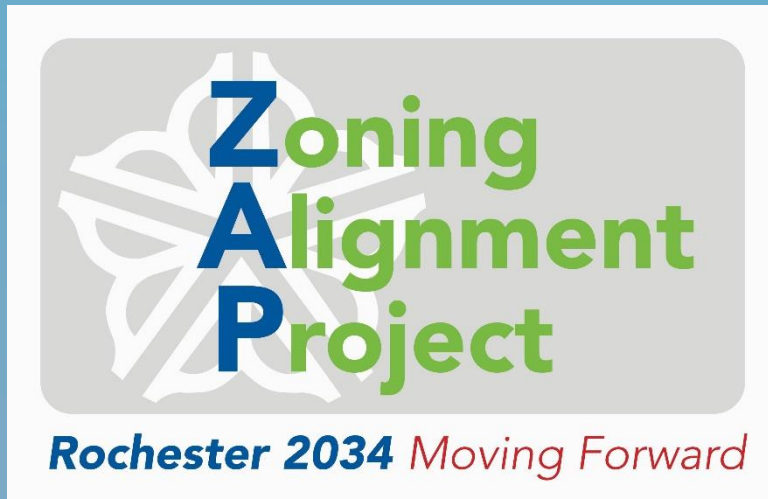


# ZAP PROGRESS DISCUSSION WITH THE CITY PLANNING COMMISSION

MAY 24, 2021



**Do you see any issues with the new outline/table of contents?**

**▶ Camiros will provide review of new format/TOC**

Decorative white lines consisting of several parallel diagonal strokes in the bottom right corner of the slide.



# Thoughts on the following proposed process changes regarding Use Standards?

- ▶ Use standards (AKA Requirements applying to specified uses)
  - Current Code: For Specially Permitted Uses, CPC can waive standards. For Permitted uses, a Variance is required to waive standards.
  - Proposed Code: Same process for Specially Permitted Uses. For Permitted Uses, if a standard can't be met, then the use requires a Special Permit.
- ▶ Standards indicated as a note in the Use Table are a requirement of the use that will require a Use Variance if it can't be met.

# Are you comfortable with the concept of all indoor commercial uses?

- ▶ Rather than listing all possible uses (e.g., retail, office, bar, restaurant, hookah lounge, axe throwing, etc.), we are bundling them into one term.
  - Uniformly regulates uses in accordance with District regulations
  - Provides inclusion of emerging uses
  - Incorporates some principles of a form-based approach
  - Simplifies the regulatory process
- ▶ Some commercial uses don't fall under this broad category due to unique impacts, e.g., vehicle repair.
- ▶ **This is essentially what has been the zoning regulations for CCD since 2003.**

# What issues should be addressed with allowing more options for reuse of non-residential/mixed-use buildings in residential districts?

- ▶ Currently - Reoccupation needs a Certificate of Nonconformity that results in a decision of whether the proposed use can be established, and whether a Special Permit or a Use Variance is required.
- ▶ New code – All permitted and specially permitted uses will be indicated in the Use Table. No guessing, no CNC. There will be required standards listed. If the Use is not listed in the Use Table or does not meet standards for that use, a Use Variance would be required to establish that use.

# What issues do you see with the new definition for “hotel?”

- ▶ **Current Definition:** One or more buildings containing rooming unit(s) with private bathrooms and with or without cooking facilities in which temporary lodging is offered to the public for compensation. Hotels shall include an area for the registration of guests and daily housekeeping provided by the management. Hotels may provide amenities such as restaurants, meeting rooms, swimming pools and exercise facilities to guests and the general public.
- ▶ **Proposed Definition:** A facility or dwelling that provides temporary lodging for compensation and may include dining facilities, meeting rooms, and other incidental services. This shall include non-owner-occupied dwellings that are rented entirely to visitors for less than 30 days. This shall not include owner-occupied dwellings that are used for short-term rental to visitors for less than 30 days at a time. HOTEL does not include BED AND BREAKFAST ESTABLISHMENTS.

# Is allowing Boarding Houses in LDR and MDR okay if only allowed in owner-occupied homes by Special Permit?

- ▶ **Current Definition:** ROOMING HOUSE- Any dwelling containing one or more rooming units in which individual units are let by the owner or operator to non-family members with no more than two persons per unit and where a twenty-four-hour resident property manager is available for five or more rooming units; this would include dormitories. For fewer than five rooming units, a property manager must be available 24 hours and his or her name and phone number must be posted inside the building. The term shall not be applied to owner-occupied premises with one or two roomers.
- ▶ **Proposed Definition:** BOARDING HOUSE- A dwelling used for lodging for compensation, with or without meals, and not occupied as a single-family unit, sometimes referred to as a single room occupancy dwelling. Individual sleeping units are let by the owner or operator to non-family members with no more than two persons per unit. This includes dormitories, and fraternity and sorority houses. The term shall not be applied to owner-occupied premises with one or two roomers.

**(Definition changed to align with NYS Building Code)**



# Are these standards for Boarding House sufficient?

- ▶ **1.** For five or fewer sleeping units, a property manager must be available 24 hours and the name and phone number must be posted inside the building.
- ▶ **2.** For six or more sleeping units, there shall be a 24 hour resident property manager for buildings; this includes dormitories.
- ▶ **3.** No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the premises.
- ▶ **4.** Only habitable rooms originally designed as bedrooms shall be used for lodging.


## **A Boarding House contains “Sleeping Units” defined as:**

A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

# Are the thresholds reasonable for requiring review of parking need and impacts?

- ▶ Parking minimums will no longer be the primary regulatory tool in the zoning code.
- ▶ The construction of parking will be left to the marketplace, except for a list of uses and thresholds where the intensity of the use may warrant a transportation access plan:
  - Establishment of a place of assembly (e.g., bars, restaurants, theaters) per the NYS Building Code with an occupancy posting of more than 75 people.
  - For all other commercial uses, when proposed on-site parking exceeds a maximum parking allowance of 2 per 1,000 square feet.
  - Establishment of the following uses when located within a LDR or MDR District: (This list has evolved since the Status Report)
    - o ~~Homeless Residential Facility~~ (Name changed to be more inclusive of other forms of emergency housing. Prohibited in LDR and MDR)
    - o Hospice Residence
    - o ~~Nursing Home/Assisted Living/Rehabilitation Center/Hospice Care~~ (Evolved to “Residential Care Facility” – prohibited in LDR and Specially Permitted in MDR)
    - o Residential Care Dwelling (NEW - Specially Permitted in LDR and MDR)
  - Conversion of a two-family home to four units in the MDR District.
  - Conversion of a single-family home to three or four units in the MDR District.

# Do you think the code should distinguish between Restaurant Drive-throughs vs Non-restaurant Drive-throughs?

- ▶ Drive through components of a restaurant include menu boards and speakers and high volumes of customers.
  - ▶ Drive through components for banks and pharmacies tend to be low volume and do not have menu boards.
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- A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, located in the lower right quadrant of the slide.

# Any thoughts on the direction for Urban Ag?

- ▶ Two classifications for urban agriculture
  - Community gardens, as a principal use will be allowed in all residential districts.
  - Urban Farming, as a principal use, will be allowed through a Special Permit in all of the residential districts and the Flexible Mixed Use (FMU) district.
- ▶ The difference between the two classifications is scale. Should we put a limit on the maximum size for an Urban Farm?
- ▶ Urban Ag is not allowed in BMU and NMU because the goal for those districts is density of residents and businesses, which are critical to promoting transit and building economic vitality.
- ▶ On-site sales will be allowed with some standards.

# Should we allow Building Heights/Commercial area bonuses for design that exceeds Code requirements?

- ▶ This would only apply in the BMU and NMU.
- ▶ Commercial area
  - Maximum commercial square footage  
Current Code: C-1= 3,000 square feet, C-2=6,000 square feet
  - Proposed Code: BMU = 3,000 square feet, NMU=9,000 square feet
- ▶ Building Height
  - There are no maximum building heights in current code
  - Maximum building height - Proposed Code: BMU = 40 feet, NMU = 50 feet

OTHER ISSUES OR QUESTIONS?



# Next Steps

The logo for the Zoning Alignment Project features a stylized white gear or flower-like shape in the background. Overlaid on this is the text 'Zoning Alignment Project' in a bold, sans-serif font. 'Zoning' is in blue, 'Alignment' is in green, and 'Project' is in blue.

## Zoning Alignment Project

**Rochester 2034** *Moving Forward*

- ▶ CPC Informational Meeting – June 28<sup>th</sup>, 6pm
- ▶ Meeting about hours of operation
- ▶ Public Workshops to review Draft Code and Draft Map – Fall 2021 (tentative)