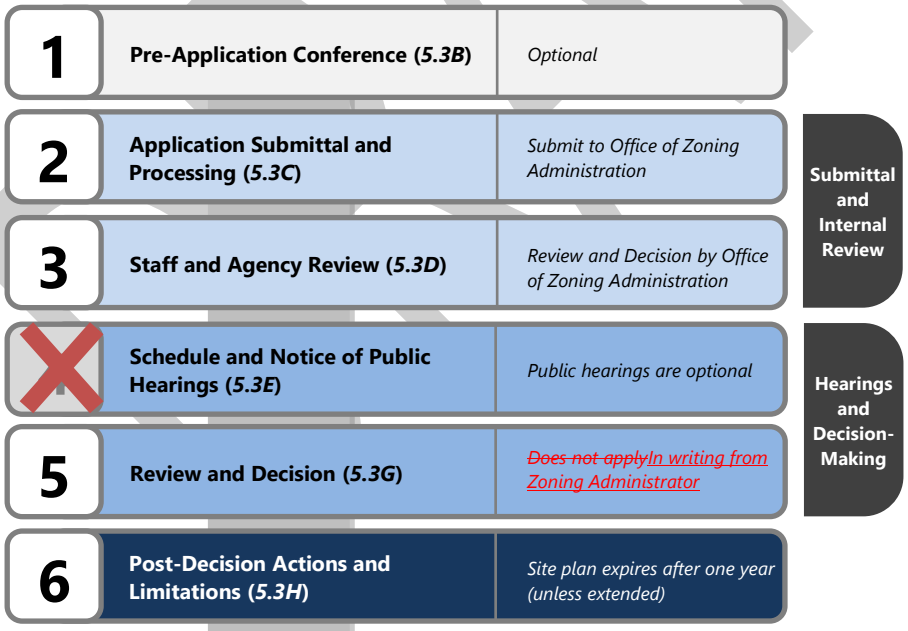
1. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing;
2. Boundaries of the property, plotted to scale, and including north arrow, scale, and date;
3. Identification of streets and public rights-of-way;
4. Existing watercourses and wetlands;
5. Grading and Drainage plan showing existing and proposed contours;
6. Location, design, and type of construction, proposed use and exterior dimensions of all buildings;
7. Residential Compatibility: as applicable show how the site complies with the residential compatibility requirements in Section 4.3 including subsections: 4.3(C), *Use Limitations*; 4.3(D), *Building Organization and Design*; 4.3(E), *Off-Street Parking*; 4.3(F), *Buffering and Screening*; 4.3(G), *Exterior Lighting*; and 4.3(H), *Operations*;
8. Off-Street Parking: Provide the calculation of required parking spaces as well as the calculation for claiming any reductions following Section 4.4 carefully. Include a description of Area Use and Design; Loading and Stacking Areas; and Off-Street Bicycle Parking with respect to the requirements in Section 4.4;
9. Landscaping, Buffering and Screening: Provide a description and design attributes for Street Trees and Landscaping; Rear and Side Lot Buffers; Parking Area Landscaping; Walls and Fences; Screening of Service Areas; and any Alternative Landscaping Plan with respect to the requirements in Section 4.5.
10. Site and Building Design: Provide a description and design attributes for Building and Site Design; Multi-Unit Residential Building Design; Commercial and Mixed-Use Site and Building Design as applicable and with respect to the requirements in Section 4.6.
11. Exterior Lighting: Provide a plan showing the exterior lighting existing and proposed and describe compliance with respect to the standards in Section 4.7.
12. Signs: Provide a plan showing the existing and proposed signs and describe compliance with respect to the standards and requirements in Section 4.8.
13. Provisions for pedestrian access including sidewalks, Americans with Disabilities Act compliance, and other features;
14. Sanitary Sewer hookup information;
15. Public water hookup information;
16. Location of fire and other emergency zones, including the location of fire hydrants;
17. Location, design and construction materials of all energy distribution facilities;
18. Identification of street number(s) in accordance with any applicable 911 system;
19. Identification of the location and amount of building area proposed for commercial activity;
20. Proposed limit of clearing showing existing vegetation and trees;
21. Estimated project construction schedule;

22. Record of application for and approval status of all necessary permits from federal, state and county agencies;
23. Other elements integral to the proposed development as considered necessary by the Zoning Administrator and/or Board;
24. Stormwater Management Plan;
25. Short or Full Environmental Assessment Form;
26. List all of the attributes of the proposal that do not fully meet the requirements of this Ordinance. Where relief is being sought, be sure to explain why in the narrative, and modification from Article 4: *Development Standards* must include statements supporting the criteria allowing for modifications in subsection 4.2D.

C. Staff and Agency Review

The Zoning Administrator shall review the minor site plan application and render a decision in accordance with subsection 5.3D, *Staff and Agency Review,* and the approval criteria in subsection 5.4A(6)*, Approval Criteria for Site Plans (Minor and Major)*. If the minor site plan is referred to the City Planning Commission, a staff assessment may be prepared.

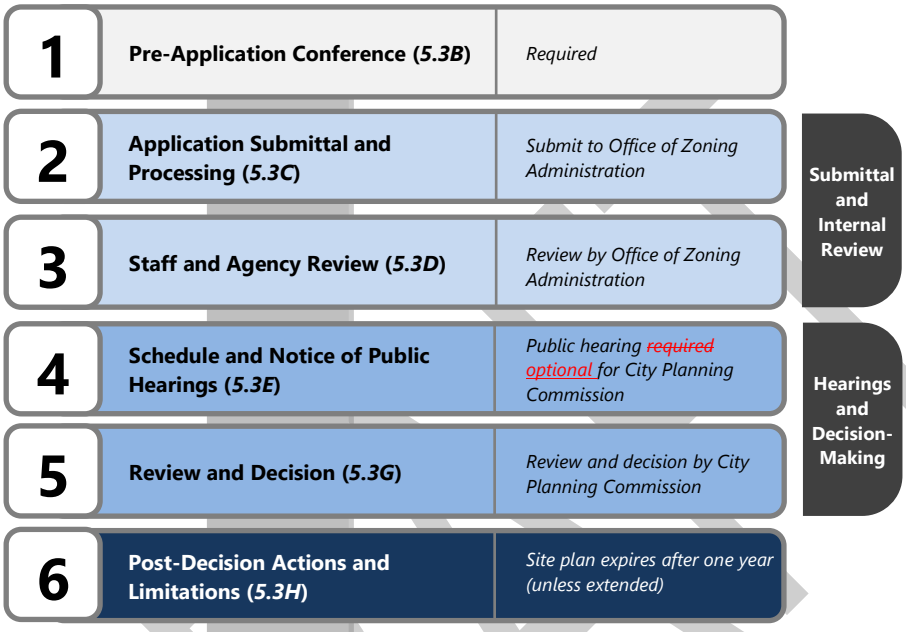
Figure 5-2: Summary of Minor Site Plan Procedure



(4) Major Site Plan Review Procedure

Figure 5-3: Summary of Major Site Plan Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of major site plans. Additions or modifications to the common review procedures are noted below.

Figure 5-3: Summary of Major Site Plan Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with subsection 5.3B. The City Planning Commission may waive further Site Plan Review based upon the information provided in the Sketch Plan after review of the same.

b. Application Submittal and Processing

The major site plan application shall be submitted, accepted, and revised, and may be withdrawn, generally in accordance with subsection 5.3C. At or following the pre-application conference the City Planning Commission may require that the applicant provide more information, including, but not limited to any or all of the items from the following list. In determining the information it will require, the City Planning Commission may consider the type of use, its location, and the size and potential impact of the project:

1. Title of drawing, including name and address of applicant and person responsible for preparation of the drawing;
2. Boundaries of the property, plotted to scale, and including north arrow, scale and date;
3. Identification of streets and public rights-of-way;
4. Existing watercourses and wetlands;
5. Grading and Drainage plan showing existing and proposed contours;
6. Location, design and type of construction, proposed use and exterior dimensions of all buildings;
7. Residential Compatibility: as applicable show how the site complies with the residential compatibility requirements in Section 4.3 including subsections: 4.3(C), *Use Limitations*; 4.3(D), *Building Organization and Design*; 4.3(E), *Off-Street Parking*; 4.3(F), *Buffering and Screening*; 4.3(G), *Exterior Lighting*; and 4.3(H), *Operations*;
8. Off-Street Parking: Provide the calculation of required parking spaces as well as the calculation for claiming any reductions following Section 4.4 carefully. Include a description of Area Use and Design; Loading and Stacking Areas; and Off-Street Bicycle Parking with respect to the requirements in Section 4.4.
9. Landscaping, Buffering and Screening: Provide a description and design attributes for Street Trees and Landscaping; Rear and Side Lot Buffers; Parking Area Landscaping; Walls and Fences; Screening of Service Areas; and any Alternative Landscaping Plan with respect to the requirements in Section 4.5.
10. Site and Building Design: Provide a description and design attributes for Building and Site Design; Multi-Unit Residential Building Design; Commercial and Mixed-Use Site and Building Design as applicable and with respect to the requirements in Section 4.6.
11. Exterior Lighting: Provide a plan showing the exterior lighting existing and proposed and describe compliance with respect to the standards in Section 4.7.
12. Signs: Provide a plan showing the existing and proposed signs and describe compliance with respect to the standards and requirements in Section 4.8.
13. Provisions for pedestrian access including sidewalks, Americans with Disabilities Act compliance, and other features;
14. Sanitary Sewer hookup information;
15. Public water hookup information;
16. Location of fire and other emergency zones, including the location of fire hydrants;
17. Location, design and construction materials of all energy distribution facilities;
18. Identification of street number(s) in accordance with any applicable 911 system;
19. Identification of the location and amount of building area proposed for commercial activity;
20. Proposed limit of clearing showing existing vegetation and trees;
21. Estimated project construction schedule;

22. Record of application for and approval status of all necessary permits from federal, state and county agencies;
23. Other elements integral to the proposed development as considered necessary by the Zoning Administrator and/or Board;
24. Stormwater Management Plan;
25. Short or Full Environmental Assessment Form;
~~1.~~26. List all of the attributes of the proposal that do not fully meet the requirements of this Ordinance. Where relief is being sought, be sure to explain why in the narrative, and modification from Article 4: *Development Standards* must include statements supporting the criteria allowing for modifications in subsection 4.2D.

c. **Staff and Agency Review**

The Office of Zoning Administration shall review the major site plan application and prepare a staff assessment in accordance with subsection 5.3D.

d. **Schedule and Notice of Public Hearings**

The major site plan application may be scheduled for a public hearing determined at Sketch Plan before the City Planning Commission and noticed in accordance with subsection 5.3E.

e. **City Planning Commission Review and Decision**

1. The City Planning Commission may hold a public hearing based upon the content of a Sketch Plan and considering comments on the application within 62 days of the determination an application is complete, unless the applicant consents to an extension. The decision on the complete application must be made within 62 days of the close of a public hearing, or 62 days from the City Planning Commission meeting where the complete application is introduced. All minor site plans referred to the City Planning Commission under 5.4(2)b.2 by the Zoning Administrator must have a public hearing.
2. The City Planning Commission shall review the major site plan application and render a decision in accordance with subsection 5.3G, *Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common Council*, and the approval criteria in subsection 5.4A(6), *Approval Criteria for Site Plans (Minor and Major)*.

(5) **Post-Decision Actions and Limitations for Minor and Major Site Plans**

a. **Applicant Notification**

The Office of Zoning Administration shall mail a copy of the decision to the applicant.

b. **No Building Permit without Site Plan Approval**

No building permit shall be issued until the Site Plan and any associated construction plans have been approved.

c. **Expiration of Approval**

1. Unless otherwise provided in the conditions of approval, site plan approval shall expire if the authorized use or construction has not obtained all necessary permits within one year of approval, or an extension is granted pursuant to subsection 5.3G. All conditions

of the approval shall be met within 18 months, or the approval shall become null and void.

2. Extensions of these periods may be granted for good cause shown due to unforeseen circumstances, such as changes in market conditions, lack of available financing, changes in the financial condition of the applicant, or application for amendments to the approved site plan. Such extensions may only be granted if they are requested before the site plan approval expires.

d. **Amendments**

1. Insubstantial Changes Allowed

During construction, the Zoning Administrator may authorize minor, or "insubstantial," adjustments to the approved site plan when such adjustments appear necessary in the light of technical or engineering considerations that were discovered during construction. The Zoning Administrator may approve such insubstantial adjustments upon determining that the proposed changes:

i. Could be approved under the allowable adjustments pursuant to subsection 5.5B, had they been requested with the original application;

ii. Comply with the standards of this Ordinance;

iii. Are necessary to meet provisions of the New York State Uniform Fire Prevention and Building Code;

iv. Are necessary to meet conditions of approval by other City, county, or state departments and/or agencies; and

v. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the site plan.

2. Substantial Changes

Where unforeseen conditions are encountered that require a change to an approved plan that the Zoning Administrator considers substantial because they exceed the criteria in the paragraph above, or where the applicant wishes to modify the approved plan for other reasons, an amended submission shall be filed for review and approval in accordance with the same procedures required for a site plan application.

(6) **Approval Criteria for Site Plans (Minor and Major)**

A site plan shall be approved upon a finding that the application meets all of the following criteria:

a. The site plan is consistent with the general purpose and intent of this Ordinance;

b. The site plan is consistent with the dimensional, design, development, and all other standards of this Ordinance; and

~~c. The site plan is consistent with any previously approved precedent land use approval; and~~

~~d.~~c. The site plan is generally consistent with the Comprehensive Plan and other adopted City policies and plans.

(7) Concurrent Review

a. Special Use Permit

An application for Site Plan Review may be submitted and reviewed concurrently with an application for a special use permit. In such a case, decisions can be made on the concurrent applications at the same public hearing provided that the appropriate approval body shall not decide the site plan approval application until after an official decision is made on the special use permit. Additionally, the Site Plan Review body may delegate Site Plan Review approval to the Zoning Administrator as a condition of approval. The requirements for the respective applications may be combined into one to reduce redundancy in information and provide a comprehensive application.

B. Special Use Permit

(1) Purpose

The special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.

(2) Applicability

a. General

A special use permit is required for certain land uses as specified in Table 3.1: Allowed Uses.

b. Use Variances Not Allowed

Where utilization of land requires a special use permit pursuant to this Ordinance, the Board of Zoning Appeals may not grant a variance in lieu of such special permit.

c. Special Use Permit for Certain Pre-existing Uses

All uses of land or buildings established before the effective date of this Ordinance, that require special use permit approval after the effective date of this Ordinance, are entitled to make limited changes to the site, building, or intensity of use within the limits and all provisions and requirements of this Ordinance. Application shall be made to the Office of Zoning Administration.

(3) Special Use Permit Procedure

Figure 5-4: Summary of Special Use Permit Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of special use permits. Additions or modifications to the common review procedures are noted below.

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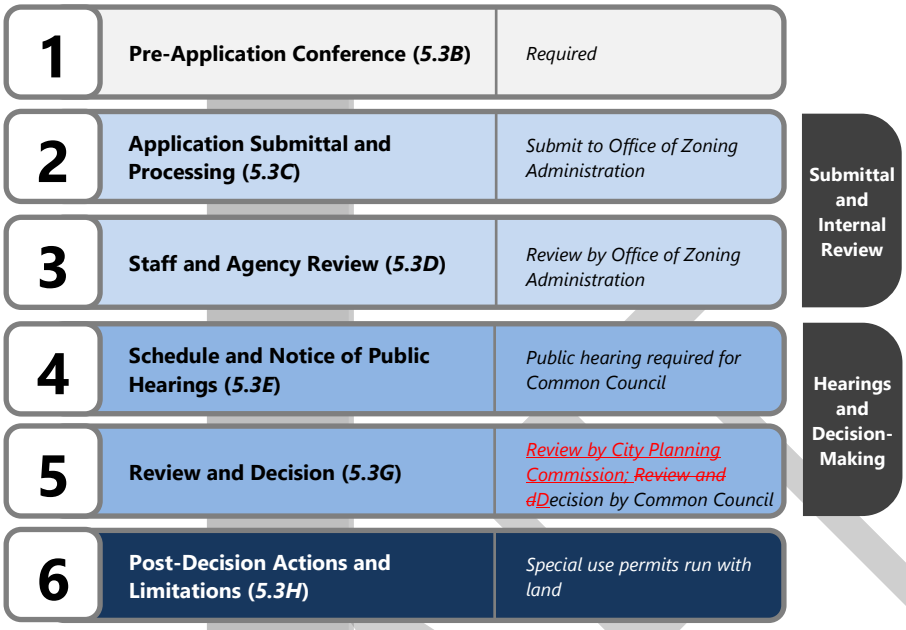
Figure 5-4: Summary of Special Use Permit Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B. Sketch Plan may be optional as determined by the Zoning Administrator and any concurrent requirement for Site Plan Review.

b. **Application Submittal and Processing**

The special use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

c. **Staff and Agency Review**

The Zoning Administrator shall review the special use permit application and prepare a staff assessment in accordance with subsection 5.3D.

d. **Schedule and Notice of Public Hearings**

The complete special use permit application shall be scheduled for public hearings before the Common Council and noticed in accordance with subsection 5.3E.

e. **Review and Decision**

1. City Planning Commission Review and Recommendation

   i. The City Planning Commission shall review the Special Use Permit and prepare a recommendation in accordance with subsection 5.3G, *Review and Decision of*

Board of Zoning Appeals, City Planning Commission, and/or Common Council, and the criteria in subsection 5.4B(4), *Special Use Permit Approval Criteria* below.

2. Common Council Review and Public Hearing, and Decision

~~ii.~~i. The Common Council shall hold a public hearing within 62 days of the determination an application is complete, unless the applicant consents to an extension. The decision on the complete application must be made within 62 days of the close of the public hearing.

~~iii.~~ii. The Common Council shall review and render a decision on the complete special use permit application in accordance with subsection 5.3G, *Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common* Council, and the criteria in subsection 5.4B(4) below.

~~2.~~3. A denial of a special permit may not be appealed to the Board of Zoning Appeals.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3H shall apply with the following modifications:

1. Expiration of a Special Use Permit

A special use permit shall expire if the authorized use or construction has not obtained all necessary building permits within one year of after the date of special use permit approval, or an extension is granted pursuant to subsection 5.3H. All conditions of the special use permit approval shall be met within 18 months, or the approval shall become null and void.

2. Expansion or Enlargement

i. Minor expansion or enlargement of a special use shall not require a new special use permit application, provided the Zoning Administrator determines that the expansion or enlargement will not require adjustments to any standards greater than allowed through the adjustment procedures in subsection 5.5B.

ii. Proposed expansions or modifications that the Zoning Administrator determines do not meet this criterion shall require a new application. In making this determination, the Zoning Administrator may consult with the City Planning Commission and is authorized to approve the expansion or enlargement without an additional hearing.

3. Revocation of Special Use Permit

Failure to comply with the conditions set forth in a special use permit shall be grounds for considering special use permit revocation in accordance with NYS General Municipal Law. Deliberations leading to revocation shall be preceded by a report confirming failure to comply, submitted to the Common Council by the Zoning Administrator. Revocation shall be based on a finding by the 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 ensure compliance.

No matter of revocation shall be decided until after a public hearing has been held with due notice.

(4) Special Use Permit Approval Criteria

A special use permit may be approved upon a finding that the application meets all of the criteria below. The burden of proof is on the applicant to show that the special use meets each of the criteria, and failure to meet any of the criteria is grounds for denial:

a. The use will be compatible with the surrounding area;

b. The impacts of the use on surrounding areas have been adequately minimized;

c. The use will be consistent with the general purpose and intent of this Ordinance;

d. The use will comply with all applicable standards of this Ordinance;

e. The use is generally consistent with the Comprehensive Plan and other City plans and policies; and

f. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

(5) Special Use Permit Findings (General)

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

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

b. 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.

c. 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.

d. 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 City Planning Commission shall review, but need not be limited to, the following considerations:

1. Location and adequacy of parking and loading facilities, including compliance with the standards herein after provided.

2. Pedestrian rights-of-way.

3. Traffic regulatory devices.

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

5. 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.

6. Storage facilities for snow.

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

e. 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.

C. Zoning Sign Review

(1) Purpose

The sign review procedure provides a mechanism for the City to evaluate prospective signs to ensure compliance with applicable standards of this Ordinance, including the signage requirements in 4.8, *Signs*.

(2) Applicability

a. Sign Review

A sign review shall be required prior to the performance of any sign work.

b. Exceptions

Sign review shall not be required for the following:

1. Subsection 4.8D, *Exceptions;*
2. Section 7.3, *Other Definitions:* "Sign Maintenance"; and
3. Section 7.3, *Other Definitions:* "Sign Copy Changes."

c. Locally Protected Historic Districts and Sites

1. Sign reviews for properties within Locally Protected Historic Districts and Sites are not exempt from these provisions.
2. Signs are also subject to subsection 6.3B, *Certificate of Appropriateness*.

(3) Sign Review Procedure

Figure 5-5: Summary of Sign Review Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of signs. Additions or modifications to the common review procedures are noted below.

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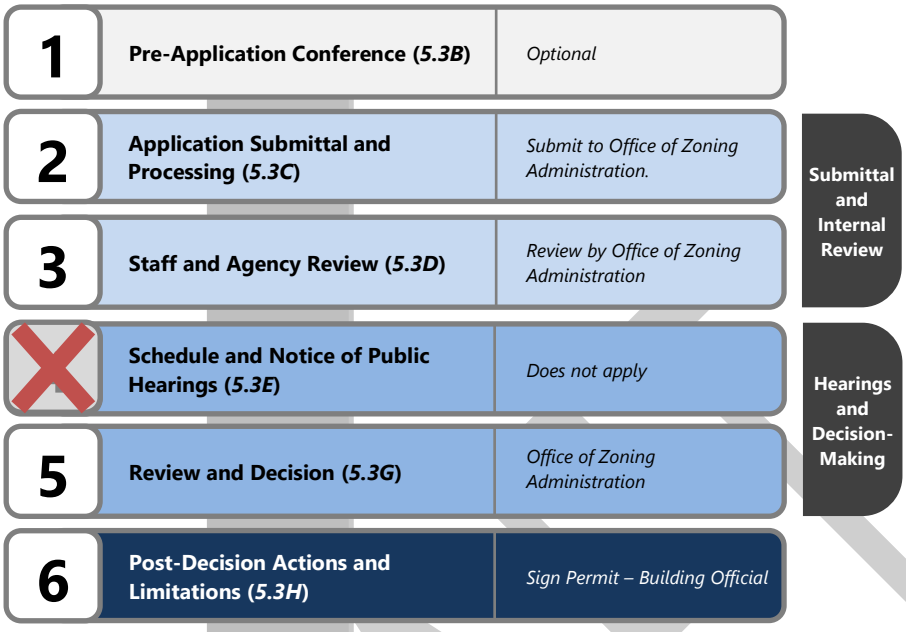
Figure 5-5: Summary of Sign Review Procedure



a. **Pre-Application Conference**

A pre-application conference is optional for all sign review applications.

b. **Application Submittal and Processing**

A complete sign review application shall be submitted to the Office of Zoning Administration in accordance with subsection 5.3C.

c. **Staff and Agency Review**

1. The Office of Zoning Administration shall review the sign review application pursuant to subsection 5.3D and shall render a decision based on the criteria and findings in 5.4C(4) below.
2. Applications for sign review on properties situated within Local Historic Districts or on individual Local Protected Sites shall also require a Certificate of Appropriateness per subsection 6.3B.

d. **Post Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3H shall apply, with the following modifications:

1. Effect of Approval

   A sign review approval authorizes Zoning approval for a sign permit from the Building Official.

(4) Approval Criteria and Considerations

a. Approval Criteria

For any sign review and any additional review required by this Section, the Zoning Administrator shall find that:

1. The proposed sign complies with all applicable signage requirements of Section 4.8, *Signs*.

D. Off-Premise Sign Permits

(1) Purpose

The Off-Premise Sign Permit procedure provides a mechanism for the City to evaluate prospective off-premise signs to ensure compliance with applicable standards of this Ordinance, including the requirements in Section 4.9, *Off-Premise Signs*.

(2) Applicability

a. Off-Premise Sign Permit

A sign review shall be required prior to the performance of any "sign work" as defined in Section 7.3, *Other Definitions*.

(3) Exceptions

Off-Premise Sign Permit review shall not be required for the following:

a. Section 7.3, *Other Definitions:* "Off-Premise Sign Maintenance"; and

b. Section 7.3, *Other Definitions:* "Off-Premise Sign Copy Changes."

(4) Off-Premise Sign Permit Review Procedure

Figure 5-6: Summary of Off-Premise Sign Permit Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of off-premise sign permits. Additions or modifications to the common review procedures are noted below.

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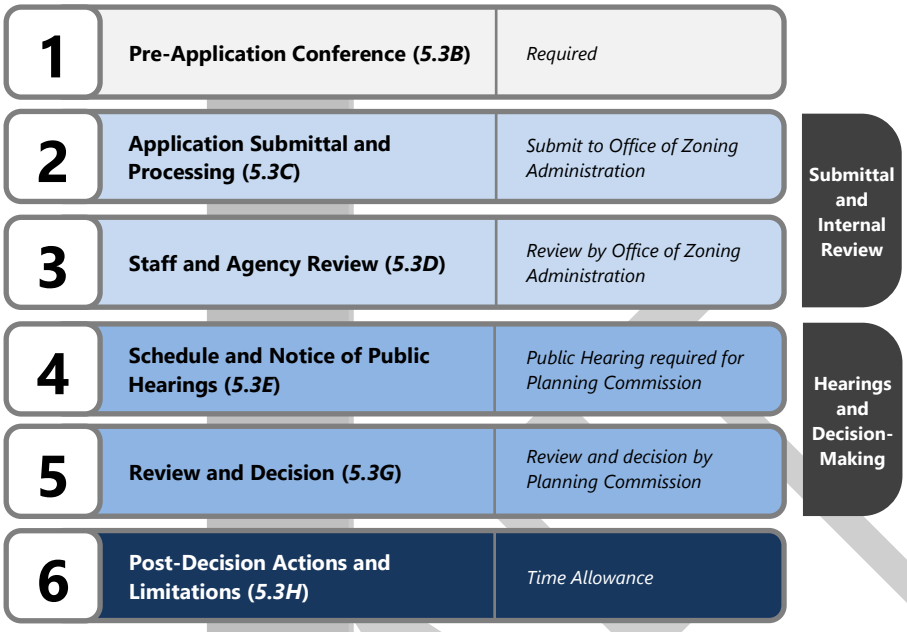
Figure 5-6: Summary of Off-Premise Sign Permit Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B.

b. **Application Submittal and Processing**

The off-premise sign application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

c. **Staff and Agency Review**

The Office of Zoning Administration shall review the off-premise sign application and prepare a staff assessment in accordance with subsection 5.3D.

d. **Schedule and Notice of Public Hearings**

The complete off-premise application shall be scheduled for public hearings before the City Planning Commission and noticed in accordance with subsection 5.3E.

e. **Review and Decision**

1. The City Planning Commission shall hold a public hearing within 62 days of the determination an application is complete, unless the applicant consents to an extension. The decision on the complete application must be made within 62 days of the close of the public hearing.

2. The City Planning Commission shall review and render a decision on the complete off-premise sign application in accordance with subsection 5.3G, *Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common* Council.
3. A denial of an off-premise sign permit may not be appealed to the Board of Zoning Appeals.

(5) **Post-Decision Actions and Limitations for Off-Premise Sign Permits**

a. **Applicant Notification**

The Office of Zoning Administration shall mail a copy of the decision to the applicant.

b. **No Building Permit without Off-Premise Sign Permit Approval**

No building permit shall be issued until any associated construction plans have been granted off-premise sign permit approval.

c. **Duration of Approvals**

1. All off-premise sign approvals shall have a limitation of 10 years.
2. Signs remaining after the expiration of approval shall be considered abandoned and subject to removal by the Division of Code Enforcement.

d. **Off-Premise Sign Abandonment**

The abandonment of rights to off-premise sign permits shall be formally reviewed and acknowledged by the City Planning Commission in order to establish a clear date and record of abandonment.

e. **Expiration of Approval**

1. Unless otherwise provided in the conditions of approval, off-premise sign permit approval shall expire if the authorized use or construction has not obtained all necessary permits within one year of approval, or an extension is granted pursuant to subsection 5.3G. All conditions of the approval shall be met within 18 months, or the approval shall become null and void.
2. Extensions of these periods may be granted for good cause shown due to unforeseen circumstances, such as changes in market conditions, lack of available financing, changes in the financial condition of the applicant, or application for amendments to the approved off-premise sign permit. Such extensions may only be granted if they are requested before the off-premise sign permit approval expires.

f. **Amendments**

1. Insubstantial Changes Allowed

During construction, the Zoning Administrator may authorize minor, or "insubstantial," adjustments to the approved off-premise sign permit when such adjustments appear necessary in the light of technical or engineering considerations that were discovered during construction. The Zoning Administrator may approve such insubstantial adjustments upon determining that the proposed changes:

i. Comply with the standards of this Ordinance;

ii. Are necessary to meet provisions of the New York State Uniform Fire Prevention and Building Code;

iii. Are necessary to meet conditions of approval by other City, county, or state departments and/or agencies; and

2. Substantial Changes

Where unforeseen conditions are encountered that require a change to an approved off-premise sign permit that the Zoning Administrator considers substantial because they exceed the criteria in the paragraph above, or where the applicant wishes to modify the approved off-premise sign permit for other reasons, an amended submission shall be filed for review and approval in accordance with the same procedures required for an off-premise sign permit application.

E. Temporary Use Permit

(1) Purpose

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures of limited duration to ensure compliance with applicable standards of this Ordinance, including Section 3.5, *Temporary Uses and Structures*.

(2) Applicability

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure designated as requiring a temporary use permit in Section 3.5, *Temporary Uses and Structures*.

(3) Temporary Use Permit Procedure

Figure 5-7: Summary of Temporary Use Permit Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of temporary use permits. Additions or modifications to the common review procedures are noted below.

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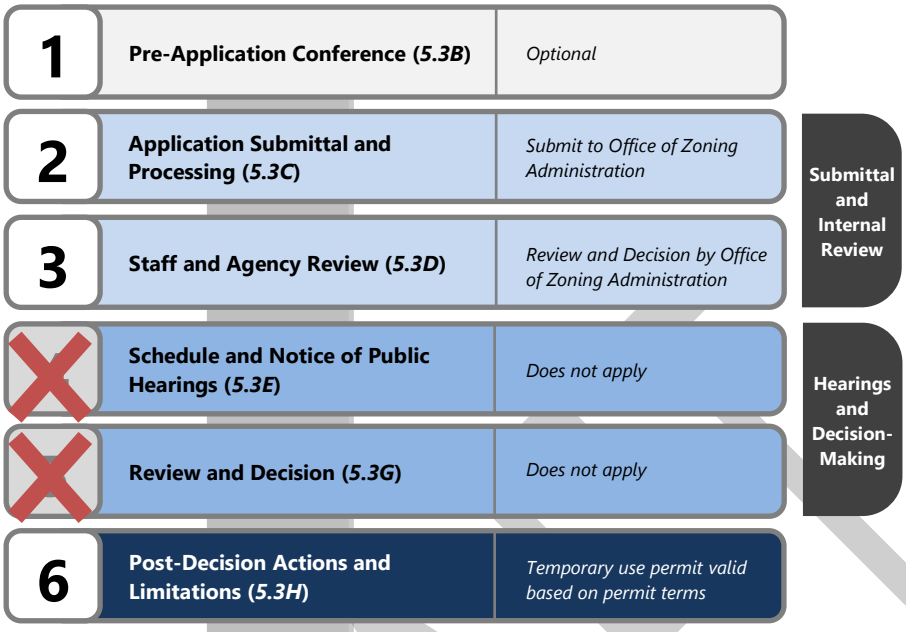
Figure 5-7: Summary of Temporary Use Permit Procedure



a. **Pre-Application Conference**

An optional pre-application conference may be held in accordance with subsection 5.3B at the applicant's discretion.

b. **Application Submittal and Processing**

A complete temporary use permit application shall be submitted to the Zoning Administrator in accordance with subsection 5.3C.

c. **Staff and Agency Review**

The Office of Zoning Administration shall review the temporary use permit application pursuant to subsection 5.3D and based on the criteria below and shall render a decision.

d. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3H shall apply, with the following modifications:

1. Effect of Approval

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

2. Expiration of Approval

A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. In no case shall a temporary use permit be valid for more than one year. Any temporary use permit requesting an approval period beyond one year shall require a special use permit approval pursuant to subsection 5.4B, *Special Use Permit*.

3. Removal and Restoration

Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Zoning Administrator.

(4) **Temporary Use Permit Approval Criteria**

The Zoning Administrator may approve a temporary use permit upon finding that the application meets all of the following criteria:

a. Is consistent with the Comprehensive Plan;

b. Complies with applicable temporary use standards, as well as all other applicable standards in this Ordinance;

c. Complies with building and fire codes, if applicable, and obtains a building permit if required;

d. Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and

e. Complies with all requirements and conditions of approval of any prior development permits or approvals.

F. Street Action

(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 Official Zoning Map.

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

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

(4) Where lands contiguous to such abandoned area are zoned in two 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.

5.5 Flexibility and Relief Procedures

A. Variance

(1) Purpose

The variance procedure is intended to provide limited relief from the requirements of this Ordinance where strict application of the Ordinance would result in exceptional practical difficulty or undue hardship preventing the use of the property as otherwise allowed by the Ordinance. The Board of Zoning Appeals may vary the application of any of the requirements of this Ordinance relating to the use of property or to physical or dimensional requirements so that the spirit of this Ordinance is observed, public safety and welfare secured, and substantial justice done.

(2) Applicability

a. Applicant-Initiated Variance

Any property owner seeking relief from this Ordinance may request a variance when the strict application of the Ordinance would result in an undue hardship. Such application for relief shall be processed pursuant to the procedure in 5.5A(3) below.

b. Area Variances as part of Site Plan Review and/or Special Permit Review

Pursuit of any area variances found to be required during Site Plan Review and/or Special Permit review shall be evaluated by the board of jurisdiction assigned by this Ordinance to hear such applications, and shall be evaluated based on the following criteria:

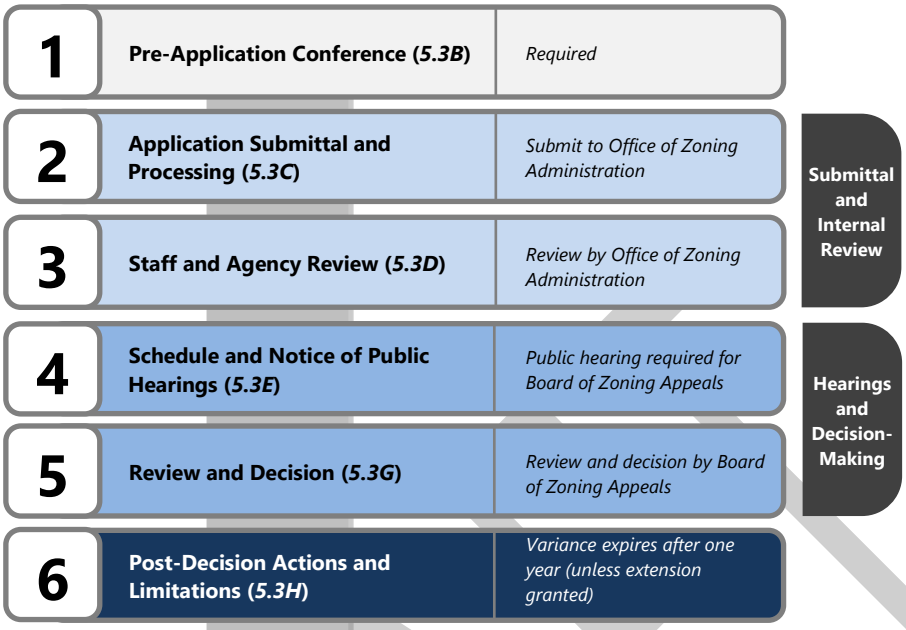
1. Consistency with the intent of the City's Comprehensive Plan.
2. The fulfillment of the intent of the zoning ordinance.
3. Consistency with development standards.
4. General consistency with the neighborhood, or the overall intent of the neighborhood being created.

Once authorized by the board of jurisdiction, the area variance itself shall be evaluated by the Board of Zoning Appeals pursuant to the procedure in 5.5A(3) below.

(3) Variance Procedure

Figure 5-8: Summary of Variance Procedure, identifies the applicable steps from the Section 5.3, *Common Review Procedures*, that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

Figure 5-8: Summary of Variance Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B.

b. **Application Submittal and Processing**

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C.

c. **Staff and Agency Review**

The Office of Zoning Administration shall review the variance application and prepare a staff assessment in accordance with subsection 5.3D.

d. **Scheduling and Notice of Public Hearings**

The variance application shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with subsection 5.3E.

e. **Review and Decision (Board of Zoning Appeals)**

1. The Board of Zoning Appeals shall review the variance application and shall render a decision in accordance with subsection 5.3G, *Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common* Council, and the applicable criteria in subsections 5.5A(4) and 5.5A(5) below.

2. The relief granted shall be the minimum variance necessary and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

3. The Board of Zoning Appeal's decision shall be based only on the record of the public hearing and shall be reduced to writing; include findings of fact based on competent, material, and substantial evidence presented at the hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3H shall apply with the following modifications:

1. Expiration of Variance

A variance shall expire if the authorized use or construction has not obtained all necessary building permits within one year of approval, or an extension is granted pursuant to subsection 5.3H. All conditions of the variance approval shall be met within 18 months, or the variance shall become null and void.

2. Non-Transferable

An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

(4) **Use Variance Approval Criteria**

No use variance shall be granted by the Board of Zoning Appeals without a showing by the applicant that applicable requirements of this Ordinance have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant meet the requirements of New York General City Law, which require the applicant to demonstrate that, for each and every allowed use under the zoning district in which the property is located:

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and

d. The alleged hardship has not been self-created.

(5) **Area Variance Approval Criteria**

In evaluating a request for an area variance, the Board of Zoning Appeals shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination, New York General City Law requires the Board to consider whether:

a. An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

b. The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

c. The requested area variance is substantial;

d. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

e. The alleged difficult was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude the granting of the area variance.

B. Adjustments

(1) Purpose

a. The adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this Ordinance with approval by the Zoning Administrator or applicable review body, or as delegated to the Code Enforcement Officer. Adjustments are intended to provide greater flexibility, when necessary, without requiring a variance. The adjustment procedure is not a waiver of current standards of this Ordinance and shall not be used to circumvent the variance procedure.

b. In addition, the Federal Fair Housing Act, as amended, requires that local governments be prepared to make "reasonable accommodations" in order to permit housing for certain protected groups to occur in certain types of residential areas. Adjustments may be used when the City determines that an adjustment to the provisions of this Ordinance is required or advisable to comply with these requirements of the Federal Fair Housing Act.

(2) Applicability

a. Table of Adjustments

An application for an adjustment that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act may request only the following types of adjustments shown in Table 5.3.

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Table 5.3
Allowable Adjustments

Code Standard	Allowable Adjustment (maximum percentage)
Site Standards	
Lot size	5
Structural lot coverage, maximum	5
Parking lot coverage, maximum	5
Lot Dimensional Standards	
Front setback, minimum	10
Side setback, minimum	10
Rear setback, minimum	10
Building Standards	
Building height, maximum	10
Accessory building height, maximum	10
Separation between buildings, minimum	10
Development Standards	
Number of required parking spaces, maximum or minimum	10
Number of required bicycle parking spaces, minimum	20
Lighting height, maximum	10
Sign number, maximum	One additional sign up to 50% of the maximum allowed area
Sign area, maximum	10
Fence or wall height, maximum	10
Minimum landscaping requirements (not adjusted through an alternative landscaping plan)	10

b. Replacement of Existing Porches and Garages

In addition to the adjustments listed in Table 5.3, the Zoning Administrator or applicable review body shall have the authority to adjust yard, setback, and structural coverage requirements in order to permit replacement of a porch or garage, subject to the following findings:

1. The porch or garage to be replaced has been in existence within six months of the time the owner of the involved property duly files for an adjustment with the Zoning Administrator;
2. The porch or garage to be replaced when last standing is legally in existence as a nonconforming structure;
3. The owner demonstrates that the involved property would be affected by practical difficulties without the requested adjustment;
4. The replacement will have the same location on the property as the original porch or garage, will not exceed the applicable structural coverage restrictions any more than the original, and will not project into a required setback any farther than the original:
    i. The finding requirement here does not restrict approval of a reduced-sized replacement or any enlargement, addition, or location that meets the applicable area, setback, and height requirements for the property.

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ii. Deviations from the original that do conflict with the applicable requirements must be authorized by appropriate variance or adjustment approval.

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

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

c. Other Allowed Adjustments

In addition to the adjustments listed in Table 5.3, the Zoning Administrator or applicable review body shall have the power to grant adjustments in the following instances:

1. Lot Does Not Meet Minimum Requirements

The Zoning Administrator or applicable review body may permit the construction of a building on a lot that does not meet the minimum area requirements of this Ordinance, provided that the lot containing the building or group of buildings:

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

ii. Constitutes a resubdivision approved by the City Planning Commission; or

iii. Constitutes a lot alteration approved by the Zoning Administrator; or

iv. Is recorded in a deed in the Office of the Onondaga County Clerk prior to March 19, 1962.

2. Zoning District Boundary Divides Lot in Single Ownership

Where a zoning district boundary line divides a lot in single ownership, the Zoning Administrator or applicable review body may permit a use permitted in the less restricted district to extend into the more restricted portion of the lot for a distance of not more than 50 feet or, in the case of a lot running through to the next street, one-half of the distance from the street front of the lot to the next street.

3. Public Utility Uses

The Zoning Administrator or applicable review body may permit the erection and use of a building or the use of premises in any district by a public service corporation for public utilities purposes if the Administrator or review body finds that such use is reasonably necessary for the public convenience or welfare and that it will not substantially interfere with the use or character of surrounding property.

i. No such building shall be permitted unless it meets the height and yard requirement of the use district in which it is located or to be located, and provided that the lot coverage is not more than 35 percent. Provided, however, that electric power transmission lines, poles and towers may exceed height limitations.

ii. This provision does not include antennas, communication towers, and satellite dish antennas, which are subject to subsection 3.3D(1), *Antenna and Communications Towers*, and subsection 3.4D(10), *Satellite Dish Antennae*, respectively.

d. Reasonable Accommodations Under the FFHA

1. In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Zoning Administrator or applicable review body is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:
   i. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or
   ii. Reduce any off-street parking requirement by no more than one space.
2. The Zoning Administrator or applicable review body may approve a type of reasonable accommodation different from that requested by the applicant if the Administrator or review body concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

e. Limitations on Adjustments

1. The adjustment procedure shall not apply to any proposed modification or deviation that results in:
   i. An increase in the number of dwelling units or bedroom capacity;
   ii. A change in permitted uses or mix of uses;
   iii. A deviation from the standards in Section 3.3, *Use-Specific Standards*;
   iv. A change to a development standard already modified through a separate adjustment or variance; or
   v. Requirements for public roadways, utilities, or other public infrastructure or facilities.
2. Except when requested as a reasonable accommodation for Federal Fair Housing Act ("FFHA") purposes, a request for an adjustment shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Article 4: *Development Standards*.

(3) Review Procedures

a. Application Submittal and Processing

An application for an adjustment shall be submitted and reviewed concurrently with an application for a special use permit and/or site plan approval (minor or major). To assist in evaluation of the adjustment request, the Zoning Administrator or review board may refer the application to applicable City departments for comment.

b. **Review and Decision**

1. Where the concurrently reviewed application requires review and approval by the City Planning Commission, the City Planning Commission shall review and decide the adjustment application based on the criteria below.
2. The Zoning Administrator shall review all other adjustment applications and shall render a decision based on the criteria below.

c. **Effect of Approval**

Approval of an adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

d. **Expiration of Adjustment**

An adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

(4) **Adjustment Approval Criteria**

An adjustment may be approved if the decision-maker finds that the adjustment meets all of the following:

a. Is consistent with the Comprehensive Plan;

b. Is consistent with the intent of the applicable zoning district(s);

c. Will not result in incompatible development;

d. Will not result in adverse impacts unless adequately mitigated; and

e. Is of a technical nature and is required to:

1. Compensate for an unusual site condition;
2. Eliminate a minor inadvertent failure to comply with an Ordinance standard; or
3. Protect a sensitive resource, natural feature, or community asset.

C. Appeal of Administrative Decision

(1) **Purpose**

The appeal procedure establishes an administrative mechanism for persons claiming to have been aggrieved by a decision of the Zoning Administrator or Director of Code Enforcement in administering this Ordinance to appeal that decision.

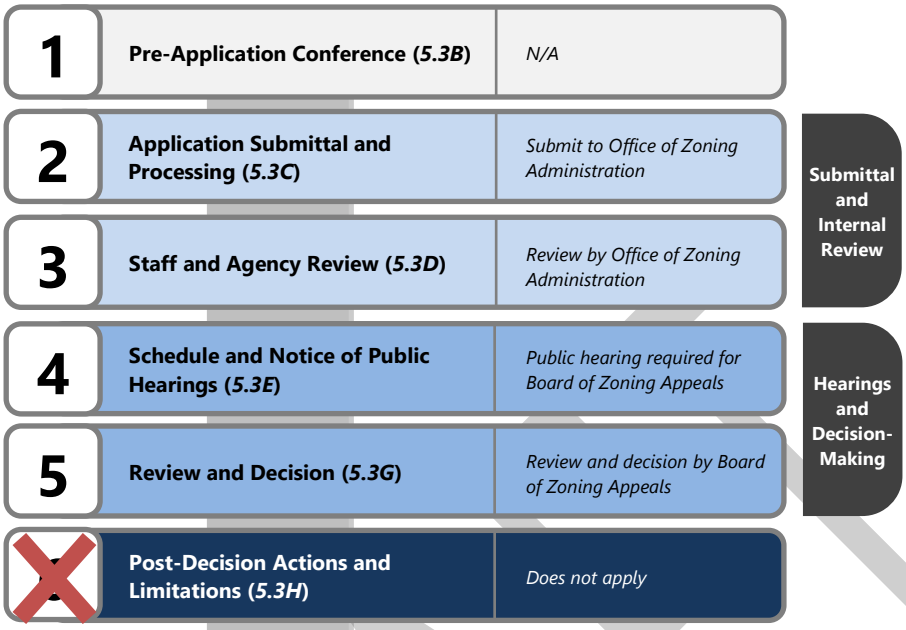
(2) **Applicability**

Any person may appeal a decision of an administrative office or agency made in the administration or enforcement of this Ordinance. Appeals of administrative decisions shall be made to the appropriate body as indicated in Table 5.1 and processed pursuant to this Section.

(3) **Appeal Procedure**

Figure 5-9: Summary of Appeals Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

Figure 5-9: Summary of Appeals Procedure



a. **Pre-Application Conference**

The pre-application conference is not applicable for this procedure.

b. **Application Submittal and Processing**

The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C, with the following modifications:

1. Burden of Proof on Appellant

   The person making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall include applicable specific section references within this Ordinance and shall be provided at the time of application.

2. Time Limit

   Appeals shall be made in writing and filed with the Office of Zoning Administration within 60 days after the filing of any order, requirement, decision, interpretation, or determination of the administration official. The decision being appealed must be filed within five business dates from the date it is rendered.

3. Stay of Proceedings

   An appeal shall stay all proceedings in furtherance of the action from which appeal is made unless the officer from whose determination the appeal is taken certifies to the Board of Zoning Appeals after notice of appeal shall have been filed, that, by reason of

facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which, after notice to the officer from whose determination the appeal is taken upon due cause shown, may be granted by the Board or by the Supreme Court.

c. **Staff and Agency Review**

The Office of Zoning Administration shall review the appeal application and prepare a staff assessment in accordance with subsection 5.3D, with the following modifications:

1. Staff review of the appeal shall confirm that the application is complete and that the appeal is heard by the appropriate authority.
2. The staff assessment shall not make a formal recommendation and shall only include the necessary facts to warrant an appeal, which shall be provided by the applicant.

d. **Schedule and Notice of Public Hearings**

The appeal shall be scheduled for public hearings before the Board of Zoning Appeals and noticed in accordance with subsection 5.3E.

e. **Review and Decision**

1. The Board of Zoning Appeals shall review the appeal application and may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
2. The Board of Zoning Appeals may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

(4) **Approval Considerations**

The Board of Zoning Appeals shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:

a. The facts stated in the application, as presented by the appellant and/or the Zoning Administrator;

b. The requirements and intent of the applicable standards from this Ordinance compared to the written decision that is being appealed; and

c. Consistency with the Comprehensive Plan.

5.6 Ordinance Amendment Procedures

A. Rezoning (Amendment to the Official Zoning Map or Zoning Ordinance)

(1) **Purpose**

The purpose of the rezoning procedure is to make amendments to the Official Zoning Map or Zoning Ordinance of the City of Syracuse to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City, or the text of the Zoning Ordinance, may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezonings should not be used when a special use permit, variance, or adjustment could be used to achieve the same result.

(2) Applicability

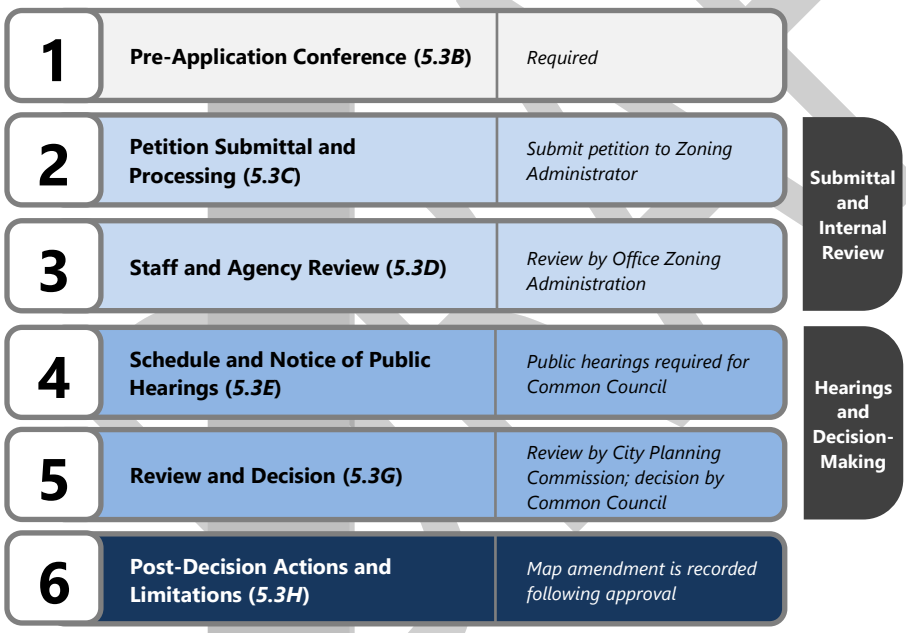
a. A rezoning may be approved by the Common Council following review and recommendation by the City Planning Commission. A rezoning to a Planned Development District is a distinct type of amendment to the Official Zoning Map and shall follow the approval procedures in subsection 5.6B, *Rezoning to Planned Development*.

b. Wherever the owners of 50 percent or more of the frontage in any district or part thereof shall present a petition duly signed and acknowledged, to the Common Council, requesting an amendment, supplement, change, or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Common Council to vote upon said petition within 90 days after the filing of the same by the petitioners with the secretary of the Council.

(3) Rezoning Procedure

Figure 5-10: Summary of Rezoning Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

Figure 5-10: Summary of Rezoning Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with subsection 5.3B if the rezoning is initiated by other than the Common Council.

b. Petition Submittal and Processing

The petition for rezoning shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C. When multiple properties are proposed for rezoning, all should be included in the petition.

c. Staff and Agency Review

The Office of Zoning Administration shall review the petition and prepare a staff assessment in accordance with subsection 5.3D.

d. Review and Decision

1. City Planning Commission Review and Recommendation

   i. The City Planning Commission shall review the rezoning petition and prepare a recommendation in accordance with subsection 5.3G, *Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common* Council, and the criteria in subsection 5.6A(5), *Rezoning Approval Criteria*, below.

2. Common Council Review and Public Hearing, and Decision

   i. For a rezoning petition that is not initiated by the Common Council and that involves only the amendment of the Official Zoning Map, the Common Council shall review the petition and determine whether it wishes to schedule a public hearing and entertain the petition further.

   ii. For all other rezonings, the Common Council shall schedule a public hearing and provide notice of such hearing in accordance with subsection 5.3E.

3. Common Council Decision

   Following the public hearing, the Common Council may vote on a rezoning that was initiated by the Council. For a rezoning initiated pursuant to 5.6A(2)b, the Common Council shall vote on the petition within 90 days of its submittal in accordance with the criteria in subsection 5.6A(5), *Rezoning Approval Criteria*, below.

4. Protest Procedure

   i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of General City Law § 83.

   ii. A protest against a rezoning shall be signed by the owners of:

      a. At least 20 percent of the area of land included in the proposed zoning change; or

      b. At least 20 percent of the area of land extending immediately adjacent to that land included in such proposed change, extending 100 feet therefrom.

      c. At least 20 percent of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.

   iii. In the case of a protest against a rezoning, approval shall require three-fourths of the entire voting membership of the Common Council prior to a rezoning becoming effective.

(4) Post-Decision Actions and Limitations

Post-decision actions and limitations in subsection 5.3H shall apply with the following modifications:

a. Following approval of a rezoning by Common Council, the Syracuse-Onondaga County Planning Agency shall prepare an appropriate revision to the Official Zoning Map, and the Zoning Administrator shall record the amendment map and ordinance with the City Clerk as soon as practicable.

(5) Rezoning Approval Criteria

The City Planning Commission may recommend approval and the Common Council may approve a proposed rezoning if:

a. The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this Ordinance; and

b. The proposed rezoning is consistent with the purpose statement of the proposed zoning district; and

c. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and

d. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development; and

e. There have been significant changes in the area to warrant a zoning change; or

f. There was an error in establishing the current zoning.

B. Rezoning to Planned Development or Planned Institutional District

(1) Purpose

The boundaries of a zoning district or the zoning classification of any parcel(s) may be changed to either the Planned Development District or Planned Institutional District, collectively referred to in this Ordinance as "planned districts," pursuant to this Section and Section 2.15, *Planned Districts*.

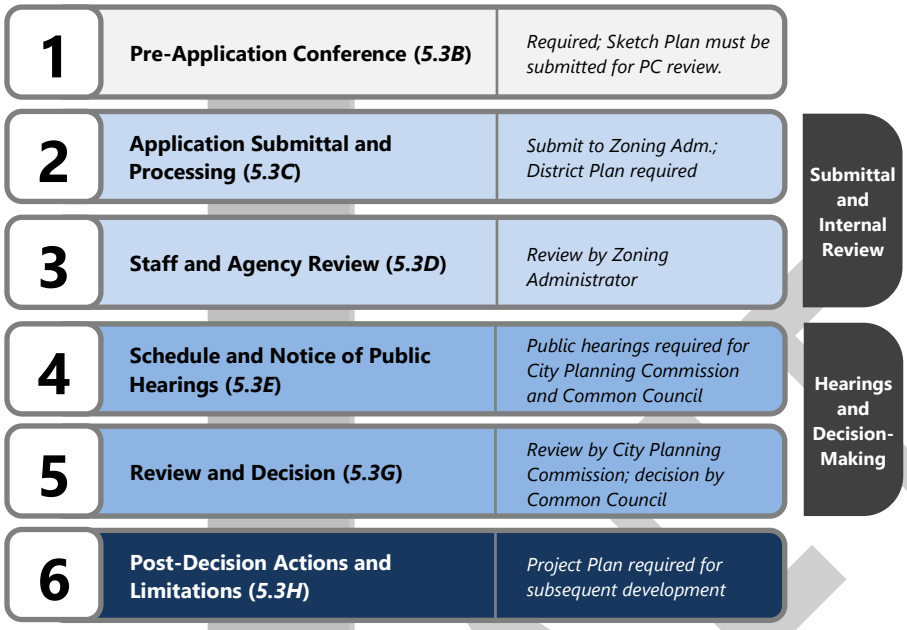
a. The purpose of a planned district rezoning is to achieve greater flexibility than allowed by the strict application of the Ordinance while providing benefit to the City.

b. The Planned Development District rezoning procedure shall not be used when a special use permit, variance, adjustment, or rezoning to an existing base zoning district could achieve the same level of flexibility.

(2) Rezoning Procedure

Figure 5-11: Summary of Planned District Rezoning Procedure, identifies the applicable steps from Section 5.3, *Common Review Procedures*, that apply to the review of planned district rezonings. Additions or modifications to the common review procedures are noted below.

Figure 5-11: Summary of Planned District Rezoning Procedure



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a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with subsection 5.3B, with the following modification:

1. Sketch Plan Required

At the pre-application conference, or at a subsequent meeting prior to submission of a full application, the applicant shall submit a sketch plan showing the boundaries of the proposed planned district and the type and location of all principal land uses. The purpose of the sketch plan is to enable the Zoning Administrator to determine if a planned district ~~is appropriate for the proposed location and~~ meets the eligibility requirements of subsection 2.15A(1).

b. **Application Submittal and Processing**

The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 5.3C and the following modification.

1. District Plan

The application for establishment of and rezoning to a planned district shall include a District Plan, which shall require review and recommendation by the City Planning Commission concurrent with the rezoning. The District Plan shall include the required information listed in the Administrative Manual.

c. Staff and Agency Review

The Office of Zoning Administration shall review the application and prepare a staff assessment in accordance with subsection 5.3D.

d. Schedule and Notice of Public Hearings

1. The application shall be scheduled for public hearings before the City Planning Commission and Common Council, and noticed in accordance with subsection 5.3E.
2. For City-initiated rezonings, property owners required to be noticed in accordance with subsection 5.3E shall be notified by mail of the intended zoning change and public hearing(s) at least 10 days prior to the public hearing date.

e. Review and Decision

1. City Planning Commission Review and Recommendation
   i. The City Planning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with subsection 5.3G, *Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common* Council, and the criteria in subsection 5.6B(3), *Planned District Rezoning Approval Criteria*, below.
   ii. If the City Planning Commission recommends denial, the City Planning Commission shall communicate its reasons to the Common Council, and the Common Council shall have the power to overrule such recommendation for denial by a recorded vote of not less than three-fourths of its entire voting membership.
2. Common Council Review and Decision
   The Common Council shall review the rezoning application and act to render a decision in accordance with subsection 5.3G, *Review and Decision of Board of Zoning Appeals, City Planning Commission, and/or Common* Council, and the criteria in subsection 5.6B(3), *Planned District Rezoning Approval Criteria*, below.
3. Protest Procedure
   i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of General City Law § 83.
   ii. A protest against a rezoning shall be signed by the owners of:
      a. At least 20 percent of the area of land included in the proposed zoning change; or
      b. At least 20 percent of the area of land extending immediately adjacent to that land included in such proposed change, extending 100 feet therefrom.
      c. At least 20 percent of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.
   iii. In the case of a protest against a rezoning, approval shall require three-fourths of the entire voting membership of the Common Council prior to a rezoning becoming effective.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 5.3H shall apply with the following modifications:

1. Map Revisions

Following approval of a rezoning by Common Council, the Syracuse-Onondaga County Planning Agency shall prepare an appropriate revision to the Official Zoning Map, and the Zoning Administrator shall record the amendment map and ordinance with the City Clerk as soon as practicable.

2. Project Plan

i. Prior to the issuance of a building permit for the construction of any new structure or parking or access facilities in a Planned Development District or Planned Institutional District, a Project Plan for the facility to be constructed shall be approved by the City Planning Commission. All facilities existing within a Planned Development District or Planned Institutional District as of the date of the most recent District Plan approval shall be deemed to have Project Plan approval except to the extent otherwise stated in such District Plan.

ii. Notwithstanding the above, the following changes may be made at any time and shall not require Project Plan Review or other approval by the City Planning Commission or the Zoning Administrator; provided that, considering such changes, the work complies with the District Plan, and provided further that any other applicable laws, shall continue to apply:

a. Signage;

b. Screening of utilities or parking areas;

c. Landscaping improvements;

d. Fencing;

e. ADA required improvements;

iii. In order to approve a Project Plan, the City Planning Commission shall find that the Project Plan is in substantial conformance with the District Plan; that it makes adequate provision for fire and police access, drainage, and utilities; and that it meets other applicable regulations within its jurisdiction. The City Planning Commission may call a public hearing on Project Plans at its discretion.

iv. To facilitate review, Project Plans shall be submitted to the City Planning Commission for review. They shall include the required information listed in the Administrative Manual.

(3) **Planned District Rezoning Approval Criteria**

The City Planning Commission may recommend approval and the Common Council may approve a proposed rezoning to a planned district if:

a. The proposed district meets all applicable standards of this subsection 5.6B, *Rezoning to Planned Development or Planned Institutional District*;

b. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and

c. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.

(4) **Amendment of Plans**

a. **Amendment of District Plan**

Any proposal to amend an approved District Plan shall be subject to the same procedures as establishment of the District Plan itself. Either the Zoning Administrator or the City Planning Commission shall have the right to waive any submittal requirements determined not necessary or appropriate to evaluate and act upon the amendment request.

b. **Amendment of Project Plan**

1. An amendment to a Project Plan requiring approval shall be approved by the Zoning Administrator in either of the following circumstances:

   i. if such work does not change the established uses or development standards applicable in such district, does not front on a public street and does not change that portion of the previously approved Project Plan along any boundary of such district or along a public street, construction or modification of any building or structure within any PID shall be permitted; or

   ii. if the request for such amendment shows that it substantially conforms to the approved Project Plan and continues to make adequate provisions for fire and police access, drainage, and utilities and that it meets all other applicable use and development standards.

2. If the Zoning Administrator determines that a request does not meet the standard set forth in paragraph 1 above, the applicant shall have the right to modify the request so that either of such standards are met. Otherwise, the Zoning Administrator shall refer the request to the City Planning Commission, which shall review the plan and determine that such request is consistent with the intent of the originally approved District Plan. The City Planning Commission shall have the right to authorize a public hearing.

(5) **Resubdivision**

Appropriate resubdivisions shall be made where structures are to be built across existing property lines and where required by the City Planning Commission.

(6) **Transition Regarding Existing District Plans and Project Plans**

a. All District Plans approved prior to the effective date of this Ordinance shall remain in full force and effect, except that the development standards for Planned Institutional Districts set forth in Table 2. shall automatically apply and be incorporated into such approved District Plans without further action.

b. All Project Plans approved or deemed approved prior to the effective date of this Ordinance shall remain in full force and effective as approved. An amendment to any Project Plan shall be subject to the requirements of this subsection 2.15B.

5.7 Review and Decision-Making Bodies

This Section identifies officers and bodies authorized to review, recommend, or make decisions regarding required applications, permits, and approvals under this Ordinance. Any reference to an officer or body includes any agents, employees, subordinates, or others to which the named individual or body has lawfully delegated power to take action.

A. Common Council

In the administration of this Ordinance, the Common Council has the review and decision authority as shown in:

Table 5.1: Summary Table of Review Procedures. In addition, the Common Council shall have all powers granted it by the Municipal Charter and, where not limited by the Charter or the Constitution of the State of New York, such additional powers granted to cities of the same class by the statutes of the State of New York.

B. City Planning Commission

(1) Establishment

The City Planning Commission for the City of Syracuse is established in City Charter Chapter 13, Sec. 5-13.

(2) Powers and Duties under this Ordinance

In the administration of this Ordinance, the City Planning Commission has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures. In addition, the City Planning Commission shall perform those functions specified in Section 5-1303 of the Syracuse Code of Ordinances. The City Planning Commission also has the powers and duties permitted under New York law.

C. Board of Zoning Appeals

(1) Creation

There is established in and for the City of Syracuse, a Board of Zoning Appeals, per Section 5-1306 of the Syracuse Code of Ordinances.

(2) Membership

a. The Board shall consist of seven members appointed by the Mayor.

b. The term of office of each member, except as provided in this Section, shall be for three years dating from July 1 of each year; provided, however, that two of the members first appointed under these provisions shall be appointed for a term of office of one year, two members for a term of office of two years and one member for a term of three years.

c. Members of the Common Council and the City Planning Commission shall be ineligible for appointment to the Board of Zoning Appeals.

d. The Zoning Administrator shall be ex-officio a member of the Board of Zoning Appeals and shall act as its Secretary and shall not be entitled to vote as a member thereof.

e. An appointment to a vacancy occurring prior to the expiration of term shall be for the remainder of the unexpired term.

(3) **Staff Support**

The Corporation Counsel shall be and act as the legal advisor of the Board of Zoning Appeals. The Board of Zoning Appeals may utilize the staff and facilities of the Syracuse-Onondaga County Planning Agency.

(4) **Organization and Procedure**

a. The Board of Zoning Appeals shall elect annually from its membership, a chairperson and vice-chairperson and may make, adopt, promulgate and enforce rules of procedure for the conduct of its meetings, consistent with law and the ordinances applicable thereto which shall become effective on the date when the same are filed with the City Clerk.

b. Meetings of the Board shall be held not less than once each month except in the month of August, and as otherwise modified by the Board, and at such other times as the Board may determine. Special meetings may be called by the chairman and must be called at the request of any two members of the Board of Zoning Appeals.

c. The chairperson, or in their absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses.

d. Hearings of the Board of Zoning Appeals shall be public. The Board shall keep minutes of its proceedings, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep a record of its inspections and other official action, all of which shall be filed promptly with the Secretary of the Board and which shall be a public record. The basis for the determination of each appeal and a brief summary of the facts upon which the determination is made shall be recorded in the decision and shall constitute a part of the record thereof.

e. The presence of four members shall constitute a quorum. The Board of Zoning Appeals shall act by resolution. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination made by an enforcement officer charged with the enforcement of any ordinance, code or regulation, over which the Board has original or appellate jurisdiction now in effect or hereafter conferred upon it by ordinance of the Common Council, and any order, requirement, decision or determination of the Division of Buildings and Property Rehabilitation or to decide in favor of the applicant any matter upon which they are required to determine under any such an ordinance, or to grant any variance from the requirements of such an ordinance.

f. No member of the Board of Zoning Appeals shall sit in hearing or vote in any case, in which they shall be personally or financially interested, nor shall they vote on the determination of any appeal unless they shall have attended the public hearing thereon.

(5) **Duties and Powers**

a. In the administration of this Ordinance, the Board of Zoning Appeals has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures.

b. In addition, the Board of Zoning Appeals shall decide any question involving the interpretation of this Ordinance, including determination of the exact location of any

district boundary if there is uncertainty with respect thereto, after a public hearing held upon notice to the owners affected thereby and may make such a determination relative thereto as may in its judgment carry out and apply the intent and purpose of any zoning ordinance of the City of Syracuse.

(6) Review of Decisions of Board of Zoning Appeals

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any officer, Department, Board or Bureau of the City, may upon proper cause shown review any decision of determination of the Board of Zoning Appeals in the manner prescribed by Article 78 of the New York Civil Practice Law and Rules.

D. Syracuse Landmark Preservation Board

(1) Creation

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.

(2) Membership and Selection

a. The members of the Board shall be appointed by and serve at the pleasure of the Mayor. The Board shall consist of seven members, ~~of whom at least four~~all of which shall be City residents. To the extent possible, the Board members shall be required to have the following expertise and experience:

1. Two members shall be state-licensed architects ~~selected from a list of no less than five names submitted~~recommended by the Central New York Chapter of the American Institute of Architects;
2. One member shall be a state-licensed landscape architect ~~selected from a list of no less than three names submitted~~recommended by the New York Upstate Chapter of the American Society of Landscape Architects;
3. One member shall be a state-licensed real estate professional ~~from a list of no less than three names submitted~~ recommended by the Greater Syracuse Association of Realtors;
4. One member shall be a historian or historic preservation professional ~~selected from a list of no less than three names submitted~~recommended by the Preservation Association of Central New York;
5. Two members shall be appointed at large. In selecting the at-large members, preference shall be given to individuals who possess demonstrated expertise in finance, commercial or business activity, and/or own property located within a Preservation District or that is a Protected Site.

(3) Terms and Reappointment

Members shall serve for three-year terms, except that of the members first appointed under these provisions, one-third shall be appointed to a two-year term and one-third shall be appointed to a one-year term. Members may serve for more than one term and each member shall serve until the appointment of a successor.

(4) **Vacancies**

Vacancies shall be filled by the Mayor in the same manner as provided for other appointments.

(5) **Compensation**

Members of the Board shall serve without compensation.

(6) **Quorum**

A simple majority of the Board members shall constitute a quorum for the transaction of business. An affirmative majority vote of the full Board is required to approve any resolution, motion, or other matter before the Board.

(7) **Organization**

a. **Officers**

The Board shall elect by majority vote of its membership a Chairperson and a Vice Chairperson whose terms shall be established by the Board. The Vice Chairperson shall, in the absence or disability of the Chairperson, perform the duties of the Chairperson.

b. **Staff Support**

The Director of Planning for the City of Syracuse, or their designee, shall serve as Secretary to the Board. Preference shall be given to individuals who meet the Secretary of the Interior's Professional Qualifications for Historic Preservation Planners as outlined in 36 CFR Part 61. The Secretary, who shall serve as staff to the Landmark Preservation Board, shall keep all records, conduct all correspondence of the Board, and supervise the clerical work of the Board. The Secretary shall keep minutes of all meetings of the Board and shall record all decisions and/or recommendations of the Board.

(8) **Powers and Duties**

a. In the administration of this Ordinance, the Landmark Preservation Board has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures.

b. The Board shall make recommendations to the City Planning Commission and the Common Council for designation of Preservation Districts and Protected Sites pursuant to subsection 6.3A.

c. The Board shall regulate the appearance of new construction, additions to or alterations of Protected Sites and properties within Preservation Districts by issuing certificates of appropriateness pursuant to subsection 6.3B.

d. In carrying out the aforementioned duties, the Board shall have the power to:

1. Adopt policies and procedures pertaining to its duties as it may deem necessary to accomplish the goals of Article 6: *Historic Preservation* of this Ordinance, including delegation to the Secretary of the Board administrative review authority pertaining to certain project types as enumerated in the Administrative Manual.

2. Provide written notification to the Division of Code Enforcement pertaining to the enforcement of the regulations set forth in Article 6: *Historic Preservation* of this Ordinance;

3. Retain and employ professional consultants, secretaries, clerks or other such personnel as may be necessary to assist them in carrying out their duties;

4. Conduct surveys of buildings, structures, sites or landscapes, in consultation with public or private agencies as appropriate, for the purpose of determining those historic and/or architectural significance and pertinent facts about them;
5. Develop and publish maps and brochures, and make recommendations concerning historical markers for selected historic and/or architectural sites and buildings;
6. Advise the Mayor, the Common Council, City departments, City Planning Commission, Board of Zoning Appeals, and other public and private agencies in matters involving historic and/or architectural properties;
7. Provide guidance to owners and developers seeking to adaptively reuse historic properties; and
8. Advise owners of historic properties on appropriate preservation and restoration measures.

e. Nothing contained in this Ordinance shall be construed as authorizing the Board in the administration of its powers and duties to waive any regulation or laws relating to height and bulk of buildings, area of yards, courts and other open space, density of population, the locations of trades and industries, or location of buildings designed for specific uses.

E. Syracuse-Onondaga County Planning Agency

To permit the City of Syracuse, through its boards, to carry out the zoning functions of the City, the City of Syracuse and the County of Onondaga by contract pursuant to Article 5-G of the General Municipal Law have provided for a joint municipal service known as the Syracuse-Onondaga County Planning Agency. The Planning Director of the Syracuse-Onondaga County Planning Agency or their designee shall serve as the Zoning Administrator of the City of Syracuse. Pursuant to the Charter of the City of Syracuse the Syracuse-Onondaga County Planning Agency shall:

(1) Perform all those functions delegated by law to the City Planning Commission and the county planning board.

(2) Prepare and maintain a comprehensive development plan for the County of Onondaga including the City of Syracuse.

(3) Coordinate all planning activities affecting the County and the City.

(4) Cooperate with villages and towns in Onondaga County relative to planning matters by mutual agreement, including the providing of professional planning services.

F. Zoning Administrator

(1) General

The Zoning Administrator is responsible for administering provisions of this Ordinance. The Zoning Administrator is the Planning Director of the Syracuse-Onondaga County Planning Agency. The Planning Director may delegate Zoning Administrator duties to staff in their department (SOCPA), or a City department.

(2) Powers and Duties

The Zoning Administrator shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 5.1: Summary Table of Review Procedures. In

addition, the Zoning Administrator shall have the following additional powers and duties under this Ordinance:

a. To establish requirements for the contents and format of development applications and a schedule for the submittal and review of such applications;

b. Develop and amend an administrative manual specifying detailed submittal and procedural requirements, identifying application fees, and summarizing development review procedures and standards;

c. To maintain the Official Zoning Map and related materials;

d. To serve as or assign professional staff to the City Planning Commission and Board of Zoning Appeals;

e. To assist in enforcing this Ordinance in accordance with Section 1.6, *Enforcement*;

f. To interpret the provisions of this Ordinance in accordance with Article 7: *Rules of Construction and Definitions*, and the intent and purpose statements included in this Ordinance;

g. To provide expertise and technical assistance to the City's review and decision-making bodies;

h. To maintain on file a record of all development applications reviewed under this Ordinance and make copies available; and

i. To perform such other functions specified in the Syracuse Code of Ordinances.

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Article 6: Historic Preservation

6.1 Legislative Intent

The City of Syracuse finds as a matter of public policy that the preservation and protection of buildings, structures, sites, landscapes, objects, and districts of historic, architectural, cultural, educational, and/or aesthetic merit are public necessities and are in the interests of the health, prosperity, and welfare of the people of the City of Syracuse. The purpose of this Article is to:

A. Protect, enhance, and perpetuate the use of those districts, sites and structures, which represent the many and varied architectural, artistic, and cultural achievements of the City and which cannot be duplicated or otherwise replaced;

B. Strengthen the economy of the City by stabilizing and improving property values and by enhancing the City's attractiveness for all who live, work and visit the City;

C. Encourage energy conservation and the conservation of natural and material resources through the rehabilitation and reuse of the City's existing building stock and infrastructure;

D. Promote the educational and cultural benefits of the preservation and continued use of historic resources, which are the physical reminders of the history, growth and development of the City; and

E. Foster civic pride in those elements of the City's past which give Syracuse its unique character and set it apart from other cities.

6.2 Preservation Review Procedures

A. Purpose

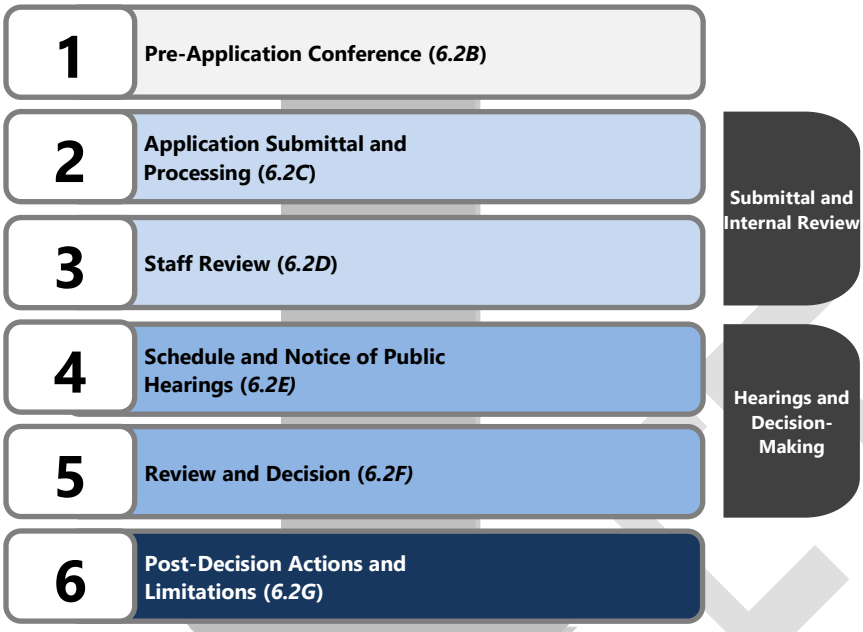
This Section describes the standard procedures and rules applicable to all preservation applications. Preservation review procedures include six steps, as illustrated in Figure 6-1: Overview of Preservation Review Procedures, not all of which are applicable to every preservation application. Application-specific procedures in Sections 6.3 and 6.4 identify additional procedures and rules beyond those in this Section.

B. Pre-Application Conference

(1) **Purpose**

The pre-application conference is intended to provide an opportunity for the applicant to meet with the Landmark Preservation Board and/or staff to review a proposed project, provide the applicant with information, and generally to determine the applicable submittal requirements and procedures~~, and to identify any issues associated with the proposed project~~.

Figure 6-1: Overview of Preservation Review Procedures



(2) **Pre-Application Conference**

A pre-application conference is required for certain application types as specified in Table 5.1: Summary Table of Review Procedures.

(3) **Procedure**

Pre-application conferences shall be scheduled and conducted in accordance with the following procedures:

a. **Request**

The applicant shall submit a request for a pre-application conference to the Secretary of the Board.

b. **Scheduling**

The Secretary of the Board shall schedule a pre-application conference on the next available meeting agenda of the Landmark Preservation Board.

c. **Required Information**

At least five days prior to the scheduled pre-application conference, the applicant shall submit:

1. A written description of the proposed project; and

2. Conceptual drawings showing the location, layout, and primary elements of the proposal.

d. **Conference Determinations**

At the pre-application conference, the Landmark Preservation Board and/or staff shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Article. ~~Staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project.~~

(4) **Effect**

Any information or discussions held at the pre-application review are for guidance purposes only and shall not be binding on the Landmark Preservation Board or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the Landmark Preservation Board until and unless the Landmark Preservation Board takes formal action.

C. Application Submittal and Processing

(1) **Authority to Submit an Application**

a. Unless expressly stated otherwise in this Article, an application shall be authorized by:

1. The owner or legal representative in the subject property; or
2. A person authorized to submit the application on behalf of the owner, provided the application is accompanied by a letter or document signed by the owner authorizing the submission.

b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such property owners shall sign the application or a letter or document consenting to the application.

(2) **Application Content**

~~The application includes the appropriate form, current survey by a licensed surveyor and other drawings (as required), a narrative describing the project, and other items detailed in the appropriate section of this Article.~~

a. The application shall be submitted to the Office of ~~the Secretary of the Board~~Zoning Administration.

b. The application shall be submitted on a form established by the ~~Landmark Preservation Board.~~Office of Zoning Administration.

c. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with this Article's requirements.

(3) **Application Fees**

a. Application fees are non-refundable and shall be paid at time of submittal of an application. Fees shall be established by the Common Council and may be reviewed annually.

b. All fees required by this Article shall be paid to and collected by the City of Syracuse Commissioner of Finance.

~~c. In the event it is necessary to utilize the services of a consultant not on staff, the City shall require funds from the applicant to cover these additional services.~~

(4) **Submittal and Review Schedule**

The Secretary of the Board shall establish a submittal and review schedule for applications and shall include that information in the Administrative Manual. The Secretary of the Board may amend the schedule to ensure effective and efficient review under this Article.

(5) **Determination of Application Completeness**

~~The Secretary of the Board shall determine whether the~~An application will be determined complete or ~~is complete or~~ incomplete within 10 business days of receipt and the applicant will be notified of this determination by the end of that period. Written notice of this determination will be provided within five business days following the determination.

a. **Complete Applications**

A complete application shall be processed for review according to the procedures in this Article. An application will be considered complete if it is submitted in the required form, includes all required information specified in this Article and during the pre-application conference (as applicable), ~~the Administrative Manual,~~ meets the applicable specifications in the Administrative Manual, and is accompanied by the applicable fee. ~~Following a determination of completeness for review, the City may still request additional information or revisions to a submitted application.~~ The Landmark Preservation Board may require modifications to the application before making a determination.

b. **Incomplete Applications**

An incomplete application shall not be processed or reviewed, and a final determination shall not be based on an incomplete application. The Secretary of the Board shall provide written notice of the submittal deficiencies and return the application. The applicant may put the application in order and correct the deficiencies and resubmit the application ~~for determination of application completeness~~. The application must be put in order and include required or additional information as required by the Secretary of the Board and resubmitted within 45 days or the application shall be considered withdrawn.

(6) **Application Withdrawal**

a. After an application has been deemed complete and accepted for review, the applicant may withdraw the application at any time by submitting a signed letter of withdrawal to the Secretary of the Board

b. An applicant is not entitled to a refund of application fees for applications that are withdrawn.

D. Staff Review

(1) **Referral to Staff**

The Secretary of the Board shall distribute the complete application to appropriate staff.

(2) **Staff Review and Application Revisions**

Staff shall review the application and submit comments to the applicant in a form established by the Secretary of the Board. The applicant may revise the application pursuant to subsection 6.2D(3) below.

(3) Minor Application Revisions

An applicant may make minor revisions to an application based on review comments and/or deficiencies following review according to 6.2D, *Staff Review,* or upon requesting and receiving permission from the Landmark Preservation Board, which has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the Landmark Preservation Board, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the proposed project in the application, as determined by the Secretary of the Board. All other application revisions shall be processed as a new application.

(4) Applications Subject to Staff Review

a. Staff Assessment

A ~~If an application is subject to~~ staff review and assessment shall be prepared that shall evaluate the ~~per Table 5.1Table 5.1: Summary Table of Review Procedures, the Secretary of the Board shall prepare a staff assessment which shall state the~~ degree to which the application complies with Article requirements. Assessment tools will be available to the applicant so the applicant is aware of how the application will be evaluated.

b. Distribution and Availability of Application and Staff Assessment

~~Within a reasonable time period before a meeting or hearing at which a preservation application is scheduled for review by the Landmark Preservation Board, t~~The Secretary of the Board shall submit a copy of any staff assessment to the applicant and the Landmark Preservation Board with sufficient time to address any changes necessary. The application and case file will be made available for public review throughout the review process to the extent practicable.

(5) Applications Subject to Staff Decision

a. If an application is subject to staff review and final decision by the Secretary of the Board, the Secretary shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for approval of denial.

b. Any applicant wishing to appeal an administrative decision may request review by the Landmark Preservation Board, in accordance with the procedures set forth in subsection 6.4B, *Appeal of Administrative Decision* .

E. Schedule and Notice of Public Hearings

(1) Schedule

a. If an application is subject to a public hearing per Table 5.1: Summary Table of Review Procedures, the Secretary of the Board shall schedule the public hearing on a complete application for either a regularly scheduled meeting or special meeting of the Landmark Preservation Board.

b. The public hearing shall be scheduled to allow sufficient time to prepare a staff assessment per subsection 6.2D.

(2) Public Hearing Notice

a. General Notice Requirements

All public hearings on complete applications shall be preceded by the notices identified in Table 5.1: Summary Table of Review Procedures.

b. Responsibility of Party Seeking Hearing

The Secretary of the Board shall be responsible for the proper publication and mailing of notice of the public hearing. The applicant shall post notice of the public hearing on the subject property within three business days of the date of public notice. The applicant shall pay all costs for all forms of notice.

(3) Notice Format and Content

a. Published and Mailed Notice

1. Required published or mailed notices shall contain all content specified in the Administrative Manual.
2. Published notice shall appear in a newspaper of general circulation in the City at least 10 days prior to the scheduled hearing.
3. Mailed notices shall be sent at least five days prior to the scheduled hearing via first class mail to the applicant and all property owners as listed in the records of the Onondaga County tax assessor's office within 400 feet of the subject property, as measured from property boundaries.
4. Notice of videoconferencing, live streaming, and other online meetings shall be provided pursuant to the Administrative Manual.

b. Posted Notice

For an application requiring posted notice per Table 5.1: Summary Table of Review Procedures, the applicant shall post at least one sign on the project site at least 10~~within three~~ business days prior to~~of~~ the date of the scheduled hearing~~public notice~~. The required sign shall be provided. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until a decision is rendered.

1. Additional signs may be necessary based on access and configuration of the property(ies)/project site involved in a project/proposal as directed by the Zoning Administrator or the Secretary of the Board.
2. ~~Required p~~Posted notice shall be of a type and form as determined by the Zoning Administrator, and must:
   i. Identify the application type; and
   ii. Identify a website and telephone number for additional information.

c. Certification of Notice

The applicant shall provide certification and photographic evidence that proper notice has been posted. The format of such certification shall be established by the Secretary of the Board. The applicant shall submit the certification to the Secretary of the Board at least 10 days prior to the scheduled public hearing.

F. Review and Decision of the Landmark Preservation Board

(1) Hearing, Review, and Decision

a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 5.1: Summary Table of Review Procedures.

b. The Landmark Preservation Board shall consider the application, relevant support materials, staff assessment, and any evidence and public comments from the public hearing (if required).

c. The Landmark Preservation Board shall render a decision on the application based on the applicable approval criteria listed in the application-specific procedures.

d. If the review involves a public hearing, the recommendation or decision, as applicable, shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.

e. The Landmark Preservation Board shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

f. Unless otherwise provided in this Article, any representations made by the property owner or their agent, or in submittal materials or during public hearings, shall be binding as conditions of approval.

(2) Public Hearings

Public hearings required by this Article shall be conducted according to the procedures established by the Landmark Preservation Board.

(3) Final Plans

Within 30 calendar days of approval, the applicant shall submit to the Secretary of the Board a final version of any plans approved showing any conditions, restrictions, or other modifications agreed to or required during final approval. Failure to do so shall nullify the approval. The applicant may request one, 30-day extension for good cause shown.

G. Post-Decision Actions and Limitations

(1) Notice of Decision

After a decision on an application, or final adoption of the resolution, if applicable, the Secretary of the Board shall provide written notification of the decision via hand delivery, electronic mail, or first-class mail to the property owner and/or applicable parties listed on the application.

~~If the review involves a public hearing, the Secretary of the Board shall provide written notification of the decision via hand delivery, electronic mail or first-class mail to the property owner and/or applicable parties listed on the application.~~

(2) Appeal of Decision

A party aggrieved by a decision of the Landmark Preservation Board may appeal the decision to the City Planning Commission in accordance with the procedures and standards in this Ordinance.

~~(2)~~(3) Expiration of Approval

a. Unless otherwise provided in this Article, an application approval shall be valid as authorization for the approved activity for a period of ~~one year~~ two years.

b. The Secretary of the Board may grant extensions of the approval expiration time period for up to one year following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the Landmark Preservation Board for the original application.

c. A change in ownership of the land shall not affect the established expiration time period of an approval.

~~(3)~~(4) Modification or Amendment of Approval

Unless otherwise provided in this Article, any modification of an approved project, or condition of approval following the decision shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

~~(4)~~(5) Limitation on Subsequent Similar Applications

a. Following denial of an application, the Landmark Preservation Board shall not decide on applications that are the same or substantially similar, as determined by the Secretary of the Board, within one year of the previous denial. This waiting period may be waived by the Landmark Preservation Board provided that there is a unanimous vote by the Landmark Preservation Board and one of the following conditions is met:

1. There is a substantial change to facts, evidence, or conditions with respect to the property or district, and/or new information is available relevant to the issues or facts considered during the previous application review; or
2. The new application is materially different from the previous application.

b. The above does not apply if Landmark Preservation Board denied the application without prejudice, in which case an applicant may resubmit at any time with a new application that must address the reasons for denial.

6.3 Preservation Applications and Procedures

A. Designation of Protected Sites and Preservation Districts

(1) Purpose

This Section describes the procedures by which the Landmark Preservation Board shall evaluate and determine if individual properties or groups of properties meet the criteria for designation as Protected Sites or as Preservation Districts, respectively. The Landmark Preservation Board will

recommend designation of those properties that meet the designation criteria to the City Planning Commission and Common Council for review and approval.

(2) Authority to Submit an Application

Any person, group of persons, or association may petition the Landmark Preservation Board for adoption of the designation of a Preservation District or Protected Site.

(3) Criteria and Designation of Protected Sites and Preservation Districts

a. The Landmark Preservation Board may recommend designation if a property, structure, object, landscape, site, or district is found to possess one 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 or sites, embodying distinctive characteristics of a type, period or method of construction, or representing the work of a master, or possessing unique architectural and artistic qualities, or representing a significant and distinguishable entity whose components may lack individual distinction;
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; and
5. In the case of interiors, possessing one or more of the characteristics enumerated in paragraphs 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.

b. In addition to possession of one or more of the characteristics noted above, the property must retain historic integrity, or the ability to convey its significance through its location, design, setting, materials, workmanship, feeling and/or association.

c. Designation of a Protected Site shall apply to the exterior of a property, including, but not limited to, the principal structure and its exterior building components, secondary buildings and their exterior components, and site features, including natural and human-made features.

d. Designation of a Protected Site may apply to the interior of a property if such interior has special historical, educational and/or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, region, state, or nation; and:

1. It is customarily open or accessible to the public; or
2. It is an interior into which the public is customarily invited.

e. Designation of a Preservation District shall be deemed to apply to the exterior only of structures, features, or sites within the Preservation District. Interiors of any structure within the Preservation District also may be designated by specific reference within the designation document.

f. Properties that have achieved significance within the past 50 years may qualify for designation if they are:

1. Integral components of preservation districts that meet the criteria for designation; or
2. They are properties of exceptional historic, architectural, or cultural importance.

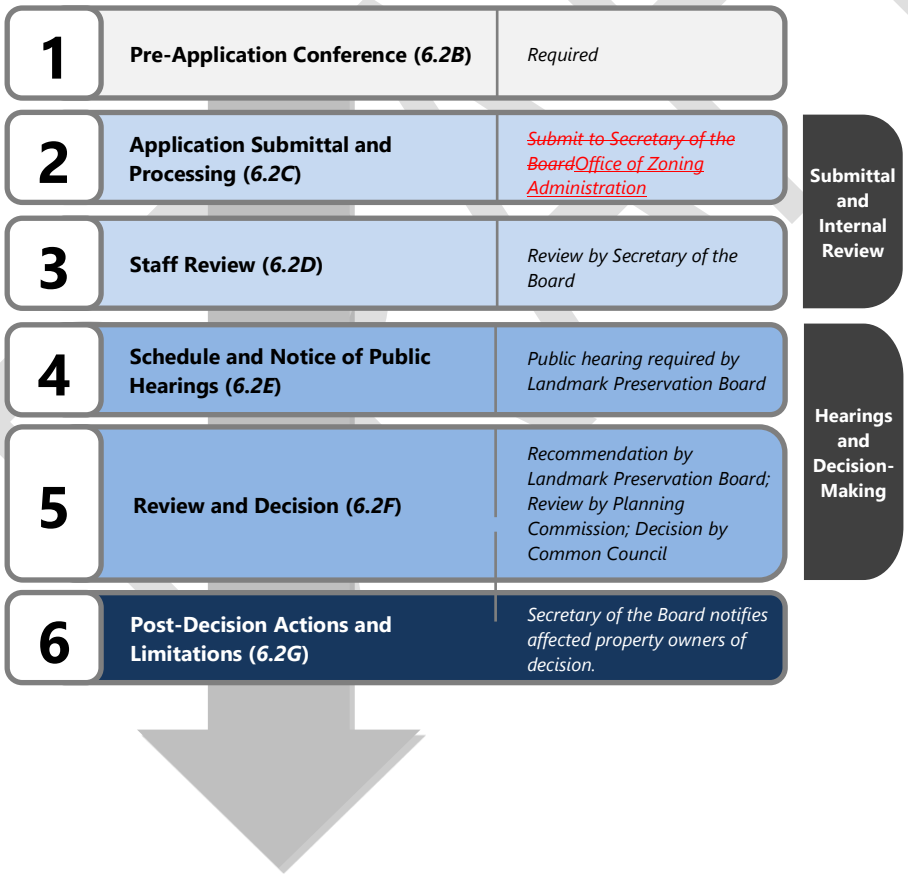
(4) City Permitting

No building permits or demolition permits shall be issued by the City of Syracuse as long as the proposed designation is under active consideration by the Landmark Preservation Board, City Planning Commission, or Common Council, and until the Landmark Preservation Board, City Planning Commission, and/or Council has made its decision.

(5) Local Protected Site and Preservation District Application Procedure

Figure 6-2: Summary of Local Protected Site and Preservation District Procedure, identifies the applicable steps from the preservation review procedures in Section 6.2, *Preservation Review Procedures*. Additions or modifications to the review procedures are noted below.

Figure 6-2: Summary of Local Protected Site and Preservation District Procedure



a. **Pre-Application Review**

A pre-application conference shall be held in accordance with subsection 6.2B.

b. Application Submittal and Processing

The local Protected Site or Preservation District nomination application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C.

c. Staff Review

Staff shall review the local Protected Site or Preservation District application and prepare a staff assessment in accordance with subsection 6.2D.

d. Schedule and Notice of Public Hearing

The application shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E and with the following additions.

1. In the case of an individual designation, in addition to the property owner and contiguous property owners as noted in subsection 6.2E, a copy of the hearing notice shall be sent to each member of the Common Council, each member of the City Planning Commission, the City Clerk, and the Corporation Counsel.
2. In the case of a district designation, a copy of the hearing notice shall be sent to the owner or owners of each property within the district boundaries as listed in the records of the Onondaga County tax assessor's office, each member of Common Council, each member of the City Planning Commission, the City Clerk and the Corporation Counsel.

e. Review and Decision

1. The Landmark Preservation Board shall have 62 days to make a decision following the submission of the complete application.
2. The Landmark Preservation Board shall review and approve or deny the local Protected Site or Preservation District application, in accordance with subsection 6.2F. If the Landmark Preservation Board recommends designation of the subject property as a Protected Site or group of properties as a Preservation District, the decision shall be recorded by the Secretary of the Board and the Secretary shall be responsible for transmitting a copy of the decision of the Landmark Preservation Board to the City Planning Commission and affected property owners.
3. The City Planning Commission shall hold a public hearing to consider the petition of the Landmark Preservation Board for the proposed designation. The Landmark Preservation Board's Chairperson or designee shall appear at the public hearing and give testimony on behalf of the Landmark Preservation Board.
4. The resolution of the City Planning Commission with respect to any proposed designation or change thereof, together with the recommendation of the Landmark Preservation Board shall be forwarded to the City Clerk, who shall transmit copies of the same to the members of the Common Council. The Common Council shall adopt, modify, or reject the recommendations of the City Planning Commission and Landmark Preservation Board with respect to a proposed designation or change thereof.

f. Post-Decision Actions and Limitations

Post-decision actions and limitations in subsection 6.2G shall apply, with the following addition.

1. Within five business days after Common Council adopts a designation, notice of the designation shall be sent to all affected property owners, and to all City and county departments having power to administer and enforce any laws, codes or regulations governing real property within the City.

g. **Amendment or Rescission**

The Landmark Preservation Board may amend or rescind any designation of a Protected Site or Preservation District in the same manner and using the same procedures as followed for designation.

B. Certificate of Appropriateness

(1) Purpose

This Section describes the process by which the Landmark Preservation Board shall approve or disapprove proposals resulting in the material change in appearance to designated historic properties through the submission of a certificate of appropriateness application.

(2) Regulated Conduct

a. No person or entity shall carry out the exterior alteration, ~~restoration,~~ reconstruction, demolition, new construction, or relocation of a Protected Site or property within a Preservation District, nor shall any person or entity make any material change in appearance of such properties or its features, including, but not limited to, light fixtures, signs, sidewalks, fences, steps, paving or other exterior site elements without obtaining a certificate of appropriateness that authorizes such work.

b. A certificate of appropriateness shall be in addition to and not in lieu of any building permit or other approval that may be required by any state or local law, ordinance or regulation.

c. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any Protected Site or structure within a Preservation District, which does not result in a change in material appearance.

(3) Criteria of Consideration

a. The Landmark Preservation Board shall issue a certificate of appropriateness if it determines that the proposed work will not have a substantial adverse effect on the historical, cultural, architectural, and/or educational significance and value of an individual Protected Site. In the case of a property located within a Preservation District, the proposed work will not have a substantial adverse effect on the historical, cultural, architectural, and/or educational significance of the property, the district or neighboring properties in such district.

b. In making this determination, the Landmark Preservation Board shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties. A copy of this publication is accessible to the public in the Office of the Secretary of the Board and in the City Clerk's office.

c. In addition, the Landmark Preservation Board may use adopted guidelines specific to individual Protected Sites or Preservation Districts in its decisions. These guidelines shall be

consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and accessible to the public in the Office of the Secretary of the Board.

(4) Certificate of Appropriateness Procedure

Figure 6-3: Summary of Certificate of Appropriateness Procedure identifies the applicable steps from the preservation review procedures in Section 6.2, *Preservation Review Procedures*. Additions or modifications to the review procedures are noted below.

Figure 6-3: Summary of Certificate of Appropriateness Procedure

1	**Pre-Application Conference (*6.2B*)**	~~Required~~Optional	
2	**Application Submittal and Processing (*6.2C*)**	*Submit to ~~Secretary of the Board~~Office of Zoning Administration*	**Submittal and Internal Review**
3	**Staff Review (6.2*D*)**	*Review by Secretary of the Board*	
4	**Schedule and Notice of Public Hearings (*6.2E*)**	*Public hearing required by Landmark Preservation Board*	**Hearings and Decision-Making**
5	**Review and Decision (*6.2F*)**	*Review and decision by Landmark Preservation Board*	
6	**Post-Decision Actions and Limitations (*6.2G*)**	*Certificate of appropriateness expires after ~~one~~two years (unless extension granted)*	

a. Pre-Application Conference

An optional pre-application conference may be held in accordance with subsection 6.2B.

b. Application Submittal and Processing

The certificate of appropriateness application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C.

c. Staff Review

The staff shall review the application and prepare a staff assessment in accordance with subsection 6.2D with the following additions.

1. The Landmark Preservation Board may delegate in writing to the Secretary of the Board the authority to:

i. Determine whether proposed work constitutes ordinary maintenance and repair and does not require a certificate of appropriateness; or

ii. Approve work that is any other type that has been previously determined by the Landmark Preservation Board to be appropriate for delegation to staff as enumerated in the Administrative Manual.

d. **Schedule and Notice of Public Hearing**

The application shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E.

e. **Review and Decision**

The Landmark Preservation Board shall review, approve with conditions, or deny a certificate of appropriateness application in accordance with subsection 6.2F with the following modifications.

1. The Landmark Preservation Board shall have ~~62~~ 45 days to make a decision following the opening of the public hearing. An application may be held open for longer than the 62-day period upon the mutual agreement between the Landmark Preservation Board and the applicant.

2. The decision of the Landmark Preservation Board shall be in writing and shall state the reasons for approving, denying or modifying any application. If an approval, it will be in the form of a certificate of appropriateness. The certificate shall specify the work to be done including any conditions that the Landmark Preservation Board may deem necessary to carry out the intent and purpose of this Article. The certificate shall relate solely to the proposed plans accompanying the application or otherwise submitted to the Landmark Preservation Board for official consideration prior to issuance of said certificate.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 6.2G shall apply.

(5) **Publicly Owned Property**

a. **City-Owned Property**

In the case of a project involving the construction, reconstruction, alteration or demolition of City-owned property that is designated as a local Protected Site or is located within a Preservation District, the City agency or department that is responsible for the project shall refer the project plans to the Landmark Preservation Board for review and comment prior to final City action approving or otherwise authorizing said plans. Within 20 business days after the referral, the Landmark Preservation Board shall submit its recommendations to the Mayor, the Common Council, and the referring agency or department. Failure of the Landmark Preservation Board to submit such recommendations shall be deemed approval by the Landmark Preservation Board.

b. **County, State and Federal-owned Property**

Agencies of the county, state, and federal government are encouraged to request Landmark Preservation Board comment on proposed alterations to or demolition of locally designated county, state, or federal properties. Within 20 business days after the referral, the Landmark Preservation Board shall submit its recommendations to the referring agency

or department. Failure of the Landmark Preservation Board to submit such recommendations shall be deemed approval by the Landmark Preservation Board.

(6) **Removing Dangerous Conditions**

Where the Division of Code Enforcement or other appropriate City department orders the construction, removal, alteration, or demolition of any portion of a Protected Site or property within a Preservation District for the purpose of addressing conditions that it determines to be dangerous to life, health or safety, the following shall apply:

a. If the Division of Code Enforcement determines that the certificate of appropriateness process will prevent timely compliance with its order, the requirement for a certificate of appropriateness shall be considered waived. The department shall within three days provide written notice of its order to the Landmark Preservation Board together with a statement of reasons for the order.

b. If the Division of Code Enforcement determines that the certificate of appropriateness process will not prevent timely compliance, the owner shall apply for a certificate of appropriateness. The Landmark Preservation Board shall consult with the agency to determine that appropriate action is taken to both minimize any material change in appearance and eliminate the dangerous condition.

(7) **Affirmative Maintenance and Repair Requirement**

No owner or person with an interest in property designated as a Protected Site or included within a Preservation District shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the provisions of the Property Maintenance Code of New York State, Syracuse Property Conservation Code and all other applicable local regulations.

C. Demolition of Non-Landmarked Historic Properties

(1) **Purpose**

This Section establishes Landmark Preservation Board review procedures for non-landmarked historic properties for which demolition permits have been applied.

(2) **Applicability**

a. This Section applies to the demolition of properties that are not designated local Protected Sites or contributing properties within a designated Preservation District but are listed in or have been determined eligible for the State or National Register of Historic Places, or are enumerated as eligible for local designation in the City of Syracuse's inventory of historic properties. This inventory may be amended to include additional historic properties. The inventory shall be filed in the Office of the City Clerk and available for public review in the Office of the Secretary of the Board.

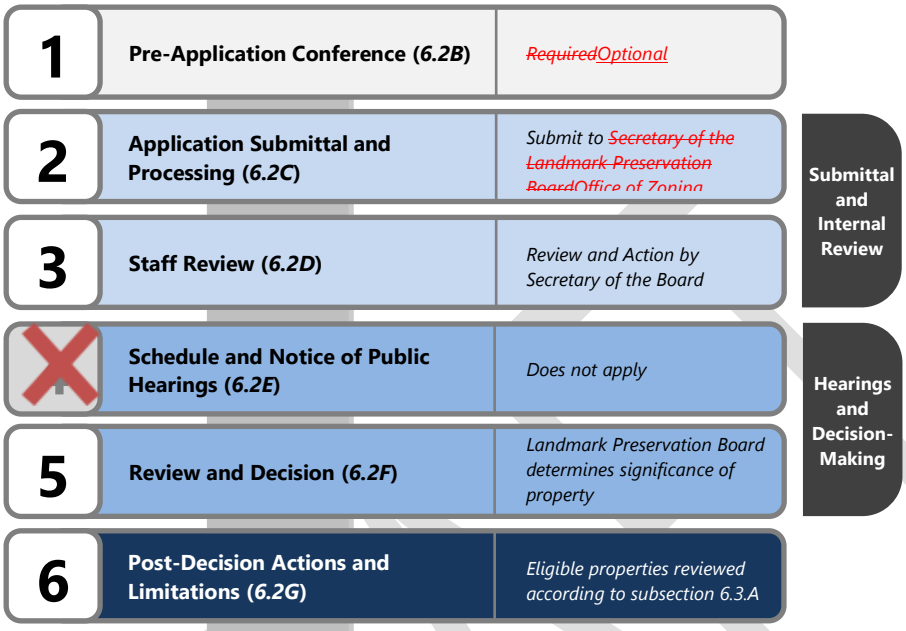
b. Where the Director of Code Enforcement and Chief of the Fire Department have determined that a property presents an imminent danger or hazard to public health, safety and welfare, the following review procedure shall be considered waived.

(3) **Procedure**

Figure 6-4: Summary of Demolition of Non-Landmarked Historic Properties Review Procedure, identifies the applicable steps from the preservation review procedures in Section 6.2,

Preservation Review Procedures. Additions or modifications to the review procedures are noted below.

Figure 6-4: Summary of Demolition of Non-Landmarked Historic Properties Review Procedure



a. **Pre-Application Conference**

An optional pre-application conference may be held in accordance with subsection 6.2B.

b. **Application Submittal and Processing**

A demolition of non-landmarked historic property application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C.

c. **Staff Review**

The staff will review the application and prepare a staff assessment in accordance with subsection 6.2D.

d. **Review and Decision**

The Landmark Preservation Board shall review the demolition of a non-landmarked historic property application in accordance with subsection 6.2F with the following modifications.

1. The Landmark Preservation Board shall evaluate the property according to the criteria for designation enumerated in subsection 6.3A(3).

2. The Landmark Preservation Board shall determine the following:

i. If the Landmark Preservation Board deems a property ineligible for designation as a Protected Site or as a contributing property within a Preservation District, the Landmark Preservation Board shall submit its determination of ineligibility to the applicant and appropriate City department. ~~with a recommendation for the issuance of a demolition permit~~.

ii. If the Landmark Preservation Board deems a property eligible for designation as a Protected Site or as part of a Preservation District, the Landmark Preservation Board shall submit its preliminary determination of eligibility in writing to the applicant and appropriate City department. The Landmark Preservation Board shall then initiate the procedure for the designation of protected sites and/or preservation districts as set forth under 6.3A.

e. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 6.2G shall apply with the following additions.

1. The Landmark Preservation Board shall make its determination within 62 days of the submission of a complete application for the demolition of a non-designated historic property. Failure to take action within this time period shall be deemed a determination not to recommend the subject property be designated as a local Protected Site or as a contributing property within a Preservation District.

2. All decisions of the Landmark Preservation Board recommending the designation of a property as a Protected Site or as a contributing property within a Preservation District~~, or the issuance of a demolition permit~~ shall be made in accordance with the rules of procedure of the Landmark Preservation Board.

6.4 Preservation Flexibility and Relief Procedures

A. Economic Hardship Appeal

(1) Purpose

This Section describes the process by which an applicant whose certificate of appropriateness application has been denied may apply to the Landmark Preservation Board for relief on the grounds of economic hardship. Upon receiving notification of the denial of a certificate of appropriateness, an applicant may seek to waive or modify any of the criteria or standards adopted pursuant to subsection 6.3A(3). The Landmark Preservation Board reserves the right to waive the criteria or standards upon a finding that such action is necessary to eliminate economic hardship associated with the strict interpretation of the provisions of this Article and that the result will not violate the spirit and intent of these provisions. The applicant shall have the burden of proving any economic hardship that is claimed.

(2) Criteria for Consideration of Economic Hardship Appeal

a. **Alteration Hardship**

1. In all cases other than a proposed demolition, removal or relocation, the applicant shall prove the existence of hardship by demonstrating to the Landmark Preservation Board that:

i. the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the surrounding neighborhood or district; and

ii. the requested relief, if granted, will not alter the essential character of the property or district, as applicable; and

iii. the alleged hardship has not been self-created.

2. The applicant must prove that the denial of the certificate of appropriateness will prevent them from realizing a reasonable rate of return on their property, regardless of whether that return represents the most profitable return possible. The applicant must demonstrate that the impact on the rate of return is substantial based on competent financial evidence, as determined by the Landmark Preservation Board. Cost of repair alone is not sufficient grounds for a hardship determination.

3. Demonstration of a hardship shall not be based on or include any of the following circumstances:

i. Willful or negligent acts by the owner, tenant or occupant; or

ii. Failure to perform normal maintenance and repairs by the owner, tenant or occupant.

b. Demolition, Removal, or Relocation Hardship

1. Demolition, removal, or relocation of a Protected Site or property located in and contributing to a Preservation District shall be allowed only in the case of economic hardship, unless the Director of Code Enforcement or other appropriate City department, upon due deliberation, has made a written finding that the structure presents an imminent threat to the public health, safety and welfare. In order to prove the existence of a hardship sufficient to justify demolition, removal, or relocation, the applicant shall establish to the satisfaction of the Landmark Preservation Board that:

i. Denial of a certificate of appropriateness will prevent the applicant from earning a reasonable rate of return on investment, regardless of whether that return represents the most profitable return possible; and

ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

iii. Diligent efforts to find a purchaser interested in acquiring the property and preserving it have failed.

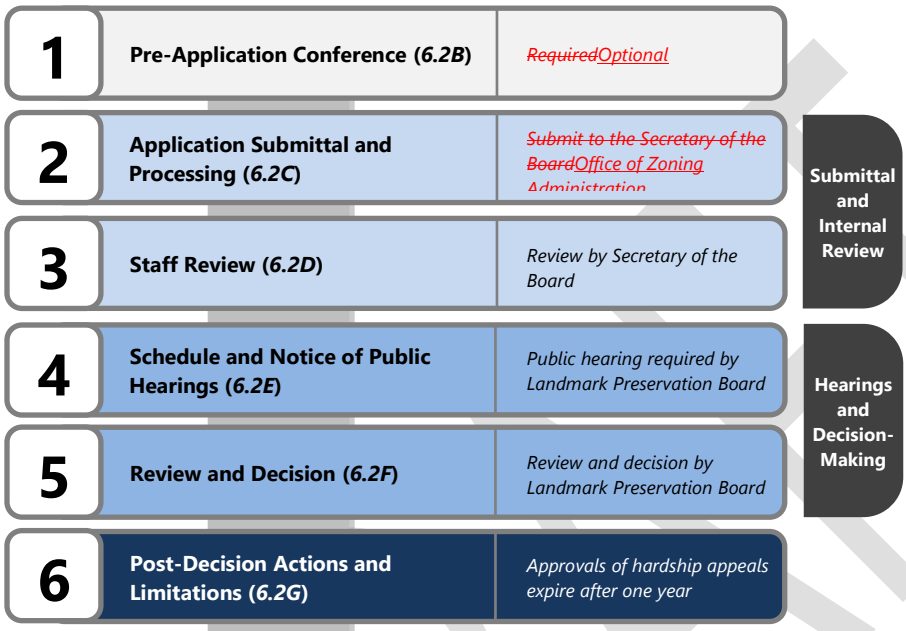
2. In deciding upon such application for removal, relocation or demolition, the Landmark Preservation Board may consider whether the applicant has created their own hardship through waste and neglect, thereby permitting the property to fall into a serious state of disrepair.

3. Demolition, removal, or relocation of a Protected Site or property within a Preservation District shall be permitted only after the owner has submitted and obtained design approval of their plans for new development under the provisions of this Article, including acceptable timetable and guarantees, which may include performance bonds for demolition and completion of the project. In no case shall the time between demolition and commencement of new construction or lot improvement exceed six months.

(3) Economic Hardship Appeal Procedure

Figure 6-5: Summary of Economic Hardship Appeal Procedure, identifies the applicable steps from the preservation review procedures in Section 6.2, *Preservation Review Procedures*. Additions or modifications to the review procedures are noted below.

Figure 6-5: Summary of Economic Hardship Appeal Procedure



a. Pre-Application Conference

An optional pre-application conference may be held in accordance with subsection 6.2B.

b. Application Submittal and Processing

The certificate of economic hardship application will be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C with the following additional guidance.

1. Applicants seeking a hardship finding must provide sufficient information, as determined by the Landmark Preservation Board and as enumerated in the Administrative Manual, to support a hardship finding.

2. The Landmark Preservation Board may request additional materials to supplement the application and hardship information, as required. ~~Pursuant to and in accordance to this Article, the Landmark Preservation Board reserves the right to hire at the~~

~~applicant's expense appropriate professional expertise to analyze all materials submitted.~~

c. **Staff Review**

The staff will review the application and prepare a staff assessment in accordance with subsection 6.2D.

d. **Schedule and Notice of Public Hearings**

The application shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E.

e. **Review and Decision**

The Landmark Preservation Board shall review, approve with conditions, or deny a certificate of economic hardship application in accordance with subsection 6.2F, and with the following modifications.

1. The Landmark Preservation Board shall approve only such work as is necessary to alleviate the hardship.
2. Before approving the removal, relocation or demolition of an individual Protected Site or contributing property within a Preservation District, the Landmark Preservation Board may suspend the application for up to 180 days to allow the applicant to consult in good faith with the Landmark Preservation Board, local preservation groups, and the public in a diligent effort to seek a less intrusive alternative to demolition.
3. As part of the decision to approve the removal, relocation, or demolition of an individual Protected Site or a contributing property within a Preservation District, the Landmark Preservation Board may require documentation at the applicant's expense of the subject property according to Historic American Buildings Survey standards as promulgated by the National Park Service.

f. **Post-Decision Actions**

1. All decisions of the Landmark Preservation Board shall be in writing and shall state the reasons for granting or denying the requested finding of hardship. A copy shall be sent to the applicant and a copy retained by the Secretary of the Board for public inspection.
2. Approval of hardship applications is valid for a period of one year from the date of issue.

B. Appeal of Administrative Decision

(1) **Purpose**

The appeal procedure establishes an administrative mechanism for persons claiming to have been aggrieved by a decision of the Secretary of the Board in administering this Article to appeal that decision.

(2) Applicability

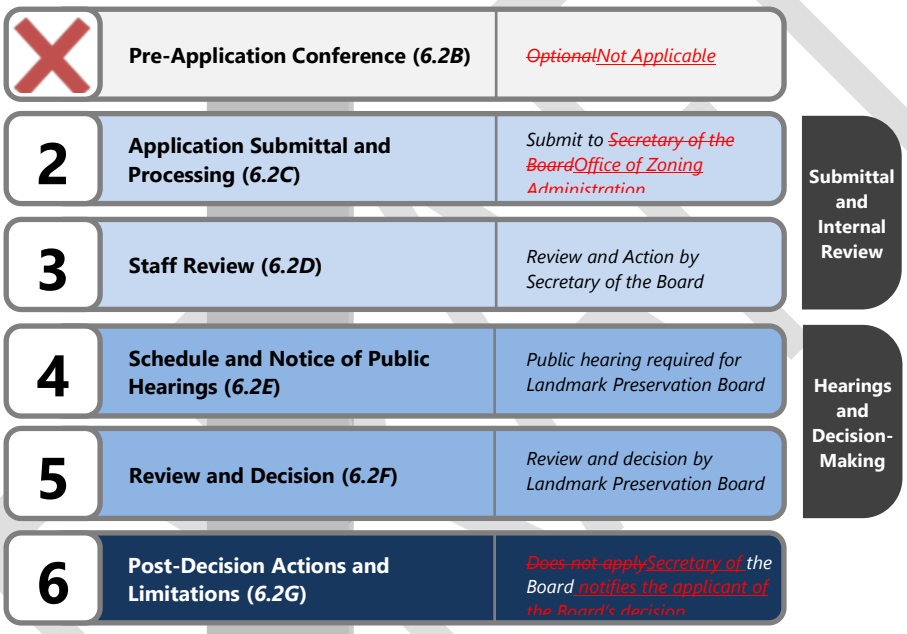
a. Appeal of Administrative Decisions

Any person wishing to appeal an administrative decision made by the Secretary of the Board in the administration of this Article may appeal that decision to the Landmark Preservation Board, in accordance with the procedures set forth in the following subsection 6.4B(3).

(3) Appeal Procedure

Figure 6-6: Summary of Appeals Procedure, identifies applicable steps from Section 6.2, *Preservation Review Procedures*, that apply to the review of appeals. Additions or modifications to the common review procedure are noted below.

Figure 6-6: Summary of Appeals Procedure



a. Pre-Application Conference

The pre-application conference is not applicable for this procedure.

~~An optional pre-application conference may be held in accordance with subsection 6.2B, at the applicant's discretion.~~

b. Application Submittal and Processing

An administrative appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C, with the following modifications.

~~1. Burden of Proof on Appellant~~

~~2.~~1. The person making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant approval of an appeal by the Landmark Preservation Board. Such proof shall include applicable specific section references within this Article~~,~~ and shall be provided at the time of application.

~~3. Time Limit~~

~~4.~~2. Appeals shall be made in writing and filed with the Secretary of the Board within seven days of the decision being denied.

c. **Staff Review**

The Secretary of the Board shall review the administrative appeal application and prepare a staff assessment in accordance with subsection 6.2D, with the following modifications:

1. Staff review of the appeal shall only confirm that the application is complete; and
2. The staff assessment shall not make a formal recommendation and shall only include the necessary facts to warrant an appeal, which shall be provided by the applicant.

d. **Schedule and Notice of Public Hearings**

The appeal shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E.

e. **Review and Decision**

The Landmark Preservation Board shall review the administrative appeal application and may reverse a previous decision in whole or in part, or may modify the decision, or determination appealed from.

(4) **Approval Considerations**

The Landmark Preservation Board shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by the Secretary of the Board:

a. The facts stated in the application, as presented by the appellant and/or the Secretary of the Board;

b. The requirements and intent of the applicable standards from this Article compared to the written decision that is being appealed;

c. Evidence related to how the applicable standards from this Article have been administered or interpreted in the past; and

d. Consistency with this Article and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Article 7: Rules of Construction and Definitions

7.1 Rules of Ordinance Language Construction

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general purpose set forth in Section 1.2, *Purpose*, and the specific purpose statements set forth throughout this Ordinance. When, in a specific section of this Ordinance, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

E. Technical and Non-technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

F. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

G. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions, or events apply; and

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(2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

H. Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

7.2 Definitions of Use Categories

This Section defines the general use categories listed in Table 3.1: Allowed Uses.

A. Residential Uses

(1) Household Living

Uses in this category are characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis; lodging where tenancy may be arranged for a period of less than 30 days is classified under the "lodging facilities" category. Common accessory uses include recreational activities, gardens, personal storage buildings, hobbies, and resident parking.

(2) Group Living

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis~~ and the size of the group may be larger than a family~~. Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

B. Public, Institutional, and Civic Uses

(1) Community and Cultural Facilities

Uses in this category include buildings, structures, or facilities owned, operated, or occupied by a governmental entity or non-profit organization to provide a service to the public.

(2) Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, including college or university, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

(3) Health Care

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental

conditions. Accessory uses may include research, laboratories, outpatient, or training facilities, and parking or other amenities primarily for the use of employees in the firm or building.

(4) **Parks and Open Space**

Uses in this category focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, water bodies, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

C. Commercial Uses

(1) **Agricultural-Related Uses**

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Typical agricultural uses in an urban environment involve beekeeping, horticulture, floriculture. Standards in this Ordinance are intended to provide for compatibility between such activities and neighboring land uses and are in addition to other applicable City and state requirements governing farming and food production. Accessory uses may include parking and storage areas.

(2) **Animal-Related Uses**

This category includes uses involving the care and keeping of animals including insects on a commercial or non-profit basis. Accessory uses may include parking and storage areas. Standards in this Ordinance are intended to provide for compatibility between such animals and neighboring land uses and are in addition to other applicable City and state requirements governing animals.

(3) **Day Care**

Uses in this category provide day care services.

(4) **Entertainment**

Uses in this category provide recreation and entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

(5) **Food & Beverage**

Uses in this category include establishments that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

(6) **Lodging**

This category includes for-profit facilities where lodging, meals, and other services are provided to transient visitors and guests for a defined period, less than 30 days at a time.

(7) **Office & Professional Services**

Uses in this category provide executive, management, administrative, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

(8) **Personal Services**

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

(9) **Retail Sales**

Uses in this category are involved in the sale, lease, or rent of new or used products directly to the general public, but not specifically or exclusively for the purpose of resale. Any outdoor display or sale is subject to the standards in subsection 3.4D(7)*, Outdoor Display/Sale*. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

(10) **Vehicles and Equipment**

Uses in this category include a broad range of uses for the maintenance, sale, or rental of vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

D. Industrial Uses

(1) **Industrial Services**

Uses in this category include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or byproducts. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

(2) **Manufacturing and Production**

Uses in this category include all transformative processes, regardless of whether or not the new product is finished or semi-finished. This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

(3) **Transportation**

Uses in this category are primarily associated with the operation of vehicles, trains, and boats.

(4) **Utilities and Infrastructure**

This category includes all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

(5) **Warehouse and Freight Movement**

Uses in this category are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-

call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

(6) **Waste and Salvage**

Uses in this category receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of byproducts.

7.3 Other Definitions

Accessory Parking Area
An area provided for the parking of vehicles on the same site as an associated, permitted principal use.

Active Consideration
An application is considered under active consideration from the time that the Office of Zoning Administration has determined the application is complete until the final determining body has completed its review and has taken action.

ADA
Americans with Disabilities Act.

Adaptive Reuse
Conversion of a building originally designed for a certain purpose to a different purpose.

Adjacent
The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, or street.

Adjustment
A development approval authorizing limited deviations from certain provisions of this Ordinance's dimensional or numerical development standards that is reviewed under subsection 5.5B.

Animal Grooming and Day Care
Provision of bathing, grooming, and day care services for small domestic animals on a commercial basis.

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.

Apiary
Keeping or propagation of honeybee colonies for collection of honey or other bee products.

Applicant
A person who is party to a development application requesting a development permit or approval authorized by this Ordinance.

Aquaponic System
The symbiotic propagation of plants and fish in an indoor, constructed, and recirculating environment.

Arterial Street
A street defined as an "arterial" by the Planning and Policy Committees of the Syracuse Metropolitan Transportation Council.

Assembly
A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, or promote discourse. Examples include community centers, places of worship, meeting or lecture halls, exhibition rooms, or auditoria. If an assembly use is ancillary to any principal use other than an institutional use and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.

Automobile Rental
The utilization of land or buildings or portions thereof for the parking or storage and renting or leasing of vehicles and/or trailers. This term shall not include maintenance or repair facilities, nor shall this term include the servicing, repair, or dismantling of vehicles, activities which are encompassed by separately defined terms. Automobile rental business offices, with no on-site automobile storage are not included in this definition.

Automobile Repair, Heavy
The utilization of a building or portion thereof for any or all types of vehicle repair and servicing but not including dismantling as regulated by the State of New York. This term shall not include the outside storage of vehicle hulks and parts (see "junk yard"). This term shall be distinct from "automobile sales" which encompasses vehicle maintenance or repairs as a related accessory function.

Automobile Repair, Light
The utilization of a building or portion thereof for maintenance and servicing of vehicles, including repairs that do not require the removal of engines or transmissions or require body or framework. This term shall not include dismantling as regulated by the State of New York. Further, this term shall not include the outside storage of vehicle hulks and parts (see "junk yard"). This term shall be distinct from "automobile sales," which encompasses vehicle maintenance or repairs as a related accessory function.

Automobile Sales
The utilization of land or buildings or portions thereof for the storage, display, and retail sale of new or used vehicles. This term shall also include related accessory vehicle maintenance and repair services and incidental leasing or rental of new or used vehicles. This term shall include the incidental sale of used vehicles when such vehicles are stored and displayed on the same premises utilized for the retail sale of new vehicles.

Automobile Showroom
An indoor retail space used to display automobiles for ~~sale~~order and delivery to another location.

Automobile Storage and Impoundment
Any lot or piece of land, including buildings, at which unregistered vehicles not for retail sale to the general public are stored awaiting transfers of vehicle title or at which registered vehicles are impounded awaiting reclamation by their owners or transfers of vehicle title resulting from failure of reclamation by the owners. This term shall not include any vehicle dismantling or scrap metal processing and shall be distinguished from "parking lot" and "parking structure."

Awning
A framed, decorative roof-like cover attached to a building facade for the purpose of protecting doorways and windows from rain and sunlight exposure.

Bar
An establishment that allows on-premises consumption of liquor, wine, and beer, and in which the sale of these products is the primary source of revenue.

Bed and Breakfast or Inn
An owner-occupied building containing no more than four sleeping rooms that are occupied or intended or designed to be occupied as temporary accommodations for persons who are lodged with or without meals, for compensation, but not including a rooming or boarding house, or hospital.

Beverage Café
An establishment primarily engaged in preparing and serving coffee, juice, or other non-alcoholic beverages for on- or off-site consumption. A beverage café may serve a limited food menu.

Block Face
The properties on one side of a street, from one intersection to the next.

Board of Zoning Appeals
The Board of Zoning Appeals of the City of Syracuse.

Boarding or Rooming House
A building other than a motel or hotel, fraternity, sorority, dormitory or chapter house, where lodging is provided and/or meals are served for three or more roomers or boarders or guests are served for compensation. Facilities for lodgers may include sleeping or living quarters or rooms, with or without individual bathrooms, but shall not include individual cooking facilities.

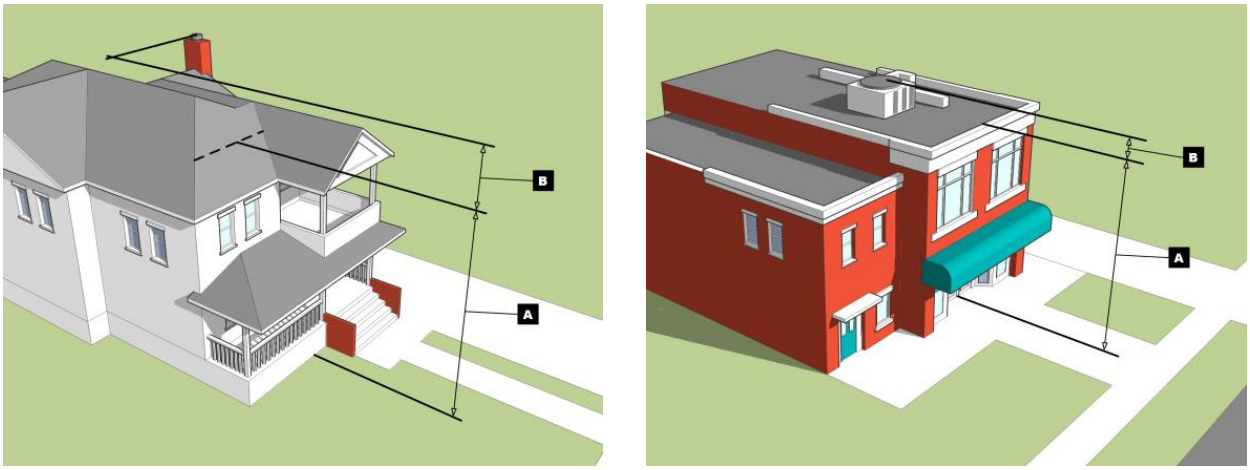
Building
Any structure with exterior walls and a roof. Structural connections such as a covered walkway or canopy, porch, roof, foundation walls, tunnel and/or horizontal shaft ways, or other similar structural connections above or below ground, enclosed or otherwise, shall not be construed as creating a single building from two or more buildings.

Building, Accessory
A subordinate building, the use of which is incidental to use in a way that of the primary building and located on the same lot.

Building Edge
The building edge includes the external wall of the principal building and transitional structures and areas including but not limited to alcoves, street furniture, stairs, lawns and landscaping, and other features outside of the public right-of-way but within the public realm to a maximum depth of 25 feet from the property line. Transitional areas associated with the building edge shall not exceed 20 percent of the façade in any case.

Building Height
The vertical distance from the proposed finished grade from the center of the front of the building or structure to the highest point of the roof for flat roofs, or to the mean height between eaves and ridge, for gable, hip, gambrel, or mansard roofs (see "A" in figures below). The highest point of the roof shall exclude rooftop appurtenances and/or equipment as provided in Table 2.10 (see "B" in figures below).

Figure 7-1: Building Height



Building Line
Shall mean "setback line," as defined in this Ordinance.

Building Materials Sales
An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage. Operations may be indoor and/or outdoor.

Building Official
The municipal officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of this law. Except as otherwise provided for, the Director of the Division of Code Enforcement or designee of such officer shall be the building official.

Building, Principal
A building or group of buildings in which the main or principal use conducted on the lot.

Business Services and Supply
Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services.

Car Wash
A structure designed for washing and/or cleaning of vehicles, involving manual wash, self-service, and coin-operated automatic or semi-automatic type equipment machines.

Caretaker's Quarters
Accessory housing for an employee acting as a caretaker, custodian, or security personnel for a principal use on the same property.

Carport, Garage, Carport, or Utility Shed
Any garage or other accessory building used or intended for use as vehicle or equipment storage.

Cemetery
Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Columbaria, crematoria, mausoleums, and mortuaries may be operated in conjunction with the cemetery.

Certificate of Appropriateness
A certificate issued by the City of Syracuse Landmark Preservation Board authorizing a material change of appearance of a building, structure, site, landscape, or object designated as a Protected Site or within a Preservation District, subject to other applicable permit requirements.

Certificate of Occupancy
A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of buildings and structures, certifying that such buildings, structures, and uses have been constructed and will be used in compliance with the Syracuse Code of Ordinances.

Chapter House
A place of residence, including a fraternity or sorority, other than a hotel, boarding or rooming house, or dormitory that is operated by a nationally chartered membership organization or a local chartered organization and used, occupied and maintained for persons enrolled in a college, university or other educational institutions, and which is recognized and subject to controls by such educational institution.

City
The City of Syracuse.

City Planning Commission
The City Planning Commission of the City of Syracuse.

City Code of Ordinances
The revised general ordinances of the City of Syracuse.

Civic Building
A building that provides for civic meetings and/or activities including, but not limited to, City Hall, post offices, school administration buildings, and other public buildings owned or operated by the City, state or federal government, or other public agency, but not including public safety facilities.

Clinic
An establishment providing dental, medical, psychiatric, or minor surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

Collector Street
A street defined as a "collector" by the Planning and Policy Committees of the Syracuse Metropolitan Transportation Council.

College or University
Public or private institutions of higher learning authorized by the State of New York to grant academic degrees, associate academic degrees, certificates and/or diplomas, and requiring for admission at least a high school diploma or equivalent general academic training. College or University uses may include, but are not limited to, the following uses controlled by or located at lands owned by the college or university: classroom buildings; offices; laboratories; lecture halls; athletic, entertainment, and recreation facilities; health and wellness facilities; off-street parking facilities (surface or structured); day care centers; dining facilities; restaurants; beverage café; auditoria; assembly; theaters; retail/service; museums; hotels; dormitories; chapter houses; multi-unit dwellings; single-unit dwellings; radio or television station; facilities associated with the administration and physical operation; and any other use generally understood to be part of a college or university and that furthers its educational mission.

Commercial Food Preparation Establishment
An establishment where food and/or drink are prepared in batch (not individual) servings to be delivered, served, and consumed primarily off-premises. This includes catering facilities, commercial kitchens, wholesale bakeries, and other establishments providing food service for large events rather than a family meal.

Common Council
The Common Council of the City of Syracuse.

Community Garden
An area of land that is managed and maintained by an individual or group to grow and harvest food crops and/or non-food ornamental crops such as flowers, for personal or group use, consumption, donation, or sale. They may be divided into separate plots for cultivation by one or more individuals, may be farmed collectively by members of a group, may include common areas maintained and used by group members, and may include composting areas.

Comprehensive Plan
The Comprehensive Plan for the City of Syracuse, stating the goals, recommendations, and policies as adopted by the City Planning Commission and Common Council.

Contractor Yard
See "Building Materials Sales."

Correctional Facility
A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. This use includes but is not limited to an adult detention center, juvenile delinquency center, jail, prison, and residential reentry facility. This use is intended to include all facilities deemed a "correctional facility" under New York State law.

Cultural Institution
A nonprofit institution displaying or preserving objects of interest in one or more of the arts or sciences. The use includes, but is not limited to, libraries, museums, and art galleries.

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.

Day Care Center
Care of seven or more individuals away from their own home, for less than 24 hours a day, in a facility licensed by the state for such purposes, for compensation or otherwise, for at least three hours a day.

Demolition
Partial or complete demolition of a building, structure, or an improvement.

Density
A ratio of dwelling units or persons to land area.

Developer
Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

Development
The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, logging, excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Districts
Parts of the City for which the regulations governing the use and occupation of property are the same.

Dormitory
A place of residence, other than a hotel, boarding or rooming house, or chapter house that is used, occupied, and maintained for persons enrolled in a college, university, or other educational institution, and that is recognized and subject to controls by such educational institution.

Drive-Through/Drop-Off Window Uses
An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.

Dwelling
A place of abode; a private house designed or used as a residence. For the purpose of these rules, a dwelling shall be distinguished from an apartment house or hotel by not containing more than ~~four (4) families~~ three (3) households.

Dwelling, Live/Work
A dwelling unit containing an integrated living and working space that is intended to function predominantly as business workspace with incidental residential use occupied by the business owner or operator.

Dwelling, Multi-unit
A building containing three or more dwelling units.

Dwelling, Owner-occupied
A building where a resident(s) owns the building or unit in which the occupy as their primary residence.

Dwelling, Single-unit Attached
A building that contains single dwelling units that are attached by means of party walls to another single dwelling unit, each of which is a single household, including row homes and townhomes,

Dwelling, Single-unit Detached
A building containing one dwelling unit not physically attached to any other principal structure.

Dwelling, Two-unit
A single building containing two dwelling units, or two small buildings of one unit each on one parcel lot.~~each of which includes a separate household.~~

Dwelling Unit
A single unit providing complete independent facilities including permanent facilities for living, cooking, sanitation, and sleeping for the use of one ~~family~~household. For the purpose of applying density rules in fraternities, sororities, chapter houses, colleges, boarding houses, rooming houses, care homes and the

like which provide other than independent living units, four persons shall be deemed equivalent to a ~~family~~ household or dwelling unit.

Dwelling Unit, Accessory
A subordinate dwelling unit added to, created within, or detached from a principal single-unit residence, but located on the same lot or parcel as a principal residential structure, that provides basic requirements for living, sleeping, cooking, and sanitation. See standards in subsection 3.4D(1), Accessory Dwelling Unit.

Dwelling Unit, Affordable
An Affordable Dwelling Unit is a for-sale or for-rent dwelling unit that is restricted for occupancy by households and/or tenants whose income is within a range established annually by the City. These dwelling units are generally offered at a below-market rate. The qualifying income range for occupancy is determined annually by the Department of Neighborhood and Business Development and identified in the Administrative Manual. The Department of Neighborhood and Business Development monitors and enforces compliance with requirements.

Easement
A grant by a property owner for use of land for designated private or public purposes by another agency or the public.

Electric Vehicle Charging Station
An element in an infrastructure that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles and plug-in hybrids.

Eligible Facilities Request
Eligible facilities request are requests for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

a. Collocation of new transmission equipment;
b. Removal of transmission equipment; or
c. Replacement of transmission equipment.

Entertainment and Recreation, Indoor
Commercial activities conducted indoors for the purpose of physical recreation and/ or amusement, including, but not limited to, fitness facilities, gymnasiums, climbing walls, amusement arcades, billiard parlors, theaters, dance halls, bowling alleys, and indoor skating rinks, catering venues, and event spaces. This term shall exclude outdoor recreation facilities such as miniature golf courses, drive-in theaters, and go-cart tracks.

Entertainment and Recreation, Outdoor
Facilities devoted to active entertainment or recreation where activities predominately take place outdoors, including, but not limited to, go-cart tracks, miniature golf, archery ranges, sport stadiums, and may or may not feature stadium-type seating.

Event Space
A venue intended for hosting organized events such as receptions, parties, concerts, or conferences.

Expansion or Replacement Facilities
Transportable buildings that are pre-constructed and arrive at the site ready for occupancy and are readily removed and installed at other sites.

Exterior Building Component
Any exterior structural, ornamental, or functional element of a structure which shall be open to public view including, but not limited to, type, color and texture of building materials; entry ways; fenestration; lighting fixtures; roofing; sculpture and carving; steps; rails; fencing; vents and other openings; grillwork; signs; canopies; and other attachments.

Façade
The exterior walls of a building exposed to public view or any side of a building facing a street or other open space or public right-of-way.

Façade, Primary
The façade of a building oriented toward the primary street frontage.

Family Day Care
Care of at least three but not more than six individuals away from their own home, for less than 24 hours a day, in an individual's home licensed by the state for such purposes, for compensation or otherwise~~, for at least three hours a day~~. This use also includes group family day care.

Family Support Facility
An establishment that provides residential services, support and community-based treatment, education, and training programs for children and families.

Farmers' Market
An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

Financial Institution
Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

Food and Beverage Retail
A retail establishment that sells foods and/or drinks to customers for consumption off-site. This use does not include restaurants, grocery stores, liquor stores, microbreweries, and/or beverage cafes. Bakeries, candy stores, and other food stores with on-site manufacturing of products for on-site retail sales of individual servings are included; batch production is not included and is classified as "commercial food preparation establishment."

Fuel Distribution Facility
A permanent facility for the storage of gasoline, propane, butane, or other petroleum products offered for wholesale distribution (not for direct sale to the general public).

Funeral Home
An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

Gasoline Fueling Station
An installation or building in which the public sale of gasoline from tank storage and petroleum products is made at retail on the premises, and which may or may not include facilities for the servicing of vehicles.

The use also may have an integrated convenience retail store and/or a restaurant, depending on the zoning district.

Glazing
Glass, light-transmitting ceramic, and light-transmitting plastic for exterior and interior use.

Golf Course
Golf courses open to the public, including accessory club houses and related outbuildings.

Greenhouse or Plant Nursery, Commercial
An establishment where trees, shrubs, or plants are grown for transplanting, for use as stocks for building and grafting, or for sale.

Gross Floor Area
The total floor area of all stories of a building or buildings, measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage (including basements), but not including any uncovered or unenclosed porches, patios, or decks.

High-Rise Building
A structure seventy-five feet or more in height.

Home Occupation
a. A home occupation is an accessory activity and is incidental to a principal and permitted residential use, subject to compliance with all applicable laws and regulations, that is distinguished from commercial activities that constitute principal uses and from hobby activity. A home occupation is also distinct from taking in roomers, boarders, or other paying guests or tenants, which is subject to separate definitions and regulations.
b. Home occupations are further distinguished from garage sales or yard sales and home parties conducted for the purpose of sale or distribution of goods and services. Garage and yard sales are incidental to a residence, if the total of all such sales does not exceed two in any calendar year. Home parties not exceeding six in any calendar year are also incidental to a residence. Garage sales, yard sales, and home parties in excess of these numbers shall be considered separate uses subject to applicable restrictions and prohibitions.

Hotel or Motel
A building or group of buildings containing five or more sleeping rooms that are occupied or intended or designed to be occupied as temporary accommodations for persons who are lodged with or without meals, for compensation. Accessory facilities may include dining rooms, kitchens, serving rooms, ballrooms, and other facilities for the accommodation of the public.

Horizontal Articulation (or Horizontal Wall Offset)
The way in which a building wall surface is broken down into horizontal modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Hospital
A building or structure for the diagnosis and medical or surgical care of human sickness or injury. Services regularly include the keeping of patients overnight.

Household
a. One or more persons related by blood, marriage or adoption living together in a family-like arrangement as a single, not-for-profit housekeeping unit sharing one common kitchen facility; or

b. A group of persons headed by a person or persons responsible for providing care for a reasonable number of individuals, sharing one common kitchen facility, in a family-like living arrangement which is the functional and factual equivalent of a family of related persons; or
c. One or more persons occupying a premises and living together as a single housekeeping unit, subject to a limit of not more than five unrelated persons 18 years of age or older.
d. A group of unrelated persons who do not meet the five-person limit in (c) above may petition the Zoning Administrator for a determination that the group is the functional equivalent of a family. The factors that shall be considered by the Zoning Administrator in making such a determination are whether the group:
    i. shares the entire house;
    ii. lives and cooks together as a single housekeeping unit;
    iii. shares expenses for food, rent, utilities or other household expenses, and
    iv. is permanent and stable.

Housekeeping Unit
A group that lives and cook together and share resources and responsibilities in a common household.

Hydroponic System
Propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growing media.

Indoor Dismantling Facility
A building in which vehicles or parts thereof are dismantled in accordance with state regulations and licensing. This term shall not include dismantling conducted outdoors, with the exception of fuel tank removal as may be required by applicable fire safety regulations, nor shall this term include the outside storage of unregistered vehicles, vehicle hulks or parts, or other junk or discarded material. This term shall be distinct from the terms "junk yard" and "automobile storage and impoundment yard."

Indoor Recycling Center
A building in which discarded nontoxic objects and materials are sorted and reclaimed using means that do not require chemical, electrical, or heating processes. This term shall specifically exclude the reclamation or treatment of any liquids, gasses, vehicles or parts thereof, machinery, tools, or toxic solids. This term further excludes the outdoor stockpiling of material to be processed.

Industrial Service, General
A facility or area for industrial services designed to support industrial or heavy commercial activities in the vicinity, provided that such services are not listed separately as a permitted or special use in this Ordinance. Examples include but are not limited to: construction storage yard; welding shops; electric motor repair; repair, storage, salvage, or wrecking of heavy machinery; heavy truck servicing and repair; air conditioning heating, ventilation, cooking and refrigeration supplies; motion picture production; plumbing supplies; printing and photocopying; exposition building or center; dry cleaning or dyeing; and other similar uses.

Infill
Land development that occurs within designated areas based on local land use or adopted plan where the surrounding area is generally developed, and where the site or area is either vacant or has been previously used for another purpose.

In-Kind Repair and Replacement
Repair or replacement of a feature of a building, structure, site, landscape or object that replicates the original material, design, dimensions, texture, detailing and exterior appearance of the feature subject to repair or replacement.

Institutional Use
A nonprofit, religious, or public use, such as a church, library, public or private school, college or university, hospital, or government-owned or -operated building, structure, or land used for public purpose.

Interior Building Component
Any structural, ornamental or functional element of a structure located within the interior of a public building or other building accessible to the general public, including, but not limited to, entry ways; lobby areas; hallways and corridors; auditoriums and places of public assembly; galleries and exhibition areas; and interior courtyards.

The structural, ornamental or functional elements referred to herein shall include, but not be limited to type, color and texture of building materials; lighting fixtures; flooring; ceilings; ornamental woodwork; moldings and trim; casings; stairs; rails; masonry; paintings and works of art; sculpture and carving; doors; transoms and sidelights; fenestration; skylights; and other interior elements.

Intersection Sight Triangle
An area formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of 25 feet from their intersection.

Junkyard
Any lot or piece of land that is utilized in whole or in part for the outdoor storage, stockpiling, or accumulation of discarded metallic and/or nonmetallic material and that is not an integral part of premises used for scrap metal processing (see "scrap metal processing"). Discarded material shall include, but not be limited to, vehicle hulks, parts of vehicles, and scrapped machinery and equipment. This term includes, where consistent with state and local regulations, the dismantling of vehicles, conducted indoors or outdoors, as an activity incidental to the storage, stockpiling, or accumulation of discarded material and subject to the limitations set forth in this Ordinance. This term shall not include the storage of trash or garbage. For purposes of interpretation, the outdoor storage of wastepaper and rags shall be considered within the meaning of "trash." Wastepaper and rags stored indoors, if in accordance with applicable regulations, may be considered "commodities" as used in the definition of "warehouse."

Kennel
Any facility where animals owned by another person are temporarily boarded for compensation; provided, however, that this definition shall not apply to zoos or to veterinary hospitals.

Lawfully Existing
Any use, structure, or site feature that was either established prior to the initial adoption of the Zoning Plan and Map of the City of Syracuse on January 31, 1922, or prior to the adoption of the applicable City of Syracuse Zoning Rules and Regulations, as amended thereafter, or prior to the adoption of this Ordinance.

Liquor Store
A licensed retail sales establishment selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site.

Lot
An area contained within lot lines shown on a properly recorded subdivision map or similar document approved pursuant to this Ordinance or any previous zoning or subdivision code of the City of Syracuse or described in a deed recorded prior to March 19, 1962 or approved as a lot by any applicable regulation. Areas shown on maps or described in deeds that are contiguous shall be deemed separate lots unless otherwise specified as one lot in such map or deed.

Lot Alteration
Any change in the dimension or orientation of a lot line not resulting in or constituting subdivision or resubdivision as defined herein, where there is no increase in the number of lots and no reconfigured lot is in excess of 10,000 square feet in area.

Lot, Double Frontage
A lot that has fronts two or more streets front to back.

Lot Line
The established division line between different parcels of property.

Manufacturing, Artisan
Establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of tools and small-scale equipment. Activities do not involve the creation of noxious byproducts.

Manufacturing, General
Establishments engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, machine shops; welding shops; paint shops; and printing and publishing shops.

Material Change in Appearance
The treatment of a property designated as a Protected Site or situated within a Preservation District, including the land and improvements, which is described in any of the following categories:

a. A change in bulk, location or mass of exterior building components and, if designated, interior building components, of any structure, including partial or total demolition or construction of new structures or additions to existing structures.
b. A change in the texture or material composition of exterior building components of a structure.
c. A change in color.
d. Any process used to clean or treat exterior or interior building components of a structure which can reasonably be expected to cause discoloration, pitting or other change in the surface or durability of the material being treated, including power blasting, whether or not involving the use of additives.
e. Any change in design or location of advertising on the exterior of any structure, or sign work as defined by the Sign Ordinance of the City of Syracuse.
f. Any activity constituting excavation, modification to land contours, or installation of pavement for parking lots, driveways or sidewalks.
g. Any activity involving the deposit of refuse, waste or fill on land not previously used for such purposes.

Maximum Extent Practicable
Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance.

Microbrewery or Microdistillery
An establishment that may produce or brew beer or liquor and that meets New York State requirements for a microbrewery, farm brewery, and/or farm distillery. Showcasing and tasting rooms with on-site (or off-site) consumption is allowed as an incidental use.

Mini-storage
A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

Mixed-use Development
A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated ~~within a single-story building or~~ on a lot or development site.

Mixed Income Development
Mixed Income Development is a development or redevelopment project within a multi-dwelling unit that allocates a portion of residential dwelling units to income qualified tenants. The dwelling unit(s) identified for income qualified tenants is an affordable dwelling unit. Mixed Income Developments integrate a mix of income levels in one development project, including both affordable housing and market rate housing. See standards in subsection 3.3A(4).

Mobile Food Cart
A vending cart used for the temporary business of selling prepared food items.

Motor Freight or Fleet Terminals
A central facility for the distribution, storage, loading, and repair of motor freight or fleet vehicles, with or without associated dispatch services and offices. This definition includes uses such as courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; emergency service providers; and taxi services.

Nightclub
An establishment engaged primarily in offering entertainment to the general public in the form of music for dancing or live and recorded performances. The establishment engages in the preparation and retail sale of alcoholic beverages for consumption on the premises. An establishment of a similar nature that caters to, or markets itself predominantly to, persons under 21-years of age is not a nightclub but an indoor entertainment facility (see entertainment, indoor). This definition shall not include adult entertainment businesses.

Noncommercial Speech
Speech where the speaker is not engaged in commerce and the intended audience is not actual or potential customers.

Nonconforming Lot
A lawfully established lot created prior to adoption of this Ordinance that does not comply with the minimum lot size requirements of this Ordinance.

Nonconforming Sign
A lawfully established sign constructed or installed prior to adoption of this Ordinance that does not comply with the sign regulations of this Ordinance.

Nonconforming Site Feature
Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that lawfully existed prior to adoption of this Ordinance but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this Ordinance.

Nonconforming Structure
A lawfully established building or structure constructed or installed prior to adoption of this Ordinance that does not comply with the area, height, or placement regulations of this Ordinance.

Nonconforming Use
A use that lawfully existed prior to adoption of this Ordinance but does not comply with the terms of this Ordinance.

Off-Premise Sign (Billboard)
A structure that's used to display information that directs attention to a business, product, service, message, idea, or entertainment not conducted, sold, or offered upon the lot/property where the sign is located.

Abandoned
Any business, product, service, or other item relative to the message of the off-premise sign has been discontinued for a period of 90 consecutive/continuous days or more.

Message, Electronic /Digital
A computer- or electronic-controlled light emitting system capable of messages that can be digitally or electronically changed by remote or automatic means.

Message, Static
A sign that displays one message, typically on manually installed paper, stretched vinyl, or similar material, for an extended period of time.

Orientation
The expected street and highway vantage points from which legibility is reasonably possible.

Off-Premise 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 off-premise signs, both manual and electronic/digital.

Off-Premise Sign Maintenance
Routine maintenance, including minor repairs, such as repainting, bulb replacement, and repair of electrical or mechanical parts.

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

Sign Face
The sign face is the individual surface of the sign upon, against, or through, which the message of the sign is exhibited.

Office
Professional, executive, management, or administrative offices of private organizations, government agencies, religious or educational institutions. Examples include City offices, medical offices, administrative offices, legal offices, and architectural firms.

Office and Equipment Storage
The temporary use of land prior, during, and after activities that involve equipment, storage, loading or unloading of materials or equipment, or offices, and accessory structures such as fences, walls, buildings, and barricades. Includes temporary construction offices; temporary real estate offices.

Open Space
An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes.

Ordinary Maintenance and Repair
Any routine, in-kind repair, replacement or maintenance of any damaged or worn part of an improvement where the purpose and effect of such work or replacement is to correct any deterioration or decay of, or damage to such improvement or any part thereof and to restore same to its condition prior to the occurrence of such deterioration, decay or damage.

Outdoor Display/Sale
The permanent and/or seasonal display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber setbacks.

Outdoor Storage, Accessory
Storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. Storage is subordinate to a lawful principal permitted or special use.

Parcel
A unit of land created by partitioning. When referencing lot configurations or lot dimensions, the term "parcel" may be used interchangeably with the term "lot." See also "tract" and "lot of record."

Park and Recreation Facility
Publicly accessible parks, playgrounds, recreation facilities, and open spaces. Examples include trails, playgrounds, soccer fields, softball fields, or picnic areas, but not including golf courses.

Parking Lot
An open, hard-surfaced area, other than a street or public way, to be used for the temporary storage of operable vehicles, and available to the public, whether for compensation or for free. This use type does not include off-street parking that is provided as accessory to principal use. This use does not include multi-level structured parking.

Parking Structure
A multi-level structure to be used for the temporary storage of operable vehicles, and available to the public, whether for compensation or for free. This use type does not include off-street parking that is provided as accessory to principal use. This use does not include parking lots.

Person with a Disability
Any person who has a physical or mental impairment that limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Personal Services, General
An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, beauty and barber shops, laundromat, massage therapy, tanning salons, tailors, shoe cleaning or repair shops, and dry-cleaning pick-up and drop-off shops.

Planned Development District (or PDD)
A zoning district designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts established by this Ordinance. Planned Development Districts are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development. Approval of a PDD shall require a rezoning pursuant to subsection 5.6B.

Planned Institutional District (or PID)
A zoning district designed to accommodate the orderly, cooperative, and flexible development and expansion of institutional land uses. Planned Institutional Districts are designed to provide flexibility in the design, layout, and dimensions of the development within the district. Approval of a PID shall require a rezoning pursuant to subsection 5.6B.

Preservation District
A geographically definable area so designated pursuant to this Ordinance, which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically by past events or united visually by plan or development. A Preservation District also may comprise individual elements, separated geographically, but linked by association or history.

Produce Stand
A structure or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. This definition includes when accessory to a principal use of the property the sale of items such as: other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts, provided that no commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.

Property Line
The established boundary lines of the right-of-way of a street, alley or public thoroughfare (also known as "street line").

Protected Site
A building, structure, site, landscape, or object, or any part thereof, so designated pursuant to this Ordinance that possesses an association with persons or events of historic significance, is illustrative of the historic growth and development of the community, and/or possesses unique architectural or artistic qualities.

Public Area
Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.

Public Safety Facility
Publicly owned safety and emergency stations, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance services.

Quasi-Judicial
Actions or procedures relating to or involving an executive or administrative official's adjudicative acts.

Quasi-Judicial Hearing
A public hearing that is judicial-like in only applying the existing adopted regulations or policies to a specific development application, as opposed to the legislative-like creation of new laws or policies or judicial proceedings that may set a precedent that may apply to any future cases.

Radio or Television Station
A building or portion of a building used as a place to record and broadcast music, videos, television, and other related media. This use shall not include transmitting facilities or accompanying antennae, other than transmitting facilities normally associated with mobile communication units.

Reclamation
The act or an instance of improving the value of economically useless land by physically changing the land, including, but not limited to, removal of contaminated material, grading, erosion and sedimentation control, and revegetation.

Recreation Club, Private
A building and related facilities not generally open to the public, that are owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business. This use includes outdoor-oriented clubs such as golf courses, tennis clubs, swimming clubs, including accessory club houses and related outbuildings. This use also includes indoor-oriented clubs like legion halls and fraternal organizations.

Research and Innovation
A facility for research-oriented sectors such as applied sciences, including life and material sciences, energy technology, nanotechnology and other new technology. May also include a growing hybrid of industries that merge technology, applied design fields, and highly specialized, manufacturing such as advanced textile production, pharmaceutical research and production, biotechnology research and production, and information and data processing.

Residential Care Facility
A single-unit or multi-unit dwelling licensed by the State of New York and occupied as a temporary or permanent residence by ~~three~~ one or more persons where accessory services primarily for older adults or other with special needs are provided to help with normal daily activities as an integral part of the dwelling. Such facilities may also be known as assistive living, continuing care community, senior independent living, senior living community, or other similar term. This term shall include, by way of illustration and not limitation, nursing homes, rest homes, homes for prenatal care, and convalescent homes, and shall similarly exclude hospitals, clinics, mental health facilities, and similar institutions devoted primarily to the diagnosis and/or treatment of disease or injury, except where such facilities are accessory to a Residential Care Facility.

Restaurant
An area or structure in which the principal business is the preparation and sale of foods and beverages to the customer in a ready-to-consume state on or off-premise. Drive-through facilities are permitted as accessory uses in certain zoning districts.

Resubdivision
The replatting of land that has already been platted.

Retail, General
A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to apparel shops, appliance sales, auto parts store without service, bookstores, department stores, factory outlet stores, florists, gourmet/specialty food stores, grocery stores, and similar consumer goods. This use does not include commercial greenhouses or liquor stores.

Retail Sale of Products Directly Related to Principal Industrial Use
The display and sale (or rental) of products subordinate to a lawful principal permitted or special on-site industrial use.

Revised General Ordinances
The revised general ordinances of the City of Syracuse.

Rezoning
A change in the zoning district classification applied to land by the Official Zoning Map, reviewed and decided by the Common Council under subsection 5.6A.

Roof Line
The uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eve, gable, or rake of a sloped roof structure.

Satellite Dish Antenna
Any antenna and related supporting framework that includes a parabolic dish with either an open mesh or solid surface and which is used for the capture of electromagnetic or other communication signals. This term shall not include radar devices.

School, Public or Private
An educational facility concerned with the teaching of students which ~~institution that~~ satisfies the applicable ~~education~~ laws of the State of New York for students in including but not limited to pre-school, early childhood learning centers, elementary or secondary levels of education. ~~grades.~~ Accessory facilities may include recreational fields, gymnasiums, auditoriums, and stadiums.

Scrap Metal Processing
The preparation, in or out-of-doors, of discarded machinery and equipment, metal parts, or fragments of metal discarded as waste in manufacturing for further use in a metallurgical process. This term shall include the outdoor stockpiling of material necessary to be processed.

Setback, Front
An open space unoccupied on the same lot with the main building, extending the full width of the lot and situated between the front line of the lot and the extreme front line of the building projected to the side lines of the lot. The depth of the front setback shall be measured between the extreme front line of the building and the front line of the lot. Covered porches shall be considered as part of the main building and shall not project into a required front setback, whether enclosed or unenclosed. The front setback

depth or front setback requirement for corner lots shall be measured from the property line which has the smallest street frontage.

Setback Line
The distance from the street line to the part of the structure nearest the street, measured at right angles to the street line.

Setback, Rear
An open space on the same lot with a main building, unoccupied except as hereinafter otherwise permitted, extending the full width of the lot and situated between the rear line of the lot and the extreme rear line of the building projected to the side lines of the lot. The depth of the rear setback shall be measured between the rear line of the lot, or the center line of the alley if there be an alley, and the rear line of the building.

Setback, Side
An open space unoccupied and unobstructed by buildings, or structures from the ground to the sky except for landscaping, fencing, walls, driveways or parking located on the same lot with a main building situated between the sideline of the building and any integral projection therefrom and the adjacent side line of the lot and extending from the rear line of the front setback to the front line of the rear setback. If no front setback is required, the front boundary of the side setback shall be the rear line of the lot.

Sign
An emblematic design, including those which are composed of light rays only, calculated to attract public attention to a product, service, undertaking, message, or idea encompassing activities both on and off the property where such designs are situated, including what are commonly termed billboards, posters, symbols, and similar devices, of whatever composition, size, location, or color.

Abandoned Sign
Any sign where the activity, product, service, or other item relative to the message of the sign has been discontinued for a period of 90 consecutive/continuous days or more.

Animated or Moving Sign
A sign or any portion thereof having movement or the illusion of motion affected by mechanical, electronic, or natural means, including, but not limited to rotating signs, wind signs, pennants, ribbons, feather signs, streamers, spinners, dancing air socks, or other similar moving, fluttering, or revolving devices, and signs where movement is simulated by illumination devices including the use of blinking, flashing, and general intermittent light.

Awning/Canopy Sign
A sign that is integral to, or imprinted on an awning, canopy, or similar structural that is attached to a building facade for the purpose of protecting doorways and windows from rain and sunlight exposure.

Brightness of Sign
Two aspects of brightness are relevant to signs: 1) the brightness that signs project, and 2) the brightness of their surroundings during various times of day, i.e., ambient brightness. Sign faces are either reflective or emit their own light or are a combination of both. Reflective sign faces use ambient light to be seen or provide light external to their surfaces for illumination. Sign faces emitting light have light-emitting diodes, liquid crystal displays, internal bulbs, neon tubes, fiber optics, or other internal lighting sources. Several different units are used in the measure of light: One candela is the power of a light source in one direction with the intensity of a typical candle; a NIT is one candela per

square meter; a lumen is a unit of luminous flux of one steradian from a uniform point source with an intensity of one candela; and a lux (lx) is the luminance of one lumen on a one square meter surface.

Building Address Sign
A sign that identifies the street number of a building, and that does not include general advertising of products, goods, or services.

Building Directory Sign
A wall sign listing building tenants.

Building Identification Sign
A sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

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

Business Information Sign
Signs that provide basic business operation information such as “Open”, hours of operation, ATM located inside, and entrance/exit.

Cabinet Sign
A sign structure comprised of a frame and face(s).

Canopy, Attached Sign
A sign affixed to the visible surface(s) of an open, multi-sided, overhead structure or architectural projection supported by attachments to a building on one or more sides, and either cantilevered or supported by columns; maybe illuminated.

Canopy, Detached Sign
A sign affixed to the visible surface(s) of an open, multi-sided, overhead structure supported by columns; may be illuminated.

Changeable Message Sign
A sign that allows periodic changes of copy.

Channel Letter Sign
A sign composed of fabricated or formed three-dimensional customizable letters, numbers, or graphics that are typically illuminated.

Distracting or Confusing Sign
Sign that confuses, detracts from, or in any other way obstructs the use of traffic regulatory devices, by its use or simulation of colors, design, or placement as determined by the Department of Public Works, such as: the use of words such as "stop, go, look, caution, danger, warning" and similar nomenclature; the use of colors and lights in the spectrum of colors utilized by traffic regulatory devices; and the use of Animated or Moving signs.

Drive-Up Business Signage
Business Identification signage that directs vehicles to a drive-thru service window or ATM and provides information on the products and services provided.

Event Sign
A sign designed exclusively to inform the general public of a fundraising campaign, political campaign, social event, civic undertaking, annual festivity, or similar even of a temporary nature sponsored by a nonprofit organization or governmental entity.

Flag
A piece of cloth, or similar material, that is detachable from a staff, pole, or building and is used as the symbol or emblem of a country or institution, or as a decoration during public festivities. Does not include feather signs, or similar distracting and confusing signs.

Government Sign
A sign established pursuant to governmental authority or used for the identification of public buildings, facilities and activities sponsored by or of an official character such as traffic regulation devices authorized by the Vehicle and Traffic Law of the State of New York or the Traffic Code of the City of Syracuse, Civil Defense warning, railroad crossing designations, bus stops and any other sign authorized and required under local, state or federal law. Official government signs also include signs 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.

Ground Sign
A sign that is supported by one or more upright posts or braces in or upon the ground. See also "Monument Sign."

Illumination
The action of supplying or brightening with light or the resulting state.

Illumination, External
Any sign, any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

Illumination, Internal
A sign illuminated by a light source, either incandescent, fluorescent, neon or other light that is enclosed by the sign panel(s) or within the sign.

Integral Sign
Any inscription carved into stone or similar material that is integral to a building, such as is commonly found on cornerstones or stamped into sidewalks, having a sign area of 12 square feet or less.

Internal Site Sign
Any sign located outside the public right-of-way having an area of nine square feet or less that is solely intended to be viewed from and oriented toward areas of internal site traffic movement and does not include and Business Identification Signage.

Marquee Sign
See Canopy, Attached Sign.

Monument Sign
A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. See also "Ground Sign."

Multi-Faced Sign
Any sign that has more than one face including front and back (double-faced or two-sided), or is in a three-dimensional configuration, including but not limited to cubes, spheres and cylinders.

Multi-Tenant Sign
A ground or monument business identification sign for a building or complex with four or more tenants.

Obscene, Indecent, or Immoral Sign
Sign copy that will offend morals or decency in accordance with constitutional standards.

Multi-story Building Wall Sign
A wall sign that identifies multi-story buildings three stories or higher and exceeds the maximum four square feet allowed for Miscellaneous Building Identification and Address Signs. Multi-story building signs shall either be the building's name, or the Business Identification Sign for a building occupant or tenant. Multi-story Building Signs cannot be used for Off-Premise Advertising, or otherwise provide branding an entity not physically located within the building, or a product.

Off-Premise Sign
See Off-Premise Sign.

Portable Sign
Any sign designed to be moved easily and not permanently affixed to the ground, a structure, or building.

Poster or Handbill Sign
A sign that is attached to any public or private utility pole, lamp post, water or fire hydrant, sidewalk, bridge, tree or similar installation or improvement.

Prohibited Sign
Signage that is prohibited per 4.8E Prohibited Signs.

Projecting Sign
A sign, which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

Public Information Sign
Any sign designed for the convenience of the general public having such as a public rest room, public telephone, bus stop rest area, or other similar facility.

Residential Building Sign
A sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

Roof Sign
A sign, other than a wall sign, any portion of which is either situated above the upper edge of any building wall or parapet or erected or painted on or above the roof covering any portion of a building, including signs supported on the roof or on an independent structural frame or located on the side or roof of a penthouse, roof tank, roof shed, elevator housing, or other roof structure.

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 changeable message signs, both manual and electronic, and off-premise signs.

Sign Face
The sign face is the individual surface of the sign upon, against, or through, which the message of the sign is exhibited.

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

Sign Orientation
The expected vantage points from which legibility is reasonably possible.

Sign Permit
A permit issued by the Division of Codes Enforcement for the installation of signage as approved by a zoning sign review.

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

Sign Structural Trim
The molding, batten, capping, nailing strips, latticing, and platforms that are attached to the sign structure.

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

Vehicle Sign
Sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying a sign.

Wall Sign
A sign that is affixed and parallel to an exterior wall of a building.

Window Border Lighting
Window neon tubing, rope lighting, LED strip lights, light boxes, or similar window lighting treatments.

Window Sign
A sign that is affixed to, or displayed within, a window positioned within an exterior building wall and is designed to be viewed from the outside.

Window, Promotional Sign
Any sign, picture, symbol, or combination thereof, designed to communicate promotional information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes, or glass and is visible from the exterior of the window and is temporary in nature.

Yard Sign
A non-permanent sign constructed of paper, vinyl, plastic, wood, metal, or other material that is intended to be displayed for a limited duration.

Zoning Sign Review
Zoning staff review of signage to ensure that it complies with subsection 5.4C, *Sign Review*.

Site Plan
A plan drawn to scale showing uses and structures proposed for a lot, including all associated submittal materials specified in this Ordinance.

Site Plan Review
Review of site plans according to the procedures in subsection 5.4A.

Solar Energy Collection System
Any solar collector or other solar energy device certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.

Special Event
A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include, but are not limited to carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, craft shows, rodeos, corn mazes, equestrian shows and events, corporate receptions, and weddings.

Special Use Permit
A type of approval issued pursuant to subsection 5.4B for uses designated in Table 3.1: Table of Allowed Uses as requiring special use permit approval. A special use permit authorizes the property owner to put their property to use in a manner expressly permitted by this Ordinance, unlike a variance.

Spillover Lighting
Also called "light trespass," which is unwanted light that causes annoyance, discomfort, distraction, or a reduction in visibility.

Stop-Work Order
An order issued by the Director of Code Enforcement that directs the person responsible for an activity in violation of this Ordinance to cease and desist such activity, pursuant to subsection 1.6D(3), *Stop-Work Orders*.

Storage Yard
Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable vehicles, construction equipment, construction materials, or other tangible materials and equipment, regardless of how long such materials are kept on the premises.

Story
The portion of a building intended for human occupancy included between the upper surface of a floor and the upper surface of the floor next above or the roof.

Street Frontage
The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

Street Frontage, Primary
Street frontage to which the principal building on the site is oriented, generally the street containing the primary pedestrian entrance to the building and/or the numbered street address of the building.

Structure
Including anything constructed or erected, the use of which demands a temporary or permanent location on the soil or attached to something having a temporary or permanent location on the soil.

Structure, Accessory
A subordinate structure, the use of which is incidental to that of the principal building and located on the same lot.

Substantially Destroyed
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Swimming Pool
Any receptacle for water having a depth at any point of more than two feet, or having a surface area exceeding 250 square feet, which is intended for recreation purposes, and including all appurtenant decks, walks and equipment constructed, installed, and maintained in or above the ground outside of the principal structure to which the pool is accessory.

Syracuse Landmark Preservation Board
The Syracuse Landmark Preservation Board of the City of Syracuse, New York.

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.

Tract
A unit of land created by partition or subdivision, created for and limited by deed restriction or dedication to a specific use, including but not limited to access, utility placement, vehicle storage, open space, or significant natural resource areas. In phased developments, the term may also be used to describe units of land intended for future development.

Transportation Terminal
A building and its land that serves as a site for passengers to transfer from one means of transportation to another, including the incidental transfer of goods, or where transportation vehicles are parked or stored.

Urban Agriculture
The production of, but not limited to, poultry or poultry products; horticultural or nursery stock; fruit, flowers, vegetables, forage, grains, timber, or trees; conducted on either unenclosed land or in enclosed structures, such as greenhouses and barns. There are three types of operation:

1. **Indoor Operation**

All activities are conducted within completely enclosed buildings. Typical operations include greenhouses, vertical farming, hydroponic systems, and aquaponic systems.

2. **Outdoor Operation**
   Activities generally are conducted in unenclosed areas or partially enclosed structures but may include indoor operations in conjunction with outdoor operations. Typical operations include growing beds, growing fields, hoophouses, and orchards.

3. **Rooftop Operation**
   All allowed activities occur on the roof of a principal building as a principal use or accessory use. Typical operations include growing beds and growing trays.

Use
The purposes for which a structure or premises, or part thereof is occupied, designed, arranged or intended.

Utility, Major
Generating plants, substations, transmission and distribution facilities, switching buildings, and related facilities used or to be used to provide oil, sanitary sewer, electric, gas, sewer, or water service, as well as refuse collection, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities whether of public agencies or private or public service providers.

Utility, Minor
Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, and underground water and sewer lines.

Variance, Area
The authorization by the Board of Zoning Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable regulations of this Ordinance~~, including any requirements of Section 4.8, *Signs*~~.

Variance, Use
The authorization by the Board of Zoning Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable regulations of this Ordinance.

Vertical Articulation (or Vertical Wall Offset)
The way in which a building wall surface is broken down into vertical modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Veterinary Hospital
A building or structure for the diagnosis and medical or surgical care of sick or injured animals, including facilities for the temporary housing of such animals. Use as a kennel shall be limited to short-term boarding and shall be only incidental to the clinic/hospital use.

Vocational, Arts, Trade, or Business School
A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in the arts, industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

Warehouse
A structure used primarily for the storage of raw materials, goods, or property.

Wind Energy Conversion System

A wind turbine and associated parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy, and that is intended primarily to reduce on-site consumption of utility power.

Wholesale Distribution

An establishment for the distribution of products, supplies, and equipment to retailers, to industrial, commercial, institutional, or professional users, or other wholesalers. Uses include, but are not limited to feed mills, granaries, and elevators; household moving and general freight storage; cold storage plants, including frozen food lockers; parcel services; major post offices; and grain terminals. This shall not include retail sales, heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

Zoning Districts

Areas of the City for which the regulations governing the use and occupation of property are the same.

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