

APPENDIX K

**CITY OF ROME ZONING USE
REGULATIONS**

APPENDIX A

ZONING*

Article I. Title and Definitions

- Sec. 1. Title.
- Sec. 2. Definitions.

Article II. Establishment of Districts

- Sec. 3. Districts established.
- Sec. 4. Zoning maps.
- Sec. 5. Planned development districts.
- Sec. 6. Location of boundaries.

Article III. Use Regulations

- Sec. 7. R-20 residence districts.
- Sec. 7.1. F-1 agricultural districts.
- Sec. 7.2. F-2 agricultural and open space districts.
- Sec. 8. R-10 and R-7 residence districts.
- Sec. 9. R-5 residence districts.
- Sec. 10. R-G residence districts.
- Sec. 10.1. R-A residence districts.
- Sec. 10.2. C-R commercial-residential transition district.
- Sec. 11. C-1 neighborhood commercial districts.
- Sec. 12. C-2 and C-3 general commercial districts.
- Sec. 13. C-4 central business district.
- Sec. 14. M-1 light manufacturing districts.
- Sec. 15. M-2 general manufacturing districts.
- Sec. 16. A-A airport approach districts.
- Sec. 17. A airport districts.
- Sec. 18. S-S scrap and salvage districts.
- Sec. 19. P-1 civic center district.
- Sec. 20. Planned districts.
- Sec. 20-A. C-P planned commercial districts.
- Sec. 21. M-P planned manufacturing districts.
- Sec. 22. R-P planned recreational districts.
- Sec. 23. D-P planned development districts.

***Editor's note**—Printed herein is the zoning ordinance of the City of Rome, as adopted by Ordinance Number 2953 on June 19, 1963. Amendments to Ordinance Number 2953 are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Charter reference—General city powers and powers of council, § 25.

Cross references—Any ordinance regarding land use, zoning, or adopting an official zoning map of the city or zoning or rezoning specific property saved from repeal, § 1-9(13); buildings and building regulations, ch. 14; environment, ch. 26; mobile homes and parks, ch. 38; streets, sidewalks and other public places, ch. 58; subdivisions, ch. 62.

State law references—Authority of city to regulate height, bulk, location of buildings, and to determine areas of open spaces, General City Law, § 20(24); authority to regulate location of trades and industries and buildings designed for special uses, General City Law, § 20(25); provisions as to board of appeals, amendments, alteration and changes in district lines, and exemption of lots, General City Law, §§ 81—83-a.

ROME CITY CODE

Article IV. Lot Area, Lot Width, Front Yards, Side Yards, Rear Yards, Building Coverage and Building Height

- Sec. 24. Regulations in schedule I.
- Sec. 25. Height and location of accessory buildings.
- Sec. 26. Dwelling units in commercial or manufacturing districts.

Article V. Supplementary Regulations

- [Sec. 26.1. Scope of article.]
- Sec. 27. Lots of less than required dimensions.
- Sec. 28. Garage for adjoining lots.
- Sec. 29. Height exceptions.
- Sec. 30. Visibility at intersections.
- Sec. 31. Lots in two districts.
- Sec. 32. Projecting architectural features, terraces, porches, fire escapes.
- Sec. 33. Corner lots.
- Sec. 34. Reduction of lot area.
- Sec. 35. Front yard exceptions.
- Sec. 36. Transition yard requirements.
- Sec. 37. Commercial excavation.
- Sec. 38. Walls, fences and planting.
- Sec. 39. Yards applicable to only one building.
- Sec. 40. Changes in zoning at time of plat approval.
- Sec. 41. Automobile parking.
- Sec. 42. Public parking lots.
- Sec. 43. Group housing.

Article VI. Nonconforming Uses

- Sec. 44. Continuation.
- Sec. 45. Nonconforming use of land.
- Sec. 46. Nonconforming use of buildings.
- Sec. 47. Discontinuance.

Article VII. Administration

- Sec. 48. Enforcement officer.
- Sec. 49. Zoning permit.
- Sec. 50. Certificate of occupancy.
- Sec. 51. Violations and penalties.

Article VIII. Board of Appeals

- Sec. 52. Appointment of board.
- Sec. 53. Organization of board.
- Sec. 54. Meetings of board.
- Sec. 55. Appeals to the board.
- Sec. 56. Powers of the board.
- Sec. 57. Decisions of the board.
- Sec. 58. Reports by the board.

Article IX. Amendments

- Sec. 59. Amendments, how initiated; zone change application fee.
- Sec. 60. Referral of proposed amendments to the planning board.
- Sec. 61. Hearing on proposed amendment.
- Sec. 62. Protest petition.
- Sec. 63. Comprehensive review of ordinance.

APPENDIX A—ZONING

Article X. Miscellaneous

- Sec. 64. Interpretation.
- Sec. 65. Severability.
- Sec. 66. Existing zoning ordinance repealed.
- Sec. 67. Effective date.

Article XI. Performance Standards

- Sec. 68. General application.
- Sec. 69. Performance standards procedure.
- Sec. 70. Regulation of nuisance elements.
- Sec. 71. Standards to be enforced.

Article XII. Historic and Scenic Preservation Commission Regulations

- Sec. 72. Purpose.
- Sec. 73. Combining zones.
- Sec. 73.1. Allocation of powers to the planning department and planning board in regard to the historic district.
- Sec. 73.2. Classification of properties within the historic district.
- Sec. 73.3. Reserved.
- Sec. 74. Certification of approval for the alteration, demolition or new construction affecting historic districts or landmarks.
- Sec. 75. Application procedures.
- Sec. 76. Criteria for approval of a certificate of approval.
- Sec. 77. Decisions of the planning department.
- Sec. 77.1. Hardship criteria.
- Sec. 77.2. Hardship application procedure.
- Sec. 78. Appellate review.
- Sec. 79. Maintenance and repair required.
- Sec. 80. Enforcement.
- Sec. 80.1. Signs.

Article XIII. Flood Damage Protection

- Sec. 81. Statutory authorization and purpose.
- Sec. 82. Definitions.
- Sec. 83. General provisions.
- Sec. 84. Administration.
- Sec. 85. Construction standards.
- Sec. 86. Variance procedure.
- Secs. 87—100. Reserved.

Article XIV. Regulation of Signs

- Sec. 101. Purpose and intent of sign regulation.
- Sec. 102. General regulations.
- Sec. 103. Signs permitted in all districts.
- Sec. 104. Business signs.
- Sec. 105. Advertising signs.
- Sec. 106. Temporary signs.
- Sec. 107. Permit requirement.
- Sec. 108. Fees.
- Sec. 109. Historic and scenic preservation commission approval.
- Sec. 110. Unsafe signs and signs not in use.
- Sec. 111. Signs for nonconforming uses.
- Sec. 112. Enforcement of sign regulations.
- Secs. 113, 114. Reserved.

ROME CITY CODE

Article XV. Adult Entertainment Businesses

- Sec. 115. Purpose.
- Sec. 116. Adult entertainment restrictions.
- Sec. 117. Definitions.
- Sec. 118. Violations.
- Sec. 119. Exceptions.
- Sec. 120. Severability.

Article XVI. Communications Facilities

- Sec. 121. Legislative intent.
- Sec. 122. Definitions.
- Sec. 123. Approvals required for telecommunications facilities.
- Sec. 124. Standards for site plan review.
- Sec. 125. Application materials and supporting documentation for site plan review.
- Sec. 126. Standards for expanded site plan review.
- Sec. 127. Application materials and supporting documentation for expanded site-plan review.
- Sec. 128. Technical consultants.
- Sec. 129. Procedural requirements.
- Sec. 130. Future review.
- Sec. 131. Exemptions.
- Sec. 132. Effect of law on existing telecommunications facilities.

ARTICLE I. TITLE AND DEFINITIONS

Sec. 1. Title.

This ordinance shall be known and may be cited as "The Zoning Ordinance of The City of Rome."

Sec. 2. Definitions.

For the purpose of this ordinance certain words and terms used herein are defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural, and the plural the singular. The word "lot" includes the words "plot and parcel." The word "building" includes the word "structure." The word "used" shall be deemed also to include "designed, intended or arranged to be used." The word "shall" is mandatory and not directory.

Alley. A public way which affords generally a secondary means of vehicular access to abutting property.

Area, building. Total of areas taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

Area of special flood hazard: Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood: Flood having a one percent chance of being equalled or exceeded in any given year.

Basement. A story partly below grade and having at least half of its clear floor-to-ceiling height above the average grade of the adjoining ground.

Building. Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

Building coverage. That percentage of the lot area covered by the building area.

Building, height of. The vertical distance measured from the established grade at the curb; or if no grade has been officially established at the curb, measured from the average level of the finished ground surface across the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building or use, accessory. A building or use subordinate or supplemental to the main building or use on the same lot.

Cellar: An area wholly or partly below grade and having less than half of its clear floor-to-ceiling height above the average grade of the adjoining ground.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavations or drilling operations located within the area of special flood hazard.

Dwelling, multifamily: A building, or portion thereof, containing three or more dwelling units.

Dwelling, one-family: A building designed for and occupied exclusively by one family.

Dwelling, two-family: A building designed for and occupied exclusively by two families.

Dwelling unit: A building, or portion thereof, providing complete housekeeping facilities for one family.

Family: Shall be defined as:

- (1) One or more persons, whether or not related to each other by blood, marriage or adoption, all living together as a single housekeeping unit, so long as such persons together occupy and own, lease or rent the whole of a dwelling unit and use all rooms and living areas in common.
- (2) Any such number of persons shall not be deemed to constitute a family if (a) any one of such persons may not have lawful access to all rooms or living areas of the dwelling unit or (b) if any one or more of

such persons lease or rent any separate rooms or living areas of such dwelling unit from any other person.

- (3) It shall be presumed that a dwelling unit is occupied by more than one family if any two or more of the following features may be found to exist by the code enforcement officer:
- (a) More than one mailbox, mail slot or post office address;
 - (b) More than one doorbell or doorway on the same side of the dwelling unit;
 - (c) More than one electric meter;
 - (d) More than one gas meter;
 - (e) More than one connecting line for cable television;
 - (f) Separate entrances for segregated portions of the separate rooms or living areas of the dwelling unit;
 - (g) Locked internal doors barring access between segregated rooms or living areas of the dwelling unit, including bedrooms;
 - (h) Separate written or oral leases or rental agreements for separate rooms or living areas of the dwelling unit among its owners and residents;
 - (i) Two or more kitchens, each of which contain a range or oven, refrigerator and sink.
- (4) The presumption provided for in this paragraph shall be rebuttable. Such presumption may be rebutted by proof that the dwelling unit is occupied by one family, including proof of the condition of the premises and/or proof of the relationship or living arrangements of the residents.
- (5) The code enforcement officer shall make the primary determination as to the application of this definition of family for the purposes of compliance with any provisions of this ordinance and the New York State Building Code, based upon his inspection of the premises, any information

he may receive from the residents thereof or any other person, or any written evidence as to the condition of the premises and/or the relationship and living arrangements of the residents. His determination shall be presumed to be correct and final, subject to review of or appeal to the zoning board of appeals and judicial review as provided by law.

Farm: A parcel or tract of land at least five acres in area which is used for the production or raising of agricultural products, livestock, poultry and dairy products, except where such production is an accessory and noncommercial garden to a principal residential use on the same lot.

Flashing sign: Any sign illuminated by artificial light that is not constant in intensity or color.

Flood or flooding: A general or temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of the inland or tidal waters;
- (b) The unusual and rapid accumulation of runoff or surface waters from any source.

Flood hazard boundary map (FHBM): Official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated zone A.

Flood insurance rate map (FIRM): Official map on which the Federal Insurance Administration has delineated both areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study: Official report in which the Federal Insurance Administration has provided flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

Floodway: Channel of a river or other watercourse and adjacent land areas that must be reversed in order to discharge the base flood without cumulatively increasing surface elevation more than one foot.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship buildings and ship repair facilities, but does not include longterm storage or related manufacturing facilities.

Garage, private: A roofed or partly enclosed building or structure arranged, designed or intended to be used for the parking or storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein and space therein for not more than one car is leased to a nonresident of the premises.

Garage, public: A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing or repair of motor vehicles, operated for gain.

Garage, storage: A building or part thereof, used only for the storage of vehicles for gain, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

Gasoline station: A building or premises used for or designed to be used primarily for the sale of gasoline or oil or other motor vehicle fuel and which may include incidental facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles.

Home occupation: Any personal or professional service customarily conducted entirely within a dwelling by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in which there is kept no stock in trade.

Hospital: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries. The term shall be deemed to include sanitarium and medical clinic.

Hotel: Any building or portion thereof containing ten or more rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purposes for compensation, whether the compensation be paid directly or indirectly.

Linear frontage: The occupied portion of any business establishment fronting on a public street;

the linear frontage on open space usage shall be determined by the primary use that fronts on public street and not its accessory uses.

Lot: A parcel of land considered as a unit, occupied or capable of being occupied by one building and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this ordinance.

Lot area: The total horizontal areas included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of lot area.

Lot corner: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

Lot depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot interior: A lot other than a corner lot.

Lot through: An interior lot having frontage on two approximately parallel or converging streets.

Lot width: The distance between side lot lines measured at right angles to the lot depth at a point from the front lot line equal to the front yard specified for the district.

Lowest floor: The lowest level of a building or structure, including a basement, cellar, crawl space, or garage of lowest enclosed area.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Motel: A building with or without party walls, or any group of buildings, used primarily for sheltering transient motorists, and any accessory uses such as restaurant or parking area.

Nonconforming use: A building, structure or lot occupied by a use at the time of enactment of this ordinance or any amendment which does not conform with the regulations of the district in which it is located.

Nursing or convalescent home: Any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

Parking space: An off-street space available for the parking of one motor vehicle and having an area of not less than 170 square feet, exclusive of passageways and driveways thereto, and having direct access to a street or alley.

Roominghouse: Any building or portion thereof containing more than two and less than ten rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purposes for compensation, whether the compensation be paid directly or indirectly. The term "roominghouse" shall be deemed to include lodginghouse and boardinghouse, but not tourist home or automobile court.

Scrap yard: A lot, and/or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles for the sale of parts.

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Sign, advertising: An advertising sign or billboard is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises.

Sign area: Net geometric area of a sign shall be computed by including angles, circles or semicircles of the display, including borders and solid

background, or building walls; only one face of a double-faced sign shall be considered in determining the sign area, provided both faces are parallel.

Sign, business: A business sign is a sign which directs attention to a business, commodity, service, entertainment or profession conducted upon the premises. A "for sale" or "to let" sign relating to the property on which it is displayed shall be deemed a business sign.

Sign, temporary: Any sign intended to be displayed for a limited period of time and not to be permanently affixed.

Stable, private: An accessory building in which one or more horses or ponies are kept for private use and not for hire, remuneration or sale.

Start of construction: Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, half: That portion of a building between a pitched roof and the uppermost full story, said part having a ceiling height of seven feet or more

for an area not exceeding one-half the floor area of said full story, and in which space not more than two-thirds of the floor area is finished off as rooms.

Street: A public or private thoroughfare which affords the principal means of access to abutting property.

Structural alteration: Any change in the supporting members of a building.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground and is of a permanent nature, as well as a mobile home.

Substantial improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Tourist home: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Used car lot: A business devoted to selling or buying automobiles and/or trucks which can be

driven off or on the premises under their own power and where no part of any vehicle is sold separately from the whole.

Yard: An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this ordinance.

Yard, front: An open, unoccupied space on the same lot with the building, between the front line of the building and the street or highway line, and extending the full width of the lot.

Yard, rear: An open, unoccupied space, except for accessory buildings, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.

Yard, side: An open, unoccupied space on the same lot with the building, situated between the building and the side lot line, and extending from the front yard to the rear yard.

(Ord. No. 3007, § 1, 9-18-63; Ord. No. 3139, 4-17-65; Ord. No. 4357, 10-11-78; Ord. No. 4422, § 1, 8-8-79; Ord. No. 4459, § 1, 12-26-79; Ord. No. 4945, 9-12-84; Ord. No. 6085, 8-26-87; L.L. No. 4-1998, 5-27-98)

ARTICLE II. ESTABLISHMENT OF DISTRICTS

Sec. 3. Districts established.

The City of Rome is hereby divided into the following types of zoning districts:

F-1	Agricultural districts
F-2	Agricultural and open space districts
R-20	Residence districts
R-10	Residence districts
R-7	Residence districts
R-5	Residence districts
R-G	Residence districts
R-A	Residence districts
C-1	Commercial districts
C-2	Commercial districts
C-3	Commercial districts
C-4	Central business district