

- (d) Manufacture or assembly of electrical appliances, electronic instruments or devices, precision measuring devices, surgical or dental instruments, musical instruments, rubber or metal stamps, toys or novelties.
- (e) Creamery or milk bottling plant.
- (f) Public utility station.
- (g) Business sign or other advertising device.
- (h) Accessory uses or structures customarily incidental to the above.

The following use shall be permitted subject to approval by the board of appeals, as provided in section 56:

- (a) Bulk storage of inflammable liquids. Such use shall comply with the relevant provisions of all state and local laws and regulations, and all storage and handling facilities upon the premises on which said use may be established and continued, [and] shall be distant not less than 400 feet from any residence district.

The following uses are expressly prohibited in any M-2 manufacturing district:

- (a) Any dwelling, school or institution for human care, unless incidental to a permitted use.
- (b) Acetylene gas manufacture, ammonia, bleaching powder, or chlorine manufacture; asphalt manufacture or refining.
- (c) Celluloid manufacture, treatment, or storage; coke ovens.
- (d) Fertilizer manufacture and bone grinding; fireworks or explosives manufacture or storage.
- (e) Gasoline, naphtha or petroleum refining; glue, or size, or gelatin manufacture.
- (f) Junk, scrap metal, automobile salvage and similar uses.
- (g) Rubber reclaiming plants; smelters or blast furnaces; tanning, curing or storage of rawhide skins.
- (h) And in general, any use similar to those enumerated above which would be injuri-

ous to the safety or welfare of the neighborhood by reason of smoke, odor, vibration, dirt, glare, noise, or danger of fire or explosion.

(Ord. No. 3070, 7-15-64)

#### Sec. 16. A-A airport approach districts.

In any A-A airport approach district no building shall be erected or extended and no land or building or part thereof shall be used for other than any of the following purposes:

- (a) One-family dwelling.
- (b) Farm, nursery, greenhouse, truck garden, dairy and similar agricultural uses, provided that no storage of manure or objectionable odor or dust-producing substances or use shall be permitted within 50 feet of any property line.
- (c) Cemetery.
- (d) Golf course.
- (e) Accessory building or use incidental to a permitted principal use.

#### Sec. 17. A airport districts.

This district is designed to fill the need for land devoted to airport uses.

In any A district, no building shall be erected or extended and no land or building or part thereof shall be used for other than any of the following purposes:

- (a) Normal airport operations shall be carried on within this zone including the landing and taking off of aircraft, the storage of aircraft, maintenance buildings, fuel storage structures, commercial and industrial buildings or facilities related to airport operations, the public facilities and buildings that do not interfere with the operation and maintenance and safety of aircraft and airport facilities.

(Ord. No. 3323, 6-21-67)

**Sec. 18. S-S scrap and salvage districts.**

In any S-S scrap and salvage district no building shall be erected or extended and no land or building or part thereof shall be used for other than any of the following purposes:

- (a) Automobile salvage yards, scrap yards, and any other uses similar in nature. (See City of Rome Scrap and Salvage Ordinance.)
- (b) Accessory uses or structures customarily incidental to the above.
- (c) Recreational uses, which the zoning board of appeals determines appropriate in character for a scrap and salvage district.

(Ord. No. 3999, 2-26-75)

**Sec. 19. P-1 civic center district.**

A P-1 civic center district may be created upon recommendation by the planning board and adoption by the common council. The following uses shall be permitted in such P-1 civic center district:

- (a) Public and semipublic uses, including a city hall, courthouse, park, police station, firehouse, municipal garage, library, museum, school, place of worship, place of public assembly, off-street parking, and similar uses.
- (b) Office buildings, including professional and business offices.
- (c) Club, lodge, social and recreation center buildings, except those in which the chief activity is a service customarily carried on as a business or primarily for gain.

**Sec. 20. Planned districts.***Purpose:*

The primary purpose of creating planned districts shall be to ensure that future development in the City of Rome may make provision in its initial design and site planning for the contributions it can make to its neighbors and to the city as a whole by maintaining or upgrading property values; employing good planning practices; taking cognizance of health and safety factors building

for permanency considering aesthetics as well as function. Planned districts shall insure the city and its citizens that sound planning has preceded development and that construction follows the plans.

The above purpose for creating planned districts [is] intended to include not only virgin lands for future residential, recreation, commercial and industrial development, but also where planning may be directed toward the reuse and redevelopment of the land as well as the development of vacant sites in built-up areas.

Planned districts may be established by amendment under the following procedures:

The planning board may, on its own initiative, recommend to the common council the setting aside of a planned district when it can be shown that the land is appropriate for such a purpose.

An individual application for establishment of a planned district shall be made to the city planning board. The planning board shall require the applicant to furnish such preliminary plans as may be required for an understanding of the proposed development and further, the planning board shall study:

- (1) The need for the proposed use in the proposed location.
- (2) The existing character of the neighborhood in which the use would be located.
- (3) The need for promoting an integrated site development plan for beneficial use of the site without adversely affecting neighborhood properties.

*Procedures to follow in establishing one of the four planned districts:*

Regulations set forth for the establishment of a planned district are as follows:

- (A) The requirements for lot area, lot widths, building coverage and building heights, as specified in schedule I and schedule II (as supplemented by the provisions of article V), shall be observed as general guidelines. Such requirements are minimum specifications and may be made

more restrictive in accordance with the policy set forth in the subsection B through G below. Less restrictive standards may be permitted by the planning board after consideration of an opinion of the city's professional planning staff.

- (B) The planning board may require such changes in said plans, drawings, elevations and specifications as are found to be necessary to meet the requirements of this ordinance. The board may make such additional requirements as are necessary to protect established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the municipality. In reaching its decision on the proposed development and changes, if any, in the preliminary plans, drawings, elevations and specifications, the planning board shall consider among other things, the following:
- (1) *Spacing between buildings and orientation of building groups:* A building group may not be so arranged that any permanently or temporarily inhabited building is inaccessible by emergency vehicles.
  - (2) *Circulation:*
    - (a) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste and illumination.
    - (b) Adequate amount and suitable location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking space and to separate pedestrian walks, malls, public transportation loading places from general vehicular circulation facilities.
    - (c) Arrangement of buildings, vehicular circulation and open spaces so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
  - (3) *Paving and drainage:* Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwaters, prevent erosion and formation of dust.
  - (4) *Signs and lighting:* Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent uses.
  - (5) *Planting and screening:* In nonresidential building groups abutting or within 100 feet of residential districts, fences, walls or yearround screen planting when necessary to shield adjacent residential districts from parking lot illumination, headlights, heat, blowing papers and dust, and to reduce the visual encroachment of commercial architecture, signs and activity on residential privacy and residential neighborhood characters.
  - (6) *Conformity with master plan:* The proposed development shall conform to the Rome Master Plan in terms of general location of uses whenever possible.
  - (7) *Justification for exception:* Exceptions which may be required from the strict application of this ordinance shall be solely for the purpose of promoting an integrated site plan no less beneficial to the occupants for such development, as well as of neighborhood properties, than would be obtained under the normal requirements of this ordinance.
- (C) The planning board shall recommend approval, approval with modifications, or disapproval of such application as submitted or amended and shall report its decision to the common council within 45 days. If the applicant amends the application to conform with the planning board

recommendations, as reported to the common council, and refiles with the common council, the common council shall act upon the application without referring it back to the planning board.

- (D) The common council shall hold a public hearing on the proposal in accordance with the application or the amended application, with public notice, as provided by law as in the case of an amendment to the zoning ordinance.
- (E) The common council may then amend the zoning ordinance so as to define the boundaries of the planned districts. Such action shall have the effect only of rezoning the land to a planned district and does not permit development thereof.
- (F) No building permit shall be issued by the City of Rome, New York for the development of a planned district until the building inspector has been notified in writing by the planning board that it has reviewed and approved final plans for such development. Any amendment to a plan or changes in signs, uses or construction requiring a building permit, shall be reviewed and final plans approved by the planning board under the planned district procedure.
- (G) Expiration: In the event that the planning board has not approved the final plans and specifications for development in a planned development district within one year from the date when amendment to the zoning map by the common council became effective; or in the event that development authorized by the planning board in a planned development district has not been commenced and diligently prosecuted within one year from the date when the final plans and specifications were approved by the planning board; then and in that event the planned development district zoning shall automatically lapse and be null and void, and the land shall revert to the previous zoning district designation in effect prior to the amendment, except that the one-year lim-

itation provided above may, upon written application by the proponent or developer stating reasons or excuse for delay, be extended by the common council for such additional periods of time as it deems appropriate. Final plans and drawings for a specific planned district which are approved shall be filed with the code enforcement officer and shall become an official part of this zoning ordinance as it applies to the specific planned development. There shall be no deviation from these plans without the planning board's approval and an official revision made on those plans and drawings filed with the code enforcement officer. No occupancy permit shall be issued until the code enforcement officer certifies in writing that the development has been completed according to the final plans and drawings or as authorized by the planning board in a phased development.

(Ord. No. 3310, 5-17-67; Ord. No. 3464, 3-19-69)

#### **Sec. 20-A. C-P planned commercial districts.**

In any C-P planned commercial districts, no building shall be erected or extended and no land or building or part thereof shall be used for other than any use permitted, either as a matter of right or on approval by the board of appeals, in C-1 through C-4 commercial districts and those other uses necessary to achieve an integrated commercial development. Such planned commercial districts may be established by amendment under the procedure set forth in section 20.

(Ord. No. 3310, 5-17-67)

#### **Sec. 21. M-P planned manufacturing districts.**

The primary purpose of establishing M-P zoning districts is to provide suitable sites for industries which are looking for well-drained land, good accessibility to highways and railroads, freedom from encroachment of incompatible uses, and room for expansion, parking and functional operations.

In any M-P planned manufacturing district, no building shall be erected or extended and no land

or building or part thereof shall be used for other than a use permitted in M-1 or M-2 manufacturing districts and those other uses necessary to achieve an integrated manufacturing development.

Such planned manufacturing districts may be established by amendment under the procedure set forth in section 20.  
(Ord. No. 3310, 5-17-67)

### **Sec. 22. R-P planned recreational districts.**

The regulations for R-P planned recreational districts are intended to provide a means for the establishment of commercial (or private) recreational areas and/or amusement facilities planned as units, so located and designed as to provide an attractive addition to the city and contribute to the public's recreational needs.

In any R-P planned recreational district, no building or structure shall be erected or extended and no land or building or part thereof shall be used for other than recreational purposes as approved by the planning board. Such uses may include golf courses, driving ranges, miniature golf, swimming pools, amusement parks, children's play equipment, concession stands, skating rinks, picnic facilities, ballfields, horse racing, go-cart racing and similar racing sports and other such recreational uses as the planning board shall deem appropriate.

Such planned recreational districts may be established by amendment under the procedure set forth in section 20.

Guidelines for lot area, building setback, building heights, etc., shall not be established in this ordinance because of the nature of the uses involved; requirements shall be so determined by the planning board upon their review of the submitted preliminary plans and drawings.  
(Ord. No. 3310, 5-17-67)

### **Sec. 23. D-P planned development districts.**

It shall be the purpose of this section to provide the means by which future developments may be planned as complete packaged units containing residential, commercial or any other function which would contribute to the well-being of the overall

development, the adjacent area and the city. Such a diversity of land uses would be considered only if the planning board found that the area was adaptable to this type of development, after consideration of an opinion by the professional planning staff. The planning board shall consider conditions, such as soil, availability or adequacy of city facilities and utilities, adequate streets to handle the increased traffic loads and any other factors which would bear investigating.

Such planned development districts may be established by amendment under the procedure set forth in section 20.  
(Ord. No. 3310, 5-17-67)

## **ARTICLE IV. LOT AREA, LOT WIDTH, FRONT YARDS, SIDE YARDS, REAR YARDS, BUILDING COVERAGE AND BUILDING HEIGHT**

### **Sec. 24. Regulations in schedule I.**

Regulations governing lot area and lot width, front, side and rear yards, building coverage and building height are shown in schedule I. Schedule I is hereby made a part of this ordinance. The regulations appearing in schedule I are subject to the supplementary provisions of article V [sections 26.1 through 43].

### **Sec. 25. Height and location of accessory buildings.**

Accessory buildings shall not exceed 20 feet in height and shall not be located in any required front or side yard. Accessory buildings shall not be located nearer than five feet to any side or rear lot line. Accessory buildings shall not cover more than 30 percent of any required rear yard.

### **Sec. 26. Dwelling units in commercial or manufacturing districts.**

In any commercial or manufacturing district the requirements for lot area, lot width, side yards and rear yards as specified for dwellings in the R-G residence district shall apply to any commercial or manufacturing building in which one or more dwelling units are also located, and/or to any individual dwelling unit by itself. No such

open space shall be used for storage, automobile parking, accessory buildings, or other uses, but

shall be available and usable for outdoor recreational use and for household activities which are normally carried on outdoors.

SCHEDULE I.  
REGULATIONS AND GUIDELINES GOVERNING LOT AREA AND LOT WIDTH

<i>District</i>	<i>Dwelling</i>	<i>Minimum Lot Area</i>	<i>Other Uses</i>	<i>Minimum Lot Width</i>
R-20	40,000 square feet per one-family dwelling without public water or public sewer; 20,000 square feet with public water; 10,000 square feet with public water and sewer	20,000 square feet		40,000 square foot lots, 150 feet 20,000 square foot lots, 100 feet 10,000 square foot lots, 70 feet
F-1	1 acre	1 acre		100 feet for any use
F-2	3 acres	3 acres		175 feet
R-10	10,000 square feet	10,000 square feet		70 feet
R-7	7,000 square feet	7,000 square feet		60 feet
R-5	5,000 square feet for one-family dwelling; 7,000 square feet for two-family dwelling	5,000 square feet		50 feet for one-family dwelling; 60 feet for two-family dwelling; 50 feet for other uses
R-G	5,000 square feet for one-family dwelling; 1,000 square feet additional for each dwelling more than one	5,000 square feet		50 feet for one-family dwelling; 10 feet additional for each dwelling more than one; 50 feet for other uses
R-A	Same as R-5 for one- and two-family dwellings; 8,000 square feet for three- and four-family dwellings; 2,500 square feet per dwelling for multifamily dwellings	5,000 square feet		Same as R-5 for one- and two-family dwellings; 80 feet for three- and four-family dwellings; 100 feet for multifamily dwellings; 50 feet for other uses
C-1	Same as R-G	No requirement for business use; 5,000 square feet for other uses		Same as R-G for any dwelling
C-2	Same as C-1	Same as C-1		Same as C-1
C-3	Same as C-1	Same as C-1		Same as C-1
C-4	Same as C-1	Same as C-1		Same as C-1
M-1, M-2	Same as C-1	No requirement for industrial uses; 5,000 square feet for other uses		Same as C-1
A-A	5 acres	5 acres		200 feet
A	15 acres	15 acres		400 feet
P-1		5,000 square feet		50 feet

District	Dwelling	Minimum Lot Area	Other Uses	Minimum Lot Width
C-P	3 acres			200 feet
M-P	10 acres			500 feet

## REGULATIONS COVERING FRONT, SIDE AND REAR YARDS

District	Minimum Front Yard	Minimum Side Yard (two required)	Minimum Rear Yard
R-20	40,000 square foot lots: 40 feet 20,000 square foot lots: 40 feet 10,000 square foot lots: 25 feet	40 feet 20 feet 10 feet	60 feet 20 feet 30 feet
F-1	30 feet	15 feet	30 feet
F-2	50 feet	30 feet	50 feet
R-10	25 feet	10 feet	40 feet
R-7	25 feet	8 feet	30 feet
R-5	20 feet	8 feet	40 feet
R-G	20 feet	8 feet for one- and two-family dwellings, and one-half foot for each additional dwelling unit up to 25 feet; 10 feet for accessory uses. Not required for party walls of multifamily dwellings, but required as above provided for nonattached wall(s)	30 feet
R-A	20 feet	8 feet for one- and two-family dwellings, and one-half foot for each additional dwelling unit up to 25 feet; 10 feet for accessory uses. Not required for party walls of multifamily dwellings, but required as above provided for nonattached wall(s)	30 feet
C-1	20 feet	10 feet for commercial uses adjoining a residence, otherwise 5 feet minimum. Same as R-G for dwellings and other uses	10 feet
C-2	20 feet	10 feet for commercial uses adjoining a residence, otherwise none required, but 5 feet if a setback is provided. Same as R-G for dwellings and other uses	Same as C-1
C-3	125 feet for commercial uses; 20 feet for dwellings and other uses	10 feet for commercial uses adjoining a residence; otherwise 5 feet minimum, except 20 feet for commercial uses on corner lots. Same as R-G for other uses	30 feet
C-4	Not required for commercial uses. Same as R-G for dwellings and other uses	Not required for commercial uses, but 5 feet minimum if provided. Same as R-G for dwellings and other uses	10 feet
M-1	20 feet for manufacturing uses. Same as R-G for dwellings and other uses	10 feet for manufacturing uses. Same as R-G for dwellings and other uses	30 feet for manufacturing uses. Same as R-G for dwellings and other uses

<i>District</i>	<i>Minimum Front Yard</i>	<i>Minimum Side Yard (two required)</i>	<i>Minimum Rear Yard</i>
M-2	50 feet for manufacturing uses. Same as R-G for dwellings and other uses	25 feet for manufacturing uses. Same as R-G for dwellings and other uses	40 feet for manufacturing uses. Same as R-G for dwellings and other uses
A-A	40 feet	20 feet	60 feet
A	60 feet	60 feet	60 feet
S-S	60 feet from any adjoining dis- trict		
P-1	20 feet	10 feet	20 feet
C-P	60 feet	20 feet	60 feet
M-P	60 feet	20 feet	60 feet

## REGULATIONS COVERING BUILDING COVERAGE AND BUILDING HEIGHT

<i>District</i>	<i>Maximum Building Coverage</i>	<i>Maximum Building Height</i>
R-20	25%	35 feet
F-1	25%	35 feet (2 1/2 stories)
F-2	Development by planned districts only	
R-10	25%	35 feet
R-7	30%	35 feet
R-5	35%	35 feet
R-G	40%	45 feet
C-1	80% for commercial; 40% for dwellings and other uses	45 feet
C-2	Same as for C-1	45 feet
C-3	Same as for C-1	45 feet
C-4	Same as for C-1	65 feet
M-1, M-2	80% for commercial or manufacturing uses; 40% for dwellings and other uses	65 feet
A-A	10%	35 feet
A	Not applicable	Not applicable
S-S	40%	65 feet
P-1	40%	65 feet
C-P	40%	45 feet
M-P	40%	65 feet

(Ord. No. 3033, 12-18-63; Ord. No. 3070, 7-15-64; Ord. No. 3142, 4-21-65; Ord. No. 3310, 5-17-67; Ord. No. 3323, 6-21-67; Ord. No. 3839, 12-19-73; Ord. No. 4411, 5-23-79; Ord. No. 4740, 9-22-82)

SCHEDULE II.  
GUIDELINES FOR PLANNED DISTRICTS

<i>Permitted Principal Use</i>	<i>Maximum Dwelling Units Per Acre</i>	<i>Minimum Front Yard</i>	<i>Stories</i>	<i>Feet</i>	<i>Minimum Distance Between Structures Wall to Wall</i>		
					<i>Front to Front</i>	<i>End to End</i>	<i>Front to End</i>
One-family dwelling	5	30 feet	2½	35	40 feet	20 feet	30 feet
Two-family dwelling	10	30 feet	2½	35	40 feet	20 feet	30 feet
Multifamily, two-story	25	30 feet	2	35	40 feet	20 feet	30 feet
Multifamily, three-story	40	30 feet	3	45	40 feet	20 feet	30 feet

(Ord. No. 3310, 5-17-67)

**ARTICLE V. SUPPLEMENTARY  
REGULATIONS**

[Sec. 26.1. Scope of article.]

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as are provided in the following supplementary regulations.

**Sec. 27. Lots of less than required dimensions.**

After January 1, 1962, any lot with an area of a width less than that required in the district in which said lot is located may be used for any purpose permitted in the district provided:

- (a) All other regulations prescribed for the district shall be complied with; and
- (b) Said lot was held under separate ownership at the time of the adoption of this ordinance and the owner thereof owned no adjoining land which could be combined with said lot to meet the dimension required at the time of the adoption of this ordinance.

In the event that compliance with the yard and coverage requirements of the district would result in a structure of less than 575 square feet in area or in width less than 24 feet, the board of appeals

shall determine and fix yard and coverage requirements for said lot to permit its reasonable utilization for a permitted use.

If any lot with an area or width less than that required in its zoning district appears on a subdivision plot approved by the planning board and filed with the Oneida County Clerk before October 1, 1967, subject lot shall be exempt from the minimum requirements of schedule I and deemed to be in compliance with the dimensions required by this ordinance.

This exemption shall also apply to lots held by individual owners whether single or in contiguous combination so long as separately described by deed and purchased prior to passage of this ordinance.

(Ord. No. 3335, 8-16-67)

**Sec. 28. Garage for adjoining lots.**

Nothing in this ordinance shall prohibit the erection of a garage for the accommodation of private passenger vehicles across a common lot line by mutual agreement between adjoining property owners, either with or without a party wall.

**Sec. 29. Height exceptions.**

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; nor to chimneys, ventilators, skylights,

water tanks, and necessary mechanical appurtenances usually carried above the roof level; nor to flagpoles, monuments, transmission towers and cables, radio or television antennas or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve. The height of such features or structures shall be subject to the regulations of any ordinance, the purpose of which is to prevent or eliminate obstructions or hazards to the flight of civil or military aircraft.

**ec. 30. Visibility at intersections.**

On corner lots, except in districts where no front yard is required, no fence, wall, hedge or other structure or planting more than three feet ultimate height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersection street lines and a straight line joining said street lines at points which are 20 feet distant from the point of intersection, measured along said street lines.

**c. 31. Lots in two districts.**

Where a lot is divided by a district boundary at the time of adoption of said boundary line, the zoning board of appeals may permit the extension of the less restricted portion of such lot to extend not more than 25 feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

(Ord. No. 6556, 5-13-92)

Cross reference—Traffic and vehicles, ch. 70.

**. 32. Projecting architectural features, terraces, porches, fire escapes.**

In determining required yards the following shall be observed:

- 1) The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided such features shall not project more than two feet into any required yard.

- (b) A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets or other form of enclosure exceeding six feet in height.
- (c) In determining the percentage of building coverage or the size of yards for the purpose of this ordinance, enclosed porches, or porches open at the side but roofed, shall be considered part of the building.
- (d) An open fire escape may extend into any required yard not more than six feet provided that such fire escape shall not be closer than four feet at any point to any lot line.
- (e) Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six feet.

**Sec. 33. Corner lots.**

On a corner lot in any district in which a front yard is required, there shall be provided a yard on each street equal in depth to the required front yard on such streets. A rear yard shall be provided on each corner lot, and the owner shall have the privilege of electing which yard is the rear yard.

In planned commercial or planned manufacturing districts only, the required front yard setbacks shall apply for only that street on which the building faces provided that said buildings are at least 100 feet distant from the abutting intersection. The required minimum side yard setback shall be observed along the side street or a setback equal to that established by existing buildings on the side street and within the same block. (Ord. No. 3025, 10-31-63)

**Sec. 34. Reduction of lot area.**

Whenever a lot upon which stands a building is changed in size or shape so that the area and yard requirements of this ordinance are no longer complied with, such building shall not thereafter be used until it is altered, reconstructed or relo-