

PART A

SECTION I GENERAL INTENT AND PURPOSE

It is the intent of this Ordinance, pursuant to Article V, Chapter 13 of "The Charter of the City of Syracuse - 1960", adopted by Local Law #13 of 1960, to establish in the public interest and in order to promote the health of the public and the safety and welfare of the inhabitants of the City of Syracuse, restraints on individual discretion by creating certain zoning districts which contain rules, regulations, restrictions, and prohibitions concerning the location, construction, alteration and use of buildings, structures and land in the City of Syracuse. Such districts and the zoning plan and map shall determine by classes and sub-classes the uses which will be permitted and excluded; the height and bulk of buildings and structures to be erected; the density of population; the area of lot coverage and for yards; distances of buildings and structures from other buildings, structures and lot lines; open spaces, off-street parking, loading and unloading requirements; and the like.

It shall further be the purpose of this Ordinance, based upon the objectives set forth in the City of Syracuse General Plan, to lessen congestion in the streets; to secure safety from fire and other hazards; to prevent the overcrowding of land; to avoid undue concentrations of population; to provide adequate light, air, open space, and privacy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be proposed with reasonable consideration, among other things, as to the character of the district and its suitability for particular uses, and with a view to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City of Syracuse.

PART A

SECTION II ORDINANCE

Article 1 Zoning Rules and Regulations of the City of Syracuse

I, R. Spencer Steele, duly appointed Commissioner of Planning of and for the City of Syracuse, acting in accordance with Article V, Chapter 13 of "The Charter of the City of Syracuse - 1960", adopted by Local Law #13 of 1960, and in agreement with the advice of the Advisory Commission on City Planning do this 24th day of July, 1967, adopt the following resolution:

WHEREAS, the City Planning Commission of the City of Syracuse, pursuant to the provisions of Chapter 447 of the Laws of 1920 of the State of New York, as amended, divided said City into districts as shown upon the zoning plan and map made by said Commission, dated January 30, 1922, and filed in the Office of the City Engineer of said City on the 30th day of January 1922, and the City Planning Commission thereafter from time to time, by and with the consent of the Common Council, amended or modified said districts as shown upon said zoning plan and map; and

WHEREAS, the City Planning Commission, pursuant to the provisions of Chapter 447 of the Laws of 1920 of the State of New York, as amended, and the Chapter of "The City of Syracuse - 1935" (being Local Law No. 7 of the City of Syracuse, 1935, as amended), prepared or caused to be prepared by the City Engineer, an amended plan and map designated "Amended Zoning Plan and Map of the City of Syracuse, New York" and further described as "An Amended Zoning Plan and Map of the City of Syracuse which is amendatory of the Zoning Plan and Map of the City of Syracuse, dated January 30, 1922, as amended", which said amended zoning plan and map of the City of Syracuse, New York is dated October 15, 1957; and

WHEREAS, said City Planning Commission heretofore adopted the Zoning Rules and Regulations of the City of Syracuse which contained the regulations, prohibitions and restrictions concerning the buildings, structures and uses allowed and permitted in said districts, and in said districts, as amended; and

WHEREAS, Local Law No. 11 of the City of Syracuse - 1958, amended Article XVII of "The Charter of the City of Syracuse - 1935" adopted by Local Law No. 7 of 1953, as amended, abolished the City Planning Commission, provided for a Department of City Planning for the City of Syracuse headed by a Commissioner of Planning, enumerated the powers and duties of said Commissioner of Planning, and created an Advisory Commission on City Planning whose general function is to advise the Commissioner of Planning in matters over which he has jurisdiction; and

WHEREAS, Local Law No. 13 of the City of Syracuse, 1960 further enumerated the powers, functions and duties of the Commissioner of Planning and the Advisory Commission on City Planning; and

WHEREAS, the Commissioner of Planning and the Advisory Commission on City Planning have reviewed and recommend a proposed revision and recodification of the entire Zoning Rules and Regulations of the City of Syracuse, as amended, in order to clarify the existing zones, rules and regulations, as amended, and to facilitate the use of said Zoning Rules and Regulations, and for this reason it is necessary to amend the Zoning Rules and Regulations of the City of Syracuse, as amended, in its entirety; and

WHEREAS, the said proposed revision and recodification of the Zoning Rules and Regulations, as amended, retains the existing zoning districts and maps, as amended, as heretofore adopted and made a part of the Zoning Rules and Regulations of the City of Syracuse, as amended; and

WHEREAS, all changes in content in the proposed revision and recodification of the Zoning Rules and Regulations of the City of Syracuse, as amended, have been advertised in the local newspaper on July 8, 1967 and have been explained and reviewed at a Public Hearing on July 20, 1967; and

WHEREAS, the Zoning Rules and Regulations of the City of Syracuse, as amended, are presently designated as Article 5.1 through Articles 5.5 of the existing Building Code of the City of Syracuse, and the Commissioner of Planning and the Advisory Commission on City Planning have recommended that in the interests of clarity, the revised Rules and Regulations remain so designated; and

WHEREAS, the Commissioner of Planning and the Advisory Commission on City Planning recommend that the proposed revision and recodification of the Zoning Rules and Regulations of the City of Syracuse, as amended, take effect on September 1, 1967; and

WHEREAS, the Commissioner of Planning and the Advisory Commission on City Planning have further recommended that all resolutions heretofore adopted, or adopted on or before September 1, 1967, pursuant to the existing Rules and Regulations of the City of Syracuse, as amended, shall remain in full force and effect and shall require no further action by the Commissioner of Planning and/or the Advisory Commission on City Planning;

NOW THEREFORE BE IT RESOLVED that I, R. Spencer Steele, Commissioner of Planning of and for the City of Syracuse, with the agreement of the Advisory Commission on City Planning, do hereby amend the Zoning Rules and Regulations of the City of Syracuse, as amended, by adding statements of general purposes and intent to various sections and by making further amendments to various sections of said zoning ordinance which amendments are set forth in their entirety in Exhibit "A" hereto attached and made a part hereof; and

BE IT FURTHER RESOLVED that I, R. Spencer Steele, Commissioner of Planning of and for the City of Syracuse, in agreement with the advice of the Advisory Commission on City Planning, do hereby amend in its entirety the Zoning Rules and Regulations of the City of Syracuse, as amended, by recodifying the text of said ordinance into various parts, sections and articles as set forth in a copy of said recodified ordinance on file in the Office of the Commissioner of Planning and the Office of the City Clerk; and

BE IT FURTHER RESOLVED that I, R. Spencer Steele, Commissioner of Planning of and for the City of Syracuse, in agreement with the advice of the Advisory Commission on City Planning, pursuant to the provisions of Chapter 447 of the Laws of 1920 of the State of New York, as amended, "The Charter of the City of Syracuse - 1935" (being Local Law No. 7 of the City of Syracuse, 1935 as amended), Local Law No. 11 of the City of Syracuse - 1958, "The Charter of the City of Syracuse - 1960", (being Local Law No. 13 of the City of Syracuse, 1960) as amended do hereby adopt the revised Zoning Rules and Regulations of the City of Syracuse which are designated Articles 5.1 through Articles 5.5 of the existing Building Code of the City of Syracuse; and

BE IT FURTHER RESOLVED, that I, R. Spencer Steele, Commissioner of Planning of and for the City of Syracuse, in agreement with the advice of the Advisory Commission on City Planning, do hereby provide that all resolutions adopted prior to the effective date of the revised and recodified Zoning Rules and Regulations of the City of Syracuse shall remain in full force and effect and shall require no further action by the Commissioner of Planning and/or the Advisory Commission on City Planning; and

BE IT FURTHER RESOLVED that I, R. Spencer Steele, Commissioner of Planning of and for the City of Syracuse, in agreement with the advice of the Advisory Commission on City Planning, do hereby provide that the plan and map designated "An Amended Zoning Plan and Map of the City of Syracuse", dated October 15, 1957 which is amendatory of the "Zoning Plan and Map of the City of Syracuse", dated January 3, 1922, as amended, shall remain in full force and effect and a part of the Zoning Rules and Regulations upon the effective date of the revised and recodified Zoning Rules and Regulations of the City of Syracuse; and

BE IT FURTHER RESOLVED that this resolution is subject to the approval and consent of the Common Council of the City of Syracuse.

PART A

SECTION II ORDINANCE

Article 2 Saving Clause

This Ordinance shall not be construed as superseding, limiting, changing or suspending any law, ordinance, code or regulation affecting the safety, construction or sanitation of any building or structure.

PART A

SECTION II ORDINANCE

Article 3 Revisions and Legal Authority

The City Planning Commission may from time-to-time, by and with the consent of the Common Council amend, supplement or change said "Amended Zoning Plan and Map of the City of Syracuse, New York" and the rules and regulations, restrictions, prohibitions or districts herein established or continued.

If any section, article, paragraph, subdivision, clause or provision of these rules, regulations, restrictions, prohibitions or districts shall by a court of competent jurisdiction, be adjudged invalid, such adjudication shall apply only to such article, section, paragraph, district, subdivision, clause or provisions so adjudicated.

The City Planning Commission shall file a copy of said "Amended Zoning Plan and Map of the City of Syracuse, New York" and any supplements thereto or amendments thereof with the Division of Buildings and Property Rehabilitation and in such other office as may now or hereafter be required by law. The Commission may, in its discretion, also file a copy thereof in such other office as it shall deem advisable and in the interests of the public.

PART A

SECTION II ORDINANCE

Article 4 Penalties and Enforcement

1. Penalties:

Any person or corporation that violates or aids or assists in violating this ordinance, or any of the rules, regulations, prohibitions or restrictions herein set forth, other than Part C, Section 3, Article 2 (1) (4) or (6b) relating to front yard parking, shall be fined not more than one hundred fifty dollars (\$150.00) for each such offense.

2. Enforcement:

The provisions of the Zoning Rules and Regulations of the City of Syracuse, as amended, shall be enforced by the Division of Code Enforcement, except that activities restricted by Part C, Section III, Article 2, Paragraph 1(1)(4) and Paragraph 1(1)(6)(b) shall be enforced by the Department of Police as set forth herein.

3. Issuance of Ordinance Violations Citation:

a. Whenever any person is found by a police officer committing a violation of Part C, Section III, Article 2, Paragraph 1, Subparagraphs (4) or (6b) of this ordinance, such officer shall issue to such person, in writing, on a form provided by the Department of Police, a notice to answer to the charge against him within three (3) days, during hours and at a place specified in the citation.

b. Whenever any vehicle, without an operator, is found by a police officer to be stopped, standing or parked in such manner as to constitute a violation of Part C, Section III, Article 2, Paragraph 1, Subparagraphs (4) or (6b) of this ordinance, such officer shall take any information displayed on the vehicle which may tend to identify its users, and, if a motor vehicle or motorcycle, the registration number thereof, and affix conspicuously to such vehicle a notice in writing, on a form provided by the Department of Police, for the registered owner to answer to the charge against him within three (3) days, during hours and at a place specified in the citation.

c. Whenever any officer shall have issued or affixed any citation as above provided, such officer shall immediately send one (1) copy of such citation to the Chief of Police and one (1) copy to the Traffic Violations Bureau.

4. Answer to Citations:

a. A person who has received a citation through the Department of Police may within the time specified in such citation answer at the Traffic Violations Bureau to the charges set forth therein, either in person or by power of attorney, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge and giving a power of attorney to the person in charge of the Bureau to make such a plea and pay such a fine in court, or a person may answer said citation at said Traffic Violations Bureau by depositing cash bail equal to double the prescribed fine for appearance in court at a time specified by the Bureau. Acceptance of the prescribed fine and power of attorney by the Bureau shall be deemed complete satisfaction for the infraction, and the violator shall be given a receipt which so states.

- b. Plea of Not Guilty by Mail: A person who has received a citation through the Department of Police may enter a plea of NOT GUILTY by mail provided he is not charged with a misdemeanor or felony as defined in the New York State Vehicle and Traffic Law. Such person must attach the citation traffic code to form 25.4 and mail both form and citation to Traffic Court, 511 S. State Street, Syracuse, NY by registered or certified mail, return receipt requested, within three (3) days after receipt of the citation.
- c. Upon receipt of the citation and plea of NOT GUILTY, the court will advise said person by registered or certified mail, return receipt requested, of the trial date. Such trial date shall not be less than seven (7) days after such notice of trial is mailed. Such person has the right to be represented by counsel at such trial.
- d. Plea of Guilty by Mail: A person who has received a citation through the Department of Police, may enter a plea of GUILTY by mail provided he is not charged with a misdemeanor or felony as defined in the New York State Vehicle and Traffic Law. The person who wishes to plead guilty by mail must fill out the form on the back of the citation and mail the citation to Traffic Violations Bureau, 511 S. State Street, Syracuse, NY.

5. Liability for Arrest for Failure to Answer Citation:

- a. Any person to whom a citation has been personally delivered by a police officer and who fails to appear to answer to such citation, shall be subject to arrest upon a warrant issued pursuant to a sworn information or complaint setting forth the specific violation for which said citation was originally issued.
- b. If the police officer has issued a citation by affixing such citation to the offending vehicle, and, the owner does not appear in answer to the citation, the Traffic Violations Bureau shall provide the owner with a further written notice of the citation which shall require an appearance in answer to the citation.
- c. Any person who fails to answer to the charges set forth in any citation affixed to a vehicle by a police officer as provided herein, shall be subject to arrest upon a warrant issued pursuant to a sworn information or complaint setting forth the specific violation for which the notice was originally issued, after the Traffic Violations Bureau had provided the registered owner with written notice as set forth above.

6. Presumption of Liability of Registered Owner:

Proof of the stopping, standing and/or parking on public streets of a motor vehicle or motorcycle contrary to the provisions of this ordinance shall be presumptive evidence that the person in whose name such motor vehicle or motorcycle is registered is the person who so parked, stopped and left standing such motor vehicle or motorcycle contrary to such provisions.

PART A

SECTION II ORDINANCE

Article 5 Board of Appeals

1. Creation and Membership:

There is hereby established in and for the City of Syracuse, a Board of Zoning Appeals. Such Board shall consist of seven (7) members appointed by the Mayor. The term of office of each member, except as herein provided, shall be for three (3) years dating from July first of each year, provided however, that two (2) of the members first appointed under the provisions hereof shall be appointed for a term of office of one (1) year, two (2) members for a term of office of two (2) years and one (1) member for a term of three (3) years. The Director of Planning shall be ex-officio a member of the Board of Appeals and shall act as its Secretary and shall not be entitled to vote as a member thereof. An appointment to a vacancy occurring prior to the expiration of term shall be for the remainder of the unexpired term. Appointive Members of the Board of Appeals shall be paid such salary or compensation for their actual time incurred in the conduct of public hearings as may be fixed and determined by the Board of Estimate, and may be reimbursed for their actual expenses incurred in the performance of their duties if such sums are provided for in the annual budget. The Corporation Counsel shall be and act as the legal advisor of the Board of Appeals. The Board of Appeals may utilize the staff and facilities of the Syracuse-Onondaga County Planning Agency and may appoint such additional personnel as shall be authorized by the Board of Estimate and at such salaries or compensation as fixed by the Board of Estimate. Members of the Common Council and the City Planning Commission shall be ineligible for appointment to the Board of Appeals.

2. Organization and Procedure:

The Board of Appeals shall elect annually from its membership, a chairman and vice-chairman 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. 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 (2) members of the Board of Appeals. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses. Hearings of the Board of 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. The presence of four (4) members shall constitute a quorum. The Board of Appeals shall act by resolution. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination made by an enforcement officer charged with the enforcement of any ordinance, code or regulation, over which the Board has original or appellate jurisdiction now in effect or hereafter conferred upon it by ordinance of the Common Council, and any order, requirement, decision or determination of the Division of Buildings and Property Rehabilitation or to decide in favor of the applicant any matter upon which he is required to determine under any such an ordinance, or to grant any variance from the requirements of such an ordinance. No member of the Board of Appeals shall sit in hearing or vote in any case, in which he shall be personally or financially interested, nor shall he vote on the determination of any appeal unless he shall have attended the public hearing thereon.

3. Duties and Powers:

The Board of Appeals shall have all the powers and duties prescribed by law and this Ordinance. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative officer charged with the enforcement of any zoning ordinance of the City of Syracuse now in effect or hereafter adopted, or any other ordinance, code or regulation over which the Board may hereafter be granted original or appellate jurisdiction conferred upon it by ordinance of the Common Council. It shall hear, decide, grant or deny applications for variances and exceptions as herein provided. It shall decide any question involving the interpretation of the zoning ordinances, 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.

Notwithstanding any contrary provisions contained herein the Board of Appeals is hereby divested of any authority to waive, alter, or modify the regulations contained in Part C, Sections VI and VII of the Zoning Rules and Regulations of the City of Syracuse.

a. Appeal, How Taken

Any person aggrieved by an order, requirement, decision or determination made by any administrative officer charged with the enforcement of any zoning ordinance of the City of Syracuse, now in effect or hereafter adopted, or any other ordinance, code or regulation over which the Board may hereafter be granted original or appellate jurisdiction conferred upon it by ordinance of the Common Council, or any officer, Board, Department or Bureau of the City affected thereby may take an appeal to the Board of Appeals. Such appeal shall be taken within such time as shall be established by the rules of procedure as hereinbefore provided, by filing with the Secretary of the Board, a notice of appeal specifying the grounds thereof and payment of the fees hereinafter prescribed. Such appeals shall be taken upon forms provided by the Board. The officer from whose determination the appeal is taken shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

b. Stay

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 Appeals after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his 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. Fees

Each appellant or applicant shall pay to the Secretary of the Board of Appeals at the time of filing a notice of appeal as herein prescribed, a fee of twenty five dollars (\$25.00) to defray the expenses of the proceedings, which shall be received by the Secretary of the Board and deposited by him with the Commissioner of Finance.

d. Hearings

No appeal shall be decided until after due notice has been given and a public hearing has been held thereon. Due notice of a hearing shall be as follows:

- (1) By publication of a notice thereof once in one (1) official paper of the City, at least ten (10) days before the date of hearing.
- (2) The Board shall mail notice of the hearing to the appellant or applicant or his attorney or agent at least ten (10) days before date of the hearing.
- (3) The Board shall also insofar as practicable, mail notices of the hearing of an appeal to all property owners, as appears on the latest tax roll of the City, within a two hundred (200) foot radius of the premises affected by the appeal. Such notices shall be mailed to the street address of the properties within the two hundred (200) foot radius regardless of whether or not the owner resides therein, unless the Board has definite knowledge of other addresses of absentee owners. Notice of the hearing shall also be sent to the Councilor of the district within which the property described in the application is located. Compliance with this subparagraph "3" shall not be a condition precedent to proper legal notice and no hearing or action taken thereat shall be deemed invalid or illegal because of any failure to mail the notices provided in this subparagraph.

Upon hearing, all parties in interest may appear in person or by agent or attorney. The Board of Appeals shall decide all matters submitted to it within a reasonable time.

The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. The decision of the Board shall become final on the date of entry of such order with the Secretary of the Board of Appeals and service of a copy of its decision and notice of filing with the appellant or his attorney or agent.

e. Administrative Review

The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Division of Buildings and Property Rehabilitation or other administrative officer charged with the enforcement of any zoning ordinance of the City of Syracuse now in effect or hereafter adopted or any other ordinance, code or regulation over which the Board may hereafter be granted original or appellate jurisdiction conferred upon it by ordinance of the Common Council.

f. Variances

Upon appeal, after due notice and hearing, the Board of Appeals shall have the power to vary or modify the application of any of the regulations or ordinances relating to the use, construction, structural changes in equipment or alteration of buildings or structures, or the use of land, so that the spirit of the zoning ordinances now in effect or hereafter adopted, or any other ordinance, code, or regulation over which the Board may hereafter be granted original or appellate jurisdiction conferred upon it by ordinance of the Common Council, shall be observed, public safety and welfare secured and substantial justice done, only upon competent proof that there are practical difficulties or

unnecessary hardship in the strict application of the ordinance applicable thereto. Any relief granted shall be limited to the minimum required to effect substantial justice and shall not materially impair the general purpose of the ordinance applicable thereto. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

In every instance of granting a variance of the Board of Appeals, there must be showing that:

- (1) The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Ordinance of the City of Syracuse.
- (2) There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- (3) The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in such district in which the variance is sought, and will not materially impair the purpose of the zoning ordinances of the City of Syracuse.

g. Exceptions

The Board of Appeals shall have the power to grant exceptions in the following instances after due notice and public hearing:

- (1) The Board may permit the construction of a building on a lot which does not meet the minimum area requirements of this Ordinance, provided that the lot is owned by the applicant and provided further that the ownership was of record prior to the adoption of this Ordinance as amended. No such permit shall be granted if the applicant purchased said property after the adoption of this Ordinance as amended, or if the applicant is the owner of adjoining vacant property so that he could comply with the requirements of this Ordinance.
- (2) Where a district boundary line divides a lot in single ownership, the Board 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 fifty (50) feet or, in the case of a lot running through to the next street, one-half (1/2) of the distance from the street front of the lot to the next street.
- (3) The Board 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 Board 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. 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%. Provided, however, that electric power transmission lines, poles and towers may exceed height limitations.

This provision does not include antennas, communication towers, and satellite dish antennas, which are subject to Part C, Section I, Article 7 of these Zoning Rules and Regulations.

- (4) The Board may grant a permit for the temporary use of property by a building contractor where such temporary use does not conform with the provisions of this Ordinance. Such temporary permit shall be granted for a period not to exceed two (2) years.

4. Review of Decisions of Board of Appeals:

Any person or persons jointly or severally aggrieved by any decision of the Board of 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 Appeals in the manner prescribed by Article 78 of the Civic Practice Act.

Amended 6/9/97
Typographical Correction 5/15/00

PART A

SECTION II ORDINANCE

Article 6 Zoning Districts

The zoning districts contained within the Zoning Rules and Regulations of the City of Syracuse are set forth on the "Amended Zoning Plan and Map of the City of Syracuse, New York" dated October 15, 1957, which is hereby readopted and made an integral part of the Zoning Rules and Regulations of the City of Syracuse.

Each of the zoning districts is hereby confined to the uses and purposes set forth on said amended plan and map, or amendments thereof and to the uses and purposes designated in the Zoning Rules and Regulations of the City of Syracuse, as amended. No structure or building shall be erected, located, altered or used in any of said districts; no land shall be used or developed in any of said districts; and no profession, business, trade or industry shall be carried on in any of said districts except as hereinafter specifically authorized and set forth and in conformity with the rules, regulations, restrictions and prohibitions herein contained.

PART A

SECTION III DEFINITIONS

Article 1 Map

Each of the following key symbols outlined and set forth on said "Amended Zoning Plan and Map of the City of Syracuse, New York" represents a distinct district as follows:

Zoning Plan and Map

LEGEND

RA-1	Residential District, Class A-1
RA	Residential District, Class A
RAA	Residential District, Class AA
RA-2	Residential District, Class A-2
RB-1	Residential District, Class B-1
RB-1T	Residential District, Class B-1 Transitional
RB	Residential District, Class B
RB-T	Residential District, Class B Transitional
RC	Residential District, Class C
RS	Residential Service District
OA	Office District, Class A
OB	Office District, Class B
BA	Local Business District, Class A
CBD-R	CBD - Retail District
CBD-OS	CBD - Office and Service District
CBD-OSR	CBD - Office and Service District (Restricted)
CBD-GS	CBD - General Service District
CBD-GSA	CBD - General Service A District
CBD-LB	CBD - Local Business District
CBD-HDR	CBD - High Density Residential District
CBD-MDR	CBD - Medium Density Residential District
CA	Commercial District, Class A
CB	Commercial District, Class B
IA	Industrial District, Class A
IB	Industrial District, Class B
PID	Planned Institutional District
HSD	Highway Service District, Class A
P	Preservation District
PDD	Planned Development District
PSD	Planned Shopping District
LAKEFRONT	Lakefront District

Each Zoning Plate is oriented to True North; Scale of each Zoning Plate is 1" = 200' (approx).

The boundaries of each said districts are hereby established and determined as laid out and set forth on said amended Plan and Map.

PART A

SECTION III DEFINITIONS

Article 2 Terms

Words and phrases used herein shall have the following meaning:

ALLEY:

A narrow service street or passage between properties or buildings.

AMUSEMENT ARCADE:

An indoor amusement and recreation establishment wherein the principal use is the provision of electronic or mechanical game devices available to the public on a commercial (pay in order to play) basis, or a restaurant, package food restaurant, bowling alley, billiard parlor, transportation terminal, hotel or motel which contains eight (8) or more such electronic or mechanical game devices.

APARTMENT:

A room or suite of two (2) or more rooms designed or used solely as a residence in a building not used as a hotel, rooming or boarding house, or for other transient occupancy.

APARTMENT HOUSE:

A building divided into five (5) or more apartments designed or used solely for residential purposes.

AUTOMATIC CAR WASH FACILITY:

A structure, including portable or mobile units, designed for washing and/or cleaning of motor vehicles, involving self-service and coin-operated machines.

BED AND BREAKFAST ESTABLISHMENT:

A house or portion thereof where transient lodging rooms and breakfasts are provided, the premises being owner-occupied and the primary residence of the owner, as distinguished from hotels, motels, apartment houses or rooming or boarding houses.

BOARDING OR ROOMING HOUSE:

A building other than a hotel, fraternity, sorority, dormitory or chapter house, where lodging and/or meals for three (3) or more roomers or boarders or guests are served for compensation.

BUILDING:

Any structure with exterior walls and a roof. Structural connections such as a covered walkway or canopy, porch, roof, foundation walls, tunnel and/or horizontal shaftways, or other similar structural connections above or below ground, enclosed or otherwise, shall not be construed as creating a single building from two (2) or more buildings.

BUILDING, ACCESSORY:

A subordinate building, the use of which is incidental to that of the main building and located on the same plot.

BUILDING LINE:

Shall mean "setback line", as herein otherwise described.

BUS HOLDING AREA:

A location at which buses are parked or stored, whether in or out of a garage, and any repair facilities related thereto, but not including facilities for passengers.

BUSINESS BUILDINGS:

Office buildings, stores, markets, restaurants, warehouses, garages, laboratories, and any building or parts of buildings which are not public buildings or residence buildings.

BUSINESS AND COMMERCIAL SCHOOLS:

Non-collegiate, public or private institutions offering specialized business, commercial and/or clerical courses or similar curricula, but not academic training.

CANOPY:

Any permanent awning or shelter with no support from the sidewalk which projects from a building facade and which extends for the entire building frontage.

CARE HOMES:

A structure occupied as a temporary or permanent residence by three (3) or more persons and which is either designed principally for housing for the aged where specific age limits are prescribed by public or private regulatory or administrative agencies, irrespective of the need for custodial care and/or supervision on the premises, or designed for occupancy by persons, who by reason of chronic illness, handicap, age, senility, convalescence or infirmity are dependent upon varying amounts of custodial care and/or supervision. 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 Care Home.

CATERING SERVICE:

Preparation and delivery of food and beverages exclusively for off-site service without provisions for on-site pick-up or consumption by customers.

CHAPTER HOUSE:

A place of residence other than a hotel, rooming or boarding 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.

COLLEGES, UNIVERSITIES AND PROFESSIONAL SCHOOLS:

Public or private institutions of higher learning authorized 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.

CLUSTER DEVELOPMENT:

A planned development in which lots are platted which have less than the minimum lot size and dimension requirements but which have access to common open space which is a part of the overall development plan approved by the City Planning Commission under the provisions of Part C, Section V of this Ordinance and providing no more than the maximum density permitted by the Zoning Regulations.

COMMON OPEN SPACE:

An area of land and/or water within a site designated as a Planned Development pursuant to Part C, Section V and designed and intended for the use or enjoyment of residents of the Planned Development. Common Open Space may contain such accessory improvements as are necessary and incidental to the use of the common open space by the residents of the Planned Development.

CONDOMINIUM:

A multi-family project of one-family dwelling units, which may consist of one (1) or more buildings wherein the real property title and ownership are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided.

CONTRACTOR'S YARD:

A lot or piece of land on which vehicles, tools, and equipment used by construction contractors are parked or stored. This term includes contractor's offices and storage buildings located on premises.

COVERAGE, PARKING SURFACE:

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

COVERAGE, STRUCTURAL:

The percentage of total lot area occupied by the portions of all buildings and structures greater than four (4) 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 (3) feet from the face of a building, all structural overhangs and extensions greater than four (4) 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.

DAY CARE CENTER:

Care of children away from their own homes, for less than twenty four (24) hours a day in an individual's own home, a day nursery or other place operated by an individual, an association, corporation, institution or agency operated for such purpose, for compensation or otherwise, for at least three (3) hours a day for the accommodation of seven (7) or more children.

DISTRICTS:

Parts of the City for which the regulations governing the use and occupation of property are the same.

DOG KENNELS:

Any premises on which four (4) or more dogs, six (6) months old or older are kept.

DORMITORY:

A place of residence, other than a hotel, rooming or boarding house that is used, occupied and maintained for persons enrolled in a college, university, or other educational institution, and which is recognized and subject to controls by such educational institution.

DWELLING:

A place of abode; a private house designed or used as a residence. For the purpose of these rules, a dwelling shall be distinguished from an apartment house or hotel by not containing more than four (4) families.

DWELLING UNIT:

A whole part of a dwelling or part of an apartment house designed to be used exclusively by one (1) family as a residence. 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 (4) persons shall be deemed equivalent to a family or dwelling unit. (See also the definition of HOME OCCUPATION.)

EMPLOYEES OR NUMBER OF EMPLOYEES:

For the purpose of determining off-street parking requirements, employees or number of employees shall be computed on the basis of the greatest number of persons to be employed or capable of employment during any one (1) work period during day or night.

FAMILY:

1. A householder plus one (1) 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 (1) common kitchen facility; or
2. A group of persons headed by a person or persons responsible for providing care for a reasonable number of individuals, sharing one (1) common kitchen facility, in a family-like living arrangement which is the functional and factual equivalent of a family of related persons; or
3. One (1) or more persons occupying a premises and living together as a single housekeeping unit, subject to a limit of not more than five (5) unrelated persons eighteen (18) years of age or older.

FAMILY DAY CARE:

Care of children away from their own home, for less than twenty four (24) hours a day in an individual's home operated for such purposes, for compensation or otherwise, for at least three (3) hours a day for the accommodation of at least three (3) but not more than six (6) children.

FOUR-FAMILY DWELLING:

One (1) designed for or occupied by four (4) families as a residence.

FLOOR AREA:

Floor area (for determining off-street parking requirements): Floor area, unless otherwise specifically indicated, shall be construed to mean the gross floor area contained within the exterior building walls, used by the public for sales and service purposes.

FLOOR AREA RATIO:

The ratio between total site area and total floor area permitted in any district. The floor area of the building considered for the computation of floor area ratio shall be restricted to those levels above the surface of the ground and shall not include any basement or garage spaces under the surface. Garage facilities above the surface shall be included in the computations. Where the ground level changes a full story height or more along a building facade, the floor area of such story shall be prorated in proportion to the average story height above grade. Total site area shall be the entire site within the property lines of any development.

FRATERNITY:

A place of residence other than a hotel, rooming or boarding 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 institution, and which is recognized and subject to controls by such educational institution.

GASOLINE SERVICE STATION:

A gasoline service station is 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.

GARAGE:

A building or portion thereof utilized, designed, arranged, or intended for the housing of motor vehicles.

GOLF COURSE:

A recreational facility consisting of at least nine (9) holes, each with tee, green, and fairway, located on a parcel of land containing at least twenty-five (25) acres, as distinguished from golf driving ranges and miniature golf courses.

HOME OCCUPATION:

A home occupation is an accessory activity, subject to compliance with all applicable laws and regulations, which:

- 1) is carried on for financial gain within a dwelling unit solely by its resident(s);
- 2) is clearly incidental and subordinate to the primary use of the dwelling unit as a domicile;
- 3) does not interfere with the integrity or functioning of the domicile as a single housekeeping unit; and
- 4) does not conflict with occupancy standards pertaining to home occupations in dwelling units set forth in the applicable building and property conservation codes.

A home occupation is distinguished from commercial activities which 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.

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 (2) in any calendar year. Home parties not exceeding six (6) 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:

A building used for the housing of the transient public in single rooms or suites of rooms. Also provided with dining rooms, kitchens, serving rooms, ballrooms and other facilities for the accommodation of the public.

INDOOR AMUSEMENT AND RECREATION ESTABLISHMENTS:

Commercial activities conducted indoors for the purpose of amusement including but not limited to amusement arcades, billiard parlors, theaters, dance halls, bowling alleys, and indoor skating rinks. This term shall exclude outdoor recreation facilities such as miniature golf courses, drive-in theaters and go-cart tracks.

INDOOR DISMANTLING FACILITY:

A building in which motor 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 motor vehicles,

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motor vehicle hulks or parts, or other junk or discarded material. This term shall be distinct from the terms "junk yard" and "motor vehicle 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, motor vehicles or parts thereof, machinery, tools, or toxic solids. This term further excludes the outdoor stockpiling of material to be processed.

INDUSTRY:

Storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, including the operation of commercial garages.

INDUSTRIAL BUILDING:

Any building devoted to the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever.

JUNK YARD:

Any lot or piece of land which is utilized in whole or in part for the outdoor storage, stockpiling, or accumulation of discarded metallic and/or nonmetallic material and which is not an integral part of premises used for scrap metal processing (see "scrap metal processing" defined herein). Discarded material shall include, but not be limited in meaning to, motor vehicle hulks, parts of motor vehicles, and scrapped machinery and equipment. This term includes, where consistent with state and local regulations, the dismantling of motor 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 Part C, Section IV, Article 2 herein. 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."

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 which are contiguous shall be deemed separate lots unless otherwise specified as one (1) lot in said instrument.

LOT ALTERATION:

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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 ten thousand (10,000) square feet in area.

LOT, BUTT:

A lot, the rear boundary of which abutts on the side lot line of an adjacent lot.

LOT SUBSTANDARD:

A lot as defined herein which constitutes a nonconforming element because it does not have the width, depth or area dimensions required by the applicable district regulations.

LOT LINE:

The established division line between different parcels of property.

MARQUEE:

Any permanent awning or shelter with no support from the sidewalk which projects from a building facade and which does not extend along the entire building frontage.

MOTOR FREIGHT TERMINAL:

A location which serves as a parking or storage depot for freight moving motor vehicles and trailers, including any maintenance or repair facilities related thereto. This term shall not pertain to accessory off-street loading berths.

MOTOR VEHICLE:

Any vehicle propelled or drawn by power other than muscular power originally intended for use on public highways. When "motor vehicle" is modified by the term "registered", the reference shall be to a motor vehicle which is currently registered in accordance with the applicable laws and regulations of the State of New York; conversely "unregistered" shall refer to a motor vehicle which is not so registered.

MOTOR VEHICLE RENTAL:

The utilization of land or buildings or portions thereof for the parking or storage and renting or leasing of motor vehicles and/or trailers. This term shall not include maintenance or repair facilities, nor shall this term include the servicing, repair, or dismantling of motor vehicles, activities which are encompassed by separately defined terms.

MOTOR VEHICLE REPAIR, HEAVY DUTY:

The utilization of a building or portion thereof for any or all types of motor 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 motor vehicle hulks and parts (see "junk yard"). This term shall be distinct from "new motor vehicle sales" which encompasses motor vehicle maintenance or repairs as an accessory function related thereto.

MOTOR VEHICLE REPAIR, LIGHT DUTY:

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The utilization of a building or portion thereof for maintenance and servicing of motor vehicles, including repairs which do not require the removal of engines or transmissions or require body or frame work. This term shall not include dismantling as regulated by the State of New York. Further this term shall not include the outside storage of motor vehicle hulks and parts (see "junk yard"). This term shall be distinct from "new motor vehicle sales" which encompasses motor vehicle maintenance or repairs as an accessory function related thereto.

MOTOR VEHICLE SALES, NEW:

The utilization of land or buildings or portions thereof for the storage, display and retail sale of new motor vehicles, including incidental leasing or rental of new or used motor vehicles. This term shall also include motor vehicle maintenance and repair service accessory thereto and shall include the incidental sale of used motor vehicles when such vehicles are stored and displayed on the same premises utilized for the retail sale of new motor vehicles.

MOTOR VEHICLE SALES, USED:

The utilization of land or buildings or portions thereof for the retail sale of more than five (5) used motor vehicles a year, or the display of two (2) or more used motor vehicles for sale in any month. This term shall not pertain to the incidental sales of used motor vehicles when such vehicles are stored and displayed on the same premises used for new motor vehicle sales, nor shall this term include the servicing, repair, or dismantling of motor vehicles, activities which are encompassed by separately defined terms.

MOTOR VEHICLE STORAGE AND IMPOUNDMENT YARD:

Any lot or piece of land, including buildings, at which unregistered motor vehicles not for retail sale to the general public are stored awaiting transfers of vehicle title or at which registered motor 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 garage."

MULTIPLE DWELLING:

One (1) designed for or occupied by three (3) or more families as a residence.

MULTIPLE HOUSE:

A group of attached houses designed or used solely for residential purposes.

NONAUTOMATIC CAR WASH FACILITY:

A structure designed primarily for washing and/or cleaning of motor vehicles on an assembly line basis, utilizing manual labor provided by the owner, operator or manager, in conjunction with automatic or semi-automatic type equipment, and providing for payment of fees as distinguished from coin-operated completely-automatic equipment.

NONCONFORMING STRUCTURE:

A structure lawfully existing on the effective date of this Ordinance or any amendment thereto affecting such structure, which does not conform to the applicable regulations prescribed in this Ordinance, as amended, irrespective of the use to which such structure is put.

NONCONFORMING USE:

Any use of a building, structure, lot or land, or part thereof, lawfully existing on the effective date of this Ordinance or any amendment thereto affecting such use, which does not conform to the applicable regulations prescribed in this Ordinance, as amended.

NURSING HOME:

A facility operated by a private individual, a membership corporation, or a religious organization for the purpose of providing lodging, board and continuous nursing care under medical supervision to the sick, invalid, infirm, disabled, or convalescent person.

OFFICE BUILDING:

A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business, in part or in whole, will be classed as an office building.

ON-SITE PARKING:

An open area or garage used for parking solely in conjunction with buildings and uses on the same lot, whether required parking or otherwise. The location and amount of area allowed for on-site parking is subject to regulations specified in this Ordinance.

OWNERS' ASSOCIATION:

An incorporated, nonprofit organization operating under recorded land agreements through which each lot and/or homeowner in a planned development or other described land area is subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property.

PARKING:

For the purposes of this Ordinance, the act of depositing a registered motor vehicle at a location after it has been driven to that location under its own power, pending the return of the same or another driver and any accompanying passengers. This term shall include any trailers remaining attached to the vehicle being parked. This term shall not apply to unregistered motor vehicles or to motor vehicles, registered or unregistered, including trailers, which are drawn or towed to a location, detached, and left at that location.

PARKING GARAGE:

A garage, open to the public in which licensed motor vehicles used for personal conveyance or conveyance of passengers are parked.

PARKING LOT:

Any open lot or open area which serves in whole or part as a parking area for buildings or uses not on the same lot or which serves as a parking area for the general public and is not specifically related to any particular building or use.

PLANNED DEVELOPMENT:

A development in accordance with a single plan for compatible land uses and the placement of buildings which may not correspond to the bulk, yard and height regulations of this Ordinance.

POINT OF CURVE (P.C.):

The point at which the curve departs from the tangent as one proceeds around the curve in a given direction.

POINT OF INTERSECTION (P.I.):

The point where the tangents to a curve as produced meet.

POINT OF TANGENT (P.T.):

The point opposite to the point of curve that marks the end of the curve and beginning of the tangent.

PRIVATE GARAGE:

A garage which is accessory to the buildings or uses existing on the same lot, which is designed or used for the parking or storage of motor vehicles, and which is not open to the general public.

PUBLIC BUILDING:

Any building or structure used for municipal, civic, ecclesiastical, recreational or other purposes not used for enterprise.

REQUIRED PARKING:

The number of off-street spaces utilized for parking purposes which must be provided for uses pursuant to Part C, Section III, Article 1, each space measuring not less than eight (8) feet, six (6) inches in width nor less than eighteen (18) feet in length having a clear height of not less than seven (7) feet and each having adequate accessibility as specified in this Ordinance for a motor vehicle to maneuver into and out of the space (see Part C, Section III, Article 1). Required parking shall be distinct in meaning from spaces utilized for truck loading and unloading and from other areas utilized for parking which are additional to the required spaces.

(When the application of a unit of measurement for required parking spaces to a particular use or structure results in a fractional space, the fraction shall be counted as a requirement for a whole space).

RESTAURANT:

Any place or establishment open to the general public designed, intended, or used in whole or in part for the retail sale and consumption on premises of food and/or beverages; or any structure which is maintained, operated, and advertised or held out to the public as a place where food and beverages are served to the customer in disposable containers or wrappers for consumption off the premises and which may also include delivery of food and beverages to customers off-premises. Structures in which the service of food or beverages is clearly accessory to the sale of other goods, e.g., a delicatessen counter in a grocery store, shall not be considered within this definition. "Restaurants" are distinguished from catering services, which allow no on-site pick-up or consumption.

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Temporary facilities used for distribution of food and/or beverages, such as are customarily associated with field days, carnivals, circuses, charitable, religious or institutional bazaars, or similar events, shall not be considered restaurants. Dining rooms and cafeterias which are not open to the general public such as associated with schools, colleges and universities, care homes, private clubs, private businesses and work sites shall not be considered restaurants.

The meaning of the term, "restaurant," shall exclude the following types of establishment when located within the Downtown area bounded by Interstate Route 690 on the north, Interstate Route 81 on the east, Adams Street on the south, and West Street Arterial on the west:

- (1) establishments providing only take-out service which have under 1000 square feet of customer area; and
- (2) coffee shops, ice cream shops, and bakeries (where the service is limited to coffee, tea, frozen dairy products and soda fountain items, and bakery and confectionery items).

The term shall not exclude what are commonly known as bars.

RESUBDIVISION:

Alteration of the size, shape or orientation of lots, lot line, rights-of-way or other elements which are contained within subdivision maps or affected elements resulting from a previous subdivision process where there is an increase in the number of lots or any new or reconfigured lot is in excess of ten thousand (10,000) square feet in area.

RETAIL STORES:

Any building or structure in which one (1) or more articles or merchandise or commerce are sold at retail, including department stores.

ROOMING OR BOARDING HOUSE:

A building other than a hotel, fraternity, sorority, dormitory or chapter house, where lodging and/or meals for three (3) or more roomers or boarders or guests are served for compensation.

SCHOOLS:

Public kindergarten, elementary and secondary schools below university grade; and private, denominational and/or sectarian schools having a curriculum equivalent to and substantially the same as public elementary and secondary schools.

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.

SCREENING DEVICE:

A permanent barrier, any portion of which is situated above grade, composed of any material except natural vegetation, including what are commonly termed walls, fences, screens, and all similar structures or improvements but specifically

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excluding the exterior walls or projections thereof (whether detached or attached) of principal or accessory structures contained within required front, side and rear setback lines.

SEATS:

For the purpose of determining off-street parking requirements, seats shall mean the seating capacity of a particular room or a hall in a building as determined by the specifications and plans, whether fixed or removable seating; in the event individual seats are not provided, each twenty (20) inches of benches, bleachers, pews, or similar seating accommodations shall be considered as one (1) seat for the purpose of this Ordinance.

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 not including cornices or open entrance hoods anchored to the building without posts, which do not project more than three (3) feet from the building wall, nor retaining walls and fences, nor open entrance steps, nor open terraces not more than two (2) feet in height above the finished grade and which do not project more than six (6) feet from the building wall.

SHOPPING CENTER:

A parcel of land developed in accordance with a common scheme or design containing two (2) or more principal uses in either attached or detached buildings designed and advertised as a shopping area having common or cooperative parking and driveway facilities, advertising device, and other accessory accommodations.

SINGLE-FAMILY DWELLING:

One (1) designed or used for or occupied by one (1) family as a residence.

SINGLE HOUSEKEEPING:

The utilization or arrangement of space within a building, namely a dwelling unit, such that the dwelling unit functions in an integral and unified manner for living, cooking, eating, and sleeping purposes. ~~As a matter of the physical premises being a cohesive unit, the term, "single housekeeping", shall specifically mean that at least 35% of the total floor area of the dwelling unit is readily accessible and available for gathering and common use by guests and any and all residing therein. This 35% common area includes rooms or areas such as kitchens, dining rooms, living rooms, parlors, dens, family rooms, and libraries but does not include hallways, closets, bathrooms, porches, garages, bedrooms or sleeping areas, or non-habitable areas such as found in basements, cellars, and atties. [Strikethrough text stricken by court decision.]~~

As a special instance, the term, "single housekeeping", shall apply to any one-room dwelling unit (usually including a bathroom, cooking area, and closets) irrespective of the above 35% rule, since in the one-room instance the same space is available for both common and private purposes. (Note: Where bath and kitchen facilities are in fact provided for any individual room, that room shall be considered its own dwelling unit independent of other dwelling units.)

SINGLE OWNERSHIP:

Possession wherein the owner does not own adjoining vacant property.

SITE REVIEW:

Determination by the City Planning Commission of compliance with applicable requirements subject to the approval of waivers and/or additional requirements.

SORORITY:

A place of residence other than a hotel, rooming or boarding 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 institution, and which is recognized and subject to controls by such educational institution.

STORAGE, OF TRAILERS:

For the purpose of this Ordinance, the placement of any detached trailer on a lot or piece of land shall be considered storage regardless of the duration of such placement.

STORAGE, OF UNREGISTERED MOTOR VEHICLES:

For the purpose of this Ordinance, the placement of any unregistered motor vehicle on a lot or piece of land, including garages located thereon, shall be considered storage regardless of the duration of such placement or the condition of the vehicle.

STREET LINE:

The established boundary lines of the right-of-way of a street, alley or public thoroughfare.

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.

SUBDIVISION:

This term shall refer collectively to the act of dividing a parcel of land into two (2) or more lots or to a map filed in the County Clerk's office of the County of Onondaga as a subdivision map or to a map approved as a subdivision but not filed.

SWIMMING POOL:

Any receptacle for water having a depth at any point of more than two (2) feet, or having a surface area exceeding two hundred and fifty (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.

TAVERN:

See Restaurant.

THREE-FAMILY DWELLING:

One (1) designed for or occupied by three (3) families as a residence.

TOURIST LODGING HOUSE:

A house rented for transient tourist occupancy and not including so-called tourist camps or tourist cabins.

TRADE AND VOCATIONAL SCHOOLS:

Non-collegiate, public or private institutions and/or centers offering specialized trade, vocational courses and/or similar curricula.

TRAILER:

A highway vehicle designed to be hauled.

TRANSITIONAL PARKING AREA:

A parking lot or parking garage located within a residential district.

TRANSPORTATION TERMINAL:

A building and its land which serves as a site for passengers to transfer from one (1) means of transportation to another, including the incidental transfer of goods, but not including repair facilities for motor vehicles.

TWO-FAMILY DWELLING:

One (1) designed for or occupied by two (2) families as a residence.

USE:

The purposes for which a structure or premises, or part thereof is occupied, designed, arranged or intended.

WAREHOUSE:

A building designed or used for the storage of merchandise, furniture or other commodities.

YARD, 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 yard 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 yard, whether enclosed or unenclosed. The front yard depth or front setback requirement for corner lots shall be measured from the property line which has the smallest street frontage.

YARD, REAR:

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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 yard 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.

YARD, SIDE:

An open space unoccupied and unobstructed by buildings, or structures from the ground to the sky except for landscaping, fencing, walls, driveways or parking located on the same lot with a main building situated between the side line of the building and any integral projection therefrom and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

ZONES:

Parts of the City for which the regulations governing the use and occupation of property are the same.

Amended 11/23/98

Typo 12/26/02