
IN THE MATTER

Of

Local Law 2011-2

**RESOLUTION ENACTING
LOCAL LAW 2011-2**

**Amending Chapter 155 of the Code of the
Town of Manlius to amend Article III entitled
the District Regulations**

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, on the 9th day of November, 2011, at 7:00 p.m. The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

Edmond J. Theobald	Supervisor
Vincent Giordano	Councilor
David M. Marnell, Sr.	Councilor
Karen Green	Councilor
Nicolas J. Marzola	Councilor
Sandra Schepp	Councilor
John Loeffler.	Councilor

Absent:

The following resolution was moved, seconded and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit:

Local Law No. 2011-2, amending Article III of Chapter 155 (“District Regulations”) to

clarify certain allowed uses in the Residential Multiple-Use Districts R-M, the content of Local Law 2011-2 which is as follows:

**LOCAL LAW 2011-2, A LOCAL LAW AMENDING
CHAPTER 155, ARTICLE III “DISTRICT
REGULATIONS” OF THE CODE OF THE TOWN
OF MANLIUS:**

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

Section 1. That Chapter 155, Article III, entitled “District Regulations” of the Code of the Town of Manlius, as amended, is further 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, non-retail, 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.

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. 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 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 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 non-conforming 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 20 feet 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. 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 non-conforming uses existing at the time this amendment is effective, parking shall be prohibited in the front yard.

G. The Town Planning Board, when reviewing an application for a combined Site Plan and Accessory Use permit approval in a Residential Multiple-Use District R-M, 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 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 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 non-conforming uses or buildings existing on the effective date of this amendment, no more than two (2) permitted uses, as set forth in §155-20(B)(2) of this Chapter, shall be allowed to occupy any structure or building of 1,000 sq. ft. or less. In any structure or building of more than 1,000 sq. ft., the Planning Board is hereby authorized to grant permission to approve more than two (2) 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(A) of this Chapter and then determines and finds the following: (a) whether multiple businesses will change the character of the residential nature of the area; (b) 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; (c) whether one free standing sign with multiple tenants displayed will adversely affect aesthetics or cause confusion to the public; (d) whether the location and capacity for parking will accommodate any new or different use; (e) whether the new or additional use will adversely affect ingress and egress; (f) whether any aesthetic changes to the building or structure fit within the purpose and intent as described in §155-20(A) of this Chapter.

Section 2. That Chapter 155, Article IV, entitled “Special Regulations” of the Code of the Town of Manlius, as amended, is further amended as follows

§ 155-29. Accessory use permits; fees.

C.

(6) An accessory use may not exceed 25% of the total floor area of a residence, or 500 sq. ft., whichever is less, except that in the R-M zone this restriction shall not apply.

Section 3. This Local Law shall take effect upon filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

WHEREAS, the Town Board of the Town of Manlius, County of Onondaga, State of New York, held a Public Hearing on the matter of the adoption of the aforesaid Local Law, and that such Public Hearing was held at the Town Hall of the Town of Manlius, located at 301 Brooklea Drive, Fayetteville, New York, on the 12th day of October, 2011, at 7:05 p.m. and all persons in interest and citizens desiring to be heard had an opportunity to be heard;

WHEREAS, the Town Board hereby finds that the changes to the existing law related to RM Zoning constitute an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”) and that the Town Board is the Lead Agency for this Action;

WHEREAS, after review the environmental impact of the proposed changes in Local Law 2011-2, the Board finds, determines and Resolves that proposed Local Law 2011-2 will not have a significant environmental impact on the Town for the following reasons: (1) the changes to existing law are minimal in that more than one business are currently allowed in any structure in the RM zone; and (2) any new business in a structure will require combined Site Plan and Accessory Use permit approval by the Planning Board, which is required to make certain findings that the new business will not adversely affect the neighborhood under Section 155-20(I) of Local Law 2011-2;

WHEREAS, the foregoing paragraph shall serve as the issuance of a negative declaration by the Town Board under SEQRA;

WHEREAS, the Town Board finds that the change in the zoning law, as set forth herein, clarifies certain provisions of the law that heretofore were ambiguous; and

WHEREAS, the Town Board further finds that Local Law 2011-2, as proposed, appropriately balances the desire to encourage low intensity business/office growth in transitional areas while maintaining a residential appearance; and

WHEREAS, it is the desire of the Town Board to implement regulations which are in the best interest of the individual property owner and the Town residents at large;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Manlius hereby enacts Local Law No. 2011-2 as set out above.

And be it further,

RESOLVED AND ORDERED, that said Local Law shall be in full force and effect as provided by law upon the filing of this Local Law with the Secretary of State.

I, ALLISON A. EDSALL, 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 9th day of November, 2011; 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 HEREBY 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 9th day of November, 2011.

DATED: November 9, 2011
Fayetteville, New York

ALLISON A. EDSALL
Town Clerk of the Town of
Manlius
Onondaga County, New York