
IN THE MATTER

Of

**LOCAL LAW 2022-___ AMENDING
CHAPTER 155 OF THE TOWN CODE
SECTION 155-20 RESIDENTIAL
MULTIPLE-USE (RM) DISTRICTS TO
ALLOW FOR MIXED-USE DEVELOPMENT**

**RESOLUTION ENACTING
LOCAL LAW**

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 which was broadcast on the Town Facebook page and YouTube on the 28th of September 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, the Town Board has been approached by several developers that have inquired about including mixed-use projects in the Town;

WHEREAS, the mixed-use concept (projects, buildings or developments that allow commercial, residential and/or office in one location) is attractive to the Town Board because it furthers the goals of concentrated development that is convenient for residents and walkable, therefore reducing the need for car travel and the use of fossil fuels;

WHEREAS, the Residential Multiple Use Zoning District (“RM”) is the most appropriate zoning district to consider mixed-use projects;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2022- ____, amending Chapter 155 of the Town Code entitled “Zoning” as follows:

**LOCAL LAW 2022-___, A LOCAL LAW AMENDING
CHAPTER 155 ENTITLED “ZONING” TO INCLUDE
MIXED-USE DEVELOPMENT IN THE RESIDENTIAL
MIXED-USE ZONING DISTRICT:**

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

Section 1. Article III of Chapter 155 of the Town Code (District Regulations) shall be amended as follows:

§ 155-20 **Residential Multiple-Use Districts R-M.**

A. Purpose and intent. This district is designed to retain the existing residential character of established neighborhoods while permitting unobtrusive uses of a commercial nature which are to be regulated in such a manner as to maintain and preserve the residential character of adjacent areas as well as to provide a transition between residential areas and nonresidential areas. It is also the general purpose and intent of this zoning classification to encourage the preservation of historical structures while also encouraging mixed-use opportunities in the RM zone that will promote walkability, re-use and re-purposing of existing structures in the RM zone.

B. The following uses shall be permitted in a Residential Multiple-Use District R-M, provided that no major alterations in the exterior appearance of existing buildings shall be allowed, except in conformity with Subsection **H** hereof:

- (1) Any use permitted in a Residential District R-1 and subject to the same restrictions.

(2) Uses as set forth below and other uses of a substantially similar kind, upon approval of a combined site plan and accessory use permit (requiring the fee for site plan only) pursuant to Article IV, §§ 155-28 and 155-29, provided that such uses, or mixed uses, are confined to buildings existing on the effective date of this amendment:

- (a) Artisan, maker.
- (b) Congregate-care services.
- (c) Farmer's market.
- (d) Gathering places.
- (e) Professional offices.
- (f) Personal services establishments.
- (g) Retail sales.
- (h) Apartments for residential use.

(3) Uses as set forth below and other uses of a substantially similar kind, upon approval of a combined site plan and Special Permit (requiring the fee for site plan only) pursuant to Article IV, §§ 155-27 and 155-28, provided that such uses, or mixed uses, are confined to buildings existing on the effective date of this amendment:

- (a) Restaurants, including coffee houses, fast casual and fine dining but not including fast food.
- (b) Bakery.
- (c) Indoor entertainment facilities.

C. Uses involving drive-throughs are expressly excluded from the Residential Multiple-Use District R-M.

D. Area and dimensional requirements. All buildings, structures or uses properly permitted at the time this amendment is effective shall be deemed legal nonconforming structures and uses as set forth in Article V of this chapter. All buildings or structures hereafter erected or structurally altered shall meet the following area and dimensional requirements:

(1) The front yard shall have a minimum depth of 40 feet, side yards of 20 feet and rear yard depth of 40 feet. No portion of any building shall be located on any front, side or rear yard.

(2) The minimum road frontage requirement is 150 feet, and the minimum lot size is 40,000 square feet.

(3) Public sanitary sewer service is required.

(4) For vacant lots with less than 150 feet in frontage on the effective date of this amendment, the twenty-foot minimum required for each side yard shall be reduced one foot for each 10 feet by which the lot fails to meet the minimum frontage requirement. No side yard shall be less than 10 feet.

E. Maximum lot coverage. For the purposes of this district, lot coverage shall include the service area of a lot used for parking or access to parking, such as driveways or aisles, sidewalks as well as buildings and structures. The maximum permitted coverage on a lot used as a single-family dwelling shall be 30%. For all other permitted uses, the maximum permitted coverage shall be 50%.

F. Parking. All uses permitted herein upon receipt of a combined site plan and accessory use permit shall provide parking spaces in accordance with §155-31 except apartments, which require two parking spaces for each apartment. Except for all legal nonconforming uses existing at the time this amendment is effective; parking shall be prohibited in the front yard.

[Amended 5-23-2012 by L.L. No. 2-2012]

G. The Town Planning Board, when reviewing an application for a combined site plan and accessory use permit or site plan and special permit approval in a Residential Multiple-Use District R-M, may permit signs in accordance with § **155-25** of this chapter.

H. All structures built subsequent to the effective date of this amendment and any major alterations in the exterior appearance of structures already in existence on the effective date of this amendment shall be subject to site plan review by the Town of Manlius Planning Board and shall be of a design and style that is compatible with the style and type of structures in the neighborhood.

I. Except for any legal nonconforming uses or buildings existing on the effective date of this amendment, no more than two permitted uses, as set forth in § **155-20B(2)** of this chapter, shall be allowed to occupy any structure or building of 1,000 square feet or less. In any structure or building of more than 1,000 square feet, the Planning Board is hereby authorized to grant permission to approve more than two allowed uses upon the granting of a combined site plan and accessory use permit for each additional new or different use proposed. It is the intention of the Town Board to require a combined accessory use and site plan permit approval for any new business, even if it is similar to the business it is replacing. In granting or denying such combined site plan and accessory use approval, the Planning Board shall first consider the purpose and intent, as set forth in § **155-20A** of this chapter, and then determine and find the following:

- (1) Whether multiple businesses will change the character of the area.
- (2) Intensity of use for each additional business in a structure or building will not adversely affect the operation of other businesses in the structure or building.
- (3) Whether one freestanding sign with multiple tenants displayed will adversely affect aesthetics or cause confusion to the public.
- (4) Whether the location and capacity for parking will accommodate any new or different use;
- (5) Whether the new or additional use will adversely affect ingress and egress;
- (6) Whether any aesthetic changes to the building or structure fit within the purpose and intent as described in § 155-20A of this chapter.

J. Any zoning district designated as Residential Transitional-District (RT), which was created by Local Law 2-2014 shall be considered to have been converted to Residential Mixed-Use.

Section 2. Article III of Chapter 155 of the Town Code (District Regulations) shall be amended to repeal the Residential Transitional District (RT) as follows :

~~§ 155-20.1 Residential Transitional District (RT).~~

~~[Added 8-13-2014 by L.L. No. 2-2014]~~

~~A. This district is designed to encourage continuance of the existing residential character of structures and dwellings in and nearby established neighborhoods and for reasons described hereinafter, within one formerly R-M zoned area in the Town (described at Exhibit "A")^H permitting only upon special use permit review, certain unobtrusive smaller scale uses of a commercial nature and which are to be regulated in such a manner and to as best as possible maintain and preserve the predominantly residential appearance and character of this and nearby areas as well as to provide a transition between wholly residential and nonresidential areas. It is also the general purpose and intent of this zoning classification to encourage the preservation of historical structures.~~

~~B. The following uses shall be permitted in a Residential Transitional (RT) District, provided that no major alterations in the exterior appearance of existing buildings shall be allowed, except in conformity with Subsection H hereof:~~

~~(1) Any use permitted in a Residential District R-1 and subject to the same restrictions. In the event that the property owner chooses to use the R-1 as a basis for uses and restrictions, the additional uses and restrictions set forth below shall only be allowed upon a finding by the Planning Board that such uses are compatible with a residential use and after the accessory use process, as set forth in Article IV, § 155-29, of this chapter.~~

~~(2) Uses as set forth below and other uses of a substantially similar kind, upon approval of a combined site plan and accessory use permit (requiring the fee for site plan only) pursuant to Article IV, §§ 155-28 and 155-29, provided that such uses are confined to buildings existing on the effective date of this amendment:~~

~~(a) Offices of religious and educational institutions.~~

~~(b) Offices of physicians, surgeons, dentists, lawyers, architects, engineers, planners, real estate agents, public stenographers, mailing service without presses, telephone answering services.~~

~~(c) Funeral homes.~~

~~(d) Day care center.~~

~~(e) Care home.~~

~~(f) Teaching of music, dance or other similar types of instruction when limited to five pupils at a time.~~

~~(g) Bed and breakfast accommodations.~~

~~(h) Dressmaker and/or tailoring.~~

~~(i) Decorator.~~

~~(j) Photographer.~~

~~(k) Art studio.~~

~~(l) Apartment(s) for residential use.~~

~~C. Uses involving the preparation of food, shoe repair shops, barbershops, beauty salons and similar uses shall only be permitted upon issuance of an accessory use permit pursuant to Article IV, § 155-29 and special use permit by the Town Board pursuant to § 155-27.~~

~~D. Area and dimensional requirements. All buildings, structures or uses properly permitted at the time this amendment is effective shall be deemed legal noneonforming structures and uses as set forth in Article V of this Chapter. All buildings or structures hereafter erected or structurally altered shall meet the following area and dimensional requirements:~~

~~(1) The front yard shall have a minimum depth of 40 feet, side yards of 20 feet and rear yard depth of 40 feet. No portion of any building shall be located on any front, side or rear yard.~~

~~(2) The minimum road frontage requirement is 150 feet, and the minimum lot size is 40,000 square feet. Public sanitary sewer service is required.~~

~~(3) For vacant lots with less than 150 feet in frontage on the effective date of this amendment, the twenty-foot minimum required for each side yard shall be reduced one foot for each 10 feet by which the lot fails to meet the minimum frontage requirement. No side yard shall be less than 10 feet.~~

~~E. Maximum lot coverage. For the purposes of this district, lot coverage shall include the service area of a lot used for parking or access to parking, such as driveways or aisles, as well as buildings and structures. The maximum permitted coverage on a lot used as a single-family dwelling shall be 30%. For all other permitted uses, the maximum permitted coverage shall be 35%.~~

~~F. Parking. All uses permitted herein upon receipt of a combined site plan and accessory use permit shall provide a minimum of one parking space for every 200 square feet of floor area for all uses except apartments, which require two parking spaces for every bedroom of an apartment. The Town Planning Board may require additional parking spaces whenever, in its judgment, additional spaces are warranted for the comfort, convenience, safety, health or welfare of the community. Except for all legal nonconforming uses existing at the time this amendment is effective, parking shall be prohibited in the front yard.~~

~~G. Signage. The Town Planning Board, when reviewing an application for a combined site plan and accessory use permit approval in a Residential Transitional (RT) District, may permit one sign, attached to the structure, having a maximum area of eight square feet. No other signs are permitted, excepting those permitted in § 155-25 of this chapter.~~

~~H. All structures built subsequent to the effective date of this § 155-20.1 and any major alterations in the exterior appearance of structures already in existence on the effective date of this amendment shall be subject to site plan review by the Town of Manlius Planning Board and shall be of a design and style that replicates a traditional single-family home in its exterior appearance and shall be compatible with the style and type of structures in the neighborhood.~~

~~I. Except for any legal nonconforming uses or buildings existing on the effective date of this amendment, no more than two permitted uses, as set forth in § 155-20.1B(2) of this chapter, shall be allowed to occupy any structure or building of 1,000 square feet or less. In any structure or building of more than 1,000 square feet, the Planning Board is hereby authorized to grant permission to approve more than two allowed uses upon the granting of a combined site plan and accessory use permit for each additional new or different use proposed. It is the intention of the Town Board to require a combined accessory use and site plan permit approval for any new business, even if it is similar to the business it is replacing. In granting or denying such combined site plan and accessory use approval, the Planning Board shall first consider the purpose and intent, as set forth in § 155-20.1A of this chapter, and then determine and find the following:~~

~~(1) Whether multiple businesses will change the character of the residential nature of the area;~~

~~(2) Intensity of use for each additional business in a structure or building will not adversely affect the operation of other businesses in the structure or building;~~

- ~~(3) Whether one freestanding sign with multiple tenants displayed will adversely affect aesthetics or cause confusion to the public;~~
- ~~(4) Whether the location and capacity for parking will accommodate any new or different use;~~
- ~~(5) Whether the new or additional use will adversely affect ingress and egress;~~
- ~~(6) Whether any aesthetic changes to the building or structure fit within the purpose and intent as described in § 155-20.1A of this chapter.~~

Section 3. Effective Date

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

WHEREAS, September 28, 2022 the Town Board held a public hearing on Local Law 2022-___ at which time the public was given the opportunity to speak for and against the Local Law;

WHEREAS, by resolution dated September 28, 2022, the Onondaga County Planning Board determined that Local Law 2022-___ would not have an inter-county wide impact and the Town Board is free to make its determination without a recommendation from SOCPA;

WHEREAS, the Town Board has determined that it desires to eliminate the repeal of the RT Zoning District at this point to investigate the impacts for repeal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, hereby enacts Local Law 2022-___, as amended by eliminating Section 2; and be it

FURTHER RESOLVED, that the Town Clerk shall file Local Law 2022 -___ with the NYS Secretary of State within 20 days of the adoption of this Local Law.

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 28th day of September 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 28th day of September, 2022.

DATED: September 28, 2022
Fayetteville, New York

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