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**IN THE MATTER**

**Of**

**LOCAL LAW 2022-\_\_\_ AMENDING  
CHAPTER 155 OF THE MANLIUS TOWN  
CODE TO CREATE THE MIXED-USE  
OVERLAY DISTRICT**

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**RESOLUTION CALLING FOR  
A PUBLIC HEARING**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the \_\_\_\_<sup>th</sup> of \_\_\_\_\_, 2022, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

John T. Deer	Supervisor
Sara Bollinger	Councilor
Elaine Denton	Councilor
Alissa Italiano	Councilor
Katelyn M. Kriesel	Councilor
William Nicholson	Councilor
Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, there are several existing multi-level commercial and office use buildings in the Town that have expressed an interest in converting these existing structures into commercial and residential uses (“Mixed-Use”);

**WHEREAS**, Mixed-Use development have become a popular offering in communities that desire to create pedestrian friendly centers;

**WHEREAS**, the Town Board desires to consider the advantages of Mixed-Use developments in the Town;

**WHEREAS**, a Local Law has been introduced before the Board, to wit: Local Law No. 2022- \_\_\_\_, creating Chapter 29 of the Town Code entitled “Town Board” as follows:

**LOCAL LAW 2022-\_\_\_, A LOCAL LAW AMENDING  
CHAPTER 155 OF THE MANLIUS TOWN CODE TO  
CREATE THE MIXED-USE OVERLAY DISTRICT:**

**Be it enacted by the Town Board of the Town of Manlius, Onondaga County, New York as follows:**

Section 1. Article III (District Regulations) of the Manlius Town Code is amending to add the following Section 155-20.1:

**155-20.1 Mixed-Use Floating Overlay District.**

A. Purpose: The specific objectives of this Overlay Districts are to:

- (1) Encourage the adaptive reuse of aging office or commercial developments;
- (2) Achieve a compact pattern of development that encourages people to walk, ride a bicycle or use public transit;
- (3) Allow for a mix of uses, inclusive of residential, designed to attract pedestrians;
- (4) Provide a high level of amenities that creates a comfortable environment for pedestrians, bicyclists, and other users;
- (5) Provide sufficient density of employees, residents and recreational users to support public transit, while generating a relatively high percentage of trips serviceable by public transit;
- (6) Maintain an adequate level of parking appropriate to the use and integrate this use safely with pedestrians, bicyclists, and other users;

B. Applicability.

(1) The requirements of this chapter are applied after voluntary application to the Town Board requesting the application of such "Mixed-Use Overlay," and adoption by the Town Board and amendment of the Official Zoning Map of the Town of Manlius.

(2) The requirements of this chapter may only be applied, after all procedural requirements are met, to structures, uses and properties within the following zoning districts:

- (a) Residential Multiple-Use;
- (b) Commercial A;
- (c) Commercial B;
- (d) Neighborhood Shopping;

(3) Any property designated as a Mixed-Use Overlay District by the Town Board shall make application with the Town of Manlius Planning Board for Site Plan Review pursuant to Chapter § **155-28**.

(4) All requirements of the zoning district in which the structure, use or property is situate shall apply to all structures, uses or property within the Mixed-Use Overlay District except as same may be specifically modified in this chapter.

(5) Until all requirements of this chapter are followed including the amendment of the Official Zoning Map of the Town of Manlius as contemplated herein, the zoning district and its requirements pursuant to the Code of the Town of Manlius remain unchanged.

C. General overview.

(1) Mixed use is intended to provide a development where residential uses, accompanied by commercial or office uses, are integrated into a pedestrian-friendly development. Project amenities that address this objective include but are not limited to:

- (a) Sidewalks throughout the development, including walkways within parking lots.
- (b) Architectural street lighting and site furniture.
- (c) Consistent architectural theme throughout.
- (d) Extensive landscaped and green areas with feature areas for pedestrian and public use.

(e) Clustering of buildings which allow for large areas for walks, pathways and recreational areas, as well as connections to adjoining properties and nearby uses and facilities.

(2) Overall project density shall be based on the parameters described herein in consultation with the Planning Board prior to site plan and subdivision preparation.

(3) Portions of buildings designated and approved for commercial or office purposes shall not be used for dwelling purposes, and portions of buildings designated and approved for dwelling purposes shall not be used for commercial or office purposes.

(4) Dwelling units in any residential district shall not be converted or altered to allow other uses.

(a) This provision shall not be deemed to prohibit the use of a portion of the building or structure as living quarters for caretakers or attendants of places of worship or institutions where such uses are authorized in any zoning district.

(5) Street-level uses:

(a) One or more of the uses listed in this subsection are required at street level on all lots abutting streets shown on the Mixed-Use Overlay Map. The following uses, if permitted in the underlying zoning district, qualify as required street-level uses:

[1] General sales and service uses:

[a] Educational facility.

[b] Religious use.

[c] Business office.

[d] Day-care center.

[e] Finance/banks.

[f] Retail store.

[g] Animal day-care.

[h] Administrative and management services.

[2] Eating and drinking establishments:

[a] Cafe without drive-through facilities.

[b] Restaurant without drive-through facilities.

[3] Entertainment uses:

[a] Recreational and entertainment facilities, indoor.

D. Permitted structures and uses.

(1) Within all Mixed-Use Overlay districts, the following use is allowed above the ground floor:

(a) Dwelling, multifamily.

(b) \_\_\_\_\_

E. Lot area, yard and parking regulations.

(1) The conversion of existing office or commercial structures into a Mixed-Use Overlay District shall not affect or require any additional setback requirements.

(2) For new construction or any physical additions to existing structures, the underlying zoning dimensional requirement shall apply unless waived by the Planning Board based on findings and determinations made during the Site Plan approval process.

(3) Multi-family Residential: In addition to the parking required for an office or commercial used, 1.5 parking space per residential unit shall be required for residential units in the Mixed-Use Overlay District. Off-street parking facilities for one use will not be considered as providing required parking facilities for any other use except as permitted by the Planning Board.

(4) Multi-family Residential: For purposes of determining density for Multi-family residential units in the Mixed-Use Overlay District, the Residential 5 (R-5) requirements set forth in 155-11 E. (2) shall apply. The Planning Board shall have the authority to modify the density requirements for existing structures upon findings and determinations setting forth such modifications.

F. Design Guidelines These guidelines shall apply to Mixed Use development in the entire overlay district. Furthermore, these guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting, and design solutions. It is understood that buildings and structures may

not be able to comply with all of the following guidelines, but buildings and structures should comply if it is physically possible.

For projects in the Mixed-Use Overlay District, the following design guidelines shall be used by the Planning Board unless it makes specific findings that would except such guideline(s):

- (1) Residential space shall be placed on the upper floors, not on the first floor or street level.
- (2) Retail, restaurant, and other pedestrian friendly uses are encouraged on the ground floor.
- (3) Buildings on a corner lot should have a façade that relates to both streets and contains enhanced architectural features at the corner of the building.
- (4) Development projects located adjacent to a public park or waterbody, shall provide public access to such amenities whenever feasible.
- (5) Site lighting should be considered an integral element of the landscape design of a property. Lighting should facilitate safe and convenient circulation for pedestrians, bicyclists and motorists.
- (6) Outdoor seating/dining throughout the Mixed-Use Overlay District is encouraged.
- (7) All development should be designed to facilitate, accommodate, and encourage use by pedestrians.
- (8) All development should encourage the use of bicycles to and from the site through the installation of bike racks, or by other means as determined feasible.

G. Severability. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

## Section 2. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**WHEREAS**, the Town Board desires to hear from the public on Local Law 2022-\_\_ that would create a Mixed-Use Overlay District that could be applied to certain zoning districts in the Town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, shall hold a Public Hearing on said

proposed Local Law 2022-\_\_\_\_, and that such Hearing shall be held in persona and virtually on the Internet platform commonly referred to as ZOOM, directions for attendance which will be on the Town's Website and such hearing shall take place on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2022 at approximately 6:35 p.m. and be it further

**RESOLVED**, that the Town Clerk shall give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held and the instructions by which the public can access the virtual meeting, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing.

**I, ALLISON WEBER**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2022; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this \_\_\_ th day of \_\_\_\_\_, 2022.

**DATED:** \_\_\_\_\_, 2022  
**Fayetteville, New York**

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**Allison Weber**  
**Town Clerk of the Town of Manlius**  
**Onondaga County, New York**

