

ORDINANCE NO. 9788

AMENDING ROME CODE OF ORDINANCES CHAPTER 80, ARTICLE XIX,
SECTION 80-19.4 – SITE PLAN REVIEW.

By Councilor _____:

WHEREAS, at a regular meeting of the Common Council, held on the 26th day of September, 2018, the Common Council approved the adoption a comprehensive new Zoning Code for the City of Rome, New York; and

WHEREAS, said Zoning Code is found in Chapter 80 of the Rome City Code; and

WHEREAS, Deputy Director of Community and Economic Development Matthew Andrews has opined that some site plan amendments are so minor and not material to the intent of the Zoning Code or the Planning Board's approval that requiring the applicant to go back before the Planning Board should not be necessary; and

WHEREAS, Matthew Andrews has further recommended that the site plan review process be amended to allow for administrative approval by the planning director or his/her designee, with consent from the Chairperson of the Planning Board, for minor amendments that meet certain criteria; and

WHEREAS, this amendment to the site plan review process would increase the efficiency of land development and reduce the potential burden and delay for developers in the City of Rome; and

WHEREAS, pursuant to Rome Code Section 80-19.1(c)(i), the Common Council referred the proposed Zoning Code amendments contemplated herein to the City of Rome Planning Board for review and recommendations; and

WHEREAS, the City of Rome Planning Board reviewed and conducted due deliberation on the proposed amendments and forwarded correspondence to the Common Council setting forth the results of their deliberations, which said communication is attached hereto and made a part hereof as Exhibit A, and which is also on file in the City of Rome Clerk's Office; and

WHEREAS, a public hearing on this matter was held by the Common Council pursuant to Rome Code Section 80-19.1(c)(2) on _____, and at said hearing members of the public and other interested parties had the opportunity to be heard; and

WHEREAS, all requirements of the New York State Environmental Quality Review Act ("SEQRA") and General Municipal Law 239-m have been complied with; now, therefore

BE IT ORDAINED by the Common Council of the City of Rome, that the Rome Code of Ordinances Chapter 80 be and is hereby amended as follows:

Section 80-19.4 Site Plan Review

(Sections 80-19.4(a) through 80-19.4(g) omitted)

(h) *Expiration.* Construction in accordance with an approved site plan must be commenced within one year of the date of the meeting wherein the site plan was approved by the planning board. No deviation from the approved site plan is allowed without the planning board's approval, **except as set forth under Sec. 80-19.4(i).** Any plans and/or drawings revised with the approval of the planning board must be filed by the applicant with the code enforcement officer. In the case of an approved deviation, construction must commence within one year of the date of the meeting wherein the planning board approved the revision. Failure to commence construction within the applicable one-year time period will result in the approval expiring and becoming null and void, unless the applicant files an application for an extension of time at least 30 days before the expiration of the applicable one-year period and the planning board approves said application.

(i) Administrative Site Plan Revisions. Requested revisions to a site plan previously approved by the Planning Board that fall within the thresholds listed below may be processed and approved by the planning director or designee, with consent from the chair of the planning board.

The provisions of this section notwithstanding, either the planning director or the chair of the planning board may, at their discretion, refer a request for an administrative site plan revision to the Planning Board for consideration at the next regularly scheduled meeting for which it is eligible.

1. **Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, and/or structural safety, when such changes are deemed necessary by the Department of Engineering.**
2. **Changes required specifically to conform to state codes adopted by, and/or applicable to, the city, including but not limited to the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code, as determined by the Office of Code Enforcement.**
3. **A change in the layout of parking areas that does not increase or decrease the total number of parking spaces by more than 5%, and does not change the location(s) of ingress/egress to the street.**

4. Substitutions in landscaping materials and plantings not resulting in a change in overall landscape coverage greater than 2%.
5. Substitutions in exterior building colors or materials not resulting in a change in overall transparency levels, roof lines, or building silhouette.
6. Alterations to the size, location, and/or materials for pedestrian walkways that will not result in a substantive change to the overall circulation pattern of the site. Substituting a sidewalk permitting only pedestrian use in place of an approved multi-use path shall be considered a substantive change for the purposes of this section.
7. Alterations to the size, location, and/or materials of signs but not changing the total number.
8. Alterations to the size, location, and/or materials of bicycle amenities but not changing the total number of bicycle parking spaces or creating a substantive change to the overall circulation pattern of the site.

An applicant seeking an administrative site plan revision shall submit the following to the City Planning Department:

1. A written description of the proposed change(s) and explanations of the reason(s) for the change(s).
2. A digital copy of the applicable drawing sheet(s) from the approved site plan.
3. A digital copy of the revised drawing sheet(s) showing the proposed modifications using color, a clouded area, or other clear delineation.

Upon receipt of a request for an administrative site plan revision, the Planning Department shall provide notice of the request to the chair of the City of Rome Planning Board and the member of the Common Council representing the ward in which the project site is located.

An approved site plan may have up to three requests for administrative revisions processed under this section. Subsequent revisions must be referred to the Planning Board for a vote.

Approval of an administrative site plan revision, as defined by this section, shall not modify the expiration date of site plan approvals granted by the planning board.]

~~(((j))~~ **(j) Violation.** Any person found to have violated any of the requirements of this section is deemed to have committed a misdemeanor pursuant to this code.

New wording is **bold and underlined.**

Deleted wording is **[bold and in brackets]**

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately.

Seconded by Councilor _____.

By Councilor _____:

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9788.

Seconded by Councilor _____.

AYES & NAYS: Sparace ___ Mortise ___ Fazio ___ Smith___ Anderson___ Dursi ___ Sbaraglia ___

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AYES & NAYS: Sparace ___ Mortise ___ Fazio ___ Smith___ Anderson___ Dursi ___ Sbaraglia ___

ADOPTED ____

DEFEATED ____