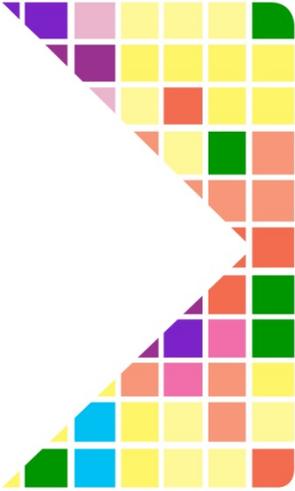


REZONE SYRACUSE

A Citywide Zoning Update



Zoning Ordinance Update

Module 1 – PUBLIC DRAFT

Article 2: Zoning Districts

Article 3: Use Regulations

Article 6: Definitions (partial)

CLARION

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Article 1: General Provisions

[TO BE DRAFTED IN LATER MODULE]

Article 2: Zoning Districts

Commentary:

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

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

2.1 General Provisions

A. Zoning Districts Established

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

Table 2.1

Zoning Districts Established

Base Zoning Districts	Section
Residential Districts	
R1: Single-Family Residential	2.2
R2: Two-Family Residential	2.3
R3: Two-Family Residential, Small-Lot	2.4
R4: Multi-Family Residential, Low-Density	2.5
R5: Multi-Family Residential, Medium-Density	2.6
Mixed-Use Districts	
MX-1: Urban Neighborhood	2.7
MX-2: Neighborhood Center	2.8
MX-3: Office	2.9
MX-4: Urban Core	2.10
MX-5: Central Business District	2.11
Nonresidential Districts	
CM: Commercial	2.12
LI: Light Industrial	2.13
HI: Heavy Industrial	2.14
Special Purpose Districts	
OS: Open Space	2.15
Planned Development Districts	
PD: Planned Development	2.16B
PI: Planned Institutional	2.16C
Overlay Districts	
Preservation Districts	2.17A
University Area Special Neighborhood District	2.17B

B. Official Zoning District Map¹

(1) Incorporation of Map

- a. The location and boundaries of the zoning districts established by this Ordinance are shown upon the official "Official Zoning District Map of the City of Syracuse" ("Official Zoning Map"). The Official Zoning Map, together with all data shown on the map and all amendments to the map, is by reference made a part of this Ordinance.
- b. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, and shall bear the seal of the City and the date of adoption.
- c. The Official Zoning Map shall be located in the office of the Zoning Administrator and shall be available for inspection at the City Clerk's Office and/or the Office of Zoning Administration.
- d. The Official Zoning Map shall be maintained by the Syracuse-Onondaga County Planning Agency. Official zoning districts shall be determined by the Zoning Administrator, where the Zoning District Map does not reflect recent changes.

(2) Zoning District Boundaries

- a. Except where otherwise indicated, zoning district boundaries shall follow municipal corporation limits, section lines, lot lines or right-of-way lines, or extensions of such lines.
- b. Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the zoning district map by the Zoning Administrator.
- c. Where a zoning district boundary coincides with a right-of-way line and the right-of-way line is abandoned, the zoning district boundary shall then follow the adjacent zoning district boundary.
- d. Land not part of a public, railroad, or utility right-of-way and that is not indicated on the Official Zoning Map as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district, even when such district is separated from the land in question by a right-of-way for a street, railroad, or utility.

(3) Boundary Clarification

- a. In the event that a zoning district boundary is unclear or is disputed, the Zoning Administrator shall determine the location of the zoning district boundary.
- b. Any appeal of the Zoning Administrator's determination of the zoning district boundary shall be heard by the City Planning Commission per Section ---.²

(4) Amendments to Map

Changes in the boundaries of any zoning district require an amendment per Section --- and shall be entered on the zoning district map with an entry on the map giving the number of the amending ordinance and the date, attested by the signature of the City Clerk.

¹ New section intended to be consistent with current practice.

² Throughout this document, the notation "Section ---" references a cross-reference to material that has yet to be drafted.

C. Organization of this Article

(1) Base Zoning Districts

- a. Sections 2.2 through 2.15 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 Section ---). 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 2.17, *Overlay Districts*, identifies the overlay zoning districts and sets forth each district's purpose and the standards that modify those of underlying districts.

2.2 R1: Single-Family Residential

Commentary:

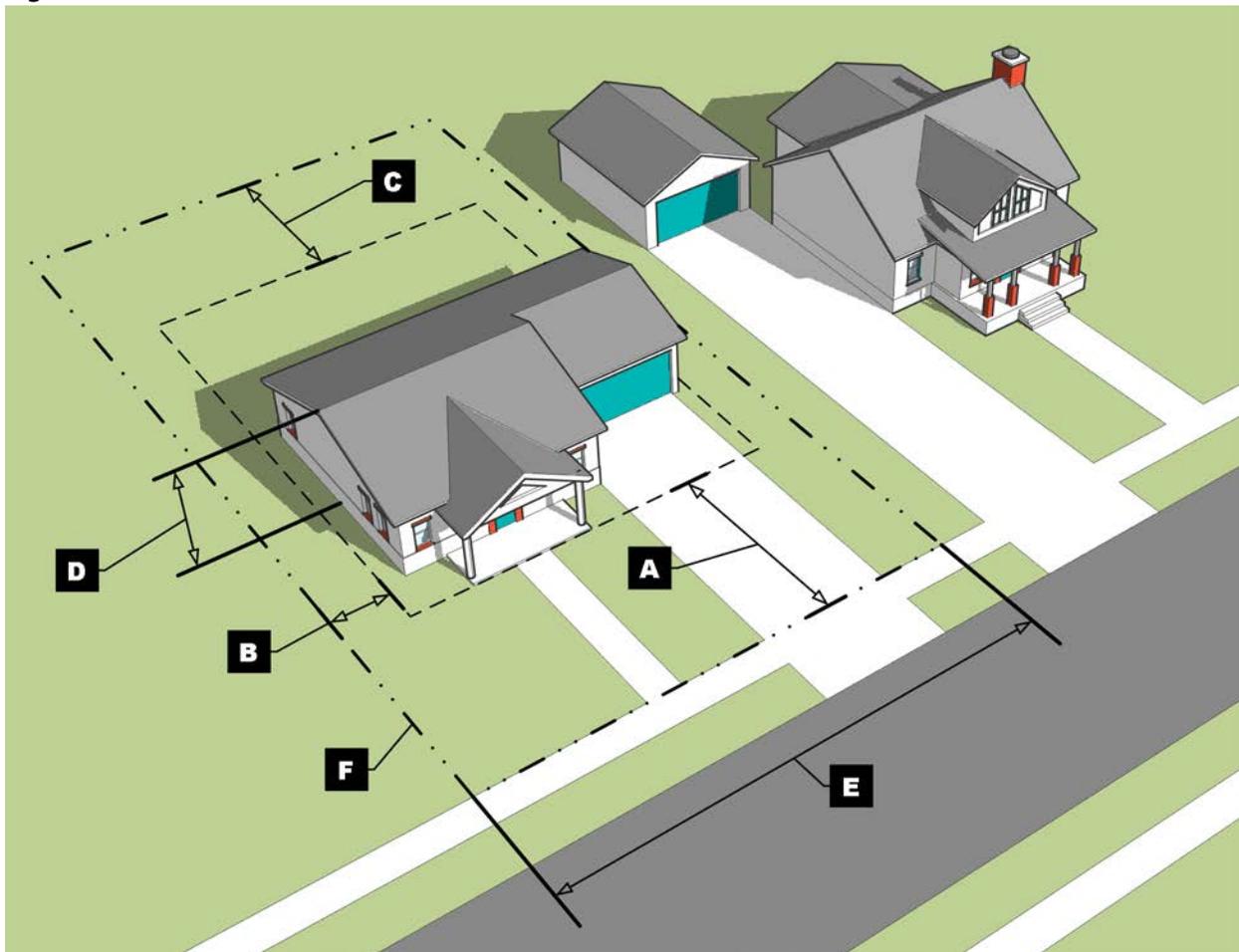
This district is based on the current Residential District, Class A-1. It is intended to be carried forward substantially unchanged, but with a new name and subject to the new development standards (to be drafted in a later module).

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

A. Purpose³

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

Figure 2-1: R1 District Dimensional Standards



³ Replaces Section 1, Article 1, "Purpose and Intent." Generally, this draft proposes more succinct purpose statements for all districts.

B. Standards

Table 2.2

R1 District: Dimensional Standards

Labels correspond to illustration.

Setbacks (minimum) ⁴		
A	Front	30 feet
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet ⁵
Lot (minimum)		
E	Width	40 feet
F	Area	4,000 sq ft
Impervious Coverage (maximum)		
	All	60%

Notes:

Commentary:

The draft table below is an initial example that will be more fully developed once we get further into the drafting process. We recommend a table such as this to put the reader on notice that there are important other sections of the Zoning Ordinance that should be reviewed in order to get a full picture of the development allowed in the district. Including such a table will allow the City to reproduce just this two-page spread as a handout, if desired. The table is not intended to be exhaustive.

Table 2.3

R1 District: Other Key Standards

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---

⁴ Syracuse currently defines “required yards” and the provisions for what can/cannot be physically within those yard areas are scattered throughout (parking surface, screening devices, signs, landscaping at a certain height, etc.). For consistency and to be consistent with most other new ordinances, the new draft code refers to front, side, and rear “setbacks.”

⁵ There is no current height limit in Class A-1. 36 ft is suggested for discussion purposes.

2.3 R2: Two-Family Residential

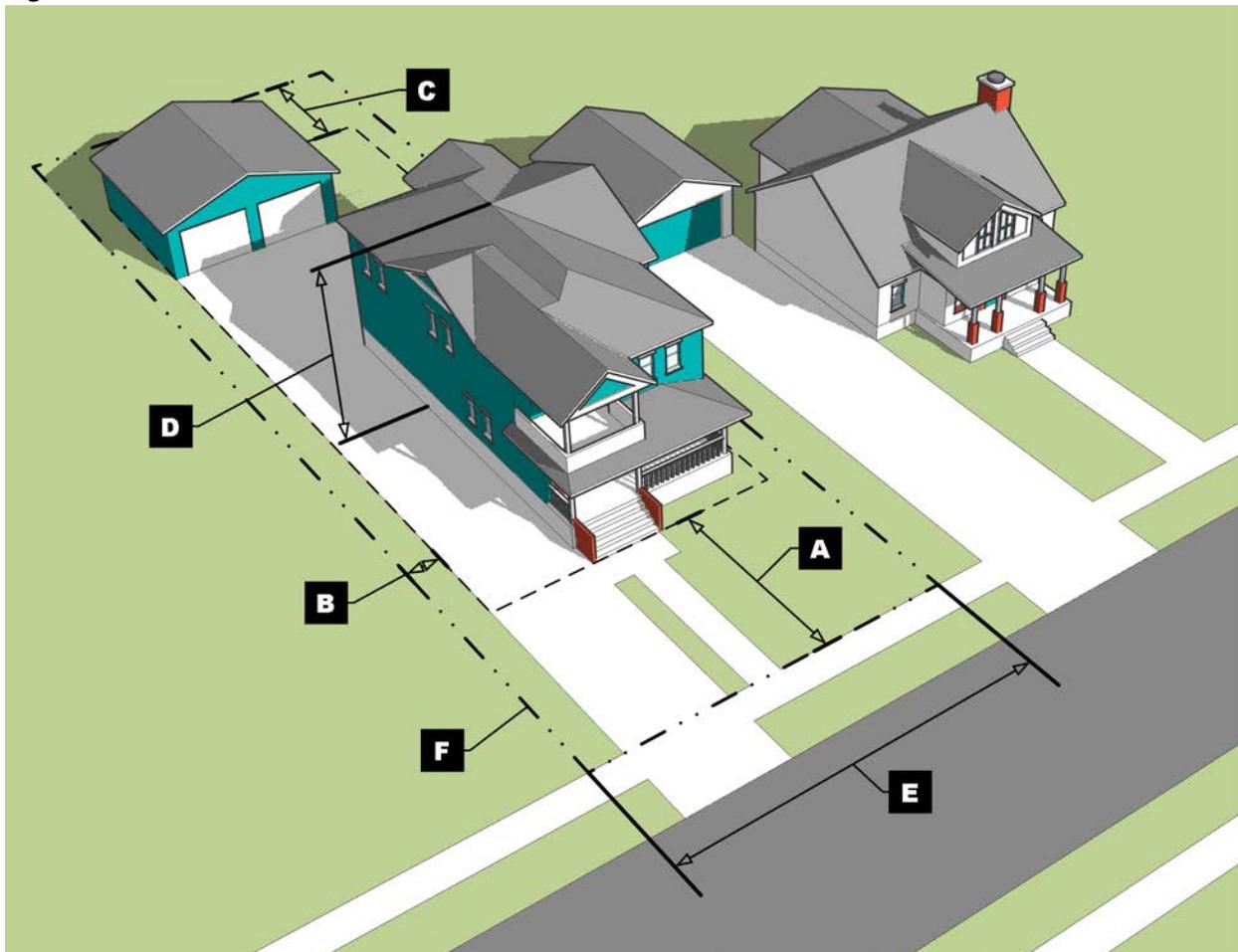
Commentary:

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

A. Purpose

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

Figure 2-2: R2 District Dimensional Standards



B. Standards

Table 2.4
R2 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	30 feet
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet ⁶
Lot (minimum)		
E	Width	40 feet
F	Area	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 3,000 sq ft per dwelling unit
Impervious Coverage (maximum)⁷		
	All	60%

Notes:

Table 2.5
R2 District: Other Key Standards

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---

⁶ There is no current height limit in Class A-1. 36 ft is suggested for discussion purposes.

⁷ The current ordinance has separate impervious limits for parking and structures, resulting in a confusing set of standards. The draft proposes a single consolidated standard for all districts for simplicity.

2.4 R3: Two-Family Residential, Small-lot

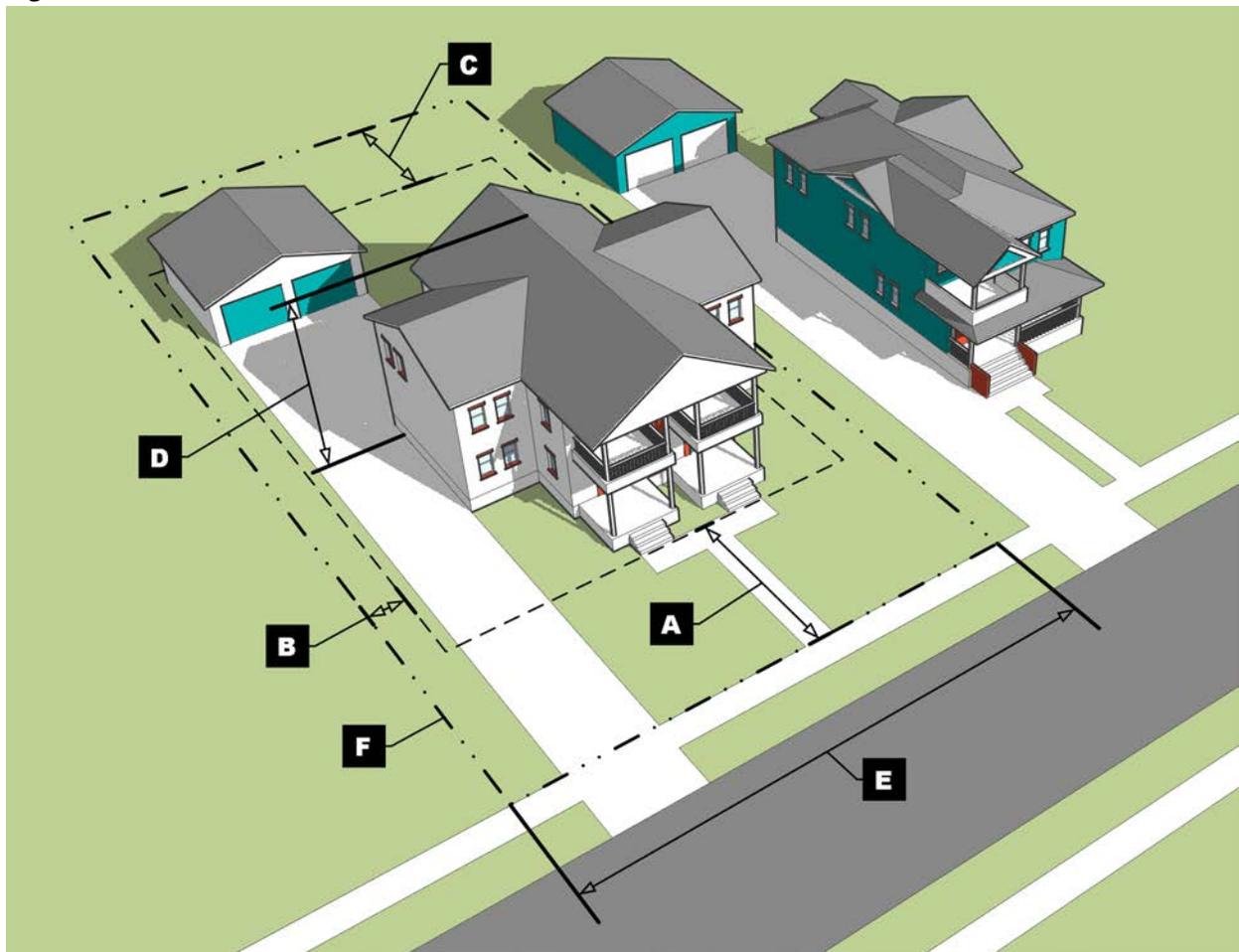
Commentary:

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

A. Purpose

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

Figure 2-3: R3 District Dimensional Standards



B. Standards

Table 2.6
R3 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	20 feet
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet ⁸
Lot (minimum)		
E	Width	40 feet
F	Area	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 2,000 sq ft per dwelling unit
Impervious Coverage (maximum)		
	All	65%

Notes:

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---

⁸ There is no current height limit in Class AA. 36 ft is suggested for discussion purposes.

2.5 R4: Multi-Family Residential, Low-Density

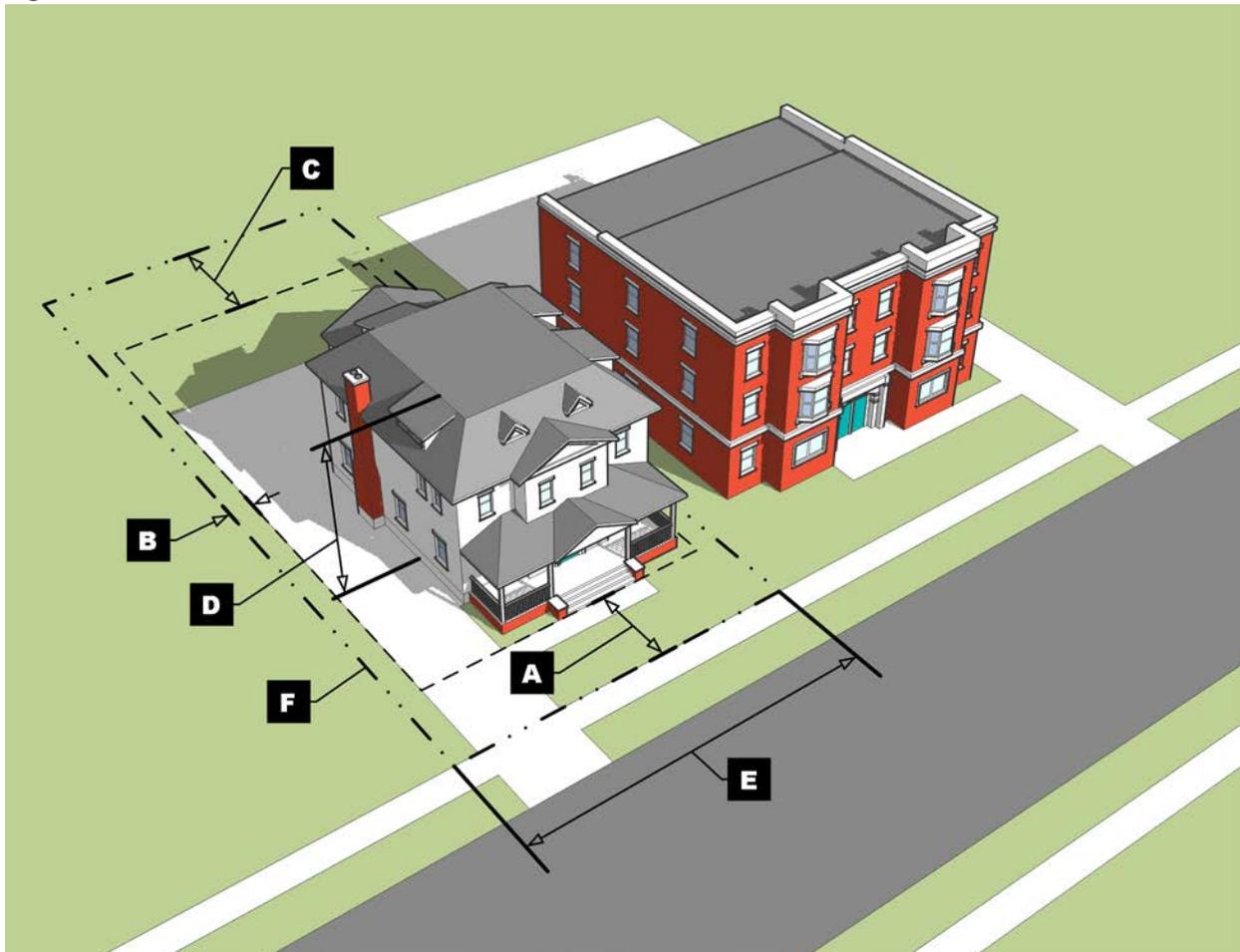
Commentary:

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

A. Purpose

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

Figure 2-4: R4 District Dimensional Standards



B. Standards

Table 2.8 R4 District: Dimensional Standards <i>Labels correspond to illustration</i>		
Setbacks (minimum)		
A	Front	20 feet
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	48 feet, inclusive of semi-basements ⁹
Lot (minimum)		
E	Width	Single- and two-family dwelling: 40 feet Other residential use:: 50 feet
F	Area	Single-family dwelling: 4,000 sq ft Two-family dwelling: 3,000 sq ft per dwelling unit Multi-family dwelling: 2,500 sq ft per dwelling unit
Impervious Coverage (maximum)		
	All	75%
Notes:		

Table 2.9 R4 District: Other Key Standards <i>The following sections contain important additional information regarding uses allowed in the R4 district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.</i>	
Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---

⁹ The term “semi-basement” is directly from B-1. The intent is to have a slight elevation of the ground floor, especially on busy corridors. Further discussion needed as part of the next module: this “semi-basement” concept could be retained (if so, with a clear definition); or, there could be a new design standard requiring elevated ground floors.

2.6 R5: Multi-Family Residential, Medium-Density

Commentary:

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

A. Purpose

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

Figure 2-5: R5 District Dimensional Standards



B. Standards

Table 2.10
R5 District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	10 feet
B	Side	4 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	48 feet, inclusive of semi-basements ¹⁰
Lot (minimum)		
E	Width	One- and two-family dwelling: 40 feet Residential use > two-family dwelling: 50 feet
F	Area	Single-family dwelling: 4,000 sq ft Two-family dwelling: 3,000 sq ft per dwelling unit Multi-family dwelling: 1,000 sq ft per dwelling unit [1]
Impervious Coverage (maximum)		
	All	75%

Notes:
 [1] For group living (e.g., fraternities, sororities, chapter houses, colleges, boarding houses, care homes), four persons equals one dwelling unit for purposes of this minimum area calculation.

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---

¹⁰ No height is listed in the current Class B district. 48 feet is suggested for discussion purposes and is consistent with the new R4. As with R4, the "semi-basements" term needs discussion.

2.7 MX-1: Urban Neighborhood

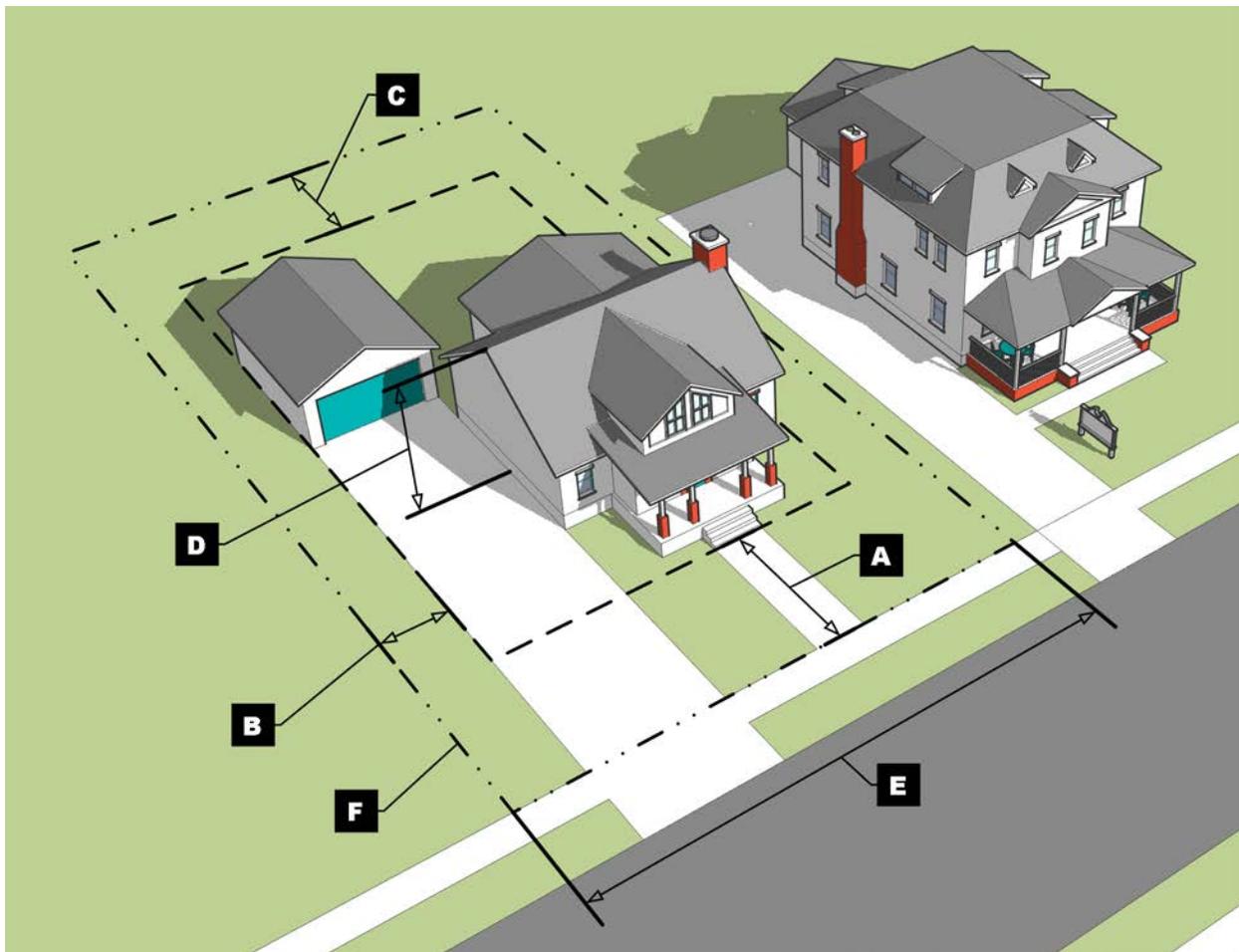
Commentary

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

A. Purpose

The MX-1 district is established to provide for a pedestrian-friendly mix of low- to medium-density residential and small-scale, low-impact nonresidential uses. This district allows the redevelopment of residential structures into compatible nonresidential uses that generally maintain the residential building form and design. Development shall preserve the character of established low- to medium-density neighborhoods and is appropriate within such neighborhoods and corridors.

Figure 2-6: MX-1 District Dimensional Standards



B. Standards

Table 2.12

MX-1 District: Dimensional Standards

Labels correspond to illustration

Setbacks (minimum)		
A	Front	20 feet
B	Side	10 feet
	Side, corner lot	Not less than 15% of total front width of lot, but need not exceed established front setback line for side street
C	Rear	20 feet or 15% of lot depth, whichever is greater
Height (maximum)		
D	Building height	36 feet
Lot (minimum)		
E	Width	Single- and two-family dwellings: 40 feet
		Other: 50 feet
F	Area (if solely occupied by residential)	Single-family dwelling: 4,000 sq ft
		Two-family dwelling: 3,000 sq ft per dwelling unit
		Multi-family: 700 sq ft per dwelling unit
Impervious Coverage (maximum)		
	Lots solely occupied by residential	60%
	Other lots	80%

Notes:

Table 2.13

MX-1 District: Other Key Standards

The following sections contain important additional information regarding uses allowed in the MN district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---
Building Design	Section ---

2.8 MX-2: Neighborhood Center

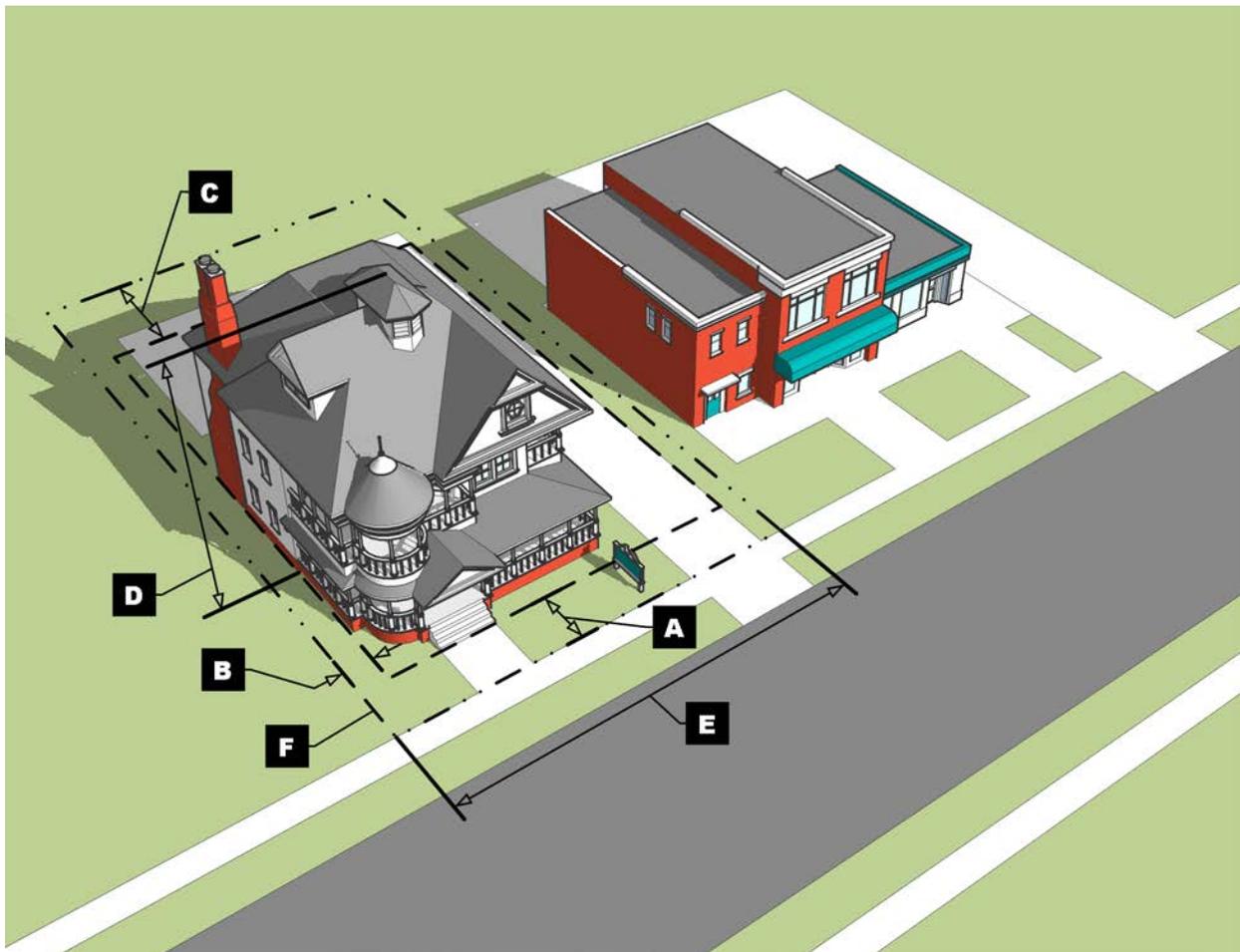
Commentary

This new district is intended to implement the Neighborhood Center plan character area and also some of the Adapted Mansion plan character areas. Residential forms are preserved, but a greater mix and scale of uses is allowed than in MX-1. Sample areas where the district could be considered include Westcott, James, Wolf and South.

A. Purpose

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

Figure 2-7: MX-2 District Dimensional Standards



B. Standards

Table 2.14

MX-2 District: Dimensional Standards

Labels correspond to illustration

Setbacks (minimum)		
A	Front	10 feet
B	Side	4 feet
	Side, corner lot	10 feet in width from secondary street
C	Rear	If residential only: 20 feet or 15% of lot depth, whichever is greater If mixed use: no minimum unless adjacent to residential (see Neighborhood Transition standards)
Height (maximum)		
D	Building height	36 feet
Lot (minimum)		
E	Width	Single- and two-family dwellings: 40 feet Other: 50 feet
F	Area (if solely occupied by residential)	Single-family dwelling: 4,000 sq ft Two-family dwelling: 3,000 sq ft per dwelling unit Multi-family: 700 sq ft per dwelling unit
Impervious Coverage (maximum)		
	Lots solely occupied by single- and two-family dwellings	60%
	Lots solely occupied by multi-family dwellings	70%
	Other lots	100%

Notes:

Table 2.15

MX-2 District: Other Key Standards

The following sections contain important additional information regarding uses allowed in the MC district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---
Building Design	Section ---

2.9 MX-3: Office

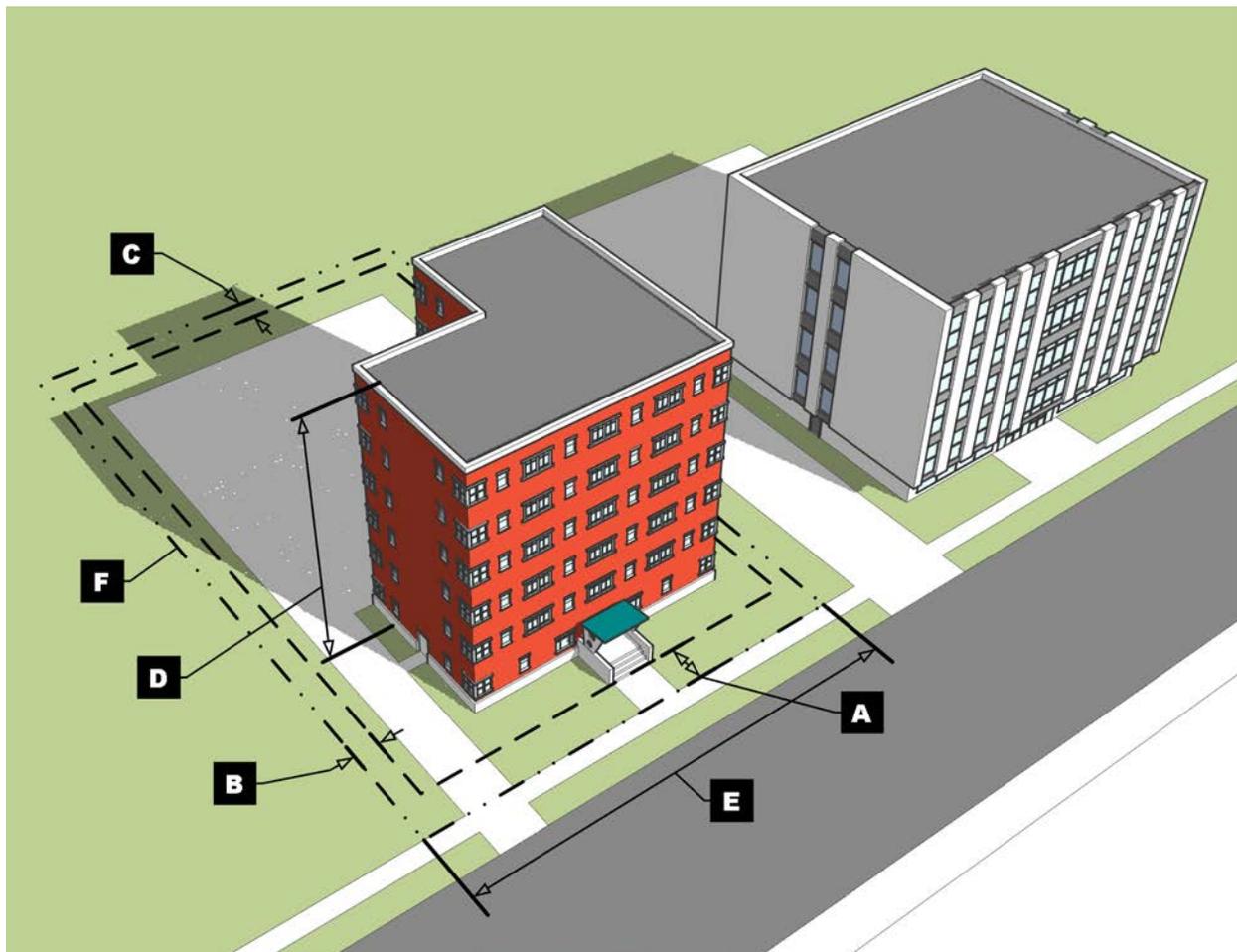
Commentary

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

A. Purpose

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

Figure 2-8: MX-3 District Dimensional Standards



B. Standards

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

Setbacks (minimum)		
A	Front	10 feet
B	Side	4 feet
	Side, corner lot	10 feet in width from secondary street
C	Rear	5 feet
Height (maximum)		
D	Building height	48 feet
Lot (minimum)		
E	Width	40 feet
F	Area (if solely occupied by residential)	425 sq ft per dwelling unit
Impervious Coverage (maximum)		
	Lots solely occupied by single- and two-family dwellings	60%
	Lots solely occupied by multi-family dwellings	70%
	Other lots	100%

Notes:

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---
Building Design	Section ---

2.10 MX-4: Urban Core

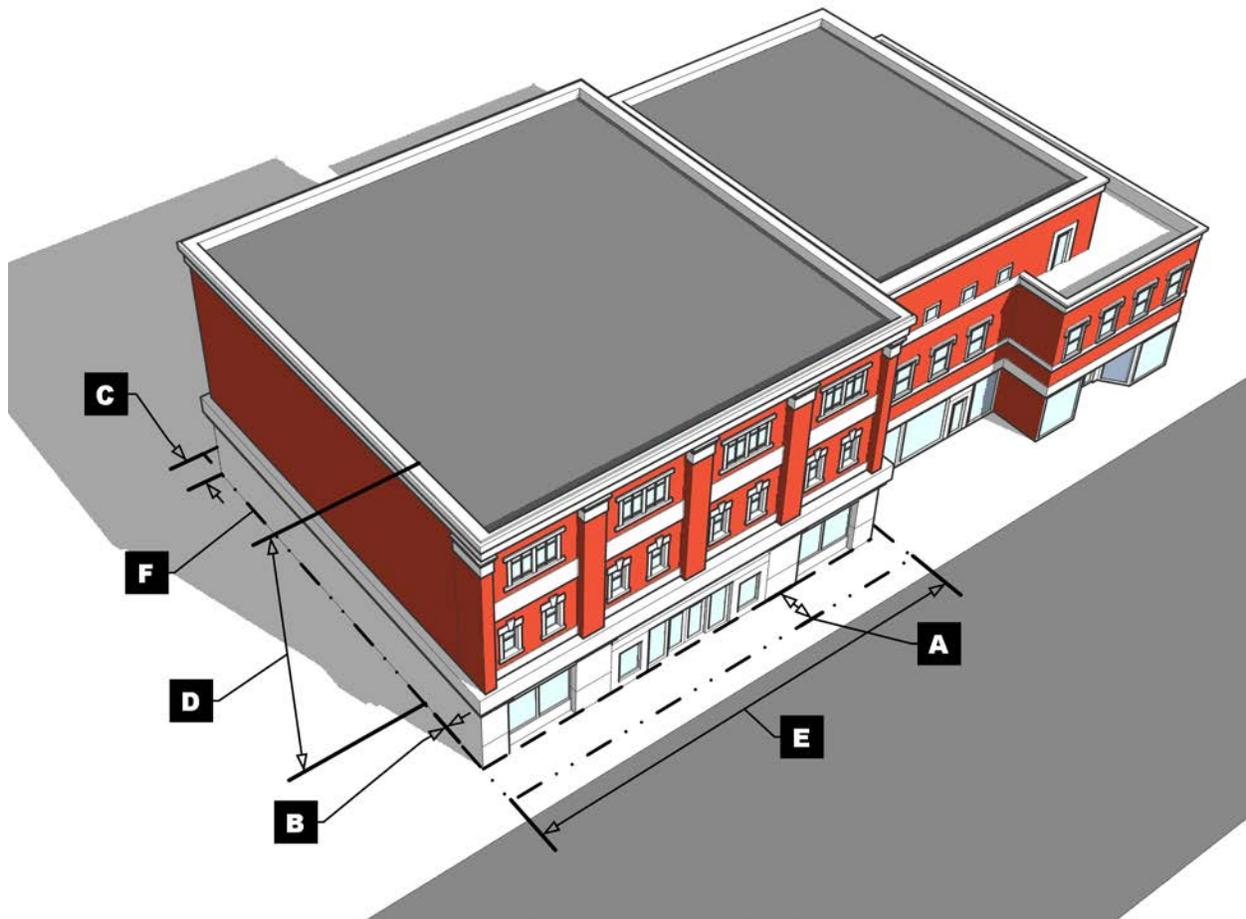
Commentary

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

A. Purpose

The MX-4 district is established to provide for pedestrian-friendly 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 (reserved)



B. Standards

Table 2.18

MX-4 District: Dimensional Standards

Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section --- (will x-ref neighborhood compatibility) Front maximum: 10 feet
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	60
Lot (minimum)		
E	Width	60 ft
F	Area (if solely occupied by residential)	3,200 sq ft
Impervious Coverage (maximum)		
	Lots solely occupied by residential	70%
	Other lots	100%

Notes:

Table 2.19

MX-4 District: Other Key Standards

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---
Building Design	Section ---

2.11 MX-5: Central Business District

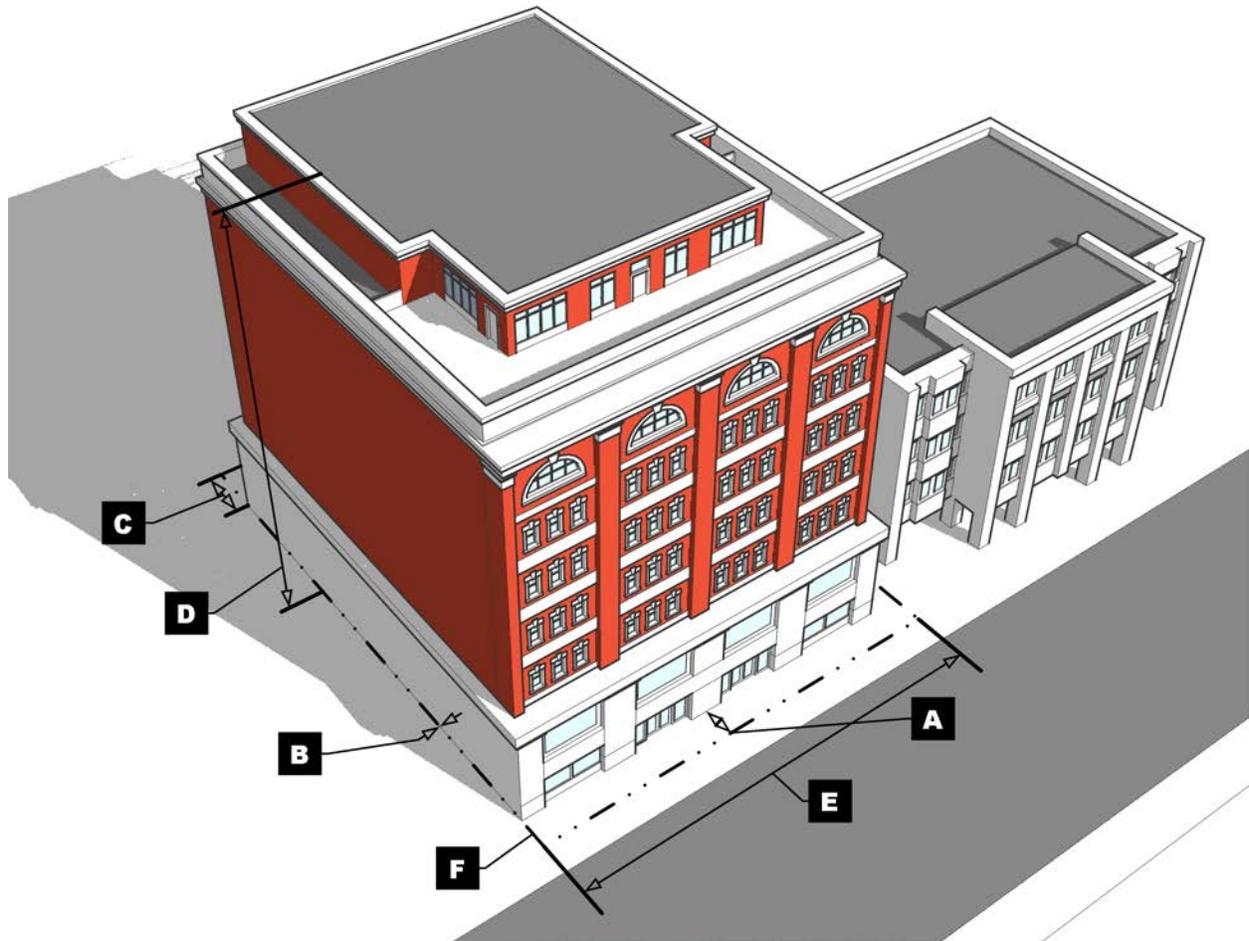
Commentary:

The proposed new MX-5, or Central Business, District consolidates the numerous existing Central Business District zones, which have a wide range of uses allowed and dimensional standards. It is intended to implement the Downtown Overlay character area. It allows the city's maximum heights and densities with minimal parking, no first-floor residential, and has greatest range of uses including retail, service, commercial, entertainment, and small-scale manufacturing. Ongoing discussion will be necessary regarding the details of this district; we will be able to further define its character when we draft the next module, Development Standards.

A. Purpose

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

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



B. Standards

Commentary

The proposed new MX-5 district replaces the numerous existing Central Business District zones, which have a wide range of dimensional standards. They rely on a FAR approach to control building size and bulk. Initial conversations with staff have focused on not carrying forward the FAR approach.

Table 2.20

MX-5 District: Dimensional Standards

Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section --- (will x-ref neighborhood compatibility) Front maximum: 5 feet
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	No maximum height
Lot (minimum)		
E	Width	60 ft ¹¹
F	Area (if solely occupied by residential)	3200 sq ft
Coverage ¹²		
	Maximum impervious coverage	100%
	Minimum building coverage	80%

Notes:

Table 2.21

MX-5 District: Other Key Standards

The following sections contain important additional information regarding uses allowed in the CB district and the general and specific standards applicable to all development. This list is illustrative only and does not identify all standards that may apply to a particular development.

Measurements and Exceptions	Section 2.18 (includes general measurement rules)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Building Design	Section ---

¹¹ Discuss need for any lot minimums in this district.

¹² Proposed for discussion. The intent is to obtain more density in the downtown. Staff has also suggested some percentage of landscape buffer along street frontages and/or for stand-alone parking lots. The development standards module will contain those requirements.

2.12 CM: Commercial

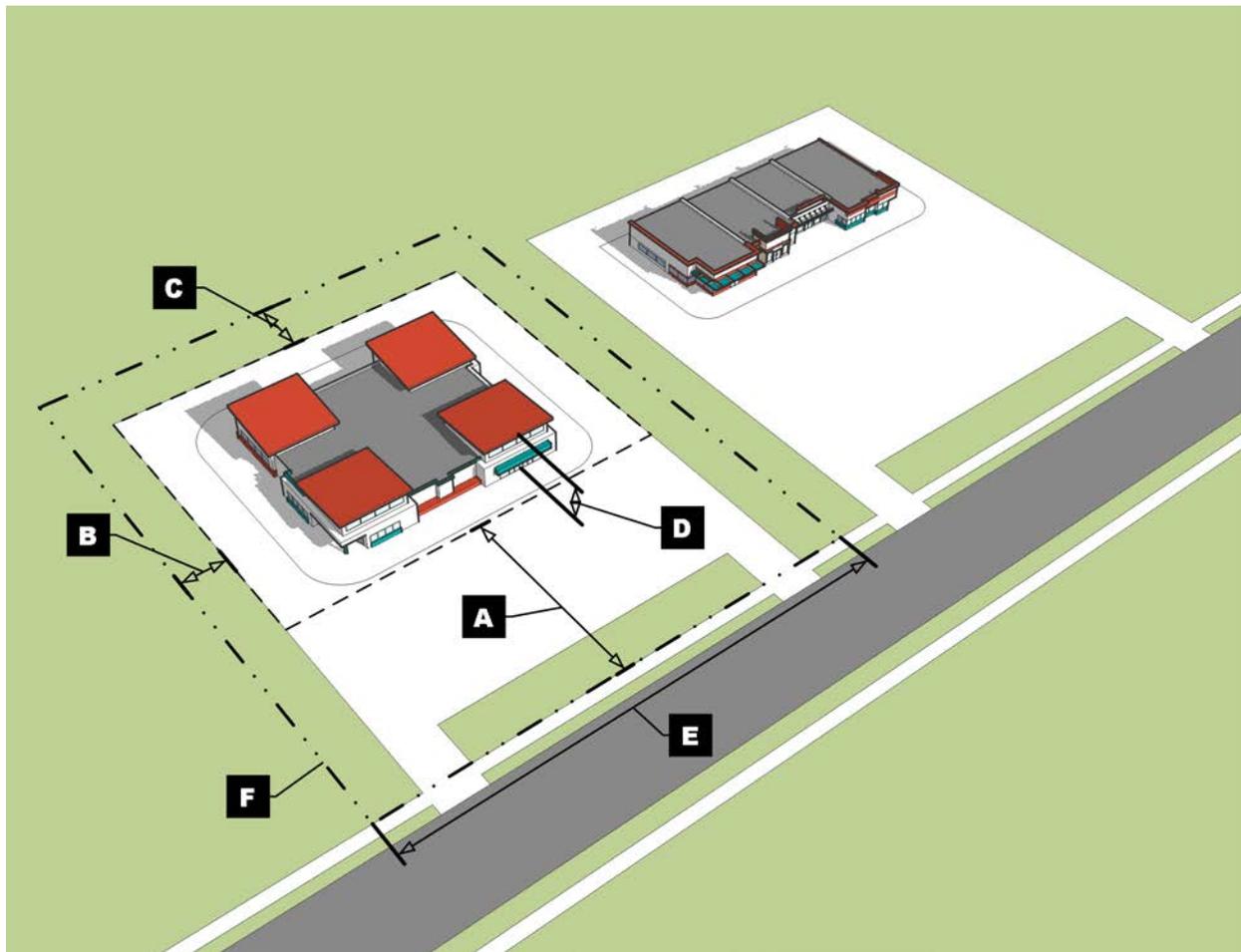
Commentary:

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

A. Purpose

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

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



B. Standards

Table 2.22

CM District: Dimensional Standards

Labels correspond to illustration

Setbacks (minimum)

A	Front	No minimum setbacks. See Section --- (will x-ref neighborhood compatibility)
B	Side	
	Corner lot	
C	Rear	

Height (maximum)

D	Building height	36 feet
----------	-----------------	---------

Lot (minimum)

E	Width	No minimum lot width
F	Area	No minimum lot area

Impervious Coverage (maximum)

	All	100%
--	-----	------

Notes:

Table 2.23

CM District: Other Key Standards

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---
Building Design	Section ---

2.13 LI: Light Industrial

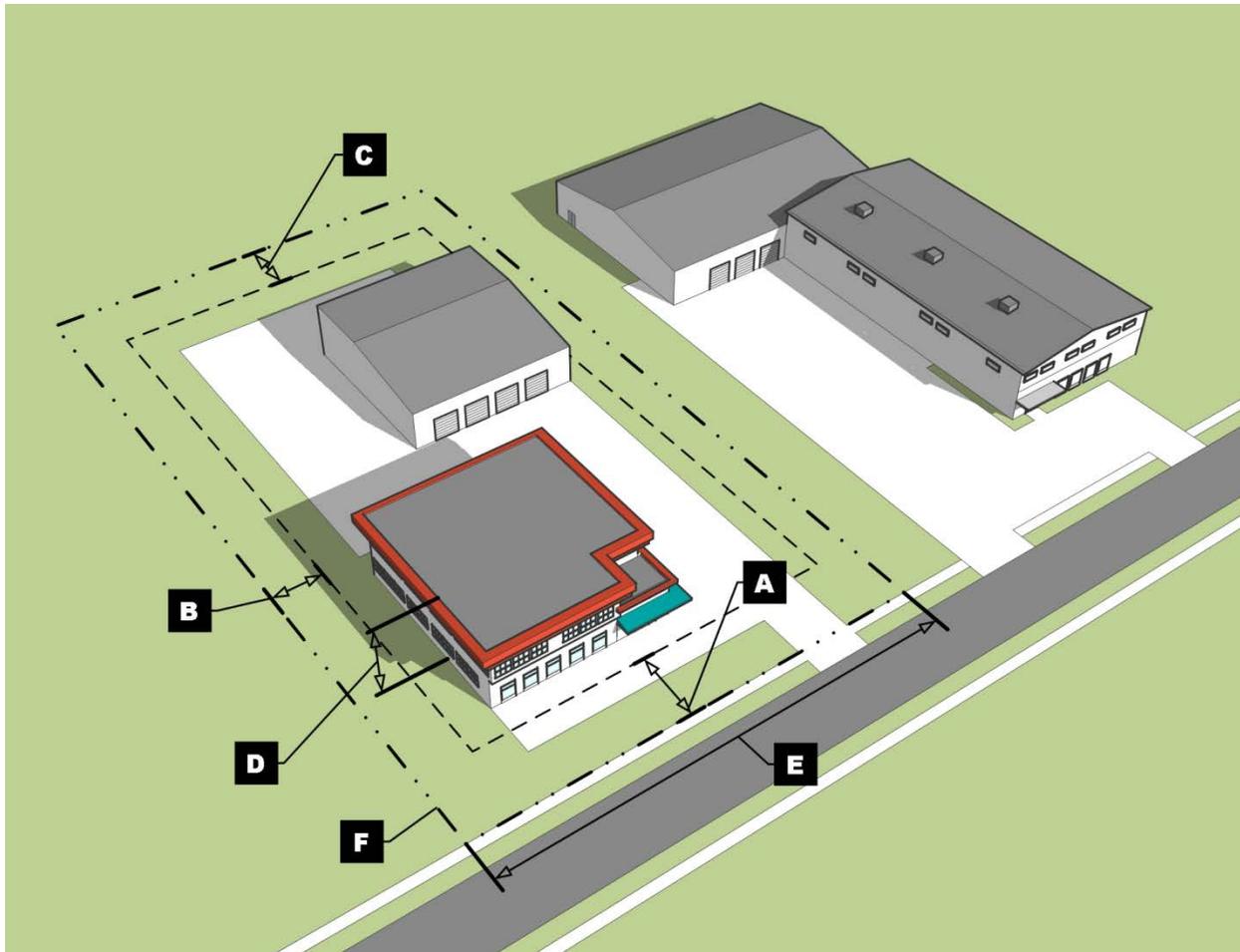
Commentary:

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

A. Purpose

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

Figure 2-12: LI District Dimensional Standards



B. Standards

Table 2.24
LI District: Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section --- (will x-ref neighborhood compatibility)
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	36 feet
Lot (minimum)		
E	Width	No minimum lot width
F	Area	No minimum lot area
Impervious Coverage (maximum)		
	All	100%

Notes:

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---
Building Design	Section ---

2.14 HI: Heavy Industrial

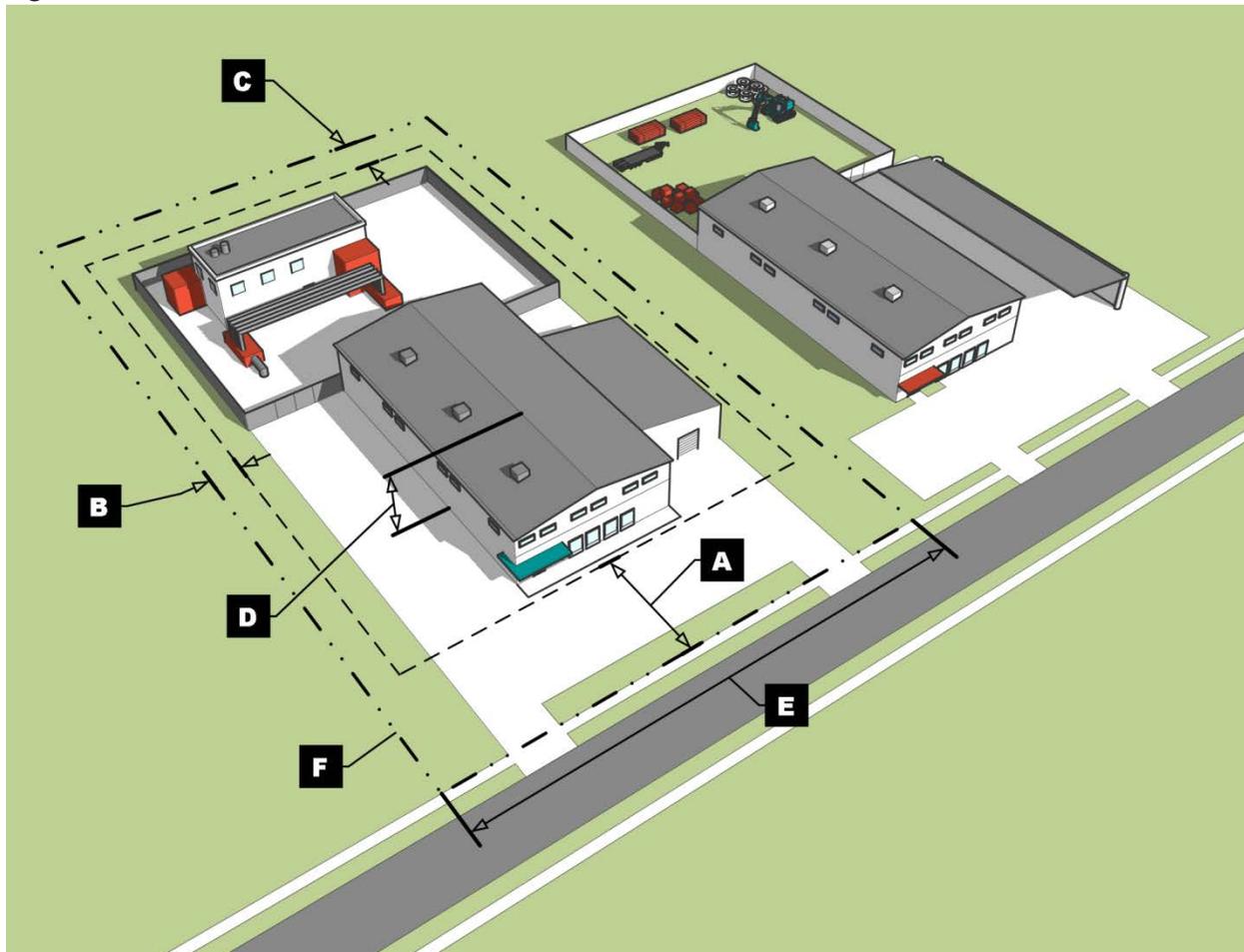
Commentary:

This district is based on the current Industrial District, Class B. It is intended to be carried forward substantially unchanged, but with a new name and new purpose statement, and subject to the new development standards (to be drafted in a later module).

A. Purpose

The HI district is established to provide for appropriate areas on or near major roadways for the development and continued use of lands for heavy commercial, and industrial uses, while prohibiting land uses that are not compatible with the permitted land uses or considered to be hazardous, objectionable or offensive by reason of noise, vibration, dust, smoke, odors, and the like to the public health, safety, welfare and interests.

Figure 2-13: HI District Dimensional Standards



B. Standards

Table 2.26
HI District Dimensional Standards
Labels correspond to illustration

Setbacks (minimum)		
A	Front	No minimum setbacks. See Section --- (will x-ref neighborhood compatibility)
B	Side	
	Corner lot	
C	Rear	
Height (maximum)		
D	Building height	36 feet
Lot (minimum)		
E	Width	No minimum lot width
F	Area	No minimum lot area
Impervious Coverage (maximum)		
	All	100%

Notes:

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---
Off-Street Parking	Section ---
Building Design	Section ---

2.15 OS: Open Space

Commentary:

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

A. Purpose

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

B. Standards

Table 2.28

OS District: Dimensional Standards

Labels correspond to illustration

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

Notes:

Table 2.29

OS District: Other Key Standards

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

Measurements and Exceptions	Section 2.18 (includes general measurement rules and allowed encroachments and exceptions)
Use Regulations	Article 3
Table of Allowed Uses	Section 3.2
Accessory Structures and Uses	Section 3.4
Development Standards	Article 5
Neighborhood Transition Standards	Section ---

2.16 Planned Districts

Commentary

We understand the City wishes to carry forward the existing Planned Institutional and Planned Development Districts as a means of providing a review and approval process for unique and specialized projects. For now, we have carried forward the existing content related to purposes and uses; the content related to procedures will be added during the drafting of a future module. Further discussion is needed as to how much of the existing PD standards (e.g., the unique approval process, the district/project plan requirements) should be carried forward.

A. Establishment of Planned Development Districts

Planned development districts are established by the City's approval of a PD rezoning (see Section ---). Development in a PD district is subject to standards included in, or referenced in an approved plan.

B. PD: Planned Development District

(1) Purpose

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

- a. To ensure the compatible relationship between the land uses being developed or expanded and other land uses in proximity;
- b. To ensure the compatible orientation of new and existing buildings to each other;
- c. To accommodate efficient and safe circulation for both pedestrians and motor vehicles;
- d. To provide for adequate parking space for the intended development;
- e. To ensure that signs necessary for premises identification are appropriate to the aesthetics of the development and the bordering neighborhood;

(2) Allowed Uses¹³

a. Uses Eligible for Inclusion in a PD 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 motor vehicles, and excluding uses where a principal function is the storage or impoundment of motor vehicles.

2. Light Manufacturing

Manufacturing, fabrication, or assembly operations that are neighborhood-compatible; that generate minimally disruptive vehicular traffic; and that produce little

¹³ In this first draft, we have carried forward the existing use allowances for the PD and PI districts. These should be revisited following refinement of the master use table to ensure consistent terminology, and also following the later review of the procedures for creating district plans (to be drafted in Module 3, Administration).

or no noise, adverse lighting, bad odors, particulate emissions, or uncontained waste discharges.

b. Nonconforming Uses

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

(3) Procedures

[reserved pending discussion; to be drafted in future module]

(4) Standards

[reserved pending discussion; to be drafted in future module]

C. PI: Planned Institutional District

(1) Purpose

The purpose of the PID district 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 bulk, architectural and open space;
- c. To provide for visually pleasing and 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 ensure that signs are adequate, but properly controlled to prevent them from detracting from the appearance of the development;
- g. To encourage cooperation among individual owners, and/or developers to achieve the above-listed objectives.

(2) Uses Eligible for Inclusion in a PI District Plan

a. Institutional

Universities, colleges, public and private elementary, junior high, high schools, hospitals, clinics, care homes, sanitariums, religious institutions, eleemosynary institutions, civic uses, fraternities and sororities; day- care centers; business and commercial schools.

b. Accessory Uses

Such accessory uses are those either owned or operated by an institution, or an independent accessory use. Any such accessory use shall be found by the City Planning Commission to be compatible to, in furtherance of and not detrimental to the proposed use or uses of the Planned Institutional District. Such accessory uses are permitted but not limited to the following:

1. Residential

Dormitories; housing for married students; housing for nurses; housing for medical interns; rectories, convents and parsonages; provided such facilities are owned and maintained by the institution with which the residents are associated.

2. Retail and/or Service

Retail and/or service uses may be permitted to the extent that such uses are found by the City Planning Commission to be appropriate for such a district.

c. **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) **Procedures**

[reserved pending discussion; to be drafted in future module]

(4) **Standards**

[reserved pending discussion; to be drafted in future module]

2.17 Overlay Districts

Commentary:

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

A. Preservation Districts¹⁴

[RESERVED]

B. University Area Special Neighborhood District¹⁵

[RESERVED]

¹⁴ The preservation districts will be carried forward. This material currently is being rewritten and updated by the planning staff. Once a draft is ready for public review, it will be folded into the draft Zoning Ordinance in the appropriate locations as appropriate.

¹⁵ This district requires further discussion. The intent is to carry forward its protections, but to discuss whether it should remain in its current form or be reconfigured in some way to be more effective.

2.18 Measurements and Exceptions

Commentary

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

A. Purpose

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

B. Lot and Space Requirements

(1) Minimum Lot Dimensions

- a. Any lot that is created, developed, used, or occupied shall meet the minimum lot size and frontage requirements set forth in this Article for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. New lots shall also meet the development standards set forth in Section ---, *Blocks and Lots*.
- b. No space needed to meet the width, setback, area, open space, lot coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased away from such lot or building.
- c. No parcel of land that has less than the minimum width, depth, and area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

(2) Number of Principal Buildings or Uses Per Lot

- a. Only one main building for single-family or two-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract. Every dwelling shall face or front upon and have legal means of access to a right-of-way.
- b. Where a lot or tract of land is used for multi-family, mixed use, commercial, or industrial purposes, more than one main building may be located upon the lot but only when such buildings conform to all requirements of this Ordinance applicable to the uses and district, and when all main buildings face upon a right-of-way.
- c. No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

C. Setbacks

(1) Measurement

Setbacks referred to in this Ordinance shall be measured as stated in the definitions chapter under the term "setback."

(2) Multifamily Dwellings

- a. Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.
- b. For purposes of setback calculations for side-by-side multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit need observe the required side setback for the district.

(3) Projections

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

- a. Setback restrictions do not apply to: slabs, uncovered patios, walks, steps, fences, hedges, or freestanding walls. Freestanding walls are subject to any sight triangle regulations.
- b. Certain architectural features and improvements may encroach into required setbacks as follows:

Table 2.18-1:

Authorized Exceptions to Setback Requirements

Storage sheds	In all residential zoning districts, storage sheds less than 120 square feet in size may be placed up to, but no closer than, four feet from a rear or side property line if they are not placed on a permanent foundation. Storage sheds shall not be located over an easement or placed in a front setback.
Front porches and stoops	In all residential zoning districts, covered front porches and stoops may extend into the required front setback up to eight feet, provided the porch or stoop is unenclosed and at least five feet from the front property line. ¹⁶
Mobility access ramps and lifts	Mobility access ramps and lifts may be located within required front, side, and rear setbacks. To the maximum extent practicable, they shall be located within 10 feet of the front façade and within 5 feet of the side elevations.
Uncovered balconies	In all residential zoning districts, balconies that are uncovered may extend into any side or rear setback provided these projections are at least five feet from the property line. Uncovered balconies may also extend into the required front setback up to six feet.
Incidental architectural features	Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project up to two feet into any required setback provided the projections are at least five feet from the property line.

(4) Partially Developed Frontages

When a vacant lot is bordered on two sides by previously constructed buildings, both of which do not meet the required front setback applicable to the district, the required front setback for the vacant lot shall be established as the average front setback of the existing buildings within 200 feet of the property, or as determined by the Zoning Administrator.¹⁷ Where a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front setback for the district, the required front setback for the vacant lot shall be

¹⁶ We understand that current practice only allows depth sufficient to open a door. Eight feet allows a proposed deeper porch that would allow the placement of porch furniture and be a more functional space.

¹⁷ This language is intended to codify an existing Syracuse policy.

established as the average front setback of the adjacent building and the minimum required front setback for the district.

(5) Irregular Shaped Lots

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

(6) Double-Frontage Lots

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

(7) Corner Sight Distance

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

D. Building Height

(1) Measurement

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

(2) Height Requirements Generally

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

(3) Exceptions

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

Table 2.18-2:

Authorized Exceptions to Maximum Height Standards

Church spires or belfries	Church spires or belfries may be up to 25% greater than the maximum allowed height; provided they are designed without provision for occupancy and plans receive prior approval of the Town.
Parapet walls	Screening parapet walls may extend above the maximum height limit up to 30 inches for buildings containing two or more dwelling units.
Rooftop mechanical equipment	Cupolas, chimney ventilators, skylights, water tanks, elevator overrides, solar collection equipment, and all other mechanical equipment may extend up to five feet above the maximum height limit provided the equipment complies with screening requirements set forth in Section ---
Transmitting antennae¹⁸	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.

¹⁸ City legal staff is reviewing all telecommunication sections; they will prepare additional language regarding local review of "eligible facilities requests" on existing towers.

(4) Building Height Averaging

When a vacant lot is bordered on two sides by previously constructed buildings, both of which do not meet the required maximum height applicable to the district, the required height for the vacant lot shall be established as the average front height of the existing buildings within 200 feet of the property, or as determined by the Zoning Administrator.¹⁹

E. Impervious Lot Coverage

(1) Measurement

The aggregate percentage of the lot area that includes:

- a. Paved or unpaved surfaces used or provided for parking and related access;
 1. Driveways and access aisles shall be considered as part of parking surface coverage;
 2. Garages, which are structures included in structural coverage, shall not be considered part of parking surface coverage; and
- b. 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.
 1. 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;
 2. 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.

¹⁹ This language is based on the Syracuse policy used currently for setbacks.

Article 3: Use Regulations

Commentary

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

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

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

3.1 Purpose and Organization of this Article

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

- A. Section 3.2, *Table of Allowed Uses*, lists uses allowed by district and provides cross-references to applicable use-specific standards.
- B. Section 3.3, *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- C. Section 3.4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- D. Section 3.5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

3.2 Table of Allowed Uses

Table 3.1 lists the uses allowed within all base zoning districts. Each listed use is defined in Article 6: *Rules of Construction and Definitions*.

A. Explanation of Table Abbreviations

(1) Permitted Uses

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

(2) Special Uses

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

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

- b. The "S" designation in Table 3.1 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 Section ---, *Special Use Permits*.

(3) Prohibited Uses

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

(4) Use-Specific Standards

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

B. Table Organization

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

C. Use for Other Purposes Prohibited

Approval of a use listed in Table 3.1, 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.

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

- (2) If the Zoning Administrator determines that a proposed use falls within an existing use category or use type, written notification shall be sent to the applicant. That determination shall become effective 14 days after written notification is sent.
- (3) Appeal of the Zoning Administrator’s decision may be made to the Board of Zoning Appeals following the procedures under Section ---, *Appeals*.
- (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. Until final action is taken on the text amendment application, the interpretation of the Zoning Administrator shall be binding.

E. Table of Allowed Uses

Commentary

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

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

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

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

Next, we show some suggested changes to the level of permission for some uses in some districts. These are shown by the shading of the cell. A cell shaded **green** means the level of permission has changed to be more permissive (e.g., S to P). A cell shaded **red** means the level of permission has changed to be more restrictive (e.g., P to prohibited) and the previous level of permission is stricken (e.g., ~~P~~).

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

- 1) To be consistent with stakeholder comments, the themes described in the Assessment Report, and/or current planning trends;
- 2) Use-specific standards allow for a more permissive level of approval with less discretion.

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

Use types labeled “New” generally mean that they are not listed in the current ordinance. This does not, however, mean that the use is new to Syracuse. For example, “Retail, general” is a “new” use because it consolidates several previously listed uses.

Article 3: Use Regulations

3.2: Table of Allowed Uses

E: Table of Allowed Uses

Table 3.1: Table of Allowed Uses																
P = Permitted Use S = Special Use Permit A = Accessory Use T = Temporary Use																
USE CATEGORY	USE TYPE <i>(green = NEW)</i>	Residential					Mixed-Use					Nonres. / Special Purpose				USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	HI	OS	
RESIDENTIAL USES																
Household Living	Dwelling, live/work			S	P	P	P	P	P	P						3.3A(1)
	Dwelling, multi-family				P	P	S	P	P	P	P	P	P			3.3A(2)
	Dwelling, single-family	P	P	P	P	P	P	P	P	P	PS					
	Dwelling, two-family		P	P	P	P	P	P	P	P						
Group Living	Boarding or rooming house					P	P	P	P							
	Chapter house					P		S	P	P						
	Dormitory					P		S	P	P						
	Residential care facility		S	S	S	S	S	S	S	S	S	P				3.3A(3)
PUBLIC, INSTITUTIONAL, AND CIVIC USES																
Community and Cultural Facilities	Assembly	P	P	P	P	P	P	P	P	P	P	P				3.3B(1)
	Civic building					P	P	P	P	P	P	P	P	P	P	
	Correctional facility											S	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	P	
Educational Facilities	College or university					P	S	P	P	P	P					
	School, public or private ²⁰	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Vocational, arts, trade, or business ²¹							S	P	P	P	P	P	P		
Health Care	Clinic					S	S	S	P	P	P	P				
	Hospital					P	P	S	S	S	S	P	P	P		
Parks and Open Space	Cemetery	S	S	S	S	S									S	

²⁰ Combines permissions for "Schools" and "Churches, parish houses, convents, and schools."

²¹ Combines permissions for "Business and commercial" and "Vocational or trade."

Article 3: Use Regulations

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	HI	OS	
	Golf course	P	P	P			P	P							P	
	Park and recreation facility	P	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	
	General agriculture											P	P	P	P	
Animal-Related Uses	Animal grooming and day care						P	P	P	P	P	P	P		3.3C(1)	
	Kennel						P					P	P	P	3.3C(1)	
	Veterinary hospital						P					P	P	P	3.3C(1)	
Day Care	Day care center		P	P	P	P	P	P	P	P	P				3.3C(6)	
	Family day care	P	P	P	P	P	S	S							3.3C(6)	
Food and Beverage ²²	Bar						S	S	P	P	P	P	P		3.3C(7)	
	Beverage café						P	P	P	P	P	P	P		3.3C(7)	
	Brewpub						S	S	P	P	P	P	P		3.3C(7)	
	Commercial food preparation establishment											P	P	P	3.3C(7)	
	Microbrewery										P	P	P	P	3.3C(7)	
	Nightclub									S	S	P			3.3C(7)	
	Restaurant ≤1500 sq ft						P	P	P	P	P	P	P		3.3C(7)	
	Restaurant >1500 sq ft						S	S	P	P	P	P	P		3.3C(7)	
Lodging	Bed and breakfast or inn		S	S	S	S	P	S							3.3C(5)	
	Hotel or motel						P		P	P	P	P	P			

²² As noted in the Assessment Report, the existing “restaurant” definition is overly broad. The addition of new use types such as bar and brewpub should allow the city to more precisely tailor what types of activities are allowed in which zones. This draft is a starting point for discussion on this important topic. The definitions for the new uses are later in this draft and were taken from New York State Code related to liquor licenses.

Article 3: Use Regulations

3.2: Table of Allowed Uses

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	HI	OS	
Office & Professional Service	Business services and supply					S	P	P	P	P	P	P	P	P		
	Financial institution						P	S	P	P	P	P	P	P		
	Office					S	P	P	P	P	P	P				
	Radio or television station						P		P	P	P					
Personal Services	Funeral home						P	S	S	S						
	Personal services, general ≤1500 sq ft ²³						P	P	P	P	P	P	P			
	Personal services, general >1500 sq ft						S	P	P	P	P	P	P			
Recreation and Entertainment	Recreation club, private				S	S	P	S	P	P	P					
	Recreation or entertainment, indoor						PS	S		P	P	P	P	P	3.3C(9)	
	Recreation or entertainment, outdoor									P	S	P	P	P	P	
Retail Sales	Greenhouse or plant nursery, commercial					P	P					P	P	P		
	Liquor store							S	S	S	P					
	Retail, general <1500 sq ft ²⁴						P	P	P	P	P	P	P			
	Retail, general 1500 -15,000 sq ft							P	P	P	P	P	P			
	Retail, general >15,000 sq ft								P	P	P	P	P	P		
	Retail, high-impact <1500 sq ft							S	S	P	P	P	P			

²³ This use type consolidates a number of similar types of uses in the current ordinance; the umbrella term is new, but the specific individual uses are not. The size threshold is introduced for discussion purposes, to allow for smaller, neighborhood-scale options in certain districts. Some districts currently appear to allow banks, personal services, restaurants, and other uses only in an accessory or supportive role, adjunct to another principal use – the Local Office District A is an example.

²⁴ Some districts currently appear to allow retail only in an accessory or supportive role, adjunct to another principal use – for example, Residential Class C allows retail as no more than 15% of an office building. Could this new small-scale retail use type could be used to meet that need?

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	HI	OS	
	Retail, high-impact >1500 sq ft								S	S	P	P	P			
Vehicles and Equipment	Automobile rental								S	S	PS	P	P	P	3.3C(3)	
	Automobile repair, heavy											S	P	P	3.3C(3)	
	Automobile repair, light								S	P	S	S	P	P	3.3C(3)	
	Automobile sales, new										P	P	P	P	3.3C(4)	
	Automobile sales, used										P	S	P	P	3.3C(4)	
	Automobile storage and impoundment													S		
	Automobile wash, attended ²⁵								S	S	S	S	S			3.3C(2)
	Automobile wash, automatic								S	S	S	S	S			3.3C(2)
	Gasoline fueling station ²⁶									S	S	PS	PS			3.3C(8)
	Gasoline fueling station with convenience retail									S		P	P			3.3C(8)
	Gasoline fueling station with restaurant									S		P	P			3.3C(8)
	Parking lot									S	S	S	P	P	P	P
	Parking garage									S	S	S				
	INDUSTRIAL USES															
Industrial Services	Contractor yard											S	P	P	3.3D(2)	
	Fuel distribution facility												S	S	3.3D(3)	
	Industrial service, general									S	P	P	P			
Manufacturing and Production	Manufacturing, artisan								P	P	P	P	P	P		

²⁵ The current ordinance distinguishes between auto and attended car washes in the definitions, but appears to treat them the same in terms of where they are allowed. Staff requested the distinction be carried forward. Should they be allowed in different areas?

²⁶ Per staff request, gas stations have been broken out into multiple use types. Further discussion is needed to confirm these are the right types, and also to determine the districts in which each should be located.

Article 3: Use Regulations

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	HI	OS	
	Manufacturing, heavy												S	P		
	Manufacturing, light										S	P	P	P		
Transportation	Bus holding area ²⁷											S	P			
	Motor freight terminal ²⁸											SP	P	P		
	Fleet terminal											S	P	P		
	Transportation terminal										S					
Utilities and Infrastructure	Antenna or communication tower ²⁹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Utility, major	S	S	S	S	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	P	
Warehouse and Freight Movement	Oil storage tank												S	P		
	Mini-storage											P	P	P		
	Storage yard											S	P	P		
	Warehouse										S	P	P	P		
	Wholesale establishment										S	P	P	P		
Waste and Salvage	Indoor dismantling facility											S	S			
	Indoor recycling center											S	S			
	Junk yard											S	S		3.3D(4)	
	Scrap metal processing											S	S		3.3D(4)	

²⁷ Staff questions if this use is still necessary in Syracuse.

²⁸ Staff questions if this use is still necessary in Syracuse.

²⁹ See note in the use-specific standards. We have carried forward the existing standards pending further discussion. It may be appropriate to separate out different types of wireless facilities in the table (e.g., new tower versus co-location on an existing tower). Also, staff has noted that some additional review or standards may be necessary in residential districts.

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	HI	OS	

ACCESSORY USES AND STRUCTURES (See general standards in Section 3.4C.)

Accessory dwelling unit				A	A	A	A	A									3.4D(1)
Caretaker's quarters												A	A	A			3.4D(2)
Carport, garage, or utility shed	A	A	A	A	A												
Drive-through/drop-off window uses						A						A					3.4D(3)
Home occupation	A	A	A	A	A	A	A	A	A	A							3.4D(3)f
Outdoor display/sale						A						A	A				3.4D(5)
Outdoor storage, accessory												A	A	A			3.4D(6)
Produce stand			A	A	A	A	A								A		3.4D(7)
Retail sale of products directly related to primary industrial use												A	A	A			
Satellite dish antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(8)
Solar energy collection system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(9)
Swimming pool	A	A	A	A	A	A	A	A	A	A							3.4D(10)
Wind energy conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	3.4D(11)

TEMPORARY USES AND STRUCTURES (See general standards in Section 3.5D.)

Special event	T	T	T	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	T	T	T	3.5E(2)
Mobile vendor cart						T	T	T	T	T	T	T	T	T	T	T	
Office and equipment storage					T	T	T	T	T	T	T	T	T	T			3.5E(1)
Produce stand, seasonal			T	T	T	T	T								T		

3.3 Use-Specific Standards

Commentary

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

Where applicable, current Syracuse standards have been carried forward from Part C, Section IV, Article 2. However, some of these standards can probably be removed from this section and integrated into new, generally applicable development standards later in the drafting process. For example, use-specific standards relating to exterior lighting likely can be relocated to new generally applicable standards in Article 4, *Development Standards*. Similarly, parking requirements will be integrated into the new general parking section in Article 4. Also, any process-related standards found in Part C, Section IV, Article 2 have not been carried forward and will be included in Article 5, *Administration*.

Generally, reviewers should consider the appropriateness of these standards for Syracuse's land uses. Questions to ask: Are any uses missing that should have standards in this section? Are any of these standards too strict and/or too lenient?

A. Residential Uses

(1) Dwelling, Live/Work³⁰

- a. Residential areas shall be located above or behind non-residential portions of the structure.
- b. No more than two non-resident employees are permitted in addition to the residents of the dwelling.
- c. The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.

(2) Dwelling, Multi-Family

In the MX districts, dwelling units are not allowed on the ground floor without a special use permit.³¹

(3) Residential Care Facility³²

a. Licensing

Any residential reentry 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,

³⁰ Suggested new standards for a new use. These are relatively minimal standards pending discussion. We can provide language that is much more specific (e.g., specific types of businesses prohibited), similar to what Syracuse has now for home occupations, if there is interest. Note that these are different from home occupations in that a portion of the building is physically designed for business purposes.

³¹ New standard intended to ensure that ground-level uses in the MX districts are pedestrian-friendly and reserved for commercial or office.

³² This is a new name for the City's existing "care home." Standards are carried forward from Part C, Section IV, Article 2, section 7. The term "waiver" has been replaced with "criteria."

however, that in order to encourage the development of such uses within the community, the City Planning Commission, with the approval of the Common Council by ordinance, may alter, waive, or modify the application of any restriction contained in this Ordinance. 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**³³

a. **Street Frontage**

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

³³ Suggested new standards for a new use. Are there other land-use issues with assembly uses (particularly religious institutions) in Syracuse to be addressed?

b. Parking

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

c. Modifications and Conditions

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

(2) Correctional Facility³⁴

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

a. Distance Separation Requirements

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

b. Service Restrictions

Services provided within the residential reentry facility shall be restricted to the residents of the facility.

c. Maximum Occupancy

Total occupancy shall not exceed the maximum number of residents allowed.

d. License Required

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

C. Commercial Uses

(1) Animal-Related Uses³⁵

- a. Animals receiving grooming services may only be boarded for a maximum period of 48 hours.
- b. All animals shall be confined within an enclosed area or on a leash at all times.
- 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.

³⁴ Suggested new standards for a new use suggested by staff.

³⁵ New.

- 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 Municipal Code involving the care and treatment of animals.

(2) **Automobile Wash**³⁶

a. **Location**

- 1. No car wash facility shall be located within 200 feet, of any place of public assembly such as, but not limited to churches, schools, theaters, auditoriums, parks, and playgrounds.³⁷
- 2. 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 such car wash facility shall be 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. Any such lot with minimum dimensions may have a maximum of one service bay or unit (A).
- 3. 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 setback 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 c-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 area

³⁶ Part C, Section IV, Article 2, 2. Removed standards for signs, curbing, driveways, and lighting, all of which will be folded into the new general development standards. (Standards were identical in many cases to those for other uses, like restaurants.) These are relatively extensive standards – are they all still necessary and appropriate?

³⁷ What is the reason for this restriction?

shall provide an all-year evergreen hedge of not less than four feet in height planted along the property line adjacent to such residential area.

d. Parking

1. One space shall be provided per two employees exclusive of others and developed in accordance with Part C, Section III, Article 1 of the Zoning Ordinance.
2. For a coin-operated facility (A), the following additional parking spaces are required:
 - i. At the entrance to the facility a waiting reserve shall be provided of four spaces per bay or unit.
 - ii. Beyond the exit of the facility a finishing reserve shall be provided of two spaces per bay or unit.
3. For an owner-operated facility (NA), the following additional parking spaces are required:
 - i. At the entrance to the facility a waiting reserve shall be provided equal to four times the maximum capacity of each service aisle.
 - ii. Beyond the exit of the facility a finishing reserve shall be provided of two spaces per service aisle.

e. Open Area

1. All open areas shall be landscaped, where required, or paved with an impervious, all-weather, dustless material, provided, however, all such paved areas shall be provided with a storm drainage system to conduct natural surface runoff into the nearest drainage system; all water and other liquid products produced by the use itself shall be disposed of by on-site drainage facilities which shall control the direction of flow in such a manner as to avoid surface runoff across property outside the site, including public rights-of-way.
2. All landscaped areas shall be adequately protected by a raised curb of not more than six inches in height, or a bumper guard of not more than 18 inches in height.
3. Curbs shall be provided along the edge of all areas accessible to motor vehicles to prevent the encroachment of vehicles or any portion thereof, upon adjacent property, or the street right-of-way.

f. 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.

(3) Automobile Rental; Automobile Repair-Heavy; Automobile Repair-Light

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

(4) Automobile Sales

- a. No vehicles may be parked or stored in the City right-of-way at any time.
- b. In the MX-5 district, automobile sales establishments may only be located on the first floor and may include up to three cars for show and office space.

(5) Bed and Breakfast³⁸

- a. The establishment shall be located in an owner-occupied dwelling as the sole accessory use to the principal residential use.
- b. No alterations shall be made to the exterior of the dwelling that would alter its character as a residential premises.
- c. No more than four bedrooms within the dwelling shall be for bed and breakfast use.
- d. No parties or receptions shall be held except for traditional household events.

(6) Day Care**a. License Required**

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

Commentary

The sections below carry forward the existing Syracuse “restaurant” standards for further discussion. However, note that the use table introduces a variety of new specific use types under the new general “Food and Beverage” category, including “Bar,” “Brewpub,” and “Microbrewery.” We believe that many of the current standards listed below that currently apply to restaurants were actually adopted to get at uses that serve alcohol; thus, many of the below standards perhaps can be removed from “restaurant” and either relocated in their current form and/or replaced as new standards for bars and other alcohol-serving uses.

Also, some districts currently appear to allow restaurants only in an accessory or supportive role, adjunct to another principal use – the Office District A is an example. The new ordinance has a new approach by suggesting new size thresholds for restaurants in the use table.

(7) Food and Beverage Uses³⁹**a. Restaurants in All Districts except MX-5 District****1. Approval Required⁴⁰**

No new restaurants shall be allowed without the Special Permit approval of the City Planning Commission and the consent of the Common Council. Improvements or modifications of legally existing restaurants shall also require the approval of the City Planning Commission and the consent of the Common Council, except as provided for below. Any structural accommodations for customer activities other than eating and drinking, to the extent allowed by these regulations, whether in a new restaurant or an existing restaurant, shall not be included within the exceptions set forth below but shall be subject to the approval of the City Planning Commission and the consent of the Common Council, or the Board of Zoning Appeals if within 300 feet of a residential use or district.⁴¹ 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.

³⁸ Part C, Section IV, Article 2, 11. Removed standard requiring breakfast to be the only meal served.

³⁹ These are the existing standards from Part C, Section IV, Article 2, subsection 8.

⁴⁰ This is existing language requiring Special Use permit approval for all restaurants. It is not consistent with the draft use table, which suggests allowing certain types of restaurants by right, subject to standards. If the general new food/beverage use types are accepted, we will work with staff to tailor this section accordingly.

⁴¹ BZA provision added at staff request.

(Televisions, juke boxes, and individual electronic amusement devices, which may be subject to other restrictions, shall not be considered structural accommodations.)

i. **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 may be made a matter of right.

ii. **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 may be made subject to review and approval by the City Planning Commission only, with or without a public hearing at its discretion.

iii. **Accessory Appurtenances**

Improvements to exterior signs, lighting units and other accessory structures and appurtenances, including replacement, may be made subject to review and approval by the City Planning Commission only, with or without a public hearing at its discretion, provided that the cost is less than 50% of the value of the involved structure or appurtenance and the resulting unit is brought into compliance with the applicable provisions of this subsection.⁴²

iv. **Parking Changes**

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

v. **Continued Operation**

Legally existing restaurants, except as otherwise provided for herein, may continue to be used. Any expansion, alteration, or modification to such existing use including the interior or exterior of the building, signage, site, or intensity of use (e.g., addition of entertainment) shall require a Special Permit. Property owners may apply for an Automatic Special Permit at any time if no expansions, alterations, or modifications are being sought.⁴³

vi. **Distance Limitation**

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

⁴² Staff notes: "This is difficult to determine. If we provide design/development standards for signs and lighting, these changes that do not increase the parameters of any previous approvals could be approved administratively if Special Permit regs allow this type of authority to rest with Administrator."

⁴³ Define "Automatic Special Permit" as part of Module 3 (Ordinance Administration).

2. Findings (General)

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

- i. The proposed use is in compliance with all applicable regulations of the Zoning Rules and Regulations of the City of Syracuse, as amended.
- ii. 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.
- iii. The proposed use is in harmony within the visual and physical context of the immediate neighborhood.
- iv. The proposed use is to be developed in such a way as to insure maximum amenities available to the site based upon a consideration of the site plan and functional requirements of the proposed use.
- v. 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.
- vi. Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. In making this determination, the Commission shall review, but need not be limited to, the following considerations:
 - a. Location and adequacy of parking and loading facilities, including compliance with the minimum standards hereinafter provided.
 - b. Pedestrian rights-of-way.
 - c. Traffic regulatory devices.
 - d. Location, number and design of points of ingress and egress.
 - e. Accessibility to emergency vehicles with particular emphasis on proximity to structures, no-parking or no-loading zones or areas and provision for turning and free movement.
 - f. Storage facilities for snow.
 - g. Speed limits upon and general character of public highways in close proximity.
- vii. 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.

3. Requirements

In addition to the general findings enumerated above it shall be a prerequisite to approval that the following requirements be met for all restaurants subject to special permit:

i. **Open Areas**

- a. All landscaped areas shall be adequately protected by a raised curb approximately six inches in height, or a bumper guard approximately 18 inches in height.
- b. Curbs shall be provided along the edge of all areas accessible to motor vehicles to prevent the encroachment of vehicles or any portions thereof, upon adjacent property or the street right-of-way.

ii. **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.

iii. **Planting and Screening**

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

b. **Restaurants within the MX-5 District (Armory Square)⁴⁴**

1. **Application**

This subsection shall apply to any existing or proposed restaurant (including a bar) located in the MX-5 district within the area bounded by Interstate Route 690 on the north, Interstate Route 81 on the east, Adams Street on the south, and West Street Arterial on the west. (See **Part A, Section III, Article 2**, under the definition of "restaurant," for certain establishments which are excluded from the application of this subsection.)

2. **Approval Required**

Improvements to or modifications of legally existing restaurants shall also require approval by the City Planning Commission and the Common Council, except as provided for below:

i. **Maintenance of Existing Floor Areas**

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

ii. **Internal Rearrangements**

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

⁴⁴ Carried forward for discussion. However, as with the general restaurant standards above, many of these are potentially unnecessary given the new structure of the food/beverage uses.

iii. **Accessory Appurtenances**

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

iv. **Continued Operation**

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

3. **General Findings**

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

- i. The subject restaurant will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood or have an adverse impact on any properties with a unique cultural, historical, geographical, or architectural quality.
- ii. The subject restaurant will be in harmony within the visual and physical context of the immediate neighborhood.
- iii. The subject restaurant will not impede the development or redevelopment of the general area.

4. **Floor Space Allocations**

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

- i. Areas devoted to tables and seats;
- ii. Areas without tables or seats open to patrons and/or used for entertainment of patrons (standing space);
- iii. Areas with seats at bars or counters.

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

5. **Findings Regarding Floor Space**

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

- i. The floor space arrangement, including any extensions outdoors, will be appropriate for the density and circulation of people that can be reasonably accommodated in the immediate area; such arrangement shall not contribute to

the generation of excessive crowding or contribute to disruptive exterior gatherings;

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

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

(8) **Gasoline Fueling Station**⁴⁵

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 150 feet of frontage on an arterial or collector street, with a depth, or frontage along any other street of not less than 100 feet.⁴⁶
2. Any such lot with minimum dimensions may have a maximum of three service bays and three pump islands.
3. One pump island may be added longitudinally on the subject property for each 30 feet of parallel arterial or collector street frontage additional to the minimum required herein, provided such additional frontage has a depth approximately equal to that of the other portion of the subject property.

c. **Minimum Setback Requirements**

1. No side and rear setbacks are required along lot lines adjacent to property zoned for nonresidential purposes except as provided in subparagraph 3 below or by the Building or Fire Codes.
2. Side and rear setbacks of not less than ten feet shall be provided along all lot lines adjacent to property zoned or used for residential or office purposes.

d. **Gasoline Pump Islands**

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

⁴⁵ This is a pared-down version of the existing Part C, Section IV, Article 2, 1. We removed parking, signs, curbing, driveways, and lighting, all of which will be addressed in the general development standards. Renamed from "service" station to deemphasize the service/repair function.

⁴⁶ Staff questioned the need for this existing provision; it likely was adopted to ensure adequate space for multiple vehicle entry and exit.

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; junk 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 Business, Commercial or Industrial zone that do not involve any horizontal structural changes altering the size, shape or use of the building are permitted without requiring approval by the City Planning Commission.
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 appurtenant facilities, such as lighting, pumps, signs and the like shall also be permitted without requiring approval by the City Planning Commission provided such facilities comply with the applicable requirements of this Article. However, relocation of appurtenant facilities approved as part of a Special Permit Use shall require approval without a Public Hearing by the City Planning Commission.
4. Use of contiguous lands zoned for business, 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 Business, Commercial, or Industrial zone that involved horizontal modifications, whether partial or complete, altering the size, shape, or use of the building may be permitted by the City Planning Commission without a Public Hearing although a Public Hearing may be called by the Commission if one is considered necessary. Before approval of any application, plans shall be submitted indicating that such addition conforms in all respects to the applicable provisions of the Zoning Ordinance and all nonconformities affecting the existing building or the use and development of the subject property which are correctable without requiring the acquisition of adjoining parcels of land owned by other persons, or without requiring the removal of any nonconforming portion of the existing buildings, are corrected.

j. Rebuilding of an Existing Gasoline Fueling Station Without an Increase in the Number of Service Bays⁴⁷

1. Any gasoline fueling station buildings now legally existing in any Business, Commercial or Industrial zone and not conforming to the requirements of the Zoning Ordinance may be rebuilt on the subject property upon approval by the City Planning Commission after a Public Hearing and with the concurrence of the Common Council. Before approval by the Commission of any application, plans shall be submitted and the Commission shall make specific determination:
 - i. that all nonconformities affecting the use and development of the building or land which are correctable without requiring the acquisition of adjoining parcels of land owned by other persons, are corrected; and that the use of the existing gasoline fueling station site:
 - ii. is not detrimental to adjoining zoning districts and permitted uses;
 - iii. is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
 - iv. does not create hazardous or obnoxious conditions;
 - v. is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.
2. Any gasoline fueling station building legally existing in any Mixed-Use, Commercial or Industrial zone and conforming to the requirements of the Zoning Ordinance may be rebuilt on the subject property with approval of the City Planning Commission without necessitating a Public Hearing upon a finding by the Commission that the proposed building and the existing gasoline fueling station site conforms to the requirements of the Zoning Ordinance.

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

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

(9) Recreation or Entertainment, Indoor⁴⁸

a. Approval

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

⁴⁷ Are these two sections dealing with the replacement of nonconforming gas stations still necessary?

⁴⁸ Part C, Section IV, Article 2, 10. We have removed the existing separate, outdated standards for "amusement arcades." As drafted, these standards are not unique to the use type and probably are unnecessary. These standards will apply to all special use permits. Are there any unique issues associated with indoor recreation that should be addressed by new standards? Further discussion needed.

2. Before approval of any application for a special permit, the Commission shall make specific determination that the proposed application:
 - i. is not detrimental to adjoining zoning districts and permitted uses;
 - ii. is not detrimental to the orderly flow of pedestrian and vehicular traffic on-site and off-site;
 - iii. will not create hazardous or obnoxious conditions; and
 - iv. is approvable by any other municipal department having jurisdiction over the proposed use or its appurtenant facilities.
3. All special permit applications must be reviewed and approved by the Common Council.

D. Industrial Uses

(1) Antenna and Communications Towers⁴⁹

a. Allowances and Restrictions

1. Antennas (and related supporting structures and frameworks) on buildings
 - i. In all zoning districts:
 - a. Shall be placed at least 30 feet above grade; and
 - b. Shall not extend more than 20 feet above the building roof lines;
 - ii. In Residential Districts, Planned Institutional Districts, and all installation locations within 100 feet of these districts:
 - a. Shall be placed in accordance with the height restrictions set forth in 1 above; and
 - b. Shall be installed in accordance with the applicable provisions of the General Standards for Towers and Antennas set forth in this Section; and
 - c. Shall require site plan approvals pursuant to Section --- of this Ordinance; and
 - d. Shall in no instance be installed on wood frame buildings or buildings with only one to four dwelling units.
 - iii. All installation locations not included in ii above:
 - a. Shall be placed in accordance with the height restrictions set forth in 1(a) above; and
 - b. Shall be in permitted by right if installed in accordance with the applicable provisions of the General Standards for Towers and Antennas set forth in this Section; and

⁴⁹ These are the existing standards from Part C, Section I, Article 7. We have had little discussion on these standards and so have carried them forward in this first draft pending additional comment from the City. We will work with City legal staff to ensure that new federal requirements that preempt local review of "eligible facilities requests" on existing towers are reflected in this section.

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 Section --- of this Ordinance;

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

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

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

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

3. New Towers (and Related Antennas)

i. In Commercial District and Industrial District:

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

ii. In all other districts

Shall be prohibited.

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

1. Construction

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

2. Setbacks

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

3. Height

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

i. for a single user, up to 120 feet;

ii. for two or more users, up to 150 feet;

4. Spacing

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

5. Co-location

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

6. Fencing

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

7. Landscaping

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

8. Color

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

9. Lighting

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

10. Accessory Equipment

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

11. Federal and Local Standards

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

12. Signs

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

(2) Contractor Yard

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

(3) Fuel Distribution Facility for Off-premise Sale⁵⁰

- a. All bulk storage tanks of such fuel shall be placed underground at such location and depth which shall not present a hazard to adjoining nearby uses and the general public and recommended for approval by the Bureau of Fire Prevention.
- b. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
- c. The entire premises shall be enclosed within a fence, or equivalent, of not less than five 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.

(4) Junk Yards and Scrap Metal Processing⁵¹

- 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 Bureau of Fire Prevention of the City of Syracuse. Any existing building, excluding wood or wood frame buildings, may be used in connection with the operation of a junk yard, provided such structure is approved by the Bureau of Fire Prevention of the City of Syracuse as being equivalent in fire resistivity as an enclosed masonry building.
- 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.

⁵⁰ Existing Part C, Section IV, Article 2, 6. Are any edits necessary?

⁵¹ Existing Part C, Section IV, Article 2, 4. Are any edits necessary?

- d. All materials located within such buildings or setbacks shall be arranged so that reasonable inspection of or access to all parts of the premises can be had at any time by the proper fire, health, police and building authorities.
- e. All gasoline, oil or other flammable liquids shall be drained and removed from any scrap metal or discarded article located within said buildings or setbacks.

(5) **Oil Storage Tank**⁵²

- a. All bulk storage tank facilities shall be placed underground and shall not present a hazard to adjoining nearby uses and the general public.
- b. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
- c. The entire premises shall be enclosed within a fence, or equivalent, six (6) feet high, except as otherwise required by this Ordinance.
- d. The grounds of the premises not occupied by structures shall be landscaped or surfaced with an all-weather, dustless surface, unless otherwise required by this Ordinance.
- e. No retail sale of such fuels directly to the consumer shall be permitted on such premises.
- f. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.
- g. Such facility shall meet all applicable requirements of the New York State Department of Environmental Conservation.
- h. Such facility shall meet all applicable requirements of the Syracuse Fire Prevention Code.

3.4 Accessory Uses and Structures⁵³

Commentary

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

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

A. Purpose

The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad

⁵² Existing Syracuse standards. Are any edits necessary? Can this be combined with Fuel Distribution Facility?

⁵³ New

range of accessory uses and structures, so long as they are listed in the table of allowed uses and 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 Section 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 0,
- (3) *Definitions of Use Categories and Specific Use Types*, unless specifically prohibited in this Section.
- (4) 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 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.⁵⁴ 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.

⁵⁴ This should be set at the same threshold as required for building permits.

(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 Unit⁵⁵

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

a. Generally

1. Only one ADU is allowed per property.
2. ADUs are allowed only in those districts shown in Table 3.1.

b. Location and Design

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

c. Public Services and Utilities

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

d. Ownership Requirements

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

(2) Caretaker's Quarters⁵⁶

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

(3) Drive-Through/Drop-Off Window Uses⁵⁷

⁵⁵ Suggested new standards for a new use.

⁵⁶ Suggested new standard for a new use.

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 church, school, theater, auditorium, park or playground except by waiver as provided for below, nor shall such restaurants be placed within 200 feet of any residentially zoned district or building used for residential purposes.
2. A special use permit is required if the use will be located within 300 linear feet of a residential district boundary, unless an intervening building or a major or minor arterial is located between the drive-through service and the residential district boundary.

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. Design⁵⁸

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.

⁵⁷ Suggested new standards for a new use, but also integrating several provisions from Syracuse's current regulations for drive-through restaurants. This could apply to not just restaurants, but also banks and pharmacies. These should be revisited when we draft the general development/design standards in the next module.

⁵⁸ There are other options to consider regarding drive-throughs. For example, they can be prohibited altogether in mixed-use districts. Or, they can be allowed but drive lanes prohibited between the building and the street.

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. Delivery Service

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

f. Compatibility

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

(4) Home Occupation⁵⁹**a. General Restrictions****1. 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.

2. Location Identification

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

3. Space Allocated to the Home Occupation

- i. No home occupation, including related storage, shall occupy more than 25 percent of the floor area of the dwelling unit. The percentage of floor area available for the home occupation shall be based on the entirety of the floor area of all heated and ventilated space in the dwelling unit including habitable basement and attic space.
- ii. In no case shall the amount of area utilized for a home occupation exceed that specified in the building code provisions applicable to home occupations.
- iii. No home occupation or related storage shall interfere with the functional use of a kitchen, dining room, living room, or other room necessary to sustain a single housekeeping unit.
- iv. No activities or storage related to a home occupation shall be permitted on the premises outside the dwelling unit in any other unit, out-of-doors, in any garage, or in any accessory structure or trailer.

⁵⁹ These are the existing Syracuse standards. Staff indicates that they are working well.

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

4. Storage of Goods, Equipment, and Material

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

5. Parking and Motor Vehicles

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

6. 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.

7. 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.

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 primary activities of the home occupation. The duration of visits by individuals for business purposes shall not dominate the time spent in the pursuit of the home occupation. The number of students received on-premises at any one time shall be limited to one. Individuals received for other purposes shall be limited to two at any one time.

ii. Groups of business visitors or clientele are prohibited.

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 9:00 P.M.

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.

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.

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.

13. Food Preparation Facilities

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

b. Restrictions on Specific Activities

1. Services and Office-related Activities

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

2. Teaching

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

3. Production of Goods

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

4. Repair Work

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

5. On-Premises Sales Activity

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

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

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

7. Activities Specifically Prohibited

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

- i. Mass production of goods or assembly line fabrication;
- ii. Repair or alteration of internal combustion engines, lawn and garden equipment, motor vehicles or parts thereof, boats or other transportation equipment, or any other non-household goods;
- iii. Contracting services for paving, construction, heating, plumbing, electrical work, or work related to the maintenance of real property (including lawn care and snow removal), except where use of the premises for the home occupation is strictly limited to office functions (i.e., telephoning, drawing up contracts, billing, bookkeeping, etc.);
- iv. Livery and taxi services;
- v. Restaurant activities; catering involving food preparation on the premises of the home occupation;
- vi. Veterinary services, kennels, animal grooming, animal breeding, butchering, taxidermy, or other activities involving live or dead animals;
- vii. Mortuary services;
- viii. On-premises medical or health care treatment, physical therapy, and services involving gyms or equipment for exercise or physical treatment;
- ix. On-premises counseling or rehabilitation services for mental, drug, alcohol, marital, or personal or social problems;

- x. Personal grooming, barbering, hairstyling, or other cosmetic services; laundering or dry-cleaning;
- xi. On-premises sales promotions or training activities;
- xii. Studio work involving on-premises customer sittings or posing;
- xiii. On-premises parapsychological services (astrologers, palm readers, etc.);
- xiv. Escort and on-premises personal entertainment services.

8. Nonconformities

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

(5) Outdoor Display/Sale⁶⁰

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.

(6) Outdoor Storage, Accessory⁶¹

a. Generally

- 1. Goods or materials in an approved outdoor storage area shall be limited to those sold or used on the premises as part of the principal use of the property.
- 2. In all districts where outdoor storage is permitted as an accessory use, outdoor storage shall not exceed 25 percent of the total square footage of enclosed structures.

b. Location of Outdoor Storage

- 1. Outdoor storage areas shall be located at the rear of the primary structure.
- 2. Goods or materials shall not be stored in areas intended for vehicular or pedestrian circulation.

⁶⁰ Suggested new standards for a new use.

⁶¹ Suggested new standards for a new accessory use.

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 ---.
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.

(7) Produce Stand⁶²

- a. No more than one stand per lot is allowed.
- b. Sales shall be limited to the retail sale of agricultural products produced on the lot, including the sale of products made from such products by the producer (e.g., jams and jellies, juices).
- c. The area occupied by the stand shall not exceed 150 square feet.

(8) Satellite Dish Antennae⁶³

a. All Zoning Districts

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

b. Residential Districts and Mixed-Use Districts

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

1. Satellite dish antennae shall be mounted on the ground within the rear setback;
2. Satellite dish antennae shall be located no closer than 30 feet from any street line;
3. No more than one satellite dish antenna shall be located on any residential lot;
4. The bottoms of the dishes of satellite dish antennae shall be no more than three feet above grade level;

⁶² Suggested new standards for a new accessory use.

⁶³ Existing Syracuse standards. Note that the prohibition on regulating dishes one meter in size or smaller is from federal law (which is why this section only uses the "meter" metric.) City legal staff notes that a new provision requiring removal of dishes should be discussed.

5. Satellite dish antennae shall not exceed two meters in diameter and shall be colored, camouflaged, or screened to the extent they are as unobtrusive as possible;
6. Any satellite dish antenna larger than one meter in diameter may be installed only after site plan approval.

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

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

(9) Solar Energy Collection System⁶⁴

a. Setbacks, Location, and Height

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

b. Appearance

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

(10) Swimming Pools⁶⁵

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.

⁶⁴ New standards for a new use type.

⁶⁵ Existing Syracuse standards.

b. Setback for Corner Lots

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

c. Fences

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

d. Maintenance Equipment

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

(11) Wind Energy Conversion System⁶⁶

a. Location and Setback

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

b. Height

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

c. Sound

Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed maximum noise limits established by the City. The maximum noise level, however, may be exceeded during

⁶⁶ Suggested new standards for a new use. Graphics to be developed to illustrate what this would look like.

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 parking areas, public right of ways, driveways, or sidewalks.

f. Lighting

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

g. Access to Tower

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

h. Signage Prohibited

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

i. Utility Notification

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

j. Abandonment

On determining that a wind turbine has been inoperable for six consecutive months, the Zoning Administrator 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 Town may pursue legal action to have the wind turbine removed at the owner's expense, in accordance with Section ---, *Enforcement*.

3.5 Temporary Uses and Structures⁶⁷

Commentary

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

A. Purpose

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

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 Section 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 Structures⁶⁸

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 Section ---, *Temporary Use Permit*.

D. General Standards for All Temporary Uses and Structures

- (1) All accessory uses and structures are subject to the dimensional standards in Article 2: *Zoning Districts*, and the development and design standards in Article 4: *Development Standards*. In the case of any conflict, the more restrictive standards, as determined by the Zoning Administrator, shall apply.
- (2) Unless otherwise specified in this Ordinance, any temporary use or structure shall:
 - a. Obtain any other applicable City, county, state, or federal permits, including building permits and health department permits;
 - b. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of an authorized not-for-profit, special, or City-recognized or authorized event;
 - c. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - d. Be compatible with the principal uses taking place on the site;
 - e. Comply with any applicable conditions of approval that apply to a principal use on the site;

⁶⁷ New

⁶⁸ The process for obtaining a temporary use permit will be drafted with the Administration article.

- 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 Section ---.
- i. Not maintain temporary signs associated with the temporary use or structure after the activity ends;
- j. Not violate the applicable conditions of approval that apply to a site or a use on the site;
- k. Not interfere with the normal operations of any permanent use located on the property; and
- l. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

E. Additional Standards for Specific Temporary Uses and Structures⁶⁹

(1) Temporary Office Space and Equipment Storage

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

(2) Expansion or Replacement Facilities

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

- a. Expansion of existing facilities following approval of a plan for permanent expansion or alteration.
- b. Temporary classroom space for existing schools.
- c. Temporary space for recreational uses provided in connection with an approved residential development under construction.
- d. Temporary space for any use following the destruction of a building by fire, flood, or other catastrophic event.

(3) Temporary Special Events⁷⁰

- a. Events lasting longer than three days require a special use permit.
- b. There shall be adequate off-street parking and accessibility.

⁶⁹ These are typical types of temporary structures that we often include in codes. Are there other particular types of structures in Syracuse that we should address?

⁷⁰ These are draft simple standards for discussion purposes. The City is updating the entertainment license ordinance, which may make this unnecessary to address in the Zoning Ordinance. City legal staff will advise.

- c. The Fire District and Police Department 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 Carts⁷¹

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 must not be situated within a zoning district that does not allow 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.

⁷¹ This codifies a policy adopted by the Office of Zoning Administration in May 2011.

Article 4: Development Standards

[TO BE DRAFTED IN LATER MODULE]

Article 5: Administration and Procedures

[TO BE DRAFTED IN LATER MODULE]

Article 6: Rules of Construction and Definitions

6.1 Rules of Ordinance Language Construction⁷²

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 --- and the specific purpose statements set forth throughout this Ordinance. When, in a specific section of this Ordinance, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

E. Technical and Non-technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

F. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

G. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events apply; and
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

⁷² New.

H. Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

6.2 Definitions of Use Categories and Specific Use Types

Commentary

Unless otherwise indicated, all definitions are new. In terms of organization, we have kept the definitions in order here so that they can be reviewed collectively in related groups. However, in the final draft, staff requests that all use type definitions be inserted alphabetically into Section 6.3, along with all other defined terms. This section will then contain only the use category definitions, which could remain here or could also be moved into the Use Regulations article.

This section defines the general use categories and specific use types listed in Table 3.1, *Table of Allowed Uses*.

A. Residential Uses

(1) Household Living

Uses in this category are characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis; lodging where tenancy may be arranged for a period of less than 30 days is classified under the “lodging facilities” category. Common accessory uses include recreational activities, gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

a. **Dwelling, Live/Work**

A dwelling unit containing an integrated living and working space that is intended to function predominantly as business workspace with incidental residential use occupied by the business owner or operator. The unit typically has a storefront, with the workspace, public display area, or show room on the ground floor of the unit and the majority of the residence located either on the upper floor if there are multiple floors, or the back of the unit if there is only one floor.

b. **Dwelling, Multi-family**⁷³

A building containing three or more dwelling units.

c. **Dwelling, Single-family**

A building containing one dwelling unit not physically attached to any other principal structure.

d. **Dwelling, Two-family**

A single building containing two dwelling units, each of which includes a separate household.

⁷³ This includes both stacked and side-by-side units. The current Syracuse ordinance includes some references to “townhouses” in some districts as distinct from “apartments.” In some communities, we include a use type called “single-family attached”; however, staff prefers not to introduce that term in Syracuse and to use instead a broad definition of “dwelling, multi-family.”

(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. Specific use types include:

a. Boarding or Rooming House

A building other than a hotel, fraternity, sorority, dormitory or chapter house, where lodging and/or meals for three or more roomers or boarders or guests are served for compensation. Facilities for lodgers may include sleeping or living quarters or rooms, with or without individual bathrooms, but shall not include individual cooking facilities.

b. Chapter House⁷⁴

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

c. Dormitory⁷⁵

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

d. Residential Care Facility⁷⁶

A multi-family dwelling licensed by the State of New York and occupied as a temporary or permanent residence by three or more persons where accessory services primarily for older adults or other with special needs are provided to help with normal daily activities as an integral part of the dwelling. Such facilities may also be known as assistive living, continuing care community, senior independent living, senior living community, or other similar term. This term shall include, by way of illustration and not limitation, nursing homes, rest homes, homes for prenatal care, and convalescent homes, and shall similarly exclude hospitals, clinics, mental health facilities, and similar institutions devoted primarily to the diagnosis and/or treatment of disease or injury, except where such facilities are accessory to a Residential Care Facility.

B. Public, Institutional, and Civic Uses

(1) Community and Cultural Facilities

Uses in this category include buildings, structures, or facilities owned, operated, or occupied by a governmental entity or non-profit organization to provide a service to the public.

⁷⁴ The current ordinance refers separately to “chapter houses,” “fraternities,” and “sororities.” However, we think all three terms can be combined in the definition of “chapter house,” carried forward here.

⁷⁵ Existing “Dormitory” definition.

⁷⁶ Proposed new name. Replaces and expands upon the current “care home” definition.

a. **Assembly⁷⁷**

A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse, with membership not required for participation. Examples include community centers, places of worship, meeting or lecture halls, exhibition rooms, or auditoria. If an assembly use is ancillary to another principal use, and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.

b. **Civic Building**

A building that provides for civic meetings and/or activities including, but not limited to, City Hall, post offices, school administration buildings, and other public buildings owned or operated by the City, state or federal government, or other public agency, but not including public safety facilities.

c. **Correctional Facility**

A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. This use includes but is not limited to an adult detention center, juvenile delinquency center, jail, prison, and residential reentry facility.

d. **Cultural Institution**

A nonprofit institution displaying or preserving objects of interest in one or more of the arts or sciences. The use includes, but is not limited to, libraries, museums, and art galleries.

e. **Public Safety Facility**

Publicly owned safety and emergency stations, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance services.

(2) **Educational Facilities**

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

a. **College or University⁷⁸**

Public or private institutions of higher learning authorized by the State of New York to grant academic degrees, associate academic degrees, certificates and/or diplomas, and requiring for admission at least a high school diploma or equivalent general academic training. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, and athletic facilities.

⁷⁷ This is a new term for the Syracuse ordinance, but is intended to include a variety of existing uses, including but not limited to "nonprofit community center" and "church, parish houses, convents." Federal law requires that churches and other religious institutions generally be held to the same requirements as other types of assembly uses, so as not to burden religious exercise. The most straightforward way to ensure that they are treated equally is to group all assembly-type uses together.

⁷⁸ Incorporates existing definition of "College or University." Should "dormitory" remain within this definition as an accessory use type? The draft use table proposes them as a separate type of principal use.

b. **School, Public or Private**⁷⁹

An educational institution that satisfies the applicable education laws of the State of New York for students in elementary or secondary grades. Accessory facilities may include recreational fields, gymnasiums, and stadiums.

c. **Vocational, Arts, Trade or Business School**⁸⁰

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in the arts, industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

(3) **Health Care**

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking or other amenities primarily for the use of employees in the firm or building.

a. **Clinic**

An establishment providing dental, medical, psychiatric, or minor surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

b. **Hospital**

A building or structure for the diagnosis and medical or surgical care of human sickness or injury. Services regularly include the keeping of patients overnight.

(4) **Parks and Open Space**

Uses in this category focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, water bodies, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to:

a. **Cemetery**

Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Columbaria, crematoria, mausoleums, and mortuaries may be operated in conjunction with the cemetery.

b. **Golf Course**

Golf courses open to the public, including accessory club houses and related outbuildings.

c. **Park and Recreation Facility**

Publicly accessible parks, playgrounds, recreation facilities, and open spaces. Examples include trails, playgrounds, soccer fields, softball fields, or picnic areas, but not including golf courses.

⁷⁹ Incorporates existing definition of "School."

⁸⁰ Consolidates and updates definitions of "Business and commercial school" and "Vocational or trade school."

C. Commercial Uses

(1) Agricultural-Related Uses

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Typical agricultural uses in an urban environment involve beekeeping, horticulture, floriculture. Accessory uses may include confinement facilities for animals, parking, and storage areas.

a. Community Garden

An area of land one acre or less 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. Community gardens may be located on private property lots (vacant or developed) and on public lands and right of ways as designated by the City of Syracuse with approval from Common Council.

b. General Agriculture⁸¹

The production of poultry or poultry products, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products, conducted on either unenclosed land or in enclosed structures, such as greenhouses and barns.

(2) Animal-Related Uses

This category includes uses involving the care and keeping of animals on a commercial basis. Accessory uses may include parking and storage areas. Standards in this Ordinance are intended to provide for compatibility between such animals and neighboring land uses and are in addition to other applicable City and state requirements governing animals.

a. Animal Grooming and Day Care

Provision of bathing, grooming, and day care services for small domestic animals on a commercial basis.

b. Kennel⁸²

Any facility where animals owned by another person are temporarily boarded for compensation; provided, however, that this definition shall not apply to zoos or to veterinary hospitals.

c. Veterinary Hospital

A building or structure for the diagnosis and medical or surgical care of sick or injured animals, including facilities for the temporary housing of such animals. Use as a kennel shall be limited to short-term boarding and shall be only incidental to the clinic/hospital use.

⁸¹ Suggested new use type. Further discussion necessary regarding potential additional agriculture-related uses. Should anything be specifically excluded from this definition? Is additional discussion necessary on beekeeping and chickens as accessory uses?

⁸² Replaces existing definition: "Any premises on which four or more domestic animals, six months old or older are kept."

(3) Day Care

a. Day Care Center⁸³

Care of seven or more individuals away from their own home, for less than 24 hours a day, in a facility licensed by the state for such purposes, for compensation or otherwise, for at least three hours a day.

b. Family Day Care⁸⁴

Care of at least three but not more than six individuals away from their own home, for less than 24 hours a day, in an individual's home licensed by the state for such purposes, for compensation or otherwise, for at least three hours a day.

(4) 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.

a. Bar⁸⁵

An establishment that allows on-premises consumption of liquor, wine, and beer, and serves food such as soups and sandwiches.

b. Beverage Café

An establishment primarily engaged in preparing and serving coffee, juice, or other non-alcoholic beverages for on- or off-site consumption. A beverage café may serve a limited food menu.

c. Brew Pub⁸⁶

An establishment that primarily brews beer on-site and may sell liquor, wine, and beer for on-site consumption. A brew pub may also prepare and serve food for on-site consumption.

d. Commercial Food Preparation Establishment

An establishment where food and/or drink are prepared to be delivered, served, and consumed primarily off-premises. This includes catering facilities, commercial kitchens, and other establishments providing food service for large events rather than a family meal.

e. Microbrewery or Microdistillery⁸⁷

An establishment that may produce or brew up to 60,000 barrels of beer annually. May sell to licensees. May not sell to the general public without a brewer's retail permit. May have a restaurant in or adjacent to the brewery, subject to approval of an on-premises retail license.

⁸³ Edited existing definition for "Day-care centers." Additional research necessary to ensure consistency with NYS definitions.

⁸⁴ Edited existing definition for "Family day-care."

⁸⁵ From New York State Liquor Authority definition of "On-Premises Liquor" license.

⁸⁶ From New York State Liquor Authority definition of "Restaurant – Brewer" license. Added provision for food preparation and service to the definition.

⁸⁷ Based on New York State Liquor Authority definition of "Microbrewery" license, but expanded to include microdistillery. Need to research and add threshold for other forms of alcohol beyond beer.

f. 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 recreation or entertainment, indoor). This definition shall not include adult entertainment businesses.

g. Restaurant

An area or structure in which the principal business is the preparation and sale of foods and beverages to the customer in a ready-to-consume state. Drive-through facilities are permitted as accessory uses in certain zoning districts pursuant to Table 3.1, Table of Allowed Uses.

(5) Lodging

This category includes for-profit facilities where lodging, meals, and other services are provided to transient visitors and guests for a defined period, less than 30 days at a time.

a. Bed and Breakfast or Inn⁸⁸

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.

b. Hotel or Motel⁸⁹

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.

(6) Office & Professional Services

Uses in this category provide executive, management, administrative, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

a. Business Services and Supply

Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services;

⁸⁸ Based on existing definition, but with owner-occupied term added a threshold of 4 rooms to distinguish from hotels. Also includes the existing "tourist lodging house."

⁸⁹ Replaces existing definition and introduces a suggested new threshold (5 rooms or more) to distinguish from B&Bs or inns. Discuss if motel should be separated from hotel per NY code.

travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services.

b. Financial Services

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zone district.

c. Office⁹⁰

Professional, executive, management, or administrative offices of private organizations, government agencies, religious or educational institutions. Examples include City offices, medical offices, administrative offices, legal offices, and architectural firms.

d. Radio or Television Station

A building or portion of a building used as a place to record and broadcast music, videos, television, and other related media. This use shall not include transmitting facilities or accompanying antennae, other than transmitting facilities normally associated with mobile communication units.

(7) Personal Services

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

a. Funeral Home

An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

b. Personal Services, General

An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tanning salons, tailors, shoe cleaning or repair shops, and dry cleaning pick-up and drop-off shops that do not conduct cleaning on the premises.

(8) Recreation and Entertainment

Uses in this category provide recreation and entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

a. Recreation Club, Private

Private recreation clubs not generally open to the public, including golf courses, tennis clubs, swimming clubs, including accessory club houses and related outbuildings.

⁹⁰ This is a broader definition than the current Syracuse ordinance, which places medical, religious, and educational offices in separate categories. For purposes of the use table, all these uses are treated collectively in this draft; however, certain types of offices (esp. medical) may be reviewed for separate parking requirements in the next module.

b. **Recreation or Entertainment, Indoor**⁹¹

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

c. **Recreation or Entertainment, Outdoor**

Facilities devoted to active entertainment or recreation where activities predominately take place outdoors, including, but not limited to, go-cart tracks, miniature golf, archery ranges, sport stadiums, and may or may not feature stadium-type seating.

(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 Section ---. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

a. **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.

b. **Liquor Store**

A licensed retail sales establishment selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site.

c. **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, bakeries, bookstores, department stores, factory outlet stores, florists, grocery stores, and similar consumer goods. This use does not include commercial greenhouses, liquor stores, or high-impact retail.

d. **Retail, High-Impact**⁹²

Retail sales and service offering for sale any product or service that requires an owner, operator, or employee to obtain a City of Syracuse secondhand dealer's license (excluding vehicle-related dealers); any county or state license or registration for tobacco, beer, wine coolers, or lottery (excluding full-line food store); and/or a federal firearms dealer's license; or offering for sale tobacco, tobacco paraphernalia or smoking paraphernalia. This use does not include liquor stores.

⁹¹ Existing definition.

⁹² This new use type is in response to the "corner store" issue discussed in the Assessment Report. The proposed new use would allow small-scale retail by right in the MX-1 and MX-2 districts, but not the type of higher-impact retail stores that have proven problematic in some Syracuse neighborhoods. This definition is adapted from the Rochester ordinance.

(10) Vehicles and Equipment

Uses in this category include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

a. **Automobile Rental⁹³**

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.

b. **Automobile Repair, Heavy⁹⁴**

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 a related accessory function.

c. **Automobile Repair, Light⁹⁵**

The utilization of a building or portion thereof for maintenance and servicing of motor vehicles, including repairs that do not require the removal of engines or transmissions or require body or frame work. This term shall not include dismantling as regulated by the State of New York. Further, this term shall not include the outside storage of 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 a related accessory function.

d. **Automobile Sales, New⁹⁶**

The utilization of land or buildings or portions thereof for the storage, display, and retail sale of new motor vehicles. This term shall also include related accessory motor vehicle maintenance and repair services and incidental leasing or rental of new or used motor vehicles. This term 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.

e. **Automobile Sales, Used⁹⁷**

The utilization of land or buildings or portions thereof for the retail sale of more than five used motor vehicles a year, or the display of two 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 separately defined use types.

⁹³ Existing definition.

⁹⁴ Existing definition.

⁹⁵ Existing definition.

⁹⁶ Existing definition. (renamed from "motor vehicle sales.")

⁹⁷ Existing definition.

f. Automobile Storage and Impoundment⁹⁸

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."

g. Automobile Wash, Attended⁹⁹

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.

h. Automobile Wash, Automatic¹⁰⁰

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

i. Gasoline Fueling Station¹⁰¹

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.

j. 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.

k. Parking Garage

A multi-level structure to be used for the temporary storage of operable vehicles, and available to the public, whether for compensation or for free. This use type does not include off-street parking that is provided as accessory to principal use. This use does not include parking lots.

D. Industrial Uses

(1) Industrial Services

Uses in this category include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

⁹⁸ Existing definition.

⁹⁹ Existing definition.

¹⁰⁰ Existing definition.

¹⁰¹ Existing definition.

a. **Building Materials Sales¹⁰²**

An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage. Operations may be indoor and/or outdoor.

b. **Fuel Distribution Facility**

A permanent facility for the storage of gasoline, propane, butane, or other petroleum products offered for wholesale distribution (not for direct sale to the general public).

c. **Industrial Service, General**

A facility or area for industrial services designed to support industrial or heavy commercial activities in the vicinity, provided that such services are not listed separately as a permitted or special use in this Ordinance. Examples include, but are not limited to: construction storage yard; welding shops; electric motor repair; repair, storage, salvage, or wrecking of heavy machinery; heavy truck servicing and repair; as heating, ventilation, cooking and refrigeration supplies; motion picture production; plumbing supplies; printing and photocopying; exposition building or center; dry cleaning or dyeing; and other similar uses.

(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 setbacks, repair facilities, truck fleets, and caretaker's quarters.

a. **Manufacturing, Artisan**

Establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Activities do not involve the creation of noxious by-products.

b. **Manufacturing, Heavy**

An establishment engaged in the manufacture or compounding process of raw materials. Such uses have 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. Activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples 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.

¹⁰² Proposed new name and definition.

c. Manufacturing, Light

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 or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

(3) Transportation

Uses in this category are primarily associated with the operation of motor vehicles, trains, and boats.

a. Bus Holding Area¹⁰³

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.

b. Motor Freight Terminal¹⁰⁴

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.

c. Fleet Terminals

A central facility for the distribution, storage, loading and repair of fleet vehicles, with or without associated dispatch services and offices. This definition includes uses such as courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; and taxi services.

d. Transportation Terminal¹⁰⁵

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.

(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.

a. Antenna¹⁰⁶

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.

¹⁰³ Existing definition.

¹⁰⁴ Existing definition.

¹⁰⁵ Existing definition.

¹⁰⁶ Existing definition.

b. **Tower**¹⁰⁷

Any fixed structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio or similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structure itself and any physical supports thereto. The term includes radio and television transmission towers, microwave towers, and alternative tower structures, but does not include mobile units or those installations associated solely with residential radio and television reception, citizen band antennas, or towers and antennas under 70 feet in height, owned and operated by federally-licensed amateur radio station operators.

c. **Utility, Major**

Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or utility providers.

d. **Utility, Minor**

Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, and underground water and sewer lines.

(5) **Warehouse and Freight Movement**

Uses in this category are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

a. **Oil Storage Tank**¹⁰⁸

[reserved]

b. **Mini-storage**

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

c. **Storage Yard**

Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment, regardless of how long such materials are kept on the premises.

d. **Warehouse**

A structure used primarily for the storage of raw materials, goods, or property.

e. **Wholesale Distribution**

An establishment for the distribution of products, supplies, and equipment to retailers, to industrial, commercial, institutional, or professional users, or other wholesalers. Uses include, but are not limited to: feed mills, granaries, and elevators; household moving and

¹⁰⁷ Existing definition.

¹⁰⁸ Existing use; need definition. Can this be combined with Fuel Distribution Facility?

general freight storage; cold storage plants, including frozen food lockers; parcel services; major post offices; and grain terminals. This shall not include retail sales, heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

(6) Waste and Salvage¹⁰⁹

Uses in this category receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

a. Indoor Dismantling Facility¹¹⁰

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, 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."

b. Indoor Recycling Center¹¹¹

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.

c. Junkyard¹¹²

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, 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 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."

¹⁰⁹ City legal staff notes that they need to spend more time thinking through these definitions to see if they need tweaking, specifically as it relates to the storage and dismantling to vehicles.

¹¹⁰ Existing definition.

¹¹¹ Existing definition.

¹¹² Existing definition.

d. **Scrap Metal Processing**

The preparation, in or out-of-doors, of discarded machinery and equipment, metal parts, or fragments of metal discarded as waste in manufacturing for further use in a metallurgical process. This term shall include the outdoor stockpiling of material necessary to be processed.

E. Accessory Uses

Uses in this category are related to but incidental and subordinate to the principal use on the same lot.

(1) **Accessory Dwelling Unit**

A subordinate dwelling unit added to, created within, or detached from a single-family residence, but located on the same lot or parcel as a primary residential structure, that provides basic requirements for living, sleeping, cooking, and sanitation.

(2) **Caretaker's Quarters**

Accessory housing for an employee acting as a caretaker, custodian, or security personnel for a principal use on the same property.

(3) **Carport, Garage, Carport, or Utility Shed**

Any garage or other accessory building used or intended for use as vehicle or equipment storage.

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

An outdoor service window or similar area that allows for a service to be provided from a building to persons in vehicles.

(5) **Home Occupation¹¹³**

- a. A home occupation is an accessory activity, subject to compliance with all applicable laws and regulations, that:
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.
- b. 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.
- c. 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

¹¹³ Existing definition. Consider relocating the regulatory portions of this definition into the Home Occupation use standards.

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.

(6) Outdoor Display/Sale

The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber setbacks.

(7) Outdoor Storage, Accessory

Storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. Storage is subordinate to a lawful principal permitted or special use.

(8) Produce Stand

A structure or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. This definition includes when accessory to a primary use of the property the sale of items such as : other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts, provided that no commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold.

(9) Retail Sale of Products Directly Related to Primary Industrial Use

The display and sale (or rental) of products subordinate to a lawful principal permitted or special on-site industrial use.

(10) Satellite Dish Antenna

Any antenna and related supporting framework that includes a parabolic dish with either an open mesh or solid surface and which is used for the capture of electromagnetic or other communication signals. This term shall not include radar devices.

(11) Solar Energy Collection System

Any solar collector or other solar energy device, certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.

(12) Swimming Pool¹¹⁴

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.

¹¹⁴ Existing definition.

(13) Wind Energy Conversion System

A wind turbine and associated parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy, and that is intended primarily to reduce on-site consumption of utility power.

F. Temporary Uses and Structures

An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

(1) Temporary Uses

a. Farmers' Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

b. Mobile Food Cart

A vending cart used for the temporary business of selling prepared food items.

c. Special Event

A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include, but are not limited to carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, equestrian shows and events, corporate receptions, and weddings.

(2) Temporary Structures

a. Office and Equipment Storage

The temporary use of land prior, during, and after activities that involve equipment, storage, loading or unloading of materials or equipment, or offices, and accessory structures such as fences, walls, buildings, and barricades. Includes temporary construction offices; temporary real estate offices.

b. Produce Stand, Seasonal

A produce stand, as defined in this Ordinance, that exists and is operated on a temporary basis for the sale of seasonal produce.

6.3 Other Definitions

Commentary

Current relevant definitions carried forward below. This section will continue to be developed through the drafting of other modules.

Arterial

A street defined as an "arterial" by the Planning and Policy Committees of the Syracuse Metropolitan Transportation Council.

Building

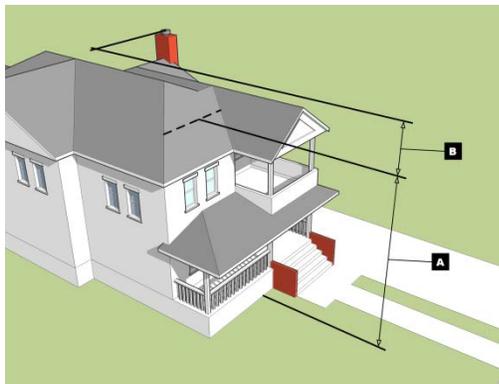
Any structure with exterior walls and a roof. Structural connections such as a covered walkway or canopy, porch, roof, foundation walls, tunnel and/or horizontal shaftways, or other similar structural connections above or below ground, enclosed or otherwise, shall not be construed as creating a single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

Building, Accessory

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

Building Height¹¹⁵

The vertical distance from the proposed finished grade from the center of the front of the building or structure to the highest point of the roof for flat roofs, or to the mean height between eaves and ridge, for gable, hip, gambrel, or mansard roofs (see "A" in figures below). The highest point of the roof shall exclude rooftop appurtenances and/or equipment as provided in Table 2.18 (see "B" in figures below).



Building Line

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

City

The City of Syracuse.

Collector

A street defined as a "collector" by the Planning and Policy Committees of the Syracuse Metropolitan Transportation Council.

¹¹⁵ New definition and illustrations. The current ordinance does not have a clear definition of building height. This new definition is intended to codify existing policy.

Districts

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

Dwelling

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

Dwelling Unit

A single unit providing complete independent facilities including permanent facilities for living, cooking, sanitation, and sleeping for the use of one family. For the purpose of applying density rules in fraternities, sororities, chapter houses, colleges, boarding houses, rooming houses, care homes and the like which provide other than independent living units, four persons shall be deemed equivalent to a family or dwelling unit.

Family

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

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.¹¹⁶

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, Butt

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

Lot, Double Frontage

A lot that has fronts two or more streets front to back.

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.

¹¹⁶ Final sentence is existing. Staff has asked for clarification, but we are unsure of the original intent.

Lot Line

The established division line between different parcels of property.

Multi-Family Dwelling

One designed for or occupied by three or more families as a residence.

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.

Property Line

The established boundary lines of the right-of-way of a street, alley or public thoroughfare (also known as "street line").

Setback, Front

An open space unoccupied on the same lot with the main building, extending the full width of the lot and situated between the front line of the lot and the extreme front line of the building projected to the side lines of the lot. The depth of the front setback shall be measured between the extreme front line of the building and the front line of the lot. Covered porches shall be considered as part of the main building and shall not project into a required front setback, whether enclosed or unenclosed. The front setback depth or front setback requirement for corner lots shall be measured from the property line which has the smallest street frontage.

Setback Line

The distance from the street line to the part of the structure nearest the street, measured at right angles to the street line.

Setback, Rear

An open space on the same lot with a main building, unoccupied except as hereinafter otherwise permitted, extending the full width of the lot and situated between the rear line of the lot and the extreme rear line of the building projected to the side lines of the lot. The depth of the rear setback shall be measured between the rear line of the lot, or the center line of the alley if there be an alley, and the rear line of the building.

Setback, Side

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

Structure

Including anything constructed or erected, the use of which demands a temporary or permanent location on the soil, or attached to something having a temporary or permanent location on the soil.

Three-Family Dwelling

One designed for or occupied by three families as a residence.

Two-Family Dwelling

One designed for or occupied by two families as a residence.

Use

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

Zoning Districts

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