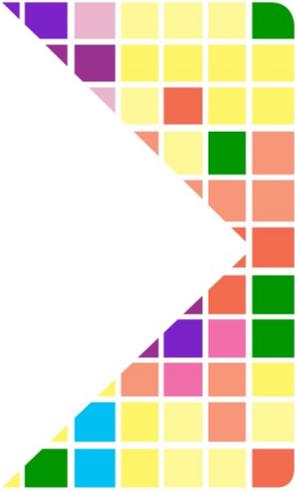


REZONE SYRACUSE

A Citywide Zoning Update



Zoning Ordinance Update

Module 3 (July 2017)

Article 1: General Provisions

Article 5: Administration and Procedures

Article 6: Definitions

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Article 1: General Provisions

Commentary:

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

1.1 Title and Effective Date

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

1.2 Purpose¹

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

- A. Encourage and facilitate the most appropriate use of land throughout the City;
- B. Designate, regulate, and restrict the location of buildings, structures, and land;
- C. Regulate and limit the height, number of stories, and size of buildings and other structures;
- D. Establish requirements for site layout, site development, and other dimensional, design, and development standards;
- E. Provide for administration and enforcement of this Ordinance;
- F. Protect the economic stability of existing land uses that are consistent with the Comprehensive Plan;
- G. Lessen congestion on streets, roads, and highways; and
- H. Provide for utilities and facilities such as transportation, water, sewage, schools, parks, and other public requirements.

1.3 Authority

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

1.4 Applicability, and Jurisdiction

A. General Applicability

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

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

B. Compliance Required

- (1) No permit, certificate, license, or approval for any use that is subject to this Ordinance shall be issued or granted by any department, agency, City official, or City employee without full compliance with this Ordinance.
- (2) Any permit, certificate, license, or approval issued in violation of this Ordinance is void.
- (3) No building or structure shall be erected, converted, enlarged, reconstructed, or altered without full compliance with this Ordinance.
- (4) No lot of record that did not exist on the effective date of this Ordinance shall be created by subdivision or otherwise that does not comply with this Ordinance.

C. Application to Governmental Agencies²

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

D. Conflicts with Other Ordinances

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

E. Private Covenants

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

1.5 Nonconformities

A. Purpose³

The purpose of this Section is to regulate and limit the development and continued existence of legal uses, structures, lots, signs, and use characteristics established prior to the effective date of this Ordinance, or the effective date of future amendments to this Ordinance, that no longer conform to the requirements of this Ordinance. All such situations are collectively referred to in this Section as "nonconformities." While nonconformities may continue, the intent of this Section is to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this Ordinance and the goals of the City of Syracuse.

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

³ New.

B. Regulations Applicable to All Nonconformities⁴

(1) **Authority to Continue**

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

(2) **Determination of Nonconformity Status**

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

(3) **Maintenance and Minor Repair**

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

- a. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the building or structure;
- b. Maintenance of land to protect against and mitigate health and environmental hazards;
- c. Repairs that are required to remedy unsafe conditions; and
- d. Repairs necessary to comply with current building code and property maintenance requirements.

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

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

C. Nonconforming Uses⁵

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

(1) **Continuation of Use**

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

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

⁴ New standards typically found in most codes. Are these consistent with current Syracuse policy? Yes-HSL

⁵ Based on existing Part C, Section II, Article 2.

- c. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date this Ordinance.
- d. Whenever a nonconforming use of land or a building has been discontinued for a period of two consecutive and continuous years, future use of land or building shall comply with this Code.⁶

(2) Change of Use

- a. As a matter of right, any nonconforming use may be converted to a use that conforms in all respects with the applicable regulations prescribed in this Ordinance, as amended.
- b. A nonconforming use may be changed to another nonconforming use, provided the [Zoning Administrator]⁷ determines that the new use creates no greater impacts on surrounding properties and is no more intensive than the use it replaces, and no structural alterations to the building are required to accommodate such change. The determination of whether the new use is more objectionable shall be based on comparison of each use as to its impact on surrounding properties and neighborhood character, including but not limited to factors such as pedestrian and vehicular activities, visual impact, noise levels, hours of activity, and numbers of individuals living at, frequenting or employed at the site in question. A nonconforming use that has been changed to a less intense use pursuant to this subsection may not subsequently be changed back to a more intense use.
- c. A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this Ordinance.

(3) Damaged or Destroyed Uses

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

(4) Discontinuances

Where a nonconforming use has been inactive for a period of two years, it shall be deemed abandoned and shall not be revived nor be converted to any other use that does not conform to the regulations in this Ordinance, unless a use variance has been granted by the Board of Zoning Appeals.

D. Nonconforming Structures⁸

Nonconforming structures are subject to the following additional limitations:

(1) Structural Alterations, Renovations, and Additions

Alterations, renovations, and additions to a nonconforming structure may be made only to the extent that such improvements conform to all applicable regulations prescribed in this

⁶ As an example, if there is a nonconforming three-family dwelling that is being renovated for a period of two years and only two units are occupied at a time, the City will not consider that to be a situation where the nonconforming use has been discontinued.

⁷ Current ordinance reserves this authority to the Planning Commission and Common Council. However, it is often a power granted to the Zoning Administrator. For discussion purposes, the staff believes that minor changes that do not exacerbate a nonconforming use should be approved administratively. In part, this also could alleviate further burdening a Board/Commission.

⁸ Based on existing Part C, Section II, Article 1.

Ordinance, as amended, and only to the extent that any nonconforming use related to such structure is not expanded.

(2) Damaged or Destroyed Structures

- a. Nonconforming structures may be repaired and restored to their former condition after damage by casualty loss or deterioration due to the elements, except where damage involves over 50 percent of the floor area devoted to a nonconforming use or such damage exceeds 50 percent of the total replacement cost of the damaged structure.
- b. Work to restore a nonconforming structure that has been damaged or destroyed by fire or other causes shall be commenced within one year of such event and completed within 18 months of such event. By written request from the property owner, the Zoning Administrator may grant one extension of either the work commencement and/or the completion of work time period.⁹

E. Nonconforming Lots

(1) Nonconforming Lots Generally¹⁰

Nonconforming lots are subject to the following additional limitations:

- a. A structure situated on a nonconforming lot shall be considered a nonconforming structure, subject to the requirements of this Section 1.5.
- b. A nonconforming lot that was made nonconforming by virtue of enactment of this Ordinance¹¹ may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.

(2) Lot Certification Required¹²

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

- a. Appears as a lot on a subdivision map recorded in the Office of the County Clerk; or
- b. Constitutes a resubdivision and/or lot alteration approved by the City Planning Commission; or
- c. Constitutes a lot alteration approved by the Zoning Administrator, provided that such lot alteration is limited to properties in the R-1, R-2, and R-3 districts; or
- d. Is described in a deed or deeds recorded in the Office of the County Clerk, prior to March 19, 1962.

(3) Construction of Residential Buildings on Nonconforming Lots

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

⁹ New.

¹⁰ New.

¹¹ An example of how enactment of this Ordinance might create a nonconforming lot is through adoption of new minimum lot sizes.

¹² From existing C.I.2.

1. Have a minimum frontage on an accepted public street or on a private roadway of 50 feet or as required by the applicable zoning district, whichever is less; or
 2. Have a minimum width measured at the required building setback line of 50 feet or as required by the applicable zoning district, whichever is less.
- b. Paragraph a above shall not apply, however, to the erection or the creation of, by remodeling or otherwise, a one- or two-family house on any lot that:
1. Contains at least one complete lot shown on a subdivision map filed in the Office of the County Clerk, or
 2. Contains at least one complete lot described in a deed or deeds recorded in the Office of the County Clerk prior to March 19, 1962, or
 3. Has been approved by the City Planning Commission, and measures at least 40 feet in frontage and 100 feet in depth, provided that the new lot is not smaller in frontage or depth than the average frontage or depth of all existing lots upon which a residential structure or structures have been built within 200 feet of the proposed lot, or within the same block face if the block face is less than 400 feet.

F. Nonconforming Site Features¹³

(1) Applicability

- a. For purposes of this section, the term “nonconforming site feature” includes any driveway, off-street parking or loading area, landscaping, buffer, screening, or exterior lighting that lawfully existed per regulations in place prior to the effective date of this Ordinance, as well as the lack of any such feature required by subsequently enacted City regulations.
- b. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this Ordinance, subject to the requirements of this section.
- c. No action shall be taken that increases the degree of the nonconformity of a site feature.

(2) Nonconforming Parking

a. Continuation of Nonconforming Parking

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

1. Any change or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by such change or expansion is provided in accordance with **Section X.X**.
2. Nonconforming parking areas shall not be expanded, except pursuant to paragraph b below.

¹³ New. This is a relatively ambitious approach for the City’s consideration. We understand that bringing out-of-compliance properties into compliance is an important City goal, but also that mandatory upgrades must be balanced with consideration of economic impacts, as well as the staffing requirements necessary to track and enforce these provisions.

b. Upgrading Nonconforming Parking

1. Nonconforming off-street parking facilities shall be improved to comply with this Ordinance’s minimum parking space requirements when the following development activities occur:
 - i. An addition to or expansion of one or more structures that, over a two-year period (as shown on building permit applications), would increase the total gross floor area of the structures by more than 50 percent; or
 - ii. A remodeling of one or more structures that, over a two-year period (as shown on building permit applications), would cost more than 50 percent of the current assessed value of the structures.¹⁴
2. Nonconforming off-street parking facilities shall be upgraded to comply with this Ordinance’s parking lot landscaping requirements pursuant to paragraph (3) below.

(3) Nonconforming Buffers, Landscaping, Screening, and Exterior Lighting¹⁵

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

- a. Any increase in the total square footage of the off-street parking, loading, circulation, and driveway areas;
- b. A structural addition that increases the combined total gross floor area of all existing structures by more than 500 square feet or 20 percent, whichever is less;
- c. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period (as shown on building permit applications), excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;
- d. Any tenant change of a stand-alone nonresidential structure that also involves substantial building elevation changes as determined by the Zoning Administrator, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;
- e. Any tenant change of a nonresidential structure that is the anchor tenant of the property that also involves substantial building elevation changes as determined by the Zoning Administrator, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs. For purposes of this section, an “anchor tenant” shall mean a tenant that holds at least 50 percent of the gross floor area of the structure;
- f. Expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas

¹⁴ Effective enforcement of this and similar provisions that measure cumulative changes over time requires good communication between the zoning office and the building official. Currently, zoning staff in Syracuse does not have access to information that would allow tracking of cumulative expenditures. However, developing some effective way of tracking compliance over time is important. Without cumulative tracking, a property owner could continue to evade the intent of this section by making incremental improvements that each on their own do not require a higher level of compliance.

¹⁵ New.

by 1000 square feet or 20 percent, whichever is less, shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity.

(4) Compliance to the Maximum Extent Practicable¹⁶

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

G. Nonconforming Sign¹⁷

(1) Continuation of Conforming Signs

Any existing individual sign that exceeds the maximum area or height limitations of this Ordinance shall be considered a conforming sign. At the time such sign is replaced, altered, or renovated, it shall comply with all requirements of this Ordinance.

(2) Termination of Nonconforming Signs¹⁸

- a. The right to maintain a nonconforming sign terminates immediately upon any of the following:
 1. Abandonment of a sign, including sign copy and/or logos and graphics, for a continuous period of 90 days;
 2. Any violation of this Ordinance on the subject property and/or by the owner of the sign;
 3. Destruction or damage of the sign to the extent that the cost of restoration to its condition before the occurrence exceeds 50 percent of the total cost of reconstructing the entire sign, based on its appraised value as submitted by the sign owner and subject to approval by the Zoning Administrator; or
 4. Determination by the Zoning Administrator in consultation with the Director of Code Enforcement that the sign is an immediate hazard to the public health, safety, and welfare because of disrepair, unsafe mounting, imminent dislodging, or other safety factors.

¹⁶ New.

¹⁷ Replaces existing Part C, Section VI, Article 7. The first provisions are suggested new, simpler language. The final paragraph is pulled from the existing Ordinance. We believe it can be deleted, but further discussion is needed.

¹⁸ Existing Syracuse language that legal staff is reviewing for potential inclusion: "Except for Off-Premise Advertising Signs and signs with conditional use, variance, exception, special permit, waiver or other formal zoning approval, any sign legally established prior to the effective date of this Ordinance that does not conform to the regulations in this Ordinance shall be considered a nonconforming sign. By the end of the year 2008 all Off-Premise Advertising Signs then in place in order to be considered legally existing shall have had administrative permits. Those Off-Premise Advertising Signs that may have been legally in existence prior to the 1972 adoption of the sign rules and regulations but for whatever reason do not have administrative permits or other equivalent formal authorization would have lost their status over time through the amortization provisions of the Zoning Rules and Regulations. Such Off-Premise Advertising signs would not be considered non-conforming. (Where lying within districts still permitting Off-Premise Advertising Signs, continued utilization of those now unauthorized signs would be subject to review as if the signs were new. Off-Premise Advertising Signs without administrative permits in zoning districts no longer permitting such signs would have no nonconforming or other status to remain in use, except as provided for by Special Amortization Consideration set forth in Article 7 herein.)"

- b. Any party wishing to appeal a determination concerning the amortization of a sign or request a variance from the requirements of this Section may appeal the Zoning Administrator's decision to the Planning Commission.

H. Illegal Nonconformities¹⁹

An illegal nonconformity exists when:

- (1) A nonconforming structure is destroyed or substantially destroyed by an intentional act of the owner or an agent. If this occurs, the nonconforming structure shall lose its nonconforming status and thereafter shall be required to be in conformity with existing codes. If a legal nonconforming use was also in the structure, the nonconforming use and all site improvements shall lose their nonconforming status and be required thereafter to come into compliance with existing codes.
- (2) A use, structure, or site improvement occurs to a legal nonconformity without being lawfully authorized in accordance with the provisions of this Section. Such use and/or structure shall therefore cease all operations until such time that the required plans and/or permits are approved.

1.6 Enforcement²⁰

A. Purpose

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

B. Violations²¹

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

- (1) **Activity Inconsistent with this Ordinance**
Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this Ordinance.
- (2) **Activity Inconsistent with a Permit or Approval**
Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this Ordinance.
- (3) **Illustrative Examples of Violations**
Examples of violations of this Ordinance include, but are not limited to:

¹⁹ New.

²⁰ There is very little on enforcement and penalties in the current ordinance, so this is substantially new material for the City's consideration. Generally, this draft section is still being evaluated by the Legal Department and the Division of Code Enforcement, in particular regarding which enforcement responsibilities should be identified with which departments.

²¹ New.

- a. Increase of the density or intensity of any use of land or structure except in accordance with the requirements of this Ordinance;
- b. Reduction or diminishment of lot area, setbacks, vegetative buffers, or other standards below the minimum requirements set forth in this Ordinance;
- c. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Ordinance;
- d. Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;
- e. Failure to abide by conditions of any approval or agreements executed in association with an approval; and
- f. Failure to comply with applicable requirements for a certificate of occupancy or building permit.

(4) Continuing Violations

Any violation of this Ordinance shall be considered a separate and distinct cause of action for each and every day during any portion of which any violation of this Ordinance is continued, with each violation punishable in accordance with Section ---.

C. Enforcement Actions²²

(1) Responsibility for Enforcement²³

This Ordinance shall be administered and enforced by the Zoning Administrator or such other person as may be designated by the Zoning Administrator.

(2) Investigation

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

(3) Persons Liable

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

(4) Procedures Upon Discovery of Violations²⁴

- a. If the Zoning Administrator finds that any provision of this Ordinance is being violated, the Zoning Administrator shall send a written notice to the person responsible for such

²² New section.

²³ Should this specify the Code Enforcement officer instead? Internal policy discussion underway.

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

violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Administrator discretion.

- b. If the person responsible for the violation does not take action to correct the violation within 30 days of the first notice, a final written notice shall be sent by certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable. The final written notice shall state the action the Zoning Administrator intends to take if the violation is not corrected and shall advise that the Zoning Administrator's decision or order may be appealed to the Common Council.
- c. Following an appeal to the Common Council for failure to file a timely appeal of a decision, or notwithstanding the foregoing, when a delay would seriously threaten the effective enforcement of the Ordinance, or pose a danger to the public health, safety, and welfare, the Zoning Administrator may immediately issue an order for compliance by personal service, posting of the property, or certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable, and seek enforcement through the municipal court as authorized below.

(5) Continuation of Prior Enforcement Actions

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

D. Penalties and Remedies²⁵

The Zoning Administrator shall have the power to enforce this Ordinance subject to the following penalties:

(1) Fines

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

(2) Deny, Withhold, or Revoke Entitlements²⁶

- a. The issuing/approval authority shall have the power to deny, withhold, or revoke permits for violation of this Ordinance or violations of any conditions of approval.
- b. The issuing/approval authority shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power to deny, withhold, or revoke the permit issued to the violator, to require the violator to take corrective measures, or to direct employees or agents of the City to enter onto the premises and to take the corrective measures required by the authority, the cost to be borne by the violator. If the issuing/approval authority is the Zoning Administrator, then the hearing shall be held at the Planning Commission.
- c. Any entitlement or other form of authorization may be denied, withheld, or revoked after notice and a hearing, when the Zoning Administrator determines that:

²⁵ Replaces existing Part A, Section II, Article 4.

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

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

(3) Stop-Work Orders

- a. The Zoning Administrator may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property.
- b. The Zoning Administrator may issue a stop-work order on any property with an uncorrected violation of this Ordinance or approval issued under this Ordinance.
- c. A stop-work order shall be in writing and directed to the person doing the work, and shall specify the provision of this Ordinance or other law in violation.
- d. If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.
- e. Once conditions cited in the stop-work order have been adequately addressed, the Zoning Administrator shall rescind the stop-work order.

E. Continuation of Prior Enforcement Actions

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

1.7 Severability²⁷

- A.** If any provision of this Ordinance is invalidated by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this Ordinance.
- B.** If any application of any provision of this Ordinance is invalidated by a court of competent jurisdiction, such judgment shall not affect the application of that provision to any other parcel, building, structure, or use not specifically included in that judgment.
- C.** If any condition attached to an approval of an application for development is invalidated by a court of competent jurisdiction, such order shall not affect any other conditions attached to the same approval unless specifically included in that order.

²⁷ New, replaces Part A, Section II, Article 2.

1.8 Transition from Prior Regulations²⁸

A. Development Approvals

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

B. Pending Applications

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

C. Prior Violations

If a development or activity in violation of the prior development regulations fully complies with this Ordinance, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior violations are still valid and shall remain the responsibility of the violator under the prior regulations.

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

Article 2: Zoning Districts

[DRAFTED IN MODULE 1 – [Download Here](#)]

Article 3: Use Regulations

[DRAFTED IN MODULE 1 - [Download Here](#)]

Article 4: Development Standards

[DRAFTED IN MODULE 2 - [Download Here](#)]

Article 5: Administration and Procedures

Commentary:

This article describes the process for reviewing and approving development applications in Syracuse. The article begins with a **summary table** that provides a snapshot of the review procedures, the review and decision-making authorities, and public notice requirements.

The next section includes the **common review procedures** that apply to most development application types. Common review procedures (as recommended in the Assessment Report) will help Syracuse avoid repetition throughout the Ordinance and eliminate conflicting information among development applications. The remaining sections describe the **application-specific** development procedures, linking back to applicable common review procedures, and noting any modifications or additions. Each specific procedure includes a flowchart depicting the steps for review and approval. The final section of this article describes the **decision-making authorities** in Syracuse as they relate to this Ordinance.

The term **“Zoning Administrator”** is used throughout this article as the chief administrative officer in charge of administering and enforcing the Ordinance, and is defined as the Zoning Administrator or his or her designee.

In this article, we refer to an **“administrative manual,”** which is proposed to include the requirements for application submittal materials, fees, time periods for review, and other administrative information that does not need to be included in this Ordinance. Keeping such material outside the Ordinance allows it to be updated more regularly without formal Ordinance amendments. Syracuse already hosts a lot of development information on the City’s website, so the “manual” could simply expand on that framework. This draft also refers to the “Technical and Engineering Specifications Manual,” which is intended as a separate document.

5.1 Purpose and Organization of this Article²⁹

- A.** The purpose of this Article is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this Ordinance.
- B.** This Article describes the review and approval procedures for application for land use and development in the City, and is divided into the following sections:
 - (1) Section 5.2, *Summary Table of Review Procedures*, contains a summary of all development application types authorized in this Article.
 - (2) Section 5.3, *Common Review Procedures*, describes the standard procedures that apply to most development application types.
 - (3) Sections 5.4 through 5.6 contain specific information on each application type within three categories (development permits, flexibility and relief procedures, and ordinance amendments), including approval criteria and any additions or modifications to the common review procedures.
 - (4) Section 5.7, *Review and Decision-Making Bodies*, describes the review and decision-making authorities, including the Syracuse Common Council, City Planning Commission, Board of Zoning Appeals, Syracuse Landmark Preservation Board, Zoning Administrator, and other City officials.

²⁹ New.

5.2 Summary Table of Review Procedures³⁰

Table 5.1: Summary Table of Review Procedures, lists the development applications authorized by this Ordinance. For each type of application, the table indicates whether public notice is required, whether a pre-application conference is required, and the role of City review and decision-making bodies.

Table 5.1: Summary Table of Review Procedures										
R = review and recommendation D = review and decision A = appeal < > = public hearing required ✓ = required										
Procedure	Section	Notice			Pre-Application Conference	Staff	Syracuse Landmark Preservation Board	Board of Zoning Appeals	Planning Commission	Common Council
		Published	Written	Posted						
Development Permits										
Site Plan	Minor	5.4A(3)				Optional	D		<A>	
Review	Major	5.4A(4)	✓	✓	✓	✓	R		<D>	
Special Use Permit		5.4B	✓	✓	✓	✓	R		<D>	
Sign Review		5.4C			✓	Optional	D		<A>	
Temporary Use Permit		5.4D			✓	Optional	D		<A>	
Certificate of Appropriateness		5.4E				Optional	R	<D>	<A>	
Construction Plans		5.4F				Optional	D		<A>	
Flexibility and Relief										
Variance		5.5A	✓	✓	✓	✓	R		<D>	
Administrative Adjustment		5.5B				Optional	<i>Decision-maker is same as associated application.</i>			
Appeal of Administrative Decision		5.5C	✓	✓	✓	Optional	R		<D>	<D>
Ordinance Amendments										
Rezoning		5.6A	✓	✓	✓	✓	R		<R>	<D>
Rezoning to Planned Development (PD/PI)		5.6B	✓	✓	✓	✓	R		<R>	<D>
Ordinance Amendment (text)		5.6C	✓	✓	✓		R		<R>	<D>

³⁰ Table is still a working draft. Consider whether other procedures should be added (e.g., Off-Premise Advertising, Resubdivisions, Street Actions).

5.3 Common Review Procedures

Commentary

The common review procedures introduced in this section are new to Syracuse. There is very little information describing how applications are processed in the current ordinance, apart from some limited provisions in the Project Site Review and Special Use Permit sections. Also, the Lakefront section describes additional procedures that somewhat overlap those generally applicable sections.

Per the Assessment, these new common review procedures consolidate general steps that are applicable to multiple development application types. The application-specific procedures in the following sections refer back to these common review procedures and note any modifications or additions.

Because there is so little on this topic in the current Syracuse Zoning Ordinance, there is a significant amount of new material here for the City’s consideration. Staff has reviewed the draft text to help ensure it matches actual current practice.

A. Purpose

This Section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Ordinance. Common review procedures include six steps, as illustrated in Figure 5.3-1: Overview of Common Review Procedures, not all of which are applicable to every development application. Application-specific procedures in Sections 5.4 through 5.6 identify additional procedures and rules beyond those in this section.

Figure 5.3-1: Overview of Common Review Procedures



B. Pre-Application Conference³¹

(1) Purpose

The pre-application conference is intended to provide an opportunity for the applicant to meet with Zoning staff to review applicable submittal requirements, review procedures, and to identify any issues associated with the proposed development.

³¹ New. This is a new tool intended to provide more upfront discussion about applicable zoning requirements. It is not intended to replace the existing “pre-development meeting,” which is similar but broader in scope because it includes other departments and is managed by the City’s Department of Neighborhood and Business Development. The purpose of this meeting should not be to get into specific details, but rather to discuss whether the project is feasible and, if so, applicable procedures and standards for approval. (The current ordinance mentions similar “pre-application conferences” in the Lakefront ordinance, where they are authorized as optional for both site plan and special use permit applications.)

(2) **When Required**

A pre-application conference is required for certain application types as specified in Table 5.1: Summary Table of Review Procedures. A pre-application conference is optional for all other application types.

(3) **Procedure**

Pre-application conferences shall be scheduled and conducted in accordance with the following procedures:

a. **Request**

The applicant shall submit a request for a pre-application conference to the Zoning Administrator.

b. **Scheduling**³²

The Zoning Administrator shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the conference.

c. **Required Information**³³

At least five days prior to the scheduled pre-application conference, the applicant shall submit:

- a. Proof of ownership (such as, but not limited to, a deed, an executed lease, or a contract for purchase);
- b. A written description of the proposed project;
- c. Conceptual drawings showing the location, layout, and primary elements of the proposal;³⁴
- d. Specific uses, location of uses, and densities proposed;
- e. Proposed construction phasing (if applicable); and
- f. A draft of a completed planning application (optional).³⁵

d. **Conference Determinations**

Zoning staff attending the pre-application conference shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Ordinance. City staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project, such as a variance or administrative adjustment.

³² Especially for optional conferences, these could be very informal. Staff notes that phone calls may suffice for optional conferences.

³³ This is a limited list for the City's consideration. Some communities go farther and request info on issues such as floor area, parking demand, exterior materials, timing, landscaping, irrigation, grading, lighting, and signs.

³⁴ This is intentionally vague regarding the quality of the drawings, which allows the possibility of either professionally prepared materials or very informal crude drawings. If a desired minimum level of specificity is needed, we recommend setting it in the administrative manual. The standard should be sufficient to allow evaluation of the concept, but not so onerous as to discourage compliance.

³⁵ This last item is optional because the full application is not required at this stage. However, the applicant may wish to submit a draft application to get feedback from staff on whether it is filled out correctly.

(4) **Effect**³⁶

Any information or discussions held at the pre-application conference shall not be binding on the Office of Zoning Administration or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

C. Application Submittal and Processing

(1) **Authority to Submit Application**³⁷

- a. Unless expressly stated otherwise in this Ordinance, an application for one of the permits described in his Article shall be submitted by:
 1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; **or**
 2. A person authorized to submit the application on behalf of the owner, provided the application is accompanied by a letter or document signed by the owner authorizing the submission.
- b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such property owners shall sign the application or a letter or document consenting to the application.

(2) **Application Content**

- a. The application shall be submitted to the Office of Zoning Administration.
- b. The application shall be submitted on a form established by the Office of Zoning Administration.
- c. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements.

(3) **Application Fees**³⁸

- a. Application fees shall be paid at time of submittal according to the type of application. Fees shall be established by resolution by the Common Council and may be reviewed annually.
- b. All fees required by this Ordinance shall be paid to and collected by the City of Syracuse Commissioner of Finance.
- c. In the event the Zoning Administrator determines that it is necessary to utilize the services of a consultant not on staff, the Zoning Administrator may impose additional fees associated with such outside consultant.³⁹

³⁶ New standard to establish that the pre-application conferences are intended to encourage problem-solving and innovation. Additionally, this provision helps clarify that any pre-application discussions of potential conditions do not in fact constitute actual conditions placed on the approval.

³⁷ New. City staff may consider developing a standard form for non-owners/authorized applicants. Such form could be included in an administrative manual.

³⁸ New. Because they are subject to frequent updating and change, we recommend that fee schedules be located in an administrative manual.

(4) Submittal and Review Schedule⁴⁰

The Zoning Administrator shall establish a submittal and review schedule for development applications and shall include that information in the Administrative Manual. The Zoning Administrator may amend the schedule to ensure effective and efficient review under this Ordinance.

(5) Determination of Application Completeness⁴¹

The Zoning Administrator shall determine whether the application is complete or incomplete within [ten] business days and shall notify the applicant of application acceptance or denial by the end of that period.

a. Complete Applications

A complete application shall be processed for review according to the procedures in this article. An application will be considered complete if it is submitted in the required form, includes all required information specified in this Ordinance and the Administrative Manual, and is accompanied by the applicable fee.

b. Incomplete Applications

An incomplete application shall not be processed or reviewed. The Office of Zoning Administration shall provide written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for determination of application completeness. An incomplete application that is not resubmitted within 45 days shall be considered abandoned.

(6) Minor Application Revisions⁴²

An applicant may revise an application after receiving notice of compliance deficiencies following staff review according to Section 5.3D, *Staff Review and Action*, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Zoning Administrator. All other application revisions shall be processed as a new application.

³⁹ This replaces a much lengthier provision in the current ordinance that applies only to hiring consultants for design assistance in the Lakefront.

⁴⁰ New provision allowing the Zoning Administrator to set an appropriate timeframe for internal review of application types.

⁴¹ New provisions formalize the application completeness review process. This is not a sufficiency review, but rather just making sure that the applicant submits the full list of required materials. If materials are inaccurate or insufficient in some way, that can be addressed by staff during the "Staff Review and Action" process. This expands on similar language from current Lakefront, describing the Zoning Administrator's authority to review applications and/or forward them to the Planning Commission for review and decision.

⁴² New.

(7) Application Withdrawal⁴³

- a. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Zoning Administrator.
- b. If an application is withdrawn after required notice of any scheduled public hearing, the application shall be subject to limitations on the subsequent submittal of similar applications.
- c. An applicant is not entitled to a refund of application fees for applications that are withdrawn after the application has been distributed to referral agencies.

D. Staff Review and Action

(1) Referral to Staff and Referral Agencies⁴⁴

- a. The Office of Zoning Administration shall distribute the complete application to appropriate staff and referral agencies per the Administrative Manual.
- b. Actions proposed within the City right-of-way shall require consultation between the City Engineer, the Commissioner of Public Works, and the Zoning Administrator, and any other applicable referral agencies.⁴⁵

(2) Staff Review and Application Revisions⁴⁶

Staff and all applicable referral agencies shall review the application and submit comments to the applicant in a form established by the Zoning Administrator. The applicant may revise the application pursuant to 5.3C(6), *Minor Application Revisions*.

(3) Applications Subject to Staff Review and Recommendation⁴⁷

a. Staff Report⁴⁸

If an application is subject to a staff review and recommendation per Table 5.1: Summary Table of Review Procedures, staff shall prepare a written staff report. The staff report shall state whether or not the application complies with Ordinance requirements and shall include all applicable review comments from the referral agencies for consideration by the appropriate decision-making body.

⁴³ New.

⁴⁴ Policy discussion needed. Some communities use a "Development Review Committee" to help coordinate feedback from multiple departments. It can be formal or informal, and it can be used both at the front end of the process (pre-application) as well as later in the actual review stages. We heard there are challenges with interdepartmental coordination in Syracuse, so embracing this DRC concept in some way in the new Ordinance could provide a potential internal framework to improve coordination. For now, this draft text does not mention a DRC, but communities that do have such a committee in place do assign them a role in the code.

⁴⁵ From the Lakefront ordinance, Part C, Section IX, Article 3.

⁴⁶ New. This language is open-ended, which allows Administrator discretion to move the application along in the process as they determine appropriate. Note that some communities also provide that an application shall not move forward for further review until the applicant "adequately" responds to staff/DRC recommendations and comments. Some communities also limit the number of times that staff can review the application.

⁴⁷ New.

⁴⁸ There is ongoing staff discussion about the extent to which this staff report should include a formal "recommendation," as is common in most communities but which is not currently done in Syracuse. At minimum, the review board and the applicant should have a clear indication from Zoning staff whether the application is compliant or not. Whether this constitutes a "recommendation" is semantics, but staff should provide guidance. They have spoken with, met with, advised, and communicated with applicants; board members have not. They should provide guidance for board/commission consideration.

b. Distribution and Availability of Application and Staff Report

Within a reasonable time period before a meeting or hearing at which a zoning application is scheduled for review by an advisory or decision-making body, the Zoning Administrator shall submit a copy of the staff report to the applicant and advisory or decision-making body, and shall make the case file available for public review.

(4) Applications Subject to Staff Decision⁴⁹

a. Decision

If an application is subject to staff review and a final decision by the Zoning Administrator per Table 5.1: Summary Table of Review Procedures, the Zoning Administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

b. Conditions of Approval

Any conditions of approval imposed by the Zoning Administrator shall comply with the provisions in subsection 5.3F(3), *Conditions of Approval*.

(5) Simultaneous Processing of Development Applications⁵⁰

Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, this Article intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process. Review and decision-making bodies considering applications submitted simultaneously shall render separate reports, recommendations, and decisions on each application based on the specific standards applicable to each approval.

- a. An example of a concurrent filing and processing of applications include, but are not limited to, a site plan and special use permit.⁵¹
- b. Generally, no rezoning application shall be accepted or processed while an application for any of the permits or approvals listed in this Article is pending for the same property, and vice versa.
- c. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this Article intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this Article has its own timing and review sequence.

⁴⁹ New.

⁵⁰ New. The purpose is to help applicants by expediting the overall process, not to burden them with two separate procedures.

⁵¹ A subdivision application could also be added to this list; however, we left it out because subdivisions are not otherwise addressed in this Ordinance.

E. Scheduling and Notice of Public Hearings⁵²

(1) Scheduling

- a. If an application is subject to a public hearing per Table 5.1: Summary Table of Review Procedures, the Zoning Administrator shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.
- b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per Section 5.3D, *Staff Review and Action*.⁵³

(2) Public Hearing Notice

a. General Notice Requirements

All public hearings required by this Ordinance shall be preceded by the notices identified in Table 5.1: Summary Table of Review Procedures.

b. Responsibility of Party Seeking Hearing⁵⁴

1. *Option 1:* The applicant or other person seeking the public hearing shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing, and such persons shall bear all costs incurred in connection with giving notice of the public hearing.
2. *Option 2:* The applicant or other person seeking the public hearing shall be responsible for providing accurate mailing labels as part of the complete project application and for posting of notice of the public hearing on the subject property, and such persons shall bear all costs incurred in connection with giving notice of the public hearing. The Department of Zoning shall be responsible for writing the content of notices and mailing.
3. *Option 3:* City staff publishes notice, and the applicant shall pay all associated costs. Applicant provides posted notice. No mailed notice.

(3) Notice Format and Content

a. Published and Mailed Notice

1. Required published or mailed notices shall:
 - i. Identify the application type;
 - ii. Describe the general nature of the proposed project;
 - iii. Identify the location subject to the application;
 - iv. Identify the date, time, and location of the hearing being noticed;

⁵² New. There is very little information on the format, scheduling, and content of required notices in the current ordinance.

⁵³ Staff is reviewing options for when public hearing “authorizations” may be discontinued.

⁵⁴ This options listed require further discussion. Staff notes that current practice is outlined in the Rules of Procedure for the Planning Commission and in the current Ordinance for the BZA. The only requirement is to publish the notice 10 days prior to the hearing in the local newspaper. As a courtesy, staff sends postcards to any property owner within 400 feet of a proposal. Staff uses discretion if it is a controversial project, very large property, or within certain areas of the City and provide notification to a wider radius. Generally, the city should move away from subjective notification and base it on objective distances.

- v. Identify where and when the application and associated materials may be inspected; and
 - vi. Indicate the opportunity to appear at the public hearing.
2. Published notice shall appear in a newspaper of general circulation in the City at least ten days prior to the scheduled hearing.
 3. Mailed notices shall be sent at least 10 days prior to the scheduled hearing via first class mail to all property owners as listed in the records of the Onondaga County tax assessor's office within 400 feet of the subject property, as measured from property boundaries.⁵⁵
- b. Posted Notice**⁵⁶
1. For an application requiring posted notice per Table 5.1: Summary Table of Review Procedures, the applicant shall post at least one sign on the parcel at least 15 days prior to the scheduled hearing. Staff shall provide the required signage. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until after the hearing.
 2. The Zoning Administrator may require additional signs based on access and configuration of the property.
 3. Required posted notice shall:⁵⁷
 - i. Identify the application type;
 - ii. Describe the nature and scope of the proposed project;
 - iii. Identify the date, time, and location of the hearing being noticed; and
 - iv. Identify a telephone number for additional information.
- c. Certification of Notice**
- The applicant shall provide certification that proper notice has been provided, including photographic evidence of the posted notices and a signed affidavit that the mailing labels provided are correct. The format of such certification shall be established by the Zoning Administrator. The applicant shall submit the certification to the Zoning Administrator at least seven days prior to the scheduled public hearing.
- d. Constructive Notice**
1. **Minor Defects in Notice Shall Not Invalidate Proceedings**
Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a

⁵⁵ Further discussion needed. Current SOCPA GIS system measures from the "centroid," versus property boundaries. It is unclear if the current system could be used to provide boundary-based measurements.

⁵⁶ The system of posted notice can actually be easier to administer than mailed notice provided good systems are established. Most communities have their own physical signs, which the applicant borrows and uses for a project. Some communities require the applicant to provide their own signs. Either way, the city needs to spend a little time upfront establishing the required sign format, costs, etc.

⁵⁷ Physical characteristics of signs (e.g., size of posting, size of font, color of sign) are typically in an administrative manual, not the code itself.

legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

2. **Failure to Receive Notice Shall Not Invalidate Action**

Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance.

F. Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)⁵⁸

(1) **Hearing, Review, and Decision⁵⁹**

- a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 5.1: Summary Table of Review Procedures.
- b. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
- c. The applicable review body shall approve, approve with conditions, deny without prejudice, or deny the application based on the applicable approval criteria listed in the application-specific procedures.
- d. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.
- e. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

(2) **Public Hearings⁶⁰**

Public hearings required by this Article shall be conducted according to the procedures established by the respective bodies.

(3) **Conditions of Approval⁶¹**

- a. Where this Ordinance authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this Ordinance or other regulations, or to mitigate the impacts of that development on surrounding properties and streets.

⁵⁸ New.

⁵⁹ Question for legal: Do we need to add clarity regarding failed motions, or is that a matter of state law?

⁶⁰ Discussion item: Consider separating public hearings and public meetings in the Ordinance, not only for meeting/case management purposes, but also for SEQR.

⁶¹ New standards that we typically recommend to help decision-makers establish conditions of approval that are legally defensible.

- b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this Ordinance. No conditions of approval shall be less restrictive than the requirements of this Ordinance, except where the Ordinance expressly allows deviations.
- c. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
- d. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.⁶²
- e. Unless otherwise provided in this Ordinance, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

(4) Final Plans⁶³

Within 60 days of approval, the applicant shall submit to the Office of Zoning a final version of any plans approved showing any conditions, restrictions, or other modifications agreed to or required during final approval.

G. Post-Decision Actions and Limitations⁶⁴

(1) Notice of Decision

- a. Within 10 days after a final decision on an application, or final adoption of the resolution if applicable, the Zoning Administrator shall provide written notification of the decision via hand delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Office of Zoning Administration.
- b. If the review involves a quasi-judicial hearing, the Zoning Administrator shall, within 10 days after a final decision on the application, or final adoption of the resolution if applicable, also provide a written notification of the decision via hand delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision before its effective date.

⁶² This provision is based on recent case law, specifically *Koontz vs. St. John's River Water Management District*. The intent is to clearly designate that "talk is talk" concerning mitigating conditions, unless and until it is integrated into an official decision by a local government.

⁶³ The staff's experience has been that, if a Board makes a condition and that condition requires a revised plan, that it is best that the plan be submitted to the Zoning Office and then incorporated into the resolution; only then is the resolution sent out. However, this has become problematic in that some applicants never submit those revisions nor follow up with the conditions and the case files linger in our office for long periods of time. This new provision can hopefully provide some clarity and help solve this problem.

⁶⁴ New.

(2) Appeal

- a. A party aggrieved or adversely affected by any decision by the Planning Commission or the Board of Zoning Appeals may seek review of the decision in the courts in accordance with applicable state law.
- b. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in Section 5.5C, *Appeal of Administrative Decision*.

(3) Expiration of Approval

- a. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in Sections 5.4 through 5.6 for the particular type of application.
- b. A change in ownership of the land shall not affect the established expiration time period of an approval.
- c. The Zoning Administrator may grant extensions of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the decision-making body for the original application.

(4) Modification or Amendment of Approval

Unless otherwise provided in this Ordinance, any modification of an approved plan, permit, or condition of approval following the final decision shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

(5) Limitation on Subsequent Similar Applications⁶⁵

- a. Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that there is a majority vote by the body that heard the original request and one of the following conditions is met:
 - 1. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
 - 2. The new application is materially different from the previous application.
- b. The above does not apply if the board hearing the original request denied the application without prejudice, in which case an applicant may resubmit at any time with a new application that addresses the reasons for denial.

⁶⁵ These new standards prevent applicants from repeatedly submitting applications trying to achieve a different response or to “wear down” the City without providing a substantially different application or new information.

5.4 Development Permits and Procedures

Commentary:

Generally, the procedures in Sections 5.4 through 5.7 are organized in alignment with the summary table of procedures at the beginning of this article. Specific procedures applicable to each type of application are listed in subsection C within each respective procedure. These are in addition to the applicable common review procedures in Section 5.3.

A. Site Plan Review

Commentary:

The proposed site plan review procedure replaces the current Project Site Review procedure (which applies mostly to commercial projects), as well as the Site Plan tool applicable in the Lakefront districts. This draft introduces a **two-tiered system for site plan reviews** in which the Zoning Administrator approves minor site plans and the Planning Commission approves major site plans. Draft thresholds for the types of site plan review are identified in Table 5.2. These thresholds, and the exemptions from site plan review, require further discussion with staff prior to the public draft of Module 3. A referral and call-up procedure is also included, by which site plan review applications can be either called up by the Commission, or referred up to the Planning Commission by the Zoning Administrator.

The proposed text proposes a site plan review process that is simpler than the process set forth in the Lakefront District provisions (and which requires two steps -- an initial review and final review). We understand from discussions that the Lakefront site plan tool had not been widely used since its adoption.

As discussed in the Assessment, there may be an opportunity to clarify the distinction between site plans, which are intended to be higher-level tools for evaluating overall site layout and building design, and more detailed construction drawings. Because the latter can require greater time and money to prepare, an increasing number of communities split the approval procedures and do not require submission of construction plans until after site plan approval. This draft includes a process to obtain site plan approval **prior to submitting construction plans**, thus saving the applicant from submitting technical engineered drawings prior to receiving approval of entitlements.

(1) **Purpose**⁶⁶

This section describes the process by which proposed development is reviewed for compliance with the development and design standards of this Ordinance. The site plan review procedure ensures that potential impacts of development are considered before submittal of an application for construction plan approval (pursuant to the City of Syracuse Technical and Engineering Standards Manual⁶⁷) or issuance of a building permit.

(2) **Applicability**⁶⁸

a. **Affected Activities**

The following activities shall require site plan review, unless exempted pursuant to subsection 5.4A(2)b, *Exempt Activities*:

⁶⁶ New. This new purpose statement makes it clear that site plan approval does not include construction plan approval. The Assessment recommended separation of these procedures so that applicants are required to submit less detail up front in the review process, before knowing whether or not a site plan would be approved. The technical specifications and engineering standards should be located in a separate manual and cross-referenced in this Ordinance.

⁶⁷ This name is a placeholder; further discussion is necessary regarding how to reference this material.

⁶⁸ These draft thresholds and exemptions are proposed to be citywide and for discussion purposes. The current site plan procedure in the Lakefront applies to: "Every application for a building permit for the construction of any building or structure or for the reconstruction, modification, addition or alteration or demolition of any building or structure, which would affect the exterior appearance of such building or structure," plus "any change proposed to be made to land lying between a frontage line and a building façade..."

1. All new construction;
2. Alteration, repairs, or additions to existing buildings that increase the gross floor area by more than 25 percent;⁶⁹
3. All exterior renovations facing a street and/or reorientation of existing buildings;
4. Demolition of buildings and/or reclamation of sites; and
5. Projects (other than demolitions) on properties:
 - i. Identified by the City as Architecturally Significant, or
 - ii. By the New York State Office of Parks, Recreation, and Historic Preservation (SHPO) as:
 - a. Located in a National Register District,
 - b. Individually listed in the Nation Register, or
 - c. Eligible for inclusion in the National Register.

b. Exempt Activities⁷⁰

The following are exempt from site plan review, but are subject to the standards of this Ordinance:

1. A change in use that does not involve or require other development (such as new or expanded structures or creation of additional parking);
2. Conversion of non-residential building area into up to three dwelling units, or mixed-use building area into up to three additional dwelling units, without changing the existing building footprint or building exterior, or increasing the building area;
3. Alteration, repairs, or additions to existing buildings that increase the gross floor area by 25 percent or less;
4. Interior tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements);
5. Construction of or exterior alteration to a residential property with up to four dwelling units, and structures accessory to such dwellings;
6. Projects subject to Syracuse Landmark Preservation Board review pursuant to Section 5.4E, *Certificate of Appropriateness*;
7. Projects within an approved Planned Institutional or Planned Development District; and
8. Any building(s) or structure(s) that have been determined by the Director of the Division of Code Enforcement and/or Chief of Fire to constitute an immediate danger or hazard to public health, safety, or welfare.

⁶⁹ Simplified to match the related exemption. Current language is "All additions to existing buildings that face a street and that exceed 25 percent of the existing ground level space (total square feet of the footprint of the building)." Further discussion needed as to whether 25 percent is the proper threshold.

⁷⁰ Items 1-4 are new, item 5 is current policy, items 6-8 are from the current Project Site Review section. "Super Projects" are an additional exemption from current Project Site Review; they are not carried forward in this draft pending further discussion.

c. Site Plan Review Types⁷¹

1. Thresholds

A project subject to site plan review shall be classified as either a minor site plan (review and decision by Zoning Administrator), or major site plan (review and decision by Planning Commission), depending on the development size and type. Table 5.2 describes the applicable site plan review type thresholds.

Table 5.2: Site Plan Review Thresholds		
Type of Development	Minor Site Plan (Zoning Administrator decision)	Major or Site Plan (Planning Commission decision)
Residential	Establishment of 5 to 7 dwelling units ⁷²	Any development on a site larger than 3 acres; Development of 8 or more dwelling units
Nonresidential	Less than 10,000 square feet gross floor area	Any development on a site larger than 3 acres; Development of at least 10,000 square feet gross floor area
Notes:		
<ul style="list-style-type: none"> - Thresholds for mixed-use development shall be calculated on the basis of the residential and nonresidential components in the table above.⁷³ - Notwithstanding the thresholds above, any development requiring dedication of land to the City shall be processed as a major site plan. 		

2. Zoning Administrator Referral to Planning Commission⁷⁴

The Zoning Administrator may refer minor site plans to the Planning Commission for a final decision that in the Administrator’s discretion presents issues that require Planning Commission attention, such as, but not limited to, traffic and congestion or neighborhood compatibility.

⁷¹ These thresholds are intended as a starting point for discussion.

⁷² Currently, Project Site Review exempts one- to four-family dwellings.

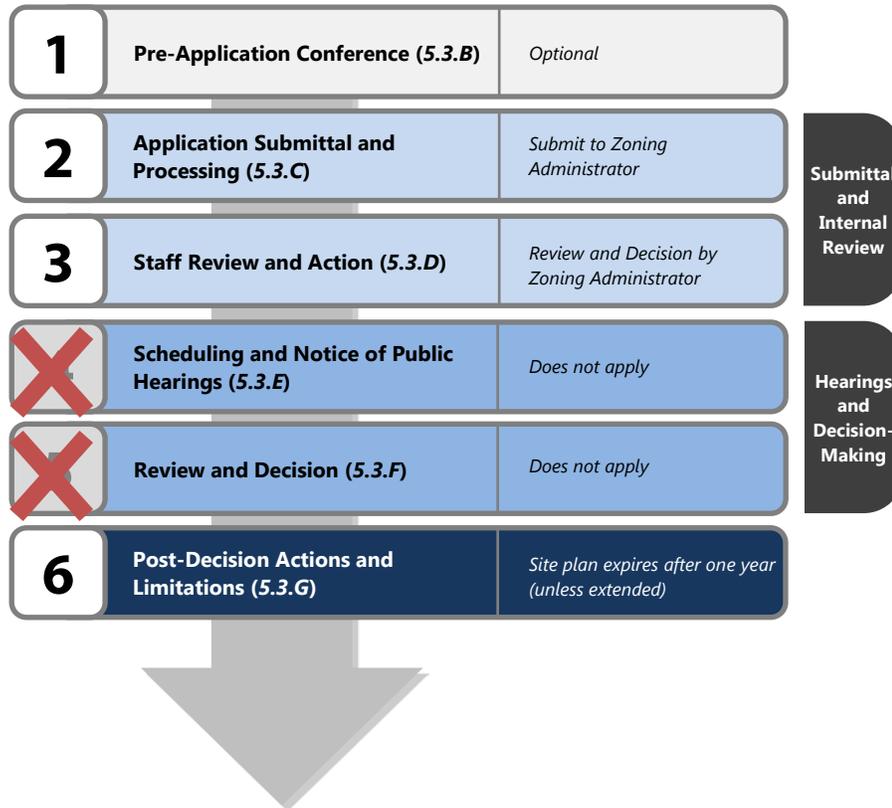
⁷³ In the alternative, should there be a mixed-use category in the table, or specific percentages of square footages for mixed-use development?

⁷⁴ Discussion needed. Generally, the intent of referral provisions is to acknowledge that some applications may be especially sensitive, regardless of whether they meet the criteria for “major” site plans. The referral procedure allows the Administrator to forward those sensitive applications directly to the Planning Commission. (Some communities also allow this to work in reverse, giving the Commission the power to identify sensitive applications and call-them up on their own initiative). Not all communities have these procedures; they are simply a tool to provide some relief from the strict criteria otherwise used to classify site plans.

(3) **Minor Site Plan Review Procedure**

Figure 5.4-1: Summary of Minor Site Plan Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of minor site plans. Additions or modifications to the common review procedures are noted below.

Figure 5.4-1: Summary of Minor Site Plan Procedure



a. **Pre-Application Conference**

An optional pre-application conference may be held in accordance with Section 5.3B at the applicant’s discretion.

b. **Application Submittal and Handling**

The minor site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C.

c. **Staff Review and Action⁷⁵**

The Zoning Administrator shall review the minor site plan application and approve, approve with conditions, or deny the application in accordance with Section 5.3D, *Staff*

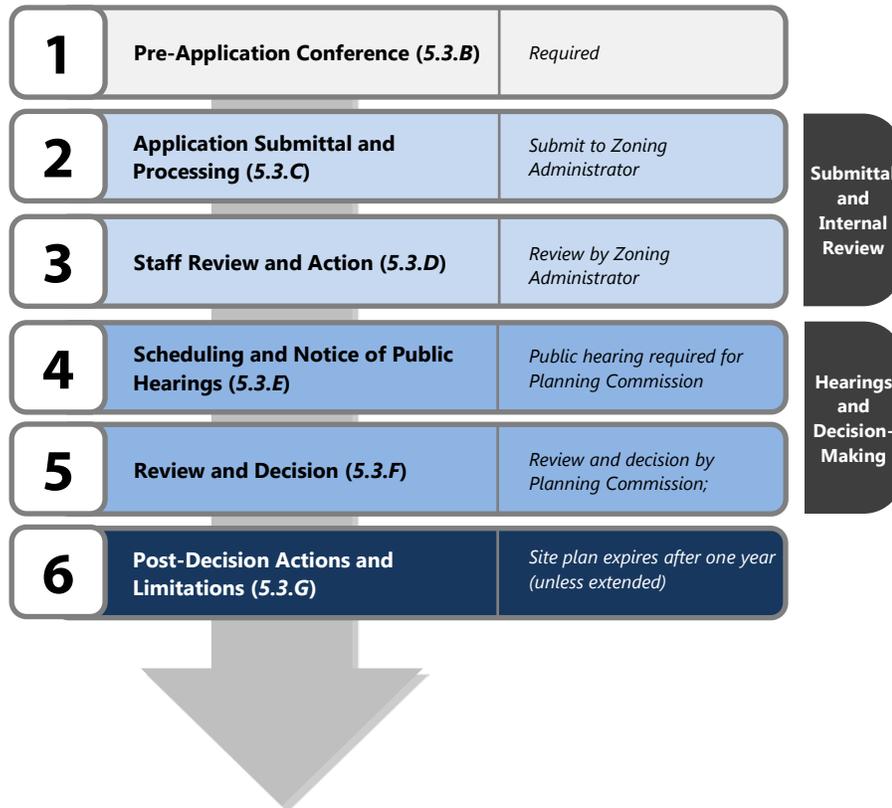
⁷⁵ In cases of denial, the current Lakefront site procedure authorizes the Zoning Administrator to determine whether or not the application may be eligible to apply for a Special Permit. Also, the applicant can apparently just file a Special Permit application as a type of appeal. We did not carry forward those provisions, since the applicability of the Special Permit tool is intended to be more tightly defined (and limited) in the new ordinance.

Review and Action, and the approval criteria in subsection 5.4A(6), *Approval Criteria for Site Plans (Minor and Major)*.

(4) Major Site Plan Review Procedure

Figure 5.4-2: Summary of Major Site Plan Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of major site plans. Additions or modifications to the common review procedures are noted below.

Figure 5.4-2: Summary of Major Site Plan Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with Section 5.3B.

b. Application Submittal and Handling

The major site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C.

c. Staff Review and Action

The Zoning Administrator shall review the major site plan application and prepare a staff report and recommendation in accordance with Section 5.3D.

d. Scheduling and Notice of Public Hearings

The major site plan application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 5.3E.

e. **Planning Commission Review and Decision**

The Planning Commission shall review the major site plan application and approve, approve with conditions, deny without prejudice, or deny the major site plan in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the approval criteria in subsection 5.4A(6), *Approval Criteria for Site Plans (Minor and Major)*.

(5) **Post-Decision Actions and Limitations for Minor and Major Site Plans**

a. **Filing of Site Plan**⁷⁶

The Zoning Administrator shall file the approved site plan in the Office of the City Clerk within 30 business days after such decision is rendered, and a copy of the decision shall be mailed to the applicant.

b. **No Building Permit without Approval**

No building permit shall be issued until the site plan and any associated construction plans have been approved.

c. **Expiration of Approval**⁷⁷

1. Unless otherwise provided in the conditions of approval, site plan approval shall expire if the authorized use or construction has not obtained all necessary permits within one year of approval, or an extension is granted pursuant to Section 5.3G. All conditions of the approval shall be met within 18 months or the approval shall become null and void.
2. Extensions of these periods may be granted for good cause shown due to unforeseen circumstances, such as changes in market conditions, lack of available financing, changes in the financial condition of the applicant, or application for amendments to the approved site plan. Such extensions may only be granted if they are requested before the site plan approval expires.

d. **Amendments**⁷⁸

1. **Insubstantial Changes Allowed**

During construction, the Zoning Administrator may authorize minor, or "insubstantial," adjustments to the approved site plan when such adjustments appear necessary in the light of technical or engineering considerations that were discovered during construction. The Zoning Administrator may approve such insubstantial adjustments upon determining that the proposed changes:

- i. Could be approved under the allowable administrative adjustments pursuant to Section 5.5B, had they been requested with the original application;
- ii. Comply with the standards of this Ordinance;

⁷⁶ The filing rule is from the Lakefront procedures, but that district sets the rule at five days, which is relatively fast; some communities allow a longer time (e.g., 30 days) to file the final site plan. Staff has questioned whether this is needed at all. Further discussion needed.

⁷⁷ Time limits are new, proposed to be easily trackable based on permit data and consistent with SUP expiration language.

⁷⁸ This process for amendments is based on language in the current Lakefront site plan review procedure. However, we have added additional criteria to help determine what constitutes a minor change. Also, we have suggested the new terminology of "insubstantial" versus "substantial" to help distinguish this issue from "minor" and "major" site plans.

- iii. Are necessary to meet provisions of the New York State Uniform Fire Prevention and Building Code;
- iv. Are necessary to meet conditions of approval by other City, County, or State departments and/or agencies; and/or
- v. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the site plan.

2. Substantial Changes

Where unforeseen conditions are encountered that require a change to an approved plan that the Zoning Administrator considers substantial because they exceed the criteria in the paragraph above, or where the applicant wishes to modify the approved plan for other reasons, an amended submission shall be filed for review and approval in accordance with the same procedures required for an initial site plan application.

(6) Approval Criteria for Site Plans (Minor and Major)

A site plan may be approved upon a finding that the application meets all of the following criteria:

- a. The site plan is consistent with the general purpose and intent of this Ordinance;
- b. The site plan is consistent with the dimensional, design, development, and all other standards of this Ordinance;
- c. The site plan is consistent with any previously approved precedent land use approval; and
- d. The site plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

(7) Concurrent Review⁷⁹

a. Special Use Permit

An application for site plan approval may be submitted and reviewed concurrently with an application for a special use permit. In such a case, decisions can be made on the concurrent applications at the same public hearing provided that the appropriate approval body shall not decide the site plan approval application until after an official decision is made on the special use permit.

b. Construction Plans

An application for site plan approval may be submitted and reviewed concurrently with an application for construction plan review. In such a case, the Zoning Administrator shall review the construction plan application concurrently with the site plan application, but the Zoning Administrator shall not decide the construction plan approval until after the site plan decision is made by the appropriate approval body.⁸⁰

⁷⁹ Generally, further discussion necessary. This provision allows the combination of separate and distinct procedures in order to fast-track the overall timeline. The intent is to expedite approvals, but staff is concerned that this may prolong the overall application process. We should further discuss how the concurrent review may be streamlined to not overly burden applicant or staff.

⁸⁰ New standard to allow for concurrent review of construction plans at the discretion of the applicant. This would apply only if the City elects to have a separate construction plan approval procedure (which may be located outside the Zoning Ordinance). The Assessment recommended separating standards for site plan review and the more detailed construction drawings (which can be costly at such an early stage of development review, without assurance of entitlements).

B. Special Use Permit

Commentary:

This proposed special use permit review procedure is intended to update and replace the current procedure in Part C, Section IV, Article 1 of the current Zoning Ordinance, and also the similar but distinct SUP procedure for the Lakefront districts. The main edits are to simplify the procedure and make it consistent with the new common procedures.

The final decision-maker on special use permits is clarified in this draft as the Planning Commission, though there is some ambiguity on this point in the current ordinance (some sections suggest it is the Common Council). As noted in the Annotated Outline, it is common for communities to make the Planning Commission the final decision-maker on these permits to help streamline the overall process and free up the Council for bigger policy issues.

(1) **Purpose**⁸¹

The special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.

(2) **Applicability**

a. **General**

A special use permit is required for certain land uses as specified in **Table X.X**, *Table of Allowed Uses*.

b. **Variances Not Allowed**⁸²

Where utilization of land requires a special use permit pursuant to this Ordinance, the Board of Zoning Appeals may not grant a variance in lieu of such special permit.

c. **Automatic Special Use Permits for Existing Land or Buildings**⁸³

All uses of land or buildings now in existence that, before the effective date of this Ordinance were permitted as of right and that would after the effective date of this Ordinance be required to obtain a special use permit, shall be entitled to such special permit without hearing, upon submission of site plans and elevations of structures drawn to scale, notwithstanding any failure to meet the requirements of this Article or any other provision of this Ordinance.

⁸¹ New.

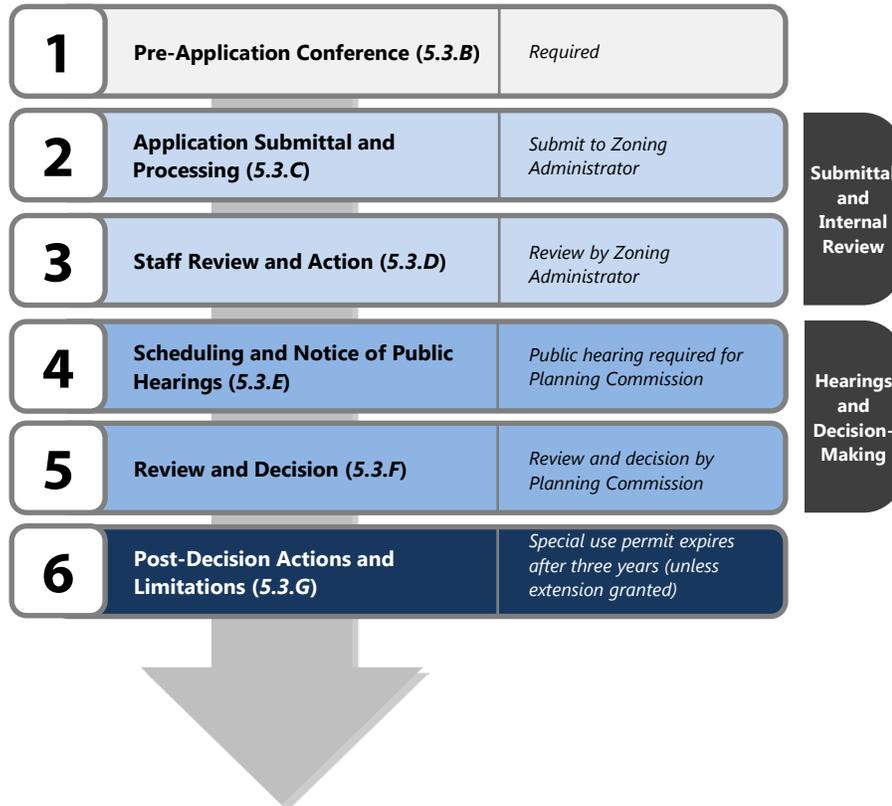
⁸² From the current ordinance.

⁸³ From the existing ordinance. Staff notes that this is used when there is a nonconforming special permit use and the owner is making changes that do not require a waiver, as an accommodation to property owners. These currently are called "Automatic Special Permits" and do not require a hearing and nor go to Common Council.

(3) **Special Use Permit Procedure**

Figure 5.4-3: Summary of Special Use Permit Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of special use permits. Additions or modifications to the common review procedures are noted below.

Figure 5.4-3: Summary of Special Use Permit Procedure



a. **Pre-Application Conference**

A pre-application conference shall be held in accordance with Section 5.3B.

b. **Application Submittal and Handling**

The special use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C.

c. **Staff Review and Action**

The Zoning Administrator shall review the special use permit application and prepare a staff report and recommendation in accordance with Section 5.3D.

d. Scheduling and Notice of Public Hearings⁸⁴

The special use permit application shall be scheduled for public hearings before the Planning Commission and noticed in accordance with Section 5.3E.

e. Review and Decision⁸⁵

1. The Planning Commission shall review and approve, approve with conditions, deny without prejudice, or deny the special use permit application in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the approval criteria in subsection 5.4B(4) below. The Planning Commission may also remand the application back to the Zoning Administrator for further consideration.
2. A denial of a special permit may not be appealed to the Board of Zoning Appeals. (Denial of special permits shall not be considered decisions or determinations of administrative officers charged with the enforcement of zoning matters.)⁸⁶

f. Post-Decision Actions and Limitations⁸⁷

Post-decision actions and limitations in Section 5.3G shall apply with the following modifications:

1. Expiration of a Special Use Permit

A special use permit shall expire if the authorized use or construction has not obtained all necessary building permits within one year of after the date of special use permit approval, or an extension is granted pursuant to Section 5.3G.⁸⁸ All conditions of the special use permit approval shall be met within 18 months or the approval shall become null and void.

2. Expansion or Enlargement⁸⁹

Expansion or enlargement of a special use shall require a new special use permit application, unless the Zoning Administrator determines that:

- i. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the City; and
- ii. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in Section 5.5B.⁹⁰

⁸⁴ This draft clarifies that the Planning Commission is the decision-maker, though this is unclear in the current ordinance. Staff notes that all special permit uses are subject to the consent of the Common Council, but Common Council does not hold a hearing on them.

⁸⁵ The Lakefront SUP procedure requires the Planning Commission to hold a public hearing within 62 days of the submission of the application, unless the applicant consents to an extension. Further, the decision must then be made within 62 days of the hearing. Should these timelines be folded into the new general citywide procedure?

⁸⁶ From the current ordinance.

⁸⁷ New standards.

⁸⁸ The 12-month period is current general city policy. The expiration period in the Lakefront SUP ordinance is 24 months of non-use, or 12 months of failing to comply with SUP conditions.

⁸⁹ This is new language and is less strict than the current policy in that it opens the possibility for the Administrator to approve minor changes (currently, any change requires a new permit). The proposed new citywide language is consistent with the current Lakefront ordinance.

⁹⁰ This replaces the current "Modifications of Special Use Permit Plans and/or Conditions," which staff has noted are ambiguous and hard to enforce.

In making this determination, the Zoning Administrator may consult with the Planning Commission and is authorized to approve the expansion or enlargement without an additional hearing.⁹¹

3. Revocation of Special Use Permit⁹²

Failure to comply with the conditions set forth in a special use permit shall be grounds for considering special use permit revocation. Deliberations leading to revocation shall be preceded by a report confirming failure to comply, submitted to the Planning Commission by the Zoning Administrator. Revocation shall be based on a finding by both the Planning Commission and Common Council that the failure to comply has or will have a detrimental effect on the character and development of the surrounding properties and neighborhood.

- i. Absence of a finding of detrimental effect does not release a property owner from obligation to bring about compliance. Nor does absence of such finding impinge upon enforcement measures to insure compliance.
- ii. No matter of revocation shall be decided until after a public hearing has been held with due notice.

(4) Special Use Permit Approval Criteria⁹³

A special use permit may be approved upon a finding that the application meets all of the following criteria:

- a. The use will be compatible with the surrounding area;
- b. The impacts of the use on surrounding areas have been adequately minimized;
- c. The use will be consistent with the general purpose and intent of this Ordinance;
- d. The use will comply with all applicable standards of this Ordinance;
- e. The use is in conformance with the Comprehensive Plan and other City plans and policies; and
- f. The use minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and the City.

⁹¹ This final provision about consultation codifies current policy.

⁹² From the existing SUP ordinance. Note that both Council and the Commission are given roles in this process. Should that be retained? Staff is holding further discussions on this provision with legal counsel to ensure consistency with applicable general City ordinances, the City Charter, and state law.

⁹³ This is simplified language proposed to replace the existing criteria in 070.040.040(a)(1).

C. Sign Review⁹⁴

Commentary:

This section generally carries forward the main substance of the current sign permit system, while simplifying it and adapting it to the new common procedures format.

The current system sometimes requires two different sign approvals– one by the building official and another by the Zoning Administrator (and even sometimes the Planning Commission for off-premise signs). This is a relatively complex system. In an attempt at simplification, the “Administrative Permit” term is not carried forward in this draft, but additional review is still called out for some types of signs.

One issue not yet addressed in this draft is the current “sign waiver,” and how (or if) that tool should be carried forward. The intent generally is to not carry forward the term “waiver” in any context in the new Ordinance. However, there may be a need to clarify that deviations from sign standards are subject to different procedures than the new administrative adjustments and/or variances. (Currently, sign waivers are administrative, and appeals of sign waivers go to the Planning Commission.)

(1) Purpose

The sign review procedure provides a mechanism for the City to evaluate prospective signs to ensure compliance with applicable standards of this Ordinance, including the signage requirements in Section ---.

(2) Applicability⁹⁵

a. Sign Permit Required

A sign permit shall be required prior to the performance of any sign work as defined in subsection 5.4C(2)b below, unless excepted in subsection 5.4C(2)c. Sign permits shall be issued by the Building Official and shall be in addition to any administrative permits, waivers, licenses, or consents required pursuant to any other applicable regulations.

b. Sign Work

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

c. Exceptions

No sign permit shall be required for the following:

1. Sign copy changes as defined in Article 6;
2. Sign maintenance as defined in Article 6;
3. Sign work on special signs as defined above, provided that this exception shall not apply to any of the following:
 - i. Signs exceeding 100 square feet in area.
 - ii. Ground signs exceeding 20 feet in height.

⁹⁴ Part C, Section VI, Article 6. Restructured and rewritten to match the new common review procedures format.

⁹⁵ This new text attempts to simplify current practice. (For background, this is current practice: Zoning staff does not necessarily review all signs. They review a request for a sign permit from the Permit Desk through the Division of Code Enforcement. Then they either approve that request through the City’s electronic database system or deny it stating if it necessitates a waiver, or is subject to some other review such as a Special Permit modification because it is part of a Special Permit Use (Special Permit reviews through the Planning Commission look at all aspects of all things happening on the property as a whole- including signs), etc.)

- iii. Sign work in excess of \$5,000.
- iv. Planned Development or Subdivision Identification Signs.

These exceptions shall not waive any regulations contained in this or any other law that is otherwise applicable.

d. Additional Sign Review and Approval for Certain Sign Types⁹⁶

In addition to the requirements for a sign permit specified above, the sign work listed below shall also require review and approval by the Zoning Administrator or, in some cases, review and approval by the City Planning Commission.

1. Review and Approval by Zoning Administrator

The following types of sign work shall require review and approval by the Zoning Administrator:

i. Nonconforming Signs

Sign work on nonconforming signs where:

- a. The cost of such sign work exceeds 50 percent of the original cost of such sign, or
- b. Such sign work involves an enlargement of a sign area or relocation of the sign, irrespective of cost.

ii. Time and/or Temperature Devices

Time and/or temperature devices, provided that no such device shall be allowed within the following districts: Residential Districts, Classes A-1, A, AA, A-2, B-1, B-IT, B, BT and C.⁹⁷

iii. Roof Signs

Roof signs in the following districts: All Central Business Districts, Planned Shopping, Local Business A, Commercial A and B, and Industrial A and B.⁹⁸

2. Review and Approval by Planning Commission

The following types of sign work shall require review and approval by the Planning Commission, following a public hearing:

- i. Off-premise advertising signs.
- ii. All applications for sign work in any district listed on the National Register of Historic Places by the Department of the Interior or designated as a local preservation district or protected site or eligible for listing as evidenced by a letter by the New York State Preservation Office.

⁹⁶ This replaces the current section called "Administrative Permits." The current system sometimes requires two different sign permits – one by the building official and another by the Zoning Administrator. In an attempt at simplification, the "Administrative Permit" term is not carried forward, but additional review is still called out for some types of signs. The term "waiver" is not being carried forward.

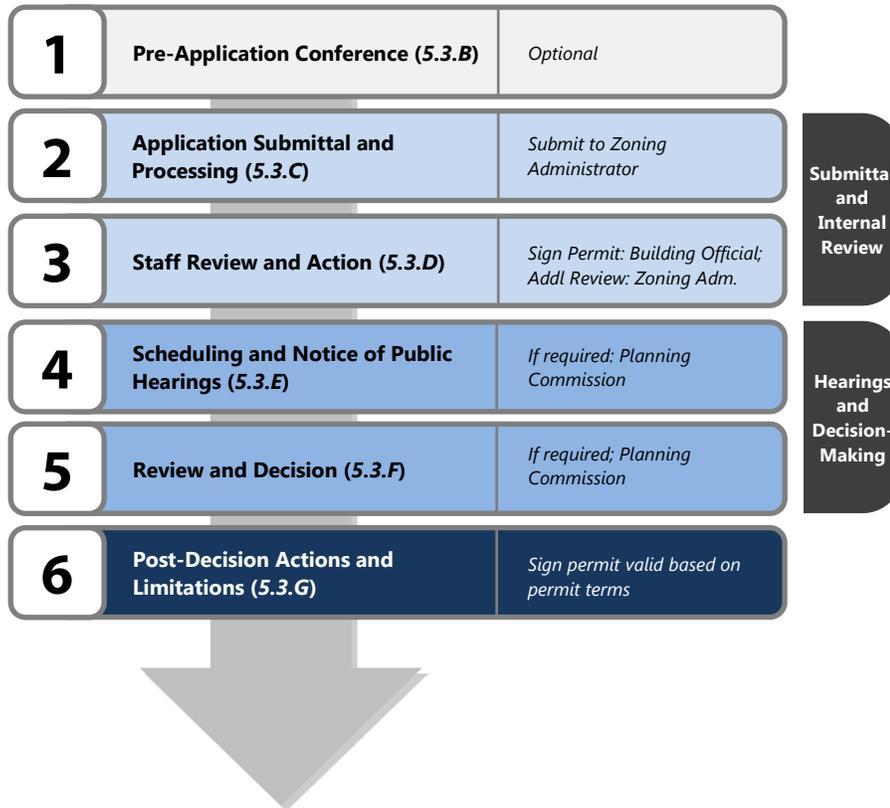
⁹⁷ Update districts if this section is retained.

⁹⁸ Update districts if this section is retained.

(3) **Sign Review Procedure**

Figure 5.4-4: Summary of Sign Review Procedure, identifies the applicable steps from the common review procedures in Section 5.3, Common Review Procedures, that apply to the review of signs. Additions or modifications to the common review procedures are noted below.

Figure 5.4-4: Summary of Sign Review Procedure



a. **Pre-Application Conference**

An optional pre-application conference may be held in accordance with Section 5.3B at the applicant’s discretion.

b. **Application Submittal and Processing**

A complete sign permit application shall be submitted to the Zoning Administrator in accordance with Section 5.3C.

c. **Staff Review and Action**

1. The Building Official, and the Zoning Administrator if additional review is required, shall review the sign permit application pursuant to Section 5.3D and shall approve, approve with conditions, or deny the permit based on the criteria and findings in 5.4C(4) below.
2. For off-premises advertising signs and signs in historic districts or at protected or eligible historic sites, the Zoning Administrator shall review the application, prepare a

staff report, and schedule the application for public hearing and review by the Planning Commission.

d. Scheduling and Notice of Public Hearings

An application for an off-premises advertising sign, a sign in a historic district, or a sign at a protected or eligible historic site shall be scheduled for public hearings before the Planning Commission and noticed in accordance with Section 5.3E.

e. Review and Decision

The Planning Commission shall review and approve, approve with conditions, deny without prejudice, or deny an application for an off-premises advertising sign, a sign in a historic district, or a sign at a protected or eligible historic site in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the approval criteria in subsection --- below. The Planning Commission may also remand the application back to the Zoning Administrator for further consideration.

f. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 5.3G shall apply, with the following modifications:

1. Effect of Approval

A sign permit authorizes establishment, construction, or installation of the approved sign in accordance with the terms and conditions of the permit.

2. Expiration of Approval

A sign permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. Upon request, the Zoning Administrator may grant a one-year extension; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date.

(4) Approval Criteria and Considerations

a. Approval Criteria⁹⁹

For any sign permit and any additional review required by this section, the Building Official and the Zoning Administrator shall find that:

1. The proposed sign complies with all applicable signage requirements of Section --;
2. The proposed sign will not have any adverse impact upon the character or integrity of any land use having a unique cultural, historical, geographical, or architectural significance;
3. The proposed sign will not adversely affect the character of districts in close proximity within which such signs would be prohibited;
4. The proposed sign will not hide, obstruct, or in any way shield other signs from view; and
5. The proposed sign is otherwise compatible within the context of its visual and physical environment within the district in which the sign is proposed; in making this

⁹⁹ From the existing ordinance. The initial criterion has been adjusted to remove reference to sign waivers, which are not being carried forward.

determination, consideration shall be given to existing and allowable land use activities within the subject district and also to the scale of structures located within close proximity.

b. Considerations¹⁰⁰

In determining compliance with any one or more of the above approval criteria, consideration shall be given but need not be limited to the following elements:

1. Size, bulk and mass;
2. Texture and materials;
3. Colors;
4. Lighting and illumination;
5. Orientation and elevation;
6. General and specific location;
7. Proximity to streets, highways and mass transit routes;
8. Design, including size and character of lettering, logos, and related contents;
9. Message content within constitutional constraints on freedom of speech;
10. Background or field, including the skyline;
11. Character of structural members;
12. Duration of changeable copy;
13. Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision;
14. Land use and zoning.

D. Temporary Use Permit¹⁰¹

(1) Purpose

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures of limited duration to ensure compliance with applicable standards of this Ordinance, including Section 3.x.x.

(2) Applicability

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure designated as requiring a temporary use permit in Section 3.x.x.

(3) Temporary Use Permit Procedure

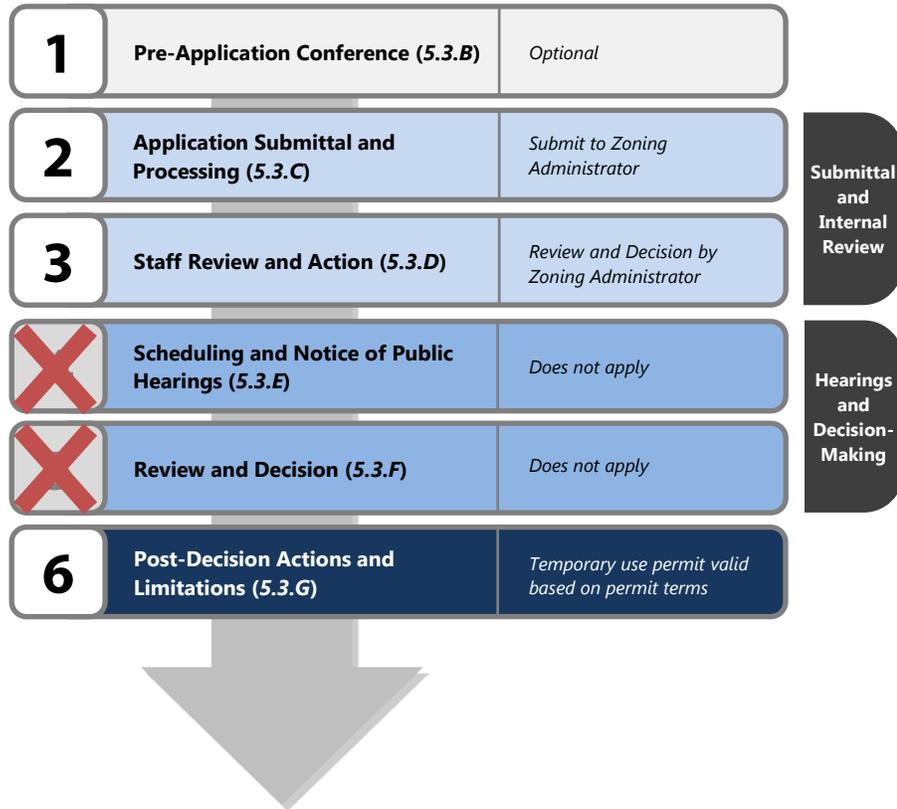
Figure 5.4-5: Summary of Temporary Use Permit Procedure, identifies the applicable steps from the common review procedures in Section 5.3, Common Review Procedures, that apply to the

¹⁰⁰ These are listed as "criteria" in the current ordinance, but are not really approval criteria. Nevertheless, it is a good list of potential considerations for decision-makers to take into account.

¹⁰¹ New procedure for the City's consideration.

review of temporary use permits. Additions or modifications to the common review procedures are noted below.

Figure 5.4-5: Summary of Temporary Use Permit Procedure



- a. **Pre-Application Conference**
An optional pre-application conference may be held in accordance with Section 5.3B at the applicant’s discretion.
- b. **Application Submittal and Processing**
A complete temporary use permit application shall be submitted to the Zoning Administrator in accordance with Section 5.3C.
- c. **Staff Review and Action**
The Zoning Administrator shall review the temporary use permit application pursuant to Section 5.3D and based on the criteria below and shall approve, approve with conditions, or deny the permit.
- d. **Post-Decision Actions and Limitations**
Post-decision actions and limitations in Section 5.3G shall apply, with the following modifications:

1. **Effect of Approval**

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

2. **Expiration of Approval**¹⁰²

A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. Upon request, the Zoning Administrator may grant a one-year extension; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended. Any temporary use permit requesting an approval period beyond one year shall require a special use permit approval pursuant to Section 5.4B, *Special Use Permit*.

3. **Removal and Restoration**

Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Zoning Administrator.

(4) Temporary Use Permit Approval Criteria

The Zoning Administrator may approve a temporary use permit upon finding that the application meets all of the following criteria:

- a. Is consistent with the Comprehensive Plan;
- b. Complies with applicable temporary use standards, as well as all other applicable standards in this Ordinance;
- c. Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and
- d. Complies with all requirements and conditions of approval of any prior development permits or approvals.

E. Certificate of Appropriateness

[Reserved. Consider integrating the COA procedure following adoption of new historic preservation ordinance.]

¹⁰² This is intended to prevent temporary uses from becoming permanent uses without the appropriate public processing (such as special use permit, site plan approval, or rezoning).

F. Construction Plans

Commentary:

The Assessment noted that many stakeholders from the development community in Syracuse are concerned that too much information is required from the City too early in the development review process. In response, this draft proposes two approaches, either of which (or both) could be adopted in some form. The first approach is the simplified site plan review tool, introduced earlier in this article, which clearly calls out construction plans as a distinct submittal – separate from site plans.

The second proposed new tool is this draft new construction plan review procedure, which is intended to be a distinct new process for submitting engineered drawings for development activity. It would follow approval of a site plan, and be required before application for a building permit. The intent is to allow an applicant to first obtain zoning/site plan entitlements before investing in fully engineered drawings for construction (although they can be processed concurrently at the applicant’s discretion).

The management of this process requires further discussion. As drafted, it would be managed by the Zoning Administrator, who would make the final decision, though input from the City Engineer and other city departments as necessary to help determine compliance with the City’s engineering and other technical standards. Having it managed by the Zoning Administrator supports having the procedure in the Zoning Ordinance. However, an alternative would be to have this procedure live outside the Ordinance, if it is to be managed by a department other than Zoning.

(1) Purpose

The construction plans procedure provides a mechanism for the City to review and approve technical drawings associated with approved development applications and to ensure compliance with this Ordinance and the [Technical and Engineering Specifications Manual].

(2) Applicability

a. General

Approval of construction plans pursuant to this Section is required for any type of development prior to issuance of a building permit.¹⁰³ Approval of construction plans pursuant to this Section is also required for any application that includes infrastructure or utility improvements unless such improvements are guaranteed by a separate agreement with the City.

b. Concurrent Site Plan Review

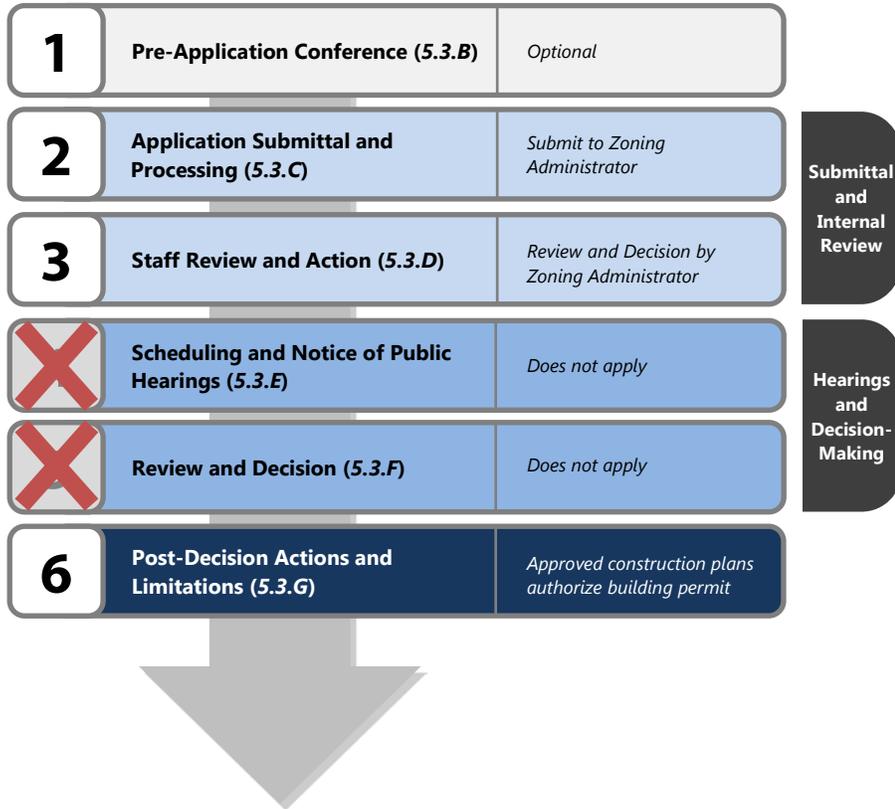
An application for construction plans approval may be submitted concurrently with an application for site plan approval.

(3) Construction Plan Procedure

Figure 5.4-6: Summary of Construction Plans Procedure, identifies the applicable steps from the common review procedures in Section 5.3, Common Review Procedures, that apply to the review of construction plans. Additions or modifications to the common review procedures are noted below.

¹⁰³ Should other types of permits be listed here? Excavation/grading? Floodplain development? Etc.?

Figure 5.4-6: Summary of Construction Plans Procedure



- a. **Pre-Application Conference**
An optional pre-application conference may be held in accordance with Section 5.3B at the applicant’s discretion.
- b. **Application Submittal and Handling**
Construction plans shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C.
- c. **Staff Review and Action**
The Zoning Administrator shall review the construction plans in accordance with Section 5.3D, *Staff Review and Action*, and shall approve, approve with conditions, or deny the construction plan application according the approval criteria below.
- d. **Post-Decision Actions and Limitations**
Post-decision actions and limitations in Section 5.3G shall apply with the following modifications:
 1. **Effect of Approval**
Construction plans approval authorizes the subsequent submittal of a building permit application or permit for other site-disturbance activities.

2. Expiration of Approval

Construction plans approval shall automatically expire at the time an associated building permit application expires. Construction plans without an associated building permit application shall not expire.

g. Modifications to Approved Construction Plans

A minor modification to approved construction plans shall be approved by the Zoning Administrator, provided that the applicant demonstrates that the proposed modification:

- i. Does not affect the overall development concept;
- ii. Does not impede or prevent construction of infrastructure serving the development and/or a larger area;
- iii. Will not result in substantially greater maintenance costs for the City;
- iv. Is necessary to accommodate best management practices or to remedy construction difficulties; and
- v. Is consistent with the approved associated site plan (if applicable).

3. Inspections

City staff may inspect sites authorized by construction plans to determine whether development activities are consistent with approved plans and whether any additional protection measures are necessary to mitigate adverse impacts.

(4) **Construction Plans Approval Criteria**¹⁰⁴

The Zoning Administrator shall approve construction plans upon determining that:

- a. The construction plans comply with all applicable standards in this Ordinance;
- b. Required infrastructure and utility improvements have been approved by the appropriate agency;
- c. The construction plans comply with the [Technical and Engineering Standards Manual];
- d. The construction plans comply with other applicable City standards and policies; and
- e. The construction plans comply with requirements and conditions of approval for any prior approvals.

¹⁰⁴ See earlier comment about the management of this process. As drafted, it is the Zoning Administrator, with support from other departments. Of these suggested approval criteria, however, only the first (compliance with this Ordinance) is something that the Administrator has control of.

5.5 Flexibility and Relief Procedures

Commentary:

This section includes procedures for modifications and relief of standards in this Code, including variances and appeals. Per the Assessment, this section also includes a new procedure for administrative adjustments by which the Zoning Administrator may approve minor modifications to certain Ordinance standards; this would replace, in part, the current "waiver" provisions.

Additional flexibility has been integrated into other sections of the draft ordinance (such as the alternative parking provisions), to help reduce the need for variance and adjustment requests.

A. Variance¹⁰⁵

(1) **Purpose**¹⁰⁶

The variance procedure is intended to provide limited relief from the requirements of this Ordinance where strict application of the Ordinance would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Ordinance. The Board of Zoning Appeals may vary the application of any of the requirements of this Ordinance relating to the use of land or to physical or dimensional requirements so that the spirit of this Ordinance is observed, public safety and welfare secured, and substantial justice done.

(2) **Applicability**

Any property owner seeking relief from this Ordinance may request a variance when the strict application of the Ordinance would result in an undue hardship.

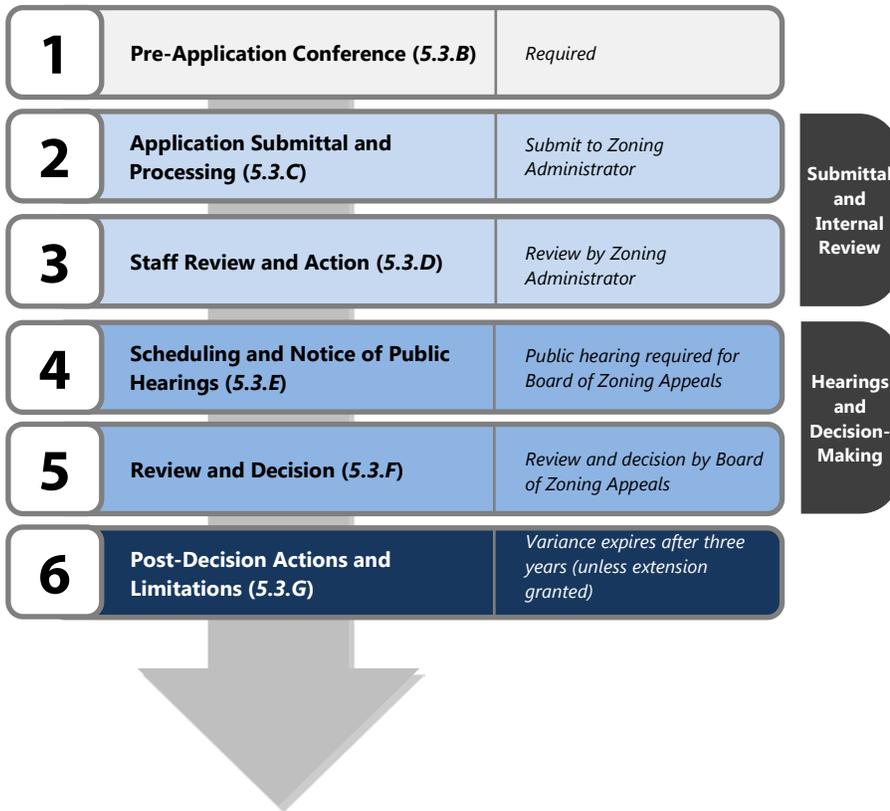
(3) **Variance Procedure**

Figure 5.5-1: Summary of Variance Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

¹⁰⁵ New procedure written to be consistent with the new common procedures. The existing ordinance authorizes variances in the section describing the Board of Zoning Appeals. City legal staff is currently reviewing this language to ensure compliance with Revised General City Ordinances and state law.

¹⁰⁶ New. Integrates existing language from the Board of Zoning Appeals section.

Figure 5.5-1: Summary of Variance Procedure



- a. **Pre-Application Conference**
A pre-application conference shall be held in accordance with Section 5.3B.
- b. **Application Submittal and Handling**
The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C.
- c. **Staff Review and Action**
The Zoning Administrator shall review the variance application and prepare a staff report in accordance with Section 5.3D.
- d. **Scheduling and Notice of Public Hearings**
The variance application shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with Section 5.3E.
- e. **Review and Decision (Board of Zoning Appeals)**
 1. The Board of Zoning Appeals shall review the variance application and shall approve, approve with conditions, deny without prejudice, or deny the variance in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the applicable criteria in subsections 5.5A(4) and 5.5A(5) below. The Board of Zoning Appeals may also remand the application back to the Zoning Administrator for further consideration.

2. The relief granted shall be the minimum variance necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.
3. The Board of Appeal's decision shall be based only on the record of the public hearing and shall be reduced to writing; include findings of fact based on competent, material, and substantial evidence presented at the hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.

f. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 5.3G shall apply with the following modifications:

1. Expiration of Variance

A variance shall expire if the authorized use or construction has not obtained all necessary building permits within one year of approval, or an extension is granted pursuant to Section 5.3G. All conditions of the variance approval shall be met within 18 months or the variance shall become null and void.

2. Non-Transferable

An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

(4) Use Variance Approval Criteria¹⁰⁷

No use variance shall be granted by the Board of Zoning Appeals without a showing by the applicant that applicable requirements of this Ordinance have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate that, for each and every allowed use under the zoning district in which the property is located:

- a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
- d. The alleged hardship has not been self-created.

(5) Area Variance Approval Criteria¹⁰⁸

In evaluating a request for an area variance, the Board of Zoning Appeals shall consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider whether:

¹⁰⁷ This section carries forward language from General City Law 81-b(3). Legal staff is considering whether to simply incorporate NYS language by reference rather than including the actual text.

¹⁰⁸ This section carries forward language from General City Law 81-b(3). Legal staff is considering whether to simply incorporate NYS language by reference rather than including the actual text.

- a. An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- b. The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- c. The requested area variance is substantial;
- d. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- e. The alleged difficult was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude the granting of the area variance.

B. Administrative Adjustment

Commentary:

As recommended in the Assessment, this new administrative adjustment procedure gives staff flexibility to approve minor deviations from certain dimensional or other numeric standards. The tool is intended to replace, in part, the various “waivers” authorized throughout the current ordinance (such as in the gas station standards) with a less open-ended tool that still provides some flexibility. The review standards are intended to ensure that they are approved only when justified by unique circumstances, rather than assumed an automatic deviation by right.

Many communities use the administrative adjustment procedure modestly at first, and then revise it to add additional adjustments or remove adjustments if the tool proves successful. In this draft, we include a table of allowable administrative adjustments to indicate which standards may be adjusted, and to what extent. These percentages should be considered in light of the draft standards that were introduced in modules 1 and 2.

Alternatively, we could replace the table with a blanket percentage by which any numeric standards could be adjusted. However, we recommend the table approach at least as a starting point, allowing the City to be more strategic and fine-grained in how it exercises this new tool.

As another alternative, we have included language earlier in the common procedures section that authorizes the decision-maker to approve applications that “substantially comply” with the Ordinance requirements. If that language is embraced, then the need for this section should be reevaluated.

(1) Purpose

The administrative adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this Ordinance with approval by the Zoning Administrator. Administrative adjustments are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not a waiver of current standards of this Ordinance and shall not be used to circumvent the variance procedure.

(2) Applicability¹⁰⁹

a. Table of Administrative Adjustments

The administrative adjustment procedures shall apply to the standards and limitations established in Table 5.3: Allowable Administrative Adjustments.

¹⁰⁹ We have integrated some provisions here from the existing limitations on certain waivers that the Zoning Administrator is authorized to make under the current ordinance.

Code Standard	Allowable Administrative Adjustment (maximum percentage)
Site Standards	
Lot coverage, maximum	5
Lot Dimensional Standards	
Front setback, minimum	10
Side setback, minimum	10
Rear setback, minimum	10
Encroachment into setback, maximum	10
Building Standards	
Building height, maximum	10
Accessory building height, maximum	10
Separation between buildings, minimum	10
Development Standards	
Number of required parking spaces, maximum or minimum	10
Lighting height, maximum	10
Sign height, maximum ¹¹¹	10
Fence or wall height, maximum ¹¹²	10 (1 foot maximum)
Minimum landscaping requirements	10

b. Replacement of Existing Porches and Garages¹¹³

In addition to the administrative adjustments listed in Table 5.3, the Zoning Administrator shall have the authority to waive yard, setback, and structural coverage requirements in order to permit replacement of a porch or garage, subject to the following findings:

1. The porch or garage to be replaced has been in existence within six months of the time the owner of the involved property duly files for an adjustment with the Zoning Administrator;
2. The porch or garage to be replaced when last standing is legally in existence as a nonconforming structure;
3. The owner demonstrates that the involved property would be affected by practical difficulties without the requested adjustment;
4. The replacement will have the same location on the property as the original porch or garage, will not exceed the applicable structural coverage restrictions any more than the original, and will not project horizontally or vertically into a required yard any farther than the original
 - i. The finding requirement here does not restrict approval of a reduced-sized replacement or any enlargement, addition, or location that meets the applicable area, yard, and height requirements for the property.

¹¹⁰ The intent here is to be broader than the “waivers” allowed under the existing ordinance, which are mostly in Part C, Section 1, Article 8. Are there any specific provisions from that article that should be carried forward in this table? Yes I will send -HSL

¹¹¹ Should any other aspects of the sign controls be subject to adjustment, beyond height?

¹¹² Should any other aspects of the fence or wall controls be subject to adjustment, beyond height?

¹¹³ From existing C-I-8.

- ii. Deviations from the original that do conflict with the applicable requirements must be authorized by appropriate variance or adjustment approval.
 - 5. The replacement will not create any foreseeable adverse impact on adjacent property; and
 - 6. The replacement does not conflict with applicable building code restrictions.
- c. **Other Allowed Administrative Adjustments¹¹⁴**

In addition to the administrative adjustments listed in Table 5.3, the Zoning Administrator shall have the power to grant adjustments in the following instances:

1. The Administrator may permit the construction of a building on a lot that does not meet the minimum area requirements of this Ordinance, provided that the lot is owned by the applicant and provided further that the ownership was of record prior to the adoption of this Ordinance as amended. No such permit shall be granted if the applicant purchased such property after the adoption of this Ordinance as amended, or if the applicant is the owner of adjoining vacant property so that he could comply with the requirements of this Ordinance.
2. Where a district boundary line divides a lot in single ownership, the Administrator may permit a use permitted in the less restricted district to extend into the more restricted portion of the lot for a distance of not more than 50 feet or, in the case of a lot running through to the next street, one-half of the distance from the street front of the lot to the next street.
3. The Administrator may permit the erection and use of a building or the use of premises in any district by a public service corporation for public utilities purposes if the Administrator finds that such use is reasonably necessary for the public convenience or welfare and that it will not substantially interfere with the use or character of surrounding property.
 - i. No such building shall be permitted unless it meets the height and yard requirement of the use district in which it is located or to be located, and provided that the lot coverage is not more than 35 percent. Provided, however, that electric power transmission lines, poles and towers may exceed height limitations.
 - ii. This provision does not include antennas, communication towers, and satellite dish antennas, which are subject to Section ---.
4. The Administrator may grant a permit for the temporary use of property by a building contractor where such temporary use does not conform to the provisions of this Ordinance. Such temporary permit shall be granted for a period not to exceed two years.

¹¹⁴ This list is carried forward from the existing ordinance, where these actions are called "exceptions." This draft proposes calling them "adjustments" and giving the authority to the Administrator, and not requiring notice and a public hearing. Further discussion necessary.

d. Limitations on Administrative Adjustments

The administrative adjustment procedure shall not apply to any proposed modification or deviation that results in:

1. An increase in the overall project density;
2. An increase in the number of dwelling units or bedroom capacity;
3. A change in permitted uses or mix of uses;
4. A deviation from the use-specific standards in **Section x.x**;
5. A change to a development standard already modified through a separate administrative adjustment or variance; or
6. Requirements for public roadways, utilities, or other public infrastructure or facilities.

(3) Review Procedures

a. Application Submittal and Handling

An application for an administrative adjustment shall be submitted and reviewed concurrently with an application for a special use permit or site plan approval (minor or major). To assist in evaluation of the adjustment request, the Zoning Administrator may refer the application to applicable city departments for comment.

b. Review and Decision

1. Where the concurrently reviewed application requires review and approval by the Planning Commission, the Planning Commission shall review and decide the administrative adjustment application based on the criteria below.
2. The Zoning Administrator shall review all other administrative adjustment applications and shall approve, approve with conditions, or deny the adjustment based on the criteria below.

c. Effect of Approval

Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

d. Expiration of Administrative Adjustment

An administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

e. Appeal

An appeal of a decision on an administrative adjustment may be taken to the Board of Zoning Appeals.

(4) Administrative Adjustment Approval Criteria

An administrative adjustment may¹¹⁵ be approved if the decision-maker finds that the adjustment meets all of the following:

¹¹⁵ "May" (versus "shall") emphasizes the discretionary nature of this decision, and clarifies that an applicant should not presume that an adjustment is always available. This is important to keep from locking in an automatic expectation of adjustments.

- a. Is consistent with the Comprehensive Plan;
- b. Is consistent with the intent of the applicable zoning district(s);
- c. Will not result in incompatible development;
- d. Will not result in adverse impacts unless adequately mitigated; and
- e. Is of a technical nature and is required to:
 - 1. Compensate for an unusual site condition;
 - 2. Eliminate a minor inadvertent failure to comply with an Ordinance standard; or
 - 3. Protect a sensitive resource, natural feature, or community asset.

C. Appeal of Administrative Decision¹¹⁶

(1) **Purpose¹¹⁷**

The appeal procedure establishes an administrative mechanism for persons claiming to have been aggrieved by a decision of the Zoning Administrator or other administrative official in administering this Ordinance to appeal that decision.

(2) **Applicability**

a. **Appeals of Administrative Decisions**

Any person may appeal a decision of an administrative office or agency made in the administration or enforcement of this Ordinance. Appeals of administrative decisions shall be made to the appropriate body as indicated in Table 5.1: Summary Table of Review Procedures and processed pursuant to this Section.

b. **Appeals of Planning Commission Decisions**

Appeals of decisions by the Planning Commission on a Special Permit application shall be made to the Supreme Court for review by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules of the State of New York. The Board of Zoning Appeals shall have no jurisdiction.¹¹⁸

c. **Appeals of Board of Zoning Appeals Decisions**

Appeals of decisions by the Board of Zoning Appeals shall be made to the District Court in accordance with state law.

(3) **Appeal Procedure**

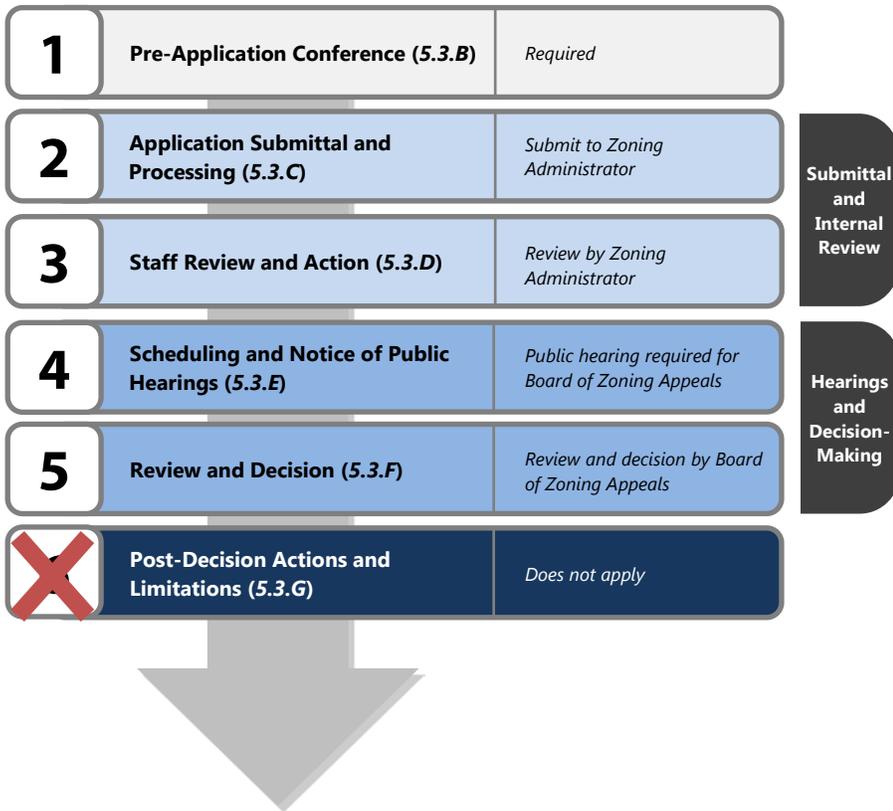
Figure 5.5-2: Summary of Appeals Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

¹¹⁶ This section replaces the current appeal provisions, which are in Part A, Section II, Article 5 (from the BOA section).

¹¹⁷ New.

¹¹⁸ From the current SUP section. Should this be extended to all Planning Commission decisions, not just SUP?

Figure 5.5-2: Summary of Appeals Procedure



a. Pre-Application Conference

An optional pre-application conference may be held in accordance with Section 5.3B at the applicant’s discretion.

b. Application Submittal and Handling¹¹⁹

The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C, with the following modifications:

1. Burden of Proof on Appellant

The person making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall include applicable specific section references within this Ordinance, and shall be provided at the time of application.

2. Time Limit

Appeals shall be made in writing and filed with the Zoning Administrator within seven days of the decision being denied.

¹¹⁹ Current ordinance includes a fee amount (\$25), which should be in the admin manual and is not carried forward.

3. **Stay of Proceedings**¹²⁰

An appeal shall stay all proceedings in furtherance of the action from which appeal is made unless the officer from whose determination the appeal is taken certifies to the Board of Zoning Appeals after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which, after notice to the officer from whose determination the appeal is taken upon due cause shown, may be granted by the Board or by the Supreme Court.

c. **Staff Review and Action**

The Zoning Administrator shall review the appeal application and prepare a staff report in accordance with Section 5.3D, with the following modifications:

- h. Staff review of the appeal shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.
- i. The staff report shall not make a formal recommendation and shall only include the necessary facts to warrant an appeal, which shall be provided by the applicant.

d. **Scheduling and Notice of Public Hearings**

The appeal shall be scheduled for public hearings before the Board of Zoning Appeals and noticed in accordance with Section 5.3E.

e. **Review and Decision**

- 1. The Board of Zoning Appeals shall review the appeal application and may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
- 2. The Board of Zoning Appeals may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

(4) **Approval Considerations**

The Board of Zoning Appeals shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:

- a. The facts stated in the application, as presented by the appellant and/or the Zoning Administrator;
- b. The requirements and intent of the applicable standards from this Ordinance compared to the written decision that is being appealed;
- c. Evidence related to how the applicable standards from this Ordinance have been administered or interpreted in the past; and
- d. Consistency with the Comprehensive Plan.

¹²⁰ This paragraph carried forward from current ordinance.

5.6 Ordinance Amendment Procedures

Commentary:

This 5.4 describes the procedures for all ordinance amendments, including rezonings, planned development (PD and PI) approvals, and Zoning Ordinance text amendments.

While this section was listed first in the Annotated Outline (and we usually list it as the first category of procedures in most of our codes), we located it at the back of the procedures in this draft, based on our conversations with staff that ordinance amendments are expected to be very rare.

The PD procedures were based initially on the Planned Institutional District but revised significantly.

A. Rezoning (Amendment to the Official Zoning Map)¹²¹

(1) Purpose

The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Syracuse to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezonings should not be used when a special use permit, variance, or administrative adjustment could be used to achieve the same result.

(2) Applicability

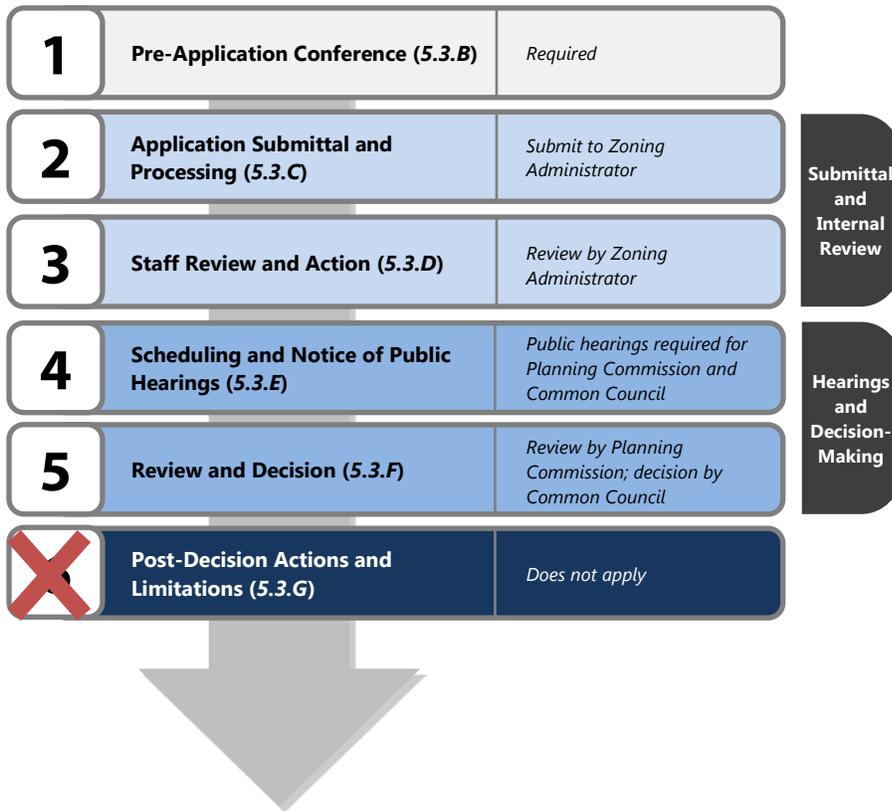
- a. A rezoning may be approved by the Common Council following review and recommendation by the Planning Commission. A rezoning to a Planned Development District is a distinct type of amendment to the Official Zoning Map and shall follow the approval procedures in Section 5.6B, *Rezoning to Planned Development*.
- b. Changes to generally applicable standards within zoning districts (such as setbacks) and development standards that apply within districts (such as off-street parking requirements) shall be processed as text amendments pursuant to Section 5.6C, *Zoning Ordinance Text Amendment*.

(3) Rezoning Procedure

Figure 5.6-1: Summary of Rezoning Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

¹²¹ The current Syracuse Zoning Ordinance does not address rezonings, so this is an entirely new section for the city's consideration. City legal staff is reviewing to ensure consistency with Revised General City Ordinances and the charter.

Figure 5.6-1: Summary of Rezoning Procedure



- a. **Pre-Application Conference**
A pre-application conference shall be held in accordance with Section 5.3B.
- b. **Application Submittal and Processing**
The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C. When multiple parcels are proposed for rezoning, a separate application for each parcel shall be submitted, unless the Zoning Administrator approves a consolidated application during the pre-application conference.
- c. **Staff Review and Action**
The Zoning Administrator shall review the application and prepare a staff report and recommendation in accordance with Section 5.3D.
- d. **Scheduling and Notice of Public Hearings**
 1. The rezoning application shall be scheduled for public hearings before the Planning Commission and Common Council, and noticed in accordance with Section 5.3E.
 2. For City-initiated rezonings, affected property owners shall be notified by certified mail of the intended zoning change and public hearing(s) at least 15 days prior to the public hearing date.

e. **Review and Decision**¹²²

1. Planning Commission Review and Recommendation

- i. The Planning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the criteria in subsection 5.6A(5), *Rezoning Approval Criteria*, below.
- ii. If the Planning Commission recommends denial, the Planning Commission shall communicate its reasons to Common Council, and Common Council shall have the power to overrule such recommendation for denial by a recorded vote of not less than three-fourths of its entire voting membership.

2. Common Council Review and Decision

The Common Council shall review the rezoning application and act to approve, approve with conditions, or deny the rezoning in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the criteria in subsection 5.6A(5), *Rezoning Approval Criteria*, below.

3. Protest Procedure

- i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of General City Law § 83.
- ii. A protest against a rezoning shall be signed by the owners of:
 - a. At least 20 percent of the area of land included in the proposed zoning change; or
 - b. At least 20 percent of the area of land extending a radius of 100 feet from the land that is subject to the zoning change (excluding public rights-of-way).
- iii. In case of protest against a rezoning, approval shall require three-fourths of the entire voting membership of Common Council prior to a rezoning becoming effective.
- iv. The Council shall vote upon any proposed rezoning that is the subject of a protest within 90 days after the filing of the protest with the City.

(4) **Post-Decision Actions and Limitations**

Post-decision actions and limitations in Section 5.3G shall apply with the following modifications:

- a. Following approval of a rezoning by Common Council, the Zoning Administrator shall prepare an appropriate revision to the Official Zoning Map.
- b. Following approval of a rezoning, the Zoning Administrator shall record the amendment map and ordinance with the Onondaga County Clerk and Recorder as soon as practicable.

¹²² General City Law § 83 requires public notice and a hearing, but is flexible on the hearing body: either the council, a committee of the council, or the planning board. We have proposed two rounds of hearings (PC followed by Council), which is common in many communities, but appears to be more than is required by state law.

(5) Rezoning Approval Criteria

The Planning Commission may recommend approval and the Common Council may approve a proposed rezoning if:

- a. The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this Ordinance;
- b. The proposed rezoning is consistent with the purpose statement of the proposed zoning district;
- c. There have been significant changes in the area to warrant a zoning change;
- d. There was an error in establishing the current zoning;
- e. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and
- f. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.

B. Rezoning to Planned Development District¹²³

(1) Purpose

The boundaries of a zoning district or the zoning classification of any parcel may be changed to either the PD or PI district, collectively referred to in this Ordinance as “planned development districts,” pursuant to this section. The purpose of a planned development rezoning is to achieve greater flexibility than allowed by the strict application of the Ordinance while providing greater benefit to the City. The planned development rezoning procedure shall not be used when a special use permit, variance, administrative adjustment, or rezoning to an existing base zoning district could achieve the same level of flexibility.

(2) Applicability¹²⁴

a. Initiation

A rezoning to a planned development district may be initiated by an institution, group of institutions, private individuals, and/or by the City of Syracuse.

b. Minimum District Area

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

(3) Rezoning Procedure

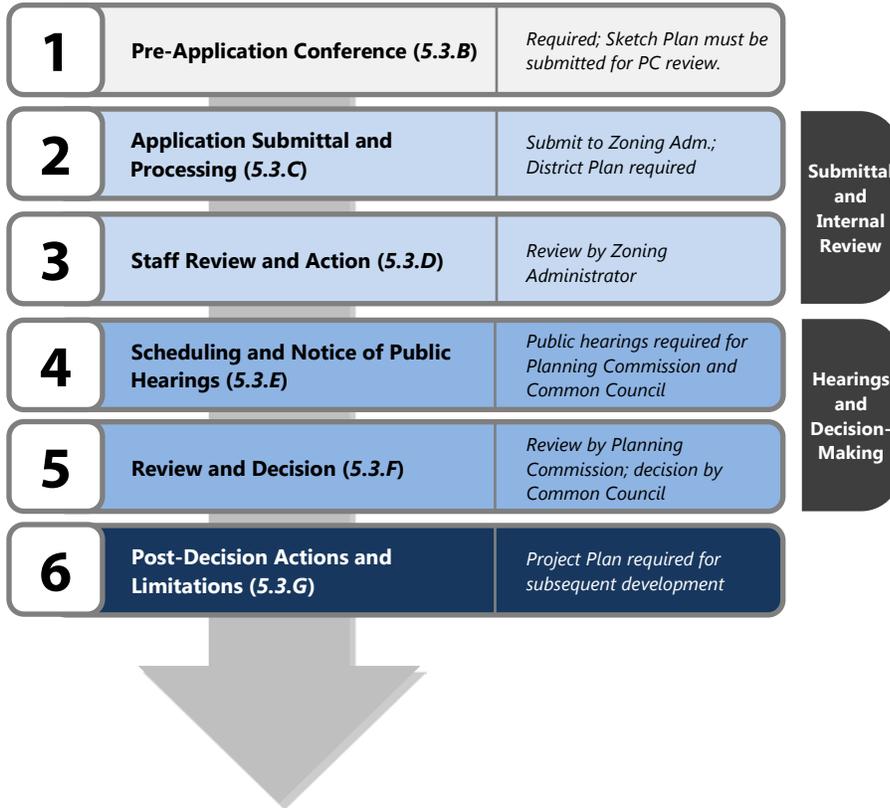
Figure 5.6-2: Summary of Planned Development Rezoning Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of planned

¹²³ Based on existing procedures for the Planned Institutional District, but modified to generally fit all planned districts and to match the new common procedures format. This is separate from the general rezoning procedure because it involves more significant submittal requirements, including a plan that is tailored to the specific district, and also subsequent project plan requirements that do not apply to general rezonings.

¹²⁴ From existing ordinance.

development rezonings. Additions or modifications to the common review procedures are noted below.

Figure 5.6-2: Summary of Planned Development Rezoning Procedure



a. Pre-Application Conference

A pre-application conference shall be held in accordance with Section 5.3B, with the following modification:

1. Sketch Plan Required¹²⁵

At the pre-application conference, or at a subsequent meeting prior to submission of a full application, the applicant shall submit a sketch plan showing the boundaries of the proposed planned development district and the type and location of all principal land uses. The Zoning Administrator shall schedule a meeting with the Planning Commission to provide feedback on the sketch plan at a conceptual level. The purpose of the sketch plan is to enable the Planning Commission to determine if a planned development district is appropriate for the proposed location.

¹²⁵ Existing requirement. We suggest folding it into the pre-application stage. Further discussion needed. Is this meeting actually held in practice?

b. Application Submittal and Processing

The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C and the following modification.

1. District Plan¹²⁶

The application for establishment of and rezoning to a planned development district shall include a District Plan, which shall require review and approval by the City Planning Commission concurrent with the rezoning. The District Plan shall be prepared to specifications established by the Zoning Administrator in the administrative manual, which shall include at a minimum:

- i. The area and boundaries of the proposed district and of all separate, principal ownerships within the district;
- ii. The location and width of all existing or proposed public roadways or public easements within or bordering the area;
- iii. The general location and maximum number of points of access to public streets;
- iv. Setbacks to be observed from streets and property lines;
- v. Maximum lot coverage, by defined subdistrict and for the district as a whole;
- vi. Maximum floor area ratios for defined subdivisions and for the district as a whole. (Every area completely bounded by public streets should be designated as one or more subdistricts for purposes of designating coverage and floor area ratio limitations);
- vii. The general location and approximate number of parking spaces to be included in the district; and
- viii. The locations and general types of uses or activities existing and to be placed in the district.

c. Staff Review and Action

The Zoning Administrator shall review the application and prepare a staff report and recommendation in accordance with Section 5.3D.

d. Scheduling and Notice of Public Hearings

1. The application shall be scheduled for public hearings before the Planning Commission and Common Council, and noticed in accordance with Section 5.3E.
2. For City-initiated rezonings, property owners required to be noticed in accordance with Section 5.3E. shall be notified by certified mail of the intended zoning change and public hearing(s) at least 15 days prior to the public hearing date.

¹²⁶ From the existing ordinance. Is the list of submittals necessary?

e. **Review and Decision**¹²⁷

1. Planning Commission Review and Recommendation

- i. The Planning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the criteria in subsection 5.6B(5), *Planned Development District Rezoning Approval Criteria*, below.
- ii. If the Planning Commission recommends denial, the Planning Commission shall communicate its reasons to Common Council, and Common Council shall have the power to overrule such recommendation for denial by a recorded vote of not less than three-fourths of its entire voting membership.

2. Common Council Review and Decision

The Common Council shall review the rezoning application and act to approve, approve with conditions, or deny the rezoning in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the criteria in subsection 5.6B(5), *Planned Development District Rezoning Approval Criteria*, below.

3. Protest Procedure

- i. Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of General City Law § 83.
- ii. A protest against a rezoning shall be signed by the owners of:
 - a. At least 20 percent of the area of land included in the proposed zoning change; or
 - b. At least 20 percent of the area of land extending a radius of 100 feet from the land that is subject to the zoning change (excluding public rights-of-way).
- iii. In case of protest against a rezoning, approval shall require three-fourths of the entire voting membership of Common Council prior to a rezoning becoming effective.
- iv. The Council shall vote upon any proposed rezoning that is the subject of a protest within 90 days after the filing of the protest with the City.

(4) **Post-Decision Actions and Limitations**

Post-decision actions and limitations in Section 5.3G shall apply with the following modifications:

a. **Map Revisions**

- 1. Following approval of a rezoning by Common Council, the Zoning Administrator shall prepare an appropriate revision to the Official Zoning Map.

¹²⁷ General City Law § 83 requires public notice and a hearing, but is flexible on the hearing body: either the council, a committee of the council, or the planning board. We have proposed two rounds of hearings (PC followed by Council), which is common in many communities, but appears to be more than is required by state law.

2. Following approval of a rezoning, the Zoning Administrator shall record the amendment map and ordinance with the Onondaga County Clerk and Recorder as soon as practicable.

b. Project Plan¹²⁸

1. Prior to the issuance of a building permit for the construction of any new structure or parking or access facilities in the planned development district, a Project Plan for each facility to be constructed shall be submitted to the Planning Commission for its review and approval. In order to approve a Project Plan, the Commission must find that the Project Plan is in substantial conformance with the District Plan, that it makes adequate provision for fire and police access, drainage, and utilities, and that it meets other applicable regulations within its jurisdiction. The Commission may call a public hearing on project plans at its discretion.
2. To facilitate review, Project Plans should be submitted in preliminary form for review, and then, for final approval, in the form required for issuance of building permits. They shall include information as established in the administrative manual, which shall include a minimum maps, drawings and other materials that show:
 - i. Site plans for all construction for which building permits are being sought and all adjoining or adjacent structures, parking facilities or drives.
 - ii. All landscaped open space, plazas, malls, courts, and pedestrian-ways within or immediately surrounding the proposed construction.
 - iii. Existing and proposed topographic contours within and surrounding the proposed construction.
 - iv. Existing and proposed drainage and utility patterns, facilities, and/or public easements within or affected by the proposed construction.
 - v. Permanent landscaping within and surrounding the proposed construction.
 - vi. Off-street loading to serve any building or facilities proposed to be constructed.
 - vii. Any signs to be included in the proposed construction.
 - viii. Approximate floor elevations of all buildings to be constructed.

c. Amendment of Plans¹²⁹

1. **Amendment of District Plan**

Any substantial differences between the District Plan and Project Plans, or any proposed changes or additions after original construction that will alter the character or intent of the District Plan, shall be submitted to the City Planning Commission for approval. The City Planning Commission may approve an amendment to the District Plan only upon finding that such amendment does not jeopardize the intent of the planned development district.

¹²⁸ From existing ordinance. Is this still a correct description of the intended process? We recommend considering whether the new site plan tool can be used for these reviews and to ensure consistency with the district plan, rather than creating this separate "project plan" procedure.

¹²⁹ From existing ordinance.

2. **Amendment of Project Plan**

Any proposed substantial changes to an approved Project Plan shall be resubmitted to the City Planning Commission for approval. The City Planning Commission must find that the proposed amendment does not jeopardize the intent of the Planned Development District.

d. **Resubdivision**¹³⁰

Appropriate resubdivisions shall be made where structures are to be built across existing property lines or where required by the City Planning Commission.

(5) **Planned Development District Rezoning Approval Criteria**

The Planning Commission may recommend approval and the Common Council may approve a proposed rezoning to a planned development district if:

- a. The proposed rezoning meets the general approval criteria for rezonings in Section 5.6A(5), *Rezoning Approval Criteria*;
- b. The proposed planned development district addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district or other standards of this Ordinance;
- c. The proposed district meets all applicable standards of this Ordinance not expressly modified by the planned development district application;
- d. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and
- e. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.

C. Zoning Ordinance Text Amendment¹³¹

(1) **Purpose**

This section describes the review and approval procedures for amending the text of this Zoning Ordinance to respond to changed conditions or changes in public policy, or to advance the general welfare of the City.

(2) **Applicability**¹³²

An amendment to the text of this Zoning Ordinance shall be initiated by the Zoning Administrator, the Planning Commission, or the Common Council.

(3) **Zoning Ordinance Text Amendment Procedure**

Figure 5.6-3: Summary of Zoning Ordinance Text Amendment Procedure, identifies the applicable steps from the common review procedures in Section 5.3 that apply to the review of

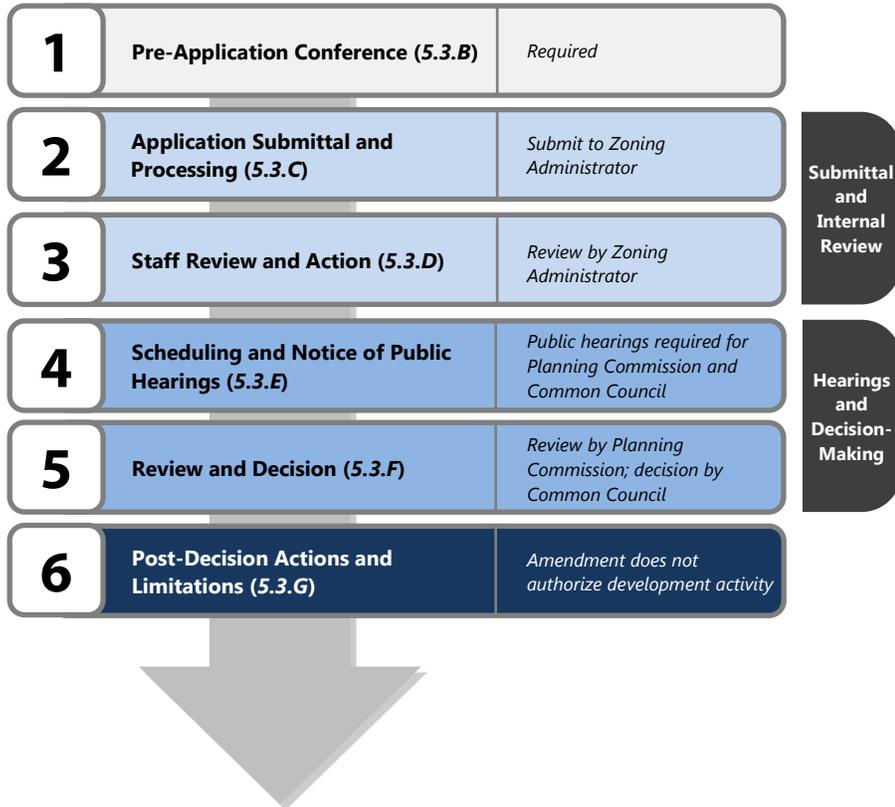
¹³⁰ From existing ordinance.

¹³¹ The current Syracuse Zoning Ordinance does not address text amendments, so this is an entirely new section for the city's consideration.

¹³² This proposed draft limits the initiation of text amendments to the Administrator, the Planning Commission, and the Common Council. It is unusual to allow property owners to initiate an application for what is a citywide legislative change.

Zoning Ordinance text amendments. Additions or modifications to those common review procedures are noted below.

Figure 5.6-3: Summary of Zoning Ordinance Text Amendment Procedure



a. Application Submittal and Processing

The application for a text amendment to this Zoning Ordinance shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 5.3C. The application shall be prepared by the Zoning Administrator. If the amendment is initiated by the Planning Commission or Common Council, the Zoning Administrator shall prepare the application at the request of the Planning Commission or Common Council.

b. Staff Review and Action

The Zoning Administrator shall prepare a staff report and recommendation in accordance with Section 5.3D.

c. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning Commission and Common Council, and noticed in accordance with Section 5.3E.

d. Review and Decision

1. Planning Commission Review and Recommendation

The Planning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with Section 5.3F, *Review and*

Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council), and the criteria in subsection 5.6C(5), below.

2. **Common Council Review and Decision**

The Common Council shall review the application and act to approve, approve with conditions, or deny the amendment in accordance with Section 5.3F, *Review and Decision (Board of Zoning Appeals, Planning Commission, and/or Common Council)*, and the criteria in subsection 5.6C(5), below.

(4) **Post-Decision Actions and Limitations**

Post-decision actions and limitations in Section 5.3G shall apply with the following modifications:

- a. Approval of an amendment to this Zoning Ordinance authorizes the approved revision to the text only. A text amendment does not authorize specific development activity.
- b. A text amendment shall remain valid until the revised text of the UDO is subsequently amended in accordance with this section.

(5) **Zoning Ordinance Text Amendment Approval Criteria**

A Zoning Ordinance text amendment is a legislative decision by the Common Council. Prior to recommending approval or approving a proposed text amendment, the Planning Commission and Common Council shall consider whether and to what extent that the proposed amendment:

- a. Is consistent with the Comprehensive Plan;
- b. Does not conflict with other provisions of this Ordinance or other provisions in the Syracuse Revised General Ordinances;
- c. Is necessary to address a demonstrated community need;
- d. Is necessary to respond to changing conditions or policy; and
- e. Is consistent with the purpose and intent of the zoning districts in this Ordinance, would improve compatibility among land uses within the City, or would result in an orderly and logical development pattern.

5.7 Review and Decision-Making Bodies

This Section identifies officers and bodies authorized to review, recommend, or make decisions regarding required applications, permits, and approvals under this Ordinance. Any reference to an officer or body includes any agents, employees, subordinates, or others to which the named individual or body has lawfully delegated power to take action.

A. Common Council

In the administration of this Ordinance, the Common Council has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures. In addition, the Common Council shall have all powers granted it by the Municipal Charter and, where not limited by the Charter or the Constitution of the State of New York, such additional powers granted to cities of the same class by the statutes of the State of New York.

B. Planning Commission

In the administration of this Ordinance, the Planning Commission has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures. In addition, the Planning Commission shall perform those functions specified in Section 5-1303 of the Syracuse Code of Ordinances. The Planning Commission also has the powers and duties permitted under New York law.

C. Board of Zoning Appeals¹³³

(1) Creation

There is established in and for the City of Syracuse, a Board of Zoning Appeals, per Section 5-1306 of the Syracuse Code of Ordinances.

(2) Membership

- a. The Board shall consist of seven members appointed by the Mayor.
- b. The term of office of each member, except as provided in this Section, shall be for three years dating from July 1 of each year; provided, however, that two of the members first appointed under these provisions shall be appointed for a term of office of one year, two members for a term of office of two years and one member for a term of three years.
- c. Members of the Common Council and the City Planning Commission shall be ineligible for appointment to the Board of Zoning Appeals.
- d. The Zoning Administrator shall be ex-officio a member of the Board of Zoning Appeals and shall act as its Secretary and shall not be entitled to vote as a member thereof.
- e. An appointment to a vacancy occurring prior to the expiration of term shall be for the remainder of the unexpired term.

(3) Salary and Compensation

Appointive Members of the Board of Zoning Appeals shall be paid such salary or compensation for their actual time incurred in the conduct of public hearings as may be fixed and determined by the Board of Estimate, and may be reimbursed for their actual expenses incurred in the performance of their duties if such sums are provided for in the annual budget.

(4) Staff Support

The Corporation Counsel shall be and act as the legal advisor of the Board of Zoning Appeals. The Board of Zoning Appeals may utilize the staff and facilities of the Syracuse-Onondaga County Planning Agency and may appoint such additional personnel as shall be authorized by the Board of Estimate and at such salaries or compensation as fixed by the Board of Estimate.

(5) Organization and Procedure

- a. The Board of Zoning Appeals shall elect annually from its membership, a chairman and vice-chairman and may make, adopt, promulgate and enforce rules of procedure for the conduct of its meetings, consistent with law and the ordinances applicable thereto which shall become effective on the date when the same are filed with the City Clerk.

¹³³ Part A, Section II, Article 5. Carried forward in substance, but we added subsection headings to break apart the large paragraphs. City legal staff is reviewing to ensure this is all still accurate.

Article 5: Administration and Procedures

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C: Board of Zoning Appeals132F

- b. Meetings of the Board shall be held not less than once each month except in the month of August, and as otherwise modified by the Board, and at such other times as the Board may determine. Special meetings may be called by the chairman and must be called at the request of any two members of the Board of Zoning Appeals.
- c. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses.
- d. Hearings of the Board of Zoning Appeals shall be public. The Board shall keep minutes of its proceedings, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep a record of its inspections and other official action, all of which shall be filed promptly with the Secretary of the Board and which shall be a public record. The basis for the determination of each appeal and a brief summary of the facts upon which the determination is made shall be recorded in the decision and shall constitute a part of the record thereof.
- e. The presence of four members shall constitute a quorum. The Board of Zoning Appeals shall act by resolution. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination made by an enforcement officer charged with the enforcement of any ordinance, code or regulation, over which the Board has original or appellate jurisdiction now in effect or hereafter conferred upon it by ordinance of the Common Council, and any order, requirement, decision or determination of the Division of Buildings and Property Rehabilitation or to decide in favor of the applicant any matter upon which he is required to determine under any such an ordinance, or to grant any variance from the requirements of such an ordinance.
- f. No member of the Board of Zoning Appeals shall sit in hearing or vote in any case, in which he shall be personally or financially interested, nor shall he vote on the determination of any appeal unless he shall have attended the public hearing thereon.

(6) Duties and Powers

- a. In the administration of this Ordinance, the Board of Zoning Appeals has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures.
- b. In addition, the Board of Zoning Appeals shall decide any question involving the interpretation of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto, after a public hearing held upon notice to the owners affected thereby and may make such a determination relative thereto as may in its judgment carry out and apply the intent and purpose of any zoning ordinance of the City of Syracuse.
- c. Notwithstanding any contrary provisions contained herein the Board of Zoning Appeals is hereby divested of any authority to waive, alter, or modify the regulations contained in [Part C, Sections VI and VII of the Zoning Rules and Regulations] of the City of Syracuse.

(7) Review of Decisions of Board of Zoning Appeals

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any officer, Department, Board or Bureau of the City, may upon proper cause shown

review any decision of determination of the Board of Zoning Appeals in the manner prescribed by Article 78 of the Civic Practice Act.

D. Syracuse Landmark Preservation Board

In the administration of this Ordinance, the Syracuse Landmark Preservation Board has the review and decision authority as shown in Table 5.1: Summary Table of Review Procedures.

E. Syracuse-Onondaga County Planning Agency¹³⁴

[RESERVED]

F. Zoning Administrator

(1) **General**

The Zoning Administrator is the City official responsible for administering provisions of this Ordinance.

(2) **Powers and Duties¹³⁵**

The Zoning Administrator shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 5.1: Summary Table of Review Procedures. In addition, the Zoning Administrator shall have the following additional powers and duties under this Ordinance:

- a. To establish requirements for the contents and format of development applications reviewed under this Ordinance and a schedule for the submittal and review of such applications;
- b. To develop, adopt, and amend an administrative manual that may specify detailed submittal and procedural requirements for various development applications (e.g., application forms, submittal checklists, the content and scale/format of plans and documents submitted, schedules and timelines for application review steps), identify application fees, and summarize development review procedures and standards to facilitate the use and understanding of them;
- c. To maintain the official Zoning Map and related materials;
- d. To serve as or assign professional staff to the Planning Commission, Syracuse Landmark Preservation Board, and Board of Zoning Appeals,;
- e. To assist in enforcing this Ordinance in accordance with Section ---, Enforcement and Penalties;
- f. To interpret the provisions of this Ordinance in accordance with Article 6: *Rules of Construction and Definitions*, and the intent and purpose statements included in this Ordinance;

¹³⁴ Further discussion needed on how specifically we should identify and define staff responsibilities in the ordinance. Some communities have a simple and very brief broad grant of authority, while others identify various different city departments in some detail who have code responsibilities.

¹³⁵ This is a draft list for staff's consideration. We based it off the list in the newly adopted Albany ordinance.

Article 5: Administration and Procedures

5.7: Review and Decision-Making Bodies

F: Zoning Administrator

- g. To provide expertise and technical assistance to the City's review and decision-making bodies on request;
- h. To maintain on file a record of all development applications reviewed under this Ordinance and make copies available on request through the City's Public Records request process;
- i. To assist the Planning Commission in preparing, maintaining, and amending the City's Comprehensive Plan; and
- j. To perform such other functions specified in the Syracuse Code of Ordinances.

Article 6: Rules of Construction and Definitions

6.1 Rules of Ordinance Language Construction ¹³⁶

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.

¹³⁶ 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

[DRAFTED IN MODULE 1 – [Download Here](#)]

6.3 Other Definitions

Commentary

Current relevant definitions carried forward below. Definitions highlighted in yellow were either added or revised with Module 3. New definitions (not currently defined in Syracuse) are noted as such in the footnotes. All of the definitions will be included in the consolidated draft.

Adjacent

The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, or street.

Administrative Adjustment

A development approval authorizing limited deviations from certain provisions of this Ordinance's dimensional or numerical development standards that is reviewed under Section 5.5B.

Applicant

A person whom submits a development application requesting a development permit or approval authorized by this Ordinance.

Arterial

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

Building

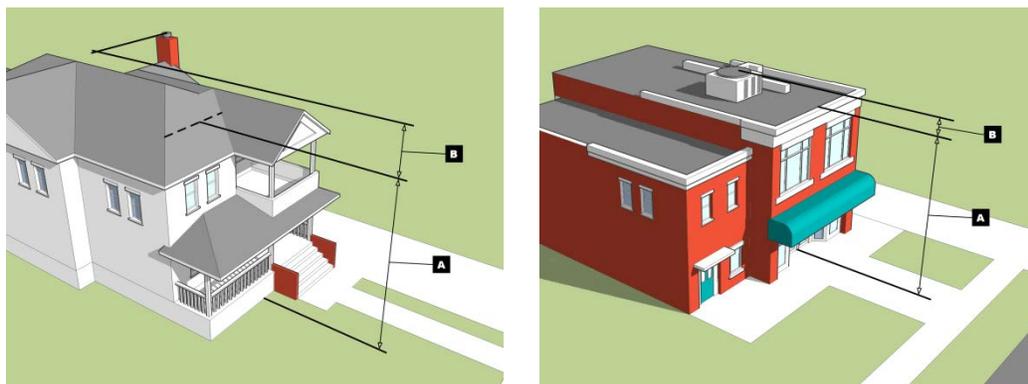
Any structure with exterior walls and a roof. Structural connections such as a covered walkway or canopy, porch, roof, foundation walls, tunnel and/or horizontal shaftways, or other similar structural connections above or below ground, enclosed or otherwise, shall not be construed as creating a single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

Building, Accessory

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

Building Height

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



Building Line

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

Building Official

The municipal officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of this law. Except as otherwise provided for, the Director of the Division of Code Enforcement or designee of such officer shall be the building official.

Building, Primary

A building or group of buildings in which the main or principal use conducted on the lot.

Certificate of Occupancy

A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of buildings and structures, certifying that such buildings, structures, and uses have been constructed and will be used in compliance with the Syracuse Code of Ordinances.

City

The City of Syracuse.

Collector

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

Comprehensive Plan

The Comprehensive Plan for the City of Syracuse, stating the goals, recommendations, and policies as adopted by the Planning Commission and Common Council.

Construction Plans

Technical engineered drawings demonstrating compliance with this Ordinance, the Building Code, and the City of Syracuse Engineering and Technical Specifications Manual.

Developer

Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

Development

The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, logging, excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.

Districts

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

Dwelling

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

Dwelling Unit

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

Easement

A grant by a property for use of land for designated private or public purposes by another agency or the public.

Façade

The exterior walls of a building exposed to public view or any side of a building facing a street or other open space.

Façade, Primary

The façade of a building oriented toward the primary street frontage.

Family

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

Horizontal Articulation

The way in which a building wall surface is broken down into horizontal modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Infill

Land development that occurs within designated areas based on local land use or adopted plan where the surrounding area is generally developed, and where the site or area is either vacant or has been previously used for another purpose.

Intersection Sight Triangle

An area formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of 25 feet from their intersection.

Lot

An area contained within lot lines shown on a properly recorded subdivision map or similar document approved pursuant to this Ordinance or any previous zoning or subdivision code of the City of Syracuse or described in a deed recorded prior to March 19, 1962, or approved as a lot by any applicable regulation. Areas shown on maps or described in deeds that are contiguous shall be deemed separate lots unless otherwise specified as one lot in such map or deed.

Lot Alteration

Any change in the dimension or orientation of a lot line not resulting in or constituting resubdivision as defined in this Ordinance, 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 abuts on the side lot line of an adjacent lot.

Lot, Double Frontage

A lot that 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.

Lot Line

The established division line between different parcels of property.

Maximum Extent Practicable

Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance.

Multi-Family Dwelling

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

Nonconforming Lot

A lawfully established lot created prior to adoption of this Ordinance that does not comply with the minimum lot size requirements of this Ordinance.

Nonconforming Sign

A lawfully established sign constructed or installed prior to adoption of this Ordinance that does not comply with the sign regulations of this Ordinance.

Nonconforming Site Feature

Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that lawfully existed prior to adoption of this Ordinance but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this Ordinance.

Nonconforming Structure

A lawfully established building or structure constructed or installed prior to adoption of this Code that does not comply with the area, height, or placement regulations of this Code.

Nonconforming Use

A use that lawfully existed prior to adoption of this Code, but does not comply with the terms of this Code.

Open Space

An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes.

Parcel

A unit of land created by partitioning. When referencing lot configurations or lot dimensions, the term "parcel" may be used interchangeably with the term "lot." See also "tract" and "lot of record."

Planned Development District (or PDD)

A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts established by this Ordinance. Planned Development Districts are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development. Approval of a PDD shall require a rezoning pursuant to Section 5.6B.

Planned Institutional District (or PID)

A development designed to accommodate the orderly, cooperative, and flexible development and expansion of institutional land uses in patterns or layouts not otherwise permissible in other zoning districts established by this Ordinance. Planned Institutional Districts are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development. Approval of a PID shall require a rezoning pursuant to Section 5.6B.

Planning Commission

The Planning Commission of the City of Syracuse.

Property Line

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

Reclamation

Activities to be performed by an operator to rehabilitate an affected area such as a mine or brownfield site, including but not limited to removal of contaminated material, grading, erosion and sedimentation control, and revegetation.

Revised General Ordinances

The revised general ordinances of the City of Syracuse.

Rezoning

A change in the zoning district classification applied to land by the Official Zoning Map, reviewed and decided by the Common Council under Section 5.6A.

Setback, Front

An open space unoccupied on the same lot with the main building, extending the full width of the lot and situated between the front line of the lot and the extreme front line of the building projected to the side lines of the lot. The depth of the front setback shall be measured between the extreme front line of the building and the front line of the lot.

Setback Line

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

Setback, Rear

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

Setback, Side

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

Sign

An emblematic design, including those which are composed of light rays only, calculated to attract public attention to a product, service, undertaking, message, or idea encompassing activities both on and off the property where such designs are situated, including what are commonly termed billboards, posters, symbols, and similar devices, of whatever composition, size, location, or color.

Abandoned Sign

Any sign where the activity, product, service, or other item relative to the message of the sign has been discontinued for a period of 90 days or more.

Animated Sign

A sign or any portion thereof having movement effected by mechanical, electronic, or natural means, including by way of illustration and not limitation, rotating signs, wind signs and signs where movement is simulated by illumination devices. This term shall include the use of blinking, flashing and general intermittent light, as opposed to light of a constant intensity and value. Any sign where the duration of a message and/or image is less than four seconds shall be considered animated.

Brightness of Sign

Two aspects of brightness are relevant to signs: 1) the brightness that signs project, and 2) the brightness of their surroundings during various times of day, i.e., ambient brightness. Sign faces are either reflective or emit their own light or are a combination of both. Reflective sign faces use ambient light to be seen or provide light external to their surfaces for illumination. Sign faces emitting light have light-emitting diodes, liquid crystal displays, internal bulbs, neon tubes, fiber optics, or other internal lighting sources. Several different units are used in the measure of light: One candela is the power of a light source in one direction with the intensity of a typical candle; a NIT is one candela per

square meter; a lumen is a unit of luminous flux of one steradian from a uniform point source with an intensity of one candela; and a lux (lx) is the luminance of one lumen on a one square meter surface.

Electronic Changeable Message Sign

A sign, other than an off-premise sign, that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Feather Sign

A temporary sign with a vertically elongated sign face made of flexible fabric held taut or semi-taut by a pole to which the sign face is attached.

Ground Sign

A sign that is supported by one or more upright posts or braces in or upon the ground, or a monument sign.

Marquee Sign

A sign that is attached to or hung from a canopy or similar structure projecting from a building.

Monument Sign

A type of detached ground sign whose sign surface is attached to a base or structural frame, the width of which shall be a minimum of one half the width of the widest part of the sign face. The base shall not exceed a height of three feet above the average finished grade. An enclosed or solid sign base shall not be required if the sign face is within two feet of the average finished grade. The materials of the base of a monument sign shall be either masonry, wood, anodized metal, stone or concrete.

Official Government Sign

A sign established pursuant to governmental authority or used for the identification of public buildings, facilities and activities sponsored by or of an official character such as traffic regulation devices authorized by the Vehicle and Traffic Law of the State of New York or the Traffic Code of the City of Syracuse, Civil Defense warning, railroad crossing designations, bus stops and any other sign authorized and required under local, state or federal law. Official government signs also include signs designed for the protection and safety of the general public, such as warnings, danger areas, trespassing notices, work areas, utility warnings, street elevators, sentry dogs, security systems, safety warning devices, and similar notices.

Off-Premise Sign

A sign that directs attention to a business, product, service, message, idea, or entertainment not conducted, sold or offered upon the premises where the sign is located.

Portable Sign

Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Projecting Sign

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

Roof Sign

A sign, other than a wall sign, any portion of which is either situated above the upper edge of any building wall or parapet or erected or painted on or above the roof covering any portion of a building, including signs supported on the roof or on an independent structural frame or located on the side or roof of a penthouse, roof tank, roof shed, elevator housing, or other roof structure.

Wall Sign

A sign that is affixed and parallel to an exterior wall of a building, projecting not more than 15 inches from the building, and extending not more than three feet above the roof line or parapet of the building. A sign extending above the roof line or parapet of the building by more than three feet shall be considered a roof sign.

Sign Maintenance

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

Sign Copy Changes

Change of copy on a sign, the customary use of which involves frequent and periodic changes of copy such as those customarily associated with theatre marquees and bulletin boards. Changeable copy shall include message and/or image changes on Off-Premise Advertising Signs where the duration of the message/image is no less than eight seconds.

Sign Orientation

The expected vantage points from which legibility is reasonably possible. This is not to be confused with the vantage points from which a sign and its appurtenances can be seen without the copy being legible. Sign orientation is referred to with respect to placement of signs and, in cases of off-premise signs, sign spacing and the degree of sign concentration or saturation in given areas.

Sign Structure

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

Sign Structural Trim

The molding, batten, capping, nailing strips, latticing, and platforms that are attached to the sign structure.

Sign Display Surface

The display surface is the total surface made available by the structure, either for the direct mounting of letters, illustrations, symbols, figures, insignia, and other devices employed to express and illustrate the message of the sign, or for the mounting of facing material intended to carry the entire message.

Sign Face

The sign face is the individual surface of the sign upon, against, or through which the message of the sign is exhibited.

Single Housekeeping Unit¹³⁷

A group of persons that live and cook together in a common household.

¹³⁷ New, intended to help support the definition of "family." We did not find any good existing definitions of this term yet in our research. "Live and cook" is from the Poughkeepsie ordinance.

Site Plan

A plan drawn to scale showing uses and structures proposed for a lot, including all associated submittal materials specified in this Ordinance.

Site Plan Review

Review of site plans according to the procedures in Section 5.4A.

Special Use Permit

A type of approval issued pursuant to Section 5.4B for uses designated in the allowable use table (Table X.X) as requiring special use permit approval.

Stop-Work Order

An order issued by a City official that directs the person responsible for an activity in violation of this Ordinance to cease and desist such activity.

Street Frontage

The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

Street Frontage, Primary

Street frontage to which the primary building on the site is oriented, generally the street containing the primary pedestrian entrance to the building and/or the numbered street address of the building.

Structure

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

Three-Family Dwelling

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

Tract

A unit of land created by partition or subdivision, created for and limited by deed restriction or dedication to a specific use, including but not limited to access, utility placement, vehicle storage, open space, or significant natural resource areas. In phased developments, the term may also be used to describe units of land intended for future development.

Two-Family Dwelling

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

Quasi-Judicial Hearing

A public hearing that is judicial-like in only applying the existing adopted regulations or policies to a specific development application, as opposed to the legislative-like creation of new laws or policies.

Use

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

Variance, Area

The authorization by the Board of Zoning Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable regulations of this Ordinance.

Variance, Use

The authorization by the Board of Zoning Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable regulations of this Ordinance.

Vertical Articulation

The way in which a building wall surface is broken down into vertical modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

Zoning Districts

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