

**LOCAL LAW NO. 2 of 2022**

**A LOCAL LAW TO AMEND AND REVISE  
CERTAIN PROVISIONS OF CHAPTER 300 OF THE  
MUNICIPAL CODE OF THE CITY OF ONEONTA, NEW YORK**

**BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF ONEONTA, NEW YORK AS FOLLOWS:**

**SECTION 1:** Section 300-4, “Definitions” of the City of Oneonta Municipal Code is hereby repealed in its entirety and replaced with the following:

**ABANDON**

To discontinue a use.

**ACTIVATION**

The articulation of a facade to contribute to a pedestrian-friendly public realm.

**ADDITION**

Any construction that increases the size of a structure in terms of site coverage, height, or floor area.

**ADULT**

Any person 18 years of age or older.

**ADULT USE**

A sexually explicit business which features live performances or graphic depictions, such as but not limited to print or film, of persons appearing in a state of nudity and/or engaging in sexual activities. See also Chapter 58, Adult Uses.

**ALLEY**

A vehicular drive located, typically, to the rear of lots which provide access to service areas, parking, ancillary structures, or containing utility easements.

**ALTER**

To change, rearrange, enlarge or decrease the structural parts or size or the exit facilities of a structure or to move a building from one location or position to another.

**ANIMAL HOSPITAL**

A facility providing animal medical care, run by a licensed doctor of veterinary medicine (DVM). Animal hospitals allow overnight animal patients and may be boarding facilities as a secondary use.

**ANTENNA**

A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include cellular, paging and personal communication services (PCS).

**APARTMENT**

A room or suite of two or more rooms designed or used solely as a residence in a building not used as a dormitory, hotel, rooming house or boardinghouse.

## APARTMENT BUILDING

See "dwelling, multifamily"

## APARTMENT COMPLEX

Two or more multifamily dwellings detached and grouped together on a single parcel, and including accessory uses.

## APPEAL

A means for obtaining review of a decision, determination, order, or failure to act.

## APPLICANT

A property owner, a person holding an option or contract to purchase a property, or any other person authorized in writing to act for such persons, who applies under the provisions of this Code.

## ARCADE

A private frontage for retail use wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade at the sidewalk level remains at the frontage line.

## ARTICULATION

The elements in the massing of a building, which establish character and visual interest.

## AVERAGE GRADE

The mean ground level at the four principal corners of the subject structure, or as determined by the Code Enforcement Officer in the case of an irregularly shaped structure footprint on in relation to fences, buffers, landscaping or other nonstructural site elements.

## AWNING

An ornamental roof-like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

## BACKLIGHT

For an exterior luminaire, lumens emitted in the quarter sphere below, horizontal, and in the opposite direction of the intended orientation of the luminaire.

## BAR

An establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption as permitted by the New York State Liquor Authority. The incidental sale or provision of food or snacks shall not entitle such a use to be considered a restaurant under other provisions of this Code. Synonyms include: tavern; saloon; barroom; pub; watering hole; drinking hole; gin mill; taproom.

## BASEMENT

That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

## BED-AND-BREAKFAST

An owner-occupied residence which is rented to transient, paying customers, for a period of four or fewer continuous days, with no more than five guest rooms, each with a maximum occupancy

of two persons per room, and without cooking facilities in guest-occupied rooms. All bed-and-breakfasts are subject to regulations found in §300-33.

#### **BELT COURSE**

A design element aligned horizontally along a building wall, typically a continuous row or layer of stones, tiles, bricks, shingles, or similar materials. Also called a string course or band course.

#### **BERM**

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

#### **BLOCK**

All contiguous lots, passages, and alleys, bounded by thoroughfares, railroad rights-of-way, water bodies, or public parks.

#### **BOOKING SERVICE**

Any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an owner or business entity and a prospective tourist or transient user, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

#### **BOARDINGHOUSE**

See "rooming house"

#### **BUFFER**

A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features. Buffer areas are subject to the regulations found in §300-52.

#### **BUILDING**

A structure, wholly or partially enclosed within exterior walls and a roof or within exterior and party walls and a roof.

#### **BUILDING, ACCESSORY**

A subordinate building, the use of which is incidental to that of the main building and located on the same parcel. Examples of such structures include sheds, residential garages, or greenhouses.

#### **BUILDING AREA**

The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

#### **BUILDING FRONTAGE**

The width of a building facing a street or public parking lot; in the case of a corner lot, both streets are considered frontage.

#### **BUILDING HEIGHT**

The vertical dimension measured from the average elevation of the finished grade adjoining the exterior walls of a building to the highest point of the roof for flat roofs, to the deck-line of a

mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

#### **BUILDING TO ZONE**

A build-to zone is the area on a lot, measured parallel from the front and/or corner side lot line, where a structure must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.

#### **BUILDING, MIXED-USE**

Multistory building which includes both residential and commercial uses, integrated in a compatible fashion. A typical mixed-use structure would have retail, services or offices on the first floor and offices, residences, and/or studios on the upper floors.

#### **BUILDING, NONCONFORMING**

See "use, nonconforming"

#### **BUILDING, OFFICE**

A building that is divided into offices, either single or suites, for the transaction of business other than retail or manufacturing.

#### **BUILDING PERMIT**

A permit issued by the Code Enforcement Officer stating that the proposed use of a building, or of a lot, lots, or portions of a lot, conforms with the uses permitted and all other requirements under this chapter for the district in which it is located, and stating that all construction, relocation or extension of buildings are in compliance with the provisions of this chapter, §1203.3(b) of the New York State Uniform Code, and with the New York State Fire and Building Code and other regulations.

#### **BUILDING, PRINCIPAL**

A building utilized for the primary use of the parcel. Principal buildings are subject to the regulations found in §300-49. See also primary structure.

#### **BUILDING, PUBLIC**

Any building or structure used for municipal, civic, ecclesiastical, recreational or other purposes not used for private enterprise.

#### **BUILDING SITE**

That portion of the lot upon which a building is to be placed or already exists, including adequate areas for sewage disposal, clearances, proper drainage, appropriate easements, and, if applicable, the requirements of other chapters of the Code of the City of Oneonta.

#### **BULK AND USE REGULATIONS**

The maximum size of a building and its location on a lot as defined by density and dimension standards viewed as appropriate for the specific zoning district. Bulk and use regulations are included in §§300-92 through 300-101 for each district established in the City of Oneonta.

#### **BY RIGHT**

The characterization of a proposal or component of a proposal as being in compliance with this Code, and which may be processed administratively, without public hearing.

## CABARET

See "nightclub"

## CALIPER

The diameter of a tree trunk as measured six inches above the root collar, which is at the base of the tree where the tree's roots join the trunk.

## CANDLE POWER

The unit for measuring the maximum intensity of light energy emitted by a directional lamp.

## CANOPY

See "awning"

## CARE HOME

See "residential care facility"

## CAR WASH FACILITY

A business with a tunnel and/or bay-type structure designed primarily for the washing and/or cleaning of motor vehicles, either on an assembly-line basis or utilizing manual labor.

## CELLAR

A story partly underground and having 1/2 or more of its clear height below finished grade. A cellar shall not be counted as a story in determining the building height.

## CELLULAR TOWER

See "telecommunications facility"

## CEMETERY

Property used for the interring of the dead.

## CENTERLINE

The center of a right-of-way.

## CERTIFICATE OF OCCUPANCY

A document issued by the Code Enforcement Officer signifying that a parcel of land is being used in a lawful manner with respect to the provisions of this chapter and in accordance with §1203.3(c) of the New York State Uniform Code.

## CERTIFICATE OF SUBSTANTIAL COMPLIANCE

A document issued by the Code Enforcement Officer signifying that a rental property is being used in a lawful manner with respect to all applicable codes.

## CHANGE OF USE

A change in the purpose or function of a structure or land from one use to another.

## CHURCH

See "place of worship."

## CITY

The City of Oneonta, New York.

## CITY ENGINEER

The duly appointed City Engineer or person duly acting as such.

#### CLUB, MEMBERSHIP

An organization catering to members and their guests for recreational, athletic or social purposes.

#### CLUB, PRIVATE

A nonprofit social organization whose premises are restricted to its members and their guests.

#### COLLEGE

An institution of higher education which may or may not be part of a larger university. Includes all accessory uses.

#### CO-LOCATION

See "telecommunications co-location"

#### COMMON WALL

A wall shared by more than one building at the interior side or rear lot line. Also called a party wall.

#### COMPREHENSIVE PLAN

A plan approved by the Common Council, which indicates the general locations recommended for the various functional classes of public work, places and structures and for the general physical development of the City, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

#### CONDOMINIUM

A condominium, or condo, is the form of housing tenure and other real property where a specified part of a piece of real estate (usually of an apartment house) is individually owned while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with the individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.

#### CONTIGUOUS

To share a common lot line or zone boundary without being separated by a right-of way.

#### CONTRACTOR'S YARD

An enclosed parcel of land, structure(s) or a combination thereof used for the storage of machinery, equipment and nonhazardous materials required for construction.

#### CONVENIENCE STORE

Small commercial establishment specializing in the sale of self-service gasoline and articles such as food products, over-the-counter drugs, tobacco products, magazines, candy, beverages and similar convenience items.

#### CONVENTION CENTER

A large civic building or group of buildings designed for conventions, trade shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

#### CORNICE

A projection aligned horizontally along and crowning a building wall, door, window, or other opening in the building wall.

## COURT

An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

## CUL-DE-SAC

See "dead-end street"

## CULTURAL USE FACILITY OR MUSEUM

Any building, room or area with a minimum area of 400 square feet and designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, historic, academic or scientific material.

## CURB LEVEL

The mean street grade established by municipal code or, in the absence of an established grade, the mean level of the existing curb or of the lot at the street line.

## CURBLINE

A line formed by the face of the existing curb or, in its absence, the outer edge of the shoulder, along which curbing is or may be located. The curblines is the boundary between the vehicular way and pedestrian way, if separated.

## DAY-CARE CENTER

A place other than an occupied family residence, providing care for children during the day in keeping with the laws of the State of New York.

## DEAD-END STREET

A street or portion of a street with only one vehicular traffic outlet.

## DEED OR TRACT RESTRICTIONS

Legal language recorded in an instrument in the chain of title for a lot, which describes, specifically, limitations or restrictions on the use of the property.

## DENSITY

The required land area for each dwelling unit (DU) within a given parcel of land, such as a minimum density of 2,000 square feet of land area for each dwelling unit.

## DENSITY LIMIT RESTRICTIONS

A regulation used to determine the measure of the quantity of a particular use allowed at a particular location.

## DEVELOPMENT

Any man-made change to improved or unimproved real estate.

## DIAMETER AT BREAST HEIGHT (DBH).

The diameter of a tree trunk as measured four feet above ground level, typically used to measure the size of established trees.

## DISCONTINUE or DISCONTINUANCE

To stop or change a use. The intent of the owner(s) to continue that use shall not be a factor in determining whether or not a use has discontinued.

#### DISTRIBUTION CENTER

A building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail or other commercial outlets.

#### DORMITORY

A place of residence that is occupied and maintained for persons enrolled in a college, university or other educational institution and which is recognized and subject to ownership or leasehold interest controls by such educational institution.

#### DRIVE AISLE

A designated travel way within a parking lot or parking structure used to provide vehicular ingress and egress between parking spaces and a driveway.

#### DRIVE-IN FACILITY

See "drive-through facility"

#### DRIVE-THROUGH FACILITY

A use or portion of a use which encourages or permits customers to receive a service or obtain a product while staying in a motor vehicle on the premises. All drive-in facilities are subject to the regulations found in §300-42.

#### DRIVEWAY

A vehicular lane within a lot, or shared between two or more lots, typically providing access to a garage or other parking area.

#### DRY-CLEANING FACILITY

An establishment used to collect, distribute and process articles made of fabric through dry cleaning, pressing, dyeing or stain removal.

#### DRY-CLEANING OUTLET

An establishment used primarily to collect and distribute articles to a dry-cleaning facility.

#### DWELLING

A building that contains one or more dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

#### DWELLING, ATTACHED OR ROW

See "townhouse or townhome"

#### DWELLING, DETACHED

A dwelling having no party wall in common with another building.

#### DWELLING, MULTIFAMILY

A building or portion thereof containing three or more dwelling units designed or used for occupancy by three or more families living independently of each other. A lot or parcel containing such use may contain one or more buildings. Various commercial uses, including but not limited to salons, restaurants, dry cleaning, self-storage, or retail, that are accessory to this primary use, shall be permitted wherever the primary use is permitted. Such an accessory use must be located on the same property as the primary use.

#### DWELLING, SEMIDETACHED

A single-family dwelling separated by a party wall from only one adjacent dwelling unit.



#### DWELLING, SINGLE-FAMILY

A building containing one dwelling unit.

#### DWELLING, TWO-FAMILY

A building containing two dwelling units.

#### DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for one family, including equipment for cooking, living and sleeping purposes and provisions for the same. See "dwelling"

#### DWELLING UNIT, ACCESSORY

An accessory use involving a separate and complete dwelling unit either in or added to an existing single-family dwelling, or a separate accessory building on the same lot as the principal dwelling, intended to provide supplementary housing and not to exceed 35% of the primary structure or occupancy of more than two persons. Accessory dwelling units are subject to the regulations found in §300-41.

#### EASEMENT

The authorization by a property owner for a specified use of part of the property by another party.

#### EAVE.

The junction of a building wall and an overhanging roof.

#### EMPLOYEES or NUMBER OF EMPLOYEES

For the purpose of determining off-street parking requirements, the greatest number of persons to be employed during any one work period, day or night. Full-time employees include those persons who work full-time, as determined by the employer (generally 35 to 40 hours per week), and are entitled to benefits such as paid sick leave, vacation, and insurance coverage. Part-time employees are those persons scheduled to work less than full-time, as determined by the employer, and may receive some benefits. Temporary employees work either full- or part-time, but are generally hired for a specific project or finite period of time (i.e., peak season), and do not receive employer benefits.

#### ENCROACHMENT

Any structure or structural element that extends into a required yard or public right-of-way.

#### ENGINEER or LICENSED PROFESSIONAL ENGINEER

A person licensed as a professional engineer by the State of New York.

#### ESTABLISHED TREE

Any tree with a diameter of six inches or more when measured four feet above ground level

#### EXPRESSION LINE

A design element aligned horizontally along a building wall, typically a continuous row or layer of stones, tiles, bricks, shingles, or similar materials. Also called a belt course, string course, or band course.

#### EXTERIOR ENTRANCE

A direct entrance from a public way to a habitable or tenantable space.

## EXTERIOR INSULATION AND FINISH SYSTEM (EIFS)

Anon-load-bearing, exterior wall cladding system that consists of an insulation board attached either adhesively or mechanically, or both, to the substrate; an integrally reinforced base coat; and a textured protective finish coat.

## FACADE

The exterior wall of a building.

## FACADE, CORNER SIDE

The exterior wall of a building that faces the corner side lot line.

## FACADE, FRONT

When facing a public way, the exterior wall of the building that faces the front lot line. When facing a private right-of-way, parking lot, or common area, and not facing a thoroughfare, the exterior wall of the building that contains the main entrance from the private right-of-way, parking lot, or common area. When set within a plaza, all exterior walls of the building that face the plaza.

## FACADE, INTERIOR SIDE

The exterior wall of a building that faces the interior side lot line.

## FACADE, REAR

The exterior wall of a building that faces the rear lot line.

## FAMILY

One of the following:

- A. A single person.
- B. Two or more people, related by blood, marriage, or legal adoption, occupying a single dwelling unit.
- C. Two or three people, not necessarily related by blood, marriage or legal adoption, occupying a single dwelling unit.
- D. Four or more people occupying a single dwelling unit and living together as a functional family unit.

## FAMILY DAY-CARE HOME

An occupied family residence providing care for children during the day in keeping with the laws of the State of New York. Includes group family day-care homes.

## FAMILY UNIT, FUNCTIONAL

- A. It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family. Such presumption can be rebutted by a determination by the Zoning Board of Appeals that said persons constitute a functional family.
- B. Before making a determination whether a group of more than three unrelated persons constitutes a family for the purpose of occupying a dwelling unit, the Zoning Board of Appeals shall hold a public hearing, after public notice, as is normally required for the obtaining of a variance. The fee for such an application shall be the same as is required for an application for a variance. Said application shall be on a form provided by the Zoning Board of Appeals or the Code Enforcement office.
- C. In determining whether or not a group of unrelated individuals is a functional family unit, as defined in this chapter, the following criteria must be present:

(1) The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.

(2) The household must have stability with respect to the purpose of this chapter. Evidence of such stability may include the following:

(a) The presence of minor, dependent children regularly residing in the household.

(b) Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.

(c) Whether, by the providing of documents and testimony, the different members of the household have the same address for the purposes of:

[1] Voter registration.

[2] Driver's license.

[3] Motor vehicle registration.

[4] Summer or other residences.

[5] Filing of taxes.

(d) Common ownership of furniture and appliances among the members of the household.

(e) Enrollment of dependent children in local schools.

(f) Employment of householders in the local area.

(g) A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.

(h) Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

D. The following presumptions, individually or together, may also be sufficient to find that tenants within a rental dwelling unit are renting as individuals and not as a functional family:

(1) If the lease or rental agreement to the premises makes each occupant jointly and severally liable for the performance of said lease;

(2) If the lease or rental agreement to the premises holds any parent or relative of the occupant as a guarantor of the lease;

(3) If the lease or rental agreement to the premises makes the rent payable in advance for a period of time consistent with the semester schedule of the local colleges or commencing in January or August of the year and terminating in May or December of the year.

E. The presumptions set forth above may be rebutted by sufficient evidence of the characteristics of the occupants as a traditional family.

## FENCE

A structure bounding an area of land designed to either limit access to the area or to screen such area from view, or both. The term "fence" shall include tennis court enclosures, backstops, and similar structures. Fences, walls and other structural screening elements are subject to the regulations found in §300-58.

## FENESTRATION

The openings in a structure, including windows and doors, but not including loading berths and entries for parking. Fenestration includes frames, mullions, muntins, vents, and other elements integral to a window or door unit.

## FINAL PLAT

A drawing, in final form, containing all information or details required by law and by these regulations to be presented to the Planning Commission for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the City Clerk.

## FLAMMABLE LIQUIDS

As defined by the New York State Uniform Fire Prevention and Building Code. [1]

## FLOOD BOUNDARY

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The Flood Boundary and Floodway Map delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

## FLOOD INSURANCE RATE MAP

An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

## FLOOD INSURANCE STUDY

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevations of the base flood.

## FLOOD, ONE-HUNDRED-YEAR

The flood elevation that has a one-percent chance of being equaled or exceeded each year (the one-hundred-year flood could occur more than once in a relatively short period of time).

## FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland areas of water; or abnormally high tidal water or rising lake waters resulting from severe storms, hurricanes or tidal waves.

## FLOODPLAIN AREA HAVING SPECIAL FLOOD HAZARDS

That maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years (i.e., that has a one-percent chance of flooding each year).

## FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

## FLOODPLAIN or FLOOD-PRONE AREA

A land area adjoining a river, stream, watercourse, ocean, bay or lake, which is likely to be flooded according to United States Geological Survey (USGS) data.

## FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

## FLOOD PROTECTION ELEVATION

The one-hundred-year flood elevation.

## FLOODWAY

The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

## FLOOR

All the rooms or areas on the same level of a building; See also story.

## FLOOR AREA

For determining off-street parking requirements, unless otherwise specifically indicated, the gross floor area contained within the exterior building walls, excepting parking space supplied within the building, and further excepting basement area used solely for storage or accessory purposes.

## FORMAL

A design tending to the regular, rectilinear, geometrical, and repetitive.

## FRATERNITY, SORORITY AND MEMBERSHIP ASSOCIATION HOUSE

A building used by a college fraternity, sorority, chapter or membership association house as a principal place of residence for its members. Such house shall have an affiliation with the State College at Oneonta (SUNY Oneonta) or Hartwick College, or a postsecondary college or university accredited in New York State that operates campus facilities in the City of Oneonta. Affiliation shall be through the recognition of membership of the resident fraternity or sorority in associations or councils recognized by a college or university or from an official written statement provided by an agent or officer of the above referenced institutions verifying the affiliation and recognition of the fraternity, sorority, chapter or membership association house.

## FRONTAGE

See "lot width."

## FRONTAGE LINE

A lot line that coincides with a right of-way line that defines the public realm.

## FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

## GALLERY

A covered pedestrian area abutting the side of a building on the ground floor which may provide access along one or more sides of a building.

## GARAGE, COMMERCIAL

A building or portion thereof designed or used for a business in which motor vehicles are on display, for sale or housed for repair or storage.

## GARAGE, PRIVATE

A building accessory to a residential structure designed or used for the storage of motor vehicles and used in no manner as a commercial repair garage or gasoline sale station.

## GARAGE SALE

The sale of personal property conducted in or near a residence. The term shall include garage sales, lawn sales, porch sales, patio sales, rummage sales or other similar sales which are advertised by a sign or other means for the public to attend. Garage sales are subject to the requirements of §300-46.

## GASOLINE SELF-SERVICE STATION

See "convenience store"

## GLARE

Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

## GLAZING

A component of a window or wall made of glass.

## GOLF COURSE

A facility consisting of at least nine par-three holes, as distinguished from golf driving ranges and miniature golf courses.

## GRADE, ESTABLISHED STREET

The permanently established elevation of the center-line of a street in front of the midpoint of the lot.

## GRADE, FINISHED

The elevation of the completed surfaces of lawns, walks and roads adjoining a building wall at any point.

## GREENHOUSE, COMMERCIAL

Any structure, as part of a commercial operation, used for the propagation and culture of plants.

## GREENSPACE

Any permeable vegetated surface.

## GREEN INFRASTRUCTURE

The multifunctional, interconnected network of open space and natural features such as greenways, wetlands, parks, forest preserves, and areas of native plant vegetation, that naturally manages stormwater, reduces flooding risk, and improves water quality. The term green infrastructure is often adapted to refer to products, technologies, and practices that use natural systems, or engineered systems that mimic natural processes.

## GREEN ROOF

A vegetated roof design that is explicitly designed to absorb rainfall or snowmelt, typically to manage stormwater, mitigate the heat island effect, provide habitat for urban wildlife, or offer leisure and recreational space for building occupants.

## GROUND FLOOR

The story of a building closest to the curb level.

## HILLSIDE AREA

An area where the average slope of the land is 15% or greater.

## HOME OCCUPATION

The use of a portion of a dwelling unit or an accessory building, by an occupant of the dwelling unit, which is clearly incidental, accessory and secondary to the residential use of the property. An occupant must be the principal practitioner of the home occupation. All home occupations are subject to the regulations found in §300-31 and are regulated as either Class A or Class B home occupations. Family day-care homes are not subject to home occupation regulations.

## HOMELESS SHELTER

An establishment primarily engaged in providing temporary or transitional residential care, room, board, supervision, information and/or referrals to homeless persons voluntarily seeking such service.

#### HOMEOWNERS' ASSOCIATION

An organization of residential property owners who contractually agree to provide, reserve and maintain commonly owned facilities and/or open space in a development in accordance with New York State law.

#### HOSPITAL

An institution providing medical or surgical treatment such as emergency medical, diagnostic, and laboratory services on an inpatient and outpatient basis.

#### HOSTING PLATFORM

A person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, booking services through which an owner may offer a residential dwelling unit for tourist or transient use. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the residential dwelling unit through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential tourist or transient users arrange tourist or transient use and payment, whether the tourist or transient pays rent directly to the owner or to the hosting platform.

#### HOTEL

A building, or any part thereof, which contains 15 or more living and sleeping accommodations for paid transient occupancy, with common exterior entrance or entrances, and which may or may not include dining facilities. The term "hotel" shall not include "motel," "inn," "bed-and-breakfast," "boardinghouse" or similar accommodations.

#### HYDRONIC HEATER

See "outdoor furnace"

#### IMPERVIOUS SURFACE COVERAGE

The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, asphalt driveways, sidewalks, patios, or parking areas.

#### INFILTRATION

The process of percolating stormwater into the subsoil.

#### INN

A building, or any part thereof, which contains more than four and less than 15 living and sleeping accommodations for paid transient occupancy. The facility may have accessory uses such as a restaurant or a bar.

#### INTERSECTION

The area contained within the grid created by extending the curblines of two or more rights-of-way at the point at which they cross each other.

#### INSTITUTION, EDUCATIONAL

Any organization founded for the purposes of furthering education, including, but not limited to, colleges and universities.

## JUNK

Discarded or scrap material or products.

## JUNKYARD

A place for storing, buying or selling junk, excluding garbage dumps and sanitary fills.

## KENNEL

All kennels are subject to the regulations found in §300-38. The term "kennel" includes both of the following:

A. Any establishment for the boarding, training, or breeding of dogs or cats for which a fee is charged. Such establishments may include incidental grooming or sale of pet supplies.

B. Any lot smaller than one acre where four or more dogs or cats, not including dogs or cats under six months of age, are kept for any purpose. Owning and/or keeping four or more dogs or cats as described is regulated the same way as a commercial kennel, even if it is a personal activity and is not done for money.

## LAMP

A generic term for a source of light, often called a bulb or tube. Examples include incandescent, fluorescent, neon, high-intensity discharge (HID), and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

## LANDSCAPED AREA

That area of a site plan not consisting of structures or pavement. Landscaped area shall consist of those areas on a site plan that are planted, seeded or provide similar vegetative or landscaped cover, including water features.

## LANDSCAPING

Materials, including without limitation grass, ground cover, shrubs, vines, hedges or trees and nonliving natural materials commonly used in outdoor design.

## LAND SURVEYOR

A person licensed as a land surveyor by the State of New York.

## LANE

A narrow, slow movement thoroughfare, typically containing one travel lane.

## LAUNDROMAT

See "laundry, self-service"

## LAUNDRY, SELF-SERVICE

A business establishment providing clothes washers and dryers for hire to be used by customers on the premises and may also include washing and folding service for a fee.

## LETTER OF CREDIT

A security which may be accepted as a guaranty of a requirement that certain improvements be made before the Code Enforcement Officer issues a certificate of occupancy, including escrow agreements and other similar collateral and surety agreements acceptable in form and amount to the City Attorney and City Engineer and approved by the Common Council.

## LIGHT POLLUTION

Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety and security, and impacts on the nocturnal environment.



### LIGHT TRESPASS

Light that falls beyond the property that it is intended to illuminate.

### LINER BUILDING

A building specifically designed to mask a parking lot or parking structure. These buildings are occupied and generally include commercial uses that activate the streetscape.

### LOADING AREA

An area in which goods and products are moved on and off a vehicle, including parking, apron, and maneuvering area.

### LODGING HOUSE

See "rooming house"

### LOGO

Any picture, shape or drawing, with or without letters or words, used to identify a product, service, business or organization.

### LOT

Land occupied or to be occupied by one principal building and any buildings accessory thereto or by a group of principal buildings, together with such open spaces as are required under the provisions of these regulations, having not less than the minimum area and width required by this chapter.

### LOT, BUTT

A lot, the rear boundary of which abuts on the side lot line of an adjacent lot.

### LOT, NONCONFORMING

Any lot which does not conform with the minimum area and/or dimensions required in the zone district where such a lot is situated.

### LOT ALTERATION

Any change in the dimension or orientation of a lot line not resulting in or constituting subdivision or resubdivision as defined herein, where there is no increase in the number of lots.

### LOT AREA

An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

### LOT COVERAGE

The aggregate percentage of the lot area covered by buildings or structures.

### LOT DEPTH

The mean horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

### LOT LINE

The established division line between different parcels of property.

### LOT WIDTH

The width measured between side lot lines measured at the front lot line.

#### LUMEN

The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from watt, a measure of power consumption).

#### LUMINAIRE

The complete lighting unit (fixture), consisting of a lamp, or lamps and ballasts, when applicable, together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

#### LUMINAIRE, FULLY SHIELDED

A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

#### LUMINAIRE MOUNTING HEIGHT

The height of the center of a luminaire above ground level.

#### LUMINAIRE, PARTLY SHIELDED

A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.

#### LUMINAIRE, SHIELDED DIRECTIONAL

A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

#### LUMINAIRE, UNSHIELDED

A luminaire capable of emitting light in any direction.

#### LUMINANCE

The light that is emitted by or reflected from a surface measured by means of a luminance meter. Luminance is typically measured by nits, or luminous intensity (candelas) per unit area (square meters).

#### MACHINE SHOP

A building used for the purpose of fabricating metal parts for various applications. For the purposes of uses permitted by district, such a use shall be considered light manufacturing.

#### MACHINERY AND TRANSPORTATION EQUIPMENT, SALES, SERVICES AND REPAIR

A building or collection of buildings used for the purposes of selling, servicing and repairing machinery and transportation equipment. For the purposes of uses permitted by district, such a use shall be considered heavy manufacturing.

#### MANUFACTURED HOME

See "modular home"

#### MANUFACTURING, HEAVY

Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, and associated storage or distribution of goods, wares, commodities, parts, materials, electricity and the like. The

processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. "Manufacturing" shall also include the handling of any waste products and materials. These uses are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions, all of which are subject to the performance standards found in §300-63. Manufacturing processes and treatments include but are not limited to operations such as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

#### MANUFACTURING, LIGHT

A facility which manufactures, designs, assembles, or processes a product for wholesale or retail from previously prepared materials, parts, or finished products. Such operations are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial and residential areas than are heavy manufacturing. (See "manufacturing, heavy") Light manufacturing operations have limited external effects of the manufacturing or assembly process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct of operations within the confines of buildings. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices. Also includes machine shops. (See "machine shop")

#### MASSING

The sense of bulk, size, and shape of a structure, usually perceived by reference to the surrounding space and nearby structures and natural features such as trees.

#### MAXIMUM PERMITTED OCCUPANCY

The maximum number of persons allowed in an assembly structure or portion thereof as determined by the City of Oneonta Code Enforcement office.

#### MIXED USE

The integration of residential and commercial uses vertically in the same building or horizontally in adjacent buildings.

#### MOBILE HOME

A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length, or, when erected on site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

#### MOBILE HOME, DOUBLE-WIDE

A mobile home consisting of two sections, combined at the site, with a combined width of no less than 20 feet, while still retaining their individual chassis for possible future movement and complying with Part 1210 of Title 19 of New York State Codes, Rules and Regulations; excluding, however, travel trailers, motorized homes, recreational vehicles, pickup coaches and

camping trailers. This definition does not include modular or manufactured homes as defined by this code.

#### MOBILE HOME PARK

A parcel of land where two or more mobile homes are parked or which is planned and improved for the placement of mobile homes by the public. Mobile home parks are subject to the regulations found in §300-35.

#### MODULAR HOME

Any home constructed of pre-made parts and unit modules that are transported on a flatbed truck from the factory to the building site where they are permanently anchored onto a foundation. Modular homes are subject to the local building codes where they are constructed and to the regulations of whichever style of home they are designed to be, i.e., single-family home, multifamily home, etc.

#### MOSQUE

See "place of worship"

#### MOTEL

A building or group of buildings containing 15 or more living and sleeping accommodations for paid transient occupancy, each unit of which has a separate exterior entrance and parking space, and which is used principally by motor vehicle travelers. The term "motel" shall include "motor lodge," "motor inn," "tourist cabins" or similar accommodations.

#### MOTOR VEHICLE REPAIR

Engine repair, body work, frame straightening, painting, upholstering, steam cleaning, electrical work, tune-ups and all other vehicle repair services not specifically listed in the definition of motor vehicle service stations. Motor vehicle repair establishments are subject to the regulations found in §300-37.

#### MOTOR VEHICLE SALES

Any building, land area or other premises used for the display or sale of new or used automobiles, motorcycles, trucks, trailers or boats, but not including any repair work conducted as an accessory use on such premises. Motor vehicle sales establishments are subject to the regulations found in §300-37.

#### MOTOR VEHICLE SERVICE STATION

All motor vehicle service stations are subject to the regulations found in §300-37.

A. Any building, land area or other premises, or portion thereof, used or intended to be used for any one or a combination of the following activities:

- (1) Retail dispensing or sales of motor vehicle fuels, coolants or lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.
- (2) Hand- or machine-washing in a motor vehicle wash.
- (3) Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, tires, fuses, lubrication of vehicles, and the like.

B. Motor vehicle wrecking, repair, parking or storing of motor vehicles for hire, and the operation of more than one towing vehicle, shall not be deemed permissible accessory uses of a motor vehicle service station.

#### MOTOR VEHICLE WASH

See "car wash facility"

## MULTIBUILDING PLANNED DEVELOPMENT

Multifamily residential developments proposed to consist of more than one principal building on one parcel of land.

## MULLION

A vertical element that forms a division between units of a window or door.

## MUNTIN

A bar or rigid supporting strip between adjacent panes of glass.

## NEIGHBORHOOD

A residential development or mixed-use development where the primary use is residential housing.

## NEIGHBORHOOD MARKET

Small retail establishment, specializing in the sale of articles such as food products, over-the-counter drugs, tobacco products, magazines, candy, beverages and similar convenience items.

## NIGHTCLUB

Any room, space, or premises operated as a commercial establishment in which eating and/or drinking takes place, where alcoholic beverages are served subject to the regulatory authority of the New York State Liquor Authority, and where the provision of entertainment is the primary activity. Background music, provided in accord with Chapter 178, Noise, shall not be considered as a form of entertainment. Synonyms include: club; nightclub; disco; social establishment; cabaret; dinner theater. Nightclubs are subject to the regulations found in §300-36.

## NIT

A photometric unit of measurement referring to luminance. One nit is equal to one candela per square meter (cd/m<sup>2</sup>).

## NURSING HOME

See "residential care facility"

## OPEN SPACE, AREAS OF

An area or areas of a lot, including required yards, which are:

- A. Open and unobstructed from ground to sky; and
- B. Landscaped, maintained or otherwise treated to create a setting appropriate for recreation or relaxation; and
- C. Accessible and usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

## OPEN SPACE, COMMON

An area of land and/or water within a site designed and intended for the use or enjoyment of residents of a development. Common open space may contain such accessory improvements as are necessary and incidental to the use of the common open space by the residents of the development.

## ORNAMENTAL TREE

A small tree, typically less than 35 feet in height when mature, that is utilized and valued for the aesthetic appearance, color, and/or texture of its flowers, fruits, foliage, bark, or form.

## OUTPATIENT HEALTH CENTER

An establishment providing health care services such as physicians' offices, urgent care, laboratory facilities or minor surgery to ambulatory patients.

#### OUTDOOR FURNACE

Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat and/or hot water for any interior space. Outdoor furnaces are subject to the regulations found in §300-43.

#### OUTDOOR STORAGE

The outdoor accumulation of manufactured products, raw materials, debris, waste or the keeping of one or more pieces of moveable equipment. Outdoor storage shall not include the keeping of recreational goods, including, but not limited to, lawn chairs, canoes, or bicycles. Outdoor storage of materials is further subject to the regulations set forth in §300-60.

#### OVERLAY ZONE

An additional layer of regulations related to specific environmental or historical constraints such as floodplain boundaries, historic landmarks, historic structures, or wetlands that supersede the restrictions of the underlying zoning district.

#### PAD

A building site prepared by artificial means, including grading, excavation or filling or any combination thereof.

#### PARABOLIC OR DISH-TYPE ANTENNA

Any concave, circular or dish-shaped device designed for receiving communication or television signals. Parabolic or dish-type antennas are subject to the regulations found in §300-45.

#### PARAPET

A low wall or protective barrier that extends vertically above the roof surface of a building or other structure.

#### PARKING AREA OR LOT

Any place, lot, parcel, or yard used in whole or in part for storing or parking motor vehicles under the provisions of this chapter.

#### PARKING FACILITY, OFF-STREET

Parking accommodations off the street that may consist of open-air parking lots, garages or other structures. They may be surface facilities or facilities above or under the ground; they may be separate or may be a part of a structure principally designed and used for another purpose. Off-street parking arrangements are subject to the regulations found in §300-61.

#### PARKING GARAGE

A multistory commercial structure, unenclosed in whole or in part, publicly or privately operated, designed for parking motor vehicles.

#### PARKING ROW

A group of contiguous parking stalls in a parking lot or parking structure, organized as either a single row or double row.

#### PARKING STALL

A designated parking space in a parking lot, parking structure, or driveway

## PARTY

A person, firm, association, organization, partnership, company, or corporation.

## PASSAGE

A pedestrian connector passing between or through buildings, providing shortcuts through long blocks, and sometimes connecting rear parking areas with frontages.

## PEDESTRIAN ACCESS FACILITIES

A hard-surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian access facility is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.

## PEDESTRIAN SHED

An area covered by a five-minute walk or approximately one-quarter mile, measured by actual walking distance along public rights-of way from a destination.

## PEDESTRIAN WAY

The public right-of-way, which typically includes the planting area and sidewalk, from the back of the curb to the front property line of adjoining parcels.

## PERVIOUS

Being permeable; having the quality of allowing the infiltration of surface water into the soil. Vehicle parking rows, stalls or areas shall not be considered pervious unless designed and approved to be so by an engineer licensed by New York State.

## PERMANENT RESIDENT

A person who occupies a property within 60 days of purchase with intent to establish that property as their primary residence. A permanent resident must occupy a primary residence for at least 270 days per year.

## PERSON

An individual, proprietorship, partnership, corporation, association or other legal entity. In the case of parking requirements, the term "person" shall refer to an individual only.

## PERSONAL STORAGE FACILITY

Any real property designed and used for the purpose of renting or leasing individual storage space to users who access the facility to store and remove personal property.

## PLACE OF WORSHIP

A building and its accessory buildings where people regularly assemble for religious worship, maintained and controlled by a religious organization.

## PLANNED UNIT DEVELOPMENT

A development in accordance with a single plan for compatible land uses, subject to the rules and regulations of §300-15 of this chapter.

## PLANNING COMMISSION

The Planning Commission of the City of Oneonta

## PLAT

A map, drawing, or rendering of a subdivision.

#### PRELIMINARY LAYOUT

The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

#### PRELIMINARY PLAT OR PLAN

A drawing or drawings, clearly marked "preliminary plat" or "preliminary plan," showing the significant features of a proposed subdivision, as specified in Article VIII of this chapter, submitted to the Planning Commission for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Commission of the layout of the proposed subdivision.

#### PRIMARY RESIDENCE

The permanent resident's usual place of return for housing as documented by at least three of the following: motor vehicle registration; driver's license or equivalent identification card; voter registration; or tax documents showing the residential unit as the permanent resident's residence for the purposes of a home owner's tax exemption. A person may have only one primary residence.

#### PRIMARY STRUCTURE

A building that contains one or more principal uses. See also principal building.

#### PROPERTY LINE

See "lot lines"

#### PUB

See "bar"

#### PUBLIC REALM

All exterior places, linkages, and built form elements that are physically accessible regardless of ownership. The public realm includes, but is not limited to, rights-of-way, greens, squares, plazas, courtyards, paths, sidewalks, and transit stations.

#### PUBLIC UTILITIES

Any facility or related equipment, including but not limited to all lines, pipes, transformers, poles, etc., performing an essential public service and subject to special governmental regulation. Nonessential components of public utility operations, such as general storage and maintenance facilities, are excluded from this definition.

#### PUBLIC WAY

All areas legally open to public use, such as public streets, sidewalks, roadways, highways, alleys, and parks, as well as the interior and areas surrounding public buildings.

#### RECREATIONAL AREA

A space designed and used for active and passive participatory athletic and general recreation activities.

#### RECREATIONAL VEHICLE

A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses and not for year-round living. Recreational vehicles are subject to the regulations found in §300-56.



#### RECREATIONAL VEHICLE PARK

A parcel intended for transient recreational vehicle users who wish to occupy their vehicles. The maximum permitted stay at a recreational vehicle park is two weeks. The operators must provide utilities for convenience, safety, and sanitation.

#### RECREATION, INDOOR COMMERCIAL

Indoor business primarily devoted to the amusement of the general public such as theaters, bowling alleys, skating rinks, indoor amusement arcades and health clubs. Incidental food service may be included.

#### RECREATION, OUTDOOR COMMERCIAL

Outdoor business primarily devoted to the amusement of the general public such as tennis courts, driving ranges and miniature golf. Incidental food service may be included.

#### RESIDENTIAL CARE FACILITY

A building or portion thereof wherein lodging and custodial care are provided to three or more persons who are mentally or physically disabled, bedfast, chronically ill or convalescing, excluding hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury and/or providing surgical and obstetrical services or asylums for the insane. This term includes nursing homes, adult homes, assisted living facilities, long-term care facilities, homes for the mentally or physically disabled, convalescent homes for children, homes for prenatal care and the like. Various commercial uses, including but not limited to salons, restaurants, dry cleaning, self-storage, or retail, that are accessory to this primary use shall be permitted wherever the primary use is permitted. Such an accessory use must be located on the same property as the primary use.

#### RESTAURANT

An establishment primarily engaged in serving meals to guests for compensation and which has suitable kitchen facilities connected therewith. See "bar"

#### RESUBDIVISION

Revision of all or part of an existing filed plat.

#### RETAIL GOODS AND SERVICES FACILITY

Any building or structure in which one or more articles of merchandise, commerce or services are provided, including, but not limited to, department stores, banks, salons, insurance sales, clothing and accessory stores, grocery stores, pharmacies, and boutique/gift shops. Such uses, as permitted by the Bulk and Use Tables, [2], may include an individual business, a building with multiple businesses, or a parcel with multiple retail buildings.

#### RIGHT-OF-WAY

The total width of any land reserved or dedicated as a thoroughfare, alley, pedestrian or bicycle way, railway, waterway, or utility line.

#### ROOMING HOUSE

A building, other than a hotel, fraternity, sorority, dormitory, chapter house or membership association house, where lodging with or without meals for four or more roomers or boarders or guests is provided for compensation or where lodging is provided for four or more unrelated individuals within a single dwelling unit or where lodging is provided for three or more boarders, roomers or lodgers residing with a single family in a single dwelling unit. The term "rooming

house" shall include "boardinghouse" and "lodging house," and shall not include accommodations used for short-term rentals. See "short-term rental."

#### ROOF OVERHANG

The overhead cantilever of an architectural element beyond the building wall.

#### SALVAGE YARD

See "junkyard."

#### SCHOOL

A public preschool, elementary school, middle school, or high school, or any private school having a curriculum equivalent to and substantially the same as any public school.

#### SCRAP METAL PROCESSING

The treatment or storage of fragments of metal discarded as waste in manufacturing operations, or machines, tools or equipment, or other metal parts.

#### SEATS

For the purpose of determining off-street parking requirements, the seating capacity of a particular room or a hall in a building, as determined by the specifications and plans, whether fixed or removable seating; in the event that individual seats are not provided, each 18 inches of benches, bleachers, pews or similar seating accommodations shall be considered as one seat for the purpose of this chapter.

#### SETBACK.

The distance between a structure and an adjacent lot line.

#### SETBACK LINE

The distance from the street line to the part of the structure nearest the street, measured at right angles to the street line, not including cornices or open entrance hoods anchored to the building without posts, which do not project more than three feet from the building wall, nor retaining walls and fences, nor open entrance steps, nor open terraces not more than two feet in height above the finished grade and which do not project more than six feet from the building wall. Setback requirements, as listed in the Bulk and Use Tables, [3], apply to the location of buildings, not driveways, parking areas, or other landscaping treatments. In a transect zone the setback line shall be the façade of the building located within the minimum or maximum measurement of the build to zone.

#### SETBACK, MINIMUM FRONT

The least required horizontal distance between the front lot line, or in instances where sidewalks are present or required, from the interior sidewalk edge, and the principal building measured at the shortest point.

#### SETBACK, REAR YARD

The least required horizontal distance between the rear lot line and the principal building measured at the closest point.

#### SETBACK, SIDE YARD

The least required horizontal distance between the side lot line and the principal building measured at the closest point.

#### SHADE TREE

A large deciduous tree, typically greater than 35 feet in height when mature, that is utilized for its broad leaf canopy and ability to cast a shadow upon a large area.

#### SHOPPING CENTER

A grouping of retail goods and services businesses.

#### SHORT-TERM RENTAL

A tourist or transient use that has been issued a short-term rental permit.

#### SHRUB.

A woody deciduous or evergreen plant, smaller than a tree, consisting of several stems from the ground or small branches near the ground.

#### SIDEWALK CAFE

A seasonal outdoor seating area on public property adjacent to and operated and maintained by a restaurant for serving patrons of the establishment. See Chapter 241.

#### SIGN

Any device, including those listed below, used to attract attention to an entity.

##### A. ATTENTION-GETTING DEVICE

Any item used to attract attention for promotion.

##### B. BANNER

A piece of cloth, plastic or similar pliable material attached at one or more points to a pole, staff or other support.

##### C. FLAG

Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity, or for decorative purposes.

##### D. SIGN, A-FRAME

A portable sign with two or more steeply angled sides.

##### E. SIGN, AWNING

Any sign that is a part of or attached to a structural protective cover.

##### F. SIGN, BUILDING DIRECTORY

A sign listing the tenants or occupants of a building or group of buildings and that may indicate their locations.

##### G. SIGN, BUSINESS IDENTIFICATION

A sign which directs attention to an activity which is conducted, other than incidentally, on the premises upon which such sign is located.

##### H. SIGN, CHANGEABLE-COPY

A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

##### I. SIGN, DIRECTIONAL

Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit."

##### J. SIGN, FASCIA

See "wall sign"

##### K. SIGN, FREESTANDING

A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

##### L. SIGN, GRAPHIC

A sign which is an integral part of a building facade. The sign is painted directly on, carved in or otherwise permanently embedded in the facade.

##### M. SIGN, GROUND

See "freestanding sign"

**N. SIGN, HOLIDAY DECORATION**

Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

**O. SIGN, ILLUMINATED (DIRECTLY)**

A sign designed to give forth artificial light directly from a source of light within such a sign.

**P. SIGN, ILLUMINATED (INDIRECTLY)**

A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs.

**Q. SIGN, MOBILE**

See "sign, portable"

**R. SIGN, NEIGHBORHOOD IDENTIFICATION**

A sign specifically used to identify a particular neighborhood, block or development.

**S. SIGN, PERPENDICULAR**

Any sign which is installed perpendicular to the street upon which the building fronts. This definition shall include side-wall-mounted wall signs, perpendicular hanging building signs, freestanding signs and pole signs.

**T. SIGN, PLAZA DIRECTORY**

A sign listing the tenants or occupants of a commercial plaza and that may indicate their locations.

**U. SIGN, POLE**

A sign that is mounted on a freestanding pole or other supports.

**V. SIGN, POLITICAL**

A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or caucus.

**W. SIGN, PORTABLE**

A sign, whether on its own trailer, wheels or otherwise, designed to be mobile and not structurally attached to the ground, a building, a structure or another sign.

**X. SIGN, ROOF**

A sign that is mounted upon the roof of a building.

**Y. SIGN, SANDWICH**

See "A-frame sign"

**Z. SIGN, SEE-THROUGH LETTERED**

Letters on a sign with transparent background, such as lettering on a window.

**AA. SIGN, TENANT IDENTIFICATION**

A sign designed or intended to identify a tenant, occupant or establishment.

**BB. SIGN, VEHICLE**

Signs displayed on licensed and registered motor vehicles which are used in conjunction with a business.

**CC. SIGN, WALL**

A sign attached to and erected parallel to the face of a building and supported throughout its length by such building.

**DD. SIGN, WINDOW**

A sign affixed on window material or located inside within four feet of the window, but not including graphics in connection with customary window displays of products.

**EE. SIGN, WINDOW, TEMPORARY**

A window sign not permanently affixed that does not identify the tenant, occupant or establishment and is limited to a maximum use of 120 days.

**SIGN AREA or SIGN SURFACE AREA**

The entire area within a single continuous perimeter enclosing the extreme limits of graphic elements together with any material or color forming an integral part of the display or used to

differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall be included.

#### SIGN COPY

The graphic content or message of a sign.

#### SIGN, NONCONFORMING

Any lawfully preexisting sign that does not meet the requirements of this article.

#### SINGLE OWNERSHIP

Possession wherein the owner does not own adjoining vacant property.

#### SITE PLAN REVIEW

The process by which the City reviews site plans for development to ensure compliance with the Comprehensive Plan, Zoning Code and other land development regulations.

#### SITE PLAN REVIEW, MAJOR

A discretionary review process for projects that due to their nature or size may have a greater impact on the City of Oneonta. The Planning Commission shall have authority to engage in major site plan review.

#### SITE PLAN REVIEW, MINOR

An administrative review process that allows approval for routine development applications that meet the requirements of this ordinance. The Code Enforcement Officer shall have authority to engage in minor site plan review.

#### SPECIAL USE PERMIT

A permit provided by the Planning Commission for a use or uses that are not permitted by right in a district, but are listed as requiring a special use permit, subject to the requirements of §300-29.

#### STACK or CHIMNEY

Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a fuel-fired heating device or structure, including that part of the structure extending above a roof.

#### STEEP SLOPE

See "hillside area"

#### STORMWATER

Rainwater, surface runoff, snowmelt, and drainage.

#### STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources, and the environment.

#### STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

#### STORY

That portion of a building between the surface of any floor and the surface of the next floor above, and any portion of a building used for human occupancy between the topmost floor and

the roof. For purposes of height measurement, in determining the permissible number of stories, a basement or cellar shall not be counted. See “floor”.

#### STORY, HALF

A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

#### STREET

A public or private thoroughfare which affords the principal means of access to abutting property, including traffic ways, between right-of-way lines.

#### STREET, COLLECTOR

A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

#### STREET LINE

The established boundary lines of the right-of-way of a street, alley or public thoroughfare.

#### STREET, MAJOR

A street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

#### STREET, MINOR

A street that serves or is designed to serve primary access to abutting properties.

#### STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

#### STREET WIDTH

The width of the right-of-way, measured at right angles to the center line of the street.

#### STRUCTURAL ALTERATIONS

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

#### STRUCTURE

Includes anything constructed or erected, the use of which demands a temporary or permanent location on the soil, or attached to something having a temporary or permanent location on the soil.

#### SUBDIVIDER

Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either personally or on behalf of ownership, lessees or building development, and shall include resubdivision.

#### SUBDIVISION

The division of any parcel of land in the City into two or more lots, plots, blocks or sites, with or without streets, and with or without structures thereon, for the purpose of sale to the public for residential use only. This also includes resubdivision of land previously divided or platted in lots, sites or parcels; provided, however, that the sale or exchange of parcels of land between adjacent property owners where such sale does not create additional lots or parcels of land shall not be considered a subdivision of land within the purview of this definition.

#### SUBDIVISION, MAJOR

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any sized subdivision requiring any new street or extension of municipal facilities.

#### SUBDIVISION, MINOR

Any subdivision which contains not more than four lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan and Official Zoning Map of the City of Oneonta or these regulations.

#### SUBSTANTIAL ALTERATION

Any alteration which involves a change in the location or dimensions of windows or doors, a change of occupancy or the replacement of any exterior facade material with a different type of facade material. Substantial facade alteration does not include routine repairs or replacement of materials in kind.

#### SWIMMING POOL

A receptacle of water having a depth at any point of more than 24 inches and a surface area of greater than 100 square feet, designed or intended for recreational purposes and including all associated equipment. All swimming pools are subject to the regulations found in § 300-40.

#### SWIMMING POOL, PRIVATE

A swimming pool that is not open to the public.

#### SWIMMING POOL, PUBLIC

A publicly- or privately-owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

#### SYNAGOGUE

See "place of worship"

#### TAXI OPERATION

The use of a parcel of land or of a building or part thereof from which the business of a taxi or livery service is conducted.

#### TAVERN

See "bar"

#### TELECOMMUNICATIONS CAMOUFLAGING

The construction of facilities to house or support a telecommunications tower so that the tower blends readily with the landscape, neighborhood and adjacent architectural features. Examples of camouflaging are silo and barn, windmill and simulated tree.

#### TELECOMMUNICATIONS CARRIER

A provider of telecommunications service.

#### TELECOMMUNICATIONS CO-LOCATION

The use of a telecommunications tower by more than one carrier.

#### TELECOMMUNICATIONS FACILITY

A structure on which transmitting and/or receiving antennas are located for the transmission and/or reception of wireless telecommunications services as defined in the Telecommunications Act of 1996. [4] This includes but is not limited to freestanding towers, guyed towers, monopoles and similar structures. It is a structure intended for transmitting and/or receiving telecommunications but, for the purposes of this chapter, excluding those either for fire, police or other dispatch communications or exclusively for private radio and television reception and private citizens' bands, amateur radio and other similar communications. Telecommunications facilities are subject to the regulations found in §300-44.

#### TELECOMMUNICATIONS FACILITY, ACCESSORY

As used in §300-44, Telecommunications Facilities, a facility that serves the principal use and is subordinate in area, extent and purpose to the principal use. Examples of such facilities include base stations, transmission equipment and storage sheds.

#### TELECOMMUNICATIONS GUYED TOWER

Lattice tower supported by wire anchors onto which a telecommunications device is affixed.

#### TELECOMMUNICATIONS MONOPOLE

A single pole of variable cross section onto which telecommunications devices are affixed.

#### TELECOMMUNICATIONS TOWER

Freestanding lattice tower onto which a telecommunications device is affixed.

#### TELECOMMUTE

Performing job-related requirements using telecommunications to transmit data and textual messages to the central organizational office without being physically present.

#### TEMPORARY OUTSIDE SALES

Selling of retail items outdoors for a limited amount of time for events such as sidewalk sales, open markets, art displays, and festivals.

#### TENANT

An occupant who temporarily holds or occupies land, a building or other property owned by another.

#### THOROUGHFARE

A right-of-way, typically publicly owned, serving primarily as a means of vehicular and pedestrian travel, providing access to abutting properties, and which may also be used to provide space for bicycle facilities, stormwater management facilities, shade trees, and utilities. Alleys and passages are not considered thoroughfares.

#### TOURIST OR TRANSIENT USE

Any use of a property for occupancy for less than a thirty-day term of tenancy, or occupancy for less than 30 days of a property for residential use leased or owned by a business entity not including hotels, motels and bed-and-breakfasts as defined in this Code.

#### TOWNHOUSE or TOWNHOME

A multifamily project of single-family dwelling units, which may consist of one or more buildings, attached or detached, wherein the real property title and ownership are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided. Although units may share party walls, each unit is situated on a different parcel of



land. For the purposes of this chapter, a condominium shall be considered a townhouse or townhome.

#### TOWNHOUSE OR TOWNHOME, PARENT PARCEL

A lot which is subdivided into privately owned parcels to create a project of townhouse or townhome units, which may consist of one or more buildings, attached or detached.

#### TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

A development pattern that caters to the pedestrian, requiring a walkable scale and a mix of residential and commercial uses similar to a traditional village or city.

#### TRAVEL TRAILER

See "recreational vehicle"

#### UNDEVELOPED PLATS

Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.

#### USE

The purpose for which a parcel or structure is intended.

#### USE, ACCESSORY

A use clearly incidental and subordinate to the principal use, whether located in a principal or accessory building, and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

#### USE, INDUSTRIAL

A property whose principal use is to add value to material using manufacturing processes.

#### USE, NONCONFORMING

A use of a building or of land that does not conform to the use regulations of the district in which it is situated, but which use existed and was lawful up to the time of the adoption of this chapter. The term "nonconforming use" shall include uses previously permitted as a matter of right and subsequently not permitted or permitted only by special use permit.

#### USE, PRINCIPAL

The main use for which a building or lot is used or intended to be used.

#### USE, TEMPORARY

Any activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work. Temporary uses are subject to the regulations found in §300-39.

#### VARIANCE, AREA

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

#### VARIANCE, USE

The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

## VENDOR

Any individual or group that offers goods or services for sale.

## VETERINARY CLINIC

See "animal hospital"

## WAREHOUSE

A building designed or used for the storage of merchandise, furniture or other commodities.

## WHOLESALE

The buying or selling of goods, usually in bulk, for purchasers other than end users.

## WINDOW AREA

The total area of any single windowpane or series of windowpanes separated by mullions.

## WINDOW SILL

The horizontal member at the base of a window opening, particularly the ledge formed by such a member.

## YARD, FRONT

An open space unoccupied on the same lot with the main building, extending the full width of the lot and situated between the front line of the lot and the extreme front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the extreme front line of the building and front line of the lot. Covered porches shall be considered as part of the main building and shall not project into a required front yard, whether enclosed or unenclosed. The front yard depth or front setback requirement for corner lots shall be applied to both frontages.

## YARD, REAR

An open space on the same lot with a main building, unoccupied except as hereinafter otherwise permitted, extending the full width of the lot and situated between the rear line of the lot and the extreme rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley if there is an alley, and the rear line of the building.

## YARD, SIDE

An open space unoccupied and unobstructed by buildings or structures from the ground to the sky except for landscaping, fencing, walls, driveways or parking located on the same lot with a main building situated between the side line of the building and an integral projection therefrom the adjacent side line of the lot line of the rear yard.

## ZONE

Districts for which the regulations governing the use of and occupation of property are the same.

## ZONING BOARD OF APPEALS

The officially established Zoning Board of Appeals of the City of Oneonta.

## ZONING DISTRICT

The classification of lands as established in this chapter and by the Zoning Map.

[1] Editor's Note: See Executive Law § 370 et seq.

[2] Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.

[3] Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.

[4] Editor's Note: See 47 U.S.C. § 609 et seq.

**SECTION 2: The provisions of Chapter 300, Article II, Subsection 10 (300-10) entitled Zoning Districts Established – MU-1 Downtown Mixed-Use District, are hereby repealed in their entirety and replaced with the following:**

*Remainder of this page blank.*

**SECTION 3:** This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State.

**LAI D TO COMMON COUNCIL:**

November 2, 2021

**APPROVED BY THE COMMON COUNCIL:**

January 4, 2022

**PUBLIC HEARING HELD:**

January 18, 2022

**SIGNED BY THE MAYOR:**

February 2, 2022

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**Mayor Mark Drnek**



CITY OF ONEONTA

# MU-1 FORM BASED CODE



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*The term “code” derives from “caudex,” which was simultaneously the trunk of a tree and set of laws. It is one of several terms clustering around the idea of power being resident in a sacred tree at the center of a traditional village. A code, then, is etymologically and functionally the trunk around which a settlement arranges itself.*

*-Patrick Pinnell-*

## **ADMINISTRATION:**

### **Intent**

- 1.) This section shall be known as the “MU-1 Form Based Code District”.
- 2.) Intent. The intent of this code is to implement zoning regulations consistent with the City of Oneonta Comprehensive Plan goals. The City of Oneonta Comprehensive Plan outlines a vibrant community seeking economic growth, historic preservation, multi model transportation strategies, flexible housing options and an overall high-quality built environment. The “MU-1 Form Based Code” is specifically intended to ensure at a regional level:
  - A.) That the region should retain its natural infrastructure and visual character derived from topography, woodlands, riparian corridors and the river.
  - B.) That development contiguous to urban areas should be structured, intentional, based on existing and historical patterns of mixed-use development and be integrated with the existing urban pattern.
  - C.) That transportation corridors should be planned and reserved in coordination with land use.
  - D.) That green corridors should be used to define and connect the urbanized areas.
  - E.) That the region should include a network of transit, pedestrian, and bicycle systems that provide alternatives to the automobile and single occupancy vehicle trips.
- 3.) The “MU-1 Form Based Code” is specifically intended to ensure at a community level:
  - A.) That Downtown Oneonta should be compact, pedestrian-oriented and mixed use.
  - B.) That the historically established mixed use environment of Downtown Oneonta should be the preferred pattern of development and that zoning districts specializing in a single use should be the exception.
  - C.) That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
  - D.) That interconnected networks of thoroughfares should be designed to disperse and reduce the length of automobile trips.
  - E.) That within neighborhoods, a range of housing types and price levels should be provided to accommodate social and economic diversity.
  - F.) That appropriate densities and land uses should be provided within walking distance of transit stops.
  - G.) That civic, institutional, and commercial activity should be embedded in Downtown Oneonta.
  - H.) That schools should be sized and located to enable children to walk or bicycle to them.

- I.) That a range of Open Space including parks and playgrounds should be distributed within neighborhoods and accessible to Downtown Oneonta.
- 4.) The “MU-1 Form Based Code” is specifically intended to ensure at the block and building level:
- A.) That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places and opportunities for public connection and engagement.
  - B.) That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
  - C.) That architecture and landscape design should reflect local climate, topography, history, and building practice.
  - D.) That buildings should be in harmony with Downtown Oneonta’s built environment and incorporate contemporary energy-saving technology.
  - E.) That civic buildings and public gathering places should reinforce community identity and support self-government.
  - F.) That civic buildings should reflect the characteristics of government buildings in terms of mass, scale and design.
  - G.) That the restoration, rehabilitation, and adaptive re-use of historic buildings is encouraged in order to affirm Downtown Oneonta’s social and architectural heritage.
  - H.) That the harmonious and orderly evolution of urban areas should be secured through form-based codes in the “MU-1 Form Based Code” district.
- 5.) The “MU-1 Form Based Code” is specifically intended to ensure at the Transect level:
- A.) That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
  - B.) That the Transect zone descriptions found in the regulating plan shall constitute the intent of this code with regard to the general character of each of these environments.



**Applicability**

- 1.) No building or part thereof within the MU-1 Form Based Code Districts shall be erected, moved, or altered unless in conformity with the regulations herein, specified for the district in which it is located.
- 2.) In the event that provisions of the MU-1 Form Based Code conflict with other sections of the City of Oneonta Municipal Code, the MU-1 Form Based Code shall prevail.
- 3.) In cases of nonconforming uses, buildings, and lots, refer to Part 2 the Regulating Plan.

**General Administration**

- 1.) This code shall replace the zoning and land use provisions that are specific to the MU-1 Form Based Code District. Where this code is silent in reference to land use and development, applicable portions of the City of Oneonta Zoning Code shall apply.
- 2.) The administration of this code is intended to provide guidance to the community, developers and municipal officials in the development of the City of Oneonta’s MU-1 Form Based Code District. This code shall provide a streamlined method of approval for high quality, building, land use and development projects by providing specific design standards and a flexible regulation of uses.
- 3.) The site plan review process and administrative procedures currently in existence within the City of Oneonta Municipal Code shall continue to be followed; however, the MU-1 Form Based Code District regulations shall control if any conflict is found to exist between this code and the City of Oneonta Municipal Code.
- 4.) Applicants shall obtain all required permits and approvals from all regulatory agencies prior to the commencement of any development or land use.
- 5.) All development shall comply with the New York State Building and Fire Prevention Code including all administrative and permitting requirements.
- 6.) No development shall be approved or commenced without first complying with SEQRA.

**Municipal Staff and Officials**

- 1.) The City of Oneonta Code Enforcement Officer shall have the following responsibilities and powers:
  - A.) Review applications for building and demolition permits.
  - B.) Refer applicants to the Planning Commission for site plan review, use determinations and special use permits.
  - C.) Act as the enforcing agent for any part of this code.
  - D.) Refer applicants to the Zoning Board of Appeals as part of a zoning appeal or interpretation.
  - E.) Act as a staff liaison to the City of Oneonta Planning Commission and Zoning Board of Appeals.
  - F.) Issue building and demolition permits.
  - G.) Minor site plan approval.
- 2.) The City of Oneonta Planning Commission shall have the following responsibilities and powers:
  - A.) The sole authority to conduct major site plan review in the MU-1 Form Based Code District.
  - B.) The sole authority to provide written determination and interpretation of this code within the boundaries of the MU-1 Form Based Code District, when such determination or interpretation is part of an application for site plan review, a special use permit or as required by any part of this code.
  - C.) To issue Special Use Permits.
  - D.) To provide written determinations and finding of facts to the City of Oneonta Zoning Board of Appeals in reference to any variance application or interpretation request within the boundaries of the MU-1 Form Based Code District.
- 3.) The City of Oneonta Zoning Board of Appeals shall have the following responsibilities and powers:
  - A.) The issuance of variances, both use and area, where an applicant meets the standards and criteria as provided by New York State law for such a variance.
  - B.) Interpretation of the zoning code as part of a zoning appeal. The interpretation shall be limited to an appeal of a notice of violation, the denial or approval of a building permit or the review of a determination made by the administrative official enforcing this code.

**Site Plan Review**

- (1) All new construction, alterations or additions (including alterations or expansions of parking areas) are subject to review for compliance with this code.
- (2) No building permit shall be issued, or structure or building shall be erected, and no building or structure shall be altered, remodeled, enlarged or extended, until the project or development has undergone review.
- (3) When an application for a building permit or demolition permit is submitted, the Code Enforcement Officer or his or her designee, shall review said application and determine if major or minor site plan review is required.
- (4) Minor site plan review shall be required for development projects that meet the following thresholds:
  - A.) New construction of any accessory building that exceeds 144 square feet but does not exceed 2,500 square feet.
  - B.) Construction of a primary structure, or an addition to a primary structure, that does not exceed 2,500 square feet.
  - C.) Substantial interior renovation of a primary structure. Substantial renovation shall be a level 2 or level 3 alteration as defined by the New York State Existing Building Code.
  - D.) Substantial facade alteration to the front or corner side facades of a primary structure in the T-4 or T-5 transect. Substantial shall be defined as a change to a façade's fenestration, cladding, architectural features or exterior building material.
  - E.) Alteration or construction of new parking areas that serve residential uses with six or less dwelling units or parking areas that have less than six parking spaces.
  - F.) Demolition of an accessory structure that is 200 sq. ft or less.

- 5.) The following actions shall always require major site plan review:
- A.) All new buildings and additions larger than 2,500 square feet in floor area. This shall include buildings and additions constructed in phases.
  - B.) Substantial facade alteration to the front or corner side facades of a primary structure in the T-6 transect. Substantial shall be defined as a change to a façade's fenestration, cladding, architectural features or exterior building material.
  - C.) Intensity of use: new uses with a maximum permitted occupancy exceeding 100 more than the previous use or which would result in a quantifiable increase in energy consumption.
  - D.) Surface and subsurface drainage: projects involving the disturbance of more than 1,000 square feet of land surface with slopes greater than 15%.
  - E.) Compatibility with adjacent zone districts: all new nonresidential uses within 100 feet of R zone district boundaries.
  - F.) Any proposed use that the Code Enforcement Officer has determined requires review for compatibility within the transect zone or any use requiring a Special Use Permit. This determination shall be based on existing uses, the New York State Building Code Chapter 3, Occupancy Classification and Use as well as the City of Oneonta Comprehensive Plan and this code.
  - G.) All Type I SEQR actions shall go to the Planning Commission for major site plan review.
  - H.) The demolition of any primary structure or the demolition of any accessory structure that exceeds 200 sq. ft.
  - I.) Alteration or construction of new parking areas with six or more parking spaces.
  - J.) A change in use from commercial to residential or from residential to commercial.
- 5.) The Code Enforcement Officer, or an applicant, may request any application be reviewed by the Planning Commission as a major site plan review.
- 6.) The Planning Commission shall hold a public hearing within 62 days from receipt of the completed application for major site plan review. Within 62 days of the closing of the public hearing the Planning Commission shall approve, approve with modifications or deny the application. The failure of the Planning Commission to act within 62 days, as described above, unless an extension is mutually agreed upon by the applicant and the Planning Commission shall be deemed to constitute approval.

**Use Determinations**

- 1.) If a use is not prohibited in the transect zone, but there is a question about its compatibility with surrounding uses or it is similar to a prohibited use, an applicant may request that the Planning Commission provide a written determination of the proposed use. The determination shall include the following:
  - A.) Minor site plan review application.
  - B.) A comparable permitted use already existing within the transect zone.
  - C.) Written determination that upon minor site plan review the use is similar in nature and impact and that the proposed use meets the legislative intent of this code as well as the City of Oneonta Comprehensive Plan. The use may not be similar in nature and impact to a specifically prohibited use.
- 2.) The Planning Commission shall provide their determination in writing to the applicant and the Code Enforcement Officer.

**Special Use Permits**

- 1.) If a use is not expressly permitted, and is not compatible in nature and impact to a use that is permitted in the transect zone, a Special Use Permit may be issued by the Planning Commission. The Planning Commission shall review the use and provide a written determination on the following:
  - A.) The use is consistent with the intent and purpose of the MU-1 Form Based Code District and specifically the Transect Zone in which the use is located.
  - B.) The use will not have an unreasonable adverse impact on neighboring properties.
  - C.) The use will positively contribute to the built environment, the design quality and the economic viability of the MU-1 Form Based Code District.
  - D.) The use will enhance the pedestrian shed of the MU-1 Form Based Code District. This may be done by improving public hardscape, landscape, or providing amenities that encourage pedestrian, cycling or public transportation.
  - E.) Major site plan review application.
- 2.) Following review, the Planning Commission shall either approve the Special Use Permit, deny the Special Use permit or approve the Special Use Permit with modifications.

**Variances and Zoning Interpretations**

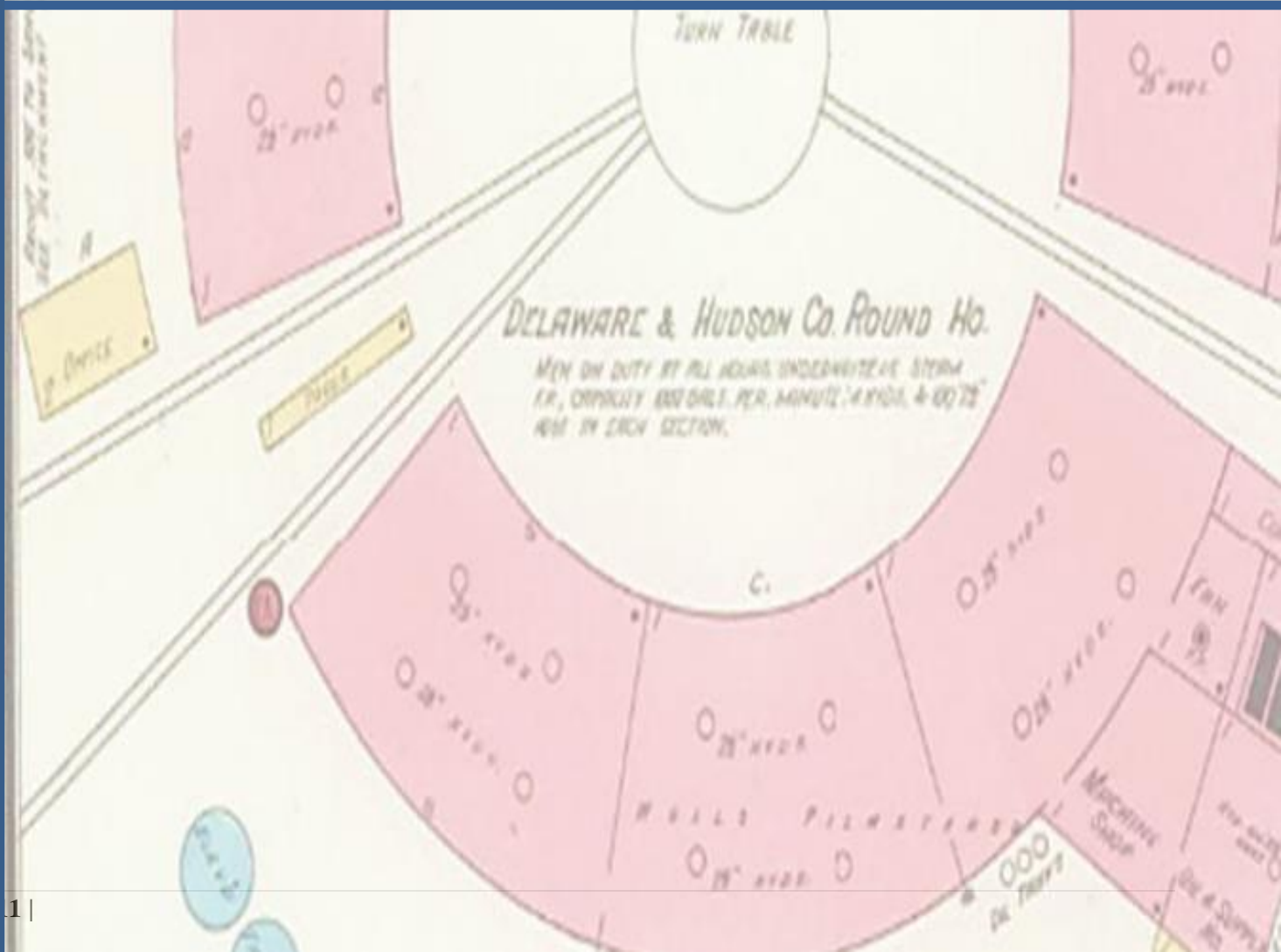
- 1.) The Planning Commission shall provide written determination, or finding of facts, to the City of Oneonta Zoning Board of Appeals on all requests for variances or zoning interpretation within the boundaries of the MU-1 Form Based Code District.
- 2.) The Planning Commission written determination, or finding of facts, shall include the following:
  - A.) The impact of the proposed variance or interpretation on the zoning district.
  - B.) If the variance or interpretation meets the intent of the form-based code and the City of Oneonta Comprehensive Plan.
  - C.) If the applicant has sought relief through all means provided by this code.
- 3.) The Zoning Board of Appeals shall consider the Planning Commission findings of fact, or determination, as part of any application for zoning interpretation or appeal within the boundaries of the MU-1 Form Based Code District.
- 4.) The Zoning Board of Appeals shall provide a written determination or findings of fact before any variance or interpretation is provided; this shall include the following:
  - A.) The approval or denial of any variance or interpretation is in accordance with New York State law and specifically meets the standards provided for the approval or denial of a variance or zoning interpretation.
  - B.) The relief sought is reasonable and meets the intent of the form-based code and the City of Oneonta Comprehensive Plan.
  - C.) The applicant has sought relief through all means provided by this code and failed.
- 5.) The Zoning Board of Appeals shall reach a decision within 62 days after a final hearing and shall notify the Common Council, City Code Enforcement Officer and City of Oneonta Planning Commission in writing of each zoning interpretation or variance granted.

**Subdivision or Lot Adjustments**

- 1.) The subdivision of land or the adjustment of any parcel or lot shall require approval by the Planning Commission.
- 2.) Land within the boundaries of the MU-1 Form Based Code District shall be subdivided into blocks or lots, or existing lots altered, only as permitted by the Regulating Plan.
- 3.) The Planning Commission may waive or alter the requirements of any subdivision if it is determined that the subdivision meets the intent of this code or the strict adherence to the requirements of this code is infeasible.
- 4.) A preliminary plat for a subdivision application or lot adjustment that meets the requirements of this code is not required.

CITY OF ONEONTA

# REGULATING PLAN



### STANDARDS:

- 1.) Purpose and intent. The purpose of the Downtown Mixed-Use District (MU-1) is to provide for a mix of higher-density residential and commercial uses that will preserve and restore the unique character and architectural heritage of the city's downtown area. Memorable places depend on a vibrant mix of building types and building uses to create unique and desirable places to live and work. Historically urban development has occurred in a pattern that radiates outward from an intense center mixed use zone to areas of decreasing intensity on urban edges. This radiating pattern of development allows for the creation of historic downtowns like Oneonta which depend on a vibrant, mixed use, economic center supported by peripheral urban neighborhoods.

The MU-1 District is organized into three transect zones which have been mapped onto the MU-1 District Form Based Code boundary. These Transect zones will provide the framework for protecting and expanding the Oneonta Downtown Historic District, are calibrated to support future infill development and ensure a high-quality built environment.

*“Now is a time of opportunity, innovation, and reinvention. Now is the time for us all to climb aboard and demonstrate that here in the City of Oneonta, “We’re Onta Something.”*

*—Mayor Gary Herzig*





# PART 2

## THE REGULATING PLAN

## MU-1 FORM BASED CODE

### Regulating Plan

- 1.) The MU-1 District's Form Based Code boundary is organized under three distinct transect zones. These transect zones correlate with other code sections that dictate site design, development and aesthetic. There are also site-specific and thoroughfare specific standards found within the transect zones. These standards are provided below.
  - A.) **Build-to-Zone:** A build-to zone is the area on a lot, measured parallel from the front and/or corner side lot line, where a structure must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone.
  - B.) **Storefront Required:** All ground floors shall have a functional storefront which house uses that activate the street and sidewalk.
  - C.) **Oneonta Downtown Historic District:** Properties designated as part of the historic district shall comply with the additional historic preservation design requirements found in this code.
  - D.) **Places of Significance:** Buildings or sites identified as places of significance are locations with opportunity for place making. These may be sites, buildings or intersections. Special care shall be applied to the development of these locations due to their significance and the opportunity for exceptional place making.



### The Transect

- 1.) Any development in the MU-1 Form Based Code district shall comply with, and be regulated by, the corresponding transect zone as shown on the regulating plan.
- 2.) The intent of this code is to encourage the most dense, intense and public uses of land into the Main Street corridor while allowing for less dense land uses further from Main St. The following shall generally apply to the MU-1 Form Based Code boundary:
  - A.) Encourage both horizontal and vertical mixing of residential units with retail, restaurants, entertainment, and other commercial uses in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic.
  - B.) Generally encourage new development and redevelopment of a scale, density, and character consistent with the historic fabric of Main Street, but on Market Street allow for a wider range of scale, density, and character than that found on Main Street.
  - C.) Ensure that appearance and functionality of buildings and uses are harmonious with the existing downtown character, especially the historic infrastructure of buildings, streets and public spaces.
  - D.) Encourage carefully designed public spaces, on commercial and public properties and within the public right-of-way, that enhance the City's identity and encourage greater interaction among residents and visitors.
  - E.) Preserve and enhance the downtown area's role as a center for commerce, leisure, and civic engagement.
- 3.) Transect zoning recognizes the need for human habitats to reflect the natural environment. The Transect is organized into six Transect zones (T1-T6) that progress in form and function from rural (T1) to urban (T6). Each Transect zone is designed around a pedestrian shed and is intended to be walkable and accessible to adjoining transect zones so that there is a continuous connectivity from one zone to the next. The MU-1 district incorporates three Transect zones (T4-T6) These Transect zones represent the densest urban land uses in the City of Oneonta and reflect a high quality, walkable, mixed use environment that offers a diverse mix of housing, employment and transportation opportunities.

*"A town is saved, not more by the righteous men in it than by the woods and swamps that surround it."*

— *Henry David Thoreau*

### City of Oneonta Transect Zones

- 1.) The City of Oneonta MU-1 Form Based Code is divided into three Transect zones:
  - A.) **T6 Main Street Corridor:** A small area with primary buildings fronting along Main Street. This Transect zone encompasses most of the Oneonta Downtown Historic District. The Main Street Corridor is the densest and is intended to incorporate a wide range of uses. Buildings in this zone have build to zones at the sidewalk and are permitted by right to be the tallest.
  - B.) **T5 Urban Center:** Within walking distance of the Main Street Corridor, the Urban Center transect may include a wider range of scale, density, and character than that found on Main Street. The intent of this zone is to provide a variety of uses and housing options that are accessible to the Main Street Corridor.
  - C.) **T4 Urban Neighborhood:** A less formal transitional neighborhood separating the Main Street Corridor from the Walnut Street Historic District. This zone is the most fluid in design and building placement, including a mix of detached housing as well as converted residential and commercial uses.



**Figure 1**

**T6 Main Street Corridor**



**Figure 2**

**T5 Urban Center**

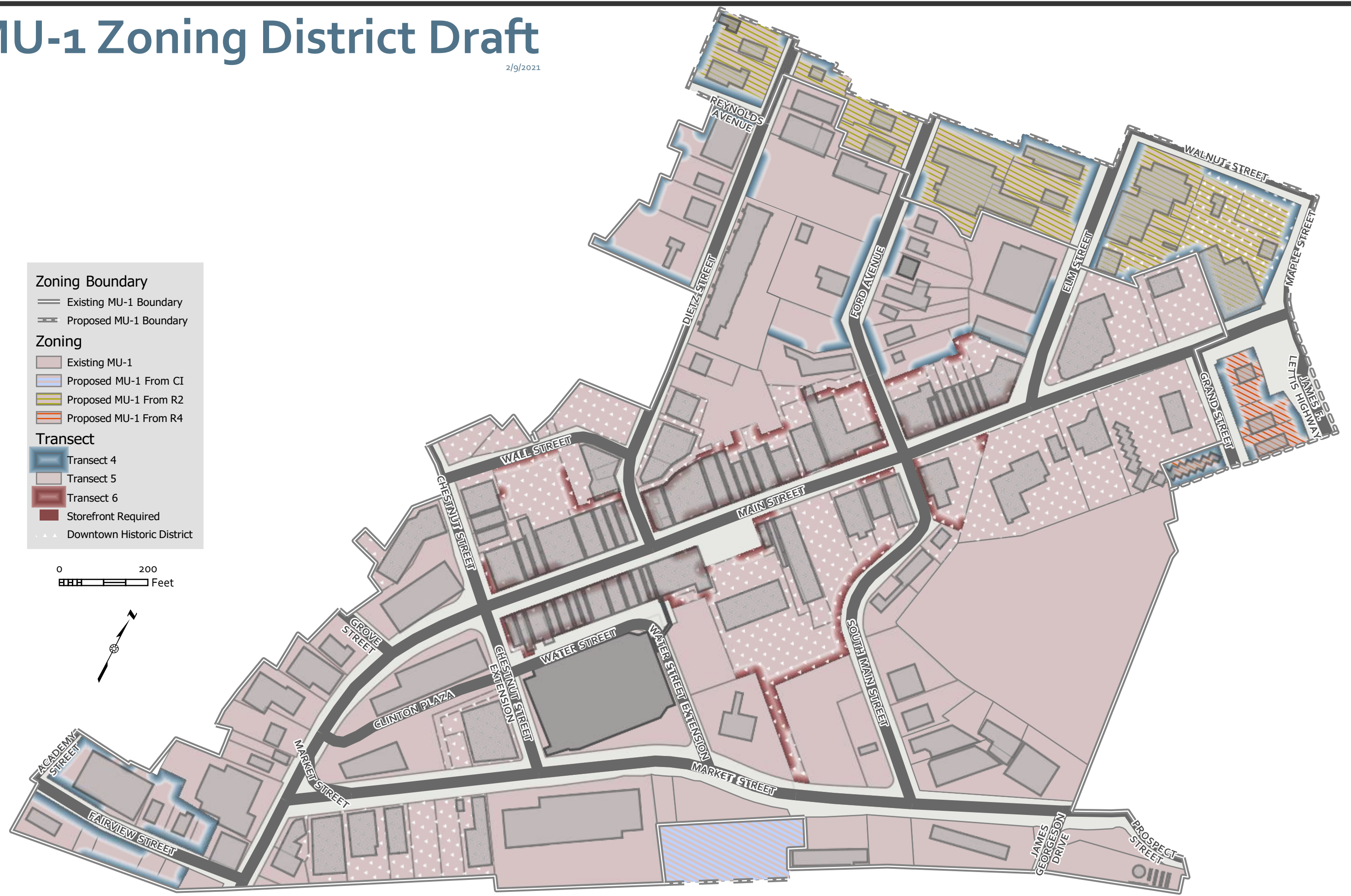


**Figure 3**

**T4 Urban Neighborhood**

# MU-1 Zoning District Draft

2/9/2021



**Zoning Boundary**

- Existing MU-1 Boundary
- Proposed MU-1 Boundary

**Zoning**

- Existing MU-1
- Proposed MU-1 From CI
- Proposed MU-1 From R2
- Proposed MU-1 From R4

**Transect**



- Transect 4
- Transect 5
- Transect 6
- Storefront Required
- Downtown Historic District






# MU-1 Zoning District Draft

2/9/2021






## Zoning Boundary

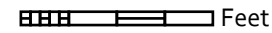
-  Existing MU-1 Boundary
-  Proposed MU-1 Boundary

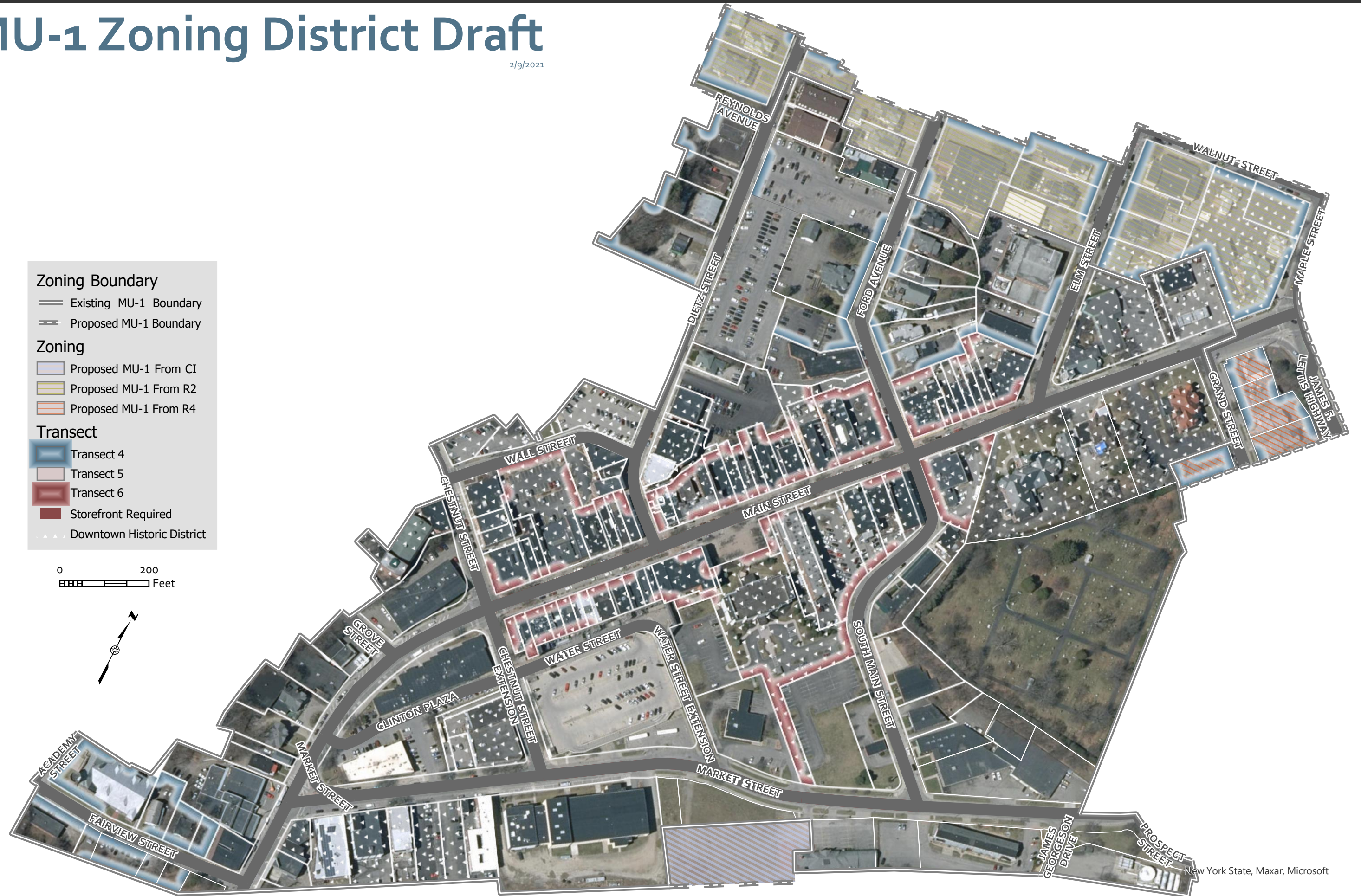
## Zoning

-  Proposed MU-1 From CI
-  Proposed MU-1 From R2
-  Proposed MU-1 From R4

## Transect

-  Transect 4
-  Transect 5
-  Transect 6
-  Storefront Required
-  Downtown Historic District

0 200  
 Feet



New York State, Maxar, Microsoft

## MU-1 Form Based Code Summary

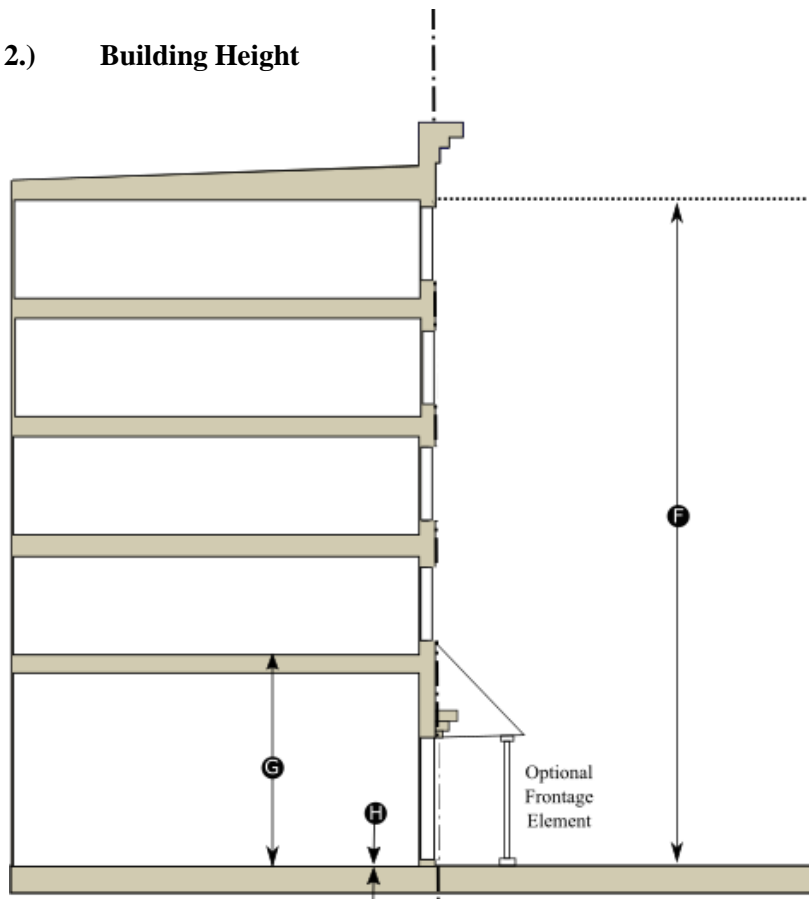
Transect Zone Standards	T6 Main Street Corridor	T5 Urban Center	T4 Urban Neighborhood
<b>Building Form</b>			
Build-to-Zone	0' min 0' max	0' min 10' max	0' min 20' max
Build-to-Percentage	95% min	80% min	60% min
Side Setback (attached or mid-block)	0' min	0' min	0' min
Side Build-to-Zone	0' min 10' max	0' min 10' max	6' min 20' max
Side Build-to-Percentage	85% min	80% min	60% min
Rear Setback or Alley	5' min	5' min	5' min
<b>Lot and Block Standards</b>			
Block Perimeter	1800 linear feet max	2000 linear feet max	2500 linear feet max
Lot Width	18' min 150' max	18' min 150' max	20' min 250' max
Lot Depth	No min 180' max	No min 180' max	60' min 250' max
Lot Coverage	No max	No max	85% unless preexisting
<b>Building Height</b>			
Building Height	3 Stories min	2 Stories min	1 Story min
	5 Stories max	4 Stories max •	3 Stories max
First Floor Height (finished floor to finished floor)	14' min 25' max	14' min	10' min
Finished Ground Floor (above sidewalk or finished grade)	0' min 24" min (Residential)	0' min 24" min (Residential)	0' min 18" min (Residential)
<b>Encroachments</b>			
Building Frontage Elements	Awning, Gallery, Balcony, Forecourt	Awning, Gallery, Balcony, Stoop, Forecourt, Porch	Awning, Balcony, Stoop, Porch, Forecourt



- Projects designed and constructed to achieve at least LEED Silver certification may add one additional story for each additional LEED rating level achieved. For example, a Silver certified building could add one bonus story, a Gold certified building could add two bonus stories and a Platinum certified building could add three bonus stories. Certification shall be based on the most current version of LEED at the time of proposal application.



### T6 Main Street Corridor

#### 2.) Building Height



Key			
	Property Line		Building
<b>Building Height</b>	3 Stories min 5 Stories max		<b>F</b>
<b>First Floor Height (finished floor to finished floor)</b>	14' min 25' max		<b>G</b>
<b>Finished Ground Floor (above sidewalk or finished grade)</b>	0' min 24" min (Residential)		<b>H</b>

Minimum stories must be functional stories and shall not include attics, basements or parking areas.

Stories above the first shall not exceed 14 feet in height.

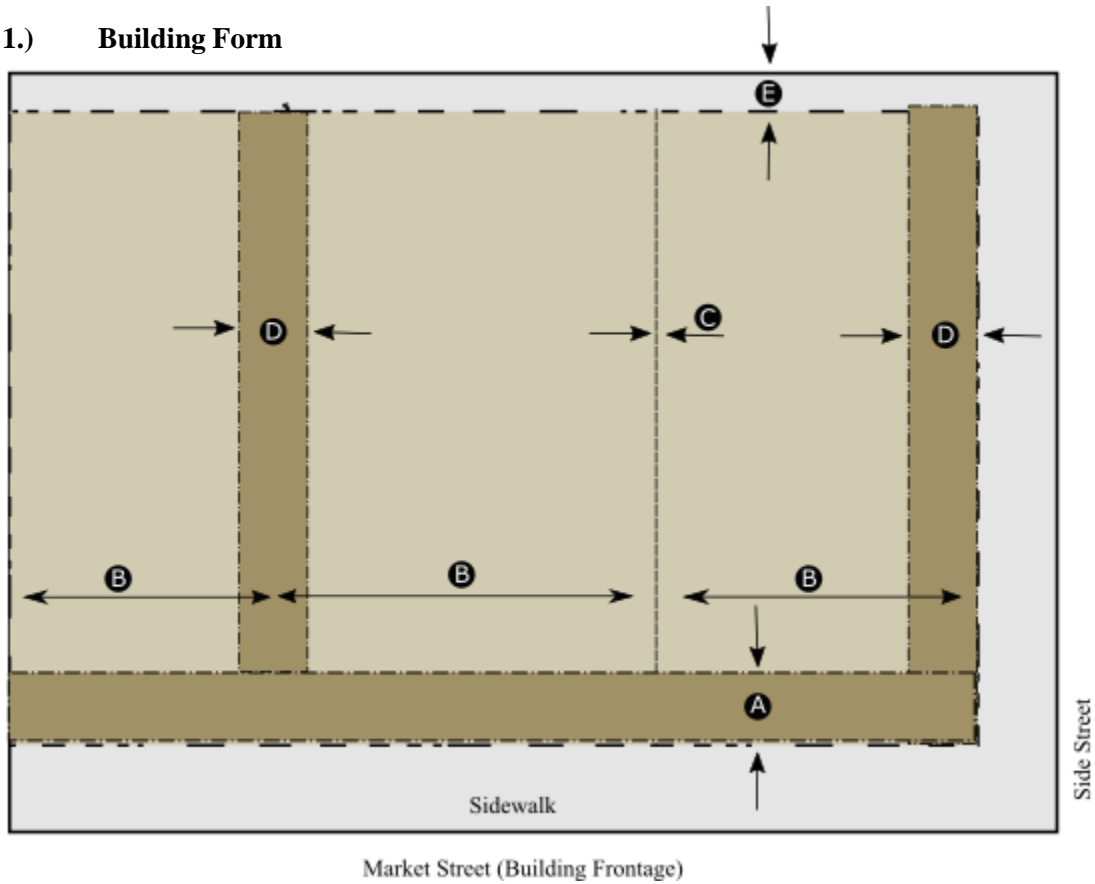
Building height shall be measured from grade to the roof eave or, if flat, the roof deck.




Architectural detailing such as parapets, decorative features or mechanical screening may exceed the height requirement but must comply with the design standards of this code.



## T5 Urban Center

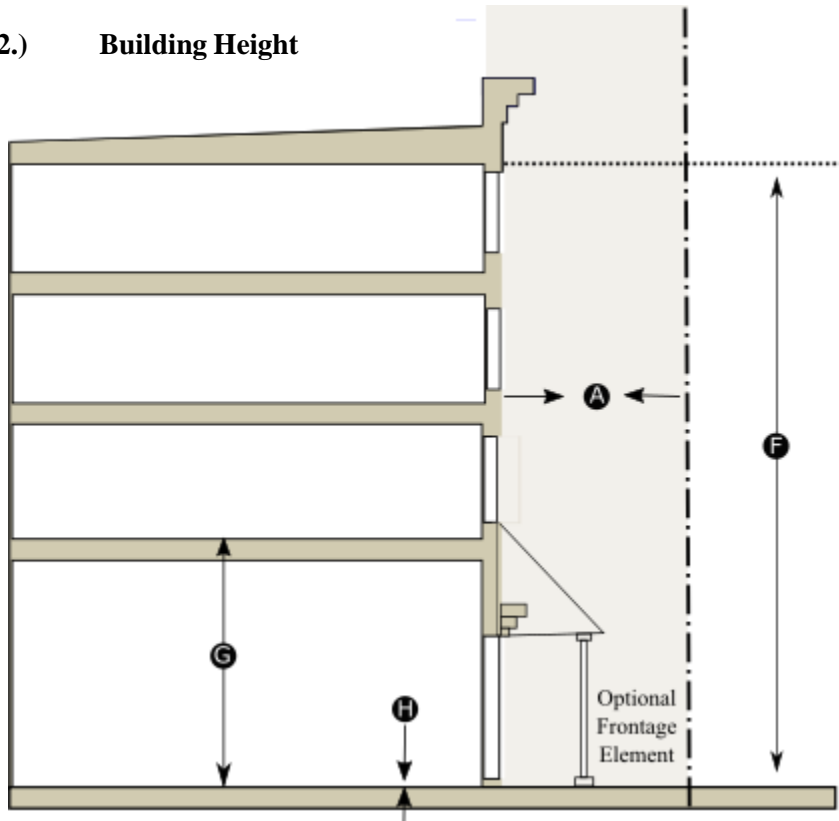
### 1.) Building Form




Key		
	Property Line	
	Building Footprint	
	Build-to-Zone	
Build-to-Zone	0' min 10' max	<b>(A)</b>
Build-to-Percentage	80% min	<b>(B)</b>
Side Setback (attached or mid-block)	0' min	<b>(C)</b>
Side Build-to-Zone	0' min 10' max	<b>(D)</b>
Rear Setback or Alley	5' min	<b>(E)</b>

### T5 Urban Center

#### 2.) Building Height



Key		
- - - - - Property Line		 Building
<b>Building Height</b>	2 Stories min 4 Stories max	<b>F</b>
<b>First Floor Height (finished floor to finished floor)</b>	14' min 25' max	<b>G</b>
<b>Finished Ground Floor (above sidewalk or finished grade)</b>	0' min 24" min (Residential)	<b>H</b>

Minimum stories must be functional stories and shall not include attics, basements or parking areas.

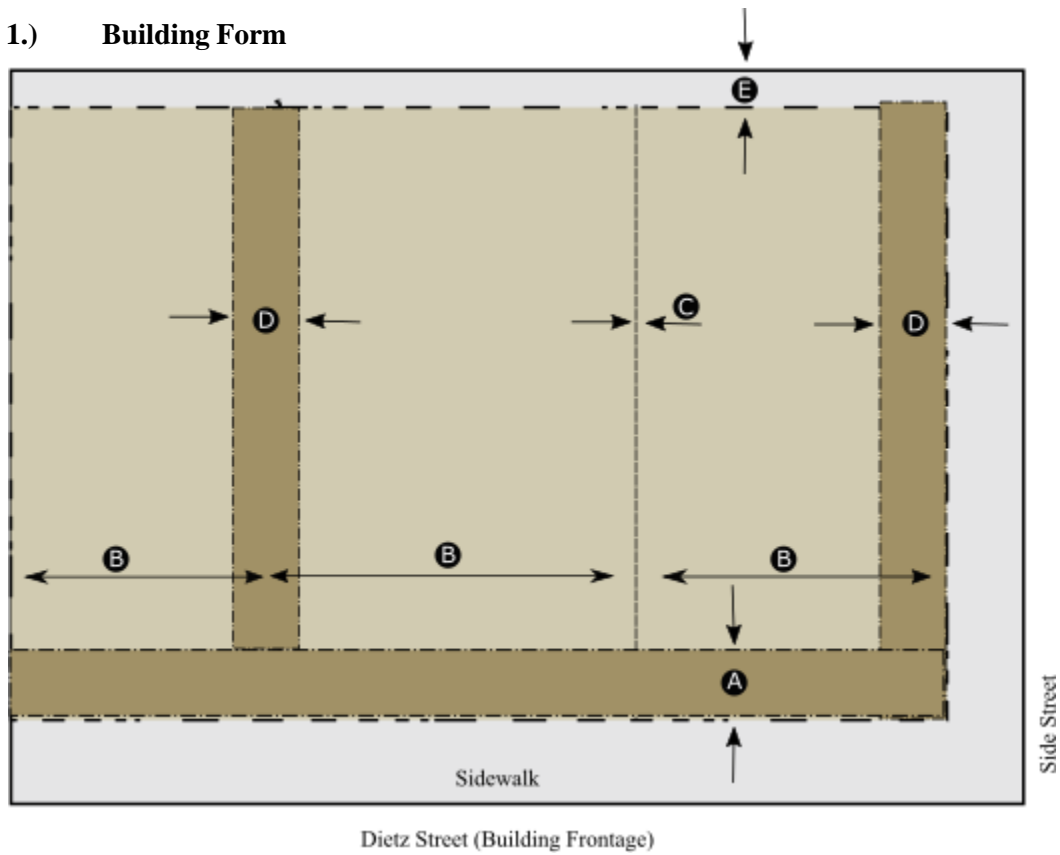
Stories above the first shall not exceed 14 feet in height.




Building height shall be measured from grade to the roof eave or, if flat, the roof deck.

Architectural detailing such as parapets, decorative features or mechanical screening may exceed the height requirement but must comply with the design standards of this code.

## T4 Urban Neighborhood

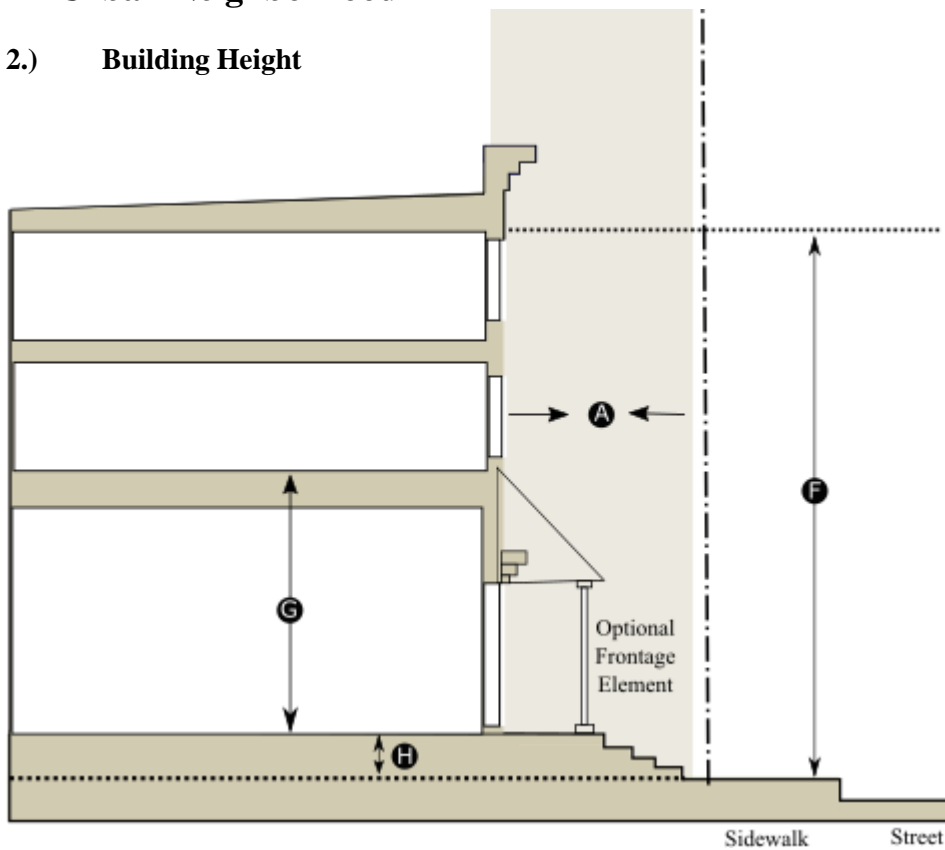
### 1.) Building Form




Key		
	Property Line	 Building Footprint
		 Build-to-Zone
Build-to-Zone	0' min 20' max	(A)
Build-to-Percentage	60% min	(B)
Side Setback (attached or mid-block)	0' min	(C)
Side Build-to-Zone	6' min 20' max	(D)
Rear Setback or Alley	5' min	(E)

### T4 Urban Neighborhood

#### 2.) Building Height



Key		
- - - - - Property Line		 Building
<b>Building Height</b>	<b>1 Story min</b> <b>3 Stories max</b>	<b>F</b>
<b>First Floor Height</b> (finished floor to finished floor)	<b>10' min 25' max</b>	<b>G</b>
<b>Finished Ground Floor</b> (above sidewalk or finished grade)	<b>0' min</b> <b>18" min (Residential)</b>	<b>H</b>

Minimum stories must be functional stories and shall not include attics, basements or parking areas.

Stories above the first shall not exceed 10 feet in height.

Building height shall be measured from grade to the roof eave or, if flat, the roof deck.

Architectural detailing such as parapets, decorative features or mechanical screening may exceed the height requirement but must comply with the design standards of this code.

### Non-Conformities

The MU-1 District represents a living ecosystem that has changed and adapted over the course of history. This code recognizes that these changes reflect unique periods of time in the history of the City of Oneonta and seeks to reconcile this rich history with a bright future. The following section shall apply to nonconformities within the MU-1 District.

#### Historic Buildings

- 1.) Any building or structure that meets one or more of the following conditions shall be considered conforming to the lot, block, form and height requirements of the zone:
  - A.) Listed, or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
  - B.) Designated as historic under an applicable state or local law.
  - C.) Certified as a contributing resource within a National Register, state designated or locally designated historic district.

#### Lot and Blocks

- 1.) Lots legally existing at the time of the adoption of this code shall be considered conforming. Nothing shall prevent the development of a nonconforming lot so long as any applicable setback standards are met.
- 2.) Any new proposed lot or subdivision shall be in conformance with the requirements of this code. The creation of new non-conforming lots shall be prohibited.
- 3.) The historical block structure of the MU-1 District is largely intact. The intent of this code is to maintain and protect this existing infrastructure. The historic footprint of downtown Oneonta shall be considered conforming. This shall be based on the 1910 Sanborn Fire Insurance map.
- 4.) Changes to the block structure shall be in compliance with this code or may reestablish historical thoroughfares such as Broad Street. New blocks may be established as pedestrian thoroughfares.

### Nonconforming Structures

- 1.) Existing structures that do not conform to the standards of this code may be altered under the following circumstances:
  - A.) The alteration is mandated by law as a requirement to ensure public safety or health.
  - B.) The alteration is routine maintenance or reduces the level non-conformity.
  - C.) The alteration conforms to the requirements of the standards found in this code.
  - D.) A nonconforming structure which is damaged or destroyed to the extent of 50% or more of its fair market value shall be made conforming to this code. If the damage is less than 50% of the fair market value the structure may be rebuilt to its previous condition so long as the nonconformity is not expanded and no new nonconformity is created.
  - E.) Reconstruction shall occur within one calendar year of the date of damage or destruction. If a building permit has not been issued within one calendar year of the date of damage or destruction the structure shall be repaired or rebuilt in compliance with this code.

### Nonconforming Uses

- 1.) A nonconforming use shall not be expanded in area or increased in intensity.
- 2.) A nonconforming use shall only be changed to a conforming use. A nonconforming use that has been made conforming in whole or in part shall not be changed back to a nonconforming use.
- 3.) Any nonconforming use that has been discontinued for any reason for one year shall not be reestablished as a nonconforming use, regardless of intent to resume operation, and any future use of the property shall be in conformity with this code.
- 4.) Existing structures that house a nonconforming use shall only be altered under the following circumstances:
  - A.) The alteration is mandated by law as a requirement to ensure public safety or health.
  - B.) The alteration is routine maintenance or reduces the level non-conformity.
  - C.) The alteration conforms to the standards found in this code or the alteration is to change a nonconforming use to a conforming use.
  - D.) If a structure that houses a nonconforming use is damaged or destroyed the use may be reestablished provided that no new nonconformities are created and the level of intensity is not increased. The structure housing the nonconforming use shall comply with the requirements of this code. If the structure was nonconforming it shall be repaired in accordance with the requirements of this code.
  - E.) Reconstruction shall occur within one calendar year of the date of damage or destruction. If a building permit has not been issued within one calendar year of the date of damage or destruction the use shall be considered abandoned and may only be reestablished as a conforming use.

# PART 2

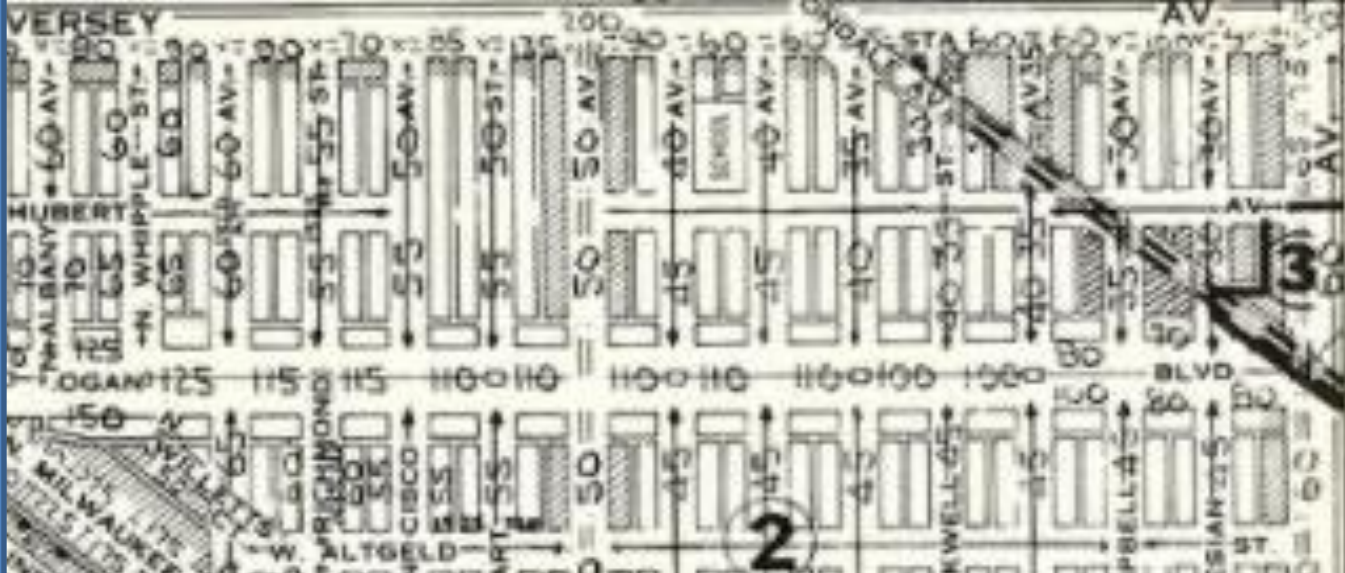
## THE REGULATING PLAN

## MU-1 FORM BASED CODE



Figure 4

Detail City of Oneonta Downtown. Sanborn Fire Insurance Map from Oneonta  
Otsego County, New York.



CITY OF ONEONTA

# LAND USE





## STANDARDS:

- 1.) Permitted use categories (P) shall be permitted by right. Non- permitted uses (NP) shall be prohibited. The New York State Building Code provides examples of each category and may be used as a reference when determining use compatibility. The Planning Commission shall provide written findings of fact when a question of intent or compatibility of a particular use is identified.
- 2.) A lot or property shall be occupied by a principal permitted use. Accessory uses and structures are allowed in conjunction with a permitted principal use.
- 3.) Multiple principal uses may be established at any primary building or parcel as long as the uses are all permitted in the district and the building and use are in compliance with all local and state codes.

### Permitted Uses

	T4 Urban Neighborhood		T5 Urban Center		T6 Main Street Corridor	
Assembly	P.	NP. Taverns, Bars, Night Clubs, Adult Uses, Casinos	P.	NP. Adult Uses	P.	NP. Adult Uses
Business	P.	NP. Vehicle Sales, Car Wash, Ambulatory Care Facilities, Food Processing not Associated with a Restaurant, Automotive Repair	P.	NP. Car Wash	P.	NP. Vehicle Sales, Car Wash, Ambulatory Care Facilities, Automotive Repair
Educational	P.		P.		P.	
Factory •	P. Accessory Use		P. Associated with Retail		P. Associated with Retail	
Institutional	P.	NP. Detox Facilities, Hospitals, Correctional Facilities, Jails, Prerelease Centers, Detention Centers	P.	NP. Correctional Facilities, Jails, Prerelease Centers, Detention Centers	P.	NP. Detox Facilities, Hospitals, Correctional Facilities, Jails, Prerelease Centers, Detention Centers
Mercantile	P.	NP. Department Stores, Motor Fuel Dispensing,	P.	NP.	P.	NP. Motor Fuel Dispensing
Residential	P.	NP. Alcohol and Drug Centers Social Rehab Facilities Fraternities and Sororities	P.	NP. Detached Single Family Home	P.	NP. Detached Single Family Home

• Permitted with Special Use Permit

### Permitted Use Categories

- 1.) The following shall be approved use categories:
  - A.) The assembly category includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.
  - B.) The business category includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts.
  - C.) The educational category includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.
  - D.) The factory category includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations. The factory category must include on site retail of goods and shall not create conditions that would be considered harmful or a nuisance to surrounding uses.
  - E.) The institutional category includes, among others, the use of a building or structure, or a portion thereof, in which care or supervision is provided to persons who are or are not capable of self-preservation without physical assistance or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted.
  - F.) The mercantile category includes, among others, the use of a building or structure or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.
  - G.) The residential category includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional category.
- 2.) Within each category there are specific uses that are not permitted (NP) in a particular transect zone because they do not meet the intent of this code, the transect definition or the City of Oneonta Comprehensive Plan.

*“To waste, to destroy our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed.”*

— Theodore Roosevelt

### Accessory Uses

- 1.) Accessory buildings and uses must be clearly incidental and subordinate to a permitted principle use or primary building.
- 2.) Accessory uses or structures may not be established priory to a principal use or primary building.
- 3.) The code enforcement officer is authorized to determine if a use or structure is accessory. This shall be determined based on the specific criteria listed below:
  - A.) Is entirely subordinate in area, extent and purpose of the principal use or primary building;
  - B.) Contributes to the comfort, convenience or necessity of the occupants of the principal use or primary building;
  - C.) Is located entirely on the same lot as the principal use, or on a contiguous lot under the same ownership or control of the principal use;
  - D.) Operationally supports the principal use and keeps in character with the building being served;
  - E.) Is not being used at a higher level of density or intensity than the principal use or structure.
- 4.) Accessory structures shall meet all requirements of this code.
- 5.) Accessory dwelling units, in compliance with this code, shall be permitted in the MU-1 zoning district.

*“We don’t want a plan based on land uses. We want a plan based on experiences. Who visits downtown to see landuses?”*

*-Mitchell Silver*

*“Dull, inert cities, it is true, do contain the seeds of their own destruction and little else. But lively, diverse, intense cities contain the seeds of their own regeneration, with energy enough to carry over for problems and needs outside themselves.”*

*— Jane Jacobs, The Death and Life of Great American Cities*

The background of the page is a detailed architectural drawing in black ink on a light cream-colored paper. The drawing shows a complex structure with numerous vertical lines, likely representing columns or a facade, and horizontal lines indicating levels or sections. The drawing is partially obscured by a blue vertical bar on the left and a grey horizontal bar containing the text.

**CITY OF ONEONTA**

# **DESIGN**

## STANDARDS:

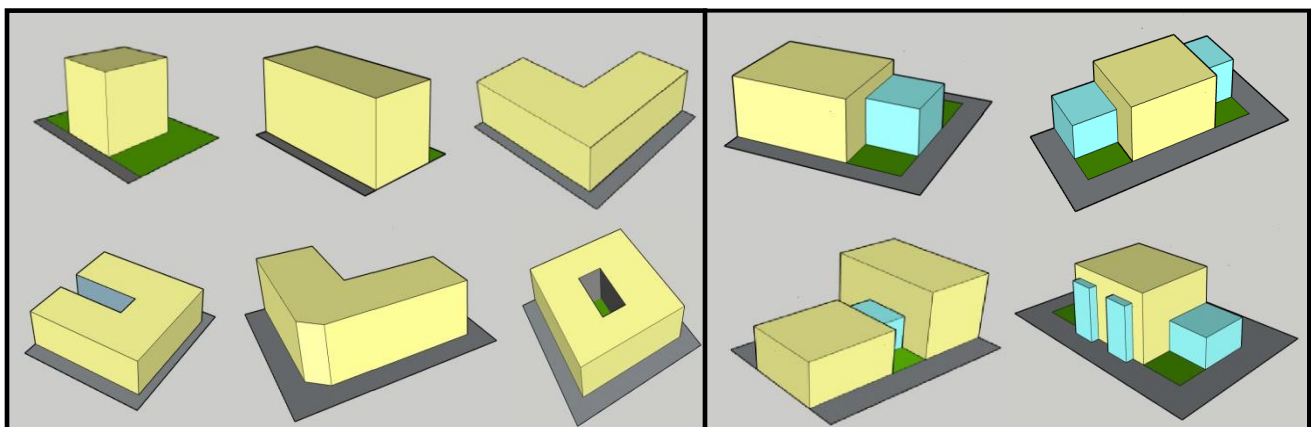
- 1.) Along with the requirements found in "Part 2: The Regulating Plan" the following design standards shall apply to alterations of existing buildings and frontage elements as well as new construction in the MU-1 District. These additional design standards are intended to promote the following purposes:
  - A.) Preserve and enhance the unique character and historical integrity of the MU-1 District.
  - B.) Ensure a high-quality built environment that encourages interesting places, economic investment and pedestrian activity.
  - C.) Support a sense of design context that appropriately relates the materials, building styles, patterns, massing and facades of the historic downtown to new redevelopment efforts.
  - D.) To create a harmonious and orderly evolution of the urban fabric of the MU-1 District.
- 2.) References to existing context should include scale, massing, type and textures of historical building materials, roof and cornice forms, spacing and proportion of windows and doors, first floor commercial frontage design and street front fixtures. Building exteriors in, or adjoining, the historic district shall reinforce historic development patterns and neighboring contributing historical buildings with an emphasis on design continuity and compatibility.
- 3.) Proposed new buildings, additions or alterations shall be compatible with contributing buildings located within the downtown historic district. This compatibility with existing buildings shall be with the original architectural features of the structure and not later alterations. Any additions shall be secondary in massing to the primary structure.

### Massing

- 1.) New buildings, alterations and additions shall follow existing patterns of design. Primary structures shall be one of the approved primary masses.
- 2.) Secondary masses shall be subordinate to a primary mass in size, scale and prominence.

#### Approved Primary Masses

#### Examples of Secondary Masses



### Façade Design

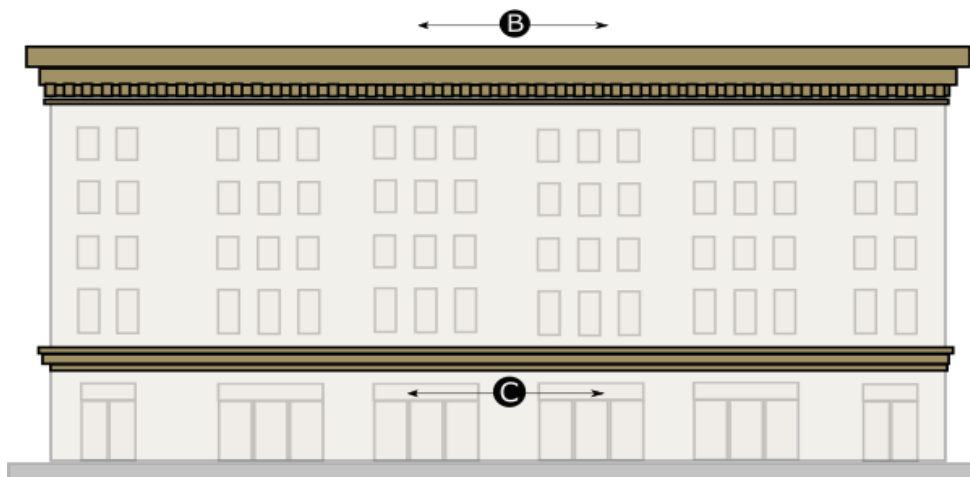
- 1.) Buildings shall have a top floor cornice feature and first floor architectural articulation, such as a storefront with a secondary cornice. Windows, doors and architectural articulation shall be uniform and shall be regularly centered. Flat roofs shall be enclosed by parapets with a minimum depth of 42 inches high, or as required to conceal building mechanical equipment.



Street Elevation



Windows, doors and architectural articulation shall be uniform and shall be regularly centered.



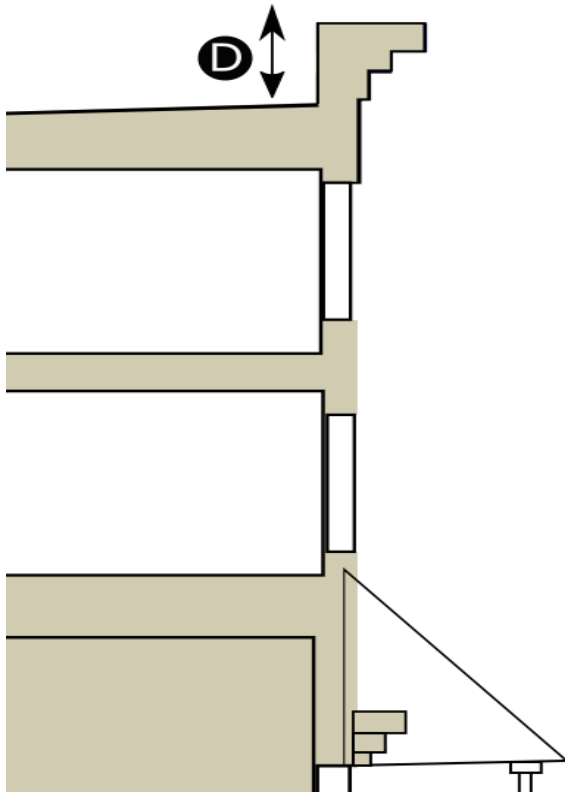
Street Frontage



Buildings shall have a top floor cornice feature.



First floor architectural articulation, such as a storefront with a secondary cornice.



**D** Flat roofs shall be enclosed by parapets with a minimum depth of 42 inches high, or as required to conceal building mechanical equipment.



Figure 1. Example of Top Floor Cornice and Parapet.



Figure 2. Windows, doors and architectural articulation shall be uniform and shall be regularly centered.

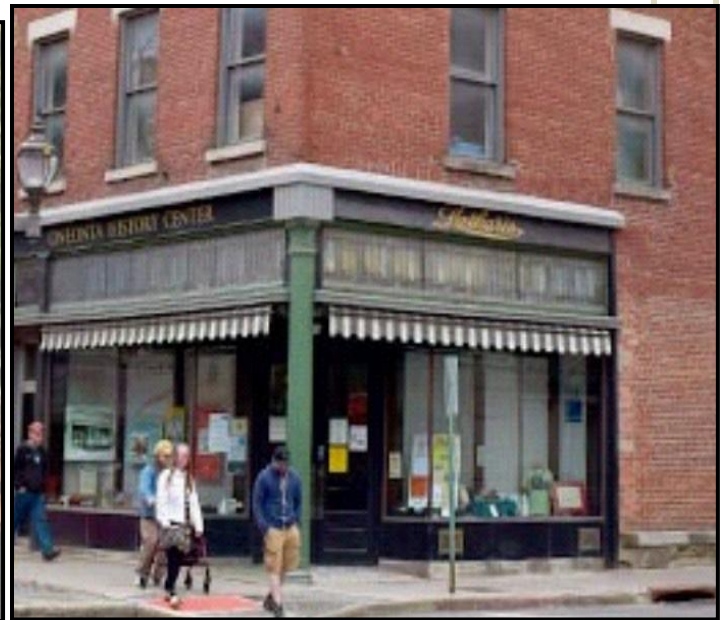


Figure 3. first floor architectural articulation, such as a storefront with a secondary cornice.

*“Music is liquid architecture; Architecture is frozen music.”*

— Johann Wolfgang von Goethe

- 2.) Buildings shall have a front entrance that faces on a primary right of way and is connected to a sidewalk. Primary entrances for commercial and retail storefronts shall be active and provide entrance during business hours. The use of residential type doors for commercial entrances shall be prohibited.



**A** Buildings shall have a front entrance that faces on a primary right of way and is connected to a sidewalk.

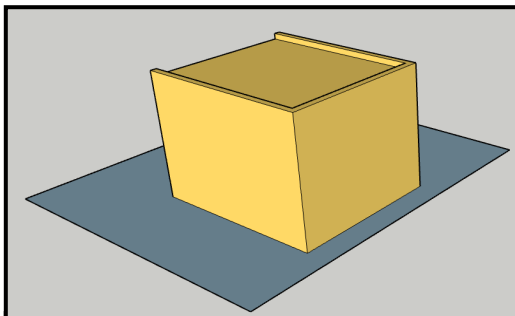


Figure 4. Examples of Approved Door Styles.

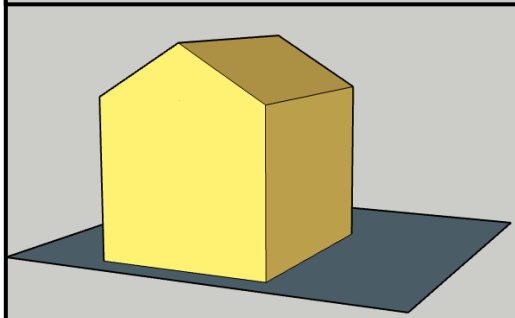


**Roof Design**

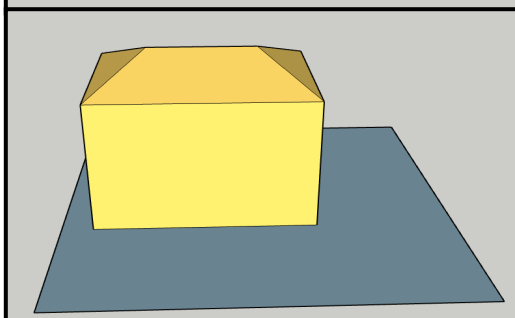
- 1.) The following roof types shall be permitted:
  - A.) Gable
  - B.) Flat or Shed
  - C.) Hipped
- 2.) Visible gable and hipped roofs shall be symmetrical in pitch.
- 3.) Flat roofs shall be concealed by a parapet.
- 4.) No structure located within the Downtown Historic District shall have its roofline or structure altered or changed from one permitted type to another.



**Flat**



**Gable**



**Hipped**

**Fenestration**

- 1.) Building transparency is an important aspect of an engaged and active urban space. Buildings fronting on the public right of way shall meet the fenestration requirements of this code. Where feasible, existing buildings shall comply with this code.
- 2.) The following minimum fenestration requirements shall be a total percentage of each building story and based on the distance between the finished floor and finished ceiling:
  - A.) First Story Retail: 60%
  - B.) First Story Non-Retail: 30%
  - C.) All Additional Stories: 20%
- 3.) Windows and doors shall be organized in a way that breaks the façade into smaller, distinct portions. The fenestration requirements of this code shall be met with multiple windows and doors.
- 4.) The long axis of any window shall be oriented vertically with upper stories relating in shape, form and pattern to those on the first.
- 5.) Mirrored glass, reflective glass, tinted glass, glass walls or glass block shall not be permitted in the MU-1 District.
- 6.) The distance from the adjacent grade to the top of a windowsill shall not exceed thirty-six inches.
- 7.) In order to maximize street activity, encourage pedestrian access and avoid inactive blank walls there shall be a building entrance provided at intervals no greater than fifty feet. The Planning Commission may adjust this distance based on the following:
  - A.) The proposed use or structure demonstrates an alternative method of compliance to encourage street interaction.
  - B.) The creation of entrances is physically impossible or infeasible. This shall be based on construction documents from a design professional licensed in the State of New York.
- 8.) Doors on required storefronts shall have a transparency requirement of at least 50%. Solid doors shall be prohibited.
- 9.) Required storefronts shall have architecturally delineated entrances that are covered by an optional building frontage element or constructed with a recessed point of entry.
- 10.) Architectural features and windows shall be continued on all sides that are clearly visible from a street or public parking area. No blank wall shall exceed twenty feet, except in cases of existing walls or potential common property walls.

*“the only prospect which is really desirable or delightful, is that from the window of the breakfast-room..”*

— John Ruskin

### Non-Retail Façade Fenestration Example



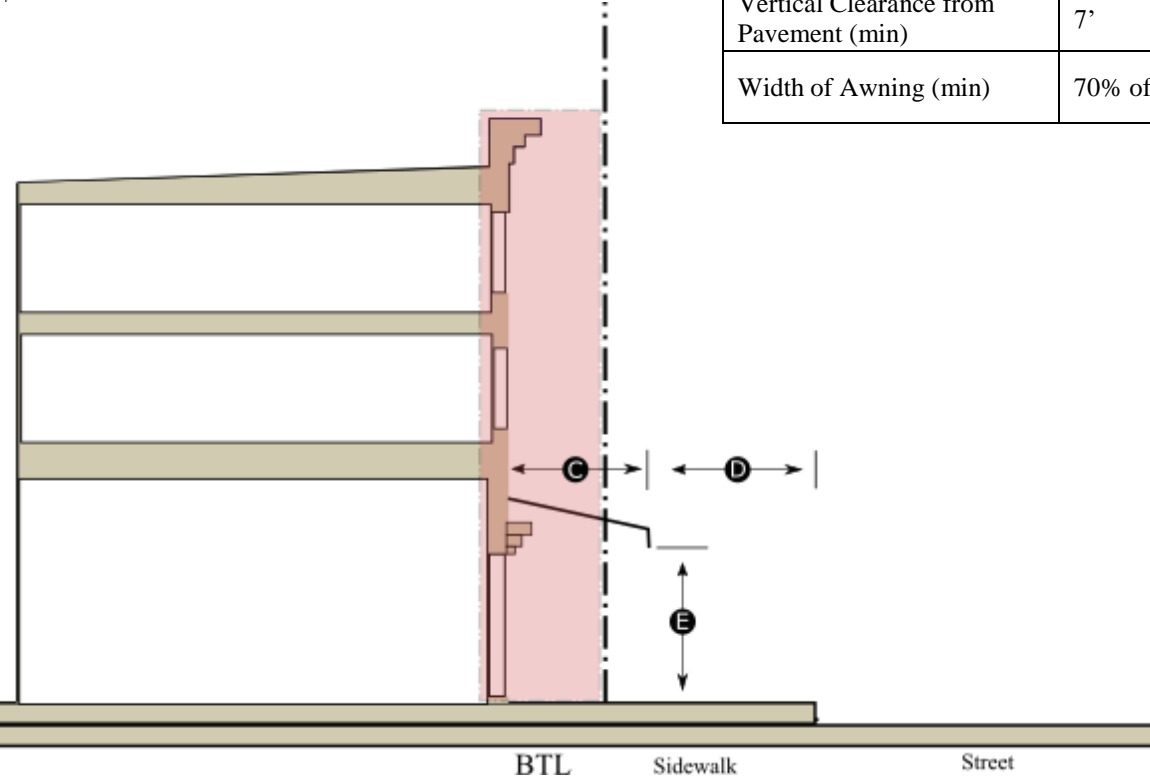
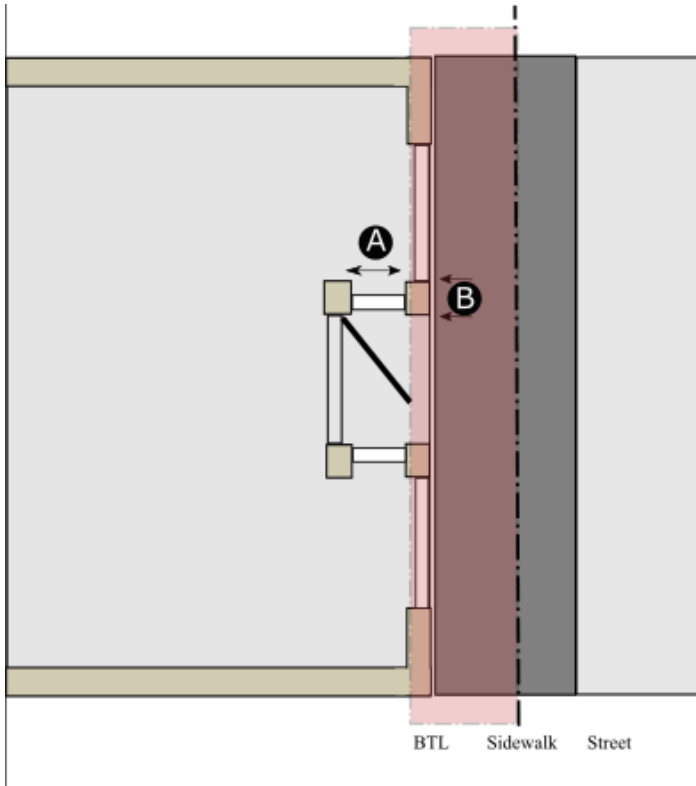
**A** The distance from the adjacent grade to the top of a windowsill shall not exceed thirty-six inches.

### Retail Façade Fenestration Example



## Frontage Requirements

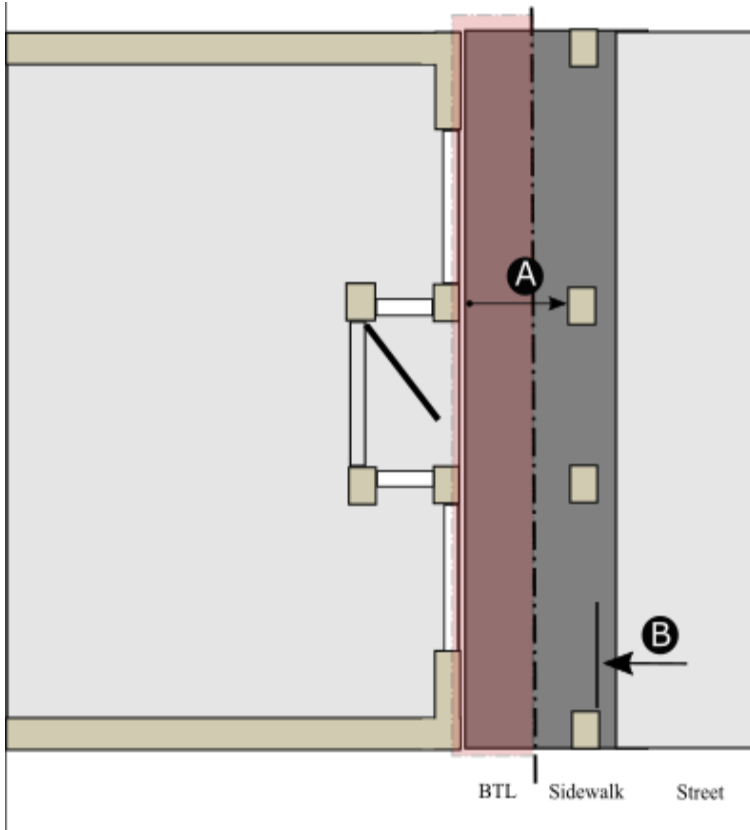
### 1.) Storefront



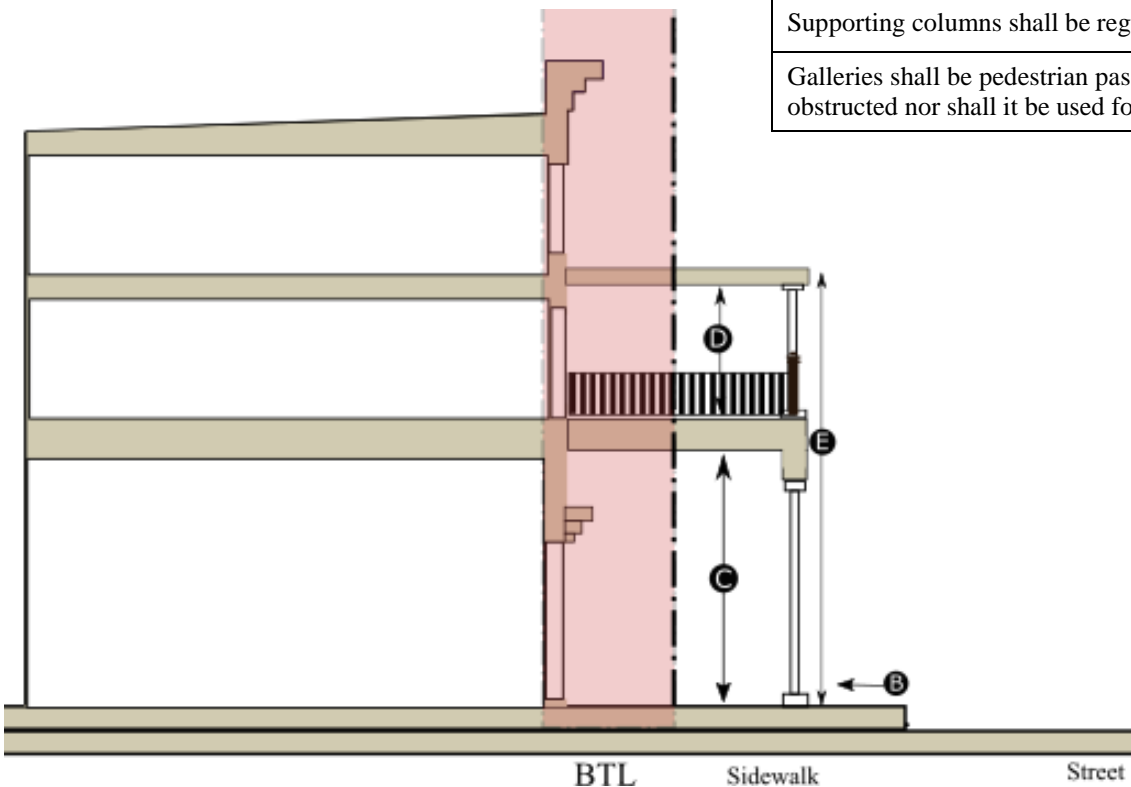
Description		
A storefront is a primary facade in the T6 zone and encompasses most of the Main St. frontage in the Downtown Historic District. Storefronts are built at or near the build to zone and may have a recessed entry or awning.		
Structure		
Entry Recess	5' max.	<b>A</b>
Distance Between Glazing	2' max.	<b>B</b>
Fenestration (First Floor)	60% min.	
A storefront shall have a minimum depth of fifteen feet of habitable space on its primary façade. This space shall be active retail space.		
Awning		
Projection from Façade (min, max)	3'/5'	<b>C</b>
Setback from Curb line (min)	2' inside curb line or edge of pavement; whichever is greater.	<b>D</b>
Vertical Clearance from Pavement (min)	7'	<b>E</b>
Width of Awning (min)	70% of Façade Width	

## Frontage Requirements

### 2.) Gallery

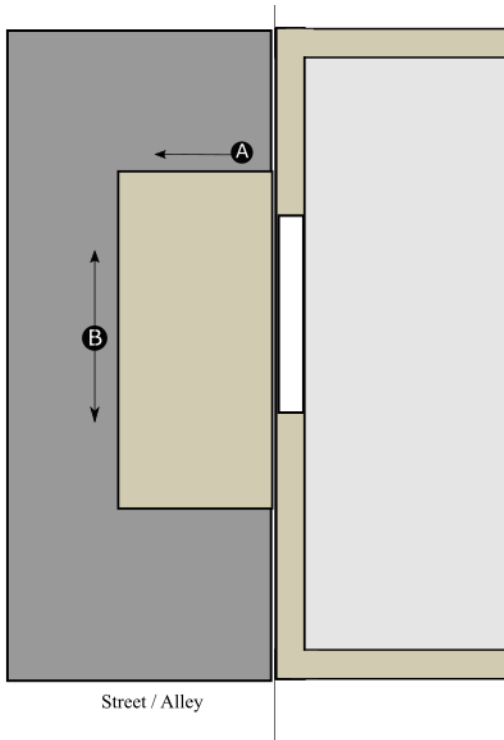


Description		
A storefront which is built to the build to zone may have a gallery which overlaps the sidewalk. The gallery eliminates the need for an awning. A gallery is limited to buildings with main floor commercial uses.		
Structure		
Clear Depth	8' min.	<b>A</b>
Curb Setback	2' min. 3' max.	<b>B</b>
First Floor Clear Height	11' min.	<b>C</b>
Upper Floor Clear Height	9' min.	<b>D</b>
Max. Overall Height	2 Stories	<b>E</b>
Specific Standards		
A gallery shall be open on three sides		
A gallery shall be level and follow the adjoining sidewalk		
Supporting columns shall be regularly and evenly spaced		
Galleries shall be pedestrian passages and shall be obstructed nor shall it be used for parking or loading.		

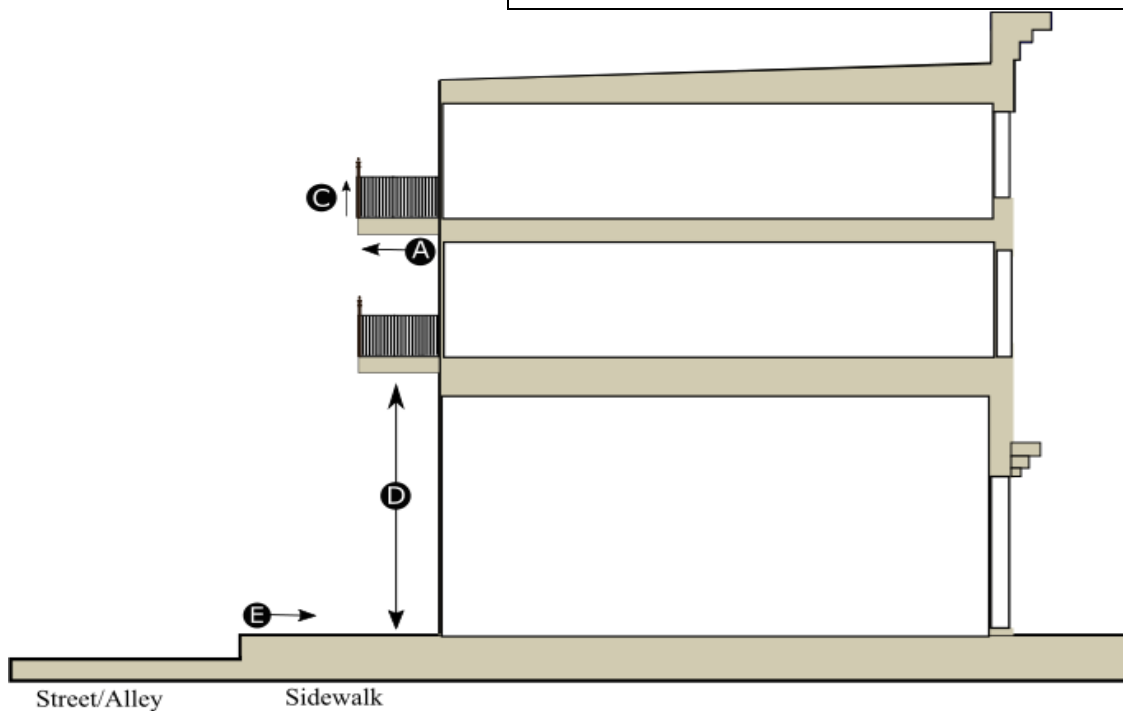


### Frontage Requirements

#### 3.) Balcony

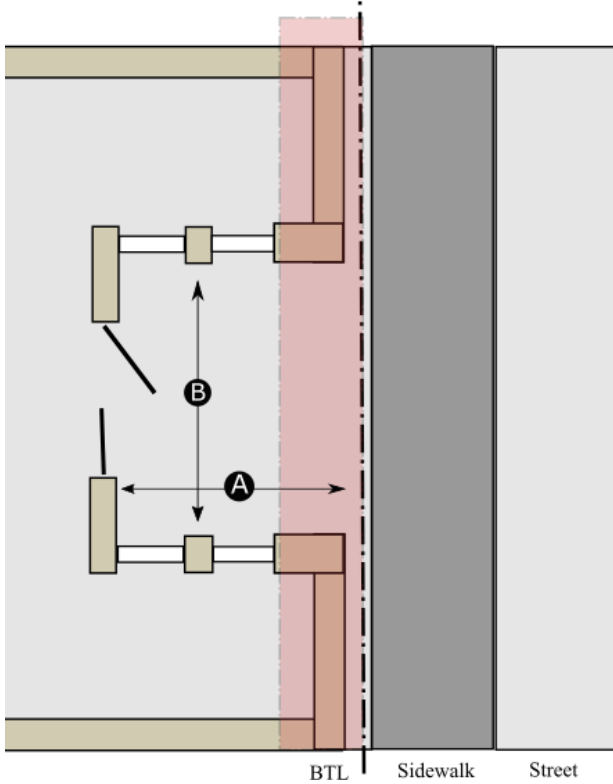


Description		
A projecting platform from an upper story wall with a protective railing around any exposed edge. A balcony is often accessible from a doorway and could be used as recreational space in connection with the buildings primary use.		
Structure		
Projection	8' max.	A
Width	4' min.	B
Railing Height	5' max.	C
Clear Height from Street	10' min.	D
Setback from Curb Line	2' inside curb line or edge of pavement; whichever is greater.	E
Specific Standards		
Enclosure of a balcony is prohibited.		
Balconies shall be supported by the building structure and shall not be supported by ground mounted posts.		
Balconies shall not be permitted along a façade fronting on Main St.		

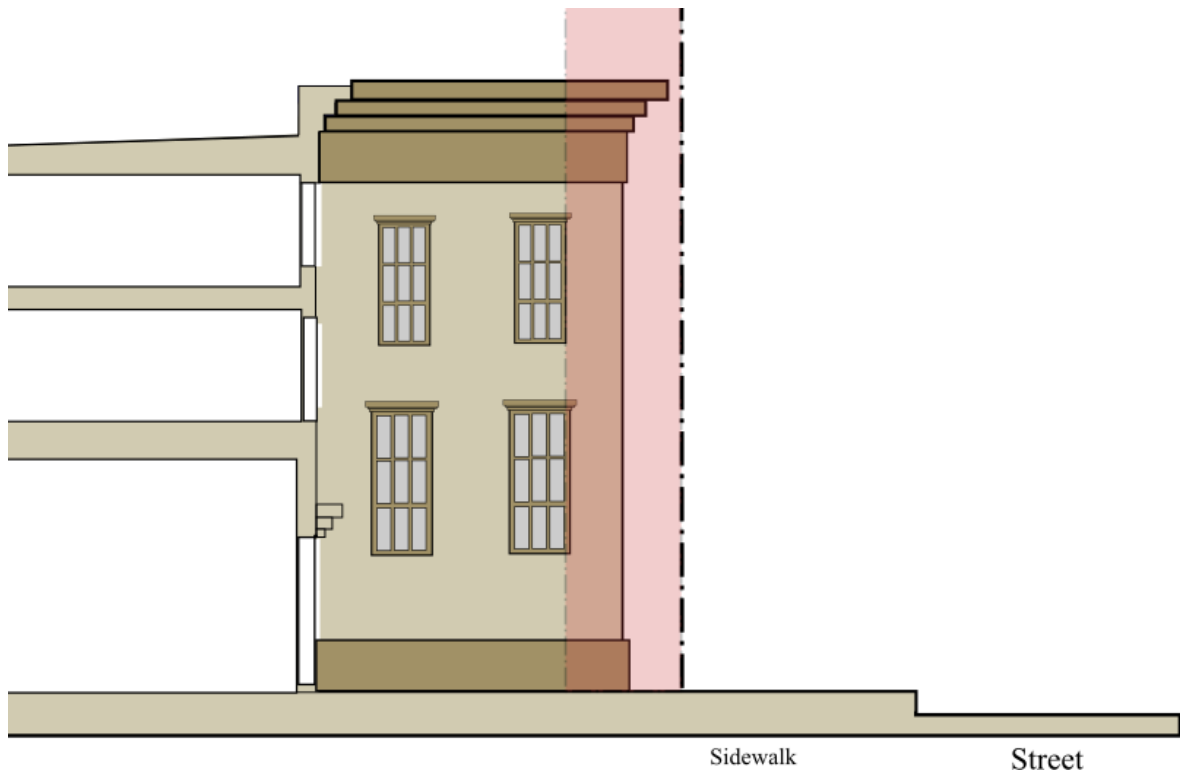


## Frontage Requirements

### 4.) Forecourt

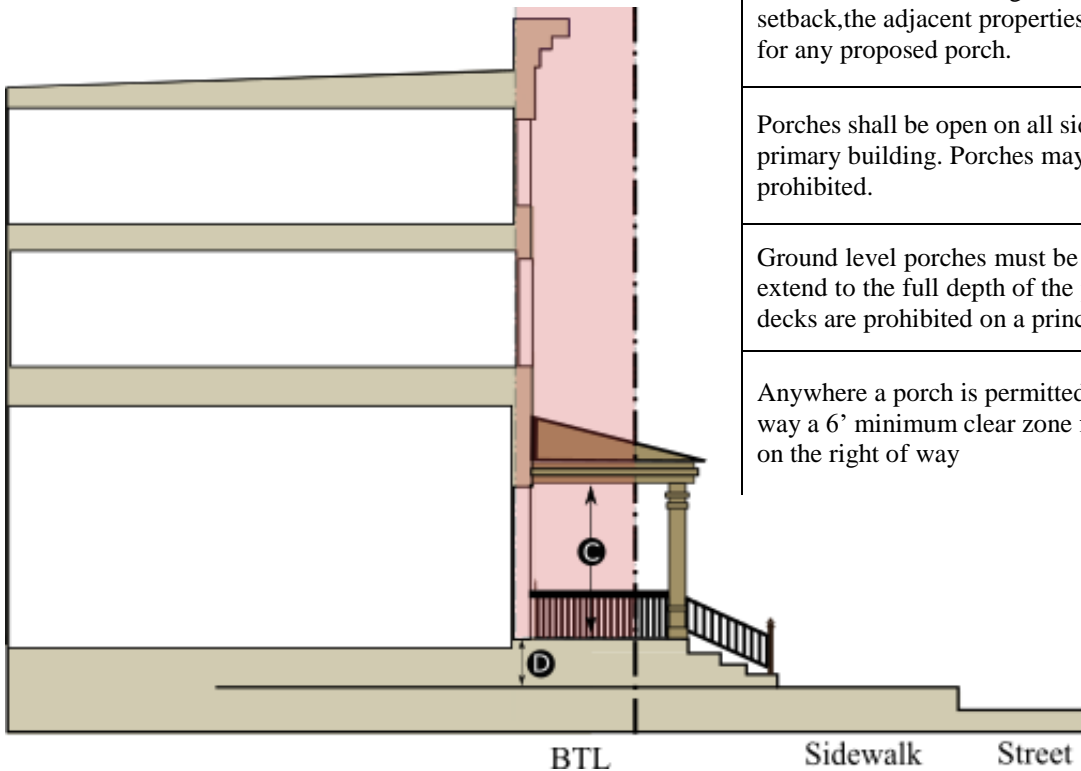
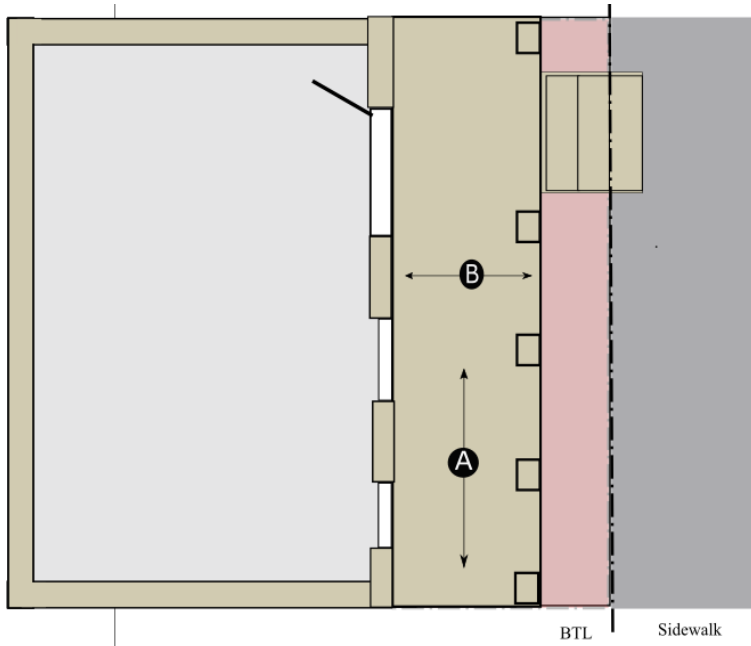


Description		
An open-air semi-public space created when three exterior building walls enclose a recessed central portion of the façade. The intent of a forecourt is to provide amenity space to the building.		
Structure		
Clear Depth	12' min. 20' max.	Ⓐ
Clear Width	12' min. 1/3 of building total width max.	Ⓑ
Specific Standards		
No building shall have more than one forecourt.		
No forecourt shall have an elevation that exceeds the adjacent building or sidewalk by more than one foot.		
Forecourts shall have 33% of their total surface area landscaped with climate and zone appropriate vegetation.		



## Frontage Requirements

### 5.) Porch



#### Description

A raised, roofed structure attached to a building providing a covered entrance to an associated doorway. Typically, a porch may also provide semi-private space for the occupants of the associated building type or may provide architectural interest to the primary entrance of the building. An associated fence may provide further delineation of the public and semi-private space by enclosing a yard space.

#### Structure

Clear Width	10' min.	(A)
Clear Depth	6' min. 12' max.	(B)
Interior Clear Height	8' min.	(C)
Finish Level Above Sidewalk	18" min.	(D)
Max. Overall Height	5 Stories	

#### Specific Standards

A porch is not considered as part of the building façade when determining building location and may encroach into front setbacks. Where existing structures provide an average setback, the adjacent properties shall provide a build to zone for any proposed porch.

Porches shall be open on all sides where it is not attached to the primary building. Porches may be screened, enclosure is prohibited.

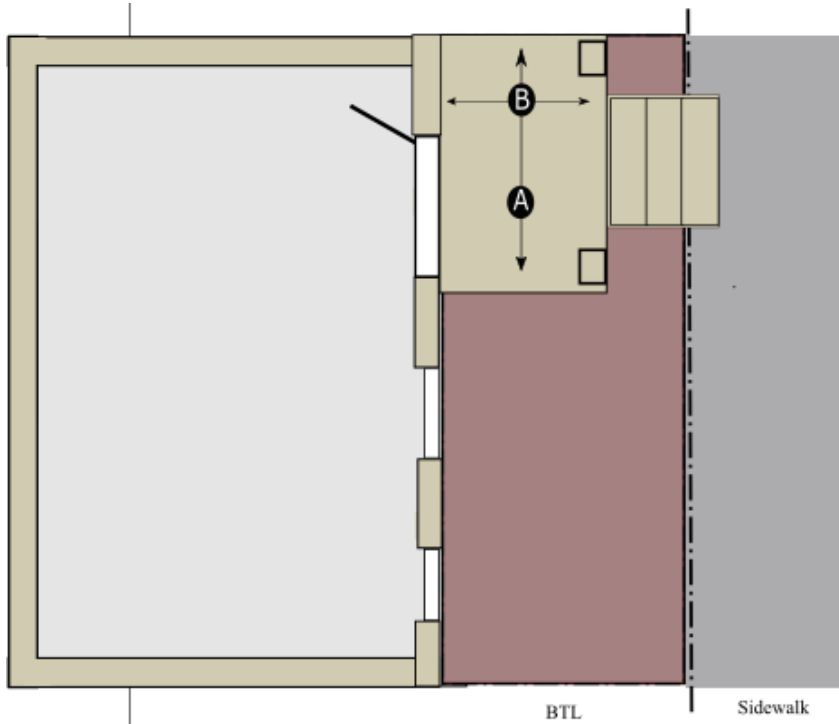
Ground level porches must be roofed and any roof must extend to the full depth of the porch. Unroofed porches or decks are prohibited on a principle façade.

Anywhere a porch is permitted to encroach on a public right of way a 6' minimum clear zone for pedestrians shall be maintained on the right of way



## Frontage Requirements

### 6.) Stoop



#### Description

A private frontage wherein the façade is aligned close to the public right of way with the first story elevated from the sidewalk to provide for privacy, with an exterior stair and landing serving the primary entrance.

#### Structure

Clear Width	4' min. 8' max.	<b>A</b>
Clear Depth	4' min. 8' max.	<b>B</b>
Interior Clear Height	8' min.	<b>C</b>
Finish Level Above Sidewalk	18" min.	<b>D</b>
Max. Overall Height	1 Story	

#### Specific Standards

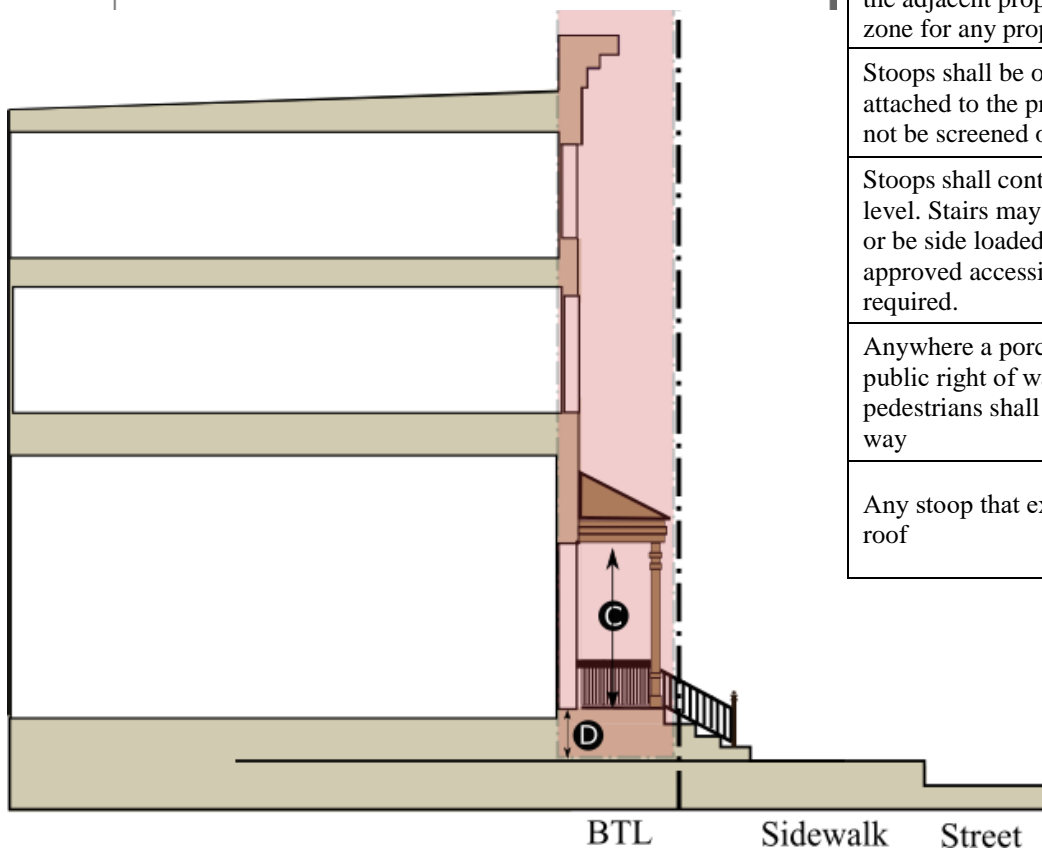
A stoop is not considered as part of the building façade when determining building location and may encroach into front setbacks. Where existing structures provide an average setback, the adjacent properties shall provide a build to zone for any proposed stoop.

Stoops shall be open on all sides where it is not attached to the primary building. Stoops may not be screened or enclosed.

Stoops shall contain stairs leading to the ground level. Stairs may exit off the front of the stoop or be side loaded. This code shall not prevent approved accessibility requirements if a ramp is required.

Anywhere a porch is permitted to encroach on a public right of way a 6' minimum clear zone for pedestrians shall be maintained on the right of way

Any stoop that exceeds 5' in depth shall have a roof



#### Materials

- 1.) Existing architectural features, building elements and materials that meet the intent of this code and provide architectural interest or emphasis shall be maintained.
- 2.) Architectural features and windows shall be continued on all sides that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls.
- 3.) Permitted finish building materials shall be protected wood, composite trim material, brick, traditional cement-based stucco products, smooth cut stone, smooth cast stone, smooth-finished fiber cement siding or other materials deemed acceptable by the Planning Commission. Any building in the T6 Transect shall be limited to materials approved for use in the Downtown Historic District.
- 4.) Materials and colors should complement the historic buildings and materials in the MU-1 District. Fluorescent, neon, metallic or other intentionally contrasting colors or incompatible patterns, shall be prohibited.

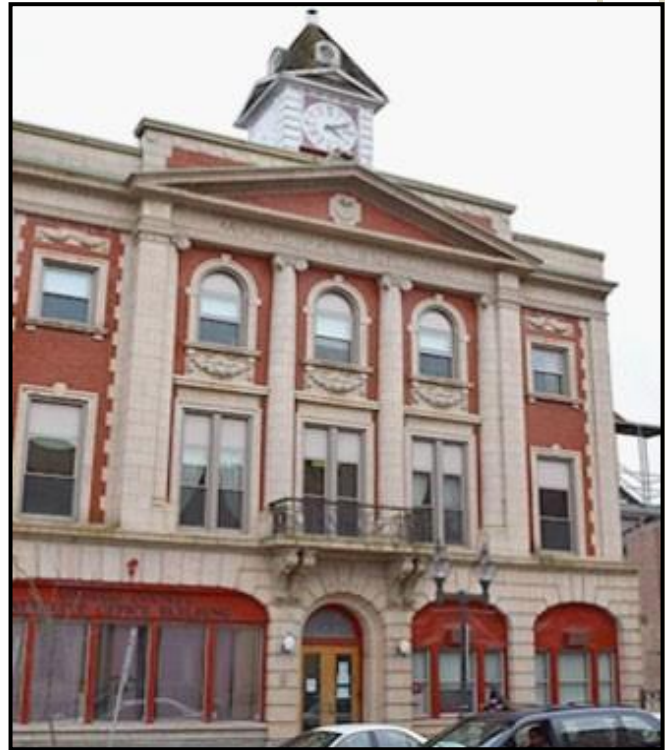


Figure 5. Old Municipal Building. This facade provides examples of window hierarchy, interesting architectural elements and design balance.



Figure 6. Examples of approved building materials.

*“A doctor can bury his mistakes, but an architect can only advise his clients to plant vines.”— Frank Lloyd Wright*

- 5.) Vinyl, plastics, resin products, imitation stone or brick, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, barbed wire, plastic, or vinyl fencing shall not be permitted without review and approval by the Planning Commission.
- 6.) Any approval of a finish building material which is not expressly permitted shall require a written finding by the Planning Commission. The applicant seeking approval for a proposed material shall provide examples of any material for review. Material examples shall be in the following form:
  - A.) When feasible, physical examples of the proposed finish material.
  - B.) High quality images of finished projects utilizing the specific proposed material. Specific shall include, but is not limited to, material manufacturer, production numbers or material identification codes.
  - C.) Any additional material as requested by the Planning Commission to show compliance with this code.

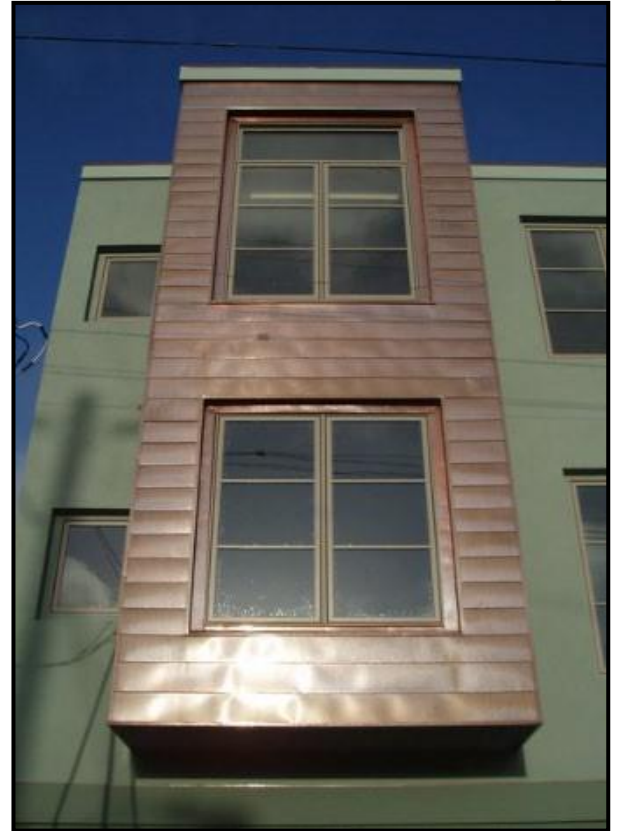


Figure 7. An example of a siding material that, although it does not meet the strict letter of the code, may be permitted with review by the Planning Commission.



Figure 8. The Institute of Physics. London. Represents an interesting and aesthetically pleasing blend of materials and architectural styles.

- 7.) The Planning Commission shall review each proposed material and shall weigh the impact of individual economic or aesthetic preference against that of the historic integrity of the MU-1 District. Any decision to approve a proposed finish material shall be based on the following criteria:
- A.) The proposed finish building material references an existing historical finish building material within the Oneonta Downtown Historic District. The proposed material shall either be represented, compliment or reinforce existing materials found in the historic district.
  - B.) The proposed material aligns with the intent of this code.
  - C.) Use of a permitted material would be infeasible or cause a hardship to the property owner.
    - 1.) Evidence of infeasibility shall include a statement prepared by a New York State Design Professional that the use of a permitted material would be in violation of best building practices or in violation of the New York State Uniform Fire Prevention and Building Code.
    - 2.) Evidence of hardship shall include official cost estimates or contractor bids comparing each material cost, bank statements, projected income and the denial of grant or loan applications done in reference to the proposed material or project.
  - D.) The aesthetic and economic impact of the proposed material on surrounding or adjoining property.
- 8.) Mechanical equipment and refuse containers shall be concealed from the public right of way. The concealment method shall be approved by the Planning Commission and may consist of architectural or landscaping elements and shall be located to the rear of the site. Building mechanical systems or devices, such as heating and cooling equipment, shall not be permitted on the front facade of new buildings, additions or any building which has undergone a substantial renovation. Any existing property shall be made conforming to this requirement within one year of adoption of this code.
- 9.) Architectural design and materials shall be both of high quality and authentically reflect the surrounding built environment. Buildings and materials shall reflect their purpose in both design and application.

*“Therefore, when we build, let us think that we build forever. Let it not be for present delight, nor for present use alone; let it be such work as our descendants will thank us for, and let us think, as we lay stone on stone, that a time is to come when those stones will be held sacred because our hands have touched them, and that men will say as they look upon the labor and wrought substance of them, “See! this our fathers did for us.” For, indeed, the greatest glory of a building is not in its stones, or in its gold. Its glory is in its Age.”*

— John Ruskin, *The Seven Lamps of Architecture*

**Sample Color Palates**





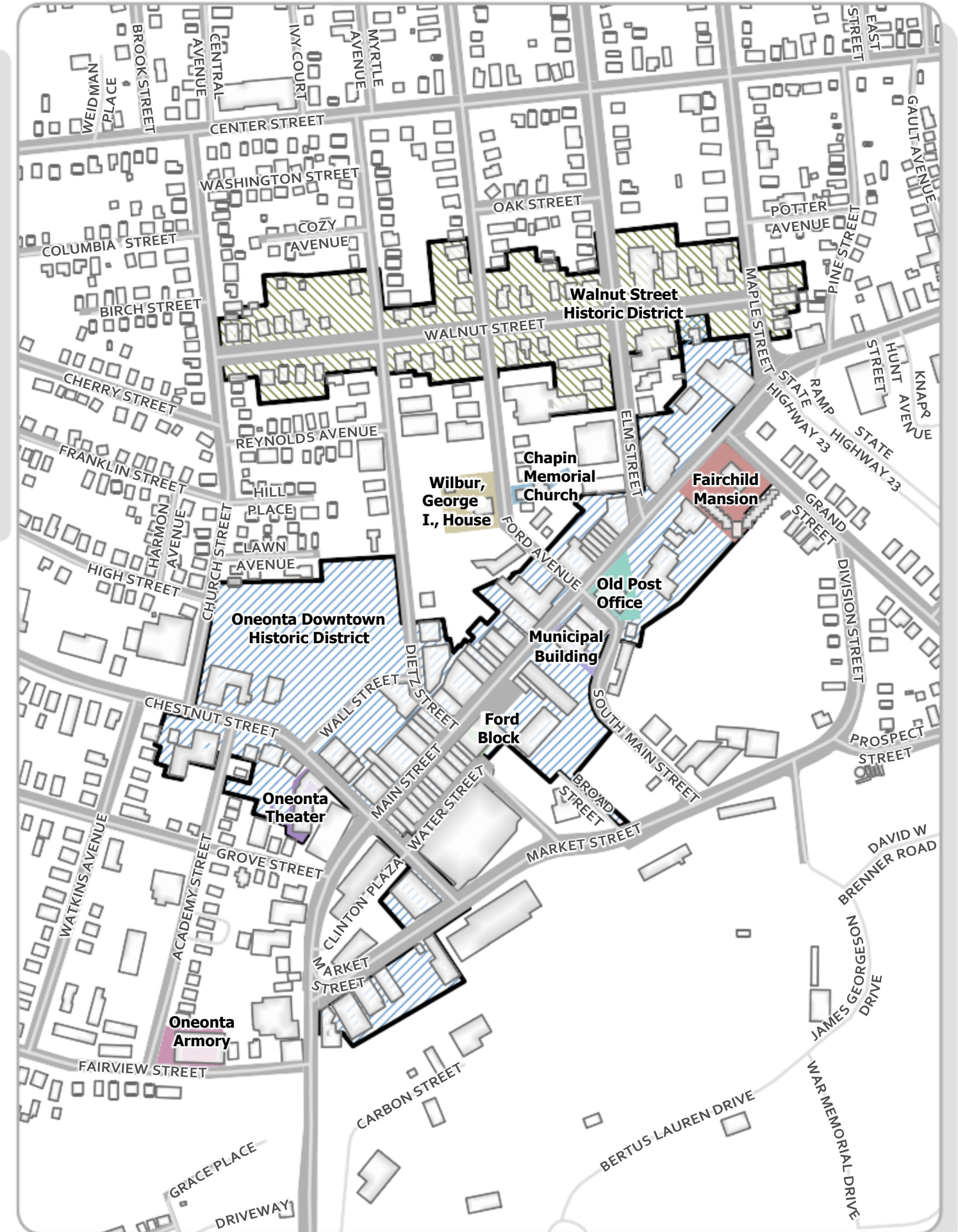
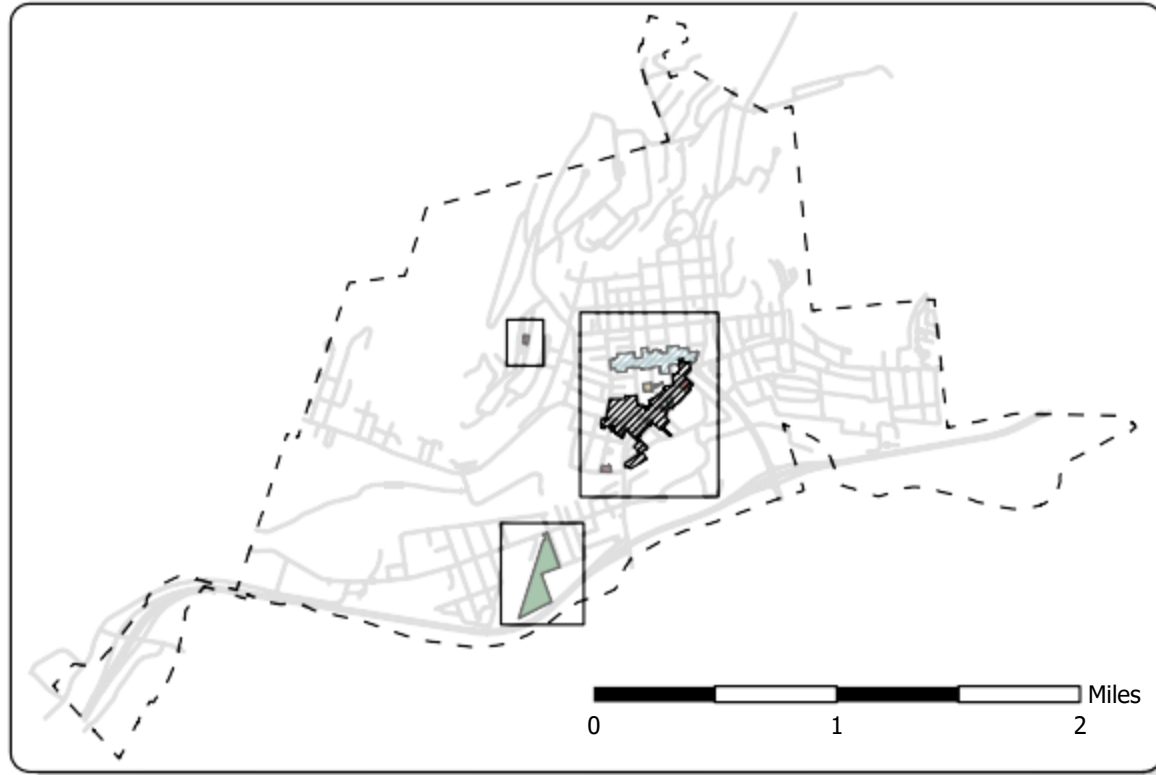
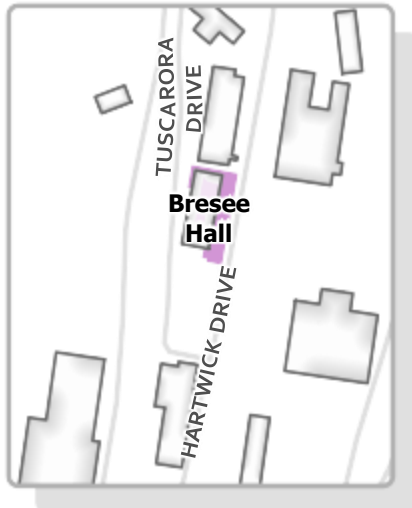
CITY OF ONEONTA

# HISTORIC RESOURCES

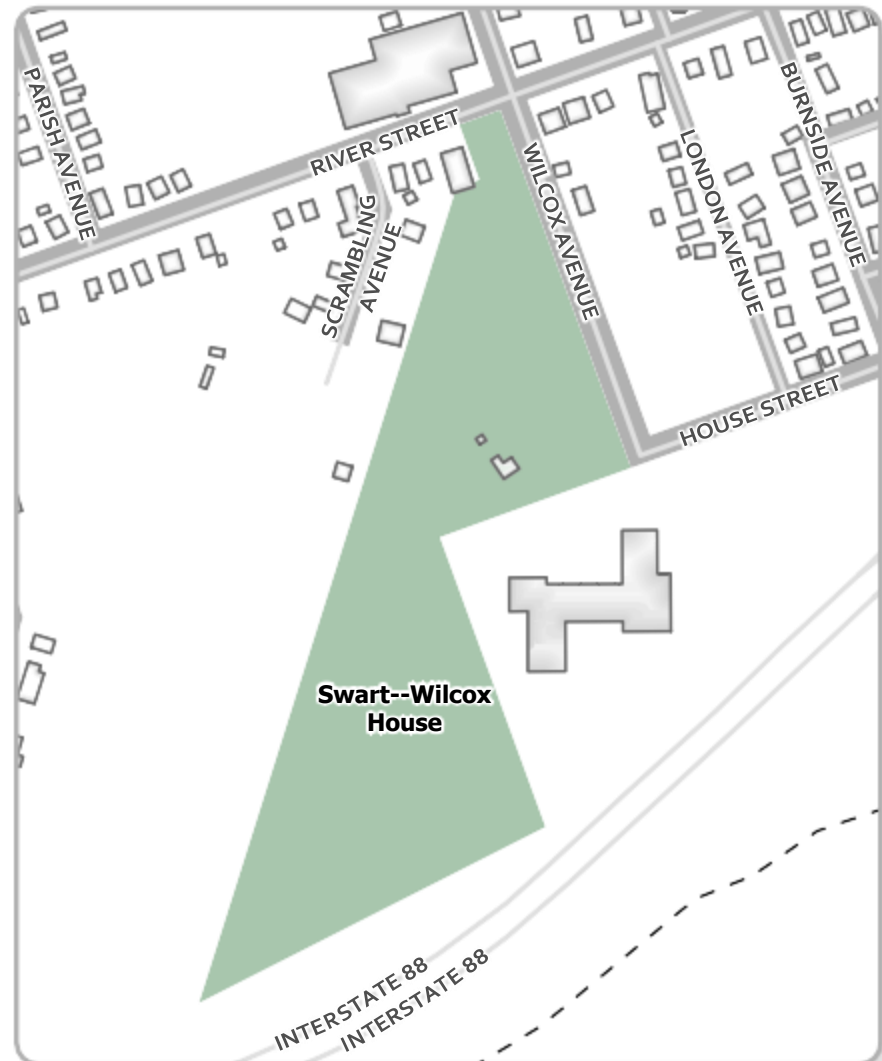
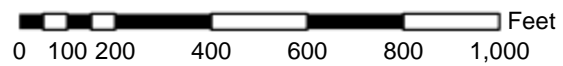


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City of Oneonta  
Historic Resources Map



# PART 5

## HISTORIC PRESERVATION

CITY OF ONEONTA

### STANDARDS:

- 1.) The legislative intent of this code shall mirror the intent of “The Secretary of the Interior’s Standards for the Treatment of Historic Properties” in regard to the repair, preservation, rehabilitation and restoration of contributing buildings within any neighborhood, landmark, structures, buildings, sites or clusters of properties that have been designated or listed on the National Register of Historic Places.
- 2.) The historic rhythms, materials, architectural details and massing of any historic district or historic resource shall be maintained and preserved. The following shall apply to any historic resource:
  - A.) The covering of historic materials, or their replacement with materials other than an approved material, is prohibited. The historic fabric of any historic resource shall be maintained.
  - B.) Facades shall be rehabilitated to their historic condition. This shall be to either the state of their original construction or to one that best represents the building’s period of architectural significance. Any new façade or new construction shall mirror and continue the surrounding historic pattern.
  - C.) Nothing shall impact or alter the street spacing, setbacks, block sizes, building height or the architectural pattern of any historic district or associated with a historic landmark. Any alteration shall be in conformance with the intent of this code. No new construction or alteration shall increase any level of non-conformity within any historic district or associated with a historic landmark.
  - D.) Historic rooflines, details, materials and forms shall be preserved and continued. This shall include original parapets, cornices and chimneys. In no way shall the pitch or overhang of a roof be altered and no historic parapet, cornice or chimney shall be removed or altered.
  - E.) The arrangement, size, location, number, design and material of historic windows and doors shall not be altered. Historic windows and doors shall be replaced or repaired in kind. If replacement is required it shall be with an approved material and in a style that best represents the building’s period of architectural significance or one that is identified through a historic survey or through documentation as being most appropriate for the structure. Any non-conforming door or window shall be brought into compliance with this code if at any time it is replaced or damaged beyond 51% of its assessed value.
  - F.) Materials shall be limited to those used in original construction or that meet the intent of this code. In kind replacement of material shall be required whenever feasible.

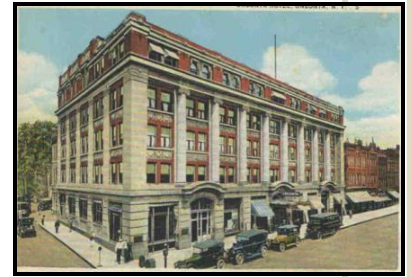


Figure 1. Oneonta Hotel 1917



Figure 2. Ford Block building located at the former intersection of Main and Broad St.

*“There was a time in our past when one could walk down any street and be surrounded by harmonious buildings. Such a street wasn't perfect, it wasn't necessarily even pretty, but it was alive. The old buildings smiled, while our new buildings are faceless. The old buildings sang, while the buildings of our age have no music in them.”*

*-Johnathan Hale*



- G.) Historic ornamentation and architectural details shall be preserved and maintained. The removal, alteration, covering or arbitrary addition of architectural detailing on a contributing site or building located within any historic district or associated with a historic landmark is prohibited. Replacement or repair shall be done in a way that matches the original in design, material, dimension and placement on the building.
  - H.) Original or historic accessory buildings and garages within any historic district or associated with a historic landmark shall be preserved under this code. Demolition of any accessory building or garage shall follow all requirements related to the demolition of a historic landmark or resource.
- 3.) This code shall apply to all designated buildings, sites, resources or historic districts. Designation shall include all resources listed on the National Register of Historic Places.
- 4.) Any non-conforming materials or alterations on the exterior of a contributing building within any historic district or associated with a historic landmark shall be made conforming when any one of the following occurs:
- A.) Destruction, damage, or disrepair of a non-conforming material or alteration to the extent that 51% of its assessed value must be expended in its repair.
  - B.) Routine maintenance causes the removal or replacement of the non-conforming material or alteration. The replacement or repair shall be in conformance with this code.
  - C.) Exterior alterations or improvements to a contributing building or locally designated landmark shall require conformance with this code where replacement or removal of the non-conforming material or alteration is required.
- 5.) All repairs to contributing buildings within any historic district or associated with a historic landmark shall follow recognized preservation methods such as those outlined by “The Secretary of the Interior’s Standards” as well as additional methods published through National Park Service Preservation Briefs. When historic materials are replaced it shall be in kind and in compliance with this code.



Figure 3. Ornamental Facade 149 Main St.



Figure 4. Decorative Parapet 153 Main St.



Figure 5. Facade Details. 201 Main St.

*"It is not the strongest of the species that survives, not the most intelligent that survives. It is the one that is the most adaptable to change."*

— Charles Darwin



Figure 6. Main St. from the New Hotel, Oneonta N.Y.

- 6.) The construction of any new building, exterior alteration or addition located within any historic district or associated with a historic resource shall be subject to design review by the Planning Commission. Design review approval shall be based on the following:
- A.) Additions to any building contributing to any historic district or to any locally designated landmark shall be located to the rear of the property or recessed so that the contributing building or landmark remains more prominent than the addition.
  - B.) Alterations or additions to any building contributing to any historic district or to any locally designated landmark shall not damage, cover or obscure the character defining details or architectural elements of the building or site.
  - C.) Any new construction, alteration or additions shall build on the historic context and shall demonstrate inspiration or similarity to existing historical architectural elements either at the property or those adjacent.
  - D.) New construction, alterations or architectural elements shall not arbitrarily impose contrasting materials, colors, scale or design features.
  - E.) The construction, alteration or addition shall reinforce and extend the traditional patterns, materials, scale and design of the historic district or the designated landmark.

*“But cities aren’t like people; they live on and on, even though their reason for being where they are has gone downriver and out to sea.”*

— John Updike, *Trust Me*

# PART 5

## HISTORIC PRESERVATION

CITY OF ONEONTA

- F.) No construction, alteration or addition shall disrupt the relationship between a historic building and its front yard or landscape.
- G.) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features shall not be enclosed, obscured, removed or modified in any way that the character of the structure is substantially changed.
- H.) Deteriorated building features shall be repaired according to “The Secretary of the Interior’s Standards for Rehabilitation” rather than being replaced and, if not repairable, shall be replicated in design, materials, and other historic qualities.
- I.) Windows and doors shall be maintained, repaired or replaced. Any window or door that is replaced shall be the same dimensions and style of the original window or door and shall be of an approved material based on the design standards of this code. If a window or door is removed the Planning Commission shall provide a written determination as follows:
  - 1.) The window or door is not part of the original structure
  - 2.) The removal of the window or door will not have a negative impact on the historic aesthetic, massing or architectural quality of the building or the surrounding buildings
  - 3.) The removal of the window or door does not contradict the goals of this code
- 7.) Repair or replacement of historic storefronts and main street façade elements located within the Oneonta Downtown Historic District shall be based on recognized preservation methods such as those found in the National Park Service technical brief “Rehabilitating Historic Storefronts”.
- 8.) Any non-contributing building within any locally designated historic district shall be considered non-conforming to this code. Non-conforming buildings shall conform to this code when any one of the following occurs:
  - A.) Destruction, damage, or disrepair of a non-contributing building to the extent that 51% of its assessed value must be expended in its repair over a 24-month period.
  - B.) Demolition of a non-contributing building. Any replacement building or proposed structure shall comply with the requirements of this code.
  - C.) Exterior alterations or improvements to a non-contributing building in excess of 51% of its assessed value over a 24 month period.



Figure 7 & 8. Main Street Oneonta Storefronts

# PART 5

## HISTORIC PRESERVATION

## CITY OF ONEONTA

- 9.) Demolition of any contributing historic building or site located within a historic district or that is designated as a historic landmark shall require review and approval by the Planning Commission.
- 10.) The Planning Commission shall provide written determination for any demolition request as follows:
  - A.) The property owner has explored all options for the property including but not limited to the sale of the property.
  - B.) The property owner has proof of an inability to secure financial assistance for rehabilitation of the property. This proof shall include written correspondences with lending agencies, grant denials and official financial documents specifically related to the rehabilitation of the contributing property.
  - C.) The property owner has a complete plan for the use of the property which includes, but is not limited to, a site plan, project timeline, official financial statements showing the availability of funding for the demolition and new construction and building plans displaying compliance with this code.
  - D.) The property owner has a written plan for photo documentation of any structure, building or site before demolition.



Pioneer view of Street Car traffic and Old Fire Dept. Bldg., Oneonta, N. Y.

Figure 8. Main Street Oneonta. Horse Trolley

*“Cities need old buildings so badly it is probably impossible for vigorous streets and districts to grow without them....for really new ideas of any kind--no matter how ultimately profitable or otherwise successful some of them might prove to be--there is no leeway for such chancy trial, error and experimentation in the high-overhead economy of new construction. Old ideas can sometimes use new buildings. New ideas must use old buildings.”*

*-Jane Jacobs-*

### SIGNAGE

- 1.) This section shall be in addition to the sign requirements of the MU-1 zoning district.
- 2.) The intent of regulating signs that are visible from the public right of way is to ensure a harmonious balance between private business interests, pedestrian orientation and the historic character of the City of Oneonta. Signage within any nationally or locally designated historic district or at any landmark site shall enhance the form, scale and visual character that makes Oneonta an important local and regional destination. The intent of this section is as follows:
  - A.) To ensure that all signs are compatible with the special character that is the City of Oneonta's historic past.
  - B.) To help convey the sense of excitement and vitality envisioned for the City of Oneonta's historic neighborhoods and resources.
  - C.) To encourage signs which, by their appropriate design, are integrated with and harmonious to the buildings and sites which they occupy.
  - D.) To preserve and improve the appearance of the City of Oneonta as an historic community in which to live and work.
  - E.) To allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner.
  - F.) To promote signs as pedestrian rather than automotive oriented, which is consistent with both the comprehensive plan and the historic character of the City of Oneonta.
  - G.) To ensure that the installation of a sign does not damage the historic fabric, nor detract from the historic character or urban aesthetic of the City of Oneonta.
- 2.) Historic signs and sign parts shall be maintained and repaired.
- 3.) Ghost signs shall not be removed, covered, altered or repainted.
- 4.) Signs shall not obscure or detract from any historic architectural feature or from any historic district or landmark site.
- 5.) Signs shall be part of the building's overall architectural concept. The size, material, color, lettering, number and arrangement shall be harmonious with the building design. Individually crafted signs are preferable to mass-produced signs or those advertising specific brands.
- 6.) The use of neon shall be limited and require specific reference to the historic district or landmark's period of importance. The Planning Commission shall provide written findings stating why the use of neon lighting is appropriate for the sign type, design and location.

### RESOURCES:

#### SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

#### PRESERVATION BRIEFS:

The National Park Service provides published "Preservation Briefs" that are intended to help property owners to preserve, rehabilitate and restore their historic buildings. This code references these briefs as a standard in the repair and rehabilitation of properties in the Oneonta Downtown Historic District. Before any work is started or while in the planning phases of any project in the Oneonta Downtown Historic District these briefs should be consulted.

**Preservation Briefs are available online at <https://www.nps.gov/tps/how-to-preserve/briefs.htm>**

*"There may have been a time when preservation was about saving an old building here and there, but those days are gone. Preservation is in the business of saving communities and the values they embody."*

*-Richard Moe*

### EXTERIOR WALLS AND FACADES

Exterior walls and façade elements may be the only physical portion of a building a viewer is able to access. Because of this, architectural styles are typically connected with exterior details and therefore are an important part of any streetscape. The use of differing materials, construction methods, textures and architectural features play an important role in defining the experience of a historic landmark or resource. This unique sense of place is critical for the health and general welfare of the public who experiences the historic resources within the city, the residents who dwell in the community and the commercial customers and business owners who shop, dine and create in the City of Oneonta.

**CODE SECTION:** The historic rhythms, materials, architectural details and massing of any local or national historic district or historic resource shall be maintained and preserved.

**PROHIBITS:** Covering, adding, or replacing historic wall materials, including shingles, stucco, brick, and stonework with coatings or contemporary substitute materials, including synthetic siding, with the exception of artisan fiber cement or composite millwork material for seamless repair of wood wall cladding or architectural elements.

#### COMMERCIAL/MIXED USE BUILDINGS:

##### REQUIRES:

- A.) Facades, whether rehabilitated or in new construction, to consist of three parts: a storefront, upper facade, and cornice line
- B.) Facades to continue rhythms of street spacing and setbacks.
- C.) Identifying and building on historic resources and preserving historically significant materials.

##### PROHIBITS:

- A.) Blank walls; walls without window or doors; walls that do not continue architectural detailing.
- B.) Materials or design proposals that do not compliment the historic built environment. This is not limited to material and style but also includes scale, massing and height.

#### RESIDENTIAL BUILDINGS:

##### REQUIRES:

- A.) Facades to continue rhythms of street spacing and setbacks.
- B.) Identifying and building on historic resources and preserving historically significant materials.

##### PROHIBITS:

- A.) Materials or design proposals that do not compliment the historic built environment. This is not limited to material and style but also includes scale, massing and height.
- B.) Alterations that significantly impact the exterior such as removal of defining detailing, the addition of arbitrary detailing or changing historical exterior cladding from one type to another. (for example, removing historic wood lap siding and replacing with shake style.)

#### **PRESERVATION BRIEF:**

**17. Architectural Character—Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character**

**47. Maintaining the Exterior of Small and Medium Size Historic Buildings**

### ROOFING

A roof is often viewed as a utilitarian component that allows a building to shelter inhabitants as well as protect the internal building components however, on many historic structures it is a key part of the overall historic design and architectural style of a building.

**CODE SECTION:** Historic rooflines, details, materials and forms shall be preserved and continued. This shall include original parapets, cornices and chimneys. In no way shall the pitch or overhang of a roof be altered and no historic parapet, cornice or chimney shall be removed or altered.

#### ALL BUILDINGS:

##### PROHIBITS:

- A.) Altering the pitch of a historic roof.
- B.) Altering, covering, or removing the traditional roof overhangs.
- C.) Introducing new roof features, such as solar collectors, skylights, ventilators, communication devices, or mechanical equipment on roof slopes that are visible from the public right-of-way.
- D.) Removing character defining roof features such as dormers, gables, vents, and turrets, introducing new roof features or details that may result in creating a false sense of history.

##### REQUIRES:

- A.) New roof features should be designed to complement the historic roof structure and should in no way overwhelm the architectural prominence of the historic structure.
- B.) Repairing deteriorated roof features and materials in-kind, matching the original as closely as possible.
- C.) Replacing necessary features and materials by matching them to the original, based upon physical or documentary evidence.
- D.) Introducing new gutters or rain chains as needed.
- E.) Routinely clearing clogged gutters to prevent moisture damage to the historic resource.
- F.) When needed installation of ventilation to eaves that lack soffit grills and vents.

##### RECOMMENDS:

- A.) On non-visible roofs the use of contemporary materials like rubber roofing may be used.
- B.) Any new gutters should attempt to match historic full round or half round types that were common in the 19<sup>th</sup> and early 20<sup>th</sup> century.

### **PRESERVATION BRIEF:**

#### **4. Roofing for Historic Buildings**

#### **19. The Repair and Replacement of Historic Wooden Shingle Roofs**

#### **29. The Repair, Replacement and Maintenance of Historic Slate Roofs**

#### **30. The Preservation and Repair of Historic Clay Tile Roofs**



### **PARAPETS, CORNICES AND CHIMNEYS**

These elements add dimension and architectural detail to a historic structure while also providing function such as exhausting gases, making roof to wall terminations and working to screen building mechanicals and drainage systems.

**CODE SECTION:** Historic rooflines, details, materials and forms shall be preserved and continued. This shall include original parapets, cornices and chimneys. In no way shall the pitch or overhang of a roof be altered and no historic parapet, cornice or chimney shall be removed or altered.

#### **ALL BUILDINGS:**

##### **PROHIBITS:**

- A.) Removal of a cornice, parapet or chimney that is in good repair or a repairable condition.
- B.) Adding new cornices, parapets, or chimneys that are arbitrary in design or that do not continue an identified architectural design or standard.

##### **REQUIRES:**

- A.) Repairing deteriorated or damaged cornices, parapets, and chimneys using recognized preservation methods.
- B.) Matching mortar and materials for in-kind replacements and repairs.

#### **PRESERVATION BRIEF:**

**2. Repointing Mortar Joints in Historic Masonry Buildings**

**10. Exterior Paint Problems on Historic Woodwork**

**42. The Maintenance, Repair and Replacement of Historic Cast Stone**

**47. Maintaining the Exterior of Small and Medium Size Historic Buildings**

### WINDOWS

The arrangement, size, number and position of historic windows are often a defining element of a building's architectural style and façade composition and therefore their removal or alteration is prohibited. Windows provide architectural interest, character and provide natural lighting to the building inhabitants.

**CODE SECTION:** The arrangement, size, location, number, design and material of historic windows and doors shall not be altered. When historic, windows and doors shall be replaced or repaired in kind. If replacement is required it shall be with an approved material and in a style that best represents the building's period of architectural significance or one that is identified through a historic survey or through documentation as being most appropriate for the structure. Any non-conforming door or window shall be brought into compliance with this code if at any time it is replaced or damaged beyond 51% of its assessed value.

#### ALL BUILDINGS:

##### PROHIBITS:

- A.) The enclosure of historic window openings or removing window openings.
- B.) Adding window openings to any wall that faces on a public right of way or that is viewable from a location other than an alley.
- C.) The use of vinyl or aluminum windows in both the opening or as storm windows.
- D.) False or snap-in muntin.
- E.) The installation of stained, tinted or mirrored glass in place of original glass.

##### REQUIRED:

- A.) Only replacing fully deteriorated or missing windows with new units compatible with the original opening, and in the same glazing configuration, according to historic documentation of the building.
- B.) Maintaining windows through recognized preservation methods.
- C.) Maintaining and keeping functional historic windows instead of replacement.
- D.) Use of painted wood or enamel coated windows or using interior type storm windows.
- E.) If a historic window component requires replacement the replacement should be in kind and limited to the deteriorated component, not the entire window unit.
- F.) Retaining the original number, size, material and arrangement of historic windows.
- G.) Replacing any stained glass, prism glass or leaded glass with in-kind material if feasible.

##### RECOMMEND:

- A.) Uncovering and opening up previously covered or filled-in window openings and installing appropriate new window units.
- B.) Inspecting windows regularly for deterioration, moisture damage, air infiltration, paint failure, and corrosion.
- C.) Install properly fit and manufactured storm windows.

#### **PRESERVATION BRIEF:**

**3. Improving Energy Efficiency in Historic Buildings**

**9. The Repair of Historic Wooden Windows**

**13. The Repair and Thermal Upgrading of Historic Steel Windows**

**33. The Preservation and Repair of Historic Stained and Leaded Glass**

### DOORS

Doors, like windows, not only serve a very practical purpose building access, light and ventilation they also provide architectural interest to a building. Much like windows, doors are important to the historic building façade and the removal or alteration of a historic door is prohibited.

**CODE SECTION:** The arrangement, size, location, number, design and material of historic windows and doors shall not be altered. When historic, windows and doors shall be replaced or repaired in kind. If replacement is required it shall be with an approved material and in a style that best represents the building's period of architectural significance or one that is identified through a historic survey or through documentation as being most appropriate for the structure. Any non-conforming door or window shall be brought into compliance with this code if at any time it is replaced or damaged beyond 51% of its assessed value.

#### ALL BUILDINGS:

##### PROHIBITS:

- A.) The removal, covering or altering of historic doors.
- B.) Adding door openings to any wall that faces on a public right of way or that is viewable from a location other than an alley.
- C.) The installation of stained, tinted or mirrored glass in place of original glass.
- D.) Doors with security devices such as grilles, bars or cages.

##### REQUIRED:

- A.) Only replacing fully deteriorated or missing doors with new units compatible with the original opening, and in the same glazing and hardware configuration, according to historic documentation of the building.
- B.) Maintaining doors and hardware through recognized preservation methods.
- C.) Maintaining and keeping functional historic doors and their hardware instead of replacement.
- D.) If a historic door component requires replacement the replacement should be in kind and limited to the deteriorated component, not the entire door.
- F.) Retaining the original number, size, material and arrangement of historic doors.
- G.) Replacing any stained glass, prism glass or leaded glass with in-kind material if feasible.

##### RECOMMEND:

- A.) Uncovering and opening up previously covered or removed doorways and installing appropriate new or repurposed historic doors and hardware.
- B.) Inspecting doors regularly for deterioration, moisture damage, air infiltration, paint failure, and corrosion.
- C.) If a storm or screen door is desired it should be simple in design, compatible in color with the original door, and installed on the interior if possible.

#### **PRESERVATION BRIEF:**

- 1. Improving Energy Efficiency in Historic Buildings
- 10. Exterior Paint Problems on Historic Woodwork
- 33. The Preservation and Repair of Historic Stained and Leaded Glass
- 47. Maintaining the Exterior of Small and Medium Size Historic Buildings

### FOUNDATIONS

Foundations provide support and a base for buildings, and can often be visible on residential buildings. Not only is a foundation a critical part of the structural integrity of the building it also may incorporate unique materials, construction processes or display architectural details related to specific trades or crafts.

**CODE SECTION:** The covering of historic materials or their replacement with materials other than an approved material is prohibited. The historic fabric of any historic resource shall be maintained.

#### ALL BUILDINGS:

##### PROHIBITS:

- A.) Removing or altering original foundations to prevent weakening support and disrupting visual rhythm.
- B.) Replacing historic foundations with materials such as concrete block or poured concrete walls. This does not apply when the historic material is concrete, limecrete, block or a similar material.

##### REQUIRED:

- A.) When feasible repairing deteriorated materials in kind, matching the original in scale, configuration, and detail.

##### RECOMMEND:

- A.) Maintaining control of vegetation that grows near and on the foundation, as it can cause cracking and wearing of finishes and construction materials.
- B.) Installing or maintaining gutters and downspouts to carry water away from the foundation.
- C.) Regularly inspecting foundations for sign of deterioration.

#### **PRESERVATION BRIEF:**

- 1. Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings**
- 2. Repointing Mortar Joints in Historic Masonry Buildings**
- 6. Dangers of Abrasive Cleaning to Historic Buildings**
- 15. Preservation of Historic Concrete**
- 22. The Preservation and Repair of Historic Stucco**
- 42. The Maintenance, Repair and Replacement of Historic Cast Stone**
- 47. Maintaining the Exterior of Small and Medium Size Historic Buildings**

### **PORCHES, PORTICOS AND STOOPS**

Façade elements like porches, porticos and stoops play an important role in defining a structure’s historic character and architectural type. Porches, porticos and stoops create a sense of place, historic authenticity and act as a defining streetscape element in both commercial and residential neighborhoods.

**CODE SECTION:** Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features shall not be enclosed, obscured, removed or modified in any way that the character of the structure is substantially changed.

#### **ALL BUILDINGS:**

##### **PROHIBITS:**

- A.) Enclosing, removing, altering, or covering existing materials, location, configuration, and dimensions of historic porches, porticos and stoops.
- B.) Adding porches, balconies, sun-rooms and related enclosed or covered entrances to a primary or secondary facade that never had one, as well as enclosing any existing porch.
- C.) Altering or removing original decorative elements.
- D.) Introducing new features or details that may detract from the original historic resource.

##### **REQUIRED:**

- A.) When feasible repairing deteriorated materials in kind, matching the original in scale, configuration, and detail.
- B.) Replacing necessary deteriorated details in-kind. New details should match the original in design, material, dimension, and historic placement on the building.

##### **RECOMMEND:**

- A.) Installing or maintaining gutters and downspouts to carry water away from exterior projections.
- B.) Regularly inspecting porches, porticos and stoops for signs of deterioration.

#### **PRESERVATION BRIEF:**

**4. Roofing for Historic Buildings**

**10. Exterior Paint Problems on Historic Woodwork**

**17. Architectural Character—Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character**

**45. Preserving Historic Wood Porches**

**47. Maintaining the Exterior of Small and Medium Size Historic Buildings**

### ARCHITECTURAL ORNAMENTATION

Many kinds of architectural features contribute to the external appearance of historic buildings. Common ornamentation includes but is not limited to: columns, pilasters, railing, shaped shingles, wood shutters, brackets, specialized cladding, brickwork millwork and roof cresting.

**CODE SECTION:** Historic ornamentation and architectural details shall be preserved and maintained. The removal, alteration, covering or arbitrary addition of architectural detailing on a contributing site or building located within any historic district or associated with a historic landmark is prohibited. Replacement or repair shall be done in a way that matches the original in design, material, dimension and placement on the building.

**ALL BUILDINGS:**

#### PROHIBITS:

- A.) Removing or altering any architectural ornamentation.
- B.) Introducing new ornamentation or architectural detailing, including shutters, to a historic building that never had the feature.
- C.) Altering or removing original decorative elements.
- D.) Introducing new features or details that may detract from the original historic resource.

#### REQUIRED:

- A.) When feasible repairing deteriorated materials in kind, matching the original in scale, configuration, and detail.
- B.) Replacing necessary deteriorated details in-kind. New details should match the original in design, material, dimension, and historic placement on the building.
- C.) Ensuring existing shutters are functional and not just decorative later additions.

#### **PRESERVATION BRIEF:**

**17. Architectural Character—Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character**

**35. Understanding Old Buildings: The Process of Architectural Investigation**

**47. Maintaining the Exterior of Small and Medium Size Historic Building**

### STOREFRONTS

The City of Oneonta Downtown commercial corridor is not only a critical part of Oneonta’s historic and cultural fabric it is an important regional shopping and employment center. Maintaining the historic and architectural character of the city’s downtown is important to the economic and culturally viability of the region.

CODE SECTION: Repair or replacement of historic storefronts and main street façade elements located within the Oneonta Downtown Historic District shall be based on recognized preservation methods such as those found in the National Park Service technical brief “Rehabilitating Historic Storefronts”.

#### COMMERCIAL/MIXED USE BUILDINGS:

##### PROHIBITS:

- A.) Removing or altering any architectural ornamentation.
- B.) Introducing new ornamentation or architectural detailing, including shutters, to a historic building that never had the feature.
- C.) Altering or removing original decorative elements.
- D.) Introducing new features or details that may detract from the original historic resource.

##### REQUIRED:

- A.) When feasible repairing deteriorated materials in kind, matching the original in scale, configuration, and detail.
- B.) Replacing necessary deteriorated details in-kind. New details should match the original in design, material, dimension, and historic placement on the building.
- C.) Facades, whether rehabilitated or in new construction, to consist of three parts: a storefront, upper facade, and cornice line
- D.) Uncovering and opening up previously covered or filled-in window openings and installing historically appropriate new window units.
- E.) Retaining the original number, size, and arrangement of storefront windows. If the original storefront has been altered it should be returned to its historic state based on documentation or design elements from surrounding historic storefronts.
- F.) Entrances on the front or primary facade to be recessed not less than two feet, but not further than four feet. This is done in order to maintain historic rhythms and setbacks on Main Street.

### **PRESERVATION BRIEF:**

#### **11. Rehabilitating Historic Storefronts**

### **HISTORIC ACCESSORY STRUCTURE**

Historic accessory buildings can include sheds, small barns, carriage houses, and automobile garages. Typically, historic garages and accessory buildings were oriented toward the alleys or driveway access and abutted property lines in the rear of the primary building. Materials, details, and construction techniques often matched the main building.

**CODE SECTION:** Original or historic accessory buildings and garages within any historic district or associated with a historic landmark shall be preserved under this code. Demolition of any accessory building or garage shall follow all requirements related to the demolition of a historic landmark or resource.

#### **ALL BUILDINGS:**

##### **PROHIBITS:**

- A.) Relocating or moving a historic accessory structure to another parcel or another location on the building site.
- B.) Demolishing or altering a historic accessory structure.

##### **REQUIRED:**

- A.) Regular inspection and maintenance of all historic accessory structures.

#### **PRESERVATION BRIEF:**

**4. Roofing for Historic Buildings**

**10. Exterior Paint Problems on Historic Woodwork**

**47. Maintaining the Exterior of Small and Medium Size Historic Buildings**



### ACCESSIBILITY

Most historic buildings and resources predate accessibility requirements. Accessibility requirements, as established by the American's with Disabilities Act of 1990, require that most buildings that are accessible to the general public allow members of the public with physical disabilities a basic level of access. Historic resources should be something the entire community can enjoy and therefore every effort should be made to allow access while also protecting the material and architectural integrity of the site.

**CODE SECTION:** The construction of any new building, exterior alteration, addition or any building undergoing any renovation of 50% or more of its usable floor space located within any historic district or associated with a historic landmark shall be subject to design review by the Planning Commission. Design review approval shall be based on the following:

#### ALL BUILDINGS:

##### REQUIRED:

- A.) Introduce new construction to meet accessibility and safety requirements in ways that do not damage historic fabric or compromise the character of a building, site, or streetscape.
- B.) Design new accessibility and safety code features, such as ramps, handrails, mechanical lifts, signage, fire doors, and fire escapes to be compatible in configuration, material, scale, and detail with the character of the building, site, and district.
- C.) Minimize the visual impact of new accessibility and safety features, such as elevator additions, widened entrances, exterior stairs, or sloped paved surfaces through compatible design and discreet siting.

### **PRESERVATION BRIEF:**

#### **32. Making Historic Properties Accessible**

### ADDITIONS AND IN FILL DEVELOPMENT

Additions and in fill development are often associated with negative redevelopment of historic resources. While it is true a poorly executed remodel or addition can irrevocably damage a historic resource a well-planned and well executed project could ensure the next generation of use for a historic structure. Respecting the authenticity of a historic resource while also acknowledging that these resources themselves have undergone generations of change is an important part in altering a historic building.

**CODE SECTION:** The construction of any new building, exterior alteration, addition or any building undergoing any renovation of 50% or more of its usable floor space located within any historic district or associated with a historic landmark shall be subject to design review by the Planning Commission. Design review approval shall be based on the following:

#### ALL BUILDINGS:

##### PROHIBITS:

- A.) Arbitrary architectural elements that create a false sense of historic development.
- B.) Altering architectural elements in a way that changes a site or buildings' period of importance.
- C.) Unnecessary removal, damage or alteration to the historic fabric of a site or building.
- D.) Converting a secondary or rear façade to a primary frontage or altering the prominence of the historic resource.

##### REQUIRED:

- A.) The preservation of original features and elements.
- B.) Additions are to be subordinate to the historic resource in mass, scale and form.
- C.) Any new construction, addition or in fill should not be in an architectural style that would pre-date the historic resource, or the period of importance for any historic district.
- D.) There should be a discernable difference in any new construction. This may be reflected in simplified architectural forms, material changes or decorative breaks.
- E.) Any addition to be an independent and self-supporting structure that could be removed without damage to the historic resource.
- F.) New construction and in fill should maintain the existing scale, massing, setbacks and rhythms of any surrounding historic resources.
- G.) Façade composition should mimic surrounding historic properties. If the in fill or new construction is downtown it should have bulkhead, storefront and upper façade.
- H.) New or infill construction should be oriented to the street with roof shape, roof pitch, and foundation height consistent with adjacent buildings.
- I.) Infill architecture should reflect some of the detailing of surrounding buildings. This may include window shapes, cornice lines, architectural detailing and materials. This may be reflected in a simplified expression or in complimentary approved materials.
- J.) Rooftop decks or social areas should not be visible from the right of way and their construction should not alter any façade that is visible from the right of way.

#### **PRESERVATION BRIEF:**

##### **14. New Exterior Additions to Historic Buildings**

### SIGNS

Signage is an important feature that helps pedestrians identify buildings, provides wayfinding and allows business owners a way to uniquely express themselves. The intent of the sign code as it relates to historic sites is to ensure that signage compliments the character of the historic site as well as to provide clear messaging to the public.

**CODE SECTION:** The intent of regulating signs that are visible from the public right of way is to ensure a harmonious balance between private business interests, pedestrian orientation and the historic character of the City of Oneonta. Signage within any nationally or locally designated historic district or at any landmark site shall enhance the form, scale and visual character that makes Oneonta an important local and regional destination. The intent of this section is as follows:

#### ALL BUILDINGS:

##### PROHIBITS:

- A.) Covering, damaging or removing architectural features or elements.
- B.) The use of temporary signs such as banners as permanent signage.
- C.) Internally lit cabinet types signs.
- D.) LED and other digital or electronic signage.
- E.) Signs that overpower or are out of scale with the building façade or that are installed in a manner that is not architecturally intentional with the building’s original design.
- F.) The use of materials that are not found within the historic fabric of the site or district.

##### REQUIRED:

- A.) Preservation of historic signs including any mounting hardware.
- B.) Design new signs that compliment the existing historic character and fabric of the site or the district where the sign is located.
- C.) Careful use of neon lighting as a way to highlight a period of historic importance or as part of a building design plan.
- D.) Design and install signs in ways that mirror or compliment the existing historical resource’s physical composition and architectural detailing.
- E.) Ensure that signs respect the mass, scale, height, rhythm and fenestration placement on historic buildings.
- F.) The use of materials that complement the historic building.

**PRESERVATION BRIEF:**  
25. The Preservation of Historic Signs



CITY OF ONEONTA

# SIGNS



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

### STANDARDS:

- 1.) The intent of regulating signs that are visible from the public right of way is to ensure a harmonious balance between private business interests, pedestrian orientation and the historic character of the City of Oneonta. Signage within the MU-1 District shall enhance the form, scale and visual character that makes Downtown Oneonta an important local and regional destination. The intent of this section is as follows:



- A.) To ensure that all signs within the MU-1 District are compatible with the special character that is the City of Oneonta's historic past.
- B.) To help convey the sense of excitement and vitality envisioned for downtown Oneonta's future.
- C.) To encourage signs which, by their appropriate design, are integrated with and harmonious to the buildings and sites which they occupy.
- D.) To preserve and improve the appearance of the City of Oneonta as an historic community in which to live and work.
- E.) To allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner.
- F.) To promote pedestrian oriented signage rather than automotive oriented signage, which is consistent with both the comprehensive plan and the historic character of the City of Oneonta.
- G.) To ensure that the installation of a sign does not damage the historic fabric, nor detract from the historic character and urban aesthetic of the MU-1 District.
- H.) For the purposes of this code, publicly displayed art and murals shall not be considered signs.



### Permits Required

- 1.) It shall be unlawful for any person, firm, or corporation to erect, alter or relocate any sign within the City of Oneonta without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined by this code. The Code Enforcement Officer shall have the authority to approve or deny sign permits in accordance with this code.
- 2.) The following shall constitute repair or maintenance and shall not require a permit:
  - A.) Painting.
  - B.) Changing sign copy
  - C.) Cleaning
  - D.) In kind replacement of individual sign components that does not result in a structural change, a change in sign face material, exceed 50% of the signs replacement cost or value, or the addition of lighting elements.
- 3.) The applicant shall provide the following information, in writing, to the City of Oneonta Code Enforcement Office:
  - A.) Name of applicant and sign location.
  - B.) Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
  - C.) Contact person and contact information.
  - D.) Description of the activities occurring on the site where the sign will be installed.
  - E.) Description of any existing signage located on the site.
  - F.) Identification of the type of sign(s) to be erected by the applicant.
  - G.) Site plan depicting the locations of proposed signage and existing remaining signage.
  - H.) A detailed drawing or blueprint showing a description of the construction details and the sign; position of lighting and other extraneous devices; and a location plan showing the position of the sign on any building or land.
  - I.) If the sign is located in any locally designated Historic District or any site designated as a historic landmark site, confirmation that an application for review has been submitted to the Planning Commission.
- 4.) A permit fee, to be established from time to time by the City of Oneonta Common Council, shall be paid.

*“Sign, sign, everywhere a sign.”*

*— Five Man Electric Band*

### Sign Master Plan

- 1.) Any parcel or property that has multiple tenants shall submit a master sign plan to the Planning Commission for approval before any new sign permit is issued. The master sign plan shall include the following:
  - A.) The number of tenants and signage needs or locations for those tenants.
  - B.) The location, number and size of all signs on the property.
  - C.) The materials, lighting methods and design of all signs.
- 2.) The master sign plan shall show a cohesive design plan that incorporates all building signage into a central overall theme for the site.
- 3.) The Planning Commission shall approve, deny or approve with modifications any master sign plan. In their decision the Planning Commission shall provide a written determination to the Code Enforcement Officer explaining the reasons for approval, denial or any modification to the plan. The determination shall specifically cite this code or any guidelines provided for the interpretation of this code.

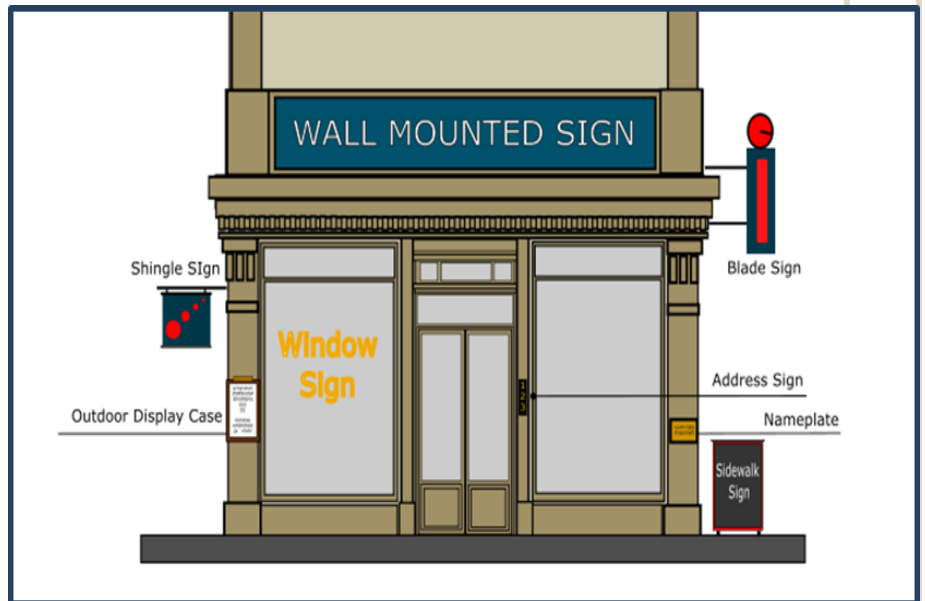


Figure 1. Example of a Master Sign Plan.

### Application Review

- 1.) The City of Oneonta shall have thirty business days from the receipt of a complete application to review the application.
- 2.) A permit shall be issued by the Code Enforcement Office on or before the end of the thirty-business day review period if the application for a sign permit complies with the regulations contained herein.
- 3.) If the City of Oneonta fails to issue a determination within the thirty-business day review period, the sign permit shall be deemed approved.
- 4.) An application for a sign permit may be denied by the City of Oneonta Code Enforcement Office within the thirty-business day review period if the application fails to comply with the standards found in this code. The Code Officer shall inform the applicant in writing the reasons for denying a sign permit application.
- 5.) Upon denial of an application for a sign permit, the applicant has thirty business days to revise and resubmit the application for review by the City of Oneonta Code Enforcement Office.
- 6.) Sign permits shall not expire provided that such signs are installed within a year and are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (i.e., repairs that costs more than 50% of the replacement cost of the damaged sign); a new sign permit shall be filed.

### Signs Exempt from Permit Requirement

- 1.) The following signs shall be allowed without a sign permit. Unless regulated elsewhere in the code the following signs shall not be included in the determination of the type, number or area of permanent signage allowed at a parcel in the district.
  - A. Official traffic signs.
  - B. Government/regulatory signs.
  - C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.
  - D. Holiday and seasonal decorations.
  - E. Address signs in compliance with this code.
  - F. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
  - G. Security and warning signs - conventional “no trespassing” signs in accordance with state law.
  - H. Flags in compliance with this code.
  - I.) Personal expression signs of any sign type, including flags, provided that they do not exceed three sq. ft. in area per side, are non-commercial in nature, and not illuminated.
  - J. Legal notices.
  - K. Any sign integrated into or on an ATM, coin-operated machine, gasoline pump, vending machine, or similar equipment or machine.
  - L. Memorial signs, public monument or historical identification sign. These shall be defined as nameplate signs and shall comply with this code.
  - M. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
  - N. Incidental window signs. Incidental window signs shall comply with this code in reference to window signs.

*"Language is a city to the building of which every human being brought a stone."*

*—Ralph Waldo Emerson*



# PART 6

## SIGNS

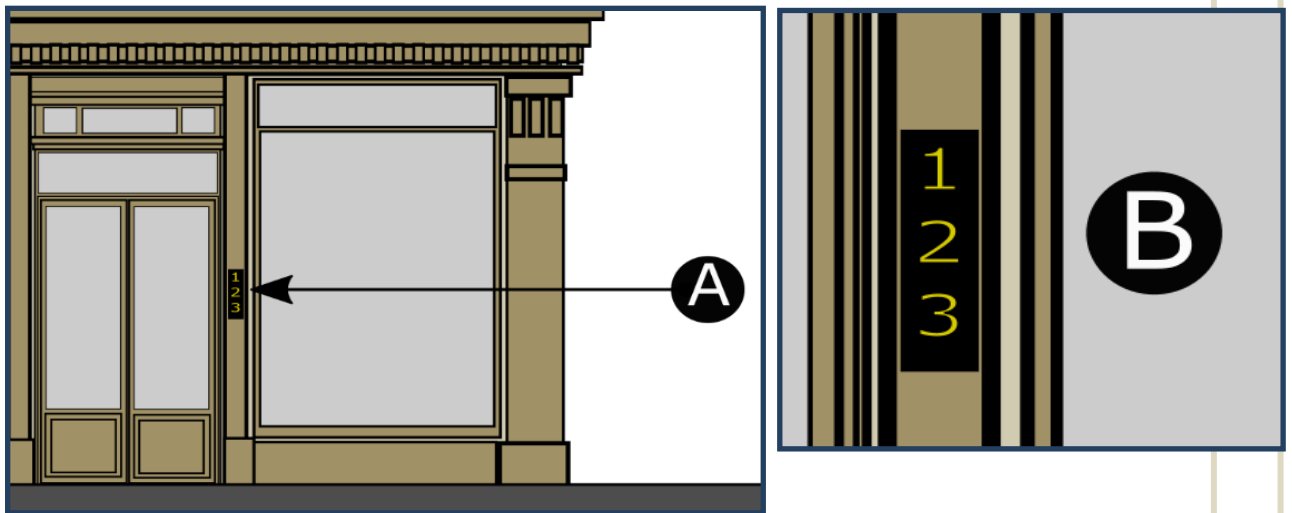
## MU-1 FORM BASED CODE

### Permitted Signs

- 1.) Address signs shall comply with the following:
  - A.) Address Sign numerals applied to retail, office, residential, institutional, or industrial buildings shall be between four and six inches tall. Address Sign numerals applied to individual dwelling units in Apartment buildings shall be at least two inches tall.
  - B.) Address signs shall be easily visible by using colors or materials that contrast with their background.
  - C.) Address signs shall be constructed of durable materials.
  - D.) The address sign shall be attached to the front of the building in proximity to the principal entrance or at a mailbox. Street numbers are also required on the back side of the following buildings: Main Street buildings, odd numbers.



Figure 2. Example of an Address Sign.



Key		
Address Sign Location	Close proximity to primary entrance	<b>A</b>
Numerical Size	Numerals 4-6 inches in height	<b>B</b>

# PART 6

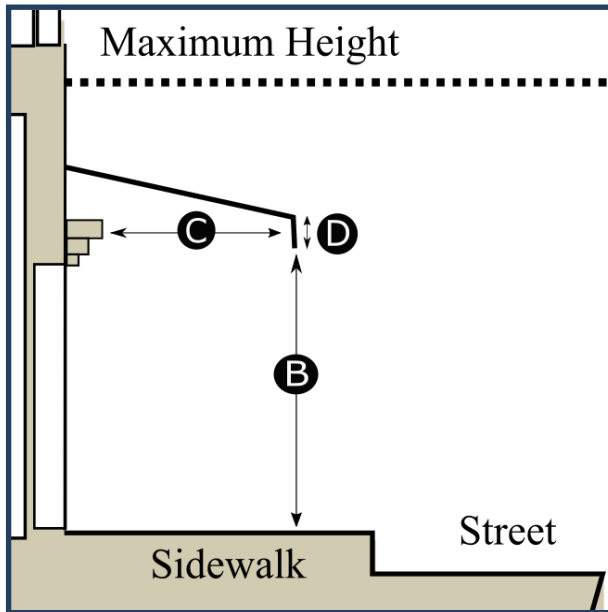
## SIGNS

## MU-1 FORM BASED CODE

- 2.) Awning signs shall comply with the following:
- A.) Fixed or retractable shed awnings, with or without sign bands, are permitted.
  - B.) Signage shall be limited to the valance of the awning.
  - C.) Awnings shall be at least seven feet above the public right of way at their lowest point and shall extend no more than five feet from the building façade.
  - D.) Awnings shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the story above.
  - E.) The height of the valance shall not exceed twelve inches.
  - F.) Letters, numbers, and graphics shall cover no more than seventy percent of the valance area and shall be integrated into the awning material.
  - G.) Awning signs shall not be internally illuminated or backlit.



Figure 3. Awnings in Downtown Oneonta



Key		
Sign Location and Requirements	Valance Only. 70% max. coverage	<b>A</b>
Awning Distance from Sidewalk	7' min.	<b>B</b>
Distance from Facade	5' max.	<b>C</b>
Valance	12" max.	<b>D</b>

# PART 6

## SIGNS

## MU-1 FORM BASED CODE

- 3.) Wall mounted signs shall comply with the following:
  - A.) All businesses are permitted one wall mounted sign on each first story façade that fronts on a public right of way.
  - B.) Wall mounted signs shall be designed and constructed in the following manner:
    - 1.) Cut-out letters. Letters shall be individually attached to the wall or on a separate background panel, and if lit shall be externally illuminated.
    - 2.) Flat panel. Letters shall be printed or etched on same surface as the back-ground, which is then affixed to the wall, and if lit done so through external illumination.
  - C.) Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background.
  - D.) Wall mounted signs shall not exceed one and half square feet of sign area per linear foot of building frontage, shall be no more than fifteen feet above the sidewalk surface and shall be flat and parallel to the facade surface.
  - E.) Wall mounted signs shall not project vertically above the roof line or further than six inches from the facade.



Figure 4. Wall Sign with exterior mounted lighting.

F.) Wall mounted signs may be illuminated from dusk to dawn and shall comply with the lighting requirements of the MU-1 Form Based Code. External lights shall be shielded from direct view to reduce glare.

G.) Internal lighting shall not be permitted for wall mounted signs.

H.) Electrical raceways, conduits and wiring shall not be exposed.

I.) Wall mounted signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature such as a storefront window, primary entry, or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.

J.) Where multiple wall mounted signs are present on a single building (i.e. for retail tenants in a shared space), signage shall be coordinated in terms of scale, placement, colors and materials.



Key		
Distance above Sidewalk	15' max.	A
Sign Width	1.5 sq. ft per linear foot of building frontage	B
Sign Location and Design	6' max. depth Located in existing sign band and centered on entrance or architectural elements.	C
Lighting	Externally lit and shielded	D

# PART 6

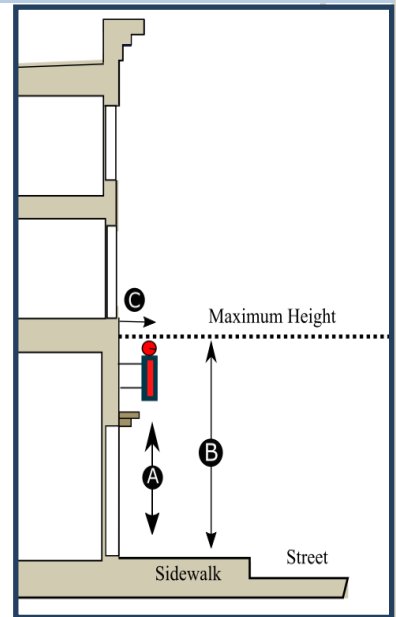
## SIGNS

## MU-1 FORM BASED CODE

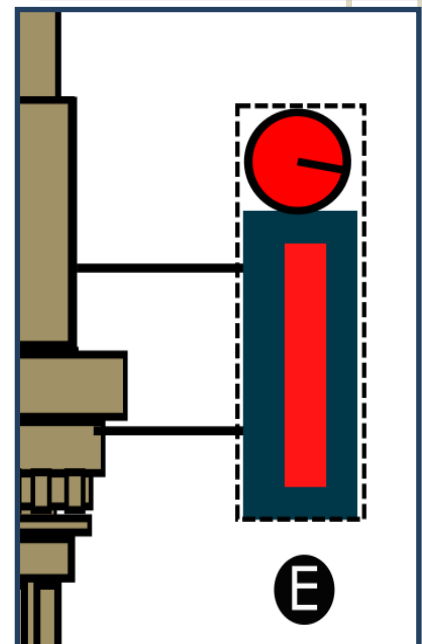
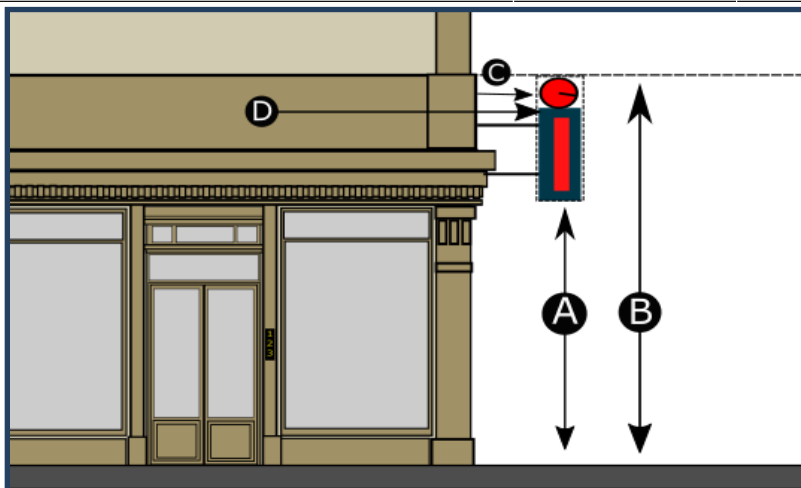
- 4.) Blade signs shall comply with the following:
- A.) Blade signs may be double-sided.
  - B.) Blade signs shall be permitted only for businesses that have a primary entrance on the first story.
  - C.) Blade signs shall be located within five feet of a primary entrance to a business. If a building has two frontages each may have one primary entrance.
  - D.) Businesses shall be permitted one blade sign on each frontage that faces on a public right of way.
  - E.) Blade signs shall not exceed twelve square feet per side.
  - F.) Blade signs may encroach into the public right of way up to four feet and the lowest point of the sign shall be a minimum of eight feet from the sidewalk. The highest point of any blade sign shall not exceed fifteen feet.
  - G.) Blade signs shall not encroach above the roof line nor above the bottom of the second story window.
  - H.) Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the sign and the building.
  - I.) For buildings with multiple signs, mounting hardware or sign shapes, sizes and colors shall be coordinated.



Figure 5. Blade or Shingle Signs.



Key		
Distance from Sidewalk to Lowest Point of Sign	8' min.	Ⓐ
Distance from Sidewalk to Highest Point of Sign	15' max.	Ⓑ
Distance of Encroachment from Building Facade	4' max.	Ⓒ
Distance of Sign from Primary Entrance	5' max.	Ⓓ
Sign Size	12 sq. ft per side	●



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

- 5.) Marquee signs shall comply with the following:
- A.) Marquess shall be permitted only in association with theaters or public assembly uses associated with artistic or theatrical productions. Examples include movie theaters, stage production theaters, art galleries or performance spaces and venues.
  - B.) Marquees shall be located only above the primary entrance of a building.
  - C.) No Marquee shall be wider than the entrance it serves, plus two feet on each side thereof.
  - D.) No portion of a Marquee shall be lower than ten feet clearance to sidewalk.
  - E.) No Marquee shall extend closer to the curb than three feet.
  - F.) All Marquees, including anchors, bolts, supporting rods and braces, shall be constructed of non-combustible materials and shall be designed by a structural engineer and approved by the Code Enforcement Office.
  - G.) Marquee components and materials may vary. Anchors, bolts, and supporting rods should be limited to the interior of the Marquee.
  - H.) A Wall Sign shall be permitted above or below a Marquee.

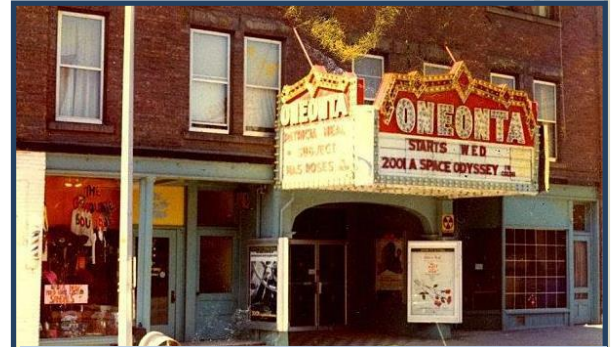


Figure 6. Oneonta Theater Marquee 1968.

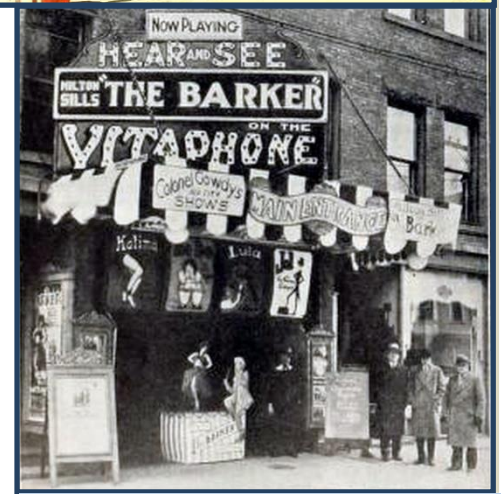
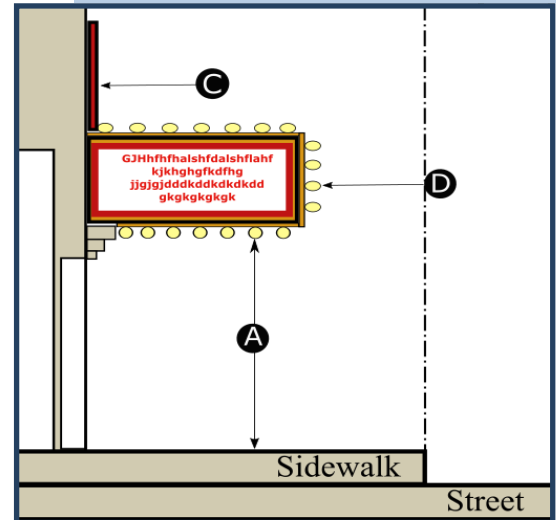
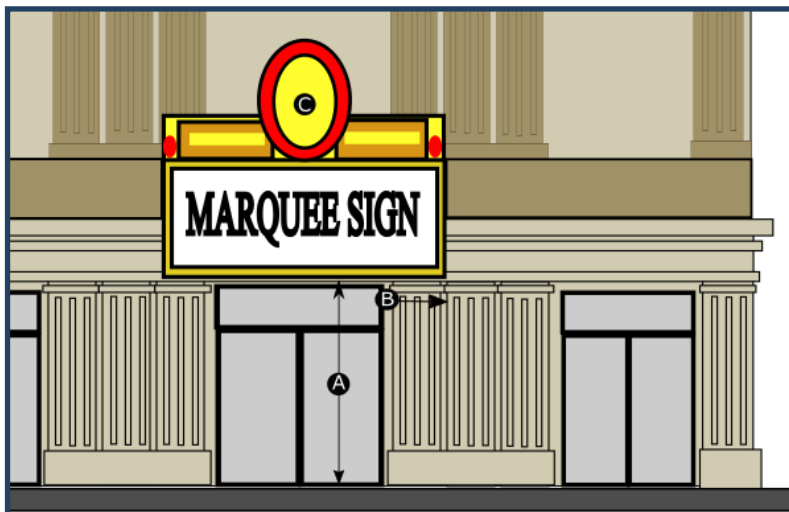


Figure 7. Oneonta Theatre Marquee 1929

Key		
Distance from Sidewalk to Lowest Point of Marquee	10' min.	A
Width Beyond Entrance	2' max.	B
Optional Wall Sign	Above or Below Marquee	C
Distance from Curb	3' min.	D



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

- 6.) Nameplate signs shall comply with the following:
- A.) Nameplates shall consist of either a panel or individual copy applied to a building wall within five feet of an entrance to the building.
  - B.) One Nameplate shall be permitted per address.
  - C.) Nameplates shall not exceed three square feet.
  - D.) Nameplates shall be constructed of a durable material in accordance with this code.



Figure 8. Nameplate Sign

- 7.) Outdoor display cases shall comply with the following:
- A.) Each outdoor display case shall not exceed six square feet.
  - B.) Outdoor display cases may be externally or internally illuminated.
  - C.) Outdoor display cases shall not be attached to storefront windows.
  - D.) Outdoor display cases shall not protrude more than six inches from the building façade.



Figure 9. Outdoor Display Case

- 8.) Shingle signs shall comply with the following:
- A.) Shingle signs shall conform with the standards for blade signs except section F.
  - B.) A building may have both the prescribed number of blade signs and the same number of shingle signs.
  - C.) Shingle signs may encroach into the public right of way up to two feet, shall clear the sidewalk by at least seven feet and shall be mounted no higher than ten feet above the sidewalk.



Figure 10. Shingle Sign

Key		
Distance from Sidewalk to Lowest Point of Sign	7' min.	<b>A</b>
Distance of Encroachment from Building Facade	2' max.	<b>B</b>
Distance from Sidewalk to Highest Point of Sign	10' max.	<b>C</b>

# PART 6

## SIGNS

## MU-1 FORM BASED CODE

9.) Window signs shall comply with the following:

A.) Only the following window sign types shall be permitted:

- 1.) Vinyl applique letters applied to the window. Appliques shall consist of individual letters, graphics or sign copy with no visible background.
- 2.) Letters painted directly on the window.
- 3.) Hanging signs behind the window or other type of temporarily attached sign.
- 4.) Door signs applied to or hanging inside the glass portion of an entrance doorway.

B.) Window signs shall not interfere with the primary function of windows, which is to engage the street as well as enable passersby and public safety personnel to see through windows into premises and view product displays.

C.) Total window sign coverage shall be no larger than 25% of the total area of the window or door onto which they are applied or displayed. This shall include both permanent and temporary signs. Sign area shall be measured using the smallest rectangle that fully encompasses the entire extent of the sign.

D.) Letters, designs or sign copy on window signs shall be no taller than twelve inches.



Figure 11. Window Signs

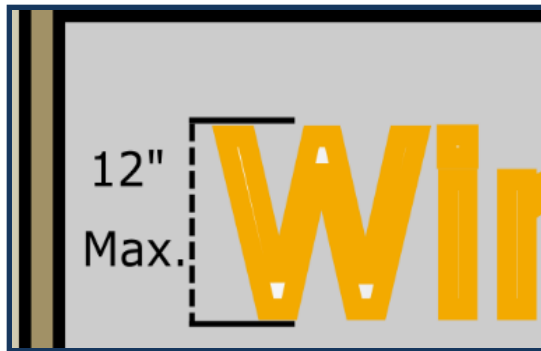
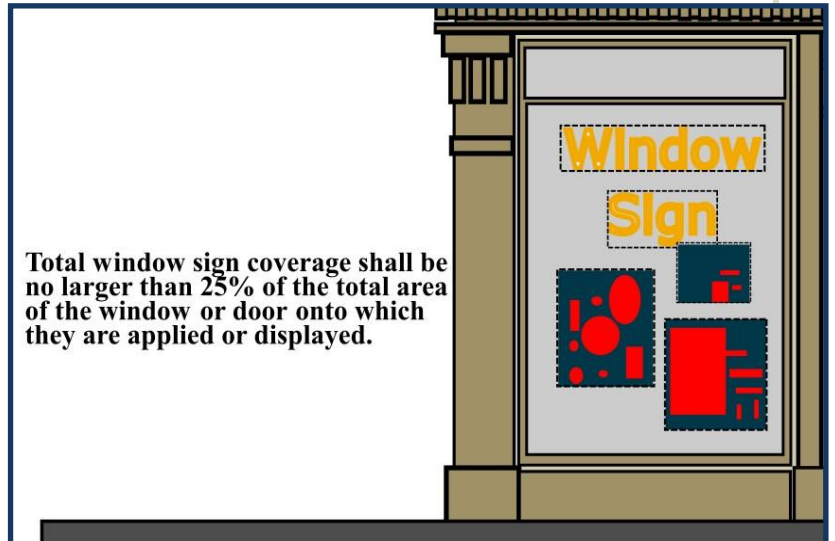


Figure 12. Sign Copy Shall Not Exceed 12 inches or Cover more than 25% of the Window Surface.



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

10.) Yard signs shall comply with the following:



- A.) One single or double post yard sign for each business shall be permitted, provided it is set back at least six feet from the property line, or right of way whichever is closer, does not exceed six square feet excluding posts, and does not exceed six feet high including posts, measured from the average grade at the post location.

Key		
Distance from Grade to Top of Sign Post	6' max.	
Sign Area Including Post	12 sq. ft. max.	
Distance from Property Line or R.O.W.	6' min.	

11.) Sidewalk signs shall comply with the following:

- A.) Sidewalk signs shall consist of freestanding, A-frame style, double-sided temporary signs placed at the entrance to a business in a primarily pedestrian environment.
- B.) Sidewalk signs shall be removed at the close of business each day.
- C.) One sidewalk sign shall be permitted for each business.
- D.) Sidewalk signs shall not exceed 42 inches in height or 26 inches in width.
- E.) Sidewalk signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety.
- F.) Sidewalk signs shall not create any unsafe condition or obstruct the public right of way in any manner that prevents pedestrian travel.



Figure 13. Sidewalk Sign



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

12.) Temporary Signs, Flags and Banners shall comply with the following:

- A.) Banners for charitable events. Upon registration with the City Clerk, a charitable, service, educational, religious or not-for-profit organization may be granted a permit to erect a street banner announcing a coming event at which at least 100 people may reasonably be expected to attend. The banner may be placed at a site across a street, as designated by the Code Enforcement Officer, and kept in place for a period not to exceed sixty days. The banner must be made of durable material and must be kept in an attractive and safe condition. It may not exceed 50 feet in width and five feet in height, may not include advertisements and must be removed no later than 20 business days after the event terminates.
- B.) Temporary banner type signs shall be permitted for thirty days and shall meet the standards for a wall mounted sign in size and location. After thirty days any banner sign shall be removed and a permit sign shall be installed. The Code Enforcement Officer may, upon written request from the sign owner, extend this period for thirty days. Approval shall be based on written or physical evidence that a permanent sign will be installed within the thirty-day extension period. Only one such extension shall be permitted for any sign owner. This extension shall be limited to one sign and to one extension per parcel.
- C.) Flags shall not exceed forty square feet and shall be mounted to permanently fixed flagpoles. Each parcel shall be permitted two flags. There shall be a minimum of seven feet of clearance between the flag's lowest point and the public right of way.



Figure 14. Example of a Temporary Banner Sign.

# PART 6

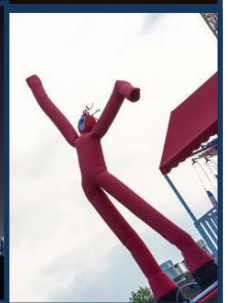
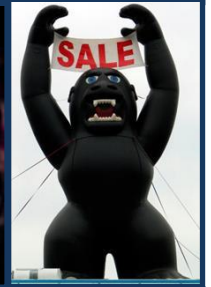
## SIGNS

## MU-1 FORM BASED CODE

### Prohibited Signs

1.) The following sign types shall be prohibited in the MU-1 Zoning District:

- A.) Billboards.
- B.) Freestanding signs other than sidewalk type signs as permitted by this code.
- C.) Portable signs.
- D.) Inflatable signs, moored balloons or displays.
- E.) Animated, mechanized, interactive or mechanically changing signs.
- F.) Video, LCD, LED or other digitally created or produced sign.
- G.) Any sign that uses flashing lights, strobes, pulsating or oscillating light, or scrolling text and/or images.
- H.) Internally illuminated cabinet signs.
- I.) Image projection signs.
- J.) Wind signs including pennant strings and streamers.
- K.) Any sign utilizing any audible device, pyrotechnic device, odor, vapor or smoke device.
- L.) Flags exceeding forty square feet.
- M.) Abandoned signs or signs that have deteriorated beyond 51% of their replacement value.
- N.) Unlawfully installed signs or signs that due to condition or installation pose a danger to the public safety, health or wellbeing.
- O.) Signs that extend over the roofline or are mounted on rooftops.
- P.) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects.
- Q.) Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- R.) Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- S.) Any signs not listed as permitted are prohibited.



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

### Sign Design

- 1.) Signs shall preserve, compliment or enhance the overall architectural composition or features of the building, the streetscape and the zoning district. The covering, damage or obstruction of architectural details or features shall be prohibited.
- 2.) Signs shall be considered integral to the overall building facade. This shall include existing signs, overall façade composition and ornamental details.
- 3.) Signs shall be proportional and complimentary to the building in scale, mass and appearance and should not overwhelm the building façade.
- 6.) No single sign or sign element shall exceed five feet in overall height, be wider than ninety percent of the building façade or tenant space, or cover more than twenty percent of the building façade.
- 7.) Signs shall be mounted or installed to fit within existing architectural features including areas, like a signboard, that historically housed signage.
- 8.) Signs shall be pedestrian oriented with a majority of signage concentrated at street level in close proximity to the buildings primary entrance. Sign design shall focus on pedestrian oriented placement, comfort and legibility.
- 9.) The area of signs containing independent sign copy shall be that of the smallest rectangle which encompasses all sign copy.



Key		
Sign Component Height	5' max.	A
Sign Width Max.	90% of building façade or tenant space width	B
Total Façade Coverage Max.	25% of entire building façade	C



Figure 15. Measuring Signs with Independent Sign Copy.



Figure 16. Pedestrian Oriented Signage.



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

### Illumination

- 1.) Sign illumination shall seek to balance the need to illuminate the sign with the overall design quality of the built environment and the zoning district.
- 2.) External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
- 3.) Individual sign components may be lit from behind with an internal light source reflecting off the building. Halo illumination is permitted however cabinet style, internally illuminated signs are specifically prohibited. The light source and any electrical components shall not be visible on a halo type sign.



Figure 17. Externally lit Wall Sign.

- 4.) Sign lighting shall be unobtrusive and discreet and should in no way overpower the public right of way, the building or the street. No illumination source shall direct light onto the street or an adjacent property.
- 5.) Neon shall be used only as an integral architectural element or for specific artistic use.



Figure 19. Example of a Backlit or Halo Sign.



Figure 18. Neon Accent on Sign.



# PART 6

## SIGNS

## MU-1 FORM BASED CODE

### Sign Attachment

- 1.) All signs shall be installed and maintained in accordance with the New York State Uniform Code.
- 2.) On properties located in the Downtown Oneonta Historic District, when feasible, original or historical sign hardware shall be reused. Sign attachment parts shall not damage architectural elements or cause damage to any historic resource.
- 3.) On a building with an existing sign board any new sign shall be installed to fit within the panels formed by moldings or transom panels on the façade.

### Materials

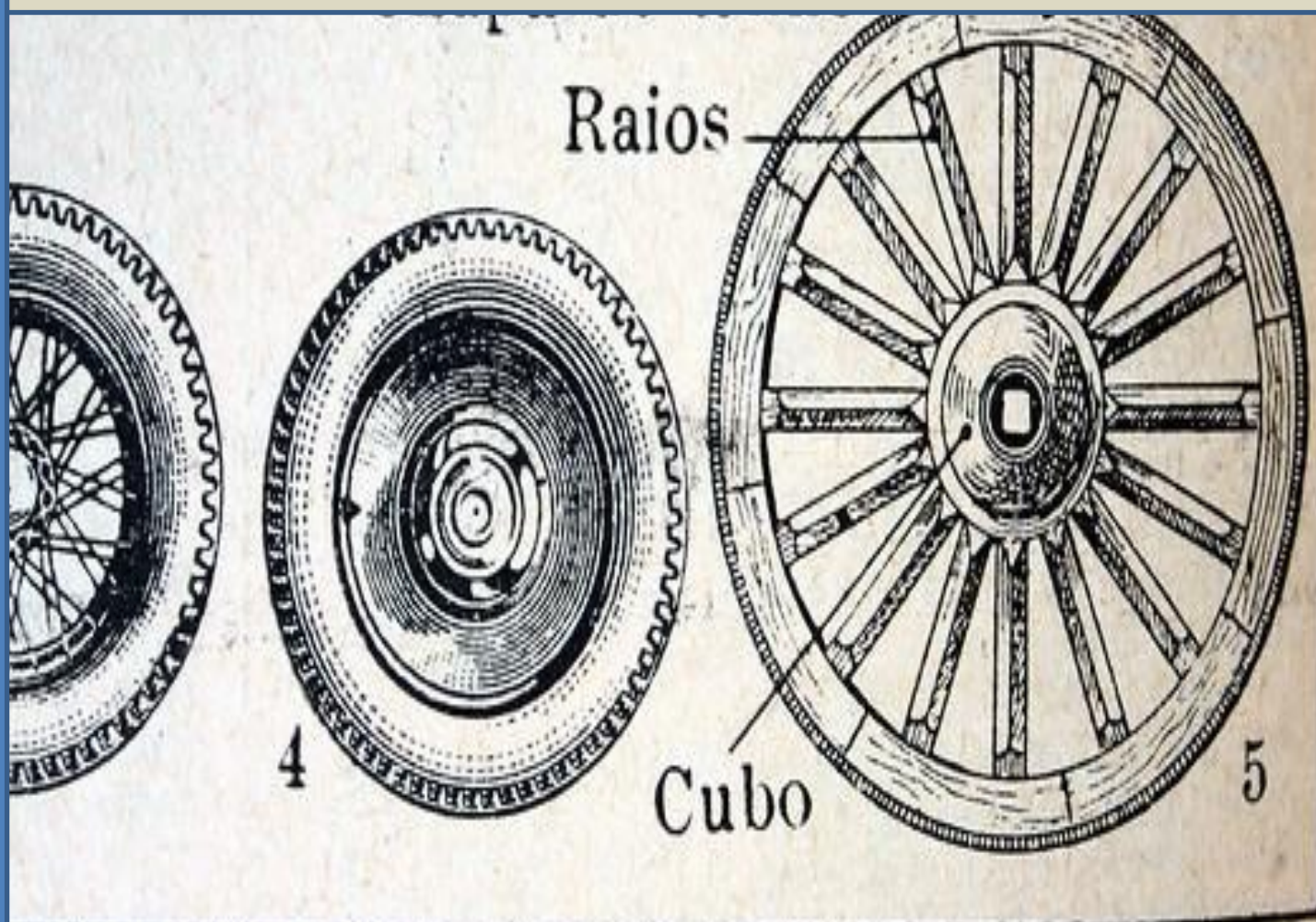
- 1.) Signs shall be constructed from materials that are approved in the zoning district. Prohibited materials shall not be used for permanent signs.
- 2.) Sign materials shall compliment and be compatible with materials used in the construction of the building or site where the sign is located.
- 3.) Awning materials shall be high quality, colorfast and sun fade resistant. The use of plastic, vinyl or translucent material is prohibited.





CITY OF ONEONTA

# TRANSPORTATION



1. De bicicleta; 2. De vagão do caminho de ferro; 3. De automóvel, de  
4. De automóvel, de disco. 5. De viatura ordinária, de madeira,

### STANDARDS:

- 1.) Required Parking. From an environmental, community character and cost perspective, it is always desirable to construct the least number of parking spaces to accommodate a particular use, therefore there are no provisions requiring a minimum number of off-street parking spaces for the development or redevelopment of a parcel or structure. Certain development proposals shall provide a Transportation and Circulation Plan which may result in the provision of off-street parking.
- 2.) Transportation and Circulation Plans shall use accepted standards such as those published in the Institute of Transportation Engineer's Parking Generation Reports, the Urban Land Use Institute Shared Parking Study or the Institute of Transportation Engineer's Designing Walkable Urban Thoroughfares: A Context Sensitive Approach for determining parking demand and availability.
- 3.) The Planning Commission may provide a written determination that less off-street parking or loading is required for any use. This determination shall be based on the information presented as part of a Transportation and Circulation Plan, or as part of any major site plan review or special use permit application.
- 4.) Structures or proposed projects with mandatory storefronts are not required to provide a parking analysis unless required to do so by another section of this code.
- 5.) Alternative transportation including public transportation, ride sharing and bicycle travel are preferred over single trip automotive infrastructure.
- 6.) The demolition of a primary structure for the creation of parking is prohibited.

#### Transportation and Circulation Plan

- 1.) A Transportation and Circulation Plan (TCP) shall be provided for the following projects:
  - A.) New construction of a principal building in excess of 5,000 square feet.
  - B.) Substantial renovation of a principal building with a gross floor area of 30,000 square feet and involving a change in use, density or intensity.
  - C.) Any development that exceeds "new vehicle trips" thresholds found in the SEQR workbook.
  - D.) Single family and two family homes are not required to provide a Transportation and Circulation Plan.
- 2.) Projects requiring a TCP shall provide the electrical capacity necessary to accommodate the future hardware installation of Level 2 electronic vehicle charging stations (EVCS). Any TCP shall provide a plan for EVCS.
- 3.) The Transportation and Circulation Plan shall be approved, approved with modifications or denied by the Planning Commission as part of the major site plan review process. No building permit or certificate of occupancy shall be issued without an approved Transportation and Circulation Plan, when such a plan is required by this code.



### Plan Requirements

- 1.) Any Transportation and Circulation Plan shall be consistent with the City of Oneonta Comprehensive Plan.
- 2.) A TCP must be prepared by a qualified professional with experience in transportation planning, traffic engineering or a comparable field related to urban traffic management or planning.
- 3.) The TCP shall contain and determine:
  - A.) All anticipated travel demand for the project.
  - B.) How the anticipated travel demands will be met, on or off-site:
    - 1.) Number of on and off-street vehicle parking spaces or shared vehicle parking areas.
    - 2.) Availability of bicycle parking.
    - 3.) Any additional accommodations for pedestrians, cyclists, motorists, public transportation and transportation options for the mobility impaired.
  - C.) The location and capacity of all required hardware and electrical components related to EVCS on site. This shall include the location of any existing or proposed EVCSs as well as any site improvements required as part of a TCP.
  - D.) All low impact transportation strategies that will be utilized to reduce single-occupancy vehicle trips, reduce miles traveled by site user's vehicles and any strategies used to promote non-motor vehicle transportation.
- 4.) Low impact transportation strategies may include, but are not limited to, the following:
  - A.) Walking, cycling, ridesharing and public transportation promotion and education.
  - B.) Shared parking arrangements.
  - C.) Enhanced bicycle parking, facilities and services.
  - D.) Support for car-share, bike-share and carpooling services.
  - E.) Free or subsidized public transit passes or promotion of local transit facilities such as bus shelters.
  - F.) Provisions for alternative work schedules, home occupations, on site employers or live work units.



*“Traffic congestion is caused by vehicles, not by people in themselves.”*

*— Jane Jacobs, The Death and Life of Great American Cities*



- 5.) Transportation and Circulation Plan approval. The Planning Commission in making its decision to approve, approve with modifications or deny a TCP shall make written findings on the following:
- A.) The projects ability to incorporate low impact transportation strategies to minimize single-occupancy motor vehicle trips and maximize the utilization of alternative transportation options including but not limited to bikes, public transportation and ride sharing options.
  - B.) The project shall not place an unreasonable burden on public infrastructure, such as transit and on-street parking facilities and surrounding neighborhoods.
  - C.) The projects overall ability to enhance the pedestrian shed and incorporate walkable features and facilities to the surrounding community.



Figure 1 Encourage ride sharing services

### Location of Parking

- 1.) When calculating the number of parking spaces available for a proposed use or project the following shall apply:
- On-Street Parking
- A.) Calculated parking spots shall be located along a public right of way immediately abutting or adjacent to the subject property.
  - B.) When a parking spot is located between two properties it may be counted if it abuts 50% or more of the property.
- Off-Site Parking
- C.) All off-site parking shall be located in the same zoning district as the use or project site.
  - D.) Off-site parking shall be located within 1,320 feet of the use or project site.
  - E.) The measurement for off-site parking shall be from the nearest parking space to the primary entrance of the use or project site.
- 2.) Parking areas set back from lot lines and streets. No part of any parking area, other than driveways for ingress and egress, shall be located closer to a lot line than five feet nor closer to a sidewalk than 10 feet. Parking areas located in front yards are prohibited.

**Vehicle Loading Areas**

- 1.) Any development that involves the construction of a principal building of at least 50,000 square feet or the redevelopment of an existing building that is expected to regularly handle materials or merchandise carried by vehicles rated by the Federal Highway Administration as “heavy duty” (i.e., Class 7 or higher with a gross trailer weight rating of over 26,000 lbs.), must provide off-street loading areas. This requirement may be waived with a letter from the city engineer stating that existing on street loading areas or facilities are adequate.
- 2.) Loading areas shall be located to the side or rear of buildings and may not be located between the street and the public right of way or on a front façade without a letter of approval from the city engineer. Loading areas shall be accessible via public street or alley.
- 3.) Loading areas shall not encroach or interfere with the use of sidewalks, parking areas or roadways.
- 4.) Where loading areas are located within 100 feet, and visible from, an adjacent zoning district designated as residential they shall be screened by a type D buffer yard.

**Parking lots and areas**

- 1.) A parking area is not a permitted principal use in the MU-1 Zoning District. All parking lots and areas must be an accessory use to a permitted principal use in the zone.
- 2.) All parking lots and areas shall be located to the rear of a principal use or structure.

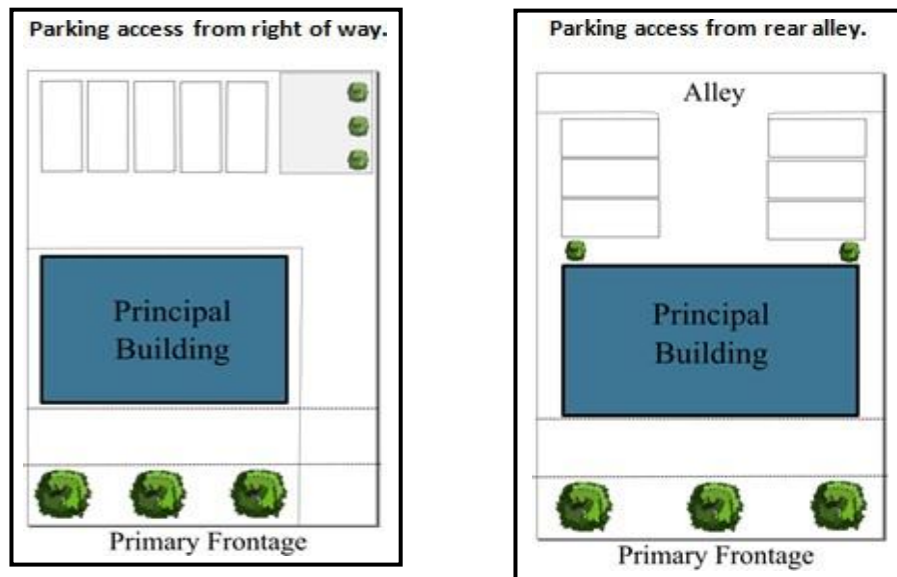


Figure 2 Permitted Surface Automobile Parking Areas

*“If I had asked people what they wanted, they would have said faster horses.”*

— Henry Ford

- 3.) At no time shall parking be established in a front or side yard with these exceptions:
- A.) An attached or detached house may have a driveway located within an interior side or rear yard. Parking is not allowed in the front yard or forwards of any attached or detached house.
  - B.) During major site plan review the Planning Commission may approve an interior side yard parking area. In making such determination, the Planning Commission must make written findings showing the following:
    - 1.) That interior side yard parking will be consistent with the general character of the surrounding neighborhood;
    - 2.) That the interior side yard parking will not adversely impact the quality of the built environment or the public realm;
    - 3.) That the interior side yard parking is consistent with the goals found in the City of Oneonta Comprehensive Plan and is consistent with the zoning district purpose and intent;
    - 4.) That the interior side yard parking does not require the demolition of an existing building.
- 4.) Parking lots and areas shall meet all additional requirements of this code including but not limited to “Landscaping” and “Lighting”.

**Design and Construction**

- 1.) Parking lots accessible by the public or a residential use exceeding six units shall meet the following criteria:
- A.) No parking lot shall have a slope in excess of 10%.
  - B.) Parking spaces shall be delineated with paint or a similar approved method and maintained in clear visible condition. Parking spaces for the disabled must be identified with appropriate signage that is visible at all times.
  - C.) Wheel stops, bumper guards, or other alternatives, which are properly anchored and secured, shall be provided to prevent vehicles from damaging or encroaching upon any sidewalk, landscape, fence, wall, or structure.
  - D.) Parking lots shall comply with the code sections “Landscaping” and “Lighting”.
  - E.) Traffic control signs shall be installed in accordance with the Manual for Uniform Traffic Control Devices, plus the New York State Supplement.
  - F.) Parking lots shall have an approved storm water management system.

- G.) Parking lots or areas with more than two double loaded rows of parking shall be designed to accommodate pedestrian travel and shall connect to public right of ways via internal paths or sidewalks that meet the following requirements:
  - 1.) Walkways shall be a minimum of five feet in width.
  - 2.) Any walkway must provide a direct connection to building entrances or to an adjacent public right of way.
  - 3.) Walkways shall be clearly marked as such with high visibility paint or through the use of alternative paving materials such as brick, pavers or cobblestones. This path shall be continuous including anywhere it passes through a drive aisle.
  - 4.) Walkways shall be arranged to serve the maximum number of parking stalls.

**Surfacing**

- 1.) All driveways, parking stalls, drive aisles, loading areas, parking lots or any other parking areas shall comply with the following surfacing requirements.
  - A.) All onsite parking areas shall be surfaced with an approved material. Parking or storing motor vehicles on areas other than surfaced parking areas shall be prohibited.
  - B.) Parking areas shall be capable, and designed, to withstand the weight of vehicles and any loads associated with the intended parking area use.
  - C.) All parking areas shall be surfaced with fixed, firm, and non-slip materials. Gravel may only be used as a parking surface material with written approval by the Planning Commission as part of an approved site plan.
  - D.) Any portion of a driveway or access path to a parking area within a public right-of-way shall be designed in accordance with specifications provided by the city engineer.
  - E.) Parking areas constructed of impervious materials shall be asphalt, bituminous concrete or other type of dustless material, approved by the city engineer for use as a parking surface, and maintained in a smooth, well graded condition.

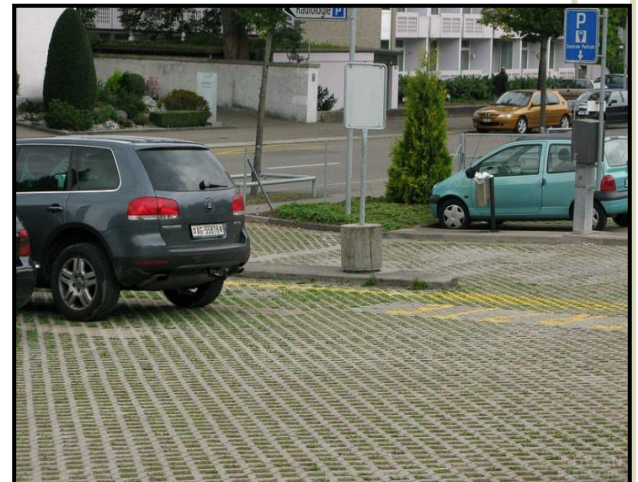


Figure 3 Permeable Parking Surface



Figure 4 Grasscrete

- F.) Permeable or semi-permeable parking areas may be permitted with plans from an engineer licensed in the State of New York or with a manufacturers report showing the material is approved for use as a parking surfacing material. Materials may include, but are not limited to, grasscrete, ring and grid systems or recycled materials approved for use as a parking surface.
- G.) Porous paving materials are encouraged in order to increase stormwater infiltration on site.

### Curbs and Drainage

- 1.) All surface parking areas shall be graded and drained to collect, retain, and infiltrate surface water accumulation on site to the greatest extent practicable.
- 2.) Curbs are required around the perimeter and interior landscaped areas of any parking lot that is accessible to the public. Curbs shall have openings to allow drainage to enter and percolate through landscaped areas.
- 3.) Curbing shall meet specifications provided by the city engineer.
- 4.) Curb cuts shall be installed only with written approval by the city engineer.
- 5.) Curb cuts shall be located to minimize conflict with pedestrian, cyclist and vehicle traffic and shall be subject to the review and approval by the city engineer.
- 6.) The number and width of curb cuts shall be the minimum needed to provide reasonable access to a site.



Figure 5 Sidewalk bioswale, [BeyondDC](#)



Figure 6 Installed Green Infrastructure, [Chris Hamby](#)



Figure 7 Dean St Bioswales 002, [Chris Hamby](#)

### Parking Structures

- 1.) Vehicle parking structures shall be designed as follows:
  - A.) The principal frontage of the structure shall be horizontal rather than sloped.
  - B.) Rooftop parking or areas that are open air shall be screened with a parapet or vegetative screening between four and five feet in height.
  - C.) Where parking spaces are visible along front or corner facades these shall be screened with a knee-wall or vegetative screening of at least three feet in height.
  - D.) Where a parking structure fronts a public right of way a minimum of 60% of the frontage to an interior depth of 20 shall be reserved for commercial uses that activate the street frontage. The total minimum frontage percentage shall not include vehicle or pedestrian entrances and exits.
  - E.) Parking structures shall meet all street landscaping requirements and when feasible shall follow all architectural standards and design guidelines as set forth by all applicable sections of this code.



Figure 8 Parking garage with wrap-around mixed-use, BeyondDC



Figure 9 Art Deco Parking Garage, Larry Syverson

### Bicycle Parking

- 1.) Any new residential or mixed-use development with 10 or more dwelling units or any residential or mixed use development undergoing site plan review due to substantial alteration, addition or repair shall provide at least one covered bicycle storage or parking space for every 5 dwelling units, unless an alternative is approved by the Planning Commission.
- 2.) Nonresidential primary uses shall provide bicycle parking of one space per 3,000 square feet of gross floor area. No use shall have less than one space.
- 3.) After the first 20 bicycle parking spaces, no additional parking is required for a proposed use.
- 4.) When there are multiple uses on a site the sum of bicycle parking shall be the sum of the required parking for the individual uses.
- 5.) Bicycle parking must be publicly accessible and be located no more than 100 feet from the entrance the parking space is intended to serve.

# PART 7

## TRANSPORTATION

## MU-1 FORM BASED CODE

- 6.) Required bicycle parking may be on private property or, with the approval of the city engineer, in the public right of way. Existing public bicycle parking may be counted to meet the bicycle parking requirement.

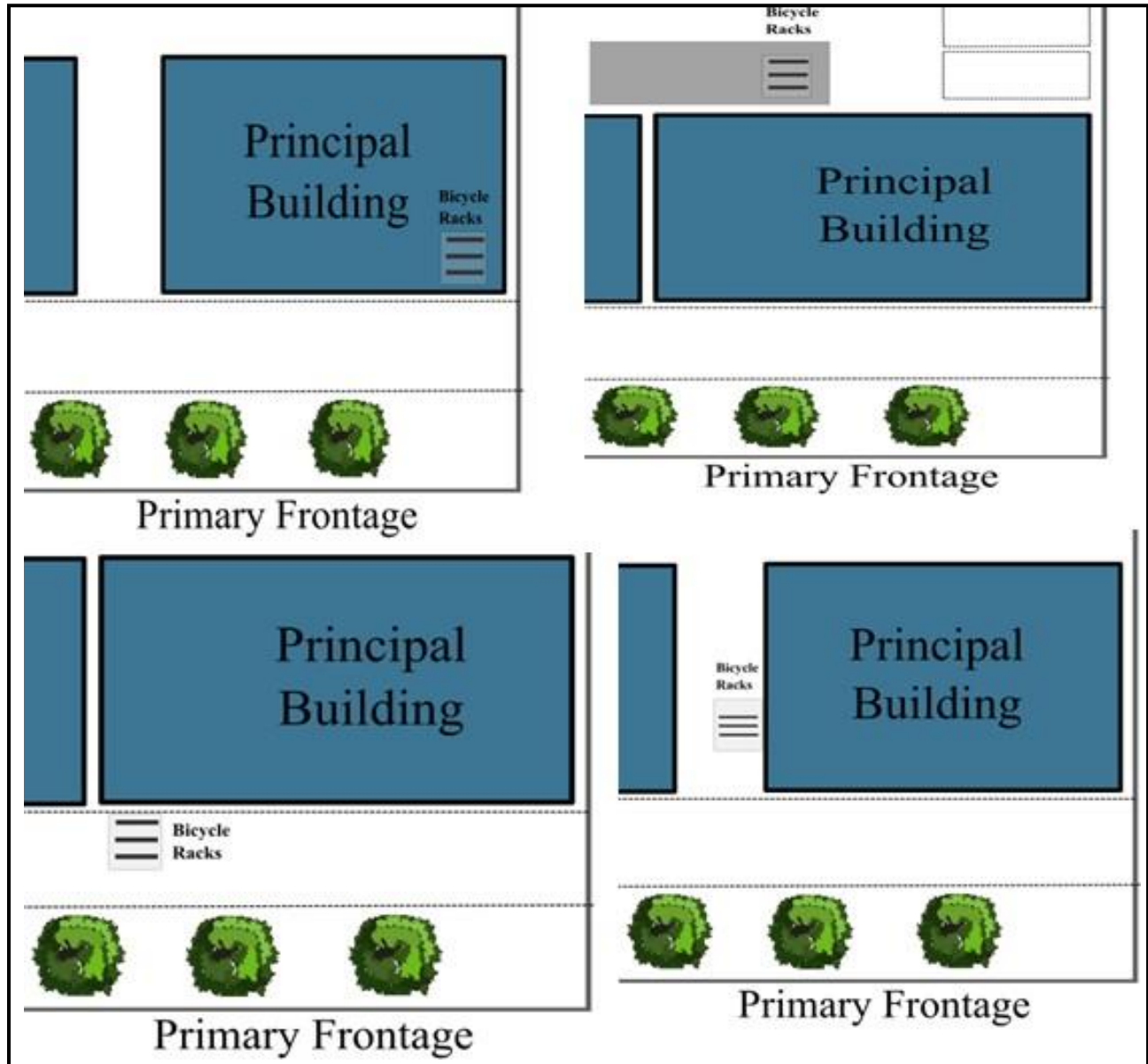


Figure 10 Locations for bike parking and storage

**Bicycle Parking Types:**



Figure 11 Post and Ring



Figure 12 Inverted U



Figure 13 Circular

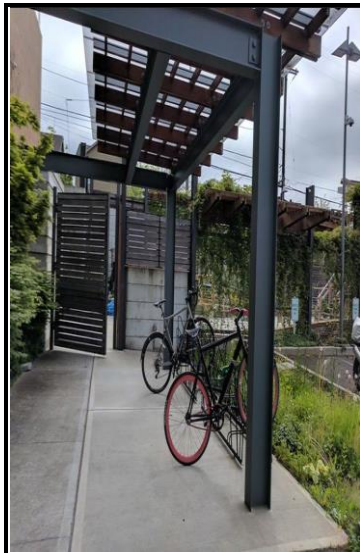


Figure 14 Covered Parking Facilities

*“Get a bicycle. You will not regret it, if you live.”*

— Mark Twain



**Bicycle Parking Facilities**

- 1.) Bicycle parking may be provided through various types of facilities provided they meet the following:
  - A.) Each space shall be at least 2 feet by 6 feet.
  - B.) Bicycle racks are securely anchored, are easily usable with both U-locks and cable locks and are designed in a way to support the bike in two locations, and prevent damage to the bicycle wheels and frames.
  - C.) Spacing of the racks provides clear and maneuverable access.
  - D.) Where a bike may be locked on both sides of a rack each side shall count as a space.



Figure 15 Decorative Bicycle Rack Variations

**Pedestrian Access Facilities**

- 1.) The construction of any new primary structure or any existing primary structure, or use that undergoes a substantial renovation, or an addition of 1,500 square feet or more must provide safe, direct and convenient pedestrian access. The following shall apply to all pedestrian access points and facilities:
  - A.) Pedestrian access facilities shall be provided on site to any areas that are open and available to the public.
  - B.) Pedestrians access facilities must connect the main entrance to adjacent right of ways, parking areas or lots and adjacent public transportation stops.
  - C.) Pedestrian access facilities shall be ADA compliant, easily discernable and have clear access to the public. All facilities shall be paved with an approved, firm and fixed material.

*"Not TV or illegal drugs but the automobile has been the chief destroyer of American communities."*

*— Jane Jacobs , Dark Age Ahead*



CITY OF ONEONTA

# LANDSCAPING



## **STANDARDS:**

- 1.) No proposed building shall be used or occupied until landscaping or screening has been provided in accordance with the requirements of this code. Where weather prevents the required landscaping from being completed a certificate may be issued where the applicant provides an approved plan to complete all landscaping within nine months of the issuance of the certificate.
- 2.) A building may be repaired or renovated without additional landscaping or screening, provided there is no increase in gross floor area or improved site area. If the gross floor area or improved site area are increased only the additional floor or site area must comply. If the gross floor area or site area is increased by more than 50% or there is a renovation that exceeds 50% of the exterior of the property the existing property must comply with this code.
- 3.) A change in use may trigger screening or buffering requirements if the permitted use expressly requires screening or buffering; otherwise a change of use shall not trigger the requirements of this chapter.

### **Plant Selection**

- 1.) Plants must be of a local variety, hardy and appropriate for regional climate zones per the U.S. Department of Agriculture's Plant Hardiness Zone Map, as well as any local micro-climates.
- 2.) No species that has been identified as invasive or is listed by the New York Invasive Species Council shall be planted or maintained.

### **Installation and Maintenance**

- 1.) Plantings must be installed in a manner that encourages success; including but not limited to depth of soil, sufficient soil volume, composition, nutrient balance, site appropriateness and water access.
- 2.) Permanent irrigation systems must utilize low-volume irrigation emitters, be connected to weather-based irrigation controller as well as a backflow preventer.
- 3.) Plants shall be maintained in healthy, growing conditions. Any plant that is dead, disease ridden or significantly damaged shall be abated within 30 days or the next planting season whichever occurs first.
- 4.) Any landscape, tree or planting, that is unsafe, obstructs pedestrian and vehicular line of sight, is invasive, constitutes a traffic hazard or is in violation of any part of this code shall be abated within 30 days' notice by the Code Enforcement Officer. In the event of immediate threat to public safety or property the City of Oneonta may abate such condition without notice at the owner's expense.

*There are always flowers for those who want to see them.*

*—Henri Matisse*

**Site Landscaping**

- 1.) All areas of a site that are undeveloped must have a covering of living vegetation such as grasses, annuals, perennials, groundcover, trees or other local species of naturally occurring and cultivated vegetation with the exception of areas that are hardscaped or covered with rock chips, gravel, bark, mulch, water features or other non-living covering typically used as a landscaping ornament.
- 2.) The development of any new primary structure must include the installation of at least one shade tree of a caliper of at least two inches for every 1,000 square feet of non-paved and non-built area on site. Exceptions to this requirement:
  - A.) An existing shade tree may fulfill this requirement if it is at least 4 inches in diameter at a height of 4 feet when measured from the surrounding grade, has no sign of disease, has an unmolested critical root zone and has no sign of damage that would indicate future failure.
  - B.) If site conditions are infeasible for shade trees three ornamental trees may be planted in lieu of one shade tree. The ornamental trees must have a minimum caliper of 1.5 inches.

**Tree Management**

- 1.) Any proposed development, alteration or addition must conserve on-site established trees. Established trees shall be defined as any tree when measured from the surrounding average grade has a diameter of 6 inches or more at four feet of height.
- 2.) Removal process. An on-site tree that meets the definition above may be removed if at least one of the following exceptions are met:
  - A.) The tree interferes with the development of the site and there is no feasible alternative to develop the site or incorporate the existing tree into the site plan.
  - B.) The tree is causing damage to existing structures or site improvements and there is no feasible way to remedy the condition other than tree removal.
  - C.) A registered forester or certified arborist has determined the tree is injured, diseased or damaged beyond reasonable restoration.
  - D.) An unsafe or hazardous condition is being created. This could include danger of falling, interference with existing structures or improvements that cause an immediate threat to public safety or interfering with visibility on an existing roadway.

*Study nature, love nature, stay close to nature. It will never fail you.*

*—Frank Lloyd Wright*

- 3.) Replacement required. When any on-site established tree is removed for any reason the following replacement procedures shall be met:
  - A.) For every established tree or trees removed, on-site replacement tree or trees shall be installed with a combined diameter equal or greater than the tree or trees removed. The species must be of the same or similar species as the tree or trees removed or must be an alternate approved species. Any new trees must be planted within nine months of the date of removal of the original tree or within nine months of the issuance of a certificate of occupancy.
  - B.) If the site that is being developed cannot accommodate the replacement trees they may be planted on an alternative property within the boundaries of the City of Oneonta.
  - C.) A replacement tree may be planted in a public park, right of way or on other publicly controlled property within the boundaries of the City of Oneonta with approval from the City Engineer.

**Street Trees**

- 1.) Street trees required. Any construction of a new primary building, addition which exceeds 1,500 square feet, or renovation with a work area exceeding 51% of a primary building, other than a one or two family dwelling unit, shall require the installation of street trees as follows:

- A.) One street tree must be planted for every 40 feet of street frontage that is adjacent to the project site.
- B.) Street trees shall be installed in accordance to specifications provided by the City Engineer.
- C.) Any required street tree must be installed within nine months of the issuance of a certificate of occupancy and shall be maintained in a healthy, growing condition until fully established or replaced.



**Figure 1. Well established street trees and plantings.**

**Location: Amsterdam**

- 2.) Exception to street tree requirements. The City Engineer may grant an exemption from the street tree requirements where any of these conditions exist:
  - A.) The number of required street trees already exist at the project site and are in a healthy and growing condition.
  - B.) There is already an existing established tree on the outer edge of the property which would interfere or be detrimental to the placement of additional trees or could result in overcrowding conditions.

# PART 8

## LANDSCAPING

MU-1 FORM BASED CODE

- C.) The specific location of utilities or public infrastructure makes it infeasible to install additional street trees.
- 3.) Alternative street tree planting locations. The City Engineer may require alternative locations for required street trees if the immediately adjacent public right of way meets any of the above exceptions.
- 4.) Street tree species shall be approved by the City Engineer using Cornell University Urban Horticulture Institute’s “Recommended Urban Trees” as a reference.

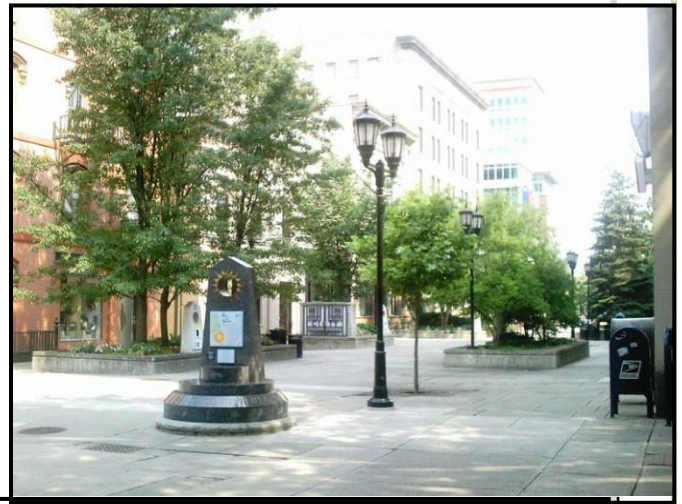
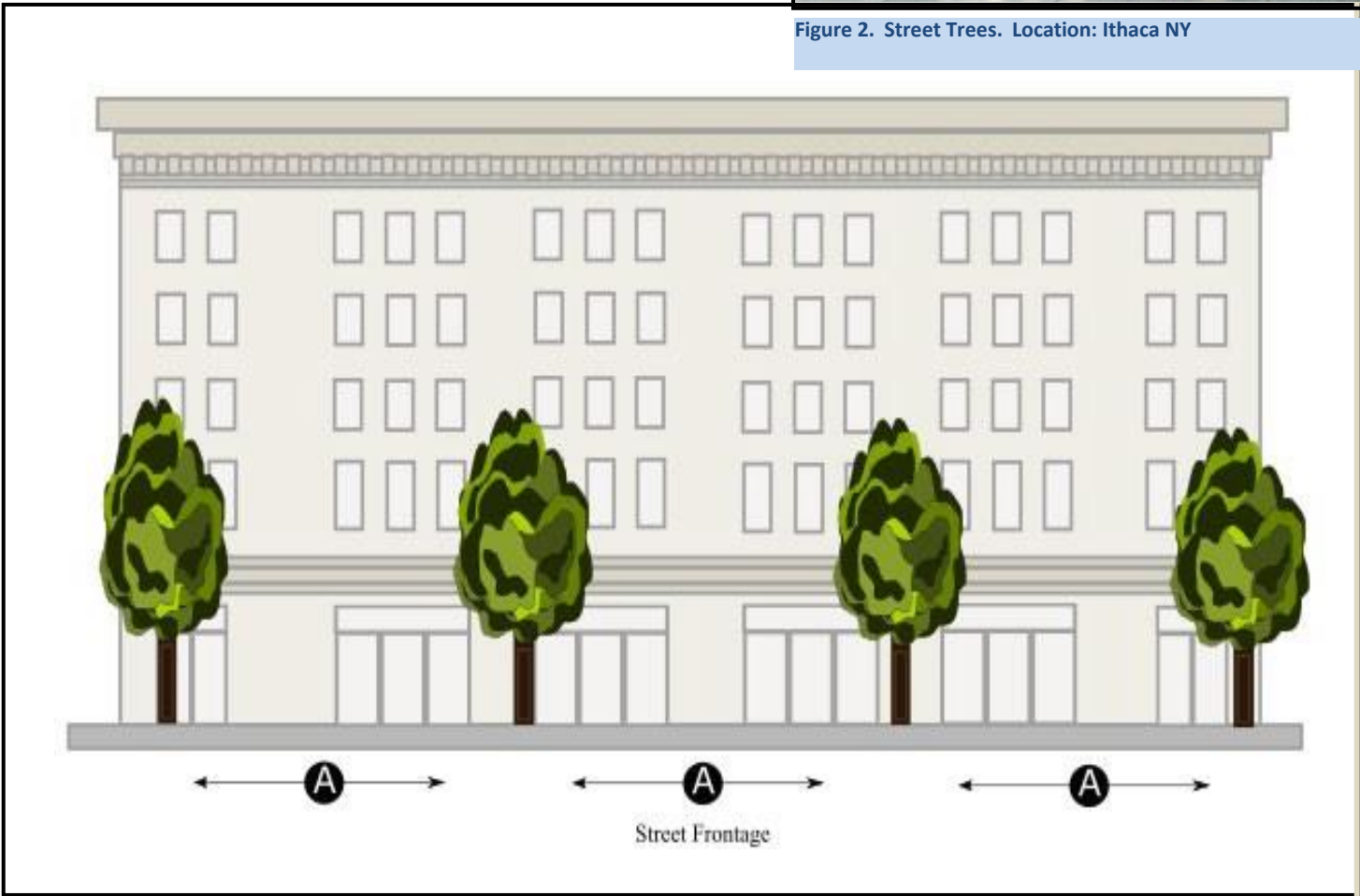


Figure 2. Street Trees. Location: Ithaca NY



Street Tree Spacing	
40' Maximum Distance Between Trees	

**Parking Lot Landscape**

- 1.) Construction of a new parking lot, the expansion of an existing parking lot by 25% or 20 spaces, whichever is greater, or the reconstruction of an existing parking lot shall meet these requirements. Repaving with like material is not classified as reconstruction.
- 2.) Where any parking lot is visible from a public right of way other than an alley it shall be screened by a type D buffer yard designed in accordance with this code. The following are exceptions:
  - A.) A solid masonry wall constructed of an approved brick or stone product may be substituted in the MU-1 district at the right of way line. This wall shall be no less than two feet in height but no greater than three and one half feet in height.
  - B.) With approval by the City Council in the MU-1 district market stalls or dedicated spaces for mobile food vendors may be incorporated into a public parking lot in lieu of the type D buffer.
- 3.) Parking lots bordering residential districts. Any parking lot bordering a residential district must provide a type C buffer, designed in accordance with this code.
- 4.) When feasible parking lot perimeter landscape shall incorporate onsite storm water management.

**Parking Lot Interior Landscape**

- 1.) With the exception of parking garages or structures all parking lots containing 15 or more spaces shall be landscaped as follows:
  - A.) At least 10% of the interior area of any parking lot must be planted with landscape. Required perimeter plantings shall not count towards this minimum.
  - B.) For every 15 parking spaces a shade tree of an approved species with a measurement of two inches in diameter at four feet from average grade shall be installed within the parking lot interior. An existing healthy established shade tree currently in growing condition may fulfill this requirement or in lieu of one required shade tree three ornamental trees may be planted with a minimum diameter of one and one half inches.
- 2.) Landscape islands shall incorporate a ground cover of native vegetation and shall be installed as follows:
  - A.) Terminal islands must be at the beginning and end of each parking row. Parking rows shall be limited to 40 parking spaces.
  - B.) Interior islands shall be used to break parking spaces into groups of no more than 20 contiguous spaces.
  - C.) All islands must extend across the depth of the parking row. All terminal islands must be a minimum of 6 feet in width. Single parking rows shall be 120 square feet and a double parking row shall be 240 square feet.
  - D.) All islands that extend the length of a single parking row require at least one shade tree. An additional shade tree shall be required for each additional parking row.

- E.) The Code Enforcement Officer may provide written approval to adjust any landscape terminal to allow for the preservation of existing trees or vegetation or to facilitate storm water management.
- 3.) If a parking lot exceeds six rows of parking a landscaped median shall be installed as follows:
  - A.) Landscape medians must be seven feet in width and planted with landscape that is appropriate for local conditions. For every 30 feet of median there shall be one shade tree or in lieu of one shade tree there may be three ornamental trees.
  - B.) A landscape median may also incorporate a sidewalk connecting the parking lot to the primary use or to the public right of way. If a sidewalk is incorporated into a landscape median the median must be 12 feet in width and the hardscaped area of the median may not exceed five feet.
  - C.) The Code Enforcement Officer may provide written approval to adjust any landscape terminal to allow for the preservation of existing trees or vegetation or to facilitate storm watermanagement.
- 4.) When feasible parking lot landscaping shall be integrated into an overall on-site water management plan.
- 5.) All parking lot landscaping shall be maintained in a healthy growing condition. If at any time plantings are damaged or diseased beyond a healthy or growing condition they shall be replaced within 90 days or the next planting season, whichever is first.

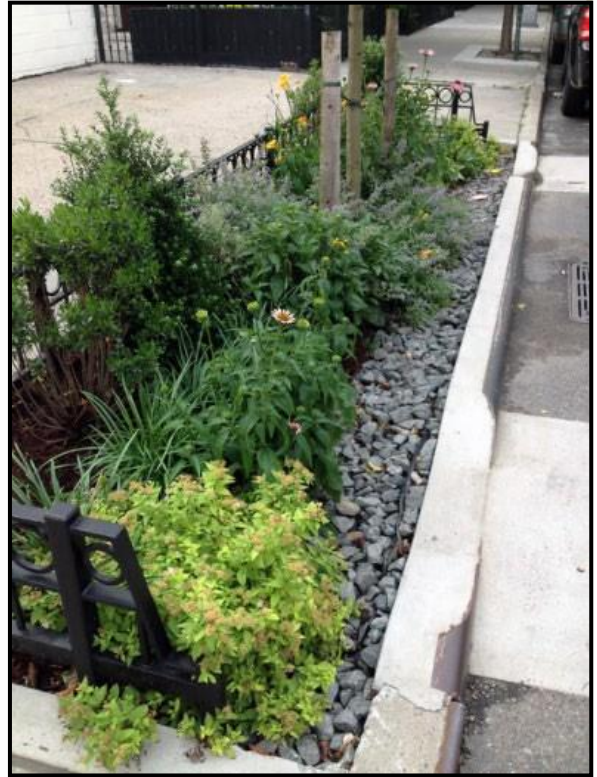


Figure 3 Example of a Bioswale

*It is not so much for its beauty that the forest makes a claim upon men's hearts, as for that subtle something, that quality of air that emanation from old trees, that so wonderfully changes and renews a weary spirit.*

—Robert Louis Stevenson



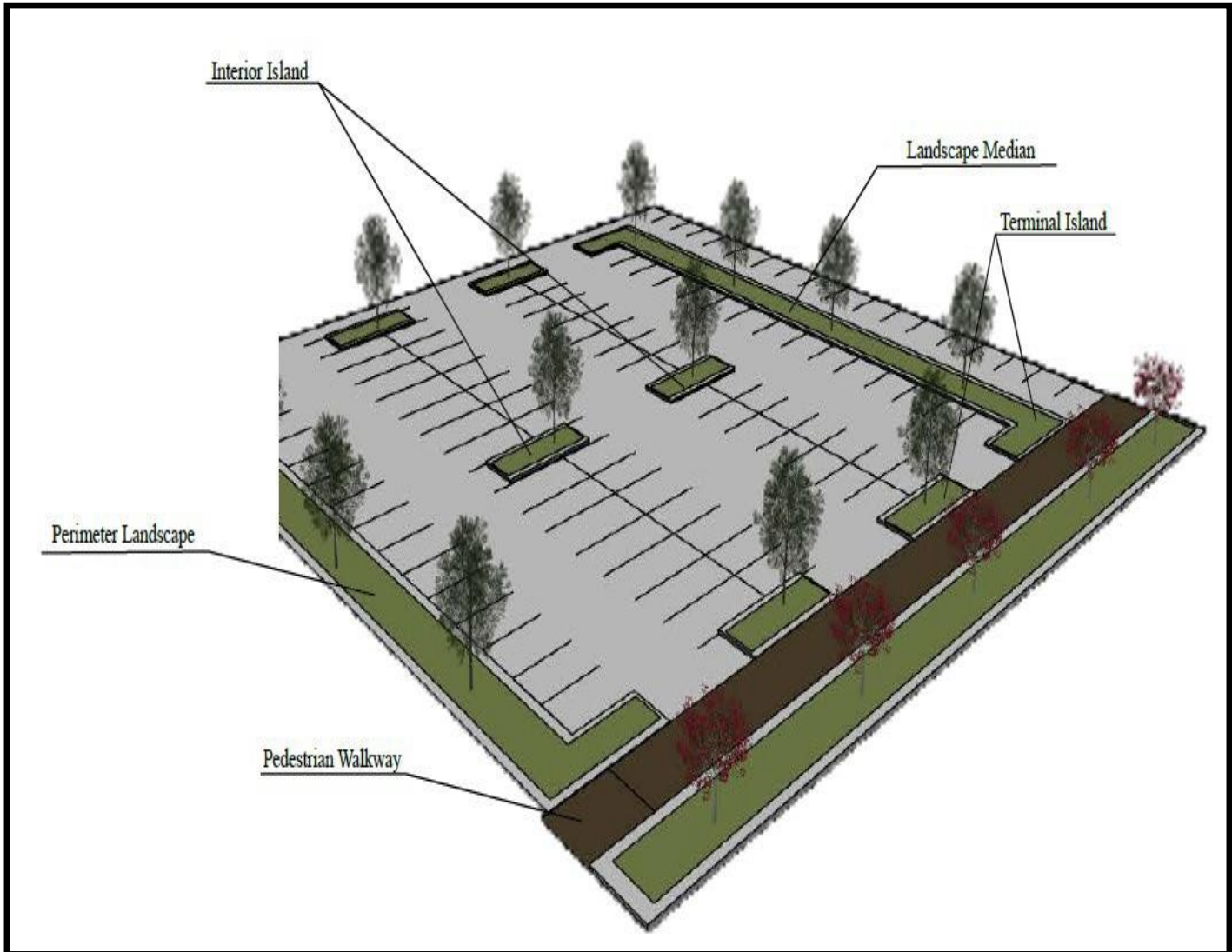
**Buffer Yards**

- 1.) Buffer yards shall be provided in accordance with the requirements of this code. When a use requires the installation of a buffer screen at shall be installed in accordance with section.
- 2.) Where a project requiring site plan review could have an adverse effect on surrounding property or neighborhoods the Planning Commission may require the installation of a buffer yard, installed in accordance with this code, to mitigate such impacts.
- 3.) Buffer yards must be located parallel to, and located on the outer perimeter of the lot. They may not be located on adjacent properties or right of ways and any required fencing must be located behind any required landscaping. The Planning Commission may adjust fence and buffer requirements to best mitigate any potential impacts on adjoining properties.
- 4.) No structure or parking area may encroach on a buffer yard; the following are exceptions:
  - A.) Points providing for vehicle and pedestrian access.
  - B.) If during site plan review the Planning Commission finds that a structure better meets the intent to mitigate the potential impact of a proposed development or project they may approve encroachment into a required buffer yard. This exception does not allow any waiver of any other required yard or set back.
- 5.) In lieu of any required fencing or wall the Planning Commission may approve a natural grade separation or manmade berm to be constructed in a buffer yard as long as the berm or preexisting grade separation meets the minimum fence or wall height of the required buffer.

**Buffer Yard Landscaping Requirement**

- 1.) Landscape dimensions at installation:
  - A.) Shade trees must be a minimum of two inches four feet above the average grade.
  - B.) Ornamental trees must be a minimum of one and one half inches four feet above the average grade.
  - C.) Shrubs must be of a minimum five gallon container type.
- 2.) When feasible, buffer yard landscaping shall be integrated into an overall on-site water management plan.
- 3.) All buffer yard landscaping shall be maintained in a healthy growing condition. If at any time plantings are damaged or diseased beyond a healthy or growing condition they shall be replaced within 90 days or the next planting season, whichever is first.
- 4.) Any fence or wall in a required buffer yard shall be maintained in compliance with all applicable codes.
- 5.) Any required trees or shrubs may be installed at varying distances to create a naturalistic landscape design, so long as the linear foot requirement is applied as an average, and the landscape is arranged so as to provide sufficient screening.

**Parking Lot Interior Landscape**

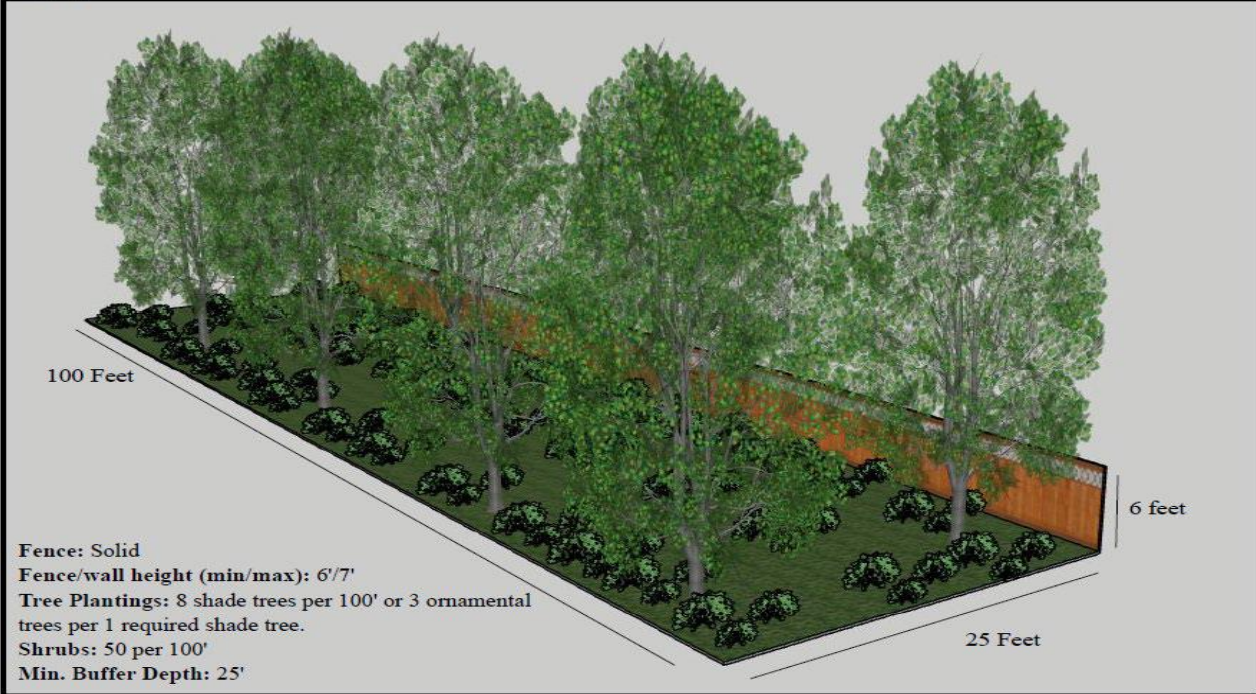


*To forget how to dig the earth and to tend the soil is to forget ourselves.*

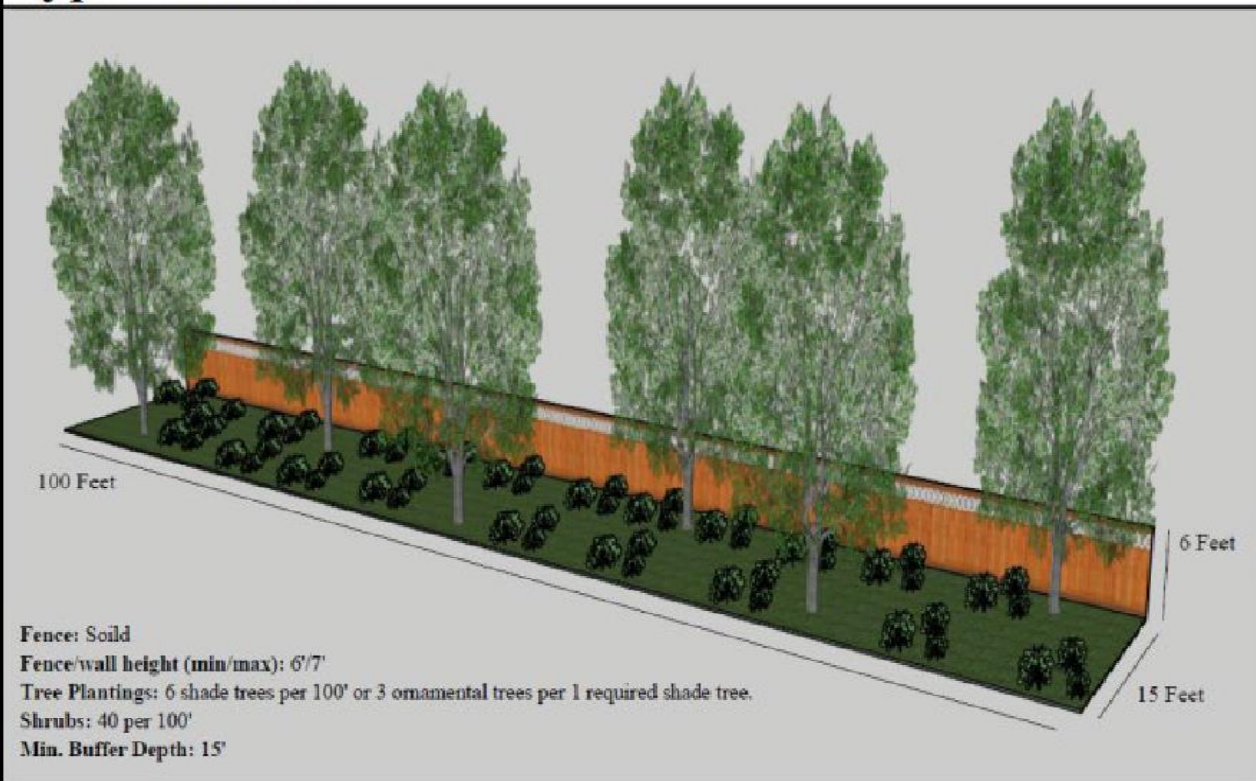
*—Mahatma Gandhi*

**Buffer Area Requirements**

**Type A Buffer**



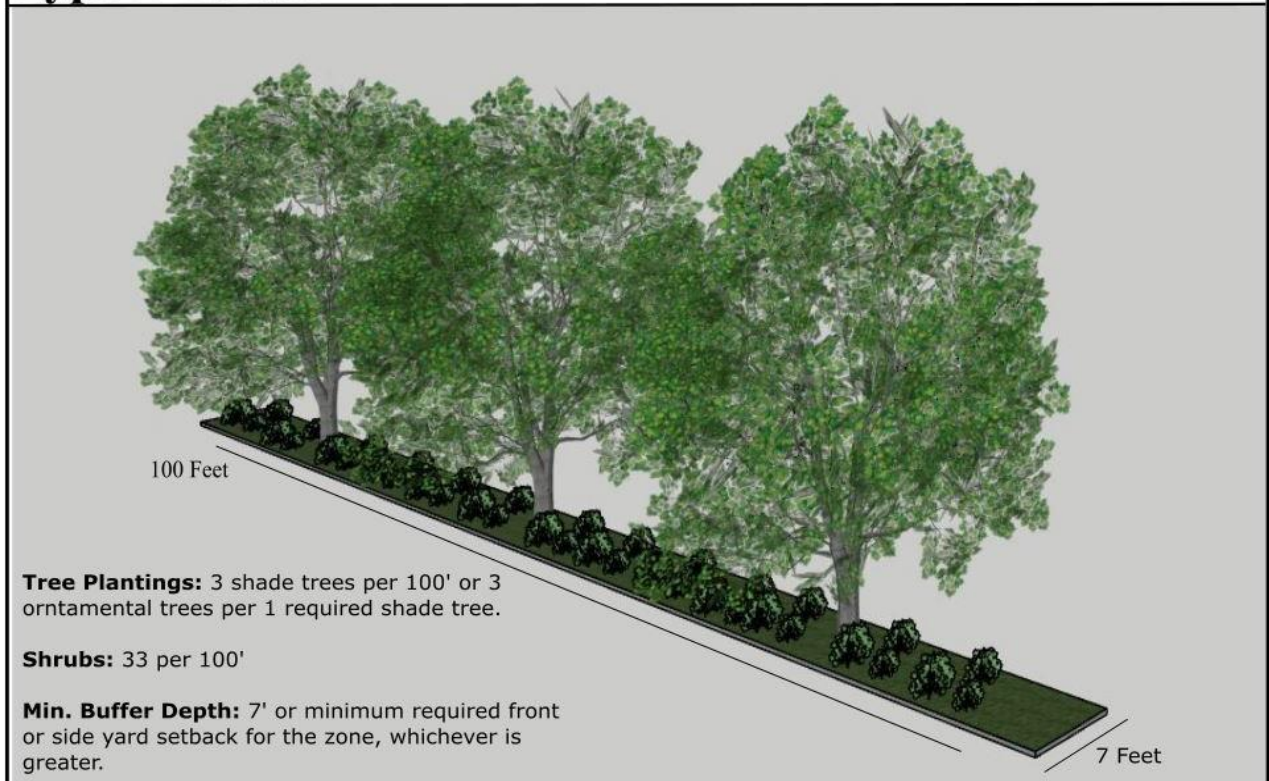
**Type B Buffer**



### Type C Buffer



### Type D Buffer



A glowing incandescent light bulb is shown against a dark background. The filament inside the bulb is shaped into the letters 'O' and 'N', which are illuminated with a warm, orange-yellow light. The bulb's glass envelope is visible, and the base is at the top. The overall image has a blue vertical bar on the left side.

CITY OF ONEONTA

# SITE LIGHTING

## **STANDARDS:**

- 1.) All new outdoor site lighting must comply with this section, with the following exceptions:
  - A.) Publicly owned property including buildings, monuments, flags and statuary lighting.
  - B.) Signs.
  - C.) Repairs to existing lighting, where less than 25% of the existing luminaires are repaired or replaced; repairs shall not include the replacement of components such as lamps, ballasts, capacitors or photocells.
  - D.) Temporary special purpose lighting; including holiday lighting.
  - E.) Solar or low intensity landscape and walkway lighting.
  - F.) Any lighting required by federal, state or local regulations or used under emergency conditions for the public health, safety or welfare.
- 2.) Lighting Plan. Any development subject to site plan review must submit a lighting plan demonstrating compliance with this code. The lighting plan shall be stamped by a New York State licensed engineer, Architect or a lighting design professional. The following are exceptions to this requirement:
  - A.) Residential developments with six units or less.
  - B.) Any site plan where there is less than a 25% change to an existing lighting design plan.
  - C.) Upon written approval by the Planning Commission stating that compliance with this code can be determined based on a submitted site plan.
- 3.) When a building is renovated any new or replaced outdoor light or lighting fixture must conform to the standards of this code.
- 4.) Any new lighting shall meet the requirements of this code.
- 5.) If a property with non-conforming lighting is vacant for a period of six months or more, then all outdoor lighting shall be brought into compliance with this code before any further use of the property occurs.

### **Additions or Alterations**

- 1.) Major Additions. If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this code. For the purposes of this section, the following are considered to be major additions:
  - A.) Additions of 25% or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this code.
  - B.) Single or cumulative additions, modification or replacement of 25% or more of installed outdoor lighting luminaires existing as of the effective date of this code.

**Change of Use**

- 1.) Whenever there is a use variance issued or a change in the use category all outdoor lighting on the property shall be brought into compliance with this code before the new or changed use commences.

**Lighting Requirements**

- 1.) The following light fixtures shall be prohibited:
  - A.) Cobra head type fixtures having dished or drop head lenses or refractors.
  - B.) High intensity narrow beam fixtures such as temporary searchlights or spotlights.
  - C.) Light fixtures or sources that prevent uniform site lighting.
- 2.) The area, brilliance, intensity, location and type of illumination shall be the minimum necessary for the intended purpose of such illumination, consistent with public safety, the welfare of adjacent properties, and the safety of pedestrian and vehicular traffic.
- 3.) Lighting for non-residential uses and residential uses exceeding six units shall comply with the following:
  - A.) The total installed lumens of all outdoor lighting may not exceed the calculation of 5 lumens per square foot of impervious or semi-pervious surface area of the development site. The calculation shall be the sum of all luminaire lumens. If the site has existing outdoor lighting these shall be included in the calculation of total lumens.
  - B.) Building entrances and exits may have an additional 4,000 lumens per door so long as the luminaires are within 10 feet of the door.
  - C.) Building façade lighting. 16 lumens per square foot may be added in addition to the total allowed lumens for the purpose of lighting a building façade. These luminaires must be directed at the building façade and shall not exceed a 45 degree angle.
  - E.) Gas Stations may add an additional 16 lumens per square foot of impervious and semi pervious pavement. This calculation shall not include any areas under canopies or within the building footprint.
  - F.) Gas Stations may add an additional 32 lumens per square foot of impervious and semi pervious pavement within the drip line of a gas station canopy. Any additional luminaires must be located entirely under the canopy. All lights shall be recessed and provide diffusers which do not extend below the surface of the canopy. Existing



Figure 1 Additional entrance lumens.



Figure 2 Façade Illumination

gasoline and service canopies may meet this requirement by fully shielding fixtures, or recessing them behind a mansard or other structure as to prevent negative light trespass.

G.) Outdoor dining and sidewalk café. 10 additional lumens are allowed per square foot of outdoor dining area and shall comply with the following:

- 1.) This shall not include driveways or parking areas.
- 2.) These additional lumens shall be low-mounted wall fixtures, low bollards, low intensity decorative lighting and ground-level fixtures mounted no higher than 8 feet from the right of way.
- 3.) Lighting for permitted outdoor seating areas shall be configured to provide adequate lighting during regular nighttime business hours while preserving the natural nighttime environment.

H.) Outdoor display of merchandise. Outdoor display areas, including open air markets, may add an additional 12 lumens per square foot of outdoor display area and shall comply with the following:

- 1.) This shall not include non-sales area, driveways or parking areas.
- 2.) These additional lumens shall be mounted no higher than 15 feet from the right of way in order to provide adequate lighting during regular nighttime business hours.
- 3.) The additional lumens shall not be designed as an attention-getting, sign or advertisement device.

4.) Lighting for residential uses with six units or less shall comply with the following:



Figure 5 Frenchmen Art Market New Orleans



Figure 3 Additional lighting for outdoor dining or cafés

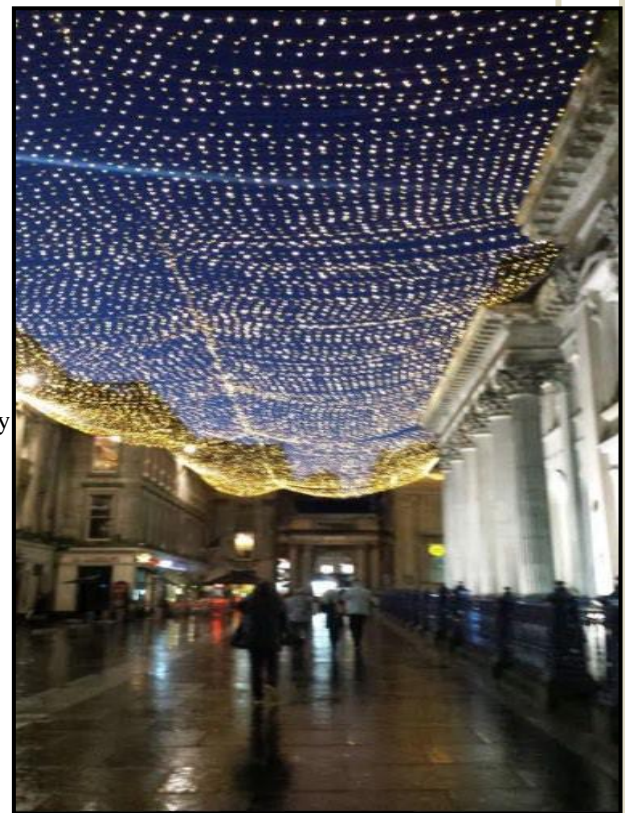


Figure 4 Glasgow Merchant City overhead lighting



# PART 9

## SITE LIGHTING

### MU-1 FORM BASED CODE

- A.) Each main entrance may have up to two partially shielded or unshielded luminaires. These luminaires shall be low intensity lamps. A majority of the light shall be projected downward from the top of the fixture.
- B.) Low voltage and solar lighting shall not project or be directed in a manner that causes glare or light pollution onto adjacent properties.
- C.) Any flood lighting or landscape lighting must be shielded or directed to prevent glare or light pollution to adjacent properties.
- D.) Vacancy sensor lighting must extinguish within 15 minutes of an area becoming vacant.
- E.) Any additional lighting or luminaires must be fully shielded.
- F.) The total installed lumens of all outdoor lighting may not exceed the calculation of 5 lumens per square foot of impervious or semi-pervious surface area of the development site. The calculation shall be the sum of all luminaire lumens. If the site has existing outdoor lighting these shall be included in the calculation of total lumens.



Figure 6 Main entrance luminaires



Figure 7 Ithaca Commons, Ithaca NY is a mixed use pedestrian thoroughfare that utilizes various lighting strategies to illuminate the right of way and also provide low voltage lighting for shopping, dining and urban landscaping.

# PART 9

## SITE LIGHTING

### MU-1 FORM BASED CODE

- 5.) Lighting for the public Right-of-Way shall comply with the following:
- A.) The design, specifications and location of all street lights shall be in accordance with standards provided by the City Engineer. All street lighting shall require approval by the City Engineer.
  - B.) The suitability and location of lighting fixture types for particular right of way and lighting conditions shall be approved at the discretion of the City Engineer. Lighting shall be divided into two basic types:
    - 1.) Vehicular lighting, intended to illuminate areas for vehicular travel shall not exceed 30 feet in height.
    - 2.) Pedestrian lighting, intended to light areas primarily for pedestrian travel, seating and uses shall be between 12 and 15 feet in height.
  - C.) Lighting fixtures within parking areas shall not exceed 18 feet in height.
  - D.) Lighting fixtures located within any area designated with mandatory storefronts shall not exceed 15 feet in height.

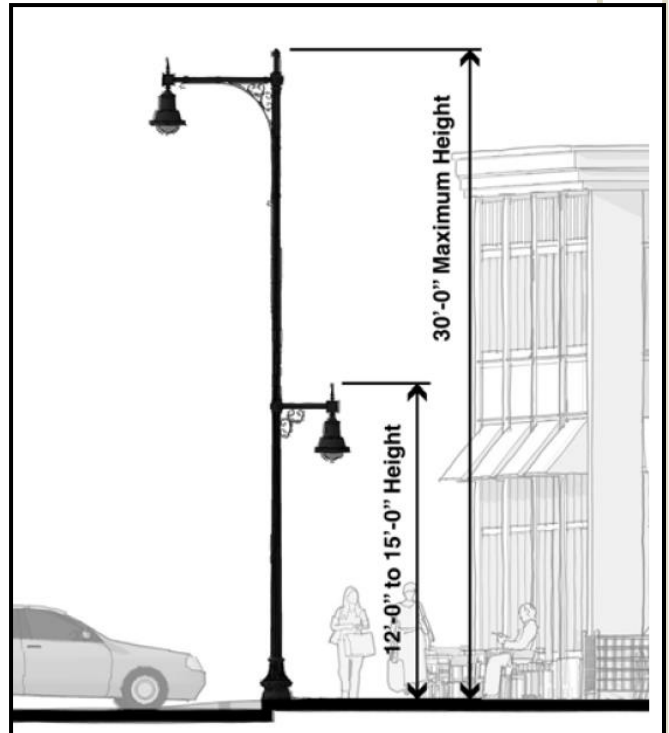


Figure 8 A selection of decorative exterior lighting elements for lighting parking areas and public right of ways.

*"May it be a light to you in dark places, when all other lights go out."*

*-J.R.R. Tolkien, The Fellowship of the Ring*

**Lighting by Special Use Permit**

- 1.) When a use or site does not allow for strict compliance with this code but is consistent with the intent, a Special Use Permit may be issued by the Planning Commission. Approval of the Special Use Permit shall be based on written findings of fact and meet the following criteria:
  - A.) The proposed lighting plan is consistent with the goals of this code but due to technical infeasibility strict compliance is not possible.
  - B.) Reasonable effort will be made to mitigate the effects of light on the environment and surrounding properties.
  - C.) The proposed lighting plan will not create undue hardship on the public, light trespass, glare, and sky glow or become a nuisance to surrounding properties.
  - D.) The use agrees to employ lighting controls to reduce lighting at a project specific time which shall be established in the Special Use Permit.

*“Architecture is a learned game, correct and magnificent, of forms assembled in the light.”*

*- Le Corbusier*

*“How beautiful is night! A dewy freshness fills the silent air; No mist obscures; nor cloud, nor speck, nor stain, Breaks the serene of heaven: In full-orbed glory, yonder moon divine Rolls through the dark blue depths; Beneath her steady ray The desert circle spreads Like the round ocean, girdled with the sky. How beautiful is night!”*

*-Robert Southey*



CITY OF ONEONTA

# WALLS AND FENCES



## STANDARDS:

- 1.) The construction of a new wall or fence or the reconstruction of 50% or more of an existing fence or wall shall comply with the standards of this section.
- 2.) A fence or wall may encroach on required yards but must be aligned parallel or radial to adjacent property lines.
- 3.) Walls or fences shall not encroach on public right of ways, conflict with traffic visibility, interfere with utilities, or obstruct any legally required ingress or egress.
- 4.) A building permit is not required for the installation of a fence.

### Materials

- 1.) Fences and walls shall be constructed of permanent, durable materials which are appropriate and complimentary to the existing built environment. These materials shall be limited to brick, stone, concrete, properly weather protected or finished wood, iron or steel. If a material is proposed that is not listed above the Planning Commission, after review, may provide a written determination that the alternative material meets or exceeds the design and material standards.
- 2.) Prohibited materials. Fences shall not be designed to maim or injure prospective intruders. No fence shall be constructed of any barbed wire, electrically charged wire, railroad ties, concrete masonry units, tarps, scrap metal or any other material that is determined by the code enforcement officer to be detrimental to the public health, safety and welfare. Vinyl, chain link and split rail style fences are prohibited in the MU-1 zone.



**Figure 1**

**Selection of approved fence and wall materials.**

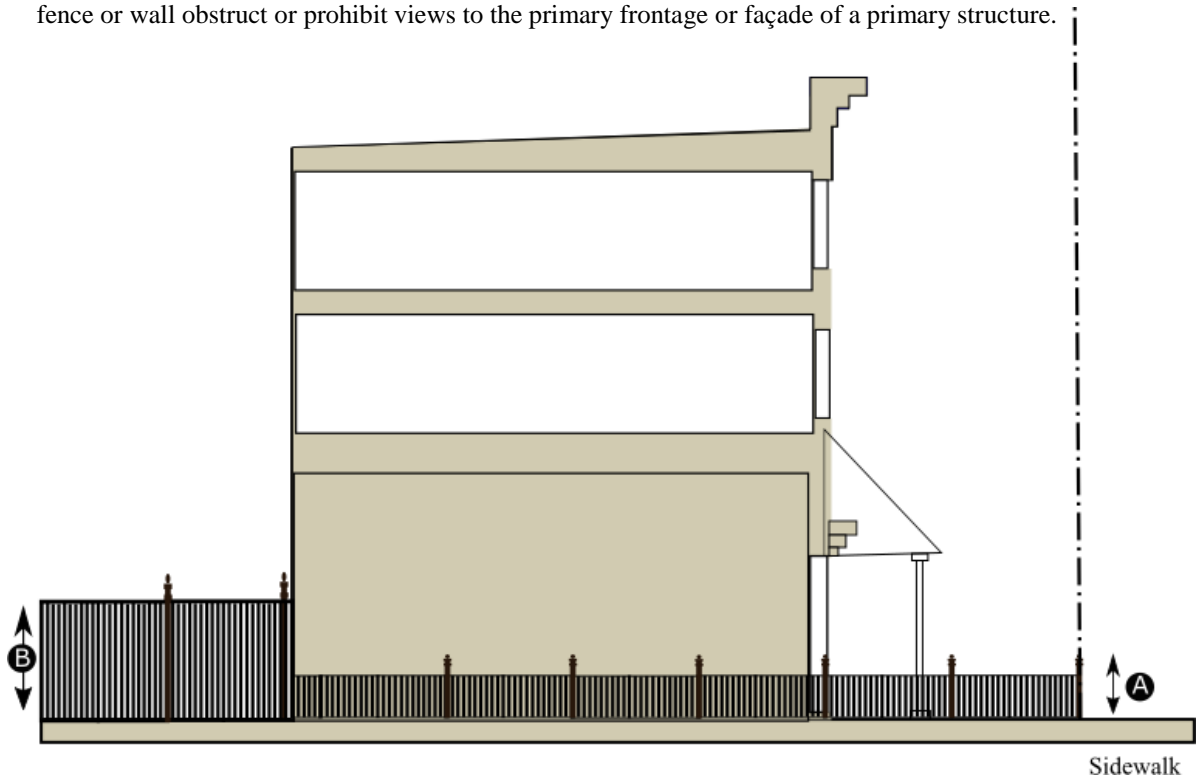
# PART 10

## WALLS AND FENCES

## MU-1 FORM BASED CODE

### Height

- 1.) Fence and wall height shall be measured from the average ground level within the surrounding two feet of the fence base. An additional one foot of height may be added to any fence to accommodate posts, columns, light fixtures or decorative details. This additional foot may not include any screening, blocking element or any material that obstructs the line of the site.
- 2.) Fences or walls maintained between the primary façade and the right of way or located in a front yard shall not exceed four feet in height, except on a corner lot a fence or wall may exceed four feet where the corner side wall and the rear wall of the primary structure intersect back to the rear lot line.
- 3.) Unless it is part of a site plan that has been approved by the City of Oneonta Planning Commission no fence or wall shall exceed seven feet in height along any lot line or within any yard. At no time shall a fence or wall obstruct or prohibit views to the primary frontage or façade of a primary structure.



Key		
- . - . - . - .	Property Line	<div style="display: inline-block; width: 20px; height: 10px; background-color: #c0c0c0; border: 1px solid black;"></div> Building
<b>Front Fence Height</b>	4' max.	Ⓐ
<b>Rear Fence Height</b>	7' max.	Ⓑ

### Finish

- 1.) All fences and walls must have their finished, most pleasant or decorative side facing adjacent property or the public right of way. All finishes must be appropriate for the material selected and must be installed according to all local and state codes as well as the manufacturers' requirements or specifications.

### Maintenance

- 1.) Fences and walls, including any supporting structure or elements, must be maintained in a proper state of repair. Any deterioration or damage to a fence or wall due to vandalism, weather, age, loss of mortar, peeling paint, or any other condition which is detrimental to the public health, safety or welfare shall be corrected within 30 days of notice from the code enforcement officer.



Figure 2

Stone Wall. Stone may be used throughout the MU-1 District as a wall material.

*"There where it is we do not need the wall:  
He is all pine and I am apple orchard.  
My apple trees will never get across  
And eat the cones under his pines, I tell him.  
He only says, "Good fences make good neighbours."*

—Robert Frost