



Rochester 2034 Moving Forward

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)

Adoption of a new Zoning Code and Map City of Rochester, NY

Accepted April 20, 2026

Lead Agency: Malik D. Evans, Mayor
30 Church St., Rochester, NY 14614

Contact person:
Matthew Simonis,
Director of Zoning and Permitting
City Hall, Room 125B • Rochester, NY 14614

Prepared by the City of Rochester



CITY of ROCHESTER
Malik D. Evans, Mayor • Rochester City Council

CONTENTS

EXECUTIVE SUMMARY	6
1 PROJECT DESCRIPTION	7
2 STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS	7
2.1 Compliance.....	7
2.2 Public Outreach and Comment Process.....	8
3 CHANGES MADE TO THE DRAFT MAP	14
3.1 Revised Zoning Map	14
3.2 Residential Density.....	15
3.3 Updated Citywide Distribution of Zoning Districts.....	15
3.4 District Nomenclature Change	16
3.5 Substantive Map Change Requests since September release	16
3.5.1 Individual Map Change Requests.....	16
3.5.2 Former Institutional Planned Development properties: Al Sigl Center, St. John’s Home, and Episcopal Church Home	16
3.5.3 Hillside Children’s Center	17
3.5.4 Highland Hospital Garage.....	17
3.5.5 South Plymouth Ave	17
3.5.6 University Ave	17
3.5.7 Laura Street	18
4 EXPLANATIONS OF SUBSTANTIVE CHANGES TO THE DRAFT CODE	18
4.1 Article 1: Title, Purpose, & Applicability.....	18
4.2 Article 2: Districts	18
4.3 Article 3: Use Table, Standards, Definitions.....	18
4.3.1 Bed and Breakfast Dwelling	18
4.3.2 Boarding House	18
4.3.3 Dwelling, Single-Family Attached and Single-Family Detached, Two-Family, Dwelling, Three-Family, Four-Family, and Townhouse	19
4.3.4 Pocket Neighborhood	19
4.3.5 Live-Work Units.....	19
4.3.6 Commercial Uses, Indoor	19
4.3.7 Day Care Center	20
4.3.8 Entertainment, Outdoor	20
4.3.9 Industrial, Light.....	21
4.3.10 Industrial, Heavy.....	21

4.3.11	Short-term Rentals (STRs)	21
4.3.12	Smoking Goods Establishment	21
4.3.13	Vehicle Charging Station	22
4.3.14	Clinic, Outpatient	22
4.3.15	Community Gardens	22
4.3.16	Off-Premises Advertising Sign	23
4.3.17	Personal Wireless Telecommunication Facilities	24
4.3.18	Outdoor Storage (Principal Use)	24
4.3.19	Place of Worship	25
4.3.20	Public Park	25
4.3.21	Urban Farms	25
4.3.22	Accessory Dwelling Units (ADUs)	25
4.3.23	Entertainment, Limited	27
4.4	Article 4: Residential Districts	27
4.4.1	Maximum Height for HDR	27
4.4.2	Standards for Townhouses	28
4.4.3	Other Residential Dimensional Standards	28
4.4.4	Residential Design Standards	29
4.5	Article 5: Mixed-Use and Commercial Districts	29
4.5.1	Maximum Square Footage	29
4.5.2	Revised Height Regulations	29
4.5.3	Minimum Interior Side Setback	30
4.5.4	Design Standards	30
4.6	Article 6: DMU	30
4.7	Articles 7: Village Center Districts	31
4.7.1	District Names	31
4.7.2	Design Standards	31
4.7.3	CV Purpose Statement	31
4.8	Article 8: Industrial District	31
4.9	Article 9: Open-Space District	31
4.10	Article 10: Overlay Districts	31
4.10.1	Overlay Residential Business	31
4.10.2	Overlay Airport	31
4.11	Article 11: U-R Districts	32

4.12	Article 12: PD Planned Development Districts.....	32
4.13	Article 13: Standards Applying to All Districts.....	32
4.13.1	Citywide Historic Resource Survey, Formerly Known As Designated Buildings of Historic Value (DBHV)	32
4.13.2	Residential Conversions	33
4.13.3	Compost	34
4.13.4	Fences and Walls.....	34
4.13.5	Residential Outdoor Storage.....	34
4.13.6	Permitted Encroachments	34
4.14	Article 14: Accessory Structures.....	35
4.14.1	Apiaries.....	35
4.14.2	Coldframe Structures	35
4.14.3	Additional Location Requirements for Accessory Structures and Architectural Features...	35
4.15	Article 15: Off-Street Parking and Loading.....	36
4.15.1	Minimum parking requirements for Residential Districts.....	36
4.15.2	Transportation Access Plan (TAP)	36
4.15.3	Bicycle parking standards.....	37
4.16	Article 16: Landscape	38
4.17	Article 17: Signs	38
4.17.1	Off-Premises Advertising Signs	38
4.17.2	Summary of Sign Permissions for Sign Types.....	38
4.18	Article 18: Review Authorities.....	38
4.19	Article 19: Procedures	38
4.19.1	Public Notifications	38
4.20	Article 20	39
4.20.1	Site Plan Review	39
4.20.2	Citywide Historic Resource Survey (Formerly Designated Buildings of Historic Value) and Rochester Preservation Board	40
4.20.3	Certificates of Appropriateness (CofA)	40
4.21	Articles 21: Fees	40
4.22	Article 22: Nonconformities	40
4.23	Article 23: Enforcement	41
4.24	Article 24: Definitions.....	41
4.24.1	Accessory Structure.....	41
4.24.2	Compost	41

4.24.3	Citywide Historic Resource Survey (Formerly Designated Buildings of Historic Value).....	42
4.24.4	Donation Box.....	42
4.24.5	Neighborhood Contacts List (Formerly, Official Neighborhood Contact).....	42
4.24.6	Off-Premises Advertising Sign.....	42
4.24.7	Safety/Snow Fence.....	42
4.24.8	Sanborn Maps.....	42
4.24.9	Sleeping Unit.....	42
5	PLAN FOR CODE IMPLEMENTATION.....	43
5.1	Training.....	43
5.1.1	Staff.....	43
5.1.2	Land Use Board Members.....	43
5.1.3	Community.....	43
5.2	Administrative Tasks.....	43
5.2.1	Application Forms.....	43
5.2.2	General Code.....	43
5.3	State Response.....	43
5.3.1	Governor.....	43
5.3.2	Department of Parks, Recreation and Historic Preservation.....	44
6	COMMENTS RESPONSE SUMMARY.....	45
6.1	Comment Response Summary Table.....	45
7	APPENDICES.....	46
7.1	Draft Generic Environmental Impact Statement – by reference.....	46
7.2	Proposed Zoning Map – by reference.....	46
7.3	Proposed Zoning Code – by reference.....	46

EXECUTIVE SUMMARY

The proposed Zoning Code and Map implement a land use planning and regulatory approach that aligns with the adopted City of Rochester Comprehensive Plan, *Rochester 2034*. The proposed Code and Map aim to position the City for welcoming new residents and businesses, while preserving and improving quality of life and economic vitality for existing residents and businesses. The Placemaking Plan in *Rochester 2034*, along with community and staff input, guided the development of the proposed Code and Map.

Adoption of the new Zoning Code is a legislative action that may affect the size, type, and form of development permitted in the City. This generic Environmental Impact Statement (EIS) has been prepared pursuant to 6 NYCRR 617.10(a) which states that “generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced.” The GEIS discusses the proposed Code and Map changes, impacts that may result, and proposed mitigation measures provided through the Zoning Code and other City Codes.

This Final Generic Environmental Impact Statement (“FGEIS”) has been prepared in accordance with the State Environmental Quality Review Act (“SEQR”) and summarizes and responds to the substantive comments received by the Lead Agency, as part of the public review and comment period for the Draft Generic Environmental Impact Statement (“DGEIS”) which was released to the public for review and comment on September 20, 2023. The FGEIS explains changes to the Code and Map made in response to comments as well as other substantive corrections.

The FGEIS does not replace the DGEIS, but rather supplements it with additional information, including:

- Map and Code corrections;
- Explanations of substantive changes made to the Map and Code since the DGEIS was released; and,
- A summary of and responses to public comments.

The DGEIS is incorporated by reference. See appendices.

1 PROJECT DESCRIPTION

As stated in the DGEIS, the draft Zoning Code and Map implement a land use planning and regulatory approach that aligns with the adopted City of Rochester Comprehensive Plan, *Rochester 2034* (“Plan”), and positions the City to welcome and promote new residents and businesses, while preserving and improving quality of life and economic vitality for existing residents and businesses. This multi-year undertaking to revise the Zoning Code and Map to be consistent with and align with the Plan is known as the Zoning Alignment Project or ZAP.

The following is a list of directives from Rochester 2034 that relate to zoning:

- Promote greater density along Regional Transit Service corridors
- Reposition/rezone declining commercial corridors
- Revise building height minimums and maximums to reflect recommended patterns of development
- Allow built-as commercial buildings to house commercial uses as of right in residential districts and small commercial areas
- Employ a “Zoning for Jobs” approach and reduce barriers for “pipeline” business development
- Advance diverse housing options
- Move away from strict parking minimums
- Further energy sustainability and climate change adaptation initiatives
- Support of urban agriculture

The proposed Zoning Code and Map can be found on the project website at <https://rochesterzap.com> and at locations listed in the appendices.

2 STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS

2.1 Compliance

In accordance with the New York State Environmental Review Act (SEQR), a long form Environmental Assessment Form (EAF) was completed in June 2021, briefly describing the project. After reviewing the EAF, the Mayor and City Council entered into a Lead Agency Agreement on July 9, 2021, for the purpose of coordinating the review process. In accordance with the requirements of Section 12-12 of the City Charter, at their December 9, 2021 meeting, the Rochester Environmental Commission recommended that a Generic Environmental Impact Statement (GEIS) be completed for this project. On July 21, 2022, Mayor Malik Evans signed a Positive Declaration, setting in motion the preparation of the GEIS. As required, the Positive Declaration was posted in the New York State (NYS) Environmental Notice Bulletin (ENB) on September 14, 2022. A draft scope was provided to the public on May 22, 2023, for review and comment, and appeared in the ENB on June 21, 2023. It was finalized on July 11, 2023, and appeared in the ENB on July 19, 2023. The final scope is an outline of the issues to be addressed in this GEIS.

Pursuant to 6 NYCRR 617.10(a) “(g)eneric EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced.” The proposed action is legislative, not project-specific, and does not directly result in physical changes to the environment. The proposed adoption of the new Zoning Code may affect the size, type and form of development permitted in the City. As such, the proposed action is “generic” in nature in that it is not a specific development, but rather it constitutes policy and regulatory changes that will alter the range of future development options.

A GEIS is prepared when a proposed action represents a comprehensive program having wide application and defining the range of future projects in the affected area. A GEIS, according to the NYS Department of Environmental Conservation SEQR Handbook, is “...(a) type of EIS that is more general than a site-specific EIS, and typically is used to consider broad-based actions or related groups of actions that agencies are likely to approve, fund, or directly undertake.” The SEQR Handbook specifically identifies “area-wide zoning” as the type of activity for which a GEIS is prepared. “... A GEIS differs from a site or project-specific EIS by being more general or conceptual in nature.”

The Draft GEIS described the draft Code and Map and how they respond to the directives of *Rochester 2034*, emerging land use issues/trends, major foreseeable impacts, community concerns, and mitigation of those impacts/concerns. The DGEIS was formally accepted by the Lead Agency on September 11, 2023 and released to the public on September 20, 2023 for review and comment. While SEQR requires a minimum 30 day review period, the review period for the DGEIS and draft Map and Code was over four months, September 20, 2023 to January 31, 2024. Comments were accepted through the ZAP website comment portal, by email, comment cards at public meetings, and verbally at public hearings. See Section 2.2 below for details on public outreach. The DGEIS can be found on the project website: <https://rochesterzap.com>.

This Final GEIS (FGEIS) has been prepared in accordance with SEQR to summarize and respond to the substantive comments received by the Lead Agency during the public review period. Over 1,000 comments were received from hundreds of people and organizations. This is a reflection of the number of people engaged in this process and the quality of the City’s outreach process. A few issues generated multiple comments so while there are a large number of comments, the number of different issues is relatively small. The comments were all reviewed by the Rochester Environmental Commission (REC) so that they could provide guidance on what comments required a response. The REC report can be found on the project website. Comment responses are in Section 6 below and are discussed throughout the FGEIS. In addition, since February 2024, the proposed Code and draft FGEIS were reviewed by the City Administration and City Council in response to public and agency comments.

The FGEIS explains substantive changes to the draft Code and Map since the September 20, 2023 release. The revised documents are hereafter referred to as the proposed Code and Map. The FGEIS does not replace the DGEIS, but rather supplements it with additional information. The DGEIS is incorporated in the FGEIS by reference.

2.2 Public Outreach and Comment Process

During the comment period, the following community engagement efforts occurred:

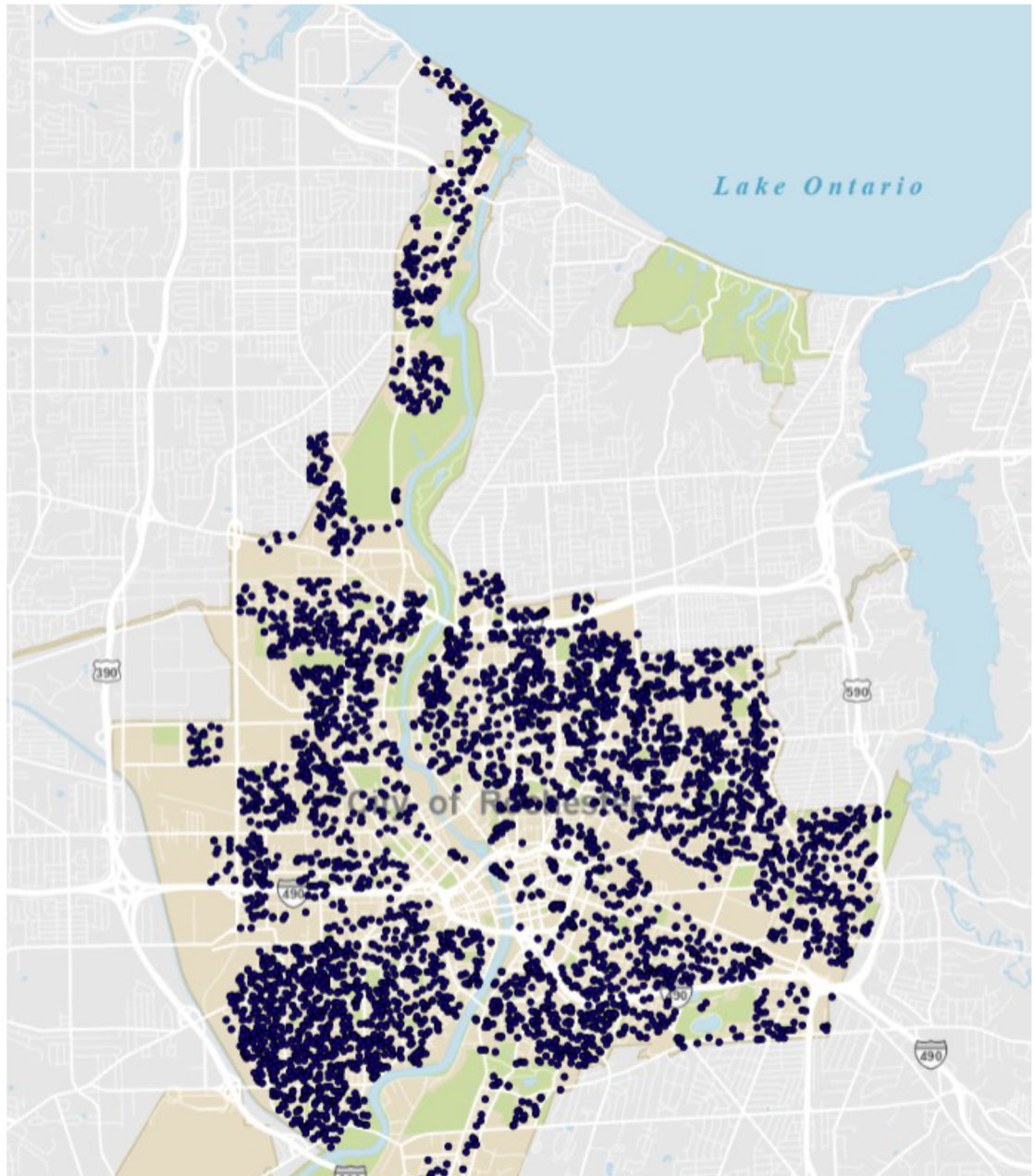
- A presentation was made to the neighborhood leaders at the Neighborhood Presidents Meeting on September 12, 2023, in advance of the release of the draft Code.
- A virtual webinar was held on October 18, 2023, and posted on the ZAP website for viewing at any time.

- Three (3) in-person open house meetings were held at the dates and locations listed below. Each meeting consisted of a brief presentation to orient the community to the draft Code, Map and GEIS, followed by an interactive question and answer period at tables throughout the venue.

- November 8, 2023 at Edgerton Community Center
- November 16, 2023 at the Thomas P. Ryan Community Center
- November 29, 2023 at the Rundel Memorial Library



- In accordance with the requirements of SEQR and City Charter Section 12-12E, two (2) public hearings were held by the Rochester Environmental Commission at Rochester City Hall, at which the community was able to offer oral testimony regarding the draft Code, Map and DGEIS.
- City ZAP staff appeared on Connections with Evan Dawson on WXXI on December 5, 2023.
- A tele-town hall was held on January 11, 2024, where 759 people were on the call and were able to ask live questions and submit written questions or comments. They were also advised on how to remain involved with the project and submit additional feedback. A map below shows the areas of the City where the participants of this tele-town hall reside:



- The last round of water bills mailed in 2023 had the below insert:

(Over)





**Zoning
Alignment
Project**

Rochester 2034 Moving Forward

ZONING MATTERS!

View and Share Your Comments on
the Draft Zoning Code and Map



Malik D. Evans, Mayor

City of Rochester, NY
Rochester City Council

Zoning is important for:

- Realizing Rochester 2034, our city's master plan
- Living and working near a bus line
- Having stores and restaurants nearby
- Allowing community gardens
- Getting that old building in your neighborhood redeveloped
- Ensuring your neighborhood has attractive buildings with doors and windows facing the street

SCAN ME!



LEARN MORE: VISIT [ROCHESTERZAP.COM](https://rochesterzap.com).

- Presentation was made to Rochester Community University participants on January 18, 2024.





Learn how to make a *positive* impact.

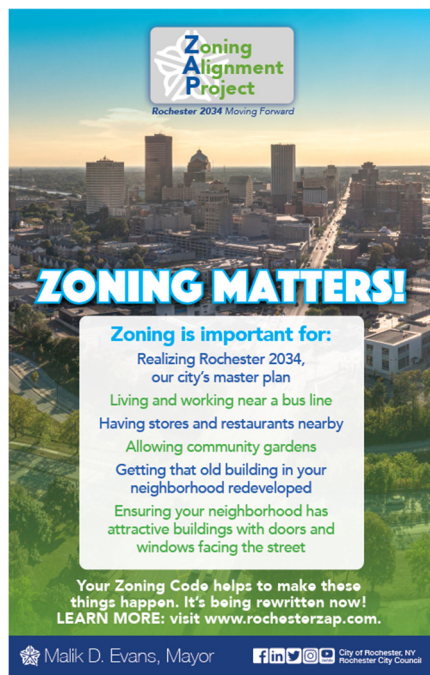
Rochester Community University is designed to help residents learn how to advocate for themselves and their neighborhoods.

- Multiple efforts to direct people to the ZAP website, including:
 - All Zoning Staff have had the following in their email signature, resulting in thousands of touchpoints for the community to learn more and provide comment:

The City of Rochester is updating its Zoning Code and Zoning Map! To review draft documents and submit comments, please visit www.RochesterZAP.com.



- Posters in Library branches and NSC offices.

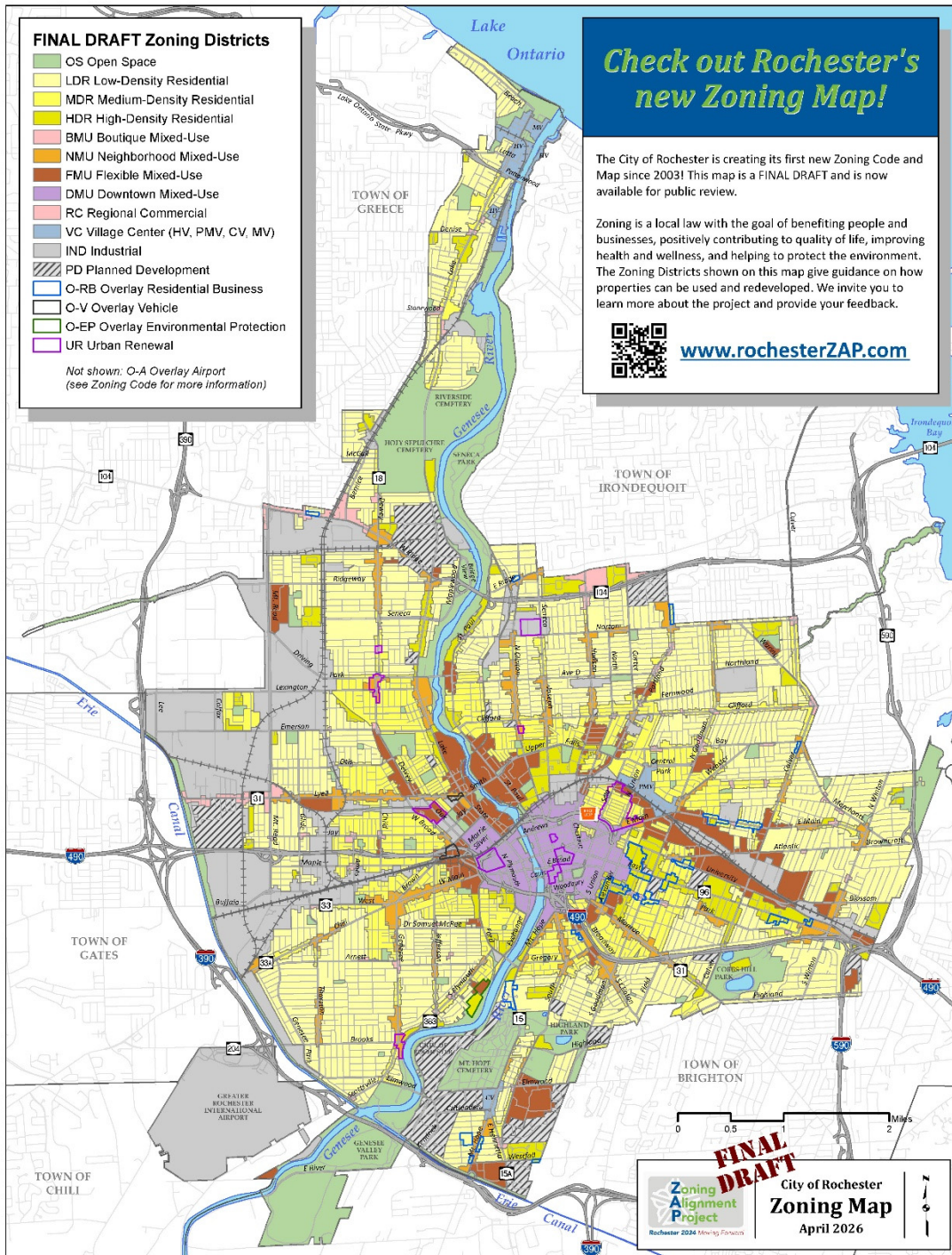


- Marquis sign at Blue Cross Arena
- Large draft Zoning Maps and documents in City Branch Libraries and NSC Offices advertising the website.
- The top banner of the home page for the Zoning Board of Appeals, the City Planning Commission, and the Preservation Board was updated in September 2023 with a statement about ZAP and how to get involved and comment.

3 CHANGES MADE TO THE DRAFT MAP

3.1 Revised Zoning Map

The final draft of the Zoning Map is available at the project website: <https://rochesterzap.com> and at locations listed in the appendices. The Map has been revised in response to public and staff comments. Substantive revisions made in response to public comments are explained in one of two places- Section 3.5 below or in the Comment Summary Table in Section 6.



3.2 Residential Density

Public comments varied regarding residential density. Many commenters advocated for more density while other commenters expressed concern about the proposed increases in residential density. The intent of the proposed Code and Map is to find a balance between these two positions. The goal is to increase residential density without overcrowding neighborhoods, while recognizing the built form of existing housing and neighborhoods, as well as existing lot sizes. Rochester is a city that still has significant areas of vacant land and some vacant buildings. In drafting the Code, staff recognized the fact that the City has room to grow and build on this existing vacant land. The proposed Map and Code are not written, as may be the case in other municipalities, as if there is no space left for additional housing.

3.3 Updated Citywide Distribution of Zoning Districts

The table below shows a quantitative distribution of proposed zoning districts across the City. This is revised from the same table presented in the DGEIS. In comparing the two tables, the approximate acreage of each district has changed, yet not enough to impact the percentage figures. The percentages remain the same.

ZAP Districts	Acres (approx.)	% of Total City
<i>City</i>	<i>23,480</i>	<i>100%</i>
<i>Residential Districts</i>	<i>11,398</i>	<i>49%</i>
OS	4,344	19%
LDR	7,508	32%
MDR	2,897	12%
HDR	993	4%
BMU	142	1%
NMU	852	4%
FMU	1,162	5%
DMU	657	3%
RC	150	1%
VC	257	1%
IND	3,582	15%
PD	938	4%

Overlay Districts

<i>O-RB</i>	<i>134.69</i>	<i>1%</i>
<i>O-V</i>	<i>11.74</i>	<i>>1%</i>
<i>O-EP</i>	<i>0</i>	<i>>1%</i>

3.4 District Nomenclature Change

The draft Map included a Zoning District called OC Overlay Commercial which combined the existing Code's Overlay Boutique and Overlay Office. The name of the district caused some confusion and concern. To clarify that the overlay district is intended to retain the residential character of a building while allowing small-scale low-intensity uses within the building, the overlay is renamed Overlay-Residential Business (O-RB). This sends a clear message that the buildings within the district are underlying residential.

3.5 Substantive Map Change Requests since September release

3.5.1 Individual Map Change Requests

Zoning districts presented in the draft Map released on September 20, 2023 were largely based on the Character Areas shown in the Placemaking Plan in *Rochester 2034*, as well as a series of community workshops in 2022 that led to the first round of refining the map. Several criteria were considered in developing the Character Area boundaries, including:

- existing land use and zoning;
- current patterns of residential density;
- patterns of existing commercial and mixed-use building sizes;
- commercial and activity centers identified by neighborhood associations during the Rochester 2034 engagement process;
- transit corridors; and
- best city planning best practices.

While The Placemaking Plan Map served as the foundation for the draft Zoning Map, zoning district boundaries must be drawn along parcel boundaries, which required extensive and meticulous examination of each boundary. The public review process specifically helped refine the Zoning Map. Map comments were individually reviewed against the mapping criteria and several changes were made. The Comment Summary Sheet lists the map change requests and describes the requested changes that were made or not made, and the reasons for each decision.

Additionally, Zoning Map Amendments approved by City Council since the release of the draft Zoning Map in September, 2023, have been added to the proposed Map. The substantive map changes are discussed below.

3.5.2 Former Institutional Planned Development properties: Al Sigl Center, St. John's Home, and Episcopal Church Home

Several comments related to the proposed rezoning of three institutions, Al Sigl Center, St. John's Home, and Episcopal Church Home. These institutional campuses are zoned IPD, Institutional Planned Development (IPD), on the existing Zoning Map. "IPD" is a holdover from the 1975 Zoning Code. The 2003 Code combined the codes of all the planned development districts (i.e., residential, commercial, manufacturing-industrial, institutional and mixed planned developments) into one set of rules for developing Planned Development (PD) plans and regulations. While most institutions were rezoned from IPD to PD since 2003 and updated their development plan and regulations, these three institutions never updated to a PD. To be clear, contrary to comments received on these properties, they were never zoned with "negotiated limitations" as was done for the PD Districts created in accordance with the 2003 Zoning Code. In fact, in accordance with the 1975 Zoning Code, these IPDs can, as of right, be hospitals, schools, residences for employees or students (including dormitories) of the institutions, concert halls, theaters, museums, government facilities, etc. The institutions

are also allowed unlimited height when setback a specified distance and includes step down height requirements.

Because the IPD is no longer in the Code and these institutions did not update to a PD, the proposed Zoning Map rezones them to a zoning district that best suits the building types and the current use of the properties. The proposed HDR regulations include a maximum height limit of four stories for multifamily dwellings and limits the uses to residential only, with accessory commercial uses in buildings of 20 or more units. A residential use is less intense than the 1975 IPD uses allowed by right, and the HDR District is better suited for the current use of the buildings.

The property owners of these three institutions may, however, seek to rezone these sites to a Planned Development (PD) in the future. The sites meet the requirements to qualify for a PD designation. The PD applications would require Development Concept Plans that would be made available for public review through the application review process.

3.5.3 Hillside Children’s Center

Another IPD site that generated several comments is Hillside Children’s Center. Based on further review of the site, the property is now proposed to be MDR, rather than HDR as originally proposed. The unique aspects of the site, including steep slopes, erodible soils, and limited access are compelling reasons to lower the zoning density with respect to any future redevelopment of the site. The property owner, however, may seek to rezone this site to a Planned Development (PD) in the future. The site meets the requirements to qualify for a PD designation. The PD application would require a Development Concept Plan that would be made available for public review through the application review process.

3.5.4 Highland Hospital Garage

Many comments were received regarding the Highland Hospital Garage parcel. In the Rochester 2034 Placemaking Plan, the parcel is on a boundary between two character areas (HDR and MDR) and there wasn't a clear direction for either MDR or HDR. The comments triggered lengthy discussions about whether HDR or MDR zoning districts should be applied. Since the property is nearly surrounded by high-density apartments, it was determined that HDR was the most appropriate zoning district. Regarding concerns about height, if construction of additional stories on the existing structure were ever proposed, the request would require a modification to the existing Special Permit. Modification of a Special Permit requires a public hearing before the City Planning Commission and the neighborhood would be notified and allowed to comment on the proposal.

3.5.5 South Plymouth Ave

Along the northwest side of S. Plymouth Ave from Genesee St to Cottage St, the zoning district was changed from LDR to HDR. This is consistent with the opposite side of the street and allows for increased density to support the University of Rochester and increased economic activity in the Brooks Landing area. This zoning is consistent with the goals of the Rochester 2034 Placemaking Plan in that this is an arterial roadway with transit service.

3.5.6 University Ave

Along the south side of University Ave, from Grove St to Scio St., the zoning district is changed from MDR to DMU, matching the other side of University. The reasons for this change is that this is a mixed-use corridor and an arterial roadway. Flexibility of uses can serve community needs, while concerns about change in character are mitigated through the Preservation District protections.

3.5.7 Laura Street

The proposed FMU district at the corner of E. Main Street and Laura Street has been extended to add 5 Laura Street Properties (7-9, 11-15, 4-6, 8-8.5 and 10) to facilitate a future development site.

4 EXPLANATIONS OF SUBSTANTIVE CHANGES TO THE DRAFT CODE

4.1 Article 1: Title, Purpose, & Applicability

In response to public comments, the following wording was added to the Purpose statement:

Strengthen multiple modes of transportation by improving walkability, and supporting bus and bicycle usage.

In addition, “climate” was added to the Purpose statement in response to some of the changes to the Zoning Code, particularly with respect to the inclusion of energy alternatives and retaining lot coverage limitations.

Other minor changes were made to make the statement more succinct.

4.2 Article 2: Districts

No substantive changes were made to this Article.

4.3 Article 3: Use Table, Standards, Definitions

4.3.1 Bed and Breakfast Dwelling

Public comments pointed out that the traditional “Bed and Breakfast Establishment” found in the existing Code and carried over to the draft Code as “Bed and Breakfast Dwelling,” is being advertised and is operating as a short-term rental. The proposed Code has been revised to delete the use named Bed and Breakfast Dwelling. It is proposed that these uses will be regulated as “short-term rentals, individual sleeping units” if proposed regulations (See further explanation in Section 4.3.11 below) for short-term rental are adopted.

4.3.2 Boarding House

Concerns were expressed about Boarding Houses in LDR due to the intensity of the use. The proposed Code, therefore, prohibits Boarding Houses in LDR. Boarding houses remain Specially Permitted in MDR, with owner occupancy required, and HDR, as well as in non-residential districts. The benefits of requiring a Special Permit is that approval can be granted on a temporary or time limited basis, so the operations can be revisited to ensure that there are no adverse impacts being created in the neighborhood. If there are problems, such as RPD calls for service or complaints from neighbors, the Special Permit will likely not be renewed or additional conditions could be imposed. An additional benefit is that the neighborhood can be part of the review process through the City Planning Commission public hearing.

It is important to note that any owner-occupied dwelling in the City may house one or two roomers (non-family members) without any need for permitting approvals.

Many commenters cited concerns about porches being used as bedrooms or single-family homes being rented to students with individual leases. Such use is illegal and not allowed in the existing or proposed Code. These are Code violations that have to be addressed through enforcement. As discussed below, Code enforcement staff has been bolstered over the last few years and the City will continue to work with the community to eliminate illegal operations.

4.3.3 Dwelling, Single-Family Attached and Single-Family Detached, Two-Family, Dwelling, Three-Family, Four-Family, and Townhouse

Several comments expressed concern with the use standards in Article 3, specifically design standards for single-family detached, single-family attached, two-family, three-family, four-family, and townhouse dwellings. These design standards were listed in the draft Code as use standards, which is different from the typical format of this Article. This was originally proposed to avoid the need to repeat the standards several times across the District regulations. However, the placement of these standards was found to be confusing, so they have been moved out of Article 3 and placed in Article 4 with cross references in other relevant Articles.

4.3.4 Pocket Neighborhood

Standards for the central common open space were modified to ensure the minimum size is reasonable for the size of the site and allow for a space enclosed by buildings rather than forcing it to front on a street.

4.3.5 Live-Work Units

There were comments that the Live-Work definition in the draft Code was too vague and therefore could cause negative impacts in LDR and MDR. The definition has been revised to more clearly identify the activities allowed in a Live-Work Unit:

Any dwelling unit used for both employment and living space by a resident for production activities by artists, crafters, photographers, composers, writers and the like where at least 51% of the total floor area of the dwelling unit is residential. An enclosed accessory structure can be used for production, the floor area of which shall not be included as residential floor area used to calculate the floor area limitation. No use requiring a City of Rochester Business Permit or a license from the Chief of Police pursuant to the City Code shall be a Live-Work Unit.

In addition to the clarified definition, the following use standard was added to the proposed Code:

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 residential premises.

In light of this revised definition and the additional standard, Live-Work remains allowable in LDR and MDR with a Special Permit. The Special Permit requires neighborhood notification of the proposed use, requires a hearing before the City Planning Commission with an opportunity for neighbors to be heard and, if appropriate, conditions can be placed on the proposed operations.

The Home Occupation remains allowed by right in all districts.

4.3.6 Commercial Uses, Indoor

Concerns were expressed by the community that the term, "Commercial Use, Indoor," is too broad in general and specifically for pre-existing commercial buildings in residential districts. As originally proposed, some neighborhood notification requirements involving uses known to have the potential for negative impacts on a neighborhood were no longer required in the draft Code because of the application of this new use term. The community requested that this term and its implications in the Code be further reviewed by City staff. Staff reviewed the issue and made the following significant changes to address community concerns.

- The City Code recognizes that some uses may have a negative impact on a neighborhood, needing additional requirements, inspections, and monitoring. The Use Table in the draft Code was revised to

provide that a Special Permit is required for uses that require a Business Permit or license from the Chief of Police. This affects Commercial Uses, Indoor in the HDR, O-RB, NR/MU, and AR. The uses included in Commercial Use, Indoor that would be subject to this revision are Bar, Restaurant, Salon, and Amusements and Entertainment. Cannabis Retail Dispensary, while the use is subject to a Business Permit, is prohibited in Residential Districts as indicated in the Additional Requirements Table.

The purpose of the Business Permit, according to Chapter 90-31 of the City Code, is “to establish regulatory controls to ensure that certain businesses are operating in accordance with the law, do not have a serious negative impact upon surrounding residential neighborhoods, or do not endanger the health, safety or welfare of persons in the City of Rochester.” The change added to the proposed Code, as described above, maintains the ZAP goal of promoting economic development and reoccupation of vacant buildings by making the uses allowable, yet now requiring these uses to obtain a Special Permit that will provide public notification, a public hearing, and monitoring of the use. The benefit of requiring a Special Permit is that approvals can be granted on a temporary or time limited basis, so the operations can be revisited to ensure that there are no adverse impacts being created in the neighborhood. If there are problems, such as RPD calls for service or complaints from neighbors, the Special Permit will likely not be renewed or additional conditions could be imposed. An additional benefit is that the neighborhood can be part of the review process through the City Planning Commission public hearing.

- Smoking Goods Establishment, as described in Section 4.3.10, was added to the Use Table as a separate use and is therefore no longer included in Commercial Uses, Indoor.

For Commercial Uses, Indoor allowed in HDR in multi-family dwellings of more than 20 units, a standard was added to only allow these use only when fronting on certain street types, namely Neighborhood Link, Neighborhood Activity, or Downtown street types.

4.3.7 Day Care Center

Day care centers were shown as requiring a Special Permit in LDR and MDR for converting an existing residential building or building new. That allowance has been removed and this use is now allowed in LDR and MDR only when it is being established in an existing non-residential building or historic building. This change supports the goal of keeping existing residential buildings available for housing.

4.3.8 Entertainment, Outdoor

There are two types of outdoor entertainment in the draft Code – one is a principal use and one is an accessory use. A principal use is the predominant use of a whole or a part of a building or site. There can be more than one principal use on a property. An accessory use is a use that is subordinate to a legal principal use and is called “Entertainment, Limited” in the draft Code.

Comments from the community pointed out some oversights in the draft Code. The following changes were made in response to these comments:

- Entertainment, Outdoor (Principal Use), typically including stadiums, outdoor theaters, fairgrounds, music arenas, theme parks, and amusement parks is revised to be Specially Permitted in FMU rather than allowed as of right as originally proposed. This will involve the public in the process through the

public hearing before the City Planning Commission. There are very few areas in the City with properties large enough to accommodate a new stadium, outdoor theater, etc. and the public would be part of the process for bringing something of this nature into a neighborhood. Standards for this use are also included in the proposed Code.

- Entertainment, Limited, which is an accessory use, is now Specially Permitted **when outdoors** in BMU, NMU, FMU, RC, and the VC districts. This is a change from the Code that was released in September 2023 where accessory Outdoor Entertainment was permitted as of right in these districts. This will help mitigate concerns about potential noise associated with bands or DJ’s located outside. In addition to being Specially Permitted, the following standards were modified and now state:
 - *Outdoor limited entertainment is limited to the hours of 8:00AM to 10:00PM.*
 - *When abutting a residential district, the outdoor area used for limited entertainment shall be located a minimum of 200 feet from such lot line. This does not include parking facilities.*

4.3.9 Industrial, Light

To address concerns regarding some allowed uses classified as light industrial, the Use Table is modified to require a Special Permit in FMU, rather than allowing all uses as of right in an existing building, as originally proposed. The Special Permit process, including public notification and a hearing, will help mitigate potential impacts on adjacent uses caused by some light industrial uses.

4.3.10 Industrial, Heavy

A new standard has been added related to Battery Energy Storage Facilities. This is an emerging use that can cause concerns for nearby residents if a fire occurs at the facility. A distance separation of 1,000 feet is required from any residential property lot line.

4.3.11 Short-term Rentals (STRs)

The draft code related to Short-term Rental generated the most comments during the 2023-2024 public comment period. Comments were received both for and against the establishment of this use in residential districts. As a result, the Administration has opted to separate out the STR related regulations for consideration simultaneously but in separate pieces of legislation. This will facilitate continued review and comment on the STR proposal without delaying the processing of the rest of the proposed code and map.

4.3.12 Smoking Goods Establishment

“Smoking Goods Establishment” is a term that was added to the Use Table, Use Standards, and Definitions in the draft Code. The definition is carried over from Chapter 90 of the City Code, which defines the use as:

A premises where tobacco products, hookah products, vaping products, or related accessories are sold for on- or off-premises use. Such products include but are not limited to cigarettes, cigars, herbal cigarettes, snuff, chewing tobacco, pipe tobacco, dissolvable tobacco, bidis, gutka, shisha, roll-your-own/loose tobacco, e-cigarettes, vaping devices, electronic nicotine delivery systems, hookahs and related products, rolling papers, cartridges for electronic cigarette and vapor devices regardless of nicotine or tobacco content, and any other smoked or smokeless tobacco or nicotine-containing product. This definition does not include smoking cessation medication expressly approved by the United States Food and Drug Administration for use in smoking

cessation programs or the sale of tobacco products by wholesale dealers as defined in New York State Tax Law.

Public concerns expressed during the comment period identified this oversight in the draft Code. By adding this new term to the Use Table, the use is no longer included in Commercial Uses, Indoor, and “Smoking Goods Establishments” are now prohibited in all Residential Districts, and in BMU. Note that during the development and adoption of regulations pertaining to cannabis consumption, which happened in November, 2022, it was decided that Cannabis Consumption Lounge is likened to bar/restaurant rather than a Smoking Goods Establishment.

4.3.13 Vehicle Charging Station

Recognizing that establishment of vehicle charging stations are becoming more common across the country, the use was added to the Use Table. The proposed Code does not permit them in LDR, MDR and OS. They require a Special Permit in HDR, BMU, NMU, DMU, and Village Center Districts. Lastly, the use is permitted in FMU, RC, and IND. Standards were created as follows:

- Each charging station must include signs that indicate the space is for electric vehicle charging purposes only. In addition, the following information must be posted at all charging stations: voltage and amperage levels, fees, safety information, and contact information for reporting problems with equipment.
- Vehicle Charging Stations are subject to Sections 15.5 and 15.7 of this Chapter.
- Vehicle Charging Stations are subject to the Principal Use Standards for Parking Lots.

4.3.14 Clinic, Outpatient

Improving and increasing access to medical service within Rochester is a goal expressed in *Rochester 2034*. Clinics, such as Urgent Care Centers, are allowed in the proposed HDR Districts. They are not allowed in the existing Code in the high-density residential district. The use is allowed in HDR when located below second floor of multi-family dwellings with more than 20 units

4.3.15 Community Gardens

Several comments discussed the standards for apiaries (bee keeping) and the interest in having them allowed in Community Gardens. Comment responses related to the standards for apiaries is discussed in Section 4.14.1 below. The standard that apiaries are prohibited in community gardens has been revised. The revised standard provides that apiaries in community gardens must be approved through an Administrative Adjustment. The application for the Administrative Adjustment must include a plan for the management/oversight of the apiary.

The Community Gardens definition has been revised to include high tunnels, picnic tables, benches, and play areas for children, as suggested in comments. Additional requested language for the definition was not added because characteristics such as pot-luck suppers and holding events are not typically part of a land use definition.

The standards were also revised to allow more lot coverage by season-lengthening temporary facilities. The maximum coverage of these facilities is raised to 50% from the proposed 25%. This coverage limit does not

include the allowed shed and greenhouse which are each limited to 144 sq.ft. If an organization has the funds and staffing to build and manage more/larger year-round greenhouses, they can apply for an Area Variance.

Comments suggested strong standards for composting in community gardens. Composting standards have been added to Article 13 as discussed in Section 4.13.2 below.

While comments suggested that on-site sales is not being allowed in the Code, the standards in the proposed Code state that sales are allowed as long as a permanent structure is not constructed for that purpose. A small temporary farm stand, however, would be permitted.

Lastly, while it is generally not recommended that food be grown in tires as raised beds, local community gardeners and members of City Council indicated that this is a widely accepted practice. Therefore, the standard that prohibited the use of tires has been deleted. If the disposal of tires on garden lots becomes a nuisance issue, this standard may be revisited.

It is important to note that community gardens established on city-owned parcels may include stricter standards than required through the Zoning Code. Permit standards, however, cannot be less strict than the Code.

4.3.16 Off-Premises Advertising Sign

Regulations pertaining to Off-Premise Advertising Signs, commonly known as billboards, have been moved to Article 3. Billboards are more appropriately defined as a use, rather than a sign, because they are regulated as the sole or an additional principal use on a site. They are managed and operated independent of whatever other use is on the site. The benefits and impacts associated with billboards and the intent of the regulations are acknowledged in the purpose statement for the regulations:

The size, number, location, and illumination of off-premise advertising signs can have a significant impact on the City's visual environment, including its pedestrian friendly mixed-use districts and residential neighborhoods. While recognizing that advertising signs provide a benefit to businesses and the community, reasonable control of off-premise advertising signs can ensure that the aesthetic and other impacts of the signs will not adversely affect nearby residential or mixed-use neighborhoods, contribute to blighted conditions, reinforce auto-oriented development over walkable urban development, or contribute to potential driver distraction. The purpose of this section is to provide reasonable and balanced regulation of Off-premise Advertising Signs to:

- i. Protect and enhance community appearance.*
- ii. Direct new advertising signage to appropriate areas of the City.*
- iii. Strengthen walkable mixed-use districts and residential neighborhoods.*
- iv. Ensure that advertising signs do not negatively impact the experience of drivers, bicyclists and pedestrians.*

With respect to digital advertising signs (DAS), to address issues of brightness, distancing, message transition and other factors that may reduce driver distraction as well the impact to others living or working in proximity to these signs. The greatest impact to billboards in the proposed Code is the change from Commercial Districts in the current Code to four Mixed-use Districts and one Commercial District in the proposed Code. This change reflects the focus throughout the proposed Code which recognizes the importance of residential uses to support a vibrant economy in these Mixed-use neighborhoods. This change will result in fewer districts

allowing billboards, including those in commercial districts regulated by NYS law that are adjacent to federally assisted highways. This Code and Map change is consistent with the character of the urban environment as described in the Goals and Principles of Rochester 2034.

While the areas in the City where billboards are allowed has been reduced, several restrictions on billboards have been relaxed. With respect to size, the current Code restricts billboard size to 236 sq.ft., a size that has resulted in area variance requests for many billboard installations, most of which have been approved. In the draft Code the size limit was substantially increased to 672 sq.ft., based on a zoning staff understanding that this was the standard industry size. Since the release of the draft Code, several sign applications have been reviewed and it has been concluded that the 672 sq.ft. size, an approximately 14' x 48' sign, is excessively large for most urban locations. The proposed Code has been revised to permit a 382 sq.ft. sign, a reasonable increase from the current Code that has been the size approved by variance in several recent cases, but a decrease from the draft Code. In locations where larger size may be appropriate, not in close proximity to residential uses, variance application relief is available.

Similarly, recent experience with billboard applications and “real life” observations, have led to a change in the permitted height of billboards. The current Code restricts billboard height to 23'. The draft Code increased the permitted height to 45', which staff has concluded is excessively high in most urban settings. The permitted height in the proposed Code has been changed to 30'. It should be noted that the height restriction is increased when the proposed sign is to be placed in a location where the sign will be obstructed by either an elevated roadway or a roadway sound barrier. As discussed above, when appropriate, an area variance may be sought for additional height.

Further, considering the impact of the elimination of most commercial districts and the reduced areas of the City where billboards are permitted, the draft Code has been revised to reduce the distance separation between signs from 400' to 200'. This is generally the distance separate requirement in the existing Code.

The draft Code included an exchange provision which has been removed from the proposed Code. After further review, it was determined that with only one billboard company owning the majority of the existing signs, this provision could have an uneven impact on one billboard company and not be applicable to others. It was also determined that the exchange provision would be cumbersome to administer, including the requirement for the Director of Zoning and Permitting to develop and maintain a priority list of non-conforming, non-digital signs. To replace the exchange provision which sought to remove non-conforming signs, the Amortization Schedule found in the existing Code has been added to the proposed Code. The Amortization Schedule is established by NYS General Municipal Law § 74-c.

In addition, the Digital Advertising Signs (DAS) are a billboard type that is not included in the existing Code because the DAS technology advanced after the 2003 Code was adopted. The proposed Code provides regulations for DAS that are consistent with, or in some cases stricter than industry standards.

4.3.17 Personal Wireless Telecommunication Facilities

Changes made to this section were for clarification purposes only and were not substantive.

4.3.18 Outdoor Storage (Principal Use)

A Use Standard related to outdoor storage was modified recognizing that the use requires a Special Permit outside of the IND zone. The standard was redundant of use regulations and district regulations.

4.3.19 Place of Worship

Similar to Day Care Centers, changes were made for Places of Worship, allowing them in residential districts in existing non-residential buildings and historic buildings only. This change addresses the concern that existing houses need to be retained for residential living. Places of Worship are permitted in nearly all other districts as of right.

4.3.20 Public Park

Public Park was added to the Use Table in response to a comment. It is allowed as of right in the Open Space District. If a new public park is added to a neighborhood, it will be rezoned to Open Space (OS).

4.3.21 Urban Farms

Many comments were received regarding the definition and standards related to Urban Farms. The comments resulted in several changes, however not all suggestions could be incorporated. For instance, there were comments expressing concerns about the use of pesticides and herbicides in Urban Farms, suggesting the Zoning Code prohibit their use. A Zoning Code does not regulate use of pesticides and herbicides as this is not a land use issue and would not be enforceable by the City. This is also true for requiring farm practices to be organic. This is not a role for a zoning code.

According to the proposed Code, an Urban Farm requires a Special Permit in all residential districts and in FMU and is permitted as of right in the PMV district. Together, these districts encompass most of the City of Rochester so farming is broadly allowed, as requested in comments.

Unlike rural or suburban municipalities, Rochester is an urban environment, densely developed and populated. Bees and animals can create impacts that can directly affect neighbors. Comments from the community and City Council members advocated for the deletion of the standard requiring a 24-hour on-site manager for the Urban Farm. The new standard requires a 24-hour on-call manager who resides within the City of Rochester.

The use of the words “farm animals” and “livestock” have been deleted. It is clearer to simply name the specific animals that are allowed. The animals that are allowed on an Urban Farm are goats, fowl, and bees (apiary). The proposed Zoning Code has been revised as such. Revisions further require that the installation of an apiary in an Urban Farm be permitted through an Administrative Adjustment. The application for the Administrative Adjustment shall include a plan for the management/oversight of the apiary.

The standard for maximum coverage by greenhouses and other season-lengthening facilities has been raised to 50% instead of 25% in response to comments. This leaves room for a house and accessory structures while preserving areas for storm water management and setbacks.

The Code has been revised to include additional accessory uses, including aquaculture, aquaponic, and hydroponic facilities per the standards of Section 14.2.C.

Comments suggested strong standards for composting. Composting standards have been added to Article 13 as discussed in Section 4.13.2 below.

4.3.22 Accessory Dwelling Units (ADUs)

Allowing ADUs, commonly referred to as in-law apartments or “granny-flats,” has been a topic of great interest to the community throughout the preparation of the proposed Code. Comments were both for and against allowing this use and varied on where they should be allowed and how they should be regulated.

While there have been few actual requests for ADU's in Rochester, this use is included in the proposed Code in a way that provides a balanced approach.

The substantive revisions between the draft Code and the proposed Code, related to ADUs, are discussed in this Section.

First, within the Use Table, ADU has been added to LDR as Specially Permitted rather than prohibited. While concerns were expressed about ADUs being constructed in LDR, the Special Permit process will help mitigate those concerns. The process requires public notification and review by the City Planning Commission, including a public hearing. Use standards and district regulations will protect height, lot coverage, and design.

The Use Standard related to maximum size for ADUs has been increased to 800 square feet from the 400 square feet originally proposed. The standard requires that the ADU not exceed the size of the principal dwelling. In addition, requirements such as maximum lot coverage will also impact the maximum size of an ADU.

The maximum height allowed for a newly-constructed detached ADU has been reduced from 24' to "15' or the height of the principal structure, whichever is less." This is more restrictive than originally proposed. This standard would not apply to an existing garage being converted to an ADU because it is not "newly-constructed."

A new standard has been added to help mitigate potential impacts of the appearance of an ADU relative to the character of a neighborhood:

Accessory Dwelling Units shall resemble as closely as possible the architectural features and aesthetic of the primary structure. Shipping containers and industrial structures and materials shall not be permitted as an Accessory Dwelling Unit.

Another new standard has been added to mitigate potential impacts of an ADU:

An ADU shall not be served by a driveway separate from that serving the principal dwelling.

The standard that all ADUs must be on an owner-occupied property - either the principal dwelling or the ADU - has been moved from Use Standards to Definitions. By moving it from a standard to the definition, this requirement cannot be waived through a Special Permit or Use Variance. If the principal dwelling is sold and the new owner does not wish to operate the ADU, with respect to an attached ADU, the space could be incorporated into the principal home, and for a detached ADU, the accessory dwelling would have to be demolished or legalized as another use. The revised definition of ADU is:

Accessory Dwelling Unit (ADU). A subordinate dwelling unit added to, created within, or detached from a principal single-family detached dwelling and located on the same lot or parcel as that principal dwelling. The ADU provides living, sleeping, cooking, and sanitation facilities. The owner of the property on which the ADU is located shall be required to reside in either the primary dwelling unit or in the ADU. ADUs are not recreational vehicles, travel trailers, campers, or any other type of motor vehicle.

Owner occupancy must be demonstrated at the time that a building permit or C of O application is made, and is proven by either a postmarked utility bill statement or account statement. The address of the statement must match the address of the property in question. In addition, if an ADU creates problems in the

neighborhood, a Code Enforcement Officer will request proof of owner occupancy to ensure that the use remains legal.

As a reminder, an ADU is an accessory use. If a land owner wants to build a small home on a vacant lot or on the same lot with another home(s) and they do not want it to be an accessory dwelling, they can apply for a building permit for that new principal dwelling, which would be a second principal use. That principal dwelling would need to meet the dimensional and design requirements of the zoning district. An area variance would be required if those requirements are not met.

4.3.23 Entertainment, Limited

Entertainment, Limited, which is an accessory use, is now Specially Permitted when outdoors in BMU, NMU, FMU, RC, and the VC districts. This is a change from the draft Code released in September 2023, where accessory outdoor entertainment was permitted as of right in these districts. This change will address concerns expressed in comments about potential noise associated with bands or DJ's located outside. In addition to being Specially Permitted, the following standards were modified to be more restrictive and now state:

- *Outdoor limited entertainment is limited to the hours of 8:00AM to 10:00PM.*
- *When abutting a residential district, the outdoor area used for limited entertainment shall be located a minimum of 200 feet from such lot line. This does not include parking facilities.*

4.4 Article 4: Residential Districts

4.4.1 Maximum Height for HDR

Several comments were received about the proposed height allowances in HDR which resulted in modified regulations. While height regulations do not impact existing buildings, many comments expressed concern about the HDR height maximum for situations where demolition of two or three-story buildings could result in replacement with a taller building that would be out of scale with the neighborhood.

The HDR district was mapped differently than the LDR, MDR, BMU, NMU, and DMU districts. While those districts reflect a geographic pattern (e.g. MDR generally surrounds downtown, with LDR in neighborhoods beyond that inner ring), HDR was primarily applied to existing apartment complexes, apartment buildings, and concentrations of large houses converted to five or more apartments, such as sections of East Avenue and Lake Avenue. When located outside of mixed-use districts, those types of buildings are scattered in a small number of areas throughout the city, not following any particular pattern and are usually zoned HDR. Concerns were expressed about HDR districts being immediately adjacent to lower density districts and single family homes and how height in those districts may have a negative impact.

To address the community concerns, the maximum height regulations have been modified as follows:

- 3-family and 4-family dwellings were moved from 65' to 2.5 stories, not to exceed 35'.
- Non-residential development (e.g., Day Care Center, Parking Garage, Community Center) for HDR has been reduced from 65' to 2.5 stories, not to exceed 35'.
- The allowance for 1' extra height for each 1' of additional setback for Multi-family has been removed.

Particular concern was expressed in dozens of comments related to rezoning Manor Parkway to HDR and the impacts that rezoning would have on building height. Manor Parkway is, in fact, currently zoned High-Density

Residential (R-3). With the parcels having from 250+ to 500+ feet in lot frontage, any new buildings could be taller than 500 to 1,000 feet or 50-100 stories under the existing Code. The proposed Code, even before the revision, is much more restrictive than the existing Code because the proposed Code height maximum is not based on lot frontage.

4.4.2 Standards for Townhouses

Many comments were received regarding the dimensional and design requirements for Townhouse. Several comments expressed confusion about how to measure the frontage for townhouses. According to the Rules of Measurement in the proposed Code found in Article 24, lot frontage of Attached Single Family and Townhouse now states the following:

For single-family attached and townhouse developments, lot frontage requirements are used to calculate the required frontage of the overall development site, not individual dwelling unit widths.

This means that the **individual** townhouse width is not dictated by the Code. The minimum lot frontage standard of 20' per unit allows for variability in townhouse design that also includes open space, area for setbacks on end units where required, and areas for pedestrian walkways. So, if there are 10 townhouses along a street frontage, the minimum lot frontage is 200' which includes the building frontages, setbacks, and open areas. The width of the individual townhouses can vary within that 200'. The standard indicated in Table 4-1 or the proposed Code has been modified to help clarify the meaning.

Changes were also made to Table 4-1 align some townhouse standards with that of multifamily rather than singles and doubles.

Other comments expressed concern about the limitations on certain building materials. Typically, townhouses are treated differently in the Code with several specific use standards, as it is a larger and denser development form with buildings that are larger than a typical single-family home. The scale of the development means that building materials have more of an impact, which is why the standards are different from single-family development. Comments identified concerns that prohibiting vinyl siding as a building material is counter to the desire to increase the construction of townhomes. The proposed Code was modified to include vinyl siding that is .44mm thick or thicker as an acceptable building material due to its durability and cost effectiveness.

4.4.3 Other Residential Dimensional Standards

Comments were received which advocated revising, and in some cases, eliminating, residential dimensional standards. The proposed Code includes dimensional standards, such as front, side, and rear yard setbacks for the placement of structures on residential lots. Such setbacks allow for the orderly development of neighborhoods in the context of the existing built environment, as well as allow for proper sightlines for residents from their homes and porches when looking out on to the street.

Other comments addressed the desire to combine what is proposed as a maximum building coverage and a maximum lot coverage as two separate regulations into one. The existing code has the two concepts combined to form a total lot coverage. With the elimination of minimum lot sizes, however, the minimum building coverage remains important to ensure that the three dimensional fabric of the City's neighborhoods remain at the forefront of good land use planning. Having the two combined without a minimum building coverage has the potential to adversely impact an existing built form of a neighborhood in relation to lot size.

While the proposed Code eliminates minimum lot size, it does retain a minimum lot frontage. The lot frontage, or the amount of area that a parcel fronts along a street, contributes more to the character of a

neighborhood in terms of scale than a minimum lot size as the amount of land in a rear yard which contributes to a lot size, is not visible from the street.

4.4.4 Residential Design Standards

To clarify what may be confusing when reading the proposed Code, some residential design standards were deleted in the proposed Code because they were redundant of Chart 4-2. The design standard remains in the code once rather than twice.

Comments were received requesting that vinyl siding be removed from the prohibited materials list. In response to this issue, the prohibited materials lists across building types now includes vinyl when below 0.44mm of thickness. In other words, vinyl siding is allowed as long as it is not below a standard thickness. According to installation guidelines, the accepted standard residential grade is 0.44 mm vinyl siding and is the most commonly used choice for homeowners. While still cost-effective, it offers a good balance of protection and insulation.

The list of prohibited building materials was expanded to include facades facing a street or a residential use of buildings with any use, rather than limiting it to only multi-family and non-residential uses. It was determined that the use of substandard materials on any building, not just certain buildings, is not beneficial to the building owner, occupants, or the neighborhood.

The following design standard has been added to the proposed Code to avoid negative impacts to the character of City neighborhoods:

- *Shipping containers, and other similarly formed metal or plastic structures designed and/or marketed for industrial or agricultural use, are prohibited as single-family dwellings.*

Lastly, some minor changes were made throughout the design standards to improve precision and understanding.

4.5 Article 5: Mixed-Use and Commercial Districts

4.5.1 Maximum Square Footage

These size regulations were modified for the NMU District. The size limit for a non-residential use remains 9,000sf, but instead of requiring a Variance for going above that standard, the proposed Code now requires a Special Permit and Site Plan Approval. Public notice and a hearing are still required, but the standards for approval are different.

4.5.2 Revised Height Regulations

Like the maximum height regulations for HDR, maximum height regulations for BMU and NMU generated many comments from the community. According to the *Rochester 2034 Placemaking Plan*:

The Placemaking Plan is designed to mitigate conflicts while encouraging density along key corridors and transit routes. In BMU areas, which are meant to be a somewhat smaller scale and intensity than NMU areas, it is recommended that buildings be limited to three stories. In NMU areas, a limit of four stories is recommended. Current minimum heights, which provide a sense of enclosure in a streetscape and reinforce urban designs, should be retained.

The draft Code released in September 2023 included a table that states maximum building height in feet rather than stories, when stories was the term used in Rochester 2034. The community wanted the regulations to echo the recommendations of *Rochester 2034* which reflected the community sentiment

around building height. In response, maximum building height regulations were revised. The revisions mean, for example, that a 55' maximum height cannot be five stories. Only four stories are allowed and the extra height allowance is only for architectural enhancements/embellishments to the building.

The maximum height regulations include a qualifier that requires a step down in height based on adjacency to LDR and MDR. This is intended to offer a buffer for the building height between commercial buildings and adjacent residences.

Development projects that offer design alternatives (e.g., mansard roof with dormers, stepped back additional story) that mitigate the impacts of proposed buildings that are taller than allowed in the Code can seek an area variance from Zoning Board of Appeals.

4.5.3 Minimum Interior Side Setback

For the BMU and NMU Districts, the side setback, when abutting LDR or MDR Districts, was reduced from 20' to 5'. This was to allow more room for development. With the rear setback requirement at 20' and the side setback at 20', the area of development becomes too small on most city lots in those neighborhoods.

4.5.4 Design Standards

Comments were received requesting that vinyl siding be removed from the prohibited materials list. In response to this issue, the prohibited materials lists across building types now includes vinyl when below 0.44mm of thickness. In other words, vinyl siding is allowed as long as it is not below a standard thickness. According to installation guidelines, the accepted standard residential grade is 0.44 mm vinyl siding and is the most commonly used choice for homeowners. While still cost-effective, it offers a good balance of protection and insulation.

4.6 Article 6: DMU

Comments were received requesting limiting height and increasing setbacks in the DMU District. The proposed Code proposes unlimited building height but has a stepdown requirement for height when a building will be located within 150' of an MDR or LDR District. Within that 150' buffer, the height must be reduced to 60'. This height limit has not been changed because, as stated in the Placemaking Plan of *Rochester 2034*, the vision for DMU is:

Mixed-use buildings, large employers, apartment buildings, entertainment venues, restaurants, retail, large public facilities, regional destinations, and primary public spaces. This is the highest density of all Character Areas, functioning as both the center of the city and the region. Mixed-use high rise buildings abound, framing vibrant streets in this hub of activity.

The DMU purpose statement states that, "the DMU Downtown Mixed Use District is intended to foster a vibrant district by encouraging dense residential development and a broad range of commercial, office, institutional, public, cultural, and entertainment uses and activities within the Center City. Dimensional and design standards are based on street typologies and water frontage for activation and design character." Overall, the regulations are intended to define and promote the vision expressed in this purpose statement.

The market and cost of construction are already limiting factors for constructing new buildings. The Zoning Code should not add further limitations to achieving the DMU vision and purpose. No parking requirements and minimal height and setback requirements allows the market to take advantage of development opportunities downtown.

Grove Place is a primarily residential neighborhood and a Preservation District within downtown that is being rezoned to MDR. The stepdown requirement in the height regulations for DMU is a mitigation measure to reduce impacts from unlimited height allowed in the DMU district without compromising the development goals for downtown Rochester, allowing it to thrive as the central business district of the city.

4.7 Articles 7: Village Center Districts

4.7.1 District Names

The proposed Code shows a change in the name for the Marina District. The new name is Marina-Village District to be consistent with the other Village Center Districts.

4.7.2 Design Standards

Comments were received requesting that vinyl siding be removed from the prohibited materials list. In response to this issue, the prohibited materials lists across building types now includes vinyl when below 0.44mm of thickness. In other words, vinyl siding is allowed as long as it is not below a standard thickness. According to installation guidelines, the accepted standard residential grade is 0.44 mm vinyl siding and is the most commonly used choice for homeowners. While still cost-effective, it offers a good balance of protection and insulation.

4.7.3 CV Purpose Statement

The CV District Purpose Statement has been revised to show updated language the draft Code included a Purpose Statement that was simply pulled from the existing Code. This Statement was outdated. Comments from the community pointed this out and the changes were made.

4.8 Article 8: Industrial District

No substantive changes were made to this Article.

4.9 Article 9: Open-Space District

No substantive changes were made to this Article.

4.10 Article 10: Overlay Districts

4.10.1 Overlay Residential Business

The proposed Overlay Commercial (O-C) District has been renamed Overlay Residential Business (O-RB). The district name in the draft Code, was a concern to the community because it appeared that the emphasis of the district was on commercial uses when it was meant to be on the underlying residential uses. Commercial use is intended to be secondary. The proposed name change puts the emphasis more on the residential character of the district and does a better job of signaling that commercial uses are secondary to the residences.

4.10.2 Overlay Airport

The proposed Code has been updated with revised regulations and procedures in the Overlay Airport district. Working with staff from Monroe County, the revised language clarifies the respective responsibilities of the City and County in reviewing and approving identified development applications to avoid creating flight or safety hazards within the vicinity of the Frederick Douglass Greater Rochester International Airport. The jurisdiction for reviewing land use impacts on airport operations lies primarily with Monroe County and that is more accurately reflected in the revised regulations.

4.11 Article 11: U-R Districts

The only substantive change is that the Ridgeway Urban Renewal District expired since September 2023 so that acreage was rezoned to FMU. FMU is less intense than the prior UR zone.

4.12 Article 12: PD Planned Development Districts

The changes that were made to the Planned Development Districts relate almost entirely to creating consistency in format and vocabulary and updated references. The one year limit for a development concept plan was changed to two years to be consistent with the other approval limitations. The second limitation regarding expiration of an incremental development plan was deleted because it is regulated through Site Plan Approval. The expiration date, therefore, would be that of the Site Plan Approval.

4.13 Article 13: Standards Applying to All Districts

The change in the name of this article from *General Development Standards* to *Standards Applying to All Districts* resulted from further review of this important section of the Code and recognition that the standards apply to new development as well as existing sites. The name change more accurately reflects the purpose of this article. The section has been reorganized and subsections have been modified, added, or moved. The On-Site Development Standards in the draft Code have been individually pulled out and put into new subsections. Substantive changes to any standards are discussed below.

4.13.1 Citywide Historic Resource Survey, Formerly Known As Designated Buildings of Historic Value (DBHV)

Many comments expressed concern related to the regulation and/or list of DBHVs which prompted a new look at this section of the Zoning Code. Some comments revealed confusion over what regulations pertain to the different classifications of historic/significant properties. This section will attempt to clarify some of this confusion. It is important to note that a goal of Rochester 2034 is to “promote and preserve Rochester’s rich history.”

First, the term DBHV has been changed to buildings listed on the “Citywide Historic Resource Survey.” Like the existing Code, the regulations pertaining to these buildings are separate from regulations pertaining to Preservation Districts and Local Landmark sites. Preservations Districts and Local Landmarks are mapped and regulated through the Rochester Preservation Board. The mapping and the regulations related to Preservation Districts and Local Landmarks are not changing.

The DBHV regulations were adopted as part of the 2003 Zoning Code and were intended to provide preservation strategies for historic buildings located outside of Preservation Districts or not designated as Local Landmarks. The regulations focus on demolitions, removal of significant architectural features, and window replacements involving buildings on the DBHV list. In the 2003 Code, the Zoning Board (ZBA) was made the approval body for projects involving a DBHV. The DBHV list of properties has been a source of confusion for years among City staff and the community. The lack of expertise on the ZBA related to historic architecture has also been a concern. Comments from the community also highlighted some of these issues.

In response to longstanding concerns by City staff, in 2016 the City entered into a contract with the Landmark Society of Western New York (Landmark Society) to conduct a study of the City’s buildings to identify which ones qualify for additional protections. As stated by the Landmark Society, “One of the most important outcomes of the project will be the identification of properties and neighborhoods that are potentially eligible for rehabilitation tax credits.” By identifying and drawing attention to properties that may be eligible for NYS

or Federal tax incentives, the City can encourage investment in and revitalization of these properties and neighborhoods.

This study was completed in 2021 and now provides a clearly identified list of buildings that comprise the Citywide Historic Resource Survey (Survey). It should be noted that these historic buildings, or collection of buildings, are included on the Survey only when they are not located in Preservation Districts or not designated as Local Landmarks. Those buildings are already protected by the Code and the City Preservation Board's authority over them. The intent of the Survey is essentially the same as the intent of the DBHV, with an updated list of buildings and revised procedures.

The Survey is available to the public and is filed with the City Clerk and will be appended to the adopted Zoning Code. This will be the list used to apply the approval procedures and standards for buildings listed in the Survey. The definition for Citywide Historic Resource Survey is in the proposed Code.

The proposed Zoning Code has moved the authority for reviewing projects that do not meet the standards for buildings listed in the Survey to the Rochester Preservation Board, rather than the ZBA, because members of the Preservation Board have the necessary expertise in historic preservation.

Lastly, the standards have been clarified for easier application by the community, City staff, and the Preservation Board. The standards are:

- *Demolition of a building listed on the Citywide Historic Resource Survey is prohibited.*
- *Removal, covering, or substantial alteration of significant architectural features, including but not limited to slate or tile roofing, original cladding, porches, cornices, etc., is prohibited. Covering includes painting an unpainted surface.*
- *Window replacements shall maintain original size and location. Additionally, window replacements shall utilize a similar divided lite configuration, either true or simulated, to the original.*

If a project cannot meet one or more of these standards, an application for a Certificate of Appropriateness must be filed with the Preservation Board.

4.13.2 Residential Conversions

In the LDR District, conversion standards were modified to eliminate the need for both a Use Variance and an Area Variance and approval will now only require a Use Variance, which is the more difficult approval to obtain. The dual requirement is not currently required in the existing code. The standards of the Use Variance overlap those of the Area Variance and impacts to site constraints can be handled through the standards of the Use Variance. The new two-step Use Variance, as described in the Draft GEIS, will help the Zoning Board focus on site constraints, separate from the economic hardship standards of the Use Variance.

In the MDR and HV Districts, to recognize that 5 or more units (multifamily dwelling) are allowed in these districts with a Special Permit, the regulations were modified as follows,:

- Residential conversions of up to four units where one or more of the standards are not met shall require an area variance for each standard not met.
- Residential conversions of five or more units that meet these standards shall require a Special Permit.
- Residential conversions of five or more units that do not meet the standards shall require a Special Permit and an area variance for each standard not met.

All the minimum permitted habitable floor area was lowered by 50 square feet:

No dwelling unit conversion is permitted which results in any dwelling unit having less than the minimum habitable floor area required below:

1. *Studio: 450 square feet*
2. *One bedroom: 600 square feet*
3. *Two bedrooms: 750 square feet*
4. *Three bedrooms: 900 square feet*
5. *Four bedrooms: 1,050 square feet*
6. *Five bedrooms: 1,200 square feet*

The originally proposed minimum lot area requirement was lowered from 4,000 square feet to 3,600 square feet, as follows:

No building located on a lot having an area of less than 3,600 square feet can be converted to create a two-unit dwelling, and no building located on a lot of less than 6,000 square feet shall be converted to create a structure that contains three or more dwelling units.

4.13.3 Compost

Some comments pointed out that the Code did not include standards related to composting. The following standards were added to Article 13:

- All compost must be contained within an enclosure, such as a bin with a lid.
- All composting activities must occur in the rear yard.
- No animal products or waste, with the exception of chicken/rabbit manure, shall be included in the compost.
- Any composting activities in a residential district must be maintained so as not to attract or harbor rodents/pests or emit odors;
- In residential districts, finished compost products shall be limited to on-site use only. No selling of compost is allowed.

4.13.4 Fences and Walls

In response to comments, “Safety/snow fencing” has been added to the list of prohibited fencing materials. The definition for that has been added to Article 24, Definitions. The only time this type of fence material would be allowed in the City is when it is temporarily associated with a construction project and only during the winter for the purpose of managing snowdrifts.

4.13.5 Residential Outdoor Storage

Regulations for how and where storage can occur outdoors in residential districts are in the existing Code, but were inadvertently left out of the draft Code, as pointed out in public comments. That is now rectified in Article 13 of the proposed Code.

4.13.6 Permitted Encroachments

Permitted encroachments has been moved to Article 14 and is now called, Additional Location Requirements for Accessory Structures and Architectural Features. See Section 4.14.3 below for a discussion of this change.

4.14 Article 14: Accessory Structures

4.14.1 Apiaries

Several comments related to the standards for apiaries (bee keeping) and the interest in having them allowed in Community Gardens. Comment responses related to Community Gardens is in Section 4.3.11.

Some comments suggested the elimination of the standard that requires provisions for a convenient source of water. This is a common requirement for beekeeping. Without a water source, bees will congregate at other water sources such as a neighbor's pool or bird feeder.

Other comments requested a change to the requirement of a 10' setback. In response to that request, rather than forcing a 10' setback for all apiaries, the proposed Code has been revised to provide the alternative of a fly away barrier. The draft Code now states:

Hives shall not be located within ten feet of any side or rear property line unless a flyway barrier is maintained in place or the hive(s) are located at least 10 feet above grade. A flyway barrier must be at least six feet in height consisting of a hedge, fence, solid wall, or combination that is parallel to the lot line.

An additional mitigation for removing the strict setback requirement is the addition of a new standard that prohibits apiaries within 10 feet of any buildings located on an adjacent property.

Comments expressed concerns that the Code was prohibiting rooftop hives. Nothing in the proposed Code prohibits rooftop hives. To clarify that, the following standard has been added to the use standards for Apiaries in Article 14 of the proposed Code:

Apiaries are permitted on rooftops. Apiaries must be located a minimum of ten feet from each edge of the building.

4.14.2 Coldframe Structures

"Coldframe Structure" has been removed from the list of accessory structures in the proposed Code because they are generally small and temporary. Coldframe structures are now included in the reference to "temporary season-lengthening facilities" in the standards and definitions for Community Garden and Urban Farm. For Urban Farms and Community Gardens, the coverage limitation is revised to 50% for the temporary season-lengthening facilities, which addresses some of the comments on this subject.

4.14.3 Additional Location Requirements for Accessory Structures and Architectural Features

There was some confusion around this table when it was presented in Article 13 as "Permitted Encroachments." After review, it was decided that the table primarily related to accessory structures and contained more than just encroachments so it has been reorganized, renamed, and moved to Article 14, which should be more intuitive for the user.

Additionally, a change was made to allow patios in side yards. The following standards were added:

There shall be no vehicular access between a driveway and a patio. A patio shall not prevent the maintenance or installation of a required driveway or required off-street parking.

4.15 Article 15: Off-Street Parking and Loading

4.15.1 Minimum parking requirements for Residential Districts

The City's experience has been that when parking is not provided on-site for residences, illegal parking (e.g., parking on lawns and sidewalks) is pervasive and becomes a blighting influence in neighborhoods and an enforcement problem.

The parking requirements apply to development in the LDR, MDR, and HDR. Residential development in all other districts is not subject to minimum parking requirements. An area variance is an option to allow less than required parking when appropriate.

It is not the experience of the City in reviewing projects that residential development was hindered by the existing Code's minimum parking requirements. Rather, project sponsors often request a Special Permit to build more parking spaces than allowed by the Zoning Code.

The reduction of vehicle dependency is a desirable goal and the intent is to incrementally move in that direction as demonstrated by the proposed Code. If the elimination of parking minimums in mixed-use districts proves to be successful with minimal enforcement problems, removing residential parking minimums can be revisited and the Zoning Code amended by City Council in the future.

An important note, the Greater Rochester Housing Partnership (GRHP), a not-for-profit lender dedicated to the creation and preservation of affordable housing in Rochester, requires off street parking on properties that they purchase/develop before they invest in a property.

4.15.2 Transportation Access Plan (TAP)

Exemption of FMU and IND from TAP requirements and other changes further refined when the TAP is required. See changes below to explain how some uses and districts were taken out of the TAP requirement.

4.15.2.1 *Requirements for preparation of a TAP*

Several comments expressed concern that the Code required that "a TAP must be prepared by a qualified professional." Concerns about this being potentially costly and causing project delays while not being necessary were included in the comments. Because the proposed Code is very specific in what needs to be part of a TAP, it seemed reasonable for staff with expertise and resources in street design and local parking/transit options to be able to review the TAPs. Therefore, that requirement was deleted.

4.15.2.2 *TAP Requirement Thresholds*

Exceeding the parking maximum standards has been removed from the list of what triggers a TAP. Exceeding the maximum would now require an Area Variance. This revised trigger is more stringent and protects against overbuilding surface parking.

The list of thresholds for when a TAP is required has been modified to be more strategic and precise by removing the requirement for a TAP in DMU and RC Districts for most development projects. Also, the occupancy posting for when a TAP is required has been raised from 75 to 100 to be more consistent with requirements of the NYS Building Code.

4.15.2.3 *Parking Space Design Standards*

In response to comments, the proposed Code has been changed to require fewer EV charging stations in parking facilities. Parking facilities of fewer than 20 spaces will no longer be required to install a charging

station and parking facilities of 20 to 39 spaces will require one station instead of two. Any parking facility owner/operator may, however, install as many charging stations as they choose.

4.15.2.4 Access Management

Commenters suggested that the Genesee Transportation Council (GTC) guidance on Access Management be implemented through the City Zoning Code. GTC is a regional transportation planning agency whose constituency includes cities as well as suburbs and rural communities. The ZAP team reviewed and considered the relevant elements of Access Management in the context of an urban environment when drafting the Zoning Code.

According to the GTC website, Access Management is a set of strategies to improve the safety and efficiency of traffic by reducing congestion and decreasing the number of accidents while simultaneously preserving community character through land use planning and site design. Key elements of Access Management include:

- Interconnected street network, including rear access roads and through streets
- Connections between adjacent properties (also known as "cross access")
- Limited driveway openings, including driveway spacing standards
- Shared driveways
- Safe and efficient driveway design
- Corner clearance standards
- Intersection spacing and traffic signal spacing
- Center medians and other means of restricting turns to specific locations
- Shared parking between adjacent businesses, centralized public parking; and side and rear parking (versus parking between roadway and building)
- Convenient internal circulation and connections for motorists, bicyclists, and pedestrians

Most of these elements are not regulated through a zoning code of a built city. Zoning codes regulate design, development, and use of parcels outside of the public right of way. The Access Management elements that are related to zoning include shared access, driveways and parking, as well as internal circulation for motorists, bicyclists, and pedestrians. The proposed Zoning Code manages those elements through Site Plan Review in Article 20 and the Transportation Access Plan (TAP) included in Article 15.

4.15.3 Bicycle parking standards

Requirements for bicycle parking was not clear and was confusing to the public and staff. It has been rewritten as follows:

Bicycle parking is required as follows, in accordance with Table 15-3:

1. New construction of the following:

- a.** *Multi-family dwelling.*
- b.** *The residential component of mixed-use development.*
- c.** *A nonresidential use of 10,000sf or more of gross floor area. This includes nonresidential use components of mixed-use development.*
- d.** *Parking garage.*
- e.** *Parking lot.*

2. Expansion of the following:

- a. A multi-family dwelling by 2,500 square feet or more of gross floor area.
- b. A nonresidential use by 2,500 square feet or more of gross floor area where such expansion results in a nonresidential use that is a total of 10,000 square feet or more of gross floor area.
- c. For mixed-use development, these thresholds are applied to the expansion of the applicable component (residential or nonresidential).

TABLE 15-3: REQUIRED BICYCLE SPACES	
Use	Required Bicycle Spaces
Multi-Family Dwelling; Residential Component of Mixed-Use Development	1 per unit All spaces must be long-term spaces
Nonresidential Use Over 10,000sf in GFA	1 short-term space per 3,000GFA
Parking Garage	10% of vehicle spaces
Parking Lot	10% of vehicle spaces

4.16 Article 16: Landscape

No substantial changes were made to this Article.

4.17 Article 17: Signs

Some minor adjustments and clarifications were made in this section. The most substantial changes are summarized as follows.

4.17.1 Off-Premises Advertising Signs

Regulations pertaining to off-Premises Advertising Signs, better known as billboards, have been moved to Article 3 related to uses. Billboards are better defined as a use, rather than a sign, because they are managed and operated independent of the principal use on the site. In other words, they are regulated as an additional or sometimes the only principal use on a site.

4.17.2 Summary of Sign Permissions for Sign Types

Table 17-2 was found to be confusing and conflated use and sign type, so the Table has been reconfigured. The essential information is generally the same, only the presentation is different.

4.18 Article 18: Review Authorities

No substantial changes were made to this Article.

4.19 Article 19: Procedures

4.19.1 Public Notifications

Many comments from the public expressed concern about changes to public notification. The comments were not directed at the specific notification requirements listed in the draft Code because those are not changing significantly. The comments were more directed at changes in the allowable uses, where those changes meant that there would no longer be required notification to the neighborhoods when there is a change to certain allowable uses. The changes made in Article 3 relating to Uses should address many of the concerns about notification. For instance, "Smoking Goods Establishment," which includes most "corner stores," has been added to the Use Table, removing them from Commercial Uses, Indoor. The more stringent regulations for Smoking Goods Establishments not only prohibit them in HDR and BMU where they were previously permitted, but a special permit will be required in the other mixed-use districts and in the Village Center districts which requires a public hearing and public notification.

4.19.1.1 Official Neighborhood Contacts

Official Neighborhood Contact is redefined in the proposed Code as “Neighborhood Contacts List” and is defined as:

The list of individuals identified by the City of Rochester's Neighborhood Service Centers (NSC) as those representing City of Rochester neighborhood organizations.

The definition eliminates references to the list needing to be “officially recognized” or “approved,” which will allow the list to be more inclusive. As a result, this change will broaden the list of neighborhood representatives notified of zoning applications as required by Article 19. In addition, notifications will be sent to the entire list of Neighborhood Contacts rather than focusing only on the former “Official Neighborhood Contact” for a particular neighborhood.

With respect to mailings to Neighborhood Contacts, e-mail will be used in accordance with the proposed Code because post cards are more staff intensive and errors are more likely. E-mail is better because it can be forwarded to more people. E-mail is immediate. Everyone included on this list will get all e-mails relating to required notifications for projects across the City. This will help with providing notifications when projects are on neighborhood boundaries. It will also help with neighborhood coordination and education.

4.20 Article 20

4.20.1 Site Plan Review

Some comments criticized the number of triggers for when a project requires Site Plan Review (SPR). SPR is a unique process that is reviewed internally by City staff and does not go to a land use board. This is different from most other municipalities in NYS and is possible because the City has a large technical staff with expertise in land use planning and development. SPR is an internal review process that is intended to be of service to an applicant because of the coordination role. During SPR, other involved regulators are coordinated, helping to facilitate the development review process.

In addition, SPR leads to better development by ensuring that proposals meet development policies and regulations as well as commonly accepted design practices within the community. It allows the review to look at elements above and beyond those established by the Zoning Code. Zoning regulations create the three-dimensional building envelope and set basic site layout standards for every parcel within a district, but by their nature, these regulations cannot be site specific. Site plan review looks at the specific location of the use or structure; the layout of the site, including pedestrian and auto circulation; and the materials used throughout the development.

Denial criteria for SPRs are specifically listed in the proposed Zoning Code and most of the standards have been carried over from the existing Zoning Code. “Bicycle” has been added to criteria #11 to include bicycle circulation as an important element in site design. The other substantial change is the addition of the following denial criteria, which bring in the Transportation Access Plan elements that are an important new feature of the proposed Code:

- Based on the Transportation Access Plan, if required, the project fails to include performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives, taking into account the opportunities and constraints of the site, its location, and the nature of the development.
- Based on the Transportation Access Plan, if required, the project fails to meet the anticipated transportation demand without placing an unreasonable burden on public

infrastructure, such as transit and on-street parking facilities, and/or the surrounding neighborhood.

The Site Plan Review triggers were revised to be more precise about what projects qualify for Site Plan Review. For example:

- The proposed Code clarifies that interior work on a building and projects involving accessory structures do not trigger Site Plan Review.
- The proposed Code exempts single-family dwellings, two-family dwellings, and accessory structures from the Site Plan Review trigger for work involving a property listed on the National Register of Historic Places.

Lastly, limitations on Site Plan Approvals, which is the time when the Site Plan approval expires, was extended from one year to two years. Experience has shown that one year is sometimes insufficient time for an applicant to get financing and approved building drawings.

4.20.2 Citywide Historic Resource Survey (Formerly Designated Buildings of Historic Value) and Rochester Preservation Board

One of the major changes to the Zoning Code is the change in authority over the properties on the Citywide Historic Resource Survey, formerly known as the list of Designated Buildings of Historic Value (DBHV). Approval authority is being shifted from the Zoning Board of Appeals to the Rochester Preservation Board (RPB) which has more relevant expertise on historic architecture. As a result of shifting the authority to the RPB, changes were made to the Zoning Code related to Certificates of Appropriateness (CofA) for projects that deviate from the standards listed in Article 13 of the draft Code:

- Demolition of a building listed on the Citywide Historic Resource Survey is prohibited.
- Removal, covering, or substantial alteration of significant architectural features, including but not limited to slate or tile roofing, original cladding, porches, cornices, etc., is prohibited. Covering includes painting an unpainted surface.
- Window replacements shall maintain original size and location. Additionally, window replacements shall utilize a similar divided lite configuration, either true or simulated, to the original.

An additional benefit, beyond the Preservation Board's expertise, is the fact that the denial of a CofA allows the applicant to appeal that denial based on economic hardship. Under the ZBA authority, there was no administrative appeals process.

4.20.3 Certificates of Appropriateness (CofA)

A minor change was made in 20.13 of the proposed Code where exemptions from a CofA are listed. The phrase, "unless the site is a Landmark" is removed along with addition of some qualifying amendments. This allows some routine maintenance, in-kind replacements, and removal of dead/diseased trees on Landmark properties. This change will not cause adverse impacts to Landmark properties.

4.21 Articles 21: Fees

No substantial changes were made to this Article.

4.22 Article 22: Nonconformities

No substantial changes were made to this Article.

4.23 Article 23: Enforcement

Many comments expressed concern about the enforcement of the Zoning Code. This is an issue that is being addressed as discussed in the Draft Generic Environmental Impacts Statement. In February 2022, Mayor Evans established the Rochester Housing Quality Task Force, which was tasked with recommending policies and programs to enhance housing quality in the City of Rochester. Among its recommendations, which have been implemented, the City increased staffing in Code Enforcement and added an attorney in the Law Department who focuses on housing issues. The City also increased fines for code violations, expedited the issuance of default letters, and added new Building Owner Registry requirements for vacant properties and disclosure of LLC members.

Two years later, an additional focus was added to the Task Force's responsibilities, identifying strategies to increase home ownership opportunities and better support existing home owners, including better enforcement. See the press release below.

City Hall Press Release: (Wednesday, June 5, 2024) – After 2 years of meaningful work to address the needs of renters and landlords in Rochester, Mayor Malik D. Evans today asked the Housing Quality Task Force to create partnerships, enhance City programs, and align efforts with state, county, and partner organizations to increase homeownership opportunities and better support existing homeowners.

“Owning a home is one of the fundamental ways that families build wealth and provide stability for generations to come,” Mayor Evans said. “We need to focus efforts on helping those who own their homes make the most of its increased value and prepare renters to become homeowners so they can put down roots and invest in themselves and the city.”

The Rochester Housing Quality Task Force was convened in February of 2022 and given 90 days to develop policies and programs to improve and enhance housing quality in Rochester. Since that time, the City has adopted a Landlord-Tenant Bill of Rights and Responsibilities, hired additional code enforcement staff, launched an online property management portal, and compiled a vacant property database. The City's Buy The Block program and the Rochester Land Bank have worked to increase the supply of quality housing. One of the most significant changes has been the creation of a cross-functional City team, including a dedicated housing attorney, to target habitually non-compliant landlords and long outstanding Certificate of Occupancy and code violation cases.

Having achieved those successes and more, the Housing Quality Task Force now has 60 business days to expand its focus and identify strategies for increasing homeownership, find additional ways to support current homeowners and invite new partners to participate. For more information about the Rochester Housing Quality Task Force, visit www.cityofrochester.gov/hqtf.

4.24 Article 24: Definitions

The following definitions have been added.

4.24.1 Accessory Structure

This definition has been changed to bring in the definition from the existing Code, which provides a more thorough definition.

4.24.2 Compost

The following definition for Compost has been added to the Zoning Code:

A biologically-stable soil amendment produced by the aerobic decomposition of organic materials.

4.24.3 Citywide Historic Resource Survey (Formerly Designated Buildings of Historic Value)

The definition for this revised term:

A list of properties that are included on the City of Rochester Historic Resource Survey filed in the City Clerk's Office.

4.24.4 Donation Box

This definition was further clarified by adding the following, "This excludes little free libraries and similarly-sized food donation boxes."

4.24.5 Neighborhood Contacts List (Formerly, Official Neighborhood Contact)

Official Neighborhood Contact is redefined as "Neighborhood Contacts List. The list of individuals identified by the City of Rochester's Neighborhood Service Centers (NSC) as those representing City of Rochester neighborhood organizations." The definition eliminates references to the list needing to be "officially recognized" or "approved," which will allow the list to be more inclusive. As a result, this change will broaden the list of neighborhood representatives notified of zoning applications as required by Article 19, Procedures. In addition, notifications will be sent to the entire list of Neighborhood Contacts rather than focusing only on the former "Official Neighborhood Contact" for a particular neighborhood.

4.24.6 Off-Premises Advertising Sign

The Code was revised to move the definitions relating to Off-Premises Advertising Signs to Article 3 because these signs are considered a principal use and therefore the definition belongs with the other use definitions in Article 3.

4.24.7 Safety/Snow Fence

In response to comments, a definition has been added to the proposed Code related to Safety/Snow Fence which is discussed above under changes to Article 13. The definition states that this type of fencing is "temporary plastic mesh fencing."

4.24.8 Sanborn Maps

As requested in the comments, a definition for Sanborn Maps has been added to the proposed Code:

Sanborn maps are detailed maps of U.S. cities and towns in the 19th and 20th centuries. Originally published by The Sanborn Map Company (Sanborn), the maps were created to allow fire insurance companies to assess their total liability in urbanized areas of the United States. Since they contain detailed information about properties and individual buildings in approximately 12,000 U.S. cities and towns, Sanborn maps are valuable for documenting changes in the built environment. Rochester's Sanborn maps are stored in the City's Zoning Office.

4.24.9 Sleeping Unit

The definition of sleeping unit was simplified for easier application. This is an important term for addressing issues of great concern to the community as expressed through the comments. The new definition is:

A room or group of rooms that provides permanent space for sleeping and living and may include facilities for sanitation, but shall not include kitchen facilities.

5 PLAN FOR CODE IMPLEMENTATION

5.1 Training

5.1.1 Staff

The Director of Zoning and Permitting will organize City staff training sessions, starting at the time the proposed Code is advanced to the City Planning Commission. Staff from several offices within City Hall will be included in training sessions. It is the goal to have staff ready to implement the Code when it is enacted. Training will take different forms and may result in temporary delays in Zoning Reviews at the permit counter in City Hall leading up to and early on in enactment.

A moratorium on the acceptance of new applications for review under the Zoning Code may be instituted during the transition period before the enactment of the proposed Code.

5.1.2 Land Use Board Members

The Director of Zoning and Permitting will organize training sessions for members of the City's Land Use Board (Zoning Board, City Planning Commission, Rochester Preservation Board, and Rochester Environmental Commission).

5.1.3 Community

The Director of Zoning and Permitting will schedule at least one meeting either through Zoom or in person to discuss the Code once it is adopted. More sessions may follow depending on the demand.

5.2 Administrative Tasks

5.2.1 Application Forms

All the applications for zoning approvals will require revision to reflect the new Code.

5.2.2 General Code

General Code is the company that the City of Rochester contracts to manage the City Code and interfaces with staff and the community. General Code is a leader in the field of municipal code and is an important partner to City government. See www.generalcode.com

5.2.2.1 Code

Once adopted by City Council, the Code will be sent to General Code for processing and inclusion in the City Code. The Code will include hyperlinks for easier navigation through the code for individuals seeking information.

5.2.2.2 Map

General Code will be managing the City Zoning Map, which will be a new service. That means that the Code and the Map will be electronically linked. Zoning Map Amendments will be readily available on the Map and the community and staff can have confidence that the Map is current. One can click on a parcel on the map and link to Code that pertains to that parcel. This is a welcome addition to the services provided through the City of Rochester.

5.3 State Response

5.3.1 Governor

Governor Hochul's 2023 budget attempted to infuse growth targets and required Zoning Code changes state-wide for the creation of new housing. After the proposal did not make it into the budget, she issued an

Executive Order, mirroring the proposal but making it voluntary, whereby municipalities could opt in to becoming what was coined a “Pro-Housing Community.” Among a series of criteria that needed to be met to achieve such certification, was a Zoning Code analysis. The City submitted a summary and analysis of the proposed Zoning Code and Map as part of the submission to NYS. Rochester was certified as a “Pro-Housing Community.” Essentially, this means that the City’s policies and codes contain what the state determines to be all of the necessary ingredients for the creation of housing. The certification will allow the City priority in state discretionary funding for a wide range of projects and programs.

5.3.2 Department of Parks, Recreation and Historic Preservation

Many comments indicated community concern regarding the City’s relationship with the State Department of Parks, Recreation and Historic Preservation (PRHP), specifically with respect to the status as a Certified Local Government Community (CLG). City staff, including the Director of Zoning and Permitting, are in frequent contact with staff from PRHP. In fact, a CLG audit was conducted by PRHP and a report was issued on May 30, 2024 stating that the City of Rochester had “no deficiencies” and that they appreciated “the City of Rochester’s commitment to its preservation program.” The proposed Zoning Code changes were the subject of a conversation between the Director of Zoning and Permitting and the PRHP and sent the agency a copy of the proposed Code. No concerns were expressed at that time. Conversations will continue as that is standard practice.

6 COMMENTS RESPONSE SUMMARY

6.1 Comment Response Summary Table

The following table provides responses to the public comments received during the ZAP public comment period. The full list of all comments is included on the ZAP Website (RochesterZAP.com) in the report entitled, Rochester Environmental Commission Comment Disposition Recommendations Report. This report provided guidance to the City team on which comments are substantive and required a response, pursuant to 6NYCRR Part 617 State Environmental Quality Review. This state regulation requires:

A final EIS must consist of the following: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments.

Comments labeled in the Rochester Environmental Commission's Comment Report as No Response Required (1 or 2) were not carried over to the summary table below. According to the report, an assignment of "1" or "2" classify the comment as follows:

- 1- "This comment expresses an opinion that does not require a change to the code or map. It may be a comment that supports the draft Code and/or Map."
- 2- "This comment presents an issue or suggestion that is not relevant to Zoning (e.g., work in the right of way)."

Some comments were repeated several times so, in the interest of keeping the table to a manageable size, a single comment that captures the essence of the repeated comments was used and the phrase "This comment was repeated by many commenters" was added. Again, all comments can be seen in the Rochester Environmental Commission's Comment Report on the ZAP Website.

Additionally, the issue that received the most comments during the comment period was Short-term Rentals (STRs). As a result, proposed regulations for STR's are being advanced independently to accommodate further review. The proposed regulations are on the website and are available for review.

7 APPENDICES

- 7.1 Draft Generic Environmental Impact Statement – by reference
- 7.2 Proposed Zoning Map – by reference
- 7.3 Proposed Zoning Code – by reference
- 7.4 Comments on DGEIS and responses

These documents can be found at the following locations:

1. City Division of Zoning, City Hall, Room 121B, 30 Church Street, Rochester, NY 14614
2. All four Neighborhood Service Center locations
3. Central Library of Rochester, 115 South Avenue, Rochester, NY 14604
4. All City of Rochester Public Library Branches
5. Website: www.rochesterzap.com