

REZONE SYRACUSE

A Citywide Zoning Update



Zoning Ordinance

March 2023

Article 3: Use Regulations

3.1 Purpose and Organization of this Article

This Article identifies the land uses allowed in Syracuse’s base zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts. Planned district standards and uses are governed by Section 2.15 and subsection 5.6B, *Rezoning to Planned Development or Planned Institutional District*.

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

3.2 Table of Allowed Uses

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

A. Table Organization

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

B. Explanation of Table Abbreviations

(1) Permitted Uses

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

(2) Special Uses

- a. "S" indicates that the use is allowed in the respective zoning district only if reviewed and approved in accordance with the special use permit procedures of subsection 5.4B, *Special Use Permit*. All multi-unit dwellings and nonresidential uses also require Site Plan Review pursuant to subsection 5.4A, *Site Plan Review*, unless otherwise excepted. Special uses are subject to all other applicable regulations of this Ordinance, including but not limited to: the dimensional standards in Article 2: *Zoning Districts*; Section 3.3, *Use-Specific Standards*; and Article 4: *Development Standards*, and Article 5: *Administration and Procedures*.
- b. The "S" designation in Table 3.1 in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each special use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in subsection 5.4B, *Special Use Permit*.

(3) Prohibited Uses

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

(4) Use-Specific Standards

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

C. Prohibited Uses

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

Specific prohibitions:

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

D. Classification of New and Unlisted Uses

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

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

Article 3: Use Regulations

3.2: Table of Allowed Uses

E: Table of Allowed Uses

- (2) If the Zoning Administrator determines that a proposed use falls within an existing use category or use type, written notification shall be sent to the applicant.
- (3) Appeal of the Zoning Administrator’s decision may be made to the Board of Zoning Appeals following the procedures under subsection 5.5C, *Appeal of Administrative Decision*.
- (4) On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Zoning Administrator may initiate an application for a text amendment to this Ordinance to list the use or structure in Table 3.1 as a permitted use or special use, as appropriate.

E. Table of Allowed Uses

Table 3.1 Allowed Uses P = Permitted Use S = Special Use Permit A = Accessory Use T = Temporary Use															
USE CATEGORY	USE TYPE	Residential					Mixed-Use					Nonresidential/ Special Purpose			USE-SPECIFIC STANDARDS
		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
RESIDENTIAL USES															
Household Living	Dwelling, live/work		S	S	P	P	P	P	P	P	P				3.3A(1)
	Dwelling, multi-unit				P	P	S	P	P	P	P	P	P		3.3A(2)
	Dwelling, single-unit attached	P	P	P	P	P	P	P	S	S	S				3.3A(3)
	Dwelling, single-unit detached	P	P	P	P	P	P	P	P						
	Dwelling, two-unit		P	P	P	P	P	P	P						
	Mixed income development		P	P	P	P	P	P	P	P	P	P	P		3.3A(4)
Group Living	Boarding or rooming house				P	P	S	P	P	P					
	Chapter house				S	P		S							
	Dormitory				P	P		S	P	P	P	P			
	Residential care facility	S	S	S	S	S	S	S	S	S	S	P	P		3.3A(4)
PUBLIC, INSTITUTIONAL, AND CIVIC USES															
Community and Cultural Facilities	Assembly	P	P	P	P	P	P	P	P	P	P	P			3.3B(1)
	Civic building					P	P	P	P	P	P	P	P	P	
	Family support facility					P	P	P	P	P					
	Correctional facility											S	S		3.3B(2)

Article 3: Use Regulations

3.2: Table of Allowed Uses

E: Table of Allowed Uses

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
	Cultural institution						P	P	P	P	P	S			
	Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Educational Facilities	College or university					P	S	P	P	P	P	P	P		
	School, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Vocational, arts, trade, or business					P	S	S	P	P	P	P	P		
Health Care	Clinic					S	S	S	P	P	P	P	P		
	Hospital							S	S	P	P	P	P		
Parks and Open Space	Cemetery	S	S	S	S	S	S							S	
	Golf course														P
	Park and recreation facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES															
Agriculture-Related Uses	Community garden	P	P	P	P	P	P	P	P	P				P	3.3C(6)
	Urban agriculture	S	S	S	P	P	S	S	S	S	S	P	P	P	
Animal-Related Uses	Animal grooming and day care							P	P	P	P	P	P		3.3C(1)
	Kennel								S	S		P	P		3.3C(1)
	Veterinary hospital							S	P	P	S	P	P		3.3C(1)
Day Care	Day care center		S	P	P	P	S	P	P	P	P	P	P		3.3C(6)
	Family day care	P	P	P	P	P	P	P	P	P	P	P	P		3.3C(6)
Entertainment	Entertainment and Recreation, indoor							S	S	P	P	P	P	S	3.3C(8)
	Entertainment and recreation, outdoor									S	S	P	P	P	
	Recreation club, private				S	S	S	S	P	P	P	P	P		
Food and Beverage	Bar							S	S	P	P	P	P		3.3C(10)
	Beverage café						P	P	P	P	P	P	P		3.3C(10)

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

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

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS	
	Mini-storage											S	P		
	Storage yard											S	P		
	Warehouse								S	S	S	P	P		
	Wholesale establishment								S	S	S	P	P		
Waste and Salvage	Indoor dismantling facility											S	S		
	Indoor recycling center							S	S	S		P	P		3.3D(4)
	Junk yard												S		3.3D(5)
	Scrap metal processing												S		3.3D(5)
MIXED-USE															
Mixed-Use	Mixed-use development						P	P	P	P	P	P	P		

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

	Accessory dwelling unit	A	A	A	A	A	A	A	A								3.4D(1)
	Accessory animal uses	A	A	A	A	A	A	A	A	A			A	A			3.4D(2)
	Caretaker’s quarters		A	A	A	A	A	A	A	A	A	A	A				3.4D(3)
	Carport, garage, or utility shed	A	A	A	A	A	A	A									
	Drive-through/drop-off window uses												A	A			3.4D(4)
	Electric vehicle charging station				A	A	A	A	A	A	A	A	A	A			3.4D(5)
	Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A			3.4D(6)
	Outdoor display/sale								A	A			A	A			3.4D(7)
	Outdoor storage, accessory												A	A			3.4D(8)
	Produce stand		A	A	A	A	A	A	A	A	A	A	A	A	A		3.4D(9)
	Retail sale of products directly related to principal industrial use								A	A	A	A	A	A			
	Satellite dish antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A		3.4D(10)
	Solar energy collection system	A	A	A	A	A	A	A	A	A	A	A	A	A	A		3.4D(11)
	Swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A		3.4D(12)
	Wind energy conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A		3.4D(13)

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

	Special event	T	T	T	T	T	T	T	T	T	T	T	T	T	T		3.5E(3)
	Farmers’ market			T	T	T	T	T	T	T	T	T			T		
	Expansion or replacement facilities		T	T	T	T	T	T	T	T	T	T	T	T	T		3.5E(2)
	Mobile vendor cart						T	T	T	T	T	T	T	T	T		3.5E(4)
	Office and equipment storage					T	T	T	T	T	T	T	T	T			3.5E(1)

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		R1	R2	R3	R4	R5	MX-1	MX-2	MX-3	MX-4	MX-5	CM	LI	OS		
	Produce stand, seasonal			T	T	T	T	T	T						T	

3.3 Use-Specific Standards

A. Residential Uses

(1) **Dwelling, Live/Work**

- a. The nonresidential use shall be operated by a resident of the live/work dwelling. One additional employee may be allowed in the conduct of the profession, occupation, or trade.
- b. The nonresidential use shall not be otherwise prohibited in the permitted zoning district, and shall comply with any applicable use-specific standards of this Ordinance as applicable.
- c. A non-illuminated wall sign no more than two square feet in size and located no higher than the first floor of the building is permitted.
- d. Generally, the residential component shall not be located at the primary street entrance to the building. However, the City Planning Commission may allow the residential component to be located on the primary street entrance to the building, provided that residential uses on that level would be in keeping with the surrounding uses.

(2) **Dwelling, Multi-Unit**

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

(3) **Dwelling, Single-Unit Attached**

- a. Each individual dwelling unit shall have legal means of access to a right-of-way.
- b. Minimum side yard setback requirements shall apply to end units only.
- c. All single-unit attached dwellings in a single grouping of attached dwellings must maintain the same front setback, with a deviation up to two (2) feet allowed.

(4) **Mixed Income Development**

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

1. R4, R5, MX-1, MX-2, MX-3, MX-4, MX-5, CM, and LI Zoning Districts:
 - i. All development or redevelopment of 20-75 dwelling units: 10 percent of the total number of dwelling units must be included in the development and certified as affordable dwelling units.
 - ii. All development or redevelopment of 76 or more dwelling units: 12 percent of the total number of dwelling units must be included in the development and certified as affordable dwelling units.
 2. R2 Zoning District as described in Article 2: *Zoning Districts*:
 - i. Mixed income development or redevelopment projects may establish 3 or 4 dwelling units, but must include at least 1 affordable dwelling unit, and mixed income redevelopment projects may establish 5 or 6 dwellings units, but must include at least 2 affordable dwelling units.
 - ii. No more than 6 dwelling units may be established in the R2 zoning district.
 - b. Affordable dwelling units must comply with City income restrictions in perpetuity, unless the residential use of the development is reduced to 19 or less residential units, or the mixed income development regulations are abandoned by the City.
 - c. Income restrictions for affordable dwelling units will be based upon a percentage, or range of percentages, of the annual median income for the Syracuse metropolitan statistical area as defined by the United States Department of Housing and Urban Development. This data will be identified on an annual basis in the Administrative Manual.
 - d. Affordable dwelling units must comply with City income restrictions regardless of a change in building or property ownership.
 - e. All affordable dwelling units must be certified by the City's Department of Neighborhood and Business Development administrative procedures.
 - f. Density and bulk and area allowances have been made in Article 2: *Zoning Districts* of this Ordinance to induce the establishment of mixed income development.
 - g. Projects which demonstrate a practical hardship associated with physical compliance of this requirement may offset a portion, up to one quarter of the required number of affordable dwelling units through a payment to the City's Affordable Housing Trust Fund with an established fee for each affordable dwelling unit omitted following the procedures described in the Administrative Manual and other associated requirements of the trust fund.
 - h. All mixed income development projects that do not provide certified affordable dwelling units will be subject to fines and penalties established by the City's Department of Neighborhood and Business Development.
- (5) **Residential Care Facility**
- a. **Licensing**

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

b. Modifications to Standards

1. Residential care facilities shall be subject to all of the regulations applicable to permitted uses in the district within which such facility is to be situated; provided, however, that in order to encourage the development of such uses within the community, the City Planning Commission may alter, waive, or modify the application of any restriction contained in this Ordinance. In considering any such deviation, consideration shall be given to the provisions of the following criteria:
 - i. Age and mobility of prospective occupants.
 - ii. Nature of any custodial care and/or supervision of prospective occupants, where required.
 - iii. Regulations of any agency, private or public, having jurisdiction over a specific residential care facility, to the extent such regulations are actually imposed or are to be imposed.
 - iv. Accessibility to on-site or off-site active and/or passive recreational facilities (indoor and outdoor), retail goods and services, libraries, places of worship, medical services and such other facilities which may be considered necessary and/or appropriate to the needs of the prospective occupants.
 - v. Traffic-generating characteristics of the residential care facility with particular emphasis on visitation privileges, loading requirements and availability and nature of public or private transportation facilities.
 - vi. Such other elements that are relevant to the particular circumstances of each individual case.
2. It is the express purpose of this provision to encourage the development of residential care facilities by providing for the physical and social planning needs of their prospective occupants consistent with the health, safety, and welfare of the entire community.
3. The granting of alterations or modifications shall be discretionary, and whether or not granted, conditions may be imposed upon the development of any residential care facilities that are considered necessary and/or appropriate. A statement of the nature of all deviations requested from the applicable provisions of this Ordinance shall be set forth in the notice of public hearing. All applications for residential care facilities shall be otherwise subject to the procedures and regulations set forth in this Ordinance.

B. Public, Institutional, and Civic Uses

(1) Assembly

a. Street Frontage

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

b. Parking

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

c. Modifications and Conditions

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

(2) Correctional Facility

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

a. Distance Separation Requirements

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

b. Service Restrictions

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

c. Maximum Occupancy

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

d. License Required

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

C. Commercial Uses

(1) Animal-Related Uses

- a. Animals receiving grooming services may not be boarded overnight.
- b. All animals shall be confined within an enclosed area or on a leash at all times.
- c. Animal grooming uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.
- d. Rooms containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to existing residences.
- e. No exterior overnight boarding shall be allowed.
- f. All structures and utilized outdoor areas shall be a minimum of 200 feet from residential districts.
- g. The property owner/operator shall comply with all applicable requirements of the Syracuse Revised General Ordinances and applicable New York State laws and regulations involving the care and treatment of animals.

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

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

(3) **Automobile Sales**

a. **Drainage, Surfacing and Maintenance**

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

b. **Screening**

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

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

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

d. **Bumper and Curb**

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

e. **Entrances and Exits**

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

f. **Lighting**

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

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

1. No equipment at filling stations or public garages for the service of gasoline, oil, air, water, etc., shall be closer to the public right-of-way line than 15 feet and shall not be located within any required sight triangle.
2. No vehicles for sale may be parked, displayed, or stored in the City right-of-way at any time.

h. Restrictions on Use of Parking Area

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

i. Back-Out Parking

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

j. Alley Improvements

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

k. Lot Frontage

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

l. Code Compliance for Existing Buildings

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

m. Commercial Space in MX-5 District

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

(4) Car Wash

a. Location

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

b. Minimum Lot Size

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

c. Minimum Setback Requirements

1. All structures, except as otherwise provided in this Ordinance, shall be set back from the primary or secondary street line a distance of not less than 40 feet and from any other street line a distance of not less than 30 feet.
2. No portable signs or other devices shall be located within the setback area required in the preceding paragraph 1, except as otherwise provided in this Article.

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

d. Open Area

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

e. Additions or Improvements to Existing Car Wash Facilities

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

(5) Bed and Breakfast

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

(6) Community Garden

- a. A community garden is exempt from the landscaping, screening, and buffering requirements of Section 4.5, *Landscaping, Buffering, and Screening*.
- b. A community garden may be located on public lands and rights-of-way as designated by the City of Syracuse with approval from Common Council.
- c. A community garden shall not be larger than 15,000 square feet, except in the OS district.
- d. Composting is limited only to the materials generated on site and must be used on site.
- e. Processing and storage of plants or plant products are prohibited on site.

- f. Accessory buildings such as sheds, greenhouses, hoopouses, or farm stands may have an area of up to 500 square feet and shall comply with all other standards in subsection 3.4D, *Additional Standards for Specific Accessory Uses and Structures*.
- g. Sales on site are limited to incidental sales of plants or produce generated on site.

(7) Day Care

a. License Required

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

(8) Entertainment, Indoor

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

(9) Food and Beverage Retail

- a. This use requires a Certificate of Use Business License from the City of Syracuse.
- b. No beer and/or wine sales are allowed for consumption on the premises, but beer and/or wine sales for consumption off the premises is allowed.
- c. No drive-through /drop-off windows are allowed.

(10) Food and Beverage Uses

a. Special Use Permit Required for Certain Activities

- 1. Activities Other than Eating and Drinking within 300 Feet of Residential District
A special use permit shall be required for any structural accommodations for customer activities other than eating and drinking, to the extent allowed by these regulations, whether in a new restaurant or an existing restaurant, if within 300 feet of a residential district. Structural accommodations for customer activities other than eating and drinking shall include stages, dance floors, disc jockey booths, and other areas set aside for customer and/or entertainment use without chairs, stools, or tables. (Televisions, juke boxes, and individual electronic amusement devices, which may be subject to other restrictions, shall not be considered structural accommodations.)
- 2. Indoor or Outdoor Entertainment or Amplified Music
A special use permit shall be required for any indoor or outdoor live entertainment or amplified music that is proposed to be associated with a food and beverage use within 300 feet of a residential district.

b. Continued Operation for Existing Restaurants

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

c. Improvements and Changes Allowed by Right

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

1. Maintenance of Existing Floor Areas

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

2. Internal Rearrangements

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

d. Accessory Appurtenances

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

e. Additional Requirements for Restaurants Subject to Special Permit

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

1. Open Areas

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

2. Outside Storage

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

3. Planting and Screening

- i. Each restaurant and its facilities shall comply with the provisions of Section 4.5, *Landscaping, Buffering, and Screening*.
- ii. In addition, restaurants shall maintain parking areas at least ten feet from any residentially used or zoned property and shall provide solid all-year screening at least four feet high along the perimeters of the parking areas abutting residentially used or zoned properties.

(11) Gasoline Fueling Station

a. Street Frontage

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

b. Minimum Lot Size

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

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

c. Minimum Setback Requirements

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

d. Gasoline Pump Islands

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

e. Drainage

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

f. Maintenance and Snow Storage

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

g. Outside Storage

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

h. Improvements to Existing Gasoline Fueling Station Sites

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

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

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

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

(12) Parking Structure

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

1. In the MX-5 district, an off-street parking structure is not permitted at the level of the adjacent street unless separated from the street by a portion of the building that is occupied by a permitted use or uses, with the exception of the portion of the parking structure that provides vehicular or pedestrian access to the street. Permitted uses shall be located within the building and have a minimum depth of 25 feet from the exterior of the front wall. On corner lots, this requirement shall apply to all lot frontages.
2. In the MX-3 and MX-4 district, an off-street parking structure shall be located a minimum of ten feet from the front lot line at the level of the adjacent street and provide a landscape buffer or screening wall between the building and the front lot line.
3. In the MX-3, MX-4, and MX-5 districts, any wall of an off-street parking structure that abuts a residential zoning district shall not contain openings; or, if it contains openings, shall be separated from the abutting lot line by a building other than a parking structure occupied by a permitted use, or uses.

(13) Urban Agriculture

- a. Urban agriculture is exempt from the landscaping, screening, and buffering requirements of Section 4.5, *Landscaping, Buffering, and Screening*.
- b. Urban agriculture shall not be larger than 40,000 square feet, except in the OS district.
- c. Accessory buildings such as sheds, greenhouses, hoopouses, or farm stands may have an area of up to 1,000 square feet and shall comply with all other standards in subsection 3.4D, *Additional Standards for Specific Accessory Uses and Structures*.
- d. Sales on site are limited to incidental sales of plants or produce generated on site.
- e. Hens may be kept on site provided they comply with the standards in subsection 3.4D(2), *Accessory Animal Uses*.

D. Industrial Uses

(1) Antenna and Communications Towers

a. Allowances and Restrictions

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

- c. Provided that the new antennas are installed in accordance with existing conditions of approval already affecting the towers.
 - 3. New Towers (and Antennas Affixed to New Towers)
 - i. In Commercial Districts and Industrial Districts:
Shall be permitted by right in accordance with the General Standards for Towers and Antennas as enumerated in this section.
 - ii. In all other districts
Shall be prohibited.
- b. **General Standards for Towers and Antennas (not including Satellite Dish Antennas):**
 - 1. Construction
Tower construction shall be of a monopole design. Towers of other designs, such as lattice work or guyed support, shall be subject to waiver approval under the Site Plan Review procedures of this Ordinance.
 - 2. Setbacks
Accessory buildings, structures, antennas and guy wires shall adhere to the setbacks as prescribed by applicable zoning district regulations. Ground towers must be set back from all property lines a distance equal to at least 75 percent of the height of the tower.
 - 3. Height
Installation of any new tower as permitted in a Commercial or Industrial District shall be as follows:
 - i. For a single user: up to 120 feet
 - ii. For two or more users: up to 150 feet
 - 4. Spacing
A minimum radius of 1,000 feet shall be maintained between any proposed tower and any other tower, irrespective of whether the latter is located in the City of Syracuse or a contiguous municipality.
 - 5. Co-location
Telecommunication towers, or support structures, shall be designed to provide for the expansion capacity for co-location for a minimum of two service providers, persons, firms, or corporations.
 - 6. Fencing
The base of towers shall be enclosed by security fencing a minimum of six feet in height and shall be designed to prevent individuals from unauthorized entry and attempts to climb the towers.
 - 7. Landscaping
Landscaping shall be installed and properly maintained surrounding the base of towers to provide effective visual screening from residentially zoned or used

properties within 100 feet of the properties on which the towers sit. Such screening shall be a minimum of four feet in height and width. Existing mature tree growth and natural land forms on site shall be preserved. The required screening may consist of on-site natural land forms and evergreen foliage.

8. Color

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

9. Lighting

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

10. Accessory Equipment

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

11. Signs

Signs or advertising material shall not be permitted on any tower or antenna. The only signs permitted shall be those located on the accessory buildings or fencing displaying owner contact information and/or appropriate warning signs or other notifications designed to alert the public to safety concerns or safety instructions. No sign shall exceed six square feet in area.

12. Federal and Local Standards

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

13. Eligible Facilities Requests

Notwithstanding any other provision of this Article, the issuing/approval authority shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure, according to the procedures established by the Federal Communications Commission.

14. Small Wireless Facilities

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

- i. Each antenna is no more than three cubic feet.
- ii. All associated equipment is no more than 28 cubic feet.
- iii. Any of the following height criteria are met:
 - a. Mounted on structures measuring 50 feet in height or less;
 - b. Mounted on structures that are no more than 10 percent taller than other adjacent structures; or
 - c. Does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

(2) Contractor Yard

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

(3) Fuel Distribution Facility

- a. All bulk storage tanks of such fuel shall be placed underground at such location and depth which shall not present a hazard to adjoining nearby uses and the general public and recommended for approval by the Syracuse Fire Department.
- b. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
- c. The entire premises shall be enclosed within a fence, or equivalent, of not less than five feet high, except as otherwise required by Ordinance.
- d. The grounds of the premises not occupied by structures shall be landscaped or surfaced with an all-weather, dustless surface, unless otherwise required by Ordinance.
- e. The front setback, including the area to the curb, shall be landscaped.
- f. Side and rear setbacks within not less than 10 feet of abutting and residential permitted uses or areas shall be landscaped with plantings to provide an adequate all-year screen.
- g. No retail sale of such fuels directly to the consumer shall be permitted on such premises.
- h. All sources of illumination shall be located and maintained to prevent direct rays being cast upon adjoining properties.
- i. Such facility shall meet all applicable requirements of the New York State Department of Environmental Conservation.
- j. Such facility shall meet all applicable requirements of the Syracuse Fire Prevention Code.

(4) Indoor Recycling Center

Outside storage shall be prohibited.

(5) Junk Yards and Scrap Metal Processing

- a. All junk yards shall be located at least ten feet from the street line and shall be surrounded by a wooden fence eight feet in height above the level of the sidewalk or by a similar fence of other opaque material. Any new building constructed and to be used in conjunction with the operation of a junk yard shall be a masonry building or building approved by the Syracuse Fire Department. Any existing building, excluding wood or wood frame buildings, may be used in connection with the operation of a junk yard, provided such structure is approved by the Syracuse Fire Department as being equivalent in fire resistivity as an enclosed masonry building.
- b. All scrap metal processing operations and related storage areas and accessory parking and loading spaces and platforms for railroad freight cars shall be maintained or conducted substantially within an enclosed eight-foot fence or hedge of material approved by the City Planning Commission, which fence or hedge shall be situated a minimum distance of 50 feet from the lot lines of the subject property. The required 50-foot buffer shall be open and unoccupied except for driveways, railroad tracks and sidings, and shall be suitably landscaped.
- c. All buildings located on the premises of any junk yard or scrap metal processing operation shall be maintained in a neat and orderly condition.
- d. All materials located within such buildings or setbacks shall be arranged so that reasonable inspection of or access to all parts of the premises can be had at any time by the proper fire, health, police and building authorities.
- e. All gasoline, oil or other flammable liquids shall be drained and removed from any scrap metal or discarded article located within said buildings or setbacks.

(6) Manufacturing, Artisan

- a. Activities shall not involve the creation of noxious byproducts.
- b. No outdoor storage of goods and materials shall be permitted; all storage shall be indoors.

(7) Manufacturing, General

- a. Such establishments shall not engage in the manufacture or compounding process of raw materials, which has the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors.
- b. Any activity that includes the storage of large volumes of highly flammable, toxic matter, or explosive materials needed for any manufacturing process shall require a special use permit. Such activities include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.