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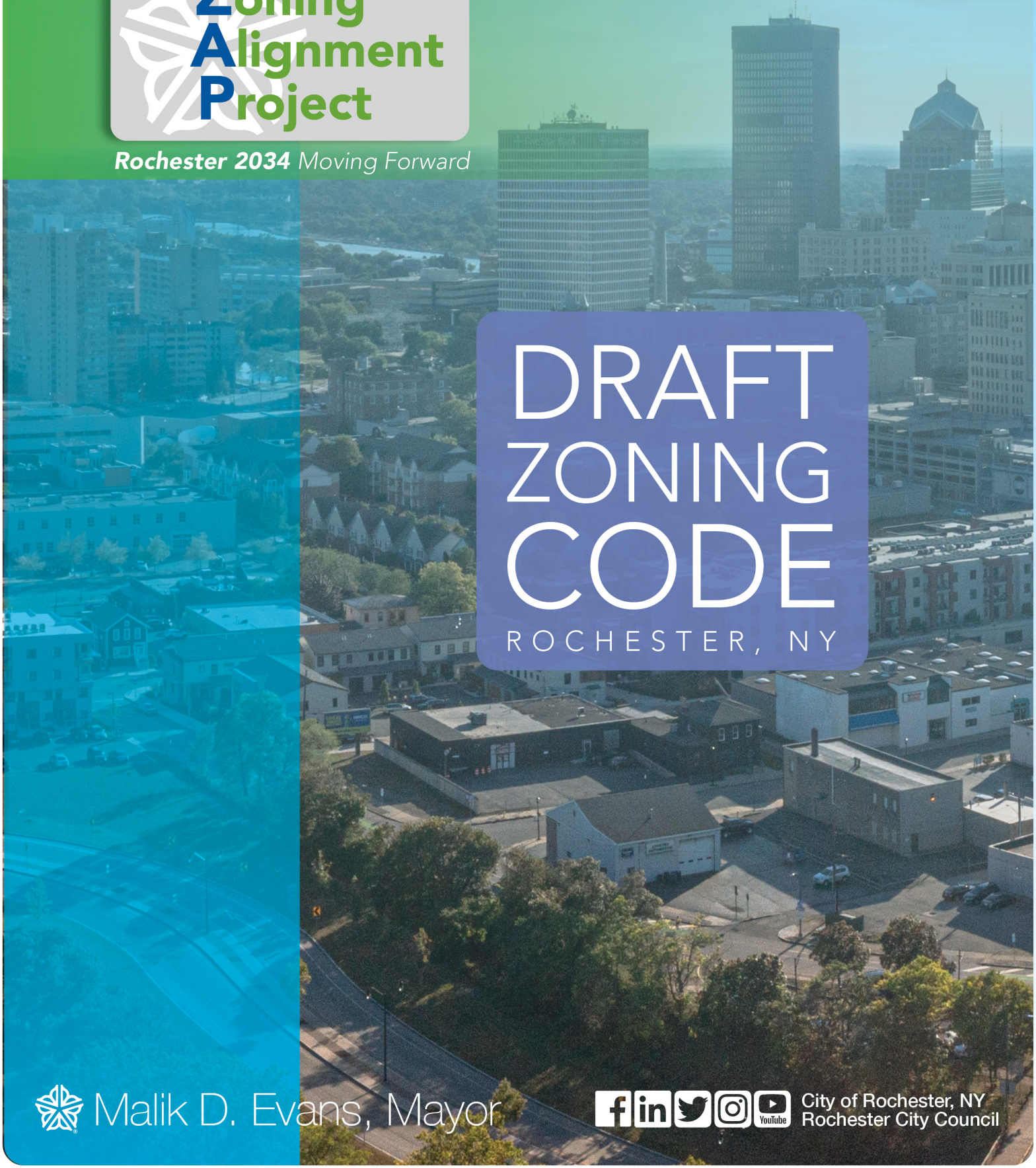
Zoning Alignment Project

Rochester 2034 Moving Forward

DRAFT ZONING CODE

ROCHESTER, NY



Malik D. Evans, Mayor

City of Rochester, NY
Rochester City Council

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Article 1. Title, Purpose, & Applicability

1.1 Title
1.2 Purpose
1.3 Applicability of this Code
1.4 Applicability to Pre-Existing Conditions
1.6 Applicability to Right-of-Way
1.7 Utility Exemption
1.8 Severability
1.9 Effective Date

1.1 Title

This Chapter 120 is known, cited, and referred to as the "Zoning Code of the City of Rochester, New York," "Zoning Code," or "Code," and incorporates the City of Rochester Zoning Map(s).

1.2 Purpose

The purpose of this Code is to:

A. Promote the public health, safety, and general welfare.

B. Implement the policies of *Rochester 2034*, the Comprehensive Access and Mobility Plan, the Capital Improvement Program, and Adopted Urban Renewal Plans

C. Guide and regulate the growth, development, and redevelopment of the City.

D. Enhance the social and economic well-being of the community.

E. Protect property values.

F. Prevent adverse impacts to neighborhood character.

G. Promote, in the public interest, the utilization of land for the purposes for which it is most desirable and best adapted.

H. Divide the City into zoning districts, according to use of land and structures, height, location, and bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.

I. Prohibit uses or structures incompatible with the character of development or intended uses within zoning districts.

J. Promote community sustainability and resiliency.

K. Protect the natural resources of the community including, but not limited to trees, open space, and waterfronts.

L. Provide regulations for the gradual elimination of nonconforming uses and the reuse or elimination of nonconforming structures.

M. Provide for relief from the requirements and restrictions of the Code, including variances, special permits, cluster developments, and other administrative approvals.

N. Provide administrative bodies, officials, and procedures as necessary to implement, enforce, and amend this Code.

1.3 Applicability of this Code

A. Territorial Application
This Code applies to all land, uses, and structures within the corporate limits of the City of Rochester.

B. Required Conformance
Any part or whole of a building or structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Code. Any building, structure, or land must be used and occupied in conformance with the requirements of this Code.

C. Relation to Private Agreements

This Code does not nullify any private agreement or covenant. However, where this Code is more restrictive than a private agreement or covenant, this Code shall govern. The City is not bound by and will not enforce any private agreement or covenant.

D. Relation to Other City Code Provisions

Unless otherwise specifically provided, this Code controls over less restrictive City codes, ordinances, or regulations, and more restrictive City codes, ordinances, or regulations control over the provisions of this Code.

E. Graphic Inconsistencies

This Code contains graphics in order to assist the user in understanding and applying the Code. However, where there is any inconsistency between the text of this Code and any such graphics, the text controls unless otherwise specifically stated.

1.4 Applicability to Pre-Existing Conditions

A. Pre-Existing Uses

The rules of Table 1-1: Uses Operating as of Effective Date apply to uses operating as of the effective date of this Code.

Table 1-1: Uses Operating as of Effective Date

Previous Use Permission	New Use Permission	Functional Change
Permitted Use	Permitted Use	No change, but is subject to the standards required by the Code.
Permitted Use	Special Permitted Use	Any subsequent addition, enlargement, or expansion requires special permit process and is subject to any new standards required by the Code.
Special Permitted Use	Special Permitted Use	Any subsequent addition, enlargement, or expansion requires special permit process and is subject to any new standards required by the Code. Where the special permit approval included conditions related to the physical development of the land, such conditions remain in effect.
Special Permitted Use	Permitted Use	No longer subject to any conditions approved as part of special permit process, but is subject to any new standards required by the Code.
Permitted Use	Prohibited	Prohibited in the zoning district; existing use is a nonconforming use.
Special Permitted Use	Prohibited	Prohibited in the zoning district; existing use is a nonconforming use.
Use Permitted by Variance	Permitted Use	Any subsequent addition, enlargement, or expansion is subject to the standards required by the Code.
Use Permitted by Variance	Special Permitted Use	Any subsequent addition, enlargement, or expansion requires special permit process and is subject to any new standards required by the Code.
Use Permitted by Variance	Use Permitted by Variance	No change and remains subject to any conditions of the use variance.

B. Structures Rendered Nonconforming

If a structure existing on the effective date of this Code was a conforming structure before the effective date of this Code, but such structure does not meet all standards set forth in this Code in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 23.

C. Lots Rendered Nonconforming

If a lot of record existing on the effective date of this Code was a conforming lot before the effective date of this Code, but such lot does not meet all standards set forth in this Code in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Article 23.

D. Previously Granted Special Process Approvals

All approvals granted prior to the effective date of this Code remain in full force and effect, unless such approval is no longer needed after the effective date. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions. However, if the recipient has failed to act on the approval before it expires, including any approved periods of extension, then it becomes null and void.

E. Previously Granted Variances

1. Area Variance

An area variance granted prior to the effective date of this Code remains in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions of the variance. However, if the recipient has failed to act on the approval before it expires, including any approved periods of extension, then it becomes null and void.

2. Use Variance

A use variance granted prior to the effective date of this Code remains in full force and effect. The recipient of the variance may proceed in accordance with approval and all applicable conditions of the variance. However, if the recipient has failed to act on the approval before it expires, including any approved periods of extension, then it becomes null and void.

F. Pending Applications

Any application submitted prior to the effective date of this Code, or any subsequent amendment, is subject to the Code requirements in effect on the date that application is deemed complete. A denied certificate of zoning compliance shall not be considered a pending application for purposes of this section and any special process applications submitted pursuant to that denied certificate of zoning compliance shall be subject to this Code.

1.6 Applicability to Right-of-Way

The provisions of this Code do not apply to land located within the public right-of-way with the exception of a designated Local Landmark located within the right-of-way that is subject to the authority of the Rochester Preservation Board and the applicable requirements of this Code.

1.7 Utility Exemption

The following utility uses are exempt from the provisions of this Code and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves, and water supply wells.

1.8 Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this Code or application of this Code to a particular property is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Code or the applicability of this Code to any other property unless otherwise specified. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

1.9 Effective Date

This Code shall take effect on _(*date*)_. Whenever used in this Code, the term "effective date" shall mean _(*date*)_.

Article 2. Zoning Districts and Zoning Map

2.1 Zoning Districts
2.2 Zoning Map

2.1 Zoning Districts

In order to carry out the purposes and provisions of this Code, the City of Rochester is hereby divided into the following districts:

A. Residential Districts

LDR Low-Density Residential District
MDR Medium-Density Residential District
HDR High-Density Residential District

B. Commercial and Mixed-Use Districts

BMU Boutique Mixed-Use District
NMU Neighborhood Mixed-Use District
FMU Flexible Mixed-Use District
RC Regional Commercial District

C. Downtown Mixed-Use District

DMU Downtown Mixed-Use District

D. Village Center Districts

PMV Public Market Village District
HV Harbortown Village District
CV Collegetown Village
MD Marina District

E. Industrial District

IND Industrial District

F. Open Space District

OS Open Space District

G. Overlay Districts

O-C Overlay Commercial District
O-A Overlay Airport District
O-V Overlay Vehicle District
O-EP Overlay Environmental Protection District

H. Urban Renewal Districts

U-R Urban Renewal Districts

2.2 Zoning Map

A. Map Incorporated

The boundaries of the zoning districts hereby established are shown on a map titled “Rochester Zoning Map.” The Zoning Map and all notations, references, and other information shown thereon shall have the same force and effect as if fully set forth or described herein, and such map is hereby made part of this Code. The Zoning Map shall be properly attested and kept on file in the office of the Manager of Zoning.

B. Omitted Land

It is the intent of this Code that the entire area of the City, including all land and water areas, rivers, streets, alleys, railroads, and other rights-of-way, be included in the districts established by this Code. Any area not shown on the Zoning Map as being included in such a district shall be deemed to be, and it is hereby, classified in the LDR Low-Density Residential District.

C. District Boundaries

1. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules apply:

a. The district boundaries are the centerlines of the streets, alleys, waterways, and rights-of-way. Where designation of a boundary line on the Zoning Map coincides with the location of a street, alley, waterway or right-of-way, the centerline of such street, alley, waterway, and right-of-way shall be construed to be the boundary of such district.

b. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

c. Distances shown on the Zoning Map are perpendicular distances from road centerlines measured to the district boundary, which boundaries in all cases where distances are given are parallel to the road centerline.

2. Where a zoning district boundary line divides a lot in single ownership as existing at the time of such zoning, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending into the remaining portion of the property for a distance not exceeding 20 feet. Any future development on such portion of the lot is bound to the selected district requirements.

3. If, upon the application of this section, the district boundary remains unclear, the Manager of Zoning will interpret the district boundary lines on the Zoning Map, pursuant to Section 20.9.

Article 3. Use Table, Use Standards, and Use Definitions

3.1 Use Table
3.2 Purpose of Use Standards
3.3 Principal Use Standards: Residential Uses
3.4 Principal Use Standards: Commercial and Industrial Uses
3.5 Principal Use Standards: Other
3.6 Principal Use Standards: Sexually Oriented Business Uses
3.7 Accessory Use Standards
3.8 Temporary Use Standards
3.9 Use Definitions

3.1 Use Table

A. Table 3-1: Use Table identifies the principal, temporary, and accessory uses allowed within each zoning district.

B. Table 3-1 shall be applied according to the following key:

KEY	
P	Permitted (P) - Additional requirements apply when a number is indicated
SP	Special Permit (SP) - Additional requirements apply when a number is indicated
P/SP	Either permitted or special permit - As indicated by the number and the additional requirements
(Blank)	Prohibited

C. Certain uses within the table must meet required use standards within the Article (Sections 3.2 through 3.8). A reference is provided in the "Use Standards" column of the Table 3-1. In the case of conflict of required standards (i.e., a cross reference is missing from the table, but the numbering of standards in the Article has changed but not updated in the Table, etc.), Sections 3.2 through 3.8 control.

D. Certain use permissions in Table 3-1 have additional requirements when a number is indicated in the cell. A use is only allowed if it meets the noted requirements; if the use does not meet the requirement, a use variance is required. The following key identifies what these requirements are:

KEY	REQUIREMENT
1	Only in an existing legal dwelling as of the effective date of the Code and owner occupancy required
2	Only in an existing building as of the effective date of the Code
3	Only in an existing legal dwelling as of the effective date of the Code
4	Permitted up to 4 units; special permit for 5 or more units
5	Only in an existing two or more story building as of the effective date of the Code
6	Only when below second floor of multi-family dwellings larger than 20 units
7	Only when more than 500 ft from a residential use or residential district boundary
8	Permitted only when more than 500 ft from a district boundary; special permit required when within 500 ft of a district boundary
9	Only up to 2 repair bays
10	Only up to 3 repair bays
11	Only up to 4 repair bays
12	Only for 10 vehicle spaces or less in an existing legal parking lot; However, prohibited on a Neighborhood Local Street
13	Only in a completely enclosed building
14	Only in existing vehicle fueling stations as of the effective date of the Code
15	Only within an existing industrial building as of the effective date of the Code
16	No more than one use, per building on the property, regulated by the NYS Building Code as an A-2 use (i.e., uses intended for food and/or drink consumption)
17	For district requirements as to permitted or special permit, see Section 3.5.D
18	Permitted when on a rooftop; special permit required when on the ground
19	When located 30 feet or more from the edge of the Genesee River
20	When located within 30 feet of the edge of the Genesee River
21	When located when 100 feet or more from the edge of the Genesee River

E. Special considerations are granted for select existing nonresidential buildings in the residential districts. Additional uses may be allowed as permitted or special permit, per Table 3-1, in the following circumstances:

1. An existing nonresidential or mixed-use building located in a residential district.

2. Adaptive reuse of local landmarks and buildings individually listed on the National Register of Historic Places (NRHP) and located in a residential district.

Table 3-1: Use Table

KEY FOR SPECIAL CONSIDERATIONS - Existing Nonresidential Buildings in Residential Districts (Sec. 3.1.E):
NR/MU = Existing Nonresidential or Mixed-Use Building in Residential Districts
AR = Adaptive Reuse of Local Landmarks & Buildings Individually Listed on the NRHP & Located in Residential Districts

KEY FOR COLOR CODE	P	Permitted (P) - Additional requirements when a number is indicated	SP	Special Permit (SP) - Additional requirements when a number is indicated	P/SP	Either P or SP - As indicated by the number & additional requirements	*(Blank)*	Prohibited

	Zoning Districts															**Special Considerations		Use Standards
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR	
Principal Use: Residential Uses																		
Boarding House	SP 1	SP 1	SP	SP	SP	SP	SP	SP		SP 1	SP 1,19			SP		SP	SP	Sec. 3.3.A
Bed and Breakfast Dwelling	P	P	P	P 2	P 2	P 2	P	P 2		P	P 19			P		P	P	Sec. 3.3.B
Community Home	P 3	P 3	P	SP	SP	SP	P	P		P 3	P 3					SP	SP	Sec. 3.3.C
Day-Care Home	P	P	P	P 2	P 2	P 2	P	P 2		P 2	P 21			P		P	P	Sec. 3.3.D
Day-Care Home, Adult	P	P	P	P 2	P 2	P 2	P	P 2		P 2	P 21			P		P	P	Sec. 3.3.E
Dwelling, Four-Family		P	P	P	P	P	P	P	SP 5	P	SP	P	P			P	P	Sec. 3.3.H
Dwelling, Multi-Family		SP	P	P	P	P	P	P	SP 5	P	SP	P	P			P	P	
Dwelling, Single-Family Attached	P	P	P	P	P	P	P	P		P	P 19		P					Sec. 3.3.F
Dwelling, Single-Family Detached	P	P	P	P 3	P 3	P 3	P 2	P 3		P 2	P 21						P	Sec. 3.3.F
Dwelling, Three-Family		P	P	P	P	P	P	P	SP 5	P	SP	P	P			P	P	Sec. 3.3.H
Dwelling, Townhouse	P	P	P	P	P	P	P	P		P	P 19		P					Sec. 3.3.G
Dwelling, Two-Family		P	P	P 2	P 2	P 2	P 2	P 2	SP 3	P 2	SP 21						P	Sec. 3.3.H
Dwelling Unit(s) within a Mixed-Use Building			P	P	P	P	P	P	SP 2	P	P 19	P	P	P		P	P	
Emergency Residential Facility			SP		SP 2	SP 2	SP 2	P	SP 5									Sec. 3.3.I
Emergency Shelter						SP 2		P	SP 5									Sec. 3.3.J
Hospice Residence	P	P	P	P 3	P 3	P 3	P 3	P 3	SP 3	P 3	P 3,21			P 3			SP	Sec. 3.3.K
Live-Work Unit	SP	SP	P	P	P	P	P	P	SP 5	P	P 19			P		P	P	Sec. 3.3.L
Pocket Neighborhood Residential Development	SP	SP	SP							SP	SP							Sec. 3.3.M
Residential Care Dwelling	SP 3	SP 3	P 3	P 3	P 3	P 3	P 3	P 3		P 3	SP 3					P	SP	Sec. 3.3.N
Residential Care Facility		SP	SP	P	P	P	P	P	SP 5	P	SP					P	SP	Sec. 3.3.O

Table 3-1: Use Table

KEY FOR SPECIAL CONSIDERATIONS - Existing Nonresidential Buildings in Residential Districts (Sec. 3.1.E):
NR/MU = Existing Nonresidential or Mixed-Use Building in Residential Districts
AR = Adaptive Reuse of Local Landmarks & Buildings Individually Listed on the NRHP & Located in Residential Districts

KEY FOR COLOR CODE	P	Permitted (P) - Additional requirements when a number is indicated	SP	Special Permit (SP) - Additional requirements when a number is indicated	P/SP	Either P or SP - As indicated by the number & additional requirements	*(Blank)*	Prohibited

	Zoning Districts														**Special Considerations		Use Standards
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR	
Principal Use: Commercial & Industrial Uses																		
All Commercial Uses, Indoor: Unless otherwise specified below in this section or in this Table			P 6	P	P	P	P	P	P 5	P	P 19/ SP 20	P	P	P 2,16		P 16	P 16	Sec. 3.4.A
Animal Care Facility			P	P	P	P	P	P	P 5	P	P 19	P	P	P				
Cannabis Establishment: Adult-Use On-Site Cannabis Consumption Lounge			SP 6	P	P	P	P	P	P 5	P	P	P	P	SP				Sec. 3.4.B
Car Wash						SP		P										Sec. 3.4.C
Craft Production				SP	P	P	P	P	P	P	P 19	P				SP	SP	Sec. 3.4.D
Day Care Center	SP	SP	P	P	P	P	P	P	P	P	P 19	P	P	P 2		SP	SP	Sec. 3.4.E
Drive-Through Restaurant						SP		P				SP						Sec. 3.4.F
Drive-Through Kiosk						SP		P										Sec. 3.4.G
Entertainment, Indoor					P	P	P	P		P	P 19/ SP 20	P	P					Sec. 3.4.H
Entertainment, Outdoor					SP	P	SP	P		P	SP	SP	SP		SP			Sec. 3.4.H
Firearms Sale, Manufacture, Storage, and Display								SP	SP									Sec. 3.4.I
Hotel				SP	SP	SP	P	P		P	P 19	P	P			SP	SP	Sec. 3.4.J
Industrial, Light				SP 2	SP 2	P 2	P	P	P	P						SP 15		Sec. 3.4.K
Industrial, Heavy									P									Sec. 3.4.L
Junkyard									SP									Sec. 3.4.M
Kennel				SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP		
Marina					P	P	P				P		P		SP			
Motor Lodge								P			P 19							Sec. 3.4.N
Outdoor Market	SP	SP	SP	SP	SP	SP	P	P		P	SP		SP		SP			Sec. 3.4.O
Outdoor Storage						SP 7		SP	P/SP 8	SP	SP							Sec. 3.4.P
Parking Garage			SP		SP	P	SP	P	P	SP	SP	SP	SP					Sec. 3.4.Q
Parking Lot	SP	SP	SP	SP	SP	P	SP	P	P	SP	SP	SP	SP					Sec. 3.4.R
Pawnbroker						SP 2		SP										Sec. 3.4.S

Table 3-1: Use Table

KEY FOR SPECIAL CONSIDERATIONS - Existing Nonresidential Buildings in Residential Districts (Sec. 3.1.E):
NR/MU = Existing Nonresidential or Mixed-Use Building in Residential Districts
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	Zoning Districts															**Special Considerations		Use Standards
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR	
Principal Use: Commercial & Industrial Uses (continued)																		
Recreation, Indoor				SP	P	P	P	P		P	SP	SP	P					Sec. 3.4.T
Recreation, Outdoor					SP	SP	SP	SP		SP	SP	SP						Sec. 3.4.T
Recycling Center					SP	SP 2		SP	P/SP 8									Sec. 3.4.U
Second Hand Dealer				SP	SP	P 2	P	P	P 5	P	P 19	P						
Self-Storage, Climate Controlled			SP 5			P 2	P 7	P	P 5		P 19							Sec. 3.4.V
Self-Storage, Outdoor Access								P	SP									Sec. 3.4.W
Shooting Range									SP 5									Sec. 3.4.X
Short-Term Rental			P	P	P	P	P	P		P	SP 19	P	P					Sec. 3.4.Y
Vehicle Body Work								SP	P									Sec. 3.4.Z
Vehicle Fueling Station				P 14	P 14	SP 14		P 14/ SP	P 14/ SP		SP 14							Sec. 3.4.AA
Vehicle Operations Facility									P									Sec. 3.4.BB
Vehicle Rental					SP 12	SP 2	P 13	P	P		SP 14							Sec. 3.4.CC
Vehicle Repair				SP 9	SP 10	SP 11	P 13	P 14/ SP	P 14/ SP		SP 12							Sec. 3.4.DD
Vehicle Sales						SP 2	P 13	SP	P									Sec. 3.4.EE
Vehicle Storage - Impound Lot									P									Sec. 3.4.FF
Waste Station									SP									Sec. 3.4.GG
Principal Use: Other Uses																		
Boat Launch, Motorized						SP	SP				P		P		SP			
Boat Launch, Non-Motorized	SP	SP	P	P	P	P	P	P	P		P		P	SP	P			
Clinic, Outpatient			SP	P	P	P	P	P	P 5		P 19					SP	SP	
College/University					P	P	P	P	P 5		P 19	P					P	
Community Center	SP	SP	P	P	P	P	P	P		P	P					P	P	Sec. 3.5.A
Community Garden	P	P	P							P	P						P	Sec. 3.5.B
Educational Facility	SP	SP	SP	SP	SP	SP	SP	SP	P 5	P	P 19				SP	SP	SP	
Hospital						SP	SP	SP										
Museum	SP	SP	SP	P	P	P	P	P		P	P 19/ SP 20		P	SP	SP	SP	SP	Sec. 3.5.C
Personal Wireless Telecommunication Facility	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	P/SP 17	Sec. 3.5.D
Place of Worship	SP	SP	P	P	P	P	P	P	P 5	P	P 19					P	P	
Private Club or Lodge						P 2	SP	P	P 5		P 19/ SP 20						SP	Sec. 3.5.E

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	Zoning Districts															**Special Considerations		Use Standards
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR	
Principal Use: Other Uses (continued)																		
Public and Semipublic Use	SP	SP	SP	P	P	P	P	P	P 5	P	P 19/ SP 20		P		SP	SP	SP	
Public Utility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	Sec. 3.5.F
Solar Energy System	SP	SP	SP	P/SP 18	P/SP 18	P	P/SP 18	P	P	P/SP 18	P/SP 18		P/SP 18	SP	P/SP 18	SP	SP	Sec. 3.5.G
Urban Farm	SP	SP	SP			SP				P								Sec. 3.5.H
Wind Energy Conversion System	SP	SP	SP	P/SP 18	P/SP 18	P	P/SP 18	P	P	P/SP 18	P/SP 18		P/SP 18	SP	P/SP 18	SP	SP	Sec. 3.5.I
Principal Use: Sexually Oriented Business Uses																		
Adult Arcade									P									Sec. 3.6.A
Adult Cabaret									P									Sec. 3.6.A
Adult Movie Theater									P									Sec. 3.6.A
Adult Retail Store						P 2		P	P									Sec. 3.6.A
Adult Retail Store - Limited					P	P 2		P	P									Sec. 3.6.A
Adult Video Viewing Booth									P									Sec. 3.6.A
Escort Agency								P	P									Sec. 3.6.A
Accessory Uses																		
Accessory Dwelling Unit (ADU)		P	P	P	P	P	P	P		P	P						P	Sec. 3.3.A
Drive-Up Window					SP	SP		SP				SP						Sec. 3.7.B
Entertainment, Background	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Entertainment, Limited				P	P	P	P	P		P	P 19/ SP 20	P	P	SP		SP	SP	Sec. 3.7.C
Home Occupation	P	P	P	P	P	P	P	P		P	P	P	P	P		P	P	Sec. 3.7.D
Outdoor Animal Care				SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP		Sec. 3.7.E
Outdoor Sales and Display				P	P	P	P	P	P	P	P 19/ SP 20	P	P	P		P	P	Sec. 3.7.F
Outdoor Seating/Activity Area			P	P	P	P	P	P	P	P	P	P/SP	P	P		P	P	Sec. 3.7.G
Outdoor Storage						SP		P	P	P	SP	SP						Sec. 3.7.H

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	Zoning Districts															**Special Considerations		Use Standards
	LDR	MDR	HDR	BMU	NMU	FMU	DMU	RC	IND	PMV	HV	CV	MD	O-C	OS	NR/MU	AR	
Temporary Uses																		
Farmers Market	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 3.8.A
Food Trucks, Trailers, and Vending Carts	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 3.8.B
Mobile Retail Vendor				P	P	P	P	P	P	P	P	P	P	P				Sec. 3.8.C
Real Estate Project Sales Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Sec. 3.8.D
Temporary Contractor Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Sec. 3.8.E
Temporary Entertainment and/or Sales Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 3.8.F

3.2 Purpose of Use Standards

A. The purpose of these use standards is to place restrictions on specific uses, both permitted and special permit, because of potential impacts to surrounding properties. These restrictions are applied to a project to mitigate impacts including noise, off-site parking, traffic, unsightliness, odors, dust, and fumes. These standards promote the public health, safety, and character of the immediate neighborhood and the larger community.

B. For uses listed in this Article that require a special permit, the Planning Commission may waive any of the standards imposed by this Article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. When a use listed in this Article is a permitted use, a special permit, from the Planning Commission is required to waive any of the requirements imposed by this Article. Prior to making a waiver determination, the Planning Commission shall evaluate the following factors when applying their respective standards:

1. The size and intensity of such use.

2. The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.

3. The obstruction of light or air or the emission of noise, light, smoke, odor, gas, dust, or vibration in noxious or offensive quantities, and the distance between offensive processes and abutting properties.

4. The overall effect on property values and utilization of neighboring properties.

5. Unusual topography of the location, and the nature, location and height of buildings, walls, stacks, fences, grades, and landscaping on the site.

6. The extent, nature, and arrangement of parking facilities, entrances and exits.

7. Problems of fire and police protection.

8. Preservation and/or upgrading of the neighborhood character.

9. The availability of adequate sewer and water supply.

10. All other standards prescribed by these regulations.

3.3 Principal Use Standards: Residential Uses

A. Boarding House

1. For five or fewer sleeping units, if not owner-occupied, a property manager must be available 24 hours and the name and phone number must be posted inside the building.

2. For six or more sleeping units, there shall be a 24 hour property manager who resides within the dwelling unit; this includes dormitories.

3. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the premises.

4. Only habitable rooms originally designed as bedrooms shall be used for lodging.

5. Boarding houses are subject to the dimensional and design standards for a multi-family dwelling within the district.

6. Individual sleeping units are limited to no more than two persons per unit.

B. Bed and Breakfast Dwelling

1. 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.

2. Only rooms originally designed as bedrooms shall be used for guest lodging.

3. Cooking equipment is prohibited in individual guestrooms, with the exception of minor appliances such as mini-refrigerators, coffee makers, and/or microwaves.

4. No bed and breakfast dwelling may operate an eating and drinking establishment. Meals may be provided to registered guests.

C. Community Home

1. Within existing residential structures, only rooms originally designed as bedrooms shall be used for lodging.

2. As part of the certificate of zoning compliance process, the City shall be provided with the name and contact person of the service provider that sponsors the community home.

3. The name and phone number of the owner and service provider shall be posted inside the building.

4. Community homes are subject to the dimensional and design standards for a multi-family dwelling within the district.

D. Day Care Home

1. Permanently installed recreational equipment shall only be located in the rear and side yards.

E. Day Care Home, Adult

1. Permanently installed recreational equipment shall only be located in the rear and side yards.

F. Dwelling, Single-Family Attached and Single-Family Detached

1. A dwelling must have an open front porch or its primary entrance facing the street. A primary front entry must be a dominant feature visible from the street and an integral part of the structure, using architectural features such as raised steps and stoops, roof overhangs, or decorative railings to articulate the front facade.

2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.

3. Facades must maintain a minimum transparency of 10% on all street-facing facades, calculated on the basis of the entire area of the facade.

4. Front-loaded attached garages are limited to 30% of the width of the front building line or 22 feet in length, whichever is greater.

5. Front-loaded attached garages and/or attached carports must be located ten feet behind the front building facade of the structure. Garages must be located a minimum of 20 feet from the lot line from which access is taken.

SINGLE-FAMILY DWELLING

G. Dwelling, Townhouse

1. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.

2. Facades must maintain a minimum transparency of 10% on all street-facing facades, calculated on the basis of the entire area of the facade.

3. For a development that consists of multiple single-family attached developments, there must be a minimum separation of 15 feet between the endwalls. Where the front or rear wall of a one development faces the front or rear wall of another development, the minimum required separation between such structures must be 30 feet. Driveways and parking areas may be located within this minimum separation area.

4. Front-loaded attached garages and/or attached carports must be located ten feet behind the front building facade of the structure. Garages must be located a minimum of 20 feet from the lot line from which access is taken.

5. The development must be designed with consistent building materials and treatments that wrap around all facades that face and are visible from a public street or abut a lot line in a residential district or of a residential use. There must be a unifying architectural theme for the entire development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.

6. Each townhouse development is limited to a maximum building length of 300 feet.

7. The following building materials are prohibited on any facade facing a street or any facade that faces a residential use. However, such materials may be used as decorative or detail elements for up to a total of 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

a. Plain concrete block

b. Mirrored glass

c. Exposed aggregate (rough finish) concrete wall panels

d. Exterior insulating finish systems (EIFS) installed lower than eight feet above grade on any building façade

e. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)

f. Plastic, not including light transmitting plastic.

g. Vinyl

h. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, shall be permitted provided they are part of a complete, manufacturer warrantied cladding system, including integral anchorage to structural supports. Steel panels shall be minimum US Standard 26 gauge.

TOWNHOUSE DWELLING

H. Dwelling, Two-Family, Dwelling, Three-Family, and Dwelling, Four-Family

1. A dwelling must have an open front porch or its primary entrance facing the street. A primary front entry must be a dominant feature visible from the street and an integral part of the structure, using architectural features such as raised steps and stoops, roof overhangs, or decorative railings to articulate the front façade.

2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.

3. Facades must maintain a minimum transparency of 10% on all street-facing facades, calculated on the basis of the entire area of the facade.

4. Front-loaded attached garages are limited to 30% of the width of the front building line or 22 feet in length, whichever is greater.

5. Front-loaded attached garages and/or attached carports must be located ten feet behind the front building facade of the structure. Garages must be located a minimum of 20 feet from the lot line from which access is taken.

TWO-FAMILY/THREE-FAMILY/FOUR-FAMILY DWELLING

I. Emergency Residential Facility

1. When located in a residential structure, only habitable rooms originally designed as bedrooms shall be used for lodging.

2. An emergency residential facility shall provide interior common areas totaling 20 square feet per bed or 150 feet, whichever is greater. Common areas may be provided in any habitable room or rooms that are available to all residents at all times.

3. Each emergency residential facility shall provide usable exterior open space, which may include any required yard area, of at least 50 square feet per bedroom, but not less than a minimum of 200 square feet.

J. Emergency Shelter

1. A property management plan shall be required which addresses how the operation will function. This plan shall describe the hours of operation and provisions for managing the safe gathering of clients/customers before opening and after closing of the facility.

2. An emergency shelter shall provide interior common areas totaling 20 square feet per bed or 150 feet, whichever is greater. Common areas may be provided in any habitable room or rooms that are available to all residents at all times.

3. Each emergency shelter shall provide usable exterior open space, which may include any required yard area, of at least 50 square feet per bedroom, but not less than a minimum of 200 square feet.

4. Emergency shelters shall be located at least 200 feet from any residential district lot line, as measured from the lot line of the emergency shelter use but excluding any right-of-way.

K. Hospice Residence

1. Only rooms originally designed as bedrooms shall be used for lodging.

2. In the LDR District, a hospice residence is limited to five bedrooms. In the MDR and HDR Districts, it is limited to eight bedrooms.

3. As part of the certificate of zoning compliance process, the applicant shall provide the City with the name and contact person of the service provider that sponsors the hospice residence.

4. The name and phone number of the owner and service provider shall be posted inside the building.

L. Live-Work Unit

1. Not more than one person who is not a member of the family residing on the premises shall be employed in the live-work unit.

2. No stock-in-trade shall be visible from the street.

3. There shall be no outdoor storage of equipment or materials.

4. Commercial vehicles are allowed per Section 16.12.

5. Promotional and sales events shall be limited no more than four events per year and shall be limited to the hours of 10:00AM and 9:00PM. All promotional and sales events shall be indoors.

6. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure shall be used.

7. No live-work unit shall be permitted which is noxious, offensive, or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.

M. Pocket Neighborhood Residential Development

1. General Development Standards

b. Pocket neighborhood residential development may take one of two forms:

i. A development may be designed on individual lots of record.

ii. A development may also be designed with multiple dwellings on a single lot of record.

c. A pocket neighborhood development requires the establishment of a homeowners association (HOA), property management company, or other designated managing entity approved by the City in place for the maintenance of all common elements.

2. Use Limitations

a. Only single-family detached, single-family attached, and two-family dwellings are permitted in a pocket neighborhood residential development.

b. Buildings for common facilities for use by the residents, such as laundry facilities, communal kitchens, and common rooms, are also permitted.

3. Development Standards

a. Pocket neighborhood residential development may be used for any development of four or more principal structures.

b. The following standards apply to the pocket neighborhood development as a whole:

i. Along the lot lines of the development as a whole, a minimum setback of 15 feet is required.

ii. Along the front lot line of the development as a whole, a setback of the average frontage of lots on the block is required. This setback may be adjusted up or down 20% from the average, but cannot exceed a difference of ten feet.

iii. The development as a whole is limited to a maximum building coverage of 45%.

iv. The development as a whole is limited to a maximum impervious surface coverage of 65%.

c. All buildings within the pocket neighborhood shall front on a street or a common open space.

d. Central common open space is required and shall meet the following standards:

i. The minimum size of the central common open space is 3,000 square feet, or 500 square feet per dwelling unit, whichever is greater.

ii. The central common open space shall maintain a minimum width of 50 feet, shall be contiguous and centrally located, and shall front on a public or private street.

iii. A maximum of 30% of the central common open space may be hardscape.

4. Once central common open space requirements are met, additional common open space within the development is permitted.

5. Any part of a structure must be five feet from the back from any sidewalk or hardscape feature of the central common open space. This does not include steps, access ramp, and similar access features.

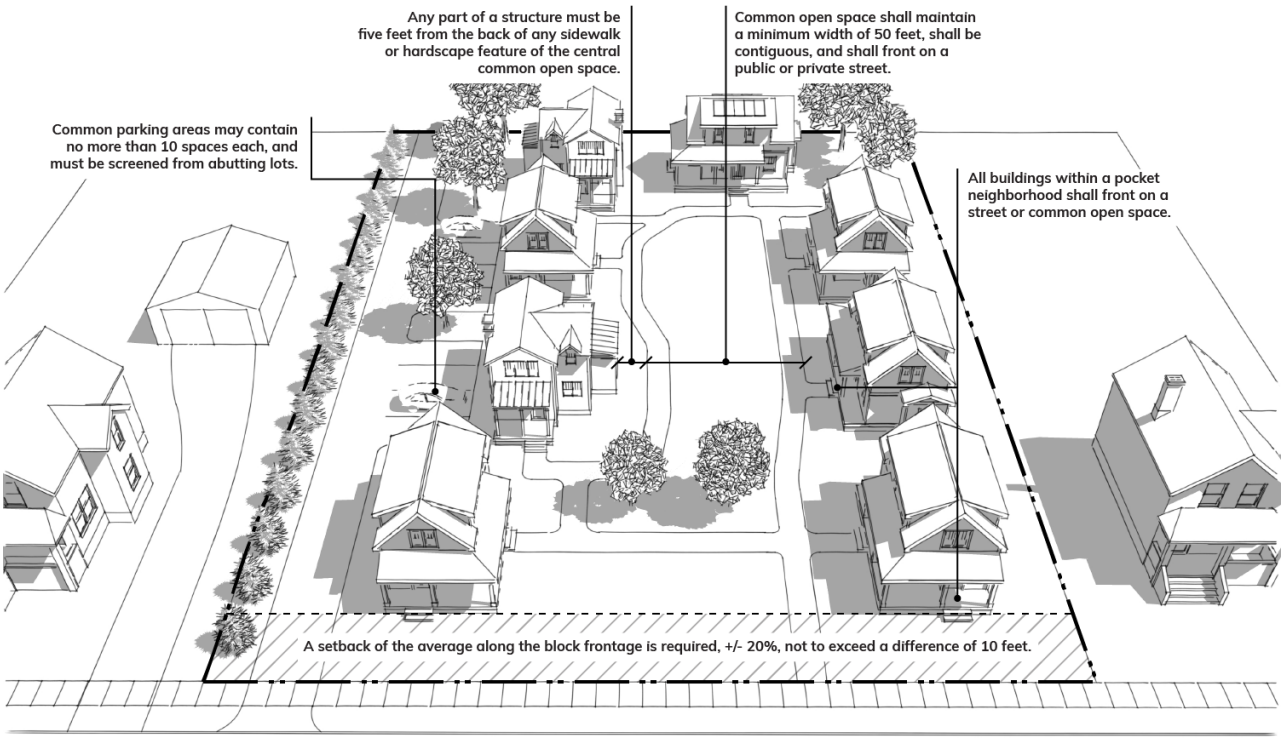
6. Vehicular access to a parking area for a pocket neighborhood shall meet the following standards:

a. One curb cut is permitted for every ten dwellings within a pocket neighborhood with a maximum of three for any pocket neighborhood development.

b. Required off-street parking may be provided on individual development sites for each dwelling within the pocket neighborhood, or in a shared parking area serving multiple dwellings on-site. Common parking areas may contain no more than ten spaces each and must be screened from abutting lots that are not part of the development. Parking may not be located between principal structures and the street, between a common area and a street, or within any required common area.

7. Level A site plan review is required for a pocket neighborhood development.

POCKET NEIGHBORHOOD RESIDENTIAL DEVELOPMENT



N. Residential Care Dwelling

1. No residential care dwelling shall be located within 1/4 mile of any other existing residential care dwelling or community home, regardless of municipal boundary lines. This is measured from the lot lines of the residential care dwelling and includes any right-of-way.

O. Residential Care Facility

1. Residential care facilities are subject to the dimensional and design standards for a multi-family dwelling within the district.

3.4 Principal Use Standards: Commercial and Industrial Uses

A. Commercial Use, Indoor

1. When reoccupying an existing nonresidential building in a residential district, hours of operation are limited to 8:00AM to 11:00PM.

2. When reoccupying an existing nonresidential building in a residential district, loading and unloading shall be limited to the hours of 8:00AM to 6:00PM.

3. Operation of an Adult-Use Cannabis Dispensary is limited to the hours of Monday through Saturday 8:00AM to 9:00PM and Sunday 12:00PM to 9:00PM.

4. No use in a residential district shall occupy a floor area greater than 1,200 gross square feet. However, in the HV District, indoor commercial uses cannot exceed 2,500 square feet.

5. No use in a residential district shall have a posted occupancy limit of more than 45 people.

6. The portion of the building used for the commercial use shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.

B. Adult-Use Cannabis Consumption Lounge

1. Hours of operation are limited to the hours of Monday through Saturday 8:00AM to 9:00PM and Sunday 12:00PM to 9:00PM.

2. Within the OC District, the gross square footage of floor area for an on-site cannabis consumption lounge cannot exceed 650 square feet.

C. Car Wash

1. All vehicular access shall be prohibited on Neighborhood Local Streets.

2. All machine washing and machine drying operations shall be conducted within a building.

3. The building exit for automobiles that have completed the washing and machine drying process shall be set back a minimum of 50 feet from any lot line along abutting a street.

4. No washing, vacuuming, steam cleaning, waxing, polishing, or machine drying operation, and no building within which such operations are conducted, shall be permitted within 100 feet of a residential district. This is measured from the lot lines of the car wash and includes any right-of-way.

5. All entrance and exit lanes and parking areas shall be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation.

6. Stacking spaces provided for car washes must be:

a. A minimum of nine feet in width, as measured from the outermost point of any bay entrance to the edge of the driveway, and 18 feet in length.

b. Stacking spaces must begin behind the vehicle located within car wash bay. Spaces must be placed in a single line behind each bay.

D. Craft Production

1. The portion of the building used for the craft production shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.

2. Loading and unloading shall be limited to the hours of 8:00AM to 6:00PM.

E. Day Care Center

1. Permanently installed recreational equipment shall only be located in the rear and side yards.

F. Drive-Through Restaurant

1. Direct pedestrian access shall be provided from the public right-of-way to the principal building.

2. All elements associated with drive-through restaurant, including but not limited to service windows, vehicular queuing lanes, menuboards, and intercoms, shall be prohibited between any building façade that abuts a street and the street lot line. However, in the CV District the following shall apply:

a. All drive-through components shall be located in the rear yard.

3. In the CV and FMU Districts, drive-through restaurants are limited to the following hours of operation: 5:00AM to 11:00PM.

4. When abutting a lot line of a residential district or residential use, no sound from intercoms shall be audible beyond a property line.

5. Stacking spaces provided for drive-through restaurants must be:

a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.

b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window (this does not include a drive-through sign). Spaces must be placed in a single line behind in each lane.

6. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods. However, in the CV District the following shall apply:

a. All ingress and egress shall be provided from a rear shared access drive.

7. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

G. Drive-Through Kiosk

1. All elements associated with a drive-through kiosk, including but not limited to service windows, vehicular queuing lanes, and intercoms, shall be prohibited between any building façade that abuts a street and the street lot line. However, in the CV District the following shall apply:

a. All drive-through components shall be located in the rear yard.

2. When abutting a lot line of a residential district or residential use, no sound from intercoms shall be audible beyond the property line.

3. Stacking spaces provided for drive-through kiosks must be:

i. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.

ii. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window (this does not include a drive-through sign). Spaces must be placed in a single line in each lane.

4. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods. However, in the CV District the following shall apply:

a. All ingress and egress shall be provided from a rear shared access drive.

5. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

H. Entertainment – Indoor and Outdoor

1. City Code Regulations – Indoor and Outdoor

Chapter 29 of the City Code may apply to specific indoor and outdoor entertainment uses. Regulations within Chapter 29 are not waivable by this Code.

2. Indoor Entertainment

That portion of the building used for entertainment shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, installing proper ventilation, and/or noise reduction equipment.

3. Outdoor Entertainment

a. When abutting a residential district, the outdoor area, including outdoor entertainment areas and seating areas shall be located a minimum of 200 feet from such lot line. This does not include parking facilities.

b. A buffer yard per Section 17.4 of this Code is required along all side and rear lot lines. The buffer yard is required regardless of the abutting use or district.

I. Firearms Sale, Manufacture, Storage, and Display

1. Chapter 47 controls over any other provision of this Zoning Code.

J. Hotel

1. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the hotel is located is not allowed. Outdoor overnight sleeping of guests is prohibited.

K. Industrial, Light

1. In the residential districts:

a. The portion of the building used for the light industrial shall be designed and maintained to prevent noise, vibration, odor, dust, smoke, observable gas or fumes, or other observable atmospheric pollutants emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.

b. Loading and unloading shall be limited to the hours of 8:00AM to 6:00PM.

c. Outdoor storage of materials related to processes on-site is prohibited in the residential districts.

2. In the BMU, NMU, FMU, and DMU Districts:

a. The portion of the building used for the light industrial shall be designed and maintained to prevent noise, vibration, odor, dust, smoke, observable gas or fumes, or other observable atmospheric pollutants emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, and installing proper ventilation or noise reduction equipment.

b. Loading and unloading shall be limited to the following hours:

i. In the BMU and NMU Districts: 8:00AM to 6:00PM

ii. In the FMU and DMU Districts: 8:00AM to 10:00PM

L. Industrial, Heavy

1. No curb cuts or driveways shall be located within 150 feet of any residential district, planned development, or open space district lot line, as measured from the lot lines of the heavy industrial but excludes any right-of-way.

2. No trucks, tractors or trailers shall be maneuvered, parked, fueled, stored, loaded, or unloaded within 100 feet of any residential district lot line, as measured from the lot lines of the heavy industrial but excludes any right-of-way.

3. No vehicles or equipment accessory thereto shall operate engines or motors between the hours of 10:00P.M. and 8:00A.M. the following day unless parked more than 150 feet from any residential district lot line, as measured from the lot lines of the heavy industrial but excludes any right-of-way

M. Junkyard

1. In addition to the requirements below, junkyards are subject to Chapter 66 of the Municipal Code.

2. Junkyards shall be located at least 1,000 feet from any other abutting district lot line that is not the IND District, as measured from the lot lines of the junkyard.

3. Junkyard storage areas shall be located at least 500 feet from the lot line of any other abutting use other than a junkyard.

4. Curb cuts or driveways shall be limited to Industrial Local and Industrial Link Streets.

5. In the event that an objection is presented to the Manager of Zoning no later than 24 hours before the Planning Commission is scheduled to consider the special permit, which objection is duly signed and acknowledged by the owners of 20% or more of the total of all properties located within 1,000 feet of the subject property, measured from the lot lines of the junkyard and including any rights-of-way, or any other use within 500 feet of the junkyard, as measured from the lot lines of the junkyard, a special permit shall not be approved except by a three-fourths vote of the Planning Commission.

N. Motor Lodge

1. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the motor lodge is located is not allowed. Outdoor overnight sleeping of guests is prohibited.

O. Outdoor Market

1. Any accessory entertainment, live or pre-recorded, is limited to the hours of 11:00AM to 7:00PM and up to twice per week.

P. Outdoor Storage (Principal Use)

1. The outdoor storage area shall be located a minimum of 30 feet from any lot line. No outdoor storage is permitted in the required front setback.

2. All lot lines abutting a district other than the IND District shall be screened by a solid masonry wall or fence a minimum of six feet to a maximum of eight feet in height.

3. Storage of any kind is prohibited outside the fence or wall.

4. No items stored within 50 feet of the fence may exceed the height of the fence or wall.

Q. Parking Garage (Principal Use)

1. General Standards

a. Parking garages shall be used exclusively for parking of passenger vehicles and other modes of personal transportation.

b. Parking garages shall be equipped and controlled to discourage illegal parking, vandalism, and other unlawful or nuisance-creating activities.

c. Parking garage design is subject to the requirements of Article 15.

2. Specific Height Limitations
Parking garages shall be subject to the maximum height of the district with the following exceptions:

a. Within the BMU District, a parking garage may not exceed two levels above grade.

b. Within the NMU District, a parking garage may not exceed four levels above grade.

R. Parking Lot (Principal Use)

1. Parking lots shall be used exclusively for parking of passenger vehicles and other modes of personal transportation.

2. Parking lots shall be equipped and controlled to discourage illegal parking, vandalism, and other unlawful or nuisance-creating activities.

3. Parking lot design is subject to the requirements of Article 15.

4. Within the LDR and MDR Districts, parking lots are only allowed when abutting the lot line of any commercial or mixed-use district.

5. Parking lots as a principal use in any district have a maximum impervious surface coverage limitation of 50%.

S. Pawnbroker

1. No pawnbroker shall be located within 1,000 feet of any other existing pawnbroker regardless of municipal boundary lines, as measured from the lot lines of the pawnbroker and including any right-of-way.

T. Recreation – Indoor and Outdoor

1. City Code Regulations – Indoor and Outdoor
Chapter 29 of the City Code may apply to specific indoor and outdoor entertainment uses. Regulations within Chapter 29 are not waivable by this Code.

2. Indoor Entertainment
That portion of the building used for entertainment shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing window and doors, screening window and doors, installing proper ventilation, and/or noise reduction equipment.

3. Outdoor Entertainment

a. When abutting a residential district, the outdoor area, including outdoor entertainment areas and seating areas shall be located a minimum of 200 feet from such lot line. This does not include parking facilities.

b. A buffer yard per Section 16.4 of this Code is required along all side and rear lot lines. The buffer yard is required regardless of the abutting use or district.

U. Recycling Center

1. Recycling centers located within 500 feet from a lot line of a residential district, open space district, or lot in residential use, as measured from the lot lines of the recycling center and including any right-of-way, are subject to the following restrictions:

a. All operations must be within a completely enclosed building.

b. All trucking and loading related to the operations must occur between 8:00A.M. and 6:00P.M.

c. No outdoor storage of collected materials.

d. No curb cuts or driveways that provide access from a Neighborhood Local Street shall be used or established.

2. Recycling centers located more than 500 feet from a lot line of a residential district, open space district, or lot in residential use, as measured from the lot lines of the recycling center and including any right-of-way, are subject to the following restrictions:

a. All operations must be within a completely enclosed building.

b. All trucking and loading related to the operations must occur between 8:00A.M. and 10:00P.M.

c. No outdoor storage of collected materials.

d. No curb cuts or driveways that provide access from a Neighborhood Local Street shall be used or established.

V. Self-Storage Facility: Climate-Controlled

1. Storage units cannot be used as a residence or place of business.

2. No plumbing connections are permitted in self-storage units.

3. All self-storage activities conducted exclusively indoors. Individual storage units may be accessed from inside the building only.

4. All facilities must meet the design standards of the district.

5. Access to loading areas must be located to the side or rear of the building.

6. For self-storage facilities that include both climate-controlled and outdoor facilities, both types of uses must first be allowed in the district.

W. Self-Storage Facility: Outdoor Access

1. Storage units cannot be used as a residence or place of business.

2. No plumbing connections are permitted in self-storage units.

3. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way. This standard does not apply in the IND District.

4. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.

5. No storage of recreational vehicles is allowed within 25 feet of any rear or interior side lot line. No storage of recreational vehicles is allowed within 40 feet of any front or corner side lot line.

6. If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

7. Outdoor self-storage facilities must be a permanent building and cannot be constructed of shipping containers.

8. For self-storage facilities that include both enclosed and outdoor facilities, both types of uses must first be allowed in the district.

X. Shooting Range

1. In addition to the requirements set forth in Chapter 99 of the Municipal Code, shooting ranges shall be subject to the following requirements:

a. Shooting ranges shall be located at least 1,000 feet from any of the following district lot lines, as measured from the lot lines of the shooting range and including any right-of-way: residential districts, village center districts, OS District, DMU District, or the Genesee River.

b. Shooting ranges shall be located at least 500 feet from any of the following district lot lines, as measured from the lot lines of the shooting range and including any right-of-way: BMU, NMU, and FMU Districts.

c. In the event that an objection is presented to the Manager of Zoning no later than 24 hours before the Planning Commission is scheduled to consider the special permit, which objection is duly signed and acknowledged by the owners of 20% or more of the total of all properties located within 1,000 feet of the subject property, measured from the lot lines of the shooting range and including any rights-of-way, or any other use within 500 feet of the shooting range, as measured from the lot lines of the shooting range, a special permit shall not be approved except by a three-fourths vote of the Planning Commission.

Y. Short-Term Rental

1. No alteration to either the exterior or the interior of the structure shall be made which changes the character and appearance of the residential premises.

2. Signs are prohibited.

3. The short-term rental shall require a local manager/operator, available 24 hours per day. Local is defined as an office or residence located within 30 miles of the subject property.

4. Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the short-term rental is located is not allowed. Outdoor overnight sleeping of guests is prohibited.

5. Only rooms originally designed as bedrooms may be used for sleeping.

Z. Vehicle Body Work

1. Vehicle body work establishments shall be located at least 100 feet from the lot line of an abutting residential district or residential use, as measured from the lot lines of the vehicle body work establishment.

2. All repairs shall be performed within an enclosed principal building on the premises.

3. The portion of the building used for the body work repair shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing windows and doors, screening windows and doors, and installing proper ventilation or noise reduction equipment.

4. No outdoor storage of materials, merchandise, and equipment shall be permitted during nonbusiness hours. Storage of materials, merchandise, and equipment during nonbusiness hours shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. Outdoor storage may be permitted in RC and IND Districts subject to the requirements for accessory outdoor storage set forth in Section 3.7.

5. A fence that is a minimum of 60% open shall be located along any street lot line, with the exception of ingress/egress points. Such fence shall be a minimum of four feet to a maximum of six feet in height.

6. Sufficient screening shall be provided along all lot lines abutting a residential district or residential use as follows:

a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

7. Accessory sales of no more than three vehicles at any one time are allowed only in FMU, RC, and IND Districts, provided vehicles on display for sale do not occupy any required parking spaces.

8. No partially dismantled or wrecked vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

AA. Vehicle Fueling Station

1. Vehicle fueling station may also include any of the following activities:

a. Electric vehicles charging stations.

b. Retail dispensing or sales of automobile lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.

c. Retail dispensing or sales of automobile coolants.

d. Hand or machine washing in a fully enclosed single bay auto wash.

e. Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, fuses and the like. Vehicle wrecking, vehicle repair, parking or storing of vehicles for hire, and the operation of more than one towing vehicle are not permissible incidental uses of a vehicle fueling station.

2. No outdoor storage of materials, merchandise, and equipment shall be permitted during nonbusiness hours. Storage of materials, merchandise and equipment during nonbusiness hours shall take place within the principal building or within closed, secure containers such as outdoor storage cabinets.

3. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.

4. No partially dismantled or wrecked vehicle shall be stored outside of a completely enclosed building.

BB. Vehicle Operations Facility

1. Any portion of the building used for vehicle maintenance shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing windows and doors, screening windows and doors, and installing proper ventilation or noise reduction equipment. This requirement does not include any private fueling stations.

2. Sufficient screening shall be provided along all lot lines abutting a residential district or residential use as follows:

a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

CC. Vehicle Rental

1. Storage of vehicles stocked by the establishment for rent shall be permitted on a separate lot when such district, excluding the DMU District, allows vehicle sales. The dealership must own or lease such lot.

2. Vehicle storage areas shall be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation.

3. No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.

4. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.

5. A fence that is a minimum of 60% open shall be located along any street lot line, with the exception of ingress/egress points.

DD. Vehicle Repair

1. Vehicle repair establishments shall be located at least 100 feet from the lot line of an abutting residential district or residential use, as measured from the lot lines of the vehicle body work establishment.

2. All repairs shall be performed within an enclosed principal building on the premises.

3. The portion of the building used for the vehicle repair shall be designed and maintained to prevent light, noise, vibration, odor, dust, smoke, or other emissions emanating from the use onto abutting uses, including as necessary to prevent such impacts, closing windows and doors, screening windows and doors, and installing proper ventilation or noise reduction equipment.

4. No outdoor storage of materials, merchandise, and equipment shall be permitted during nonbusiness hours. Storage of materials, merchandise, and equipment during nonbusiness hours shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. Outdoor storage may be permitted in RC and IND Districts subject to the requirements for accessory outdoor storage set forth in Section 3.7.

5. A fence that is a minimum of 60% open shall be located along any street lot line, with the exception of ingress/egress points. Such fence shall be a minimum of four feet to a maximum of six feet in height.

6. Sufficient screening shall be provided along all lot lines abutting a residential district or residential use as follows.

a. A solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

7. Accessory sales of no more than three vehicles at any one time are allowed only in FMU, RC, and IND Districts, provided vehicles on display for sale do not occupy any required parking spaces.

8. No partially dismantled or wrecked vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

EE. Vehicle Sales

1. The vehicle sales area shall be setback a minimum of 50 feet from any abutting residential district lot line.

2. Outdoor vehicle sales areas shall be surfaced with a paving material such as asphalt, cement, or other material that provides a durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation.

3. Storage of vehicles stocked by the dealership for sale or lease shall be permitted on a separate lot when such district, excluding the DMU District, allows vehicle sales. The dealership must own or lease such lot.

4. With the exception of the IND District, major repairs, including engine repair, body work, frame straightening, painting, upholstering, or similarly intensive repair work shall not be performed on the premises, and all other repairs shall be performed only within the principal building on the premises.

5. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.

6. A fence that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points and those areas of the parking lot used to display vehicles for sale along a street frontage.

7. No partially dismantled or wrecked vehicle shall be stored outside of a completely enclosed building.

FF. Vehicle Storage - Impound Lot

1. Sufficient screening shall be provided as follows:

a. Along the rear and interior side lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

2. A fence, a minimum of six feet and a maximum of eight feet in height, and that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points.

GG. Waste Station

1. All curb cuts or driveways shall be from an Industrial Local or Industrial Link Street.

2. The use shall be at least 2,000 feet from any residentially district, residential use, open space district, or the Genesee River, as measured from the lot lines of the waste station.

3. All refuse trucks and refuse trailers shall be empty of refuse when parked or stored on the premises.

4. Sufficient screening shall be provided as follows:

a. Along the rear and interior side lot line with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

5. A fence, a minimum of six feet and a maximum of eight feet in height, and that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points.

3.5 Principal Use Standards: Other

A. Community Center

1. Permanently installed recreational equipment shall only be located in the rear and side yards.

B. Community Garden

1. Only one small storage shed no larger than 144 square feet and one small greenhouse no larger than 144 square feet is permitted.

2. High tunnels, low tunnels and temporary season extension equipment, water barrels, and other catchment/irrigation systems may be used. The total area of high tunnels and low tunnels shall be a maximum of 25% of the lot area. Structures shall not be located within any required front, corner side, or street setback and shall be located ten feet from any lot line.

3. The use of tires within the garden is not allowed.

4. On-site composting is permitted. A description of the composting system shall be described as part of the required application or permit. Compost facilities shall not be located within any required front, corner side, or street setback and shall be located ten feet from any other lot line.

5. No keeping of animals, chickens, or livestock is permitted.

6. No apiaries (keeping of bees) are permitted.

7. Community gardens may offer sales of product grown on-site, as well as value-added products made with product grown on-site, but no on-site permanent structure may be used for sales.

C. Museum

1. Hours of operation for museums in LDR and MDR Districts shall be limited to 8:00AM to 8:00PM, except for events not exceeding 30 people, and offered a maximum of five times per year.

2. Loading and unloading in the LDR, MDR, and HDR Districts shall be limited to 8:00AM and 6:00PM.

D. Personal Wireless Telecommunication Facilities

1. Purpose

The purpose of this section is to provide sound land use policies, procedures, and regulations for personal wireless telecommunication facilities. These will protect the community from the visual or other adverse impacts of these facilities, while encouraging unobtrusive development, and will ensure comprehensive wireless telecommunication service in the City of Rochester with its benefits to residents and businesses. The standards reflect a policy that expresses a preference that antennas be located on existing buildings and towers rather than on newly constructed towers. The regulations of this section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all personal wireless communication facilities. The regulations of this section relate to the location and design of these facilities and shall be in addition to the provisions of the Rochester Building Code and any other federal, state, or local laws or Federal Communication Commission (FCC) regulations pertaining to such facilities. Where the following standards and requirements of this section are not met, a special permit shall be required.

2. District Standards

a. Residential Districts and DMU District

i. Antennas on Buildings

Antennas on buildings are permitted on all buildings which are four stories or greater in height, provided that the antennas and related support structures do not extend more than 20 feet above the roofline.

ii. Antennas on Existing Towers
Antennas on existing telecommunication towers or other structures shall require a special permit unless otherwise allowed by the terms of a prior special permit.

iii. Telecommunication Towers
Telecommunication towers shall require a special permit and shall be subject to the additional design standards set forth in this section.

b. Commercial and Mixed-Use Districts

i. Antennas on Buildings
Antennas are permitted on all buildings which are four stories in height or greater, provided that the antennas and related support structures do not extend more than 20 feet above the roofline of such buildings.

ii. Antennas on Existing Towers
Antennas on existing telecommunication towers or other structures shall be permitted unless otherwise restricted pursuant to the terms of a prior special permit.

iii. Telecommunication Towers
Telecommunication towers shall be permitted in the RC District, provided that the base of the tower is located at least 100 feet from the nearest residential, open space or preservation district or landmark and the height of the tower does not exceed 100 feet. In other commercial and mixed-use districts, towers shall require a special permit and shall be subject to the design standards set forth in this section.

c. Village Center Districts

i. Antennas on Buildings
Antennas on buildings shall require a special permit.

ii. Antennas on Existing Towers
Antennas on existing telecommunication towers or other structures shall require a special permit unless otherwise allowed pursuant to the terms of a prior special permit.

iii. Telecommunication Towers
Telecommunication towers shall be prohibited in this district.

d. IND District

i. Antennas on Buildings
Antennas are permitted on all buildings, provided that the height above grade does not exceed 100 feet and provided that antennas and related support structures that extend more than 20 feet above a roof are set back at least 100 feet from the nearest residential, open space or preservation district or landmark.

ii. Antennas on Existing Towers
Antennas on existing telecommunication towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior special permit.

iii. Telecommunication Towers
Telecommunication towers are permitted provided that the height of the tower does not exceed 100 feet, and provided that the tower is located at least 100 feet from the nearest residential, open space, preservation district, or landmark.

e. Open Space District

i. Antennas on Buildings
Antennas on buildings shall require a special permit.

ii. Antennas on Existing Structures
Antennas on existing telecommunication towers or other structures shall require a special permit unless otherwise allowed pursuant to the terms of a prior special permit.

iii. Telecommunication Towers
Telecommunication towers shall require a special permit and shall be subject to the design standards set forth in this section.

f. Preservation Districts

i. Antennas on Buildings
Antennas on buildings shall require a special permit and shall be subject to the design standards set forth in this section.

ii. Antennas on Existing Structures
Antennas on existing telecommunication towers or other structures shall require a special permit, unless otherwise allowed by the terms of a prior special permit.

iii. Telecommunication Towers
Telecommunication towers are prohibited.

g. Landmarks
Telecommunication antennas and towers are prohibited.

h. U-R Districts
All telecommunication facilities in the U-R Districts shall be treated as in the underlying district.

3. Design Standards
The following design standards shall apply to antennas and telecommunication towers installed or constructed pursuant to the terms of this Code:

a. Co-location
Telecommunication towers shall be designed to provide for co-location by two providers or designed so that they can be retrofitted to accommodate two providers.

b. Fencing
The base area of a tower shall be enclosed with a fence not less than six feet in height.

c. Landscaping
Landscaping shall be provided along the perimeter of the tower base area to provide a visual screen or buffer for adjoining private properties and the public right-of-way. Required front yard setback areas shall be landscaped. Compensatory site improvements may be provided in lieu of base area landscaping at the discretion of the Manager of Zoning.

d. Signs
Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.

e. Color
Towers shall either be gray in color, have a galvanized finish or be colored appropriate to the tower's locational context to the extent that the tower is as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).

f. Access
Access to tower or monopole areas shall be from established site access points whenever possible.

g. Dish Antennas
Dish antennas shall be colored, camouflaged, or screened to the extent that they are as unobtrusive as possible, and in no case shall the diameter of a dish antenna exceed six feet.

h. FAA Standards
Antennas and support structures required to be lighted and painted other than gray or a galvanized finish by FAA regulations shall be allowed only upon the issuance of a special permit subject to the additional standards set forth in this section.

i. Accessory Equipment
Accessory equipment may be located within an existing building, or in newly constructed buildings and structures when limited to 400 square feet in floor area.

j. Significant Architectural Features
PWTC shall not obscure significant architectural features or details of buildings or other structures.

4. Bulk, Space, and Yard Requirements

a. Height
Except as otherwise restricted by this section, antennas located on buildings and other structures and towers shall be subject to the applicable district regulations pertaining to height as well as all Overlay Airport District regulations.

b. Setback

i. Setback requirements for towers and accessory buildings and structures shall be as prescribed by the applicable district regulations for principal uses except in commercial districts.

ii. Setback requirements in commercial and mixed-use districts shall be as follows:

(A) Street yards: Ten feet.

(B) Other yards: Zero feet.

iii. Street yard setback areas shall be landscaped and used for no other purposes.

5. Additional Requirements and Standards

a. Personal Wireless Telecommunication Facilities Application

i. Each application for a certificate of zoning compliance for a personal wireless telecommunication facility shall be accompanied by a plan which shall reference all existing personal wireless telecommunication facility locations in the applicant's City of Rochester inventory, any such facilities in the abutting towns which provide service to areas within the City of Rochester and any changes proposed within the following 12 month period, including plans for new locations and the discontinuance or relocation of existing wireless facilities.

ii. In lieu of the submission of the above reference plan with each certificate of zoning compliance application, a provider may submit an annual personal wireless telecommunication facility plan containing the aforementioned information for the calendar year. Such annual plan shall be filed with the Manager of Zoning no later than January 31st of a respective calendar year.

iii. Special permit applications required by this section shall be accompanied by an updated annual plan.

b. Special Permit Applications
In addition to the requirements and standards for special permit applications, the following requirements and standards shall apply:

i. Special permit applications for towers and antennas on buildings proposed in the residential districts, the BMU and NMU Districts, and antennas on buildings in preservation districts shall be subject to the following additional standards:

(A) Each application shall include a site location alternative analysis describing the location of other sites considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the subject site was chosen.

(B) The Planning Commission may retain technical consultants as it deems necessary to provide assistance in the review of the site location alternatives analysis. The service provider shall bear the reasonable cost associated with such consultation, which cost shall be assessed as an additional application fee. In no case shall the fee be more than 5% of the total project cost as determined for building permit fee assessment purposes.

(C) The provider shall document, to the satisfaction of the Planning Commission, that a good-faith effort has been made to locate or co-locate on existing towers or other available and appropriate buildings and structures and that the proposed location is necessary to provide adequate service to the public.

ii. In reviewing special permit applications required by this section, the Planning Commission shall consider the City's policy preferring that antennas are located on existing buildings, towers, and other structures, rather than on newly constructed towers. When considering appropriate height in conjunction with such applications, the Planning Commission shall be more permissive when a facility is proposed for co-location by more than one service provider and less permissive when the facility is proposed for use by a single provider.

c. Discontinuance of Use

If the use of any facility is discontinued, the provider shall notify the Manager of Zoning within 90 days of such discontinuance. If the facility will be retained, the provider shall establish that the facility will be reused, and all necessary approvals obtained, within one year of such discontinuance. If a facility is not reused within one year, a demolition permit shall be obtained and the facility removed. At the discretion of the Manager of Zoning, upon good cause shown, the one-year period for removal may be extended for a period not to exceed one additional year.

6. Temporary Installations

Temporary personal wireless telecommunication facilities erected to meet peak service needs for special community events shall require only a certificate of zoning compliance.

7. Exceptions and Explanatory Notes

a. Personal wireless telecommunication facilities may be repaired or maintained without restriction.

b. Antennas may be replaced in kind without restriction.

c. Other structures as referenced in this section include freestanding structures as well as structures attached to or located on buildings, such as antenna support structures, church spires, belfries, cupolas, domes, monuments, water towers, observation towers, penthouses, windmills, solar energy collectors and equipment used for the monitoring or operation of such collectors, chimneys, smokestacks, flagpoles, masts and similar structures.

E. Private Club or Lodge

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.

2. The bylaws of the organization must be submitted to the City upon establishment of the use.

3. In the HV District, a private club cannot exceed 2,500 square feet.

F. Public Utility

1. Any structure shall be set back not less than 25 feet from all property lines or the minimum setback requirements of the applicable zoning district, whichever is greater.

2. The storage of vehicles on the premises shall be prohibited.

3. Building design standards for the district apply to all buildings on the site, unless it can be shown that incorporating certain elements impacts operations and/ or creates a public safety issue. The Manager of Zoning shall approve the exceptions to design standards.

4. Sufficient screening shall be provided as follows:

a. Along the rear and interior side lot lines with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the fence oriented to the interior of the lot.

5. A fence, a minimum of six feet and a maximum of eight feet in height, and that is a minimum of 30% open shall be located along any street lot line, with the exception of ingress/egress points.

6. No service or storage yard or building shall be permitted except as permitted for other uses in the district.

7. The level of noise emanating from such use shall not exceed 66 decibels (dB) by day and 45 dB by night measured at any lot line abutting a residential zoning district or residential use, if the residential use was established prior to the establishment of the utility.

G. Solar Energy System

1. The application for any approval of a solar energy system shall include:

a. A screening/landscaping plan that specifies the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system; and

b. A detailed safety plan specifying the measures that will be used to prevent public access to unsafe areas and to provide for emergency response, including but not limited to the location, height, materials, and colors of fencing and other barriers to access and a safety signage plan that contains the locations, sizes and text of signs that will be used to warn the public away from unsafe areas and that shall include the name and phone number of an official of the owner or operator who can be contacted in the event there is an emergency or any question about safety.

2. No element of the system shall reflect sunlight or glare onto a neighboring property, public right-of-way, or aircraft flight path.

3. All solar energy systems shall meet the district setbacks. Where a lot used for a solar energy system abuts the lot line of a residential district, residential use, or street, it must be setback a minimum of 50 feet from that lot line.

4. No grid-tied solar energy system shall be installed until evidence is provided that the owner is approved by the utility company to install the system.

5. The solar energy system shall be removed, at the owner's or operator's expense, within 180 days of determination by the Manager of Zoning that the system is no longer being maintained in an operable state of good repair or no longer supplying solar power.

a. Removal shall include solar collectors, cabling, electrical components, accessory structures, and any associated facilities below grade.

b. Disturbed earth shall be graded and reseeded, unless the Manager of Zoning approves a written request by the property owner that internal roads or other site improvements are not to be restored.

6. Solar energy projects that generate over 25 MW subject to review and permitting by the New Work Office of Renewable Energy Siting.

H. Urban Farm

1. The regulations of Chapter 30 of the City Code shall apply in addition to the regulations of this section.

2. On-site composting is permitted. A description of the composting system shall be described as part of the required application or permit. Compost facilities shall not be located within any required front, corner side, or street setback and shall be located ten feet from any other lot line.

3. Greenhouses, high tunnels, low tunnels and temporary season extension equipment, water barrels, and other catchment/irrigation systems may be used. The total area of greenhouses, high tunnels, and low tunnels shall be a maximum of 25% of the lot area. Structures shall not be located within any required front, corner side, or street setback and must be located a minimum of ten feet from any lot line.

4. Urban farms may include farmstands that offer sales of product grown on-site, as well as value-added products made with product grown on-site.

5. Apiaries (keeping of bees) are permitted and must meet the standards of Section 14.2.B.

6. Keeping of chickens is permitted and must meet the standards of Section 14.2.E.

7. Accessory aquaculture, aquaponic, and hydroponic facilities are permitted and must meet the standards of Section 14.2.C

8. Keeping of livestock is permitted in accordance with the City Code. If livestock are kept on-site within an urban farm, a 24 hour on-site manager is required. Slaughtering of animals is prohibited.

9. A description of all anticipated programming and events shall be described as part of the required application or permit. Such events must be farm-related, such as workshops, educational and wellness programming, and farm employment programs.

I. Wind Energy Conversion System

1. Setbacks for Wind Turbines

a. General

A ground-mounted wind turbine shall be set back from all lot lines and overhead utility lines a minimum distance equal to one and one-tenth (1.1) times the height of the wind turbine. Turbine setbacks shall be measured from the center of the wind turbine base. With respect to an overhead utility line that provides service only to a single building or a single parcel of land, the setback requirement shall be met if the turbine is placed so that no portion of a rotor blade extends closer than five feet to the utility line.

b. Residential

With respect to residential districts, a wind turbine, including a wind turbine located in a residential district, shall be set back from any abutting residential district lot line a minimum distance equal to two times the height of the wind turbine. In the case of a wind turbine that does not exceed 35 feet in height that is located in a residential district, the wind turbine shall be set back at least 15 feet from all lot lines, and no portion of a rotor blade shall extend closer than five feet to any lot line.

2. Height

The height of a ground-mounted wind turbine shall be limited by the setback requirements of this section. The height of a rooftop or other building- mounted wind turbine shall not exceed the maximum permitted building height for the property by more than 20%.

3. Lighting

Wind turbines shall not be illuminated except as required by the Federal Aviation Administration or other applicable governmental entities.

4. Structural Design

a. Wind turbines shall be designed to meet all requirements of the Building Code of the State of New York and the City of Rochester and all other applicable state and federal regulations.

b. To prevent unauthorized climbing, climbing pegs must be removed from the lower ten feet of the turbine, or ladder access must be restricted. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

5. Aesthetic Design
Wind turbines must be a non-obtrusive and non-reflective color, such as white or off-white. The facility owner or operator must maintain the paint on wind turbines at all times in good repair. Non-essential appurtenances may not be affixed to any wind turbine, including, but not limited to, wireless or radio

6. Signs
No signs shall be located on or around a wind turbine except for necessary warning signs or informational signs located at or near ground level.

7. Operation

a. During normal operation, wind turbines may not exceed five dBA over ambient sound as measured at the closest neighboring inhabited dwelling in existence at the time of application for the wind farm. This sound level may be exceeded during short-term events, such as utility outages and storms.

b. A wind turbine may not cause shadow flicker to fall upon any window of an inhabited dwelling that exists at the time of application for the wind farm.

c. A wind turbine must employ preventive measures to eliminate any deleterious effects of ice throw.

8. Wind Energy Projects Over 25 MW
Wind energy projects that generate over 25 MW subject to review and permitting by the New Work Office of Renewable Energy Siting.

9. Termination of Use
A wind energy system that has reached the end of its useful life must be removed within six months of such determination. A wind energy system is considered to have reached the end of its useful life when it has been inoperable for six consecutive months. Foundations must be removed and the site restored.

3.6 Principal Use Standards: Sexually Oriented Business

A. Sexually Oriented Business. An adult arcade, adult cabaret, adult movie theater, adult retail store, adult retail store - limited, and/or escort agency

1. Purpose
The purpose of this section is to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any speech, including sexually oriented speech. Similarly, this section is not intended to effect the restriction or denial of access by adults to speech protected by the First Amendment and New York Constitution, or to deny access by the distributors and exhibitors of sexually oriented speech to their intended market. Neither is the intent nor effect of this section to condone or legitimize the distribution of obscene material.

2. Single Adult Use Per Location
There shall only be one sexually oriented business permitted on a single premises.

3. Measurement

a. Stock-In-Trade
The number of items in stock in the sales and display area at the time of a site inspection. The number of sexually oriented items shall be calculated as a percentage of total items.

b. Sales and Display Area
The entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually oriented materials shall be calculated as a percentage of total sales and display area.

i. Where sexually oriented materials are physically separated from other materials by an eight-foot wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.

ii. Where floor area includes a mixture of sexually oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include 1/2 of the area of any aisles adjacent to the display or sales of sexually oriented materials.

4. Supplemental Standards

a. Adult Arcade, Adult Cabaret, or Adult Retail Store
An adult arcade, adult cabaret, or adult retail store shall be licensed by the City of Rochester and operated in accordance with Chapter 98 of the City Code.

b. Adult Movie Theater
An adult movie theater shall be licensed by the City of Rochester and operated in accordance with Chapter 98 of the City Code. All aisles shall have theater runway and aisle lighting that illuminates the entire floor surface of the aisle at a level of not less than 0.2 footcandle.

c. Adult Retail Store - Limited

i. A limited adult retail store shall be operated in accordance with Chapter 98 of the City Code.

ii. The store shall separate all sexually oriented material from other sales and display areas using an opaque wall at least eight feet in height. Such an area shall incorporate a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter.

iii. The owner or operator shall have the affirmative duty to prevent the public display of sexually oriented material at or within the portions of the business open to the general public.

iv. The store shall not advertise or hold itself out in any forum as "X...," "adult," "sex," or otherwise as a sexually oriented business.

5. Separation Requirements

a. Measurement
The following separation requirements shall be measured from the lot line of a sexually oriented business to the lot line of a protected use (item b below) or other sexually oriented business listed below. Where a multi-tenant facility such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the lot line.

b. Protected Uses
For the purpose of measuring separation from sexually oriented businesses, “protected uses” include the following:

i. Public and semipublic uses, except police and fire stations

ii. Outdoor entertainment

iii. Places of worship

iv. Museum

c. Distance Requirements

i. Limited Adult Retail Store or Escort Agency

(A) Distance from any protected use: None

(B) Distance from any residential district: None

(C) Distance from any other limited adult retail store or escort agency: None

(D) Distance from any other sexually oriented business: None

ii. Adult Arcade, Adult Cabaret, Adult Movie Theater, and Adult Retail Store

(A) Distance from any protected use: 1,000 feet

(B) Distance from any residential district: 500 feet

(C) Distance from any other limited adult retail store or escort agency: None

iii. Distance from any other sexually oriented business: 1,000 feet.

6. Specific Nonconforming Use Provisions

A sexually oriented business lawfully operating in conformance with this section and Chapter 98 shall not be rendered a nonconforming use by the location, subsequent to its lawful establishment and licensing (if required), of a protected use listed in item 5.b of this section which results in a violation of the distance requirements in this section.

3.7 Accessory Use Standards

A. Accessory Dwelling Unit (ADU)

1. Only one ADU is permitted per lot per single-family detached dwelling. ADUs must be located on the same lot as the principal dwelling unit.

2. An ADU must have a separate exterior entrance from the principal dwelling unit.

3. Ownership of the ADU shall not be legally severed from ownership of the associated lot and any other structures on such lot.

4. 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.

5. Separate water or sewer service for the ADU shall not be provided by the City. Separate metering of other utilities shall be allowed.

6. An attached ADU must be fully attached to or within the principal structure on the lot. A minimum of 25% of the total wall area or the floor or ceiling of the ADU must be fully connected to a wall, floor, or ceiling of the principal residential structure.

7. A detached ADU must be located in the rear yard.

8. An ADU is limited to a maximum of one bedroom.

9. The maximum size of an ADU is 400 square feet.

10. The maximum height of a detached ADU is 24 feet or the height of the principal building, whichever is less.

11. The addition of an attached ADU to an existing structure cannot extend past the existing building's front building line.

B. Drive-Up Window

1. Only one drive-up window is allowed per property.

2. All elements associated with a drive-up window, including but not limited to service windows, vehicular queuing lanes, and intercoms, shall be prohibited between any building facade that faces a street. However, in the CV District the following shall apply:

a. All drive-up window elements shall be located in the rear yard.

3. If abutting a lot line in a residential district or residential use, no sound from intercoms shall be audible beyond the property line.

4. Stacking spaces provided for drive-up windows must be:

i. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.

ii. Stacking spaces must begin behind the vehicle parked at the final point of service. Spaces must be placed in a single line.

5. Driveways must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-up windows on corner lots must not route exiting traffic onto a Neighborhood Local Street. However, in the CV District the following shall apply:

a. All ingress and egress shall be provided from a rear shared access drive.

C. Entertainment, Limited

1. Chapter 29 of the City Code applies to limited entertainment. Regulations within Chapter 29 are not waivable by this Code.

2. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.

3. Outdoor limited entertainment is limited to the hours of 7:00AM to 11:00PM. Outdoor limited entertainment is not permitted in the CV District per item 4 below.

4. When abutting a residential district, the outdoor area used for limited entertainment shall be located a minimum of 100 feet from such lot line. This does not include parking facilities.

5. In the CV District the following shall apply:

a. Limited entertainment is permitted between the hours of 6:00AM and 2:00AM and a special permit is required from 2:00 AM to 6:00 AM.

b. All limited entertainment must be within a fully enclosed building.

D. Home Occupation

1. Stock-in-trade shall be contained within the permitted portion of the floor area for the home occupation and shall not be visible from the street.

2. There shall be no outdoor storage of equipment or materials used for the home occupation.

3. Commercial vehicles are allowed per Section 16.12.

4. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure shall be used.

5. No home occupation shall be permitted which is noxious, offensive, or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.

6. Instruction for no more than five attendees shall be allowed.

7. Not more than one person who is not a member of the family residing on the premises shall be employed in the home occupation.

E. Outdoor Animal Care Area

1. Animal care facilities shall locate exterior pens, runs, training, and exercise areas to the side or rear of the building.

2. All exterior areas shall be completely fenced to contain all animals on the lot.

3. Exterior exercise areas must provide covered areas over a minimum of 20% of the exterior area to provide shelter against sun/heat and weather.

4. No exterior areas may be used for overnight boarding.

F. Outdoor Sales and Display

1. All outdoor display of merchandise shall be located adjacent to the principal structure and not in drive aisles, loading zones, or fire lanes. It may be located in a parking lot so long as any required parking spaces remain available for use.

2. No display may be placed within three feet of either side of an active door, or within 15 feet directly in front of an active door.

3. A minimum clear width for pedestrian traffic of eight feet shall be provided and maintained along any interior private sidewalk.

G. Outdoor Seating/Activity Area

1. Outdoor seating/activity areas are limited to the hours of 7:00AM to 11:00PM.

a. In the CV District, outdoor seating/activity areas are a special permit accessory use between the hours of 11:00PM to 2:00AM.

2. When abutting a residential district, the outdoor area used for outdoor seating/activity shall be located a minimum of 100 feet from such lot line. This does not include parking facilities.

H. Outdoor Storage

1. The outdoor storage area shall be located a minimum of 30 feet from any lot line. No outdoor storage is permitted in the required front setback.

2. All lot lines abutting a district other than the IND District shall be screened by a solid masonry wall or fence not less than six feet nor more than eight feet in height.

3. Storage of any kind is prohibited outside the fence or wall.

4. No items stored within 50 feet of the fence may exceed the height of the fence or wall.

3.8 Temporary Use Standards

A. Farmers Market

1. The timeframe of a farmers market, including number of days per week and overall duration of the event, will be determined and approved as part of the certificate of zoning compliance. The certificate of zoning compliance may be issued on a yearly basis.

2. A management plan, required as part of the application, shall demonstrate the following:

a. The on-site presence of a representative of the farmers market during hours of operation who directs the operations of vendors participating in the market.

b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.

c. A general site plan including vendor stalls, parking areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.

d. A lighting plan describing all temporary lighting to be installed.

e. Provision for waste removal.

f. The days and hours of all operations, including vendor set-up and take-down times.

3. Any accessory entertainment, live or pre-recorded, is limited to the hours of 11:00AM to 7:00PM.

B. Food Trucks, Trailers, and Vending Carts

1. In addition to the requirements of Section 60 of the City Code, the following standards apply to food trucks, trailers, and vending carts that locate on private property as an individual temporary use. When food trucks, trailers, and vending carts are included as part of another temporary use, such as a temporary outdoor entertainment event, they are approved as part of that use but are still subject to items d through h below.

a. A temporary use for food trucks, trailers, and vending carts are permitted for one calendar year, which may be renewed on an annual basis, and are approved as part of the certificate of zoning compliance.

b. The temporary use will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.

c. If the mobile food truck, trailer, or cart operator is not the owner of the site where the truck, trailer, or cart will be located, written permission from the property owner must be submitted as part of certificate of zoning compliance application.

d. The lot must be kept clear of litter and debris at all times.

e. Outdoor seating may be provided on the site, but no seating may be permanently installed.

f. A permanent water or wastewater connection is prohibited.

g. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.

h. Drive-through service is prohibited.

C. Mobile Retail Vendor

1. These standards apply to individual mobile retail vendors that locate on private property as an individual temporary use. When mobile retail vendors are included as part of another temporary use, such as a temporary outdoor entertainment event, they are approved as part of that use but are still subject to items d through f below.

a. The timeframe of a temporary mobile retail sales use, including number of days per week and overall duration of the event, will be determined and approved as part of the certificate of zoning compliance.

b. The temporary use will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.

c. If the mobile retail vendor operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the application.

d. The lot must be kept clear of litter and debris at all times.

e. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.

f. Drive-through service is prohibited.

D. Real Estate Project Sales Office

1. A temporary standalone real estate sales office shall be subject to the following:

a. Limited to one temporary standalone real estate sales office, which shall not be located in any required setback.

b. Closed and removed within 30 days after the substantial sale or lease of the units of the development.

2. Temporary real estate sales offices within one of the units of the development shall be closed within 30 days after the sale or rental of the last unit of the development.

3. These standards do not apply to permanent leasing offices.

E. Temporary Contractor Facilities

1. Temporary contractor facilities are only allowed incidental to a construction project.

2. All contractor facilities must be removed within 45 days of completion of the construction project. Phased projects shall apply for successive certificate of zoning compliance for each phase.

3. The site must be restored to its original condition.

4. If the site is not owned by the contractor, written permission from the property owner must be submitted as part of the certificate of zoning compliance application.

F. Temporary Entertainment and/or Sales Event

1. The timeframe of a temporary entertainment and/or sales event, including number of days per week and overall duration of the event, will be determined and approved as part of the certificate of zoning compliance. The certificate of zoning compliance may be issued on a yearly basis.

2. Temporary entertainment and/or sales events in the residential districts is restricted to those events associated with and conducted by an institutional use within the district, such as a place of worship and educational facility, and must take place entirely on the lot containing the institutional use.

3. A management plan is required and must be approved as part of the certificate of zoning compliance application that demonstrates the following:

a. An estimate of the daily number of attendees.

b. General layout of performance or sales areas, visitor facilities, such as any seating areas and restrooms, parking areas, and all ingress and egress points to the site.

c. An established set of operating rules addressing the governance structure of the event, hours of operation, maintenance, and security requirements.

d. The on-site presence of a manager during the event.

e. Provision for waste removal and for recycling.

f. The days and hours of operation, including set-up and take-down times.

g. A description of crowd control and security measures.

h. For outdoor events, a lighting plan describing all temporary lighting to be installed.

i. A parking and loading management plan.

4. Any temporary structures must be removed within three days of conclusion of the event.

5. No expansion into public right-of-way is allowed without additional required approvals.

3.9 Use Definitions

Definitions within Table 3-1 are organized alphabetically below:

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. ADUs are not recreational vehicles, travel trailers, campers, or any other type of motor vehicle.

Animal Care Facility. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and facilities where animals are boarded during the day. Animal care facilities do not include animal breeders. Animals boarded for overnight and short-term stays are limited to three or fewer animals; however, this does not apply to veterinary clinics.

Boarding House. A dwelling that offers lodging for 31 consecutive days or more within sleeping units for compensation, with or without meals, and not occupied as a single-family dwelling. Individual sleeping units are let by the owner or operator to non-family members. This includes dormitories, and fraternity and sorority houses. Boarding house does not include owner-occupied premises with sleeping units rented to two or fewer non-family members.

Bed and Breakfast Dwelling. An owner-occupied and owner-operated dwelling unit, originally designed as a residential structure, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers, and containing not more than five bedrooms for such lodgers. Only bedrooms are used for providing overnight accommodations for less than 31 consecutive days at a time. The dwelling unit is the owner's primary residence and at least one bedroom within the unit is reserved for the owner's exclusive personal use.

Boat Launch, Motorized. A place from which a motorized boat is placed in a waterway.

Boat Launch, Non-Motorized. A place from which a non-motorized boat is placed in a waterway.

Cannabis Establishment. Premises used for the cultivation, processing, distribution, delivery, retail sale, or on-site consumption of cannabis in a manner that requires a license under the New York State Cannabis Law.

Cannabis Establishment: Adult-Use Cannabis Retail Dispensary. Premises licensed under the New York State Cannabis Law for the retail sale of cannabis to cannabis consumers.

Cannabis Establishment: On-Site Cannabis Consumption Lounge. Premises licensed under the New York State Cannabis Law for the on-site consumption of cannabis.

Car Wash. Any building or premises, or portion thereof, the use of which is devoted to the business of washing automobiles for a fee, whether by automated cleaning devices or otherwise.

Clinic, Outpatient. A facility other than a hospital, where medical, mental health, surgical and other personal health services are provided exclusively on an outpatient basis by a group of physicians working in cooperation and sharing the same facilities. An outpatient clinic typically operates beyond standard medical office hours and may provide emergency treatment. An outpatient clinic may include educational aspects such as medical instruction and/or training as well as house a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses.

College/University. A facility for post-secondary higher learning that grants associate, bachelor, master, and/or doctoral degrees. Such facilities may include ancillary uses such as research facilities, dormitories, cafeterias, restaurants, retail sales, childcare facilities, indoor or outdoor recreational facilities, stadiums, and similar uses.

Commercial Use, Indoor. A commercial activity involving the sale of goods or services, carried out for profit, which is within a completely enclosed building and not listed individually within Table 3-1: Use Table. This includes, but is not limited to, retail goods establishments, personal services, office uses, rental services, and eating and drinking establishments.

Community Center. A building or structure and related facilities operated by a community-based group, government agency or organization on a nonprofit basis, the primary function of which is the provision of personal and other services to individuals, families, and groups. Services may include information, socializing, recreation, education, culture, and counseling but shall exclude the provision of sleeping quarters, except for one caretaker dwelling unit to be used for security and maintenance purposes.

Community Garden. An operation in which residents grow food and/or ornamental plants and create community-building spaces. Produce is consumed by local households or donated to community organizations. Community gardens may offer a small amount of their product to be sold to support garden operation costs, but no onsite permanent structure is used for sales. Community gardens may include small-scale composting systems, low tunnels and temporary season extension equipment, water barrels, and other catchment/irrigation systems.

Community Home. A building arranged or used for lodging and not occupied as a single-family unit, where the building is owned or operated by a New York State (NYS) registered organization that provides services to residents such as counseling, training, rehabilitation, or peer support, either on-site or off-site, where residents occupy individual sleeping units. A community home shares a kitchen. Occupants do not need 24 hour supervised room, board, and care, and are capable of living independently. Examples of community homes include transitional housing and sober homes.

Craft Production. Craft-related industrial processes within a completely enclosed building involving manufacturing, production, assembly, plant growing, and/or repair that includes a showroom or retail space open to the public.

Day Care Center. Any nonresidential establishment where care for children or adults is provided and is not considered a day care home or adult day care home.

Day Care Home. An operator-occupied dwelling unit where care for children is provided.

Day Care Home, Adult. A program caring for up to six adults for more than three hours per day per person in which day care is provided in an operator-occupied dwelling unit.

Drive-Through Restaurant. A restaurant that, by design of physical facilities (e.g., order boards, intercoms, and queuing lanes), provides food/beverages to customers who remain in a motor vehicle.

Drive-Through Kiosk. A business where transactions only occur directly with customers via a service window or other configuration where customers remain in their vehicle. This does not include drive-through restaurants.

Drive-Up Window. That portion of a business where transactions occur directly with customers via a service window or other configuration that allows customers to remain in their vehicle. Drive-through restaurants and drive-through kiosks are considered principal uses and regulated per Table 3-1 and any associated use standards.

Dwelling, Four-Family. A building that contains four dwelling units.

Dwelling, Multi-Family. A building that contains five or more dwelling units.

Dwelling, Single-Family Attached. A dwelling unit attached to one other dwelling unit, each on their own lot, each of which is separated from the other by one or more unpierced walls extending from ground to roof.

Dwelling, Single-Family Detached. A structure that contains one dwelling unit and is surrounded by open space or yards and having no roof, wall, or floor in common with any other dwelling unit.

Dwelling, Three-Family. A building that contains three dwelling units.

Dwelling, Townhouse. A row of three or more adjoining dwelling units each on their own lot, each of which is separated from the others by one or more unpierced walls extending from ground to roof.

Dwelling, Two-Family. A structure that contains two dwelling units.

Dwelling Unit(s) within a Mixed-Use Building. Dwelling units located above ground-floor nonresidential uses or located behind ground-floor nonresidential uses. In the case of dwelling units located behind ground-floor nonresidential uses, the ground-floor residential uses cannot be located along any street frontage.

Educational Facility. The use of a building or structure, or a portion thereof, by six or more persons at any one time for Pre-K through 12th grade education, vocational education, or technical education. This does not include a day care center, day-care home, or adult day-care home.

Emergency Residential Facility. A short-term residential facility operated by a provider, other than a residential care facility, community home, or emergency shelter, which provides temporary accommodations to more than four persons, with 24 hour on-site supervision. For the purpose of this definition, “provider” shall mean a government agency, private, or nonprofit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for less than one month.

Emergency Shelter. A short-term residential facility operated by a provider, other than an emergency residential facility, residential care facility, or community home, which provides temporary accommodations to more than four persons for less than 24 hours, with supervision during hours of operation. For the purpose of this definition, “provider” shall mean a government agency, private, or nonprofit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for less than 24 hours per day.

Entertainment, Background. Prerecorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises.

Entertainment, Indoor. A commercial facility for predominantly spectator uses conducted within an enclosed building including, but not limited to, indoor theatrical or musical performances, concerts, athletic contests or games, exhibitions, and movie theaters. Musical performances may or may not have a dance floor. This definition does not include municipal or school auditoriums.

Entertainment, Limited. Any live or recorded entertainment or music, other than background entertainment, including but not limited to karaoke, that is completely secondary to the principal use.

Entertainment, Outdoor. A commercial facility for predominantly spectator uses conducted outdoors in open or only partially enclosed facilities. Typical uses include, but are not limited to, outdoor stadiums, outdoor theaters, fairgrounds, music arenas, theme parks, and amusement parks. Outdoor entertainment is distinguished from outdoor recreation in that the predominant use is spectator-oriented and not participatory.

Firearms Sale, Manufacture, Storage, and Display. Any establishment engaged in the sale, manufacture, storage, and/or display of firearms.

Farmers Market. The temporary use for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from famers or from vendors that have taken such items on consignment for retail sale.

Food Trucks, Trailers, and Vending Carts. A motor vehicle, food trailer towed by another vehicle, or a vending cart designed and equipped to prepare and sell food and/or beverages directly to consumers. It does not include wholesale food distributors.

Home Occupation. A business, profession, occupation, or trade and conducted for gain or support entirely within a residential dwelling which is incidental and secondary to the use and occupies no more that 15% of the floor area of the dwelling unit and is owned and operated by a resident of the dwelling unit. No alteration of the principal residential building is made which changes the character and appearance as a dwelling.

Hospice Residence. A residential dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients, pursuant to Article 40 of the Public Health Law, and as defined in Section 4002 of said law.

Hospital. Facilities for medical or surgical care to people, primarily in-patient overnight care, and including related facilities such as laboratories, outpatient facilities, cafeterias, retail sales, and similar uses. Hospital also includes psychiatric hospitals.

Hotel. A facility that provides sleeping accommodations and customary lodging services to guests for a fee. Related accessory uses may include, but are not limited to, meeting facilities, restaurants, bars, fitness rooms, and recreational facilities for the use of guests. Hotels shall have a 24 hour on-site manager. Hotel does not include a motor lodge, short-term whole dwelling-unit rental, or bed and breakfast.

Industrial, Light. The assembly, manufacture, fabrication, processing, agriculture, aquaculture, or other handling of products, the operation of which is conducted solely within a building or group of buildings and does not create a nuisance from noise, vibration, odor, dust, smoke, observable gas or fumes, or other observable atmospheric pollutants beyond the exterior walls of the building where the use is conducted. This includes warehousing and wholesale distribution of products manufactured on-site and products manufactured-off site. Light industrial may also include a showroom and accessory sales of products related to the items manufactured or stored on-site.

Industrial, Heavy. Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity, and the like. The processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored, or improved by the utilization of biological, chemical, or physical actions, tools, instruments, machines or other such similar natural, scientific, or technological means. Heavy Industrial processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding, and polishing; casting, molding, and stamping; alloying and refining; assaying, cleaning, coating, and printing; and assembling and finishing, and handling of any waste products and materials. Also includes any indoor or outdoor place or premises where trucks, tractors, and/or trailers park or are assigned, stationed, fueled, stored, loaded, or unloaded. Heavy industrial may also include a showroom, accessory sales of products related to the items manufactured or stored on-site, and/or outdoor storage for materials related to processes on-site.

Junkyard. Any lot where waste, including non-putrescible rubbish, trash, garbage, refuse, scrap, or discards, both man-made and natural, is temporarily or permanently present for the purposes of bailing, collection, sorting, recovery, recycling, exchange, storage, reduction, transfer, metal processing, incineration or disposal, including auto wreckage yards, house-wrecking yards and scrap processing yards.

Kennel. A facility where four or more dogs and/or cats over the age of six months are boarded indoors for overnight and short-term stays; outdoor kennels are prohibited. Boarding at veterinary clinics is not considered a kennel. Kennel also includes animal breeders.

Live-Work Unit. A dwelling unit or sleeping unit in which no more than 50% of the dwelling unit includes a nonresidential use that is operated by the resident.

Marina. Small boat harbor or boat basin providing dockage, supplies and services for small pleasure craft.

Mobile Retail Vendor. A motor vehicle, or trailer towed by another vehicle, designed, and equipped to sell goods directly to consumers. It does not include wholesale distributors.

Motor Lodge. A building or group of buildings that provides sleeping accommodations and customary lodging services for a fee for primarily automobile transients and which has individual entrances from the outside of the building for a minimum of 25% of the rooms located therein. Motor lodges shall have a 24 hour on-site manager. Motor lodge does not include a hotel, short-term whole dwelling-unit rental, or bed and breakfast**.**

Museum. An institution, building, room, or specified area for preserving, exhibiting, demonstrating, or interpreting art, history, culture, or nature or scientific objects or ideas.

Outdoor Animal Care Area. Outdoor areas reserved for the use of animals kept on-site accessory to a commercial animal care establishment, such as exercise pens, runs, training, and exercise areas.

Outdoor Market. An outdoor site, where individual stalls or spaces are provided on a short-term basis for vendors to display, buy, sell, exchange, or deal in produce, food, and new or used goods.

Outdoor Sales and Display. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Seating/Activity Area. An outdoor seating/activity area as an accessory use is located outside the permanent enclosed area, and is used for seating, for food and/or beverage consumption, and/or participatory activities, such as trivia or skill games like darts. This includes, but is not limited to, areas such as patios, decks, rooftops, and open areas.

Outdoor Storage (Principal Use). The placing, maintaining, or keeping of commercial or industrial equipment/materials, or contractor storage, including equipment/materials used for construction, building trades, landscaping, paving, heating, plumbing, roofing, and/or excavation in a place other than within a fully enclosed building. Construction vehicles parked in a legal parking space is not considered outdoor storage. Storage of unlicensed vehicles is not considered outdoor storage.

Outdoor Storage. The storage of materials, supplies, equipment, vehicles, and similar items outdoors in conjunction with the principal use of land.

Parking Garage (Principal Use). A parking deck, structure, or building, or part thereof, used or intended to be used only for the parking and storage of vehicles at one or more levels, and not for commercial repair work or vehicle-related services of any kind.

Parking Lot (Principal Use). A grade-level surface area used exclusively for the parking and storage of vehicles and not for commercial repair work or vehicle-related services of any kind.

Pawnbroker. Any business or location in which a collateral loan broker, as defined in Article 5 of the New York State General Business Law, is operating.

Personal Wireless Telecommunication Facilities. Facilities for the provision of commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including but not limited to antennas, telecommunications towers and accessory facilities.

Place of Worship. A structure owned and/or used by a religious organization for worship, religious training, and/or accessory religious education.

Pocket Neighborhood Residential Development. A pocket neighborhood allows for residential development and/or cohousing options in a manner that organizes dwellings around shared spaces, designed as a cohesive whole. A pocket neighborhood may also contain shared facilities for residents of the development, such as a communal kitchen, laundry areas, or recreation and gathering spaces.

Private Club or Lodge. A building and related facilities owned or operated by a corporation, association, or group of persons for social, educational, and/or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business.

Public and Semipublic Use. Uses operated by a public or semipublic body such as public libraries, fire and public safety buildings, parks, and governmental buildings.

Public Utility. Any facility and infrastructure used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, between the point of generation and the end user. A public utility includes utility operation facilities where all activity occurs indoors.

Real Estate Project Sales Office. A residential unit, commercial space, or standalone structure that is temporarily used as a sales or leasing office within a development project.

Recreation, Indoor. A commercial facility for predominantly participant uses where recreational activities or games of skill are conducted within a wholly enclosed building including, but not limited to, a bowling alley, pool/billiard hall, indoor child's play facility, arcades, indoor recreation facilities (soccer, tennis, etc.), or similar uses. This does not include facilities that are part of a public and semipublic use.

Recreation, Outdoor. A commercial facility for predominantly participant uses that take place outside of a building including, but not limited to, mini-golf courses, batting cages, waterparks, outdoor recreation facilities (ball fields, soccer, tennis, etc.), and other similar facilities. This does not include facilities that are part of a public and semipublic use.

Recycling Center. Any building or portion of a building in which recyclable material, limited to paper, cans, glass, plastic, cardboard, or the like, is redeemed, collected, stored, or processed in an enclosed building for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

Residential Care Facility. A building or group of buildings, a facility, or a residence that is licensed by New York State and in which nursing care, medical services, and other related services are provided to more than 16 residents who reside on a 24 hour basis in a supervised environment. This use includes nursing homes, assisted living, rehabilitation center, and hospice care. It does not include hospital, residential care dwelling, and hospice residence.

Residential Care Dwelling. A dwelling that is licensed by New York State and in which nursing care, medical services, and other related services are provided to 16 or fewer residents who reside on a 24 hour basis in a supervised environment. The term excludes facilities subject to New York State Mental Hygiene Law § 41.34. Residential care dwelling shall not include a clinic, institution, hospital, nursing home, convalescent home, hospice residence, school, child day-care center, adult day-care center, nursery school, dormitory, emergency residential facilities, community home, boarding house, or other similar use. The term shall not be applied to owner-occupied premises with two or fewer roomers.

Second Hand Dealer. A business required to be licensed as a secondhand dealer in accordance with Municipal Code Chapter 96, Secondhand Dealers, excluding vehicle-related dealers.

Self-Storage Facility: Climate-Controlled. A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Accessory retail sales of related items, such as moving supplies, and facility offices may also be included.

Self-Storage Facility: Outdoor Access. A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

Sexually Oriented Business. An adult retail store, limited adult retail store, adult arcade, adult cabaret, adult movie theater, and/or escort agency.

1. **Adult Arcade.** Any business enterprise that offers or maintains one or more adult video viewing booths.

   a. **Adult Video Viewing Booth.** Coin- or slug-operated, or electronically or mechanically controlled, still- or motion-picture machines, projectors, or other image-producing devices which present visual or audio material of any kind which is characterized by its emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are designed to be viewed by five or

fewer persons per machine at any one time or are located in a room or booth of less than 150 square feet. No part of this definition shall be construed to permit more than one person to occupy an adult video viewing booth at any time.

2. Adult Cabaret. Any business enterprise which regularly features or offers to the public, customers or members, performances by persons who appear nude or seminude or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

3. Adult Movie Theater. Any business enterprise which regularly features or offers to the public the presentation of motion-picture films, movies or sound recordings which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are presented to a common audience of more than five persons in an enclosed common area or are presented in a common area of more than 150 square feet.

4. Adult Retail Store. A business enterprise that meets any of the following tests:

a. Offers for sale or rental items from any two of the following categories:

i. Sexually oriented materials;

ii. Lingerie; or

iii. Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities.

b. Offers for sale sexually oriented toys and novelties, except a business enterprise which devotes less than 10% of its stock-in-trade and sales and display area to sexually oriented materials, with all sexually oriented toys and novelties separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area;

c. Devotes more than 10% of its stock-in-trade or sales and display area to sexually oriented materials without having all sexually oriented materials separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area;

d. Devotes more than 40% of its stock-in-trade or sales and display area to sexually oriented materials; or

e. Advertises or holds itself out in signage visible from the public right-of-way as "X...," "adult," "sex" or otherwise as a sexually oriented business.

5. Adult Retail Store - Limited. Any business enterprise which offers for sale or rental sexually oriented materials and which devotes at least 10% and not more than 40% of its stock-in-trade or sales and display area to sexually oriented materials, provided that:

a. The following items are not also offered for sale:

i. Lingerie; or

ii. Leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities.

b. All sexually oriented materials are separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter the area; and

c. The business enterprise does not advertise or hold itself out in signage visible from the public right-of-way as "X...," "adult," "sex" or otherwise as a sexually oriented business.

6. **Escort Agency.** A person or business enterprise that furnishes, offers to furnish, or advertises to furnish, for consideration, escorts who perform any escort services in the City. An escort agency that advertises or holds itself out in signage visible from the public right-of-way as "X...," "adult", or "sex" are considered an adult retail store.

Shooting Range. An indoor place or range for shooting and discharging firearms at a target. Outdoor shooting ranges are prohibited in the City.

Solar Energy System. A complete design or assembly consisting of a solar energy collector and other components for the transformation, processing, storage, transmission, and/or distribution of photovoltaic solar energy for the purposes of space heating and cooling, electricity supply, and/or water heating.

Short-Term Rental. The rental of a whole dwelling unit to guests for periods of less than 31 consecutive days, where the property owner or leaseholder does not reside within the dwelling unit. Any multi-family dwelling or mixed-use development where 50% or more of the dwelling units are short-term rentals is considered a hotel.

Temporary Contractor Facilities. A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, equipment shed, or similar structure during construction or demolition activities. This may also include a contractor's staging area where materials and equipment are temporarily stored in conjunction with a construction or demolition project.

Temporary Entertainment and/or Sales Event. One or a combination of the following events:

1. **Temporary Entertainment Event.** A temporary entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary entertainment event includes festivals, carnivals/circuses, temporary worship services, and others.

2. **Temporary Sales Event.** A temporary sales event where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, temporary vehicle sales, and holiday sales, such as firework stands, Christmas tree lots, and pumpkin sales lots. This temporary use category does not include garage sales, which are regulated by Section 62-13 of the City Code.

Urban Farm. An operation in which food and other agricultural products are grown primarily for sale. Sales may occur on- or off-site. Urban farms may be community-driven, cooperatives, or sole proprietorships, and either not-for- or for-profit. Keeping of livestock, chickens, and bees (apiaries) as ancillary to growing operations may be part of an urban farm. Structures supporting farm operations, such as office space and classroom space, may be permitted as part of an urban farm.

Vehicle Body Work. Vehicle repair that includes body work, frame straightening, painting, and similar repair activities within an enclosed building.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar for hire vehicles, school buses, utility vehicles, delivery vehicles, and similar vehicles. Vehicle operations facility does not include storage of vehicles associated with government public works or public safety facilities.

Vehicle Repair. Engine repair, upholstering, steam cleaning, electrical work, tune-ups, muffler/exhaust systems service, tire service and all other passenger vehicle repair activities within an enclosed building.

Vehicle Sales. Any building, land area or other premises used for the display, rental, or sale of new or used automobiles, motorcycles, trucks, trailers, or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises. An office structure shall be located on the same lot as the vehicle sales or an adjacent lot.

Vehicle Rental. An establishment or service that rents automobiles, vans, and trucks, including incidental parking and servicing of rental vehicles.

Vehicle Fueling Station. Any building, land area or other premises, or portion thereof, used or intended to be used for retail dispensing or sales of automobile fuels.

Vehicle Storage - Impound Lot. A facility that provides outdoor storage for towed vehicles that are to be claimed by titleholders or their agents, including facilities owned and used by governmental authorities.

Waste Station. A completely enclosed building or buildings where putrescible and nonputrescible materials are stored, treated, or transferred from one kind of transportation to another, for future movement to a landfill, recycling processor, or other resource/waste facility.

Wind Energy Conversion System. A system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for residential, commercial, industrial, utility or governmental use. The height of the WECS is the height of the actual tower plus 1/2 the rotor diameter on horizontal axis installations and, on vertical axis installations, the distance from the base of the tower to the top of the unit.

Article 4. Residential Districts

4.1 Purpose Statements
4.2 Uses
4.3 Dimensional Standards
4.4 Design Standards
4.5 Additional Standards

4.1 Purpose Statements

A. LDR Low-Density Residential District

The LDR Low-Density Residential District is intended to maintain residential areas at relatively low densities. The LDR District is a distinct urban area that is characterized predominantly by owner-occupied, single-family detached and attached homes and as-built or legally converted two-family homes, but often contains a diverse mix of other preexisting higher-density residential uses. The district includes and encourages home occupations and other live-work options and permits low intensity commercial uses in existing as-built commercial buildings. The district requirements are intended to preserve and promote neighborhoods characterized by unobstructed front yards, typically with open front porches and pedestrian-scale streetscapes.

B. MDR Medium-Density Residential District

The MDR Medium-Density Residential District provides a mix of housing choices. The inclusion of single-family, two-family, and up to four-family homes, as well as a diverse mix of other preexisting higher-density residential uses provides a diversity of housing choices while the bulk and density regulations maintain the medium-density scale of the neighborhoods. The district includes and encourages home occupations and other live-work options and permits low intensity commercial uses in existing as-built commercial buildings. The residential areas are located proximate to neighborhood-scale shopping and service opportunities. The district requirements are intended to preserve, promote, and protect a quality of urban residential living characterized by unobstructed front yards, pedestrian-scale streetscapes and buildings scaled and designed to be compatible with the neighborhood.

C. HDR High-Density Residential District

The HDR High-Density Residential District protects, preserves, and enhances existing residential areas of higher density which include multi-family dwellings of five or greater units, mixed with other housing types. The HDR High-Density Residential District is intended to provide residential areas that accommodate higher-density housing while protecting, maintaining, and enhancing existing residential areas. The HDR District may include various housing types ranging from single-family detached to high-density apartments. The district adds to the urban character of Rochester and provides diversity in housing types, including high-rise apartment living. As in the other residential districts, the district includes and encourages home occupations and other live-work options and permits low intensity commercial uses in existing as-built commercial buildings and within the first floor of buildings with 20 housing units or more.

4.2 Uses

Article 3 lists permitted, special permit, accessory, and temporary uses for the residential districts.

4.3 Dimensional Standards

Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. If only specific uses are listed, standards apply only to those uses. Nonresidential standards include mixed-use development. Diagrams included below of the dimensional standards are for illustrative purposes; rules of measurement are found in Section 24.4.

RESIDENTIAL DISTRICTS - LOT STANDARDS

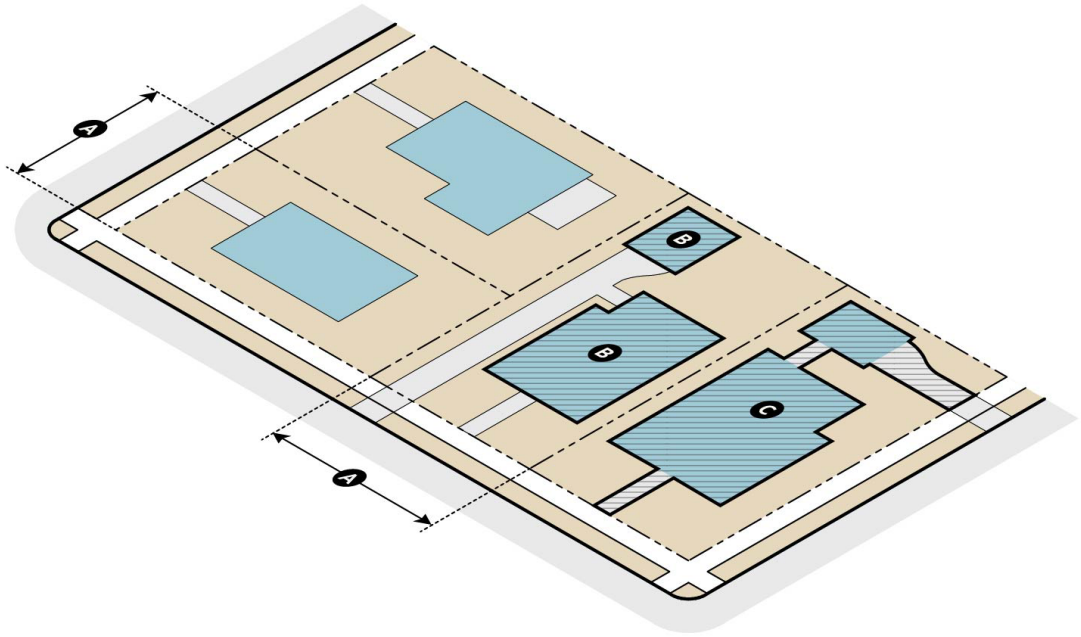


Table 4-1: Residential Districts Dimensional Standards			
	LDR	MDR	HDR
LOT			
A Minimum Lot Frontage	SF-D, SF-A: Average lot frontage (Sect. 25.4.K) of lots on the block frontage, allowing a range of +/- 20% from the average, but not to exceed a difference of 10' from the average TH: 20'/unit for units abutting a public street NR: 40'	SF-D, SF-A, 2F: Average lot frontage (Sect. 25.4.K) of lots on the block frontage, allowing a range of +/- 20% from the average, but not to exceed a difference of 10' from the average TH: 20'/unit for units abutting a public street 3F, 4F, MF: 40' NR: 40'	SF-D, SF-A. 2F: Average lot frontage (Sect. 25.4.K) of lots on the block frontage, allowing a range of +/- 20% from the average, but not to exceed a difference of 10' from the average TH: 20'/unit for units abutting a public street 3F, 4F, MF: 40' NR: 40'
B Maximum Building Coverage	50%	SF-D, SF-A, 2F, TH: 50% 3F, 4F, MF, NR: 55%	SF-D, SF-A, 2F, TH: 50% 3F, 4F, NR: 55%
C Maximum Impervious Surface Coverage	60%	60%	SF-D, SF-A, 2F, TH: 60% 3F, 4F, MF, NR: 70%

RESIDENTIAL DISTRICTS - HEIGHT STANDARDS

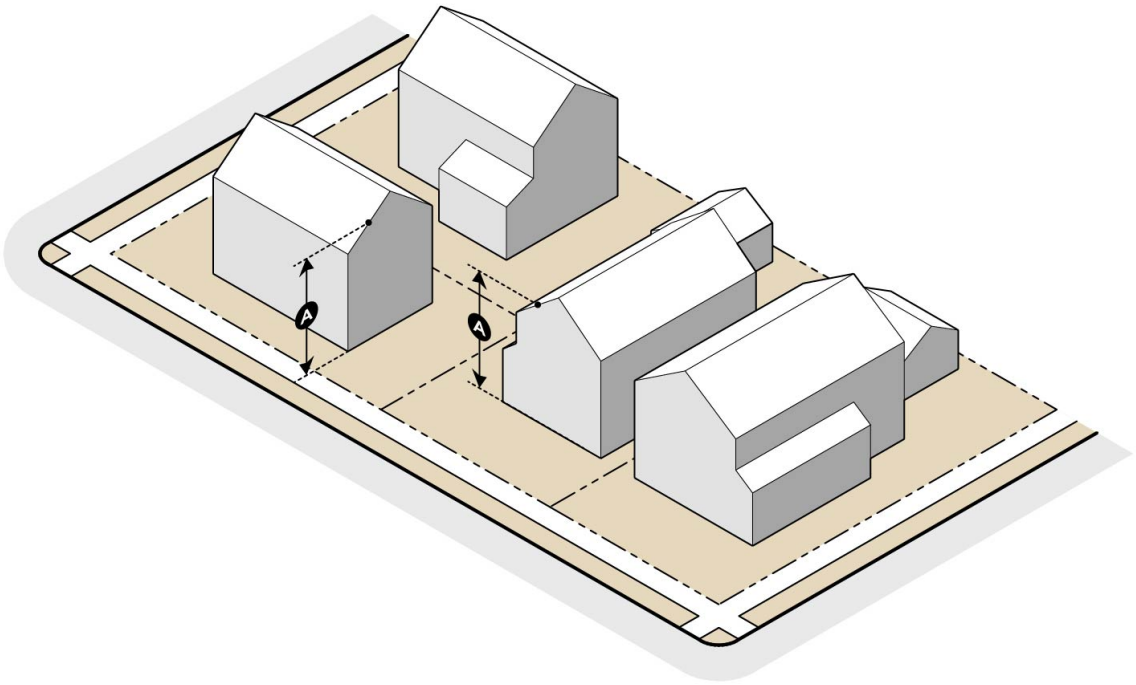


Table 4-1: Residential Districts Dimensional Standards			
	LDR	MDR	HDR
HEIGHT			
A Maximum Building Height	35’	35’	SF-D, SF-A, 2F, TH: 35’ 3F, 4F, MF: 65’ However, 1’ of additional height is allowed for each additional 1’ of setback above all required interior side and rear setbacks NR: 65’

RESIDENTIAL DISTRICTS - SETBACK STANDARDS

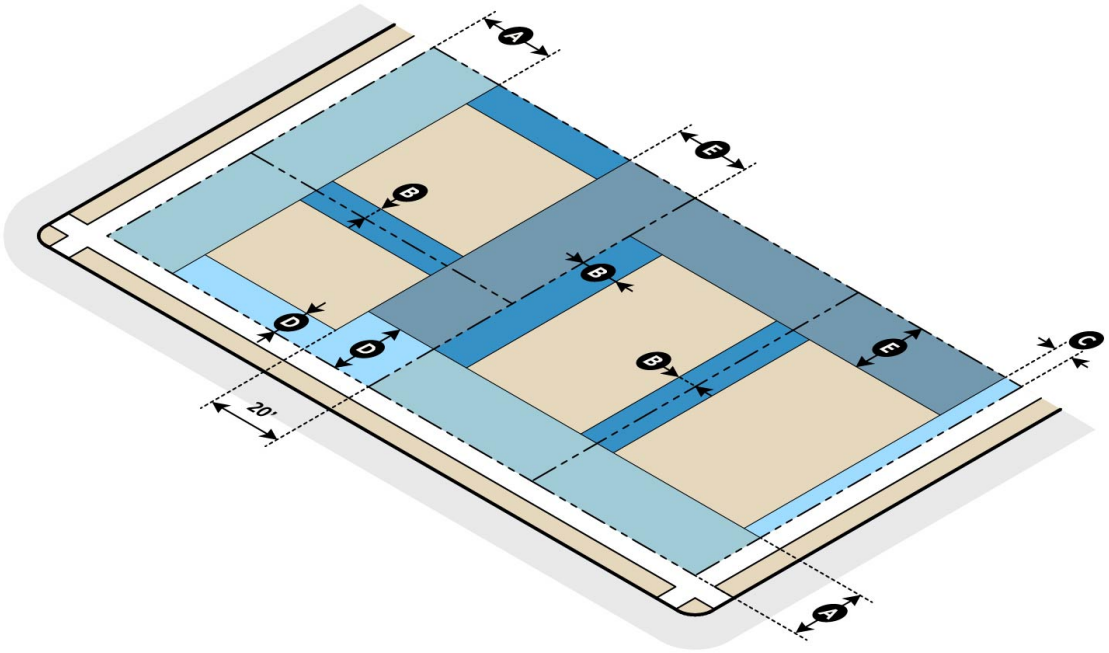


Table 4-1: Residential Districts Dimensional Standards

	LDR	MDR	HDR
SETBACKS			
A Front Setback	SF-D, SF-A, TH: Average front setback of lots on the block frontage, +/- 20% but not to exceed a difference of 5' from the average Where 50% or more of the lots on a block frontage are vacant, the Sanborn maps shall be used, where possible, to determine the setback. Otherwise, the setback shall be 20' NR: Average front setback, +/- 20% but in no case less than 20'	Residential: Average front setback of lots on the block frontage, +/- 20% but not to exceed a difference of 5' from the average Where 50% or more of the lots on a block frontage are vacant, the Sanborn maps shall be used, where possible, to determine the setback. Otherwise, the setback shall be 20' NR: Average front setback, +/- 20% but in no case less than 20' Where 50% or more of the lots on a block frontage are vacant, 20'	Residential: Average front setback of lots on the block frontage, +/- 20% but not to exceed a difference of 5' from the average Where 50% or more of the lots on a block frontage are vacant, the Sanborn maps shall be used, where possible, to determine the setback. Otherwise, the setback shall be 20' NR: Average front setback, +/- 20% but in no case less than 20' Where 50% or more of the lots on a block frontage are vacant, 20'
B Minimum Interior Side Setback	5' NR: 10'	5' NR: 10'	SF-D, SF-A, 2F: 5' 3F, 4F, MF, NR: Up to 35' in height: 5' More than 35': 15'
B Minimum Total Interior Side Setback *Does not apply to corner lots*	15' NR: 25'	15' NR: 25'	SF-D, SF-A, 2F: 15' 3F, 4F, MF, NR: Up to 35' in height: 15' More than 35': 25'

Table 4-1: Residential Districts Dimensional Standards			
	LDR	MDR	HDR
C Minimum Corner Side Setback	5' May be reduced to maintain a buildable width of 30', but in no case shall be less than 2'	5' May be reduced to maintain a buildable width of 30', but in no case shall be less than 2'	5' May be reduced to maintain a buildable width of 30', but in no case shall be less than 2'
D Reverse Corner Side Setback *Applies to SF-D, SF-A, 2F only*	First 20', as measured from rear lot line, equals the established front setback of the lot to the rear - Remainder of the yard: 50% of such dimension	First 20', as measured from rear lot line, equals the established front setback of the lot to the rear - Remainder of the yard: 50% of such dimension	First 20', as measured from rear lot line, equals the established front setback of the lot to the rear - Remainder of the yard: 50% of such dimension
E Minimum Rear Setback	20'	20'	20'

4.4 Design Standards

A. The design standards of Table 4-2: Residential Districts Design Standards apply to multi-family dwellings, nonresidential, and mixed-use developments. The standards apply to development and redevelopment. In the table, a "✓" indicates that the standard is applicable in the district indicated. The absence of a "✓" indicates that the standard does not apply to the district. For the purposes of Table 4-2, when standards indicate that they are applicable when facing a street, this does not apply to alleys. Diagrams included below of the design standards are for illustrative purposes only.

1. Renovations of the first floor of existing buildings within 60 feet of a street right-of-way shall not decrease the existing area of transparency. Where feasible, renovations shall increase the area of transparency to that required for new construction unless the original historic character of the building requires less transparency area.

2. Renovations of existing buildings shall not decrease the number of entrances. Where feasible, renovations shall include entrances and entrance design to that required for new construction unless this is incompatible with the original historic character of the building.

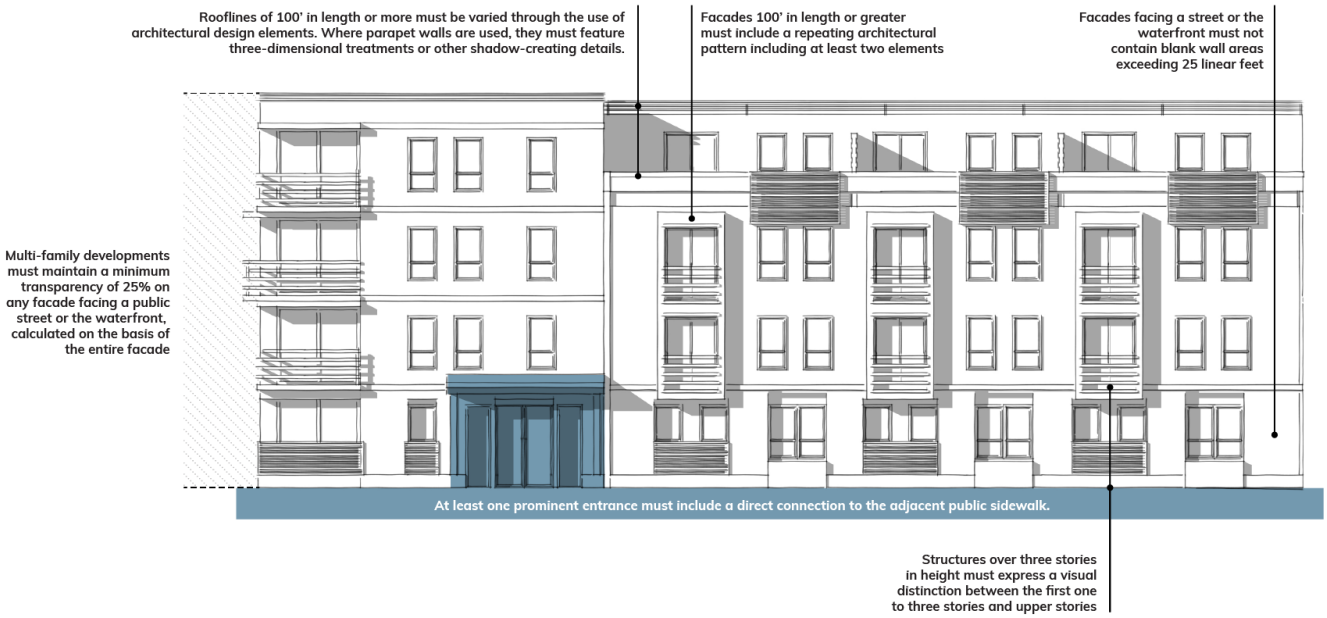
B. Single-family detached, single-family attached, two-family, three-family, four-family, and townhouse dwellings are not subject to these design standards but rather subject to the design standards included within the use standards of the dwelling type in Article 3.

C. Parking garages are not subject to these design standards but rather subject to the design standards included within Section 15.8.

Table 4-2: Residential Districts Design Standards				
		LDR	MDR	HDR
Orientation		**LDR**	**MDR**	**HDR**
1	All buildings must be oriented toward a street.	✓	✓	✓
2	The front building line must be oriented parallel to the street.	✓	✓	✓
3	A prominent entrance is required for each individual nonresidential tenant in a multi-tenant development facing a street.	✓	✓	✓
4	For multi-family dwellings and single-tenant developments, a minimum of one prominent entrance is required along a Neighborhood Activity Street, Neighborhood Link Street, or Regional Activity Street.	✓	✓	✓

Table 4-2: Residential Districts Design Standards				
		LDR	MDR	HDR
5	At least one prominent entrance along the main building facade must include a direct pedestrian connection to the adjacent public sidewalk. On a corner lot, only one façade along a street must have a prominent entrance connected to the public sidewalk or such entrance may be located at the corner.	✓	✓	✓
Facade Design		**LDR**	**MDR**	**HDR**
6	Building facades that face a street or the waterfront must not contain blank wall areas that exceed 25 linear feet.	✓	✓	✓
7	Building facades of 100' in length or greater that face a street or the waterfront must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓
8	Buildings must be designed with consistent building materials and treatments that wrap around all facades.	✓	✓	✓
9	For structures over three stories in height, facades must express a visual distinction between the ground floor and upper stories through architectural features or detailing, or change in materials. This includes patterns made by structural components visible through glass curtain walls.		✓	✓
10	Building facades that face a street or the waterfront must include windows, projected or recessed entrances, overhangs, and other architectural features.	✓	✓	✓
Fenestration Design		**LDR**	**MDR**	**HDR**
11	Multi-family developments: Facades must maintain a minimum transparency of 25% on any façade facing a public street or the waterfront, calculated on the basis of the entire area of the façade.		✓	✓
12	Nonresidential developments: The ground floor of a facade facing a public street or the waterfront must maintain a minimum transparency of 40%, measured between two and eight feet in height.	✓	✓	✓
13	Nonresidential developments: Upper floors of a facade facing a public street or the waterfront must maintain a minimum transparency of 20% of the wall area of the story.	✓	✓	✓
14	All windows shall be clear or lightly tinted.	✓	✓	✓
15	The use of opaque materials such as plywood, brick, metal, or sheet rock to cover or fill a window opening is prohibited.	✓	✓	✓
Roof Design		**LDR**	**MDR**	**HDR**
16	Rooflines of 100' in length or more must be varied through the use of architectural design elements such as dormers, gables, or projected wall features. Such elements of variation may be no wider than 50'.			✓
17	Where parapet walls are used, they must feature three-dimensional cornice treatments or other shadow-creating details along the top.			✓
18	Reflective roof surfaces that produce glare are prohibited, except for cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	✓	✓	✓
19	Green roof, blue roof, and white roof designs are permitted.	✓	✓	✓

RESIDENTIAL DISTRICTS - DESIGN STANDARDS
(MULTI-FAMLY DWELLING AND NONRESIDENTIAL)



C. For multi-family dwellings and nonresidential, including mixed use, developments, the following building materials are prohibited on any facade facing a street or any facade that faces a residential use. However, such materials may be used as decorative or detail elements for up to a total of 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block

2. Mirrored glass

3. Exposed aggregate (rough finish) concrete wall panels

4. Exterior insulating finish systems (EIFS) installed lower than eight feet above grade on any building façade

5. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)

6. Plastic, not including light transmitting plastic

7. Vinyl

8. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, shall be permitted provided they are part of a complete, manufacturer warrantied cladding system, including integral anchorage to structural supports. Steel panels shall be minimum US Standard 26 gauge. Metal panels that meet this requirement are permitted as surface finish material without limitation.

4.5 Additional Standards

A. General Development Standards
See Article 13 for additional on-site development standards and requirements.

B. Accessory Structures
See Article 14 for accessory structures.

C. Off-Street Parking and Loading
See Article 15 for off-street parking and loading standards and requirements.

D. Landscape
See Article 16 for landscape standards and requirements.

E. Signs
See Article 17 for standards governing signs.

Article 5. Mixed Use and Commercial Districts

5.1 Purpose Statements
5.2 Uses
5.3 Dimensional Standards
5.4 Design Standards
5.5 Additional Standards

5.1 Purpose Statements

A. BMU Boutique Mixed Use District

The BMU Boutique Mixed Use District provides for residential uses and small-scale commercial uses that offer convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive, and conducted at a scale and density compatible with the surrounding neighborhood.

B. NMU Neighborhood Mixed Use District

The NMU Neighborhood Mixed Use District provides diverse commercial development along transportation corridors with a dense mixture of residential, commercial, service, and institutional uses, along with some light industrial uses, such as artisanal production, that serve the adjacent neighborhood and the community at large. The NMU District is preserved through appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between the buildings, sites, and streets and still establish an ambience that is uniquely urban and pedestrian-oriented.

C. FMU Flexible Mixed Use District

The FMU Flexible Mixed-Use District is a unique district intended to permit a range of uses to help revitalize clusters of existing obsolete industrial complexes and large-scale buildings that have challenges in meeting market demands. This district reflects the growing popularity of loft residences, unique businesses, artisanal crafts and production, light industrial, and creative adaptive reuse of legacy industrial buildings. While the reuse of existing buildings is the primary goal of this district, new construction is permitted, subject to requirements that ensure compatibility with adjacent uses and residences.

D. RC Regional Commercial District

The RC Regional Commercial District provides locations for regional-scaled and auto-oriented development of commercial and light industrial uses. The RC District is generally located on major arterials and, therefore, are accessible to and serve a regional market. Site design and buffering mitigate impacts of traffic, operations, and scale and ensure safe and direct pedestrian access.

5.2 Uses

Article 3 lists permitted, special permit, accessory, and temporary uses for the commercial and mixed use districts.

5.3 Dimensional Standards

Table 5-1: Commercial and Mixed Use Districts Dimensional Standards establishes the dimensional standards for the commercial and mixed use districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. If only specific uses are listed, standards apply only to those uses. Nonresidential standards include mixed-use development. Diagrams included below of the dimensional standards are for illustrative purposes; rules of measurement are found in Section 24.4.

COMMERCIAL AND MIXED USE DISTRICTS - LOT STANDARDS

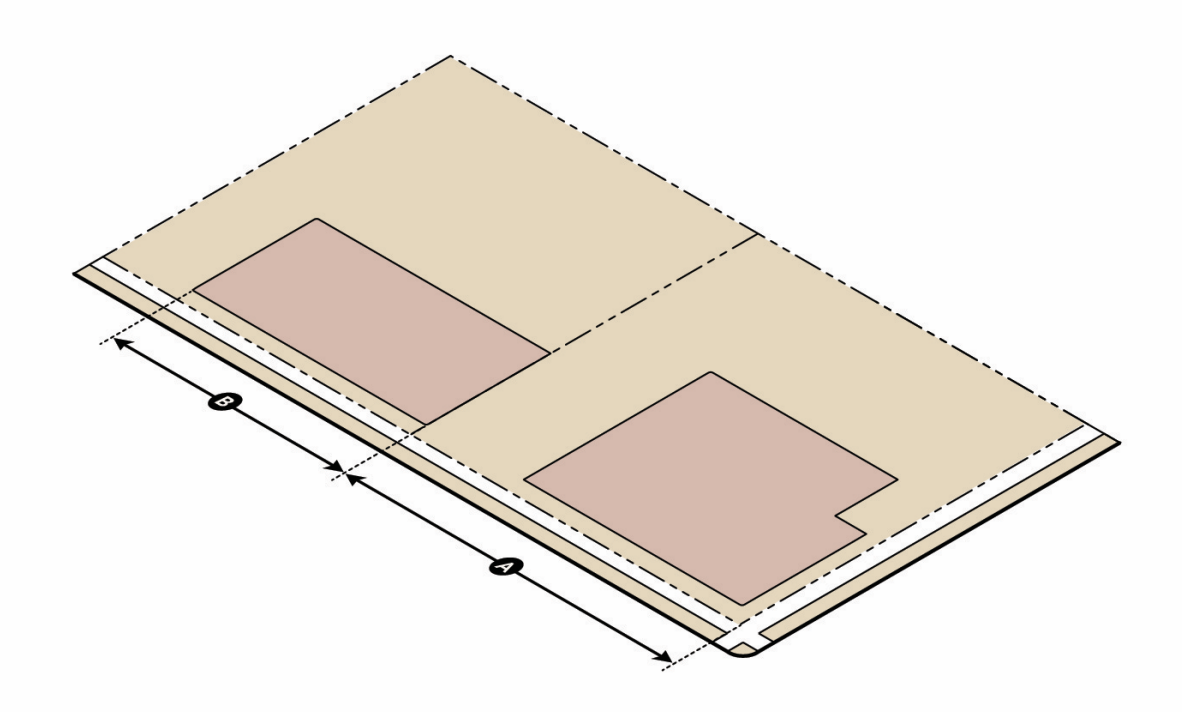


Table 5-1: Commercial and Mixed Use Districts Dimensional Standards				
	BMU	**NMU**	**FMU**	**RC**
LOT				
A Minimum Lot Frontage	None TH: 20'/unit for units abutting a public street	None TH: 20'/unit for units abutting a public street	None TH: 20'/unit for units abutting a public street	None TH: 20'/unit for units abutting a public street
B Maximum Building Length Along a Street - Multi-Family Dwelling *Applies only to new construction and additions to existing structures as of the effective date of the Code*	80'	120'	200' only when abutting or across the street from a Residential District or BMU District	N/A
Maximum Square Footage *Nonresidential uses only*	3,000sf GFA for each nonresidential use, either stand alone or within a mixed-use building	9,000sf GFA for each nonresidential use, either stand alone or within a mixed-use building	N/A	N/A

COMMERCIAL AND MIXED USE DISTRICTS - HEIGHT STANDARDS

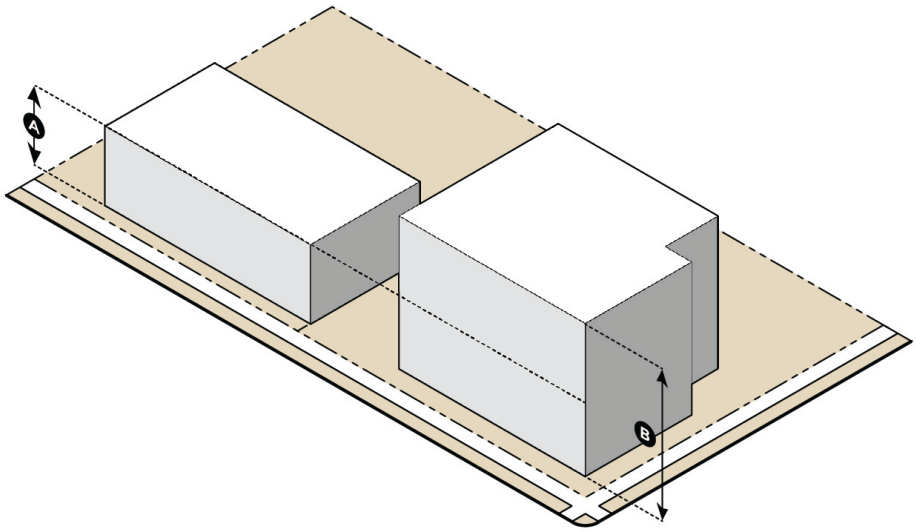


Table 5-1: Commercial and Mixed Use Districts Dimensional Standards				
	BMU	NMU	FMU	RC
HEIGHT				
A Minimum Building Height	20’	20’	20’	N/A
B Maximum Building Height	40’	55’ However, that portion of the building located within 30’ of an abutting LDR or MDR District lot line is limited to 40’ TH: 40’	65’ However, that portion of the building located within 30’ of an abutting LDR or MDR District lot line is limited to 40’ TH: 40’	None However, that portion of the building located within 30’ of an abutting LDR or MDR District lot line is limited to 40’ TH: 40’

COMMERCIAL AND MIXED USE DISTRICTS - SETBACK STANDARDS

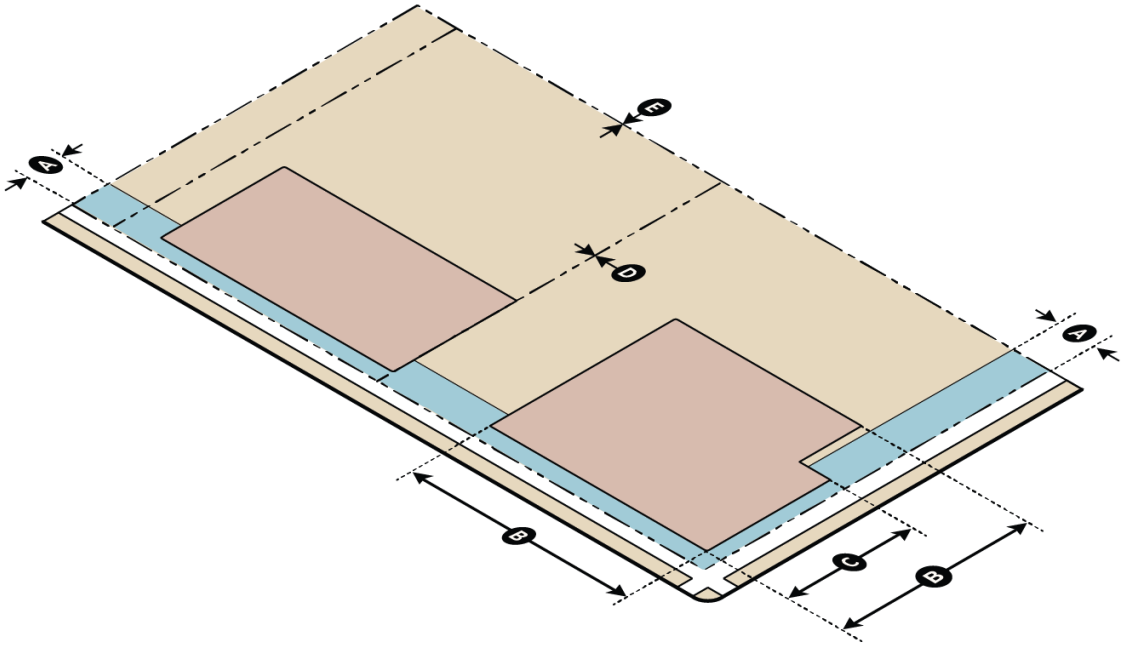


Table 5-1: Commercial and Mixed Use Districts Dimensional Standards				
	BMU	**NMU**	**FMU**	**RC**
SETBACKS				
A Street Build-To Zone (BTZ)	0' Min./5' Max. TH: 0' Min./15' Max. 3F, 4F, MF: 0' Min./10' Max.	0' Min./5' Max. TH: 0' Min./15' Max. 3F, 4F, MF: 0' Min./10' Max.	0' Min./10' Max. TH: 0' Min./15' Max. 3F, 4F, MF: 0' Min./10' Max.	None TH: 0' Min./20' Max. 3F, 4F, MF: 0' Min./10' Max.
B Minimum Build-Out Percentage (BO%) *Does not apply to townhouse development*	Neighborhood Activity Street or Regional Activity Street: 80% Other Streets: 60%	Neighborhood Activity Street or Regional Activity Street: 80% Other Streets: 60%	60%	N/A
C Minimum Build-To Percentage (BT%) *Does not apply to townhouse development*	60%	60%	60%	N/A
D Minimum Interior Side Setback	None, unless abutting a LDR or MDR District, then 20' TH: 5'	None, unless abutting a LDR or MDR District, then 20' TH: 5'	None, unless abutting a LDR or MDR District, then 20' TH: 5'	None, unless abutting a LDR or MDR District, then 20' TH: 5'
E Minimum Rear Setback	None, unless abutting a LDR or MDR District, then 20' TH: 20'	None, unless abutting a LDR or MDR District, then 20' TH: 20'	None, unless abutting a LDR or MDR District, then 20' TH: 20'	None, unless abutting a LDR or MDR District, then 20' TH: 20'

5.4 Design Standards

A. The design standards of Table 5-2: Commercial and Mixed Use Districts Design Standards apply to multi-family dwellings and nonresidential, including mixed-use, developments. The standards apply to development and redevelopment. In the table, a "✓" indicates that the standard is applicable in the district indicated. The absence of a "✓" indicates that the standard does not apply to the district. For the purposes of Table 5-2, when standards indicate that they are applicable when facing a street, this does not apply to alleys. Diagrams included below of the design standards are for illustrative purposes only.

1. Renovations of the first floor of existing buildings within 60 feet of a street right-of-way shall not decrease the existing area of transparency. Where feasible, renovations shall increase the area of transparency to that required for new construction unless the original historic character of the building requires less transparency area.

2. Renovations of existing buildings shall not decrease the number of entrances. Where feasible, renovations shall include entrances and entrance design to that required for new construction unless this is incompatible with the original historic character of the building.

B. Single-family detached, single-family attached, two-family, three-family, four-family, and townhouse dwellings are not subject to these design standards but rather subject to the design standards included within the use standards of the dwelling type in Article 3.

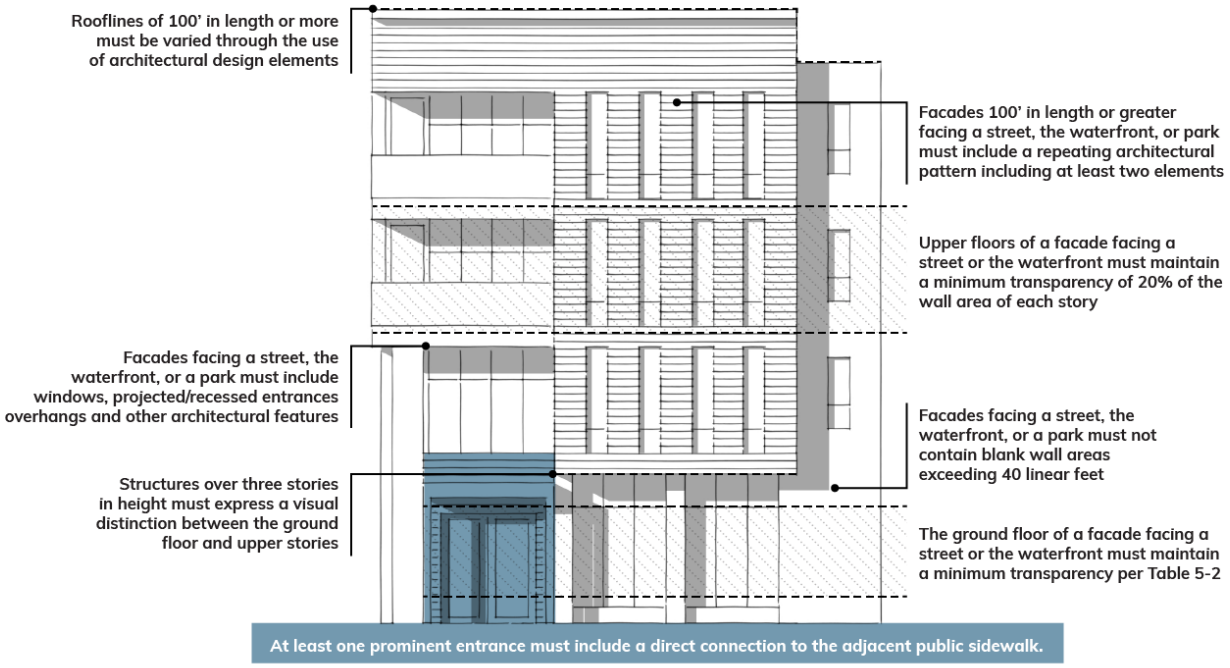
C. Parking garages are not subject to these design standards but rather subject to the design standards included within Section 15.8.

Table 5-2: Commercial and Mixed Use Districts Design Standards

Orientation		**BMU**	**NMU**	**FMU**	**RC**
1	All building facades located along a street lot line must be oriented toward a street.	✓	✓	✓	✓
2	A prominent entrance is required for each individual nonresidential tenant in a multi-tenant development facing a street.	✓	✓	✓	
3	For multi-family dwellings and single-tenant developments, a minimum of one prominent entrance is required along a Neighborhood Activity Street, Neighborhood Link Street, or Regional Activity Street.	✓	✓	✓	✓
4	At least one prominent entrance along the main building facade must include a direct pedestrian connection to the adjacent public sidewalk. On a corner lot, only one façade along a street must have a prominent entrance connected to the public sidewalk or such entrance may be located at the corner.	✓	✓	✓	
5	For buildings 200' in length or greater, the spacing between a building's prominent entrances is limited to a maximum of 75 feet.	✓	✓	✓	
Facade Design		**BMU**	**NMU**	**FMU**	**RC**
6	Building facades that face a street, the waterfront, or a park must not contain blank wall areas that exceed 25 linear feet.	✓	✓		
7	Building facades that face a street, the waterfront, or a park must not contain blank wall areas that exceed 40 linear feet.			✓	✓
8	Building facades that face a street, the waterfront, or a park of 100' in length or greater, facades must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓	

Table 5-2: Commercial and Mixed Use Districts Design Standards					
9	Buildings must be designed with consistent building materials and treatments that wrap around all facades.	✓	✓	✓	
10	For structures over three stories in height, facades must express a visual distinction between the ground floor and upper stories through architectural features or detailing, or change in materials. This includes patterns made by structural components visible through glass curtain walls.	✓	✓		
11	Building facades that face a street, the waterfront, or a park must include windows, projected or recessed entrances, overhangs, and other architectural features.	✓	✓	✓	
12	For building facades that face a street, the waterfront, or a park, covering a masonry building with new material (ex. vinyl siding, EIFS, stucco) is prohibited.	✓	✓	✓	✓
13	Rolldown security gate/shutters must remain open during business hours.	✓	✓	✓	✓
Fenestration Design		**BMU**	**NMU**	**FMU**	**RC**
14	Multi-family developments: Facades must maintain a minimum transparency of 25% on any façade facing a public street or the waterfront, calculated on the basis of the entire area of the façade.	✓	✓	✓	✓
15	Nonresidential developments: The ground floor of a facade facing a street or the waterfront must maintain a minimum transparency of 40%, measured between two and eight feet in height.			✓	✓
16	Nonresidential developments: The ground floor of a facade facing a street or the waterfront must maintain a minimum transparency of 60%, measured between two and eight feet in height.	✓	✓		
17	Nonresidential developments: Upper floors of a facade facing a street or the waterfront must maintain a minimum transparency of 20% of the wall area of the story.	✓	✓		
18	All windows shall be clear or lightly tinted.	✓	✓	✓	✓
19	The use of opaque materials such as plywood, brick, metal, or sheet rock to cover or fill a window opening is prohibited.	✓	✓	✓	✓
Roof Design		**BMU**	**NMU**	**FMU**	**RC**
20	Rooflines of 100' in length or more must be varied through the use of architectural design elements such as dormers, gables, material patterns, or projected wall features. Such elements of variation may be no wider than 50'.	✓	✓	✓	
21	Where parapet walls are used, they must feature three-dimensional cornice treatments or other shadow-creating details along the top.	✓	✓	✓	
22	Reflective roof surfaces that produce glare are prohibited, except for cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	✓	✓	✓	✓
23	Green roof, blue roof, and white roof designs are permitted.	✓	✓	✓	✓

COMMERCIAL AND MIXED USE DISTRICTS - DESIGN STANDARDS



C. For, multi-family dwellings and nonresidential, including mixed use, developments, the following building materials are prohibited on any facade facing a street or any facade that faces a residential use. However, such materials may be used as decorative or detail elements for up to a total of 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block

2. Mirrored glass

3. Exposed aggregate (rough finish) concrete wall panels

4. Exterior insulating finish systems (EIFS) installed lower than eight feet above grade

5. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)

6. Plastic, not including light transmitting plastic

7. Vinyl

8. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, shall be permitted provided they are part of a complete, manufacturer warrantied cladding system, including integral anchorage to structural supports. Steel panels shall be minimum US Standard 26 gauge. Metal panels that meet this requirement are permitted as surface finish material without limitation.

5.5 Additional Standards

A. General Development Standards
See Article 13 for additional on-site development standards and requirements.

B. Accessory Structures
See Article 14 for accessory structures.

C. Off-Street Parking and Loading
See Article 15 for off-street parking and loading standards and requirements.

D. Landscape
See Article 16 for landscape standards and requirements.

E. Signs
See Article 17 for standards governing signs.

Article 6. Downtown Mixed Use District

6.1 Purpose Statement
6.2 Uses
6.3 Dimensional Standards
6.4 Design Standards
6.5 Additional Standards

6.1 Purpose Statement

A. DMU Downtown Mixed Use District
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 to determine the appropriate design character. Overall, the regulations are intended to define and promote Downtown Rochester as the anchor for the region and as a desirable place to live, work, and play in a dense, urban, pedestrian-oriented environment.

6.2 Uses

Article 3 lists permitted, special permit, accessory, and temporary uses for the DMU District.

6.3 Dimensional Standards

A. Table 6-1: DMU District Dimensional Standards establishes the dimensional standards for the DMU District. These regulations apply to all uses fronting on each street typology or specified frontages, such as the Genesee River, public park, or alley.

B. Where the DMU District allows for single-family detached, single-family attached, two-family, three-family, four-family, and townhouse development, such uses are subject to the standards of the HDR District.

C. Diagrams included below of the dimensional standards are for illustrative purposes; rules of measurement are found in Section 24.4.

DOWNTOWN MIXED USE DISTRICT - BUILDING FRONTAGE STANDARDS

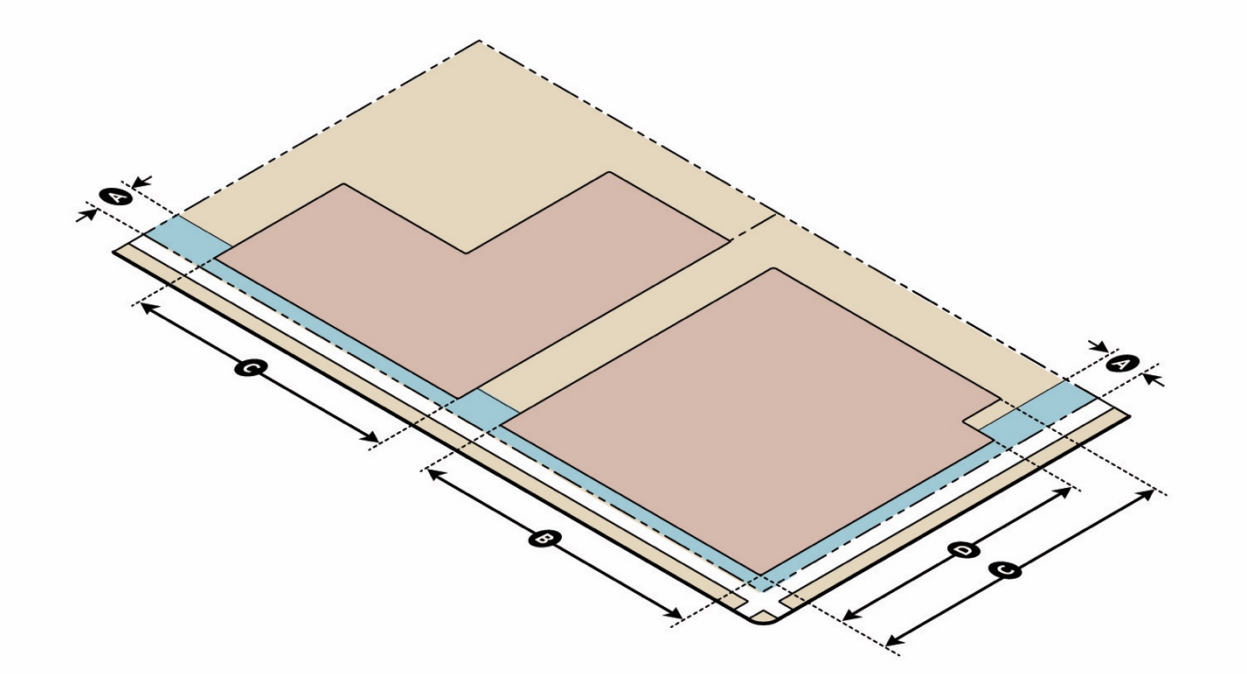


Table 6-1: DMU District Dimensional Standards				
	Street Typology and Frontages			
	Downtown Activity	Downtown Link	Waterfront or Park	Alley or Private Internal Access Drive
BUILDING FRONTAGE				
A Street Frontage Build-To Zone (BTZ)	0'-10'	0'-10'	None	None
B Maximum Building Length *See 6.3.D below to exceed this maximum dimension*	300'	300'	300'	None
C Minimum Build-Out Percentage (BO%)	80%	80%	None	None
D Minimum Build-To Percentage (BT%)	80%	80%	None	None

DOWNTOWN MIXED USE DISTRICT - HEIGHT STANDARDS

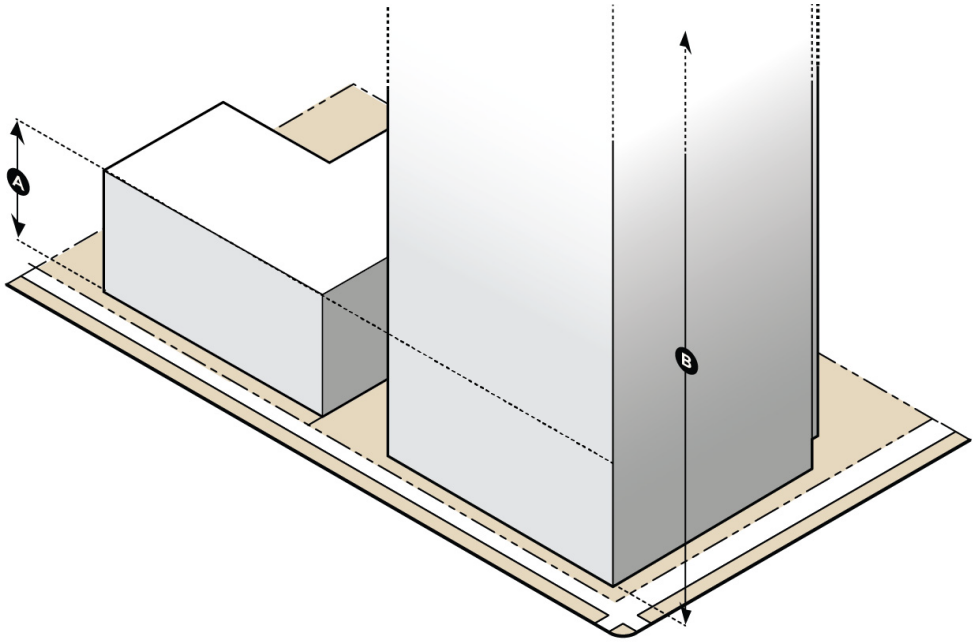
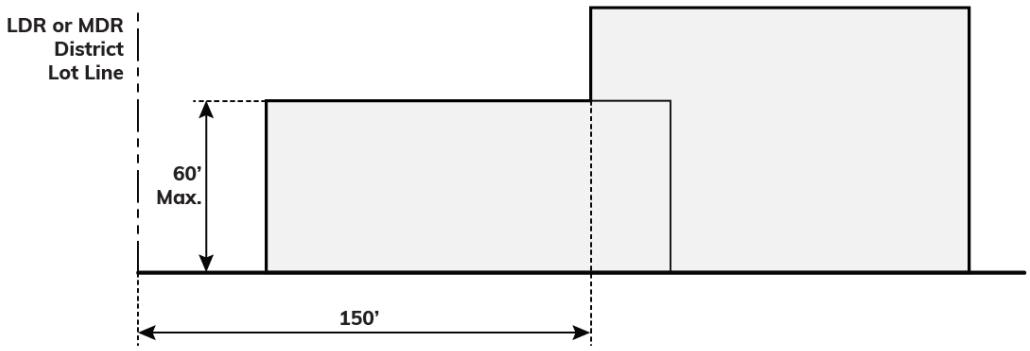


Table 6-1: DMU District Dimensional Standards				
	Street Typology and Frontages			
	Downtown Activity	Downtown Link	Waterfront or Park	Alley or Private Internal Access Drive
HEIGHT				
A Minimum Building Height *In the case of multiple frontages, the greatest minimum building height controls*	48’	36’	None	None
B Maximum Building Height	Unlimited	Unlimited	Unlimited	Unlimited
Additional Height Limitations for Lots Adjacent to LDR or MDR District	The maximum building height of any structure within 150 feet of the nearest lot line in a LDR or MDR District is limited to 60’ This standard applies only to that part of a structure within the 150’ distance *This stepback limitation does not apply when adjacent to parks of three acres or greater*			
Minimum First Floor Demarcation Line *This includes a cornice line, first-floor window height, bottom sill of second story windows, or entablature*	14’	14’	None	None

BUILDING HEIGHT LIMITATION ADJACENT TO LDR OR MDR DISTRICT



DOWNTOWN MIXED USE DISTRICT - SETBACK STANDARDS

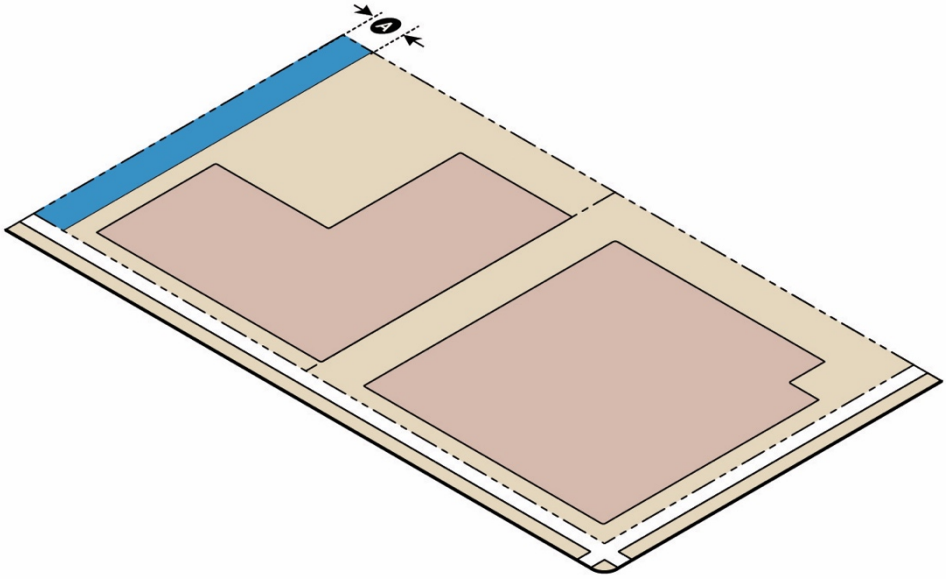


Table 6-1: DMU District Dimensional Standards				
	Street Typology and Frontages			
	Downtown Activity	Downtown Link	Waterfront or Park	Alley or Private Internal Access Drive
SETBACKS				
A Minimum Setback From Any Lot Line Abutting Other Districts (Non-DMU)	None, unless abutting LDR or MDR District, then 10'	None, unless abutting LDR or MDR District, then 10'	N/A	None, unless abutting LDR or MDR District, then 10'

D. To exceed maximum building length in the DMU, the following design is required:

1. Passage Design

Where a building abuts two parallel streets or when parallel to a public park or the waterfront on the side of the building opposite the street, a pedestrian passage is required. Alleys are not considered a street. Such passage shall meet the following criteria.

a. General Requirements

i. Passages shall be designed to accommodate pedestrians. Vehicular access and circulation shall not be allowed as a component of a passage.

ii. Passages shall be a minimum of 30 feet in width and 14 feet in height, and shall be located within the middle third of the building, measured along the frontage.

iii. Passages shall be designed to maintain views from one end through to the other. Such views shall not be obstructed by lighting or other design features.

iv. Inclusion of decorative elements such as lighting installations or public art within passages is encouraged.

v. Passages shall align with the street grid or other points of access to sidewalks, public paths, parking lots, public parks, or other publicly owned open space where feasible.

vi. For the purposes of any build-to zone requirement, a building passage is considered part of the building façade that meets such requirement.

b. Passages in Nonresidential and Mixed Use Buildings

i. Ground floor uses shall be oriented toward the passage, including public entrances.

ii. Ground floor façades facing into building passages in nonresidential and mixed use buildings shall maintain a minimum transparency of 35% of the wall area of the passage.

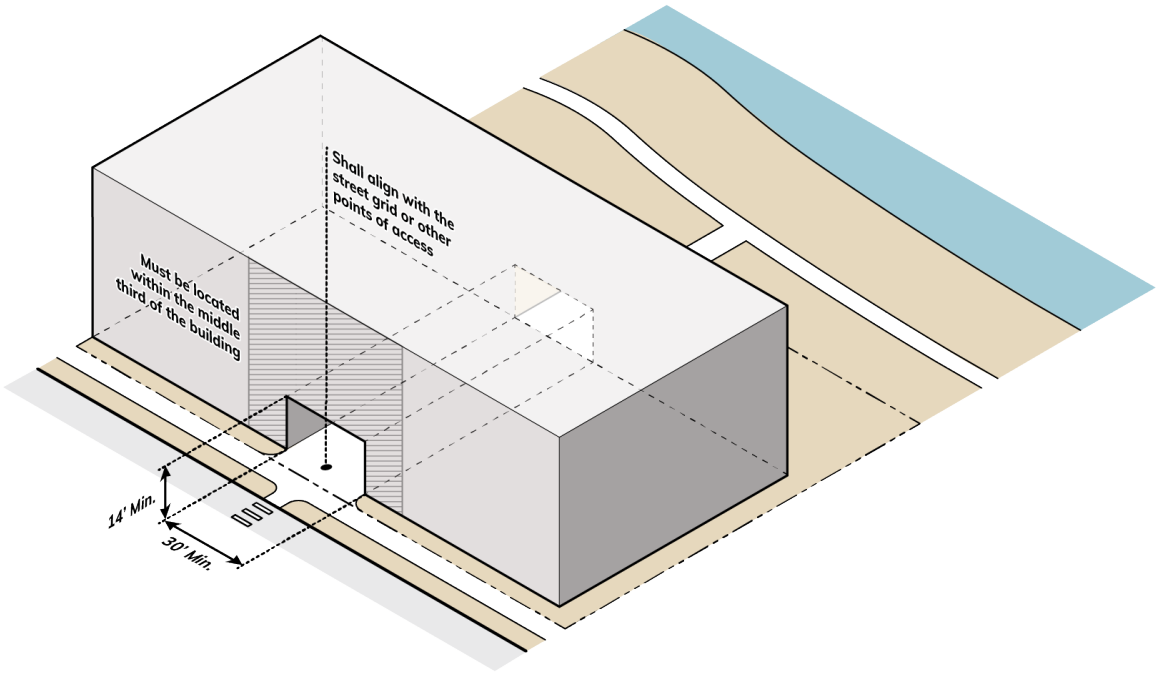
c. Passages in Residential Buildings

i. Passages in residential buildings may be closed off to the public with gates and/or fencing but shall be of open design to allow for a clear view through the passage.

ii. Passages in residential buildings shall be designed with elements for use by residents, such as seating areas.

iii. Ground floor façades facing into building passages in residential buildings shall maintain a minimum transparency of 25% of the wall area of the passage.

DOWNTOWN MIXED USE PASSAGE DESIGN



2. Building Recess Design

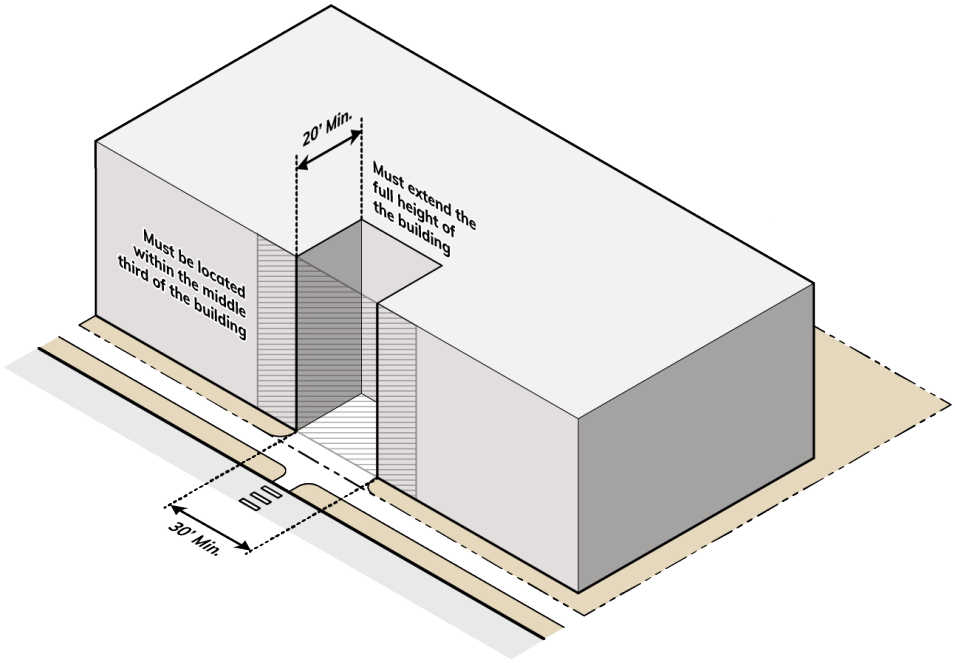
Where a building does not abut two parallel streets or a street and a public park or the waterfront, a break in the building massing is required. Building mass shall be recessed a minimum of 20 feet in depth for no less than 30 linear feet along the façade. Such recess shall extend the full height of the building, and shall meet the following criteria:

a. The recess shall be located within the middle third of the building, measured along the street.

b. The recessed area is subject to all transparency requirements.

c. The recessed area shall be designed as public or common space including amenities such as seating areas, landscaping, lighting, decorative elements, or public art.

DOWNTOWN MIXED USE BUILDING RECESS DESIGN



6.4 Design Standards

A. The design standards of Table 6-2: DMU District Design Standards apply to multi-family dwellings and nonresidential, including mixed-use, developments. The standards apply to development and redevelopment. In the table, a "✓" indicates that the standard is applicable in the district indicated. The absence of a "✓" indicates that the standard does not apply to the district. Unless otherwise specifically stated, the standards apply to those facades that face the particular street typology and/or frontage as applicable. Diagrams included below of the design standards are for illustrative purposes only.

1. Renovations of the first floor of existing buildings within 60 feet of a street right-of-way shall not decrease the existing area of transparency. Where feasible, renovations shall increase the area of transparency to that required for new construction unless the original historic character of the building requires less transparency area.

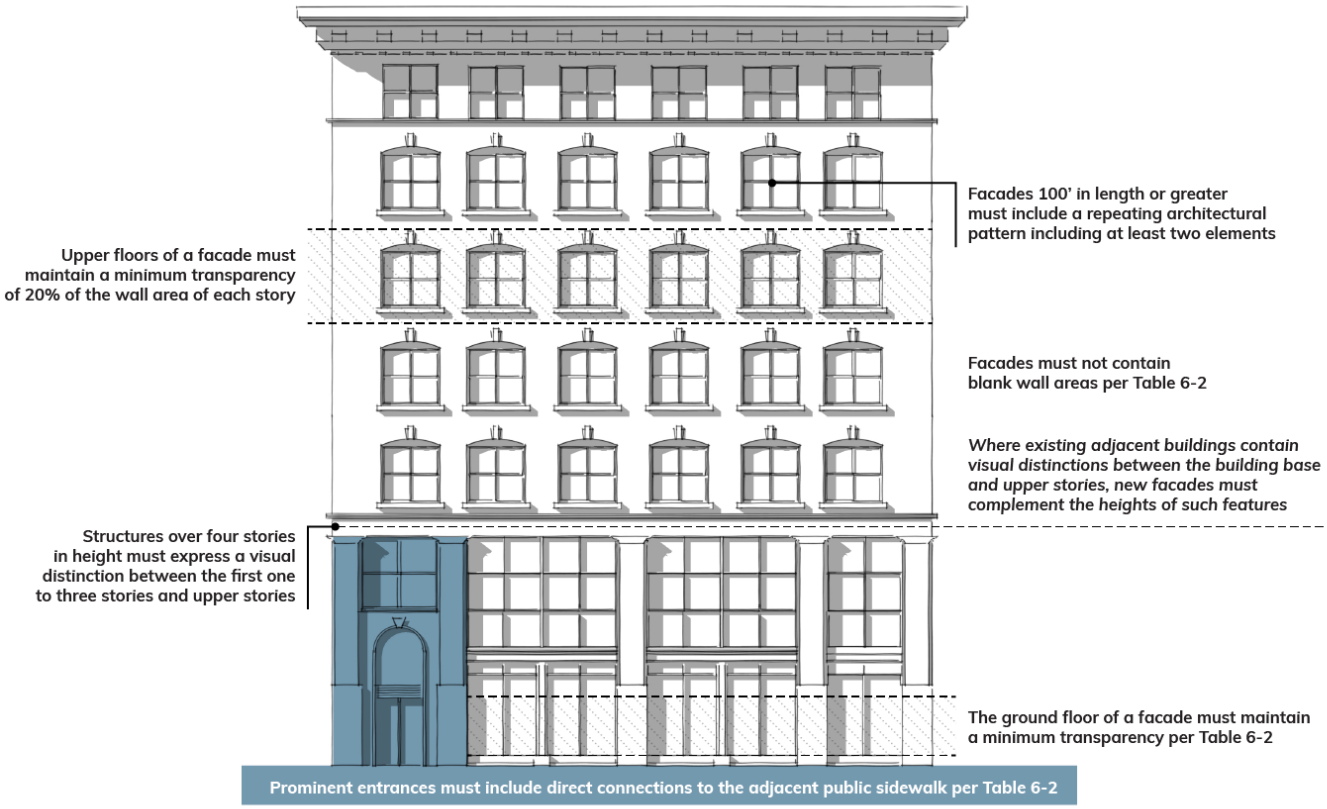
2. Renovations of existing buildings shall not decrease the number of entrances. Where feasible, renovations shall include entrances and entrance design to that required for new construction unless this is incompatible with the original historic character of the building.

B. Single-family detached, single-family attached, two-family, three-family, four-family, and townhouse dwellings are not subject to these design standards but rather subject to the design standards included within the use standards of the dwelling type in Article 3.

C. Parking garages are not subject to these design standards but rather subject to the design standards included within Section 15.8.

Table 6-2: DMU District Design Standards					
		Street Typology and Frontages			
Orientation		**Downtown Activity**	**Downtown Link**	**Waterfront or Park**	**Alley or Private Internal Access Drive**
1	All buildings must have at least one prominent entrance along the building facade.	✓	✓	✓	
2	At least one entrance along the main building facade, designed as a prominent entrance, must include a direct pedestrian connection to the adjacent public sidewalk.		✓	✓	
3	All prominent entrances are required to include a direct pedestrian connection to the adjacent public sidewalk.	✓			
4	For buildings 200' in length or greater, the spacing between a building's prominent entrances is limited to a maximum of 75 feet.	✓	✓	✓	
Facade Design		**Downtown Activity**	**Downtown Link**	**Waterfront or Park**	**Alley or Private Internal Access Drive**
5	Building facades must not contain blank wall areas that exceed 25 linear feet.	✓			
6	Building facades must not contain blank wall areas that exceed 50 linear feet.		✓	✓	
7	Building facades of 100' in length or greater must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓	
8	Buildings must be designed with consistent building materials and treatments that wrap around all facades.	✓	✓	✓	
9	For structures over four stories in height, facades must express a visual distinction between the first one to three stories and upper stories through architectural features or detailing, or change in materials. Where existing adjacent buildings contain such horizontal features distinguishing the ground floor from upper stories, new building facades must complement the heights of such features to create visual continuity along the face of a block. This includes patterns made by structural components visible through glass curtain walls.	✓	✓	✓	
10	Rolldown security gate/shutters must remain open during business hours.	✓	✓	✓	
Fenestration Design		**Downtown Activity**	**Downtown Link**	**Waterfront or Park**	**Alley or Private Internal Access Drive**
11	Multi-Family Development Transparency: Facades must maintain a minimum transparency of 20%, calculated based on the entire area of the façade.	✓	✓	✓	
12	Nonresidential developments: The ground floor of a facade must maintain a minimum transparency as indicated in the following columns, measured between two and eight feet in height.	70%	50%	50%	
13	Nonresidential Development Upper Floor Transparency: Upper floors of a facade must maintain a minimum transparency of 20% of the wall area of each story	✓	✓	✓	
14	The use of opaque materials such as plywood, brick, metal, or sheet rock to cover or fill a window opening is prohibited.	✓	✓	✓	
Roof Design		**Downtown Activity**	**Downtown Link**	**Waterfront or Park**	**Alley or Private Internal Access Drive**
15	Reflective roof surfaces that produce glare are prohibited,	✓	✓	✓	✓
16	Green roof, blue roof, and white roof designs are permitted.	✓	✓	✓	✓

DOWNTOWN MIXED USE - DESIGN STANDARDS



C. This section (item C) does not apply to the Cascade Historic District, which is addressed in item D below.

1. For multi-family dwellings and nonresidential, including mixed use, developments in the DMU District, the following building materials are prohibited on any facade facing a street or any facade that faces a residential use. However, such materials may be used as decorative or detail elements for up to a total of 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

a. Plain concrete block

b. Mirrored glass installed above the first floor demarcation line, unless such mirrored glass is designed to be bird safe. Bird-safe glass is specially designed to make glass a visible obstacle to birds and includes approaches such as fritting, silk-screening, or ultraviolet coating. Patterns must break up the reflectivity of the glass and be spaced two inches apart horizontally and four inches apart vertically.

c. Exterior insulating finish systems (EIFS) installed lower than eight feet above grade

d. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)

e. Plastic, not including light transmitting plastic.

f. Vinyl

g. Metal panels unless they meet the following requirements: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, shall be permitted provided they are part of a complete, manufacturer warrantied cladding system, including integral anchorage to structural supports. Steel panels shall be minimum US Standard 26 gauge. Metal panels that meet this requirement are permitted as surface finish material without limitation.

2. Mirrored glass installed below the first floor demarcation line is prohibited.

D. Within the Cascade Historic District, the two primary building façade materials in any development or redevelopment project must be brick and glass.

6.5 Additional Standards

A. General Development Standards
See Article 13 for additional on-site development standards and requirements.

B. Accessory Structures
See Article 14 for accessory structures.

C. Off-Street Parking and Loading
See Article 15 for off-street parking and loading standards and requirements.

D. Landscape
See Article 16 for landscape standards and requirements.

E. Signs
See Article 17 for standards governing signs.

Article 7. Village Center Districts

7.1 Purpose of Village Center Districts
7.2 PMV Public Market Village District
7.3 HV Harbortown Village District
7.4 CV Collegetown Village District
7.5 MD Marina District

7.1 Purpose of Village Center Districts

The Village Center Districts recognize a particularly unique setting and encourages the development of lively, pedestrian-friendly, and mixed-use neighborhoods. A Village Center District offers a variety of uses, such as residential, commercial, civic, and open space, that result in traditional neighborhoods where living, working, and shopping in close proximity to one another. There is a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes. The Village Center District offers multi-modal transportation opportunities that include pedestrian walkways, bicycle lanes, automobile corridors, and mass transit. The unique historical, cultural, and/or neighborhood features of the area are protected as development and redevelopment occurs in this district.

7.2 PMV Public Market Village District

A. Purpose Statement

The PMV Public Market Village District is a diverse neighborhood consisting of residential, commercial, and wholesale uses of in varied building sizes. The focal point is the historic Rochester Public Market that developed in the early 1900s on North Union Street. The Public Market provides a unique blend of retail, service and wholesale uses serving a regional clientele. Today, the Market operates much as it did when it began as a thriving center of pedestrian-based commercial activity providing a variety of commodities in an open-air market atmosphere to both households and business owners. The Public Market Village strengthens the relationship between the neighborhood buildings, sites and areas and the Public Market itself through appropriate design elements, amenities, and treatments.

B. Uses

Article 3 lists permitted, special permit, accessory, and temporary uses for the PMV District.

C. Dimensional Standards

Table 7-1: PMV District Dimensional Standards establishes the dimensional standards for the PMV District. These regulations apply to all uses within the district unless a different standard is listed for a specific use. If only specific uses are listed, standards apply only to those uses. Nonresidential standards include mixed-use development.

Table 7-1: PMV District Dimensional Standards	
LOT	
Minimum Lot Frontage	None
Maximum Building Coverage	SF-A, TH: 50% 3F, 4F, MF, NR: None
Maximum Impervious Surface Coverage	SF-A, TH, 3F, 4F, MF: 65%
HEIGHT	
Maximum Building Height	None
SETBACKS	
Front Setback	Residential: Average front setback, +/- 20% but not to exceed a difference of 5' Where 50% or more of the lots on a block frontage are vacant, the Sanborn maps shall be used, where possible, to determine the setback. Otherwise, the setback shall be 20' Nonresidential: None
Minimum Interior Side Setback	SF-A, TH: None 3F, 4F, MF: 1/3 the building height or 10', whichever is greater NR: None, unless adjacent to a residential district, in which case the interior side setback shall be the same as the adjacent residential district
Corner Side Setback	None

Table 7-1: PMV District Dimensional Standards	
Minimum Rear Setback	Residential: 1/3 the building height or 20', whichever is greater Nonresidential: None, unless adjacent to a residential district, in which case the rear setback shall be the same as the adjacent residential district

D. Design Standards

1. Orientation

a. All buildings must be oriented toward a street.

b. A prominent entrance is required for each individual nonresidential tenant in a multi-tenant development facing a street.

c. For multi-family dwellings and single-tenant developments, a minimum of one prominent entrance is required along a Neighborhood Activity Street, Neighborhood Link Street, or Regional Activity Street.

d. At least one prominent entrance along the main building facade must include a direct pedestrian connection to the adjacent sidewalk. On a corner lot, only one façade along a street must have a prominent entrance connected to the sidewalk or such entrance may be located at the corner.

e. For buildings 200' in length or greater, the spacing between a building's prominent entrances is limited to a maximum of 75 feet.

2. Facade Design

a. Building facades that face a street, the waterfront, or a park must not contain blank wall areas that exceed 40 linear feet.

b. Building facades that face a street, the waterfront, or a park of 100 feet in length or greater, facades must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.

c. Buildings must be designed with consistent building materials and treatments that wrap around all facades.

d. Building facades that face a street, the waterfront, or a park must include windows, projected or recessed entrances, overhangs, and other architectural features.

e. For building facades that face a street, the waterfront, or a park, covering a masonry building with new material (ex. vinyl siding, EIFS, stucco) is prohibited.

3. Fenestration Design

a. Multi-family developments: Facades must maintain a minimum transparency of 25% on any façade facing a public street or the waterfront, calculated on the basis of the entire area of the façade, in addition to item c below.

b. Nonresidential developments: The ground floor of a facade facing a street or the waterfront must maintain a minimum transparency of 40%, measured between two and eight feet in height, unless item c below applies.

c. All new construction on building facades that are within 60 feet of a street right-of-way, or a vehicle or pedestrian way internal to the Rochester Public Market shall provide areas of transparency equal to 40% of the wall area between the height of two feet and eight feet from the ground.

d. All windows shall be clear or lightly tinted.

e. The use of opaque materials such as plywood, brick, metal, or sheet rock to cover or fill a window opening is prohibited.

4. Roof Design

a. Rooflines of 100 feet in length or more must be varied through the use of architectural design elements such as dormers, gables, material patterns, or projected wall features. Such elements of variation may be no wider than 50 feet.

b. Where parapet walls are used, they must feature three-dimensional cornice treatments or other shadow-creating details along the top.

c. Reflective roof surfaces that produce glare are prohibited, except for cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

d. Green roof, blue roof, and white roof designs are permitted.

5. Building Materials

For, multi-family dwellings and nonresidential, including mixed use, developments, the following building materials are prohibited on any facade facing a street or any facade that faces a residential use. However, such materials may be used as decorative or detail elements for up to a total of 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

a. Mirrored glass

b. Exposed aggregate (rough finish) concrete wall panels

c. Exterior insulating finish systems (EIFS) installed lower than eight feet above grade

d. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)

e. Plastic, not including light transmitting plastic

f. Vinyl

g. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, shall be permitted provided they are part of a complete, manufacturer warrantied cladding system, including integral anchorage to structural supports. Steel panels shall be minimum US Standard 26 gauge.

E. Additional Standards

1. General Development Standards

See Article 13 for additional on-site development standards and requirements.

2. Accessory Structures

See Article 14 for accessory structures.

3. Off-Street Parking and Loading

See Article 15 for off-street parking and loading standards and requirements.

4. Landscape

See Article 16 for landscape standards and requirements.

5. Signs

See Article 17 for standards governing signs.

7.3 HV Harbortown Village District

A. Purpose Statement

The HV Harbortown Village is a distinct neighborhood developing around the mouth of the Genesee River and the shore of Lake Ontario as a unique and lively water- and pedestrian-oriented area. The district regulations improve the harbor environment, promote public access, encourage tourism, and preserve the waterfront environment. The development of facilities for fishing, boating, swimming, dining, picnicking, strolling, and sightseeing is encouraged, while the Lake Avenue commercial corridor offers diverse activities that are tourist-related and serve the neighborhood. Dense residential development promotes diversity in housing types and a year-round population that will ensure the vitality of the village.

B. Uses

Article 3 lists permitted, special permit, accessory, and temporary uses for the HV District.

C. Dimensional Standards

Table 7-2: HV District Dimensional Standards establishes the dimensional standards for the HV District. These regulations apply to all uses within the district unless a different standard is listed for a specific use. If only specific uses are listed, standards apply only to those uses. Nonresidential standards include mixed-use development.

Table 7-2: HV District Dimensional Standards	
LOT	
Minimum Lot Frontage	SF-D: Average frontage of lots on which the property is located Other Uses: None
Minimum Lot Area	SF-D: 5,000sf Other Uses: None
Maximum Building Coverage	SF-D, SF-A, TH: 50% Other Uses: None
Maximum Impervious Surface Coverage	SF-D, SF-A, TH: 65% Other Uses: None
HEIGHT	
Minimum Building Height	Residential: 25’ or 2 stories Nonresidential: 20’ or 2 stories
Maximum Building Height	None
Nonresidential Maximum Square Footage	2,500sf
SETBACKS	
Front Setback	Residential: Average front setback, +/- 20% but not to exceed a difference of 5’ Where 50% or more of the lots on a block frontage are vacant, the Sanborn maps shall be used, where possible, to determine the setback. Otherwise, the setback shall be 20’ Nonresidential: None
Minimum Interior Side Setback	SF-D: 5’ minimum with a combined width of both interior side setbacks of 15’ Other Residential Uses: None NR: None, unless adjacent to a residential district, in which case the interior side setback shall be the same as the adjacent residential district
Corner Side Setback	None
Minimum Rear Setback	Residential: None NR: None, unless adjacent to a residential district, in which case the rear setback shall be the same as the adjacent residential district

D. Design Standards

1. Building Orientation

a. The proposed building, structure, or use shall not unnecessarily interfere with the passage of boats nor unnecessarily obstruct public access to riverside parcels.

b. At least one prominent entrance along the main building facade must include a direct pedestrian connection to the adjacent sidewalk. On a corner lot, only one façade along a street must have a prominent entrance connected to the sidewalk or such entrance may be located at the corner.

2. Façade Design

a. Building facades that face a street, the waterfront, or a park must include windows, projected or recessed entrances, overhangs, and other architectural features.

b. Building facades that face a street, the waterfront, or a park must not contain blank wall areas that exceed 25 linear feet.

c. Building facades that face a street, the waterfront, or a park of 100' in length or greater, facades must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.

3. Residential Buildings Within 100 Feet or Visible from Lake Avenue Right-of-Way

a. Siding

i. The original siding must be maintained and, when necessary, replaced in kind.

ii. If a secondary form of exterior siding exists, such siding may be maintained and repaired until such time as more than 50% of the siding requires replacement. At such time, the original siding shall be restored or new material that matches the original exterior siding as closely as is physically practical shall be provided.

b. Windows

i. All replacement windows in elevations visible from any public right-of-way shall match the original windows in size, type, and mullion and/or muntin configuration.

ii. Such replacement windows shall utilize true divided lights or simulated divided lights when matching the original mullion and/or muntin configuration.

4. Public Access and Waterfront Views/Vistas

a. The proposed design and arrangement of the building, structure or use shall provide for pedestrian access to and along the waterfront and protect views of the waterfront to the maximum extent possible.

b. Site development within 30 feet of the waterfront, including the construction of buildings, structures, or signage, shall not obstruct identified views or vistas of the waterfront as listed in the City of Rochester's Local Waterfront Revitalization Program (LWRP).

5. Roofs

a. Green roof, blue roof, and white roof designs are permitted.

b. Reflective surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

6. Signs and Awnings

a. Detached signs over six feet in height, advertising signs and roof signs are prohibited.

b. Sign materials shall consist of brass, cast iron, or carved or painted wood.

E. Additional Standards

1. General Development Standards
See Article 13 for additional on-site development standards and requirements.

2. Accessory Structures
See Article 14 for accessory structures.

3. Off-Street Parking and Loading
See Article 15 for off-street parking and loading standards and requirements.

4. Landscape
See Article 16 for landscape standards and requirements.

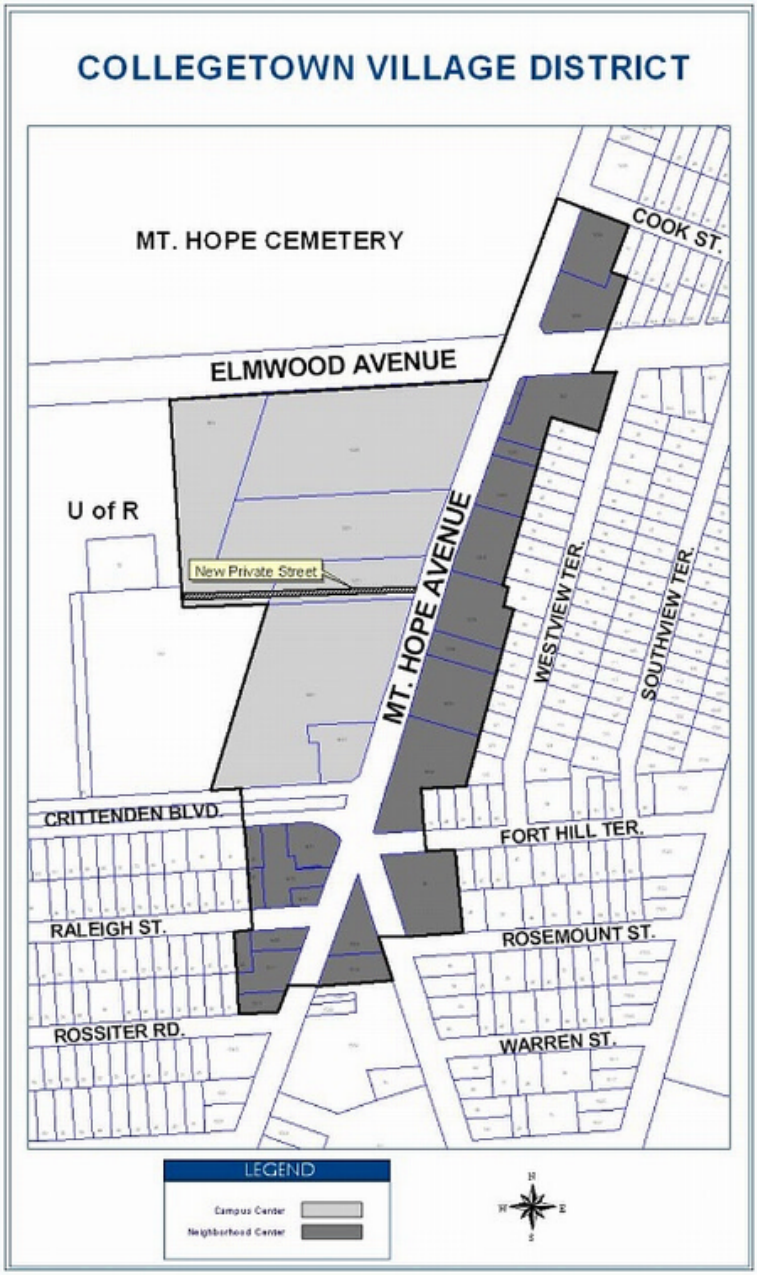
5. Signs
See Article 17 for standards governing signs.

7.4 CV Collegetown Village District

A. Purpose Statement
The CV Collegetown Village District is intended to promote and facilitate the transformation of the Mount Hope Avenue corridor, primarily between Elmwood Avenue and Crittenden Boulevard, from an area currently characterized by small-scale buildings set in expanses of surface parking to a dense mixed-use urban center. A development framework is proposed with established design criteria which will facilitate new construction and the continued provision of retail, goods and services to residents of the surrounding Upper Mt. Hope neighborhood and employees, visitors and students of the University of Rochester and the University Medical Center. The Collegetown Village shall be pedestrian-oriented and bicycle friendly with lively and vibrant street activity. Multimodal access will be encouraged. Shared parking and vehicular access will enhance the pedestrian experience and the intended “park once” environment. The district shall be comprised of two areas.

1. Campus Center
The primary intent of the Campus Center is to regulate the physical form of buildings within this area to encourage the development of a dense vibrant, pedestrian-oriented, mixed-use area.

2. Neighborhood Center
The primary intent of the Neighborhood Center is to regulate the physical form of new buildings within this area to ensure the continuity of development on both sides of Mt. Hope Avenue and to provide an appropriate transition to the adjacent residential neighborhoods.



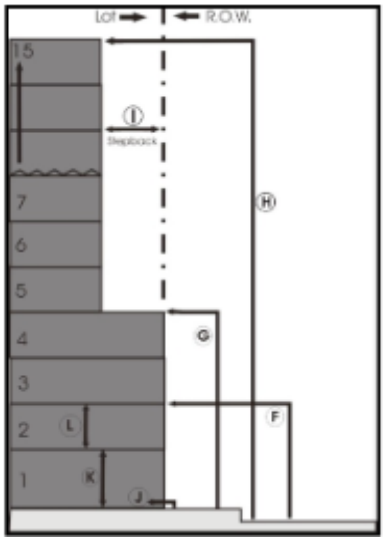
B. Uses

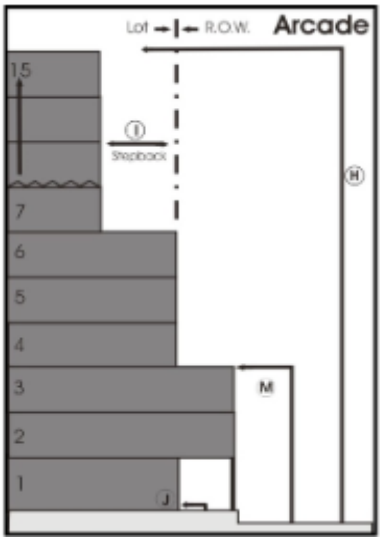
Article 3 lists permitted, special permit, accessory, and temporary uses for the CV District.

C. Dimensional Standards

Table 7-3: HV District Dimensional Standards establishes the dimensional standards for the CV District. These regulations apply to all uses within the district unless a different standard is listed for a specific use. If only specific uses are listed, standards apply only to those uses. Nonresidential standards include mixed-use development.

Table 7-3: CV District Dimensional Standards		
	Campus Center	**Neighborhood Center**
LOT		
Minimum Lot Frontage	None	
HEIGHT		
Minimum Building Height	2 stories	24’
Maximum Building Height	15 stories	4 stories
Maximum to Stepback	4 stories except at corner feature	N/A
Minimum Building Height in Stepback	30’	N/A
Corner Feature	75’ maximum at Elmwood Avenue and Crittenden Boulevard 50’ maximum at the proposed street	50’ maximum at Elmwood Avenue, Crittenden Boulevard, Fort Hill Terrace, and East Henrietta Road 50’ maximum opposite new private street
Maximum Finish Ground Floor Level	6” above sidewalk	6” above sidewalk
Minimum First Floor Ceiling Height	12’ clearance	12’ clearance
Minimum Upper Floor Ceiling Height	8’ clearance	8’ clearance
Arcade Maximum Height	3 stories	N/A
SETBACKS		
Street Build-To Requirement	Mt. Hope Avenue: 0’-5’ Build-To Zone (BTZ) Elmwood Avenue: 20’ Build-To Line (BTL) Crittenden Boulevard: 20’ BTL New Private Street: Built at back edge of sidewalk	Mt. Hope Avenue: Bartholomew line Cook Street: 0’-5’ BTZ Elmwood Avenue: 0’-5’ BTZ Fort Hill Terrace: 0’-5’ BTZ Crittenden Boulevard: 0’-5’ BTZ East Henrietta Road: 0’-5’ BTZ Raleigh Street: 0’-5’ BTZ Rossiter Road: 0’-5’ BTZ Rosemount Street: 0’-5’ BTZ
Minimum Build-To Percentage - Street Build-To Requirement	80%	80%
Minimum Interior Side Setback	0’	0’
Minimum Rear Setback	0’	20’





KEY

F	Building minimum
G	Maximum to stepback
H	Building maximum
I	Stepback minimum
J	Finish ground floor level
K	First floor ceiling height
L	Upper floor(s) ceiling height

D. Building Frontage Types

The Table 7-4: Building Frontage Permissions describes the types of building frontage types that are appropriate in the CV District. Specific frontage types are permitted in the Campus Center and Neighborhood Center areas as indicated in the Table.

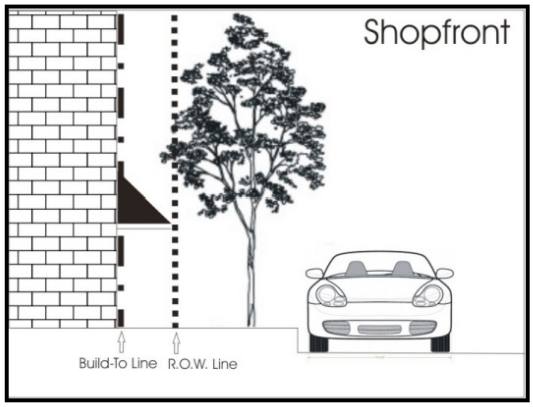
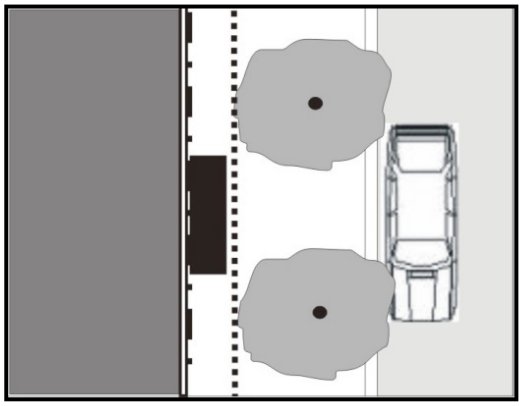
Table 7-4: Building Frontage Permissions		
Frontages	**Campus Center**	**Neighborhood Center**
Shopfront. A building frontage wherein the facade is aligned with the required build-to line and the building entrance is at sidewalk grade. This type is appropriate only for retail and commercial uses at grade level because the ground story is not raised. It has substantial glazing on the sidewalk level and may have an awning or canopy that extends far enough to provide adequate protection for pedestrians.	Permitted to front on Mt. Hope Avenue, the new private street being proposed in Campus Center, Elmwood Avenue (as part of a building fronting on Mt. Hope Avenue) and Crittenden Boulevard (as part of a building fronting on Mt. Hope Avenue	South of Elmwood Avenue: Permitted to front on Mt. Hope Avenue, Elmwood Avenue (as part of a building fronting on Mt. Hope Avenue) and Fort Hill Terrace (as part of a building fronting on Mt. Hope Avenue) and Crittenden Boulevard (as part of a building fronting on Mt. Hope Avenue) North of Elmwood Avenue: Permitted
 		
Gallery. A frontage, similar to the shopfront type, wherein the facade is aligned with the required build-to line with an attached lightweight roof structure or balcony supported by columns. The gallery shall be no less than 10 feet wide and shall overlap the sidewalk to within two feet of the curb. This type is appropriate for retail and commercial uses at grade level.	Permitted to front on the new private street being proposed in Campus Center	Not permitted

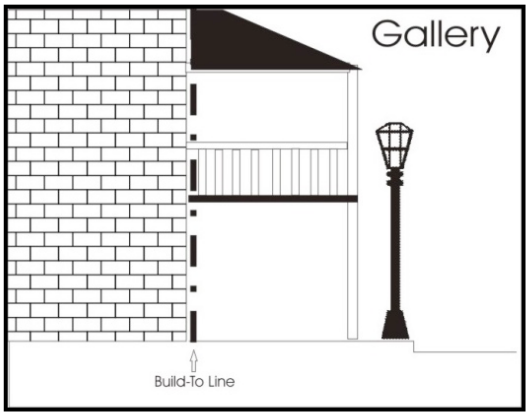
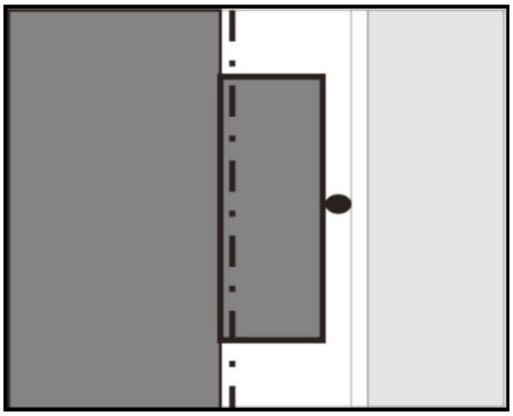
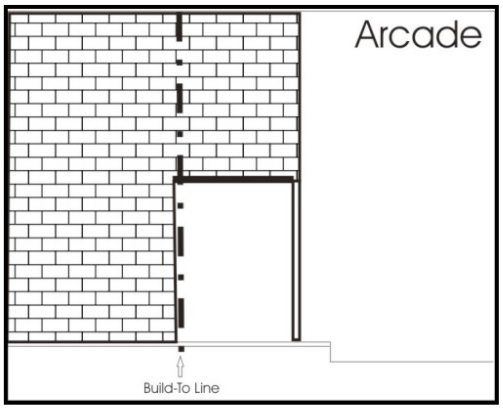
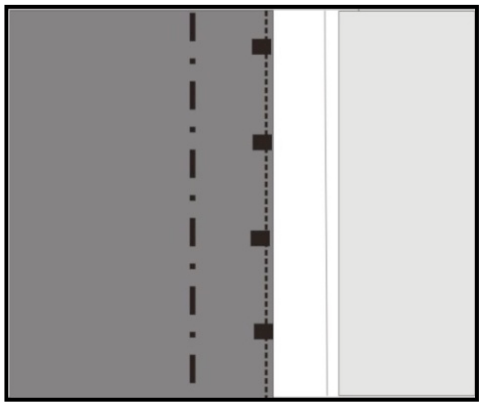
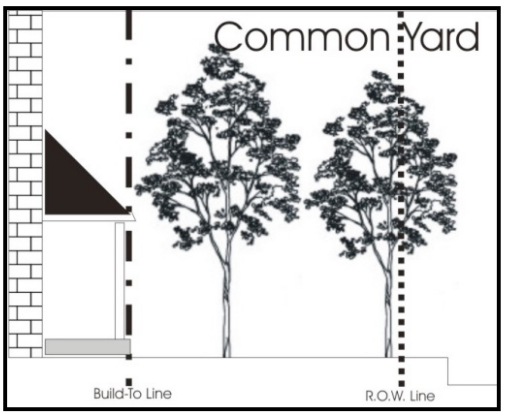
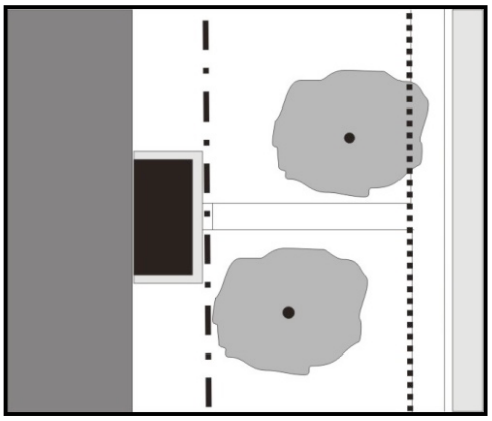
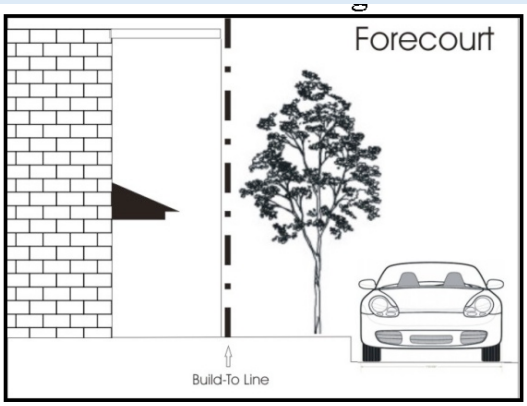
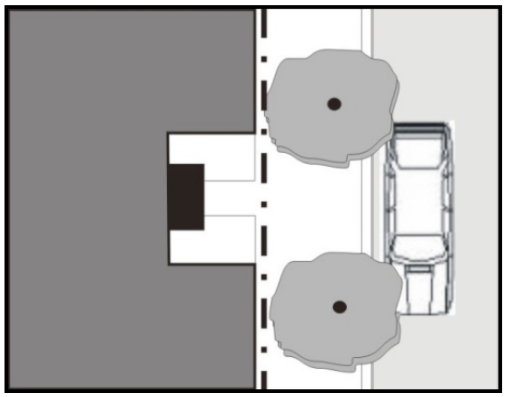
Table 7-4: Building Frontage Permissions		
Frontages	**Campus Center**	**Neighborhood Center**
 		
Arcade. A frontage, similar to the shopfront type, wherein a colonnade supporting usable space overlaps the sidewalk, while the facade at the sidewalk level remains aligned with the required build-to line. The arcade shall be no less than 12 feet wide and shall overlap the sidewalk to within two feet of the curb. This type is appropriate for retail and commercial uses at grade level.	Permitted to front on the new private street being proposed in Campus Center	Not permitted
 		
Common Yard. A frontage wherein the required build-to line is set back from the sidewalk. The front yard created remains unfenced and is visually continuous, supporting a common landscape. The deep setback provides a buffer from high-speed thoroughfares and a transition to adjacent open space and residential neighborhoods with similar frontage conditions.	Permitted to front on Elmwood Avenue, Crittenden Boulevard and the new private street being proposed in Campus Center	Permitted north of Elmwood

Table 7-4: Building Frontage Permissions		
Frontages	**Campus Center**	**Neighborhood Center**
		
Forecourt. A frontage wherein the main facade of the building is at or near the required build-to line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial zones.	Permitted to front on Elmwood Avenue, Crittenden Boulevard, and the new private street being proposed in Campus Center, but forecourt frontage type buildings shall not be closer than 500' to each other	Permitted north of Elmwood
		

E. Design Standards

1. Building facades shall have horizontal transitions. A horizontal transition is an architectural element, such as a cornice, balcony, gallery, arcade or change in material that creates a distinction between the first and second stories. Horizontal transitions are not required in common yard or forecourt frontage types.

2. Building facades shall have roof lines. A roof line is an architectural element, such as a cornice, parapet or change in material, which creates a distinction between the top of the building and the lower floors.

3. Building facades with a width of 150 feet or more shall have vertical divisions. Vertical divisions are architectural elements such as pilasters, changes in plane and the like that create distinct increments of the building mass while maintaining a single unified facade thereby avoiding large undifferentiated wall surfaces. Divisions that create distinct and separate facades shall have a door or entrance with public access on each separate facade.

4. Building facades higher than the first floor and visible from any street shall have areas of transparency equal to 20% but no more than 80% of the wall area on each story between the height of three feet and nine feet above the finished floor. Windows shall be square or vertical in orientation. Windows shall be recessed at least four inches from the plane of the building facade if the facade is of masonry, stucco, or EIFS.

5. Doors or entrances providing public access shall be provided at intervals of no less than 100 feet unless otherwise approved in site plan review. Entrances shall remain unlocked during regular business hours. This requirement is not applicable to common yard or forecourt building frontage types.

6. In galleries and arcades, as well as balconies and similar appurtenances, the distances between columns and piers shall not exceed their height.

7. The CV District is intended to be a multimodal district, accommodating vehicular, pedestrian and bicycle traffic.

a. Pedestrian access throughout the site and to the right-of-way shall be provided either directly or through shared access in all new development or redevelopment proposals.

b. Bicycle parking shall be located and clearly designated in a safe and convenient location.

c. Bicycle parking shall be securely anchored and of sufficient strength to resist vandalism and theft.

8. Green roof, blue roof, and white roof designs are permitted.

9. Reflective surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

F. Additional Standards

1. General Development Standards
See Article 13 for additional on-site development standards and requirements.

2. Accessory Structures
See Article 14 for accessory structures.

3. Off-Street Parking and Loading
See Article 15 for off-street parking and loading standards and requirements.

4. Landscape
See Article 16 for landscape standards and requirements.

5. Signs
See Article 17 for standards governing signs.

7.5 MD Marina District

A. Purpose Statement

This section provides regulatory standards governing building form, land use, and new public open spaces within the MD Marina District. This district was created in response to the opportunities for major improvements to the Port of Rochester area that will be made possible by the construction of a new marina, the extension of River Street and the reconfiguration and reconstruction of other existing streets and blocks. The Marina District will be the next chapter in Charlotte's history as a lakeshore resort community. The ultimate goal of the Marina District code is to foster the creation of a district that will attract visitors because it is distinctive and memorable and will endure because it is valued by residents and visitors alike. This section incorporates a form-based code intended to govern the development of Parcels I and II and the Terminal Building site, which have been designated for private development. In the Marina District, the primary emphasis is placed upon the physical form of buildings, civic spaces and placemaking. While land uses are regulated, they are a secondary focus within this district. The Marina District is intended to be independent of any conflicting provisions of the Zoning Code. Any provision of the Zoning Code that conflicts with any provision of this section is not applicable within the Marina District.

B. MD District Code Components

The principal components of the regulations for the MD District are described as follows:

1. Regulating Plan

The Regulating Plan is the key to the Marina District form-based code. It indicates the building types and frontage types permitted for each parcel and provides other specific information necessary to create the physical form and character desired for the Marina District.

2. Building Envelope Standards

The building envelope standards establish the minimum and maximum three-dimensional spatial envelope within which a building may be constructed, as well as requirements for a limited number of permitted or required building elements, such as storefronts and windows. There are general provisions applicable to all buildings as well as specific standards for each frontage type and building type. The intent of the building envelope standards is to shape public space through placement and envelope controls on buildings that frame public rights-of-way and open spaces. The building envelope standards also provide for uses that are permitted on ground stories and in upper stories correlated to each building type and frontage type.

3. Building Function (Use) Standards

Article 3 lists permitted, special permit, accessory, and temporary uses for the MD District.

4. Civic Square Standards

The civic square standards establish the basic parameters governing the required civic square on Parcel I.

5. Parking and Loading Standards

The parking and loading standards establish the basic parameters governing the placement of and access to parking facilities. The standards include requirements for permanent parking created in conjunction with new buildings, interim surface parking on undeveloped portions of Parcels I and II and bicycle parking.

6. Architectural Standards and Guidelines

The architectural standards are intended to provide a minimal level of quality and to promote a coherent character throughout the Marina District. The architectural standards govern each building's elements, regardless of building or frontage type, and set parameters for acceptable materials, configurations and techniques.

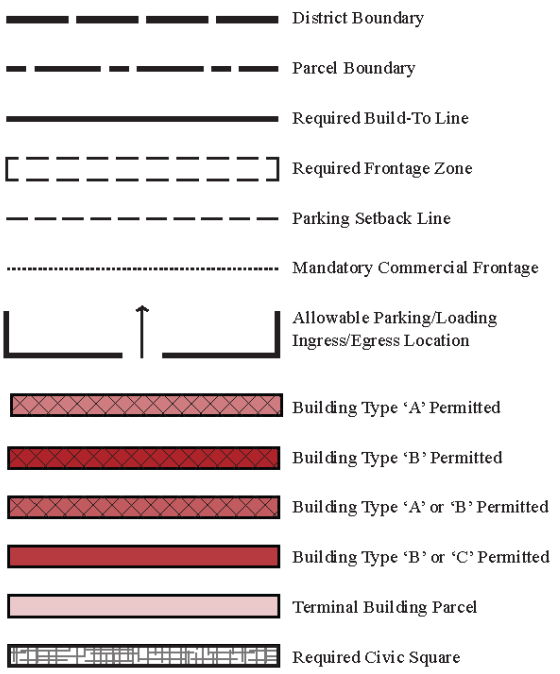
7. Review and Approval Process

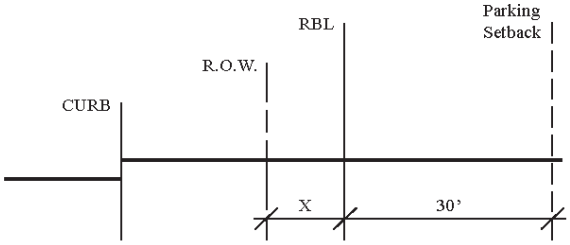
The review and approval process includes procedures for the approval of proposed developments that are not fully compliant with the requirements of the Marina District form-based code. All proposed developments that are fully compliant will be approved administratively.

C. MD District Regulating Plan

The Regulating Plan for the MD District is illustrated below:

REGULATING PLAN





X = 2' at Lake Avenue
2' at Corrigan Street
2' at Portside Drive
2' at North River Street South of Portside Drive
5' at North River Street North of Portside Drive

LOCATION OF REQUIRED BUILD-TO-LINE (RBL) AND PARKING SETBACK AT PARCELS I & II

A= 5' Minimum

B= 30' Minimum

C= 50' Maximum

D= 2' Minimum Setback from Marina Promenade

E= Match Existing Setback from River (Minimum)

F= Southernmost Point of Portion Permitted Closer to River to Align with Straight Portion of Marina Promenade

G= Northernmost Point of Portion Permitted Closer to River to Align with Straight Portion of Setback from Marina Promenade

Addition Permitted to be Removed

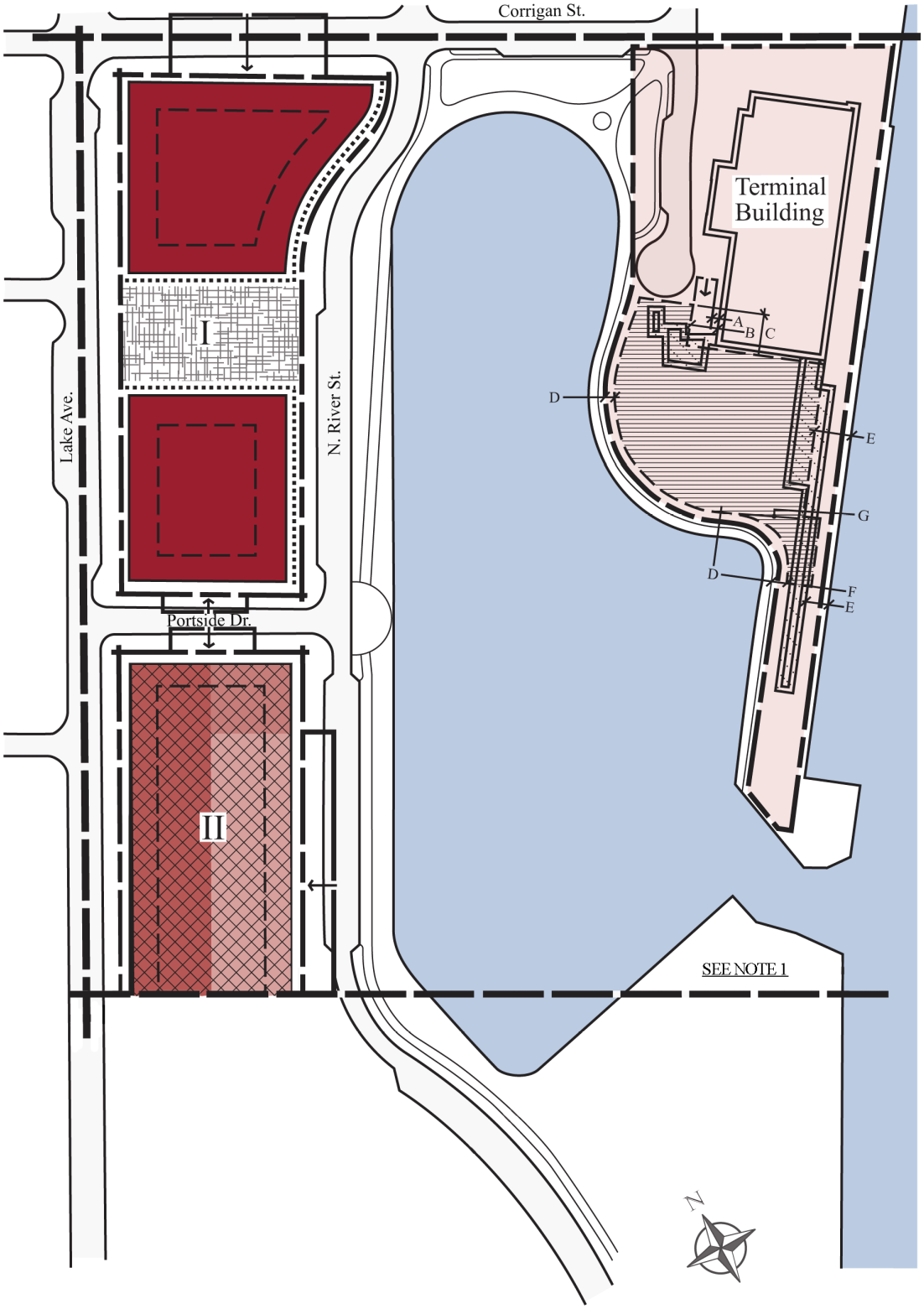
KEY TO TERMINAL BUILDING

BOUNDARIES AND REGULATIONS FOR FUTURE PARCEL III TO BE DETERMINED UPON FINAL DESIGN OF PHASE II OF THE MARINA.

NOTE 1

KEY TO REGULATING PLAN

REGULATING PLAN



D. Building Envelope Standards

The primary intent of the building envelope standards is to define and shape street and civic spaces in order to create a vital and coherent public realm. The interface of private building frontages with public thoroughfares and civic spaces shapes the public realm and is the principal focus of the building envelope standards.

1. General Provisions

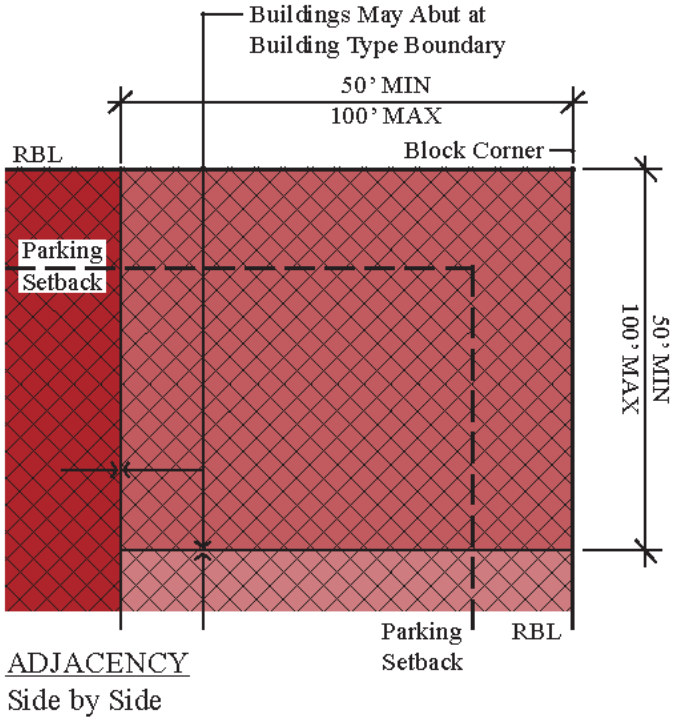
The following provisions are applicable to the building envelope standards for each frontage type and building type unless otherwise indicated within the standards for each type:

a. Adjacencies

i. Side by Side

Where the Regulating Plan indicates abutting building types and the boundary line is perpendicular to the required build-to line (RBL), the boundary between each building type may be located between 50 feet and 100 feet from the block corner. No side yard is required, and buildings may abut each other with no break in the continuity of the building facades.

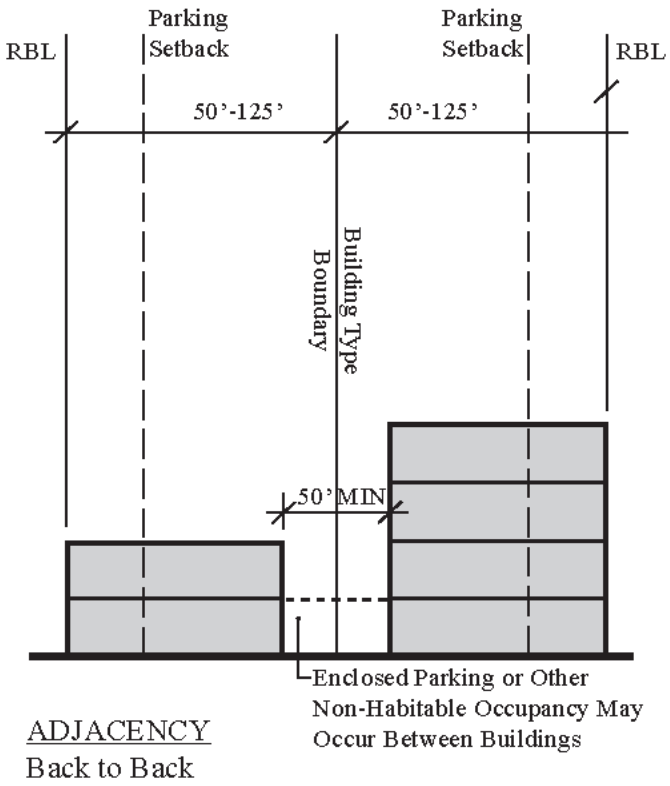
SIDE BY SIDE ADJACENCIES



ii. Back to Back

Where the Regulating Plan indicates abutting building types and the boundary line is parallel to and does not intersect with the RBL, the boundary between each building type may be located between 50 and 125 feet from the RBL on either side. Rear yards shall be provided on either or both sides of the building type boundary such that the minimum distance between rear building walls is 50 feet. This requirement is not applicable where there is structured parking or other nonhabitable space located behind the parking setback line but is applicable to portions of the building located above such a structure.

BACK TO BACK ADJACENCIES



b. Height Measurement

i. The height of all buildings is measured in stories unless otherwise indicated in the building envelope standards for each building type.

ii. An attic story is not included in the height measurement and may be added to the maximum height of a building, unless otherwise indicated in the building envelope standards for each building type.

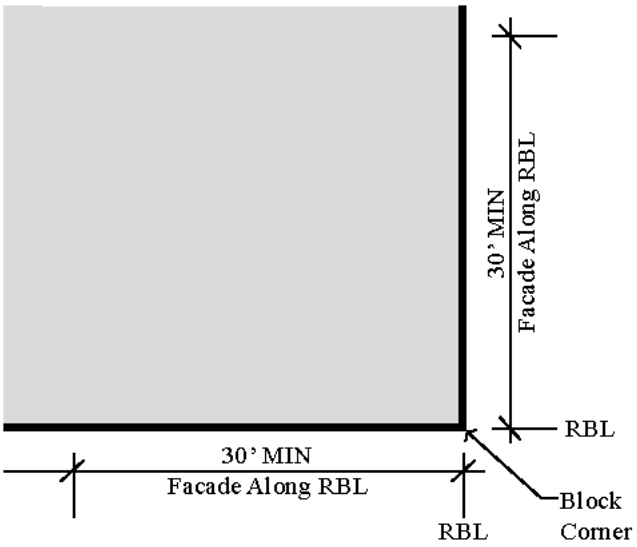
iii. Mezzanines with an area greater than 1/3 of the floor area of the story in which they are located shall be counted as a full story in the height measurement.

c. Siting

Provisions of this section are applicable to Parcels I and II only. See Terminal Building standards for the siting requirements for the Terminal Building.

i. The building facade shall be built to the required build-to line (RBL) within 30 feet of a block corner or a chamfered or rounded corner.

BLOCK CORNER



BLOCK CORNER

ii. Blank lengths of wall exceeding 20 linear feet are prohibited on all RBLs.

iii. A street wall not less than six feet nor more than 12 feet in height shall be required along any RBL that is not occupied by a building facade. The street wall shall be located no more than 24 inches behind the RBL.

iv. The parking setback line is located 30 feet behind the RBL and extends vertically as a plane. In permanent parking facilities, vehicle parking shall be located behind the parking setback line except where provided completely below grade.

v. Corner lots and through lots shall comply with the RBL requirements for their full frontages on all streets and the required civic square unless otherwise specified.

d. Exceptions to the Required Build-To Line (RBL)

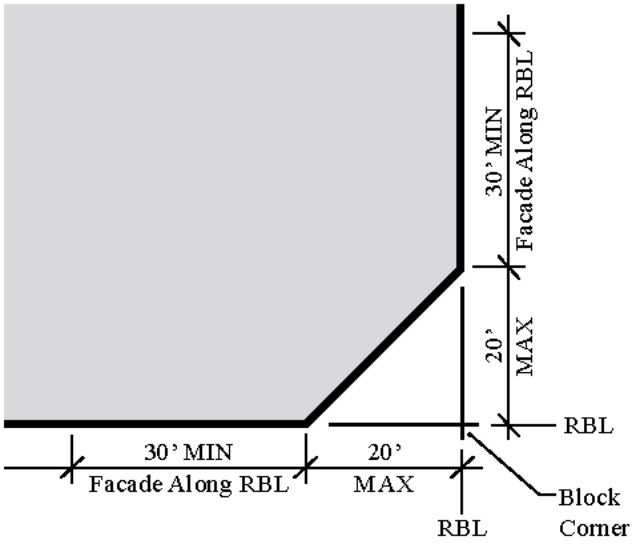
Provisions of this section are applicable to Parcels I and II only. See Terminal Building standards for the siting requirements for the Terminal Building.

i. The building facade may include variations that project or recess from the RBL up to 24 inches.

ii. Storefront assemblies (doors, display windows, bulkheads, and associated framing) may be recessed behind or project beyond the RBL by up to 24 inches, and storefront entrances may be recessed from the storefront assembly.

iii. Within 20 feet of the block corner, the ground story facade may be chamfered to form a corner entry.

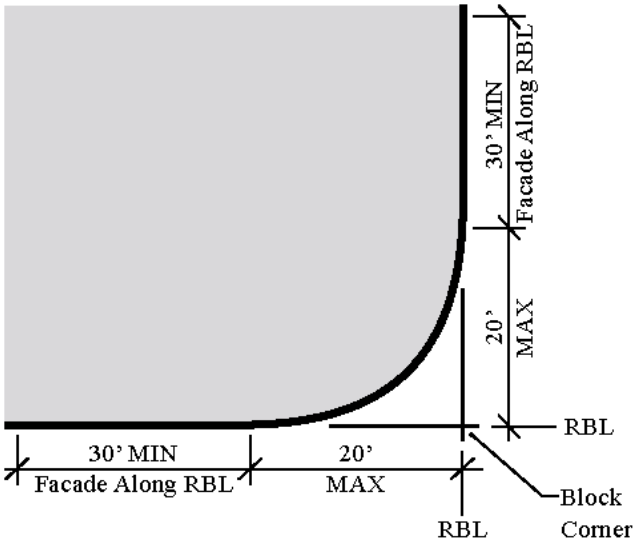
CHAMFERED CORNER



CHAMFERED CORNER

iv. Within 20 feet of the block corner, the ground story facade may be curved to form a rounded corner.

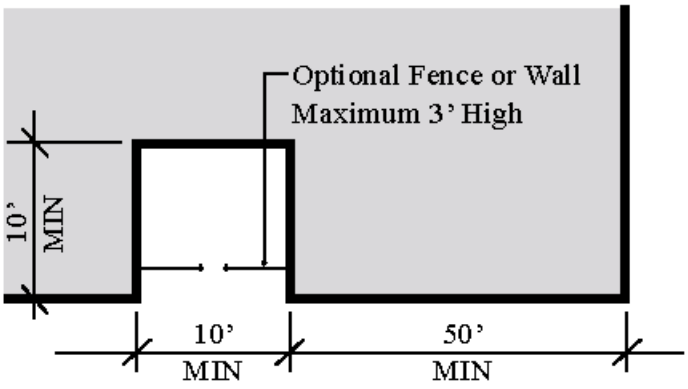
ROUNDED CORNER



ROUNDED CORNER

v. Entry forecourts may be created by recessing the facade for a portion of the RBL. A forecourt shall be at least 10 feet by 10 feet. A fence or wall no higher than three feet, with a pedestrian opening, may be provided to define the space of the court. Only one forecourt per parcel is permitted to front on any street or the required civic square except in Parcel I, one forecourt per street or civic square is permitted north of the civic square and south of the civic square. Forecourts shall be located at least 50 feet from the block corner or a chamfered or rounded corner.

FORECOURT



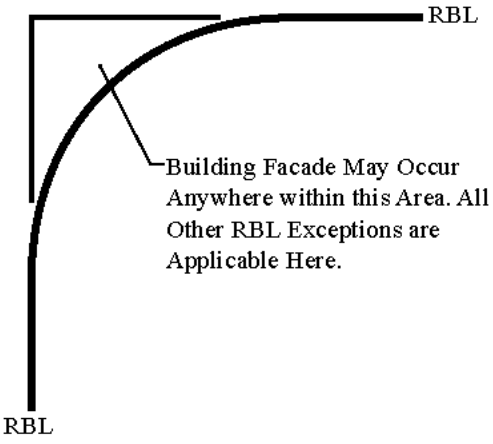
FORECOURT

vi. Upper stories may be set back from the RBL. Except where there are porches and/or balconies at the block corner, upper-story setbacks shall be located at least 50 feet from the block corner or chamfered or rounded corner.

vii. Ground stories along noncommercial frontages may be set back from the RBL as needed to accommodate porches and/or stoops.

viii. Where the RBL follows the curvature of a street, the building facade may be located anywhere within the area formed by straight extensions of the RBL from each end of the curve. All other exceptions to the RBL may be utilized in this portion of the building façade.

CURVATURE



CURVATURE

ix. Projecting facade elements in compliance with item H.6 below.

2. Frontage Types

The frontage types describe the ground-story condition and may be paired with any building type. Either frontage type may be located anywhere within the Marina District except that only the commercial frontage type is permitted where mandatory commercial frontage is designated on the Regulating Plan.

a. Commercial

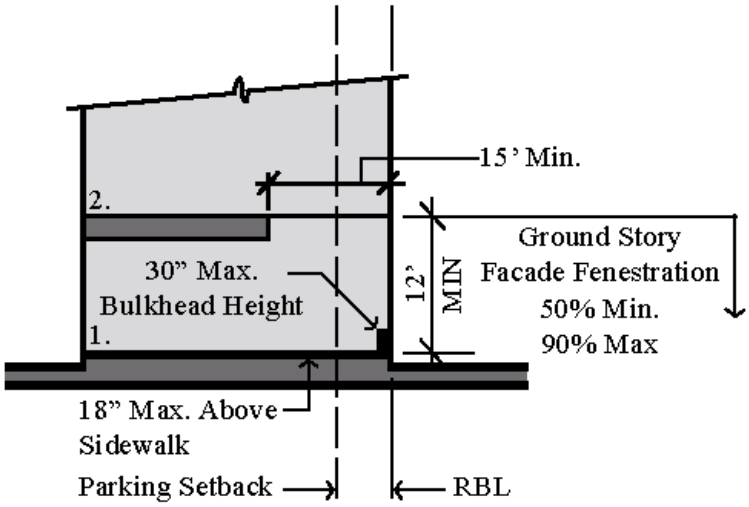
Commercial frontages are specifically designed to be suitable for retail, restaurant, service, and similar uses that encourage a substantial amount of pedestrian interaction with the public thoroughfare. They are characterized by substantial storefront windows with closely spaced entrances from the street. They may have projecting facade elements over the sidewalk such as awnings, canopies or galleries.

i. Ground Story Floor Elevation: maximum 18 inches above the average sidewalk elevation at the required build-to line (RBL) or the required frontage zone (RFZ); where sidewalks are sloped, elevation may exceed 18 inches but may not exceed three feet above the sidewalk.

ii. Minimum Ground Story Height: 12 feet clear (floor to ceiling) contiguous to the RBL or RFZ frontage for a minimum depth of 15 feet.

iii. Fenestration: The primary ground story facade shall have areas of transparency equal to at least 50% but no more than 90% of the facade area of the ground story. Storefront bulkheads shall have a maximum height of 30 inches above finished floor.

COMMERCIAL FRONTAGE



COMMERCIAL FRONTAGE

iv. Maximum Distance Between Entrances: Doors or entrances with public access to ground story spaces shall be provided at intervals of not less than 75 feet. Entrances shall remain unlocked and available for public use during regular business hours.

v. Sidewalk: The space between the public right-of-way boundary and the RBL shall be paved so as to become an extension of the public sidewalk. Paving materials shall match or complement the sidewalk. Asphalt and gravel paving are not permitted.

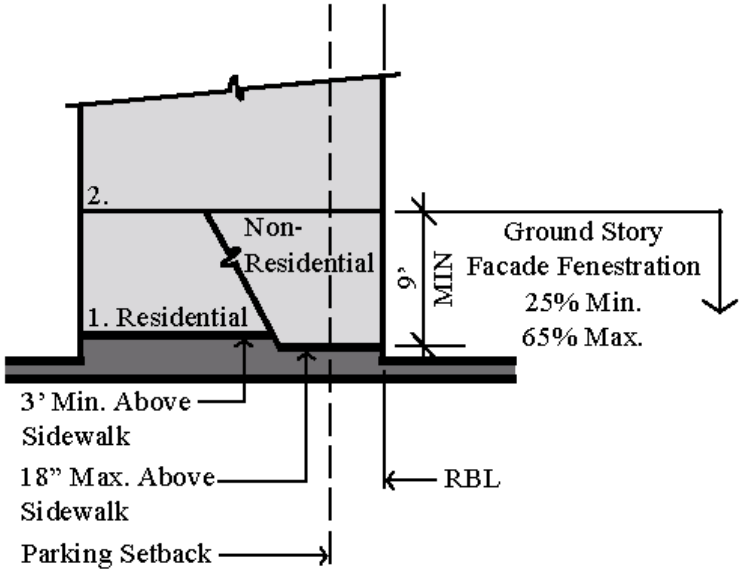
vi. Use: Residential uses, including lodging, are not permitted on the ground story except for lobbies and associated common spaces.

b. Noncommercial

Noncommercial frontages are suitable for residential, lodging, office and other uses that do not depend on a substantial amount of pedestrian interaction with the public thoroughfare. They are characterized by smaller windows and are elevated above the sidewalk level in order to reduce views into the interior spaces from the sidewalk. Entrances may be spaced farther apart.

i. Ground Story Floor Elevation (where there are residential uses, including lodging): minimum three feet above the average sidewalk elevation at the required build-to line (RBL) or the required frontage zone (RFZ); where sidewalks are sloped, elevation may be minimum two feet and maximum six feet above the sidewalk.

NONCOMMERCIAL FRONTAGE



NON-COMMERCIAL FRONTAGE

ii. Ground Story Floor Elevation (where there are nonresidential uses): maximum 18 inches above the average sidewalk elevation at the RBL or RFZ; where sidewalks are sloped, elevation may exceed 18 inches but may not exceed three feet above the sidewalk.

iii. Minimum Ground Story Height: The ground story shall have at least nine feet of clear interior height (floor to ceiling).

iv. Fenestration: The primary ground story facade shall have areas of transparency equal to at least 25% but no more than 50% of the total facade area of the ground story, with each facade area calculated independently.

v. Sidewalk: The space between the public right-of-way boundary and the RBL may be paved so as to become an extension of the public sidewalk or may be landscaped so as to become a buffer between the building and the street. Paving materials shall match or complement the sidewalk. Asphalt and gravel paving are not permitted.

vi. Use: Although this frontage type is best suited to residential or low-intensity noncommercial uses, any use allowed within the Marina District is permitted.

3. Building Types

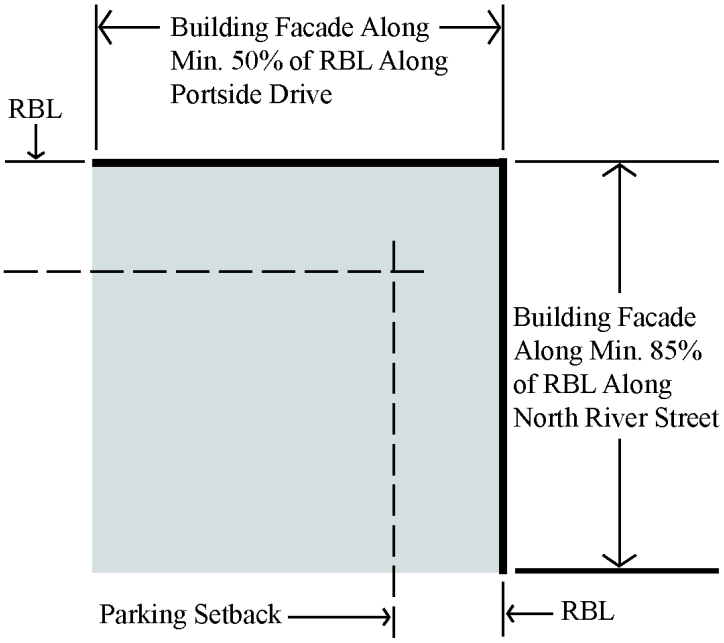
The Regulating Plan indicates permitted locations for each building type. For each building type there is a set of building envelope standards that are intended to achieve the desired built form and pedestrian orientation of the Marina District.

a. Type A, Low-Rise Block

This building type is limited in height in order to preserve views of the harbor from the Lighthouse Trail and views of the lighthouse from the marina area. This building type may include attached single-family dwellings (townhouses) or other small-scale buildings and may have commercial or noncommercial frontages. This building type is permitted on Parcel II.

i. Siting: Building facades fronting on Corrigan Street shall be built to the required build-to line (RBL) for at least 50% of the RBL length along that block. Building facades fronting on North River Street shall be built to the RBL for at least 85% of the RBL length along that block. Exceptions to the RBL in compliance with existing building standards of this section included within the minimum facade length.

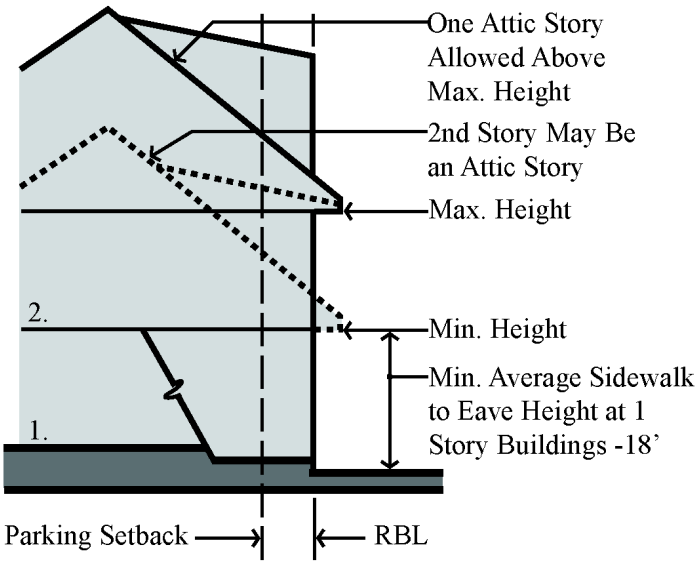
BUILDING TYPE A SITING



BUILDING TYPE 'A'- SITING

ii. Building Height: Minimum one story, 18 feet from average sidewalk elevation to eave or top of cornice or parapet; maximum two stories, one additional story is permitted within the northernmost 50% of the area designated on the Regulating Plan for this building type.

BUILDING TYPE A HEIGHT



BUILDING TYPE 'A'- HEIGHT

iii. Upper-Story Fenestration: Primary facades and facades visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total facade area, with each facade area calculated independently.

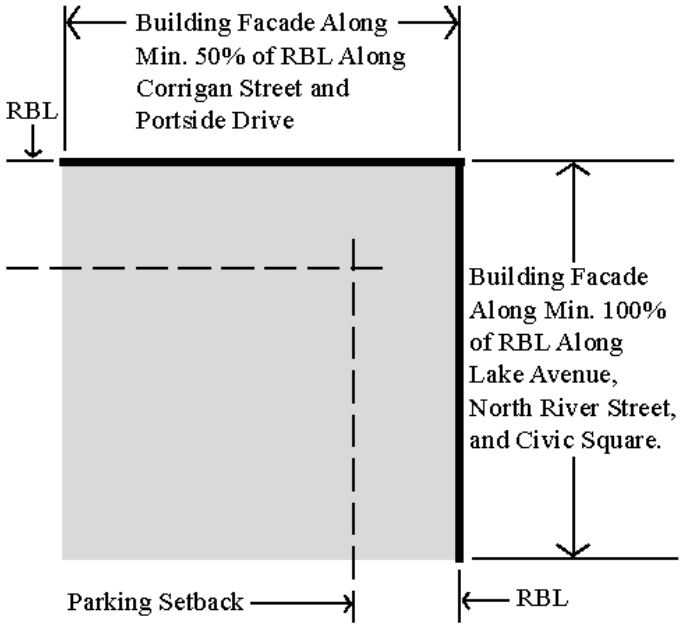
iv Use: Nonresidential uses are prohibited above residential uses.

b. Type B, Mid-Rise Block

The Mid-Rise Block is the basic background building that forms most of the fabric in neighborhood, town and village centers across the United States. The primary form is that of a two- or more story building placed directly adjacent to or in very close proximity to the sidewalk. Mid-rise block buildings may or may not have commercial frontage on the ground story. Mid-rise block buildings typically house a wide range of uses and can be adapted to change their functions over time. Such buildings may be devoted to a single use or may have multiple uses. This range of uses will contribute to the vitality that is desired for the Marina District. This building type is permitted on Parcels I and II.

i. Siting: Building facades fronting on Portside Drive and Corrigan Street shall be built to the required build-to line (RBL) for at least 50% of the RBL length along those blocks. Building facades fronting on Lake Avenue, North River Street and the required civic square shall be built to the RBL for at least 100% of the RBL length along those blocks. Exceptions to the RBL in compliance with the existing building standards of this section are included within the minimum facade length.

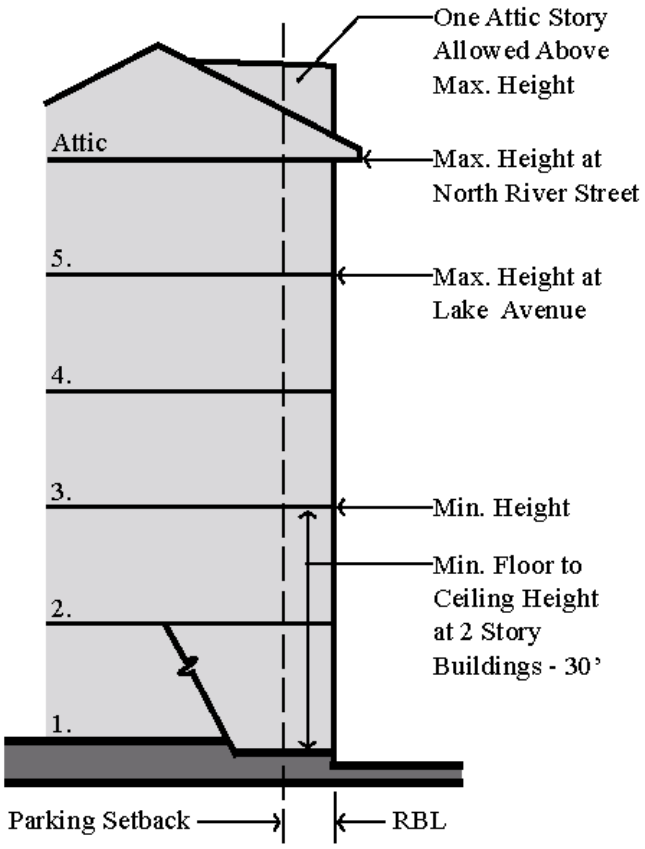
BUILDING TYPE B SITING



BUILDING TYPE 'B'- SITING

ii. Building Height: Minimum two stories; two-story buildings shall have a minimum clear height from the ground story floor to the second story ceiling of 30 feet; maximum four stories at Lake Avenue, five stories at North River Street; up to two additional stories permitted at block corners or center of building mass up to 25% of building footprint;

BUILDING TYPE B HEIGHT



BUILDING TYPE 'B' - HEIGHT

iii. Upper-Story Fenestration: Primary facades and facades visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total facade area, with each facade area calculated independently.

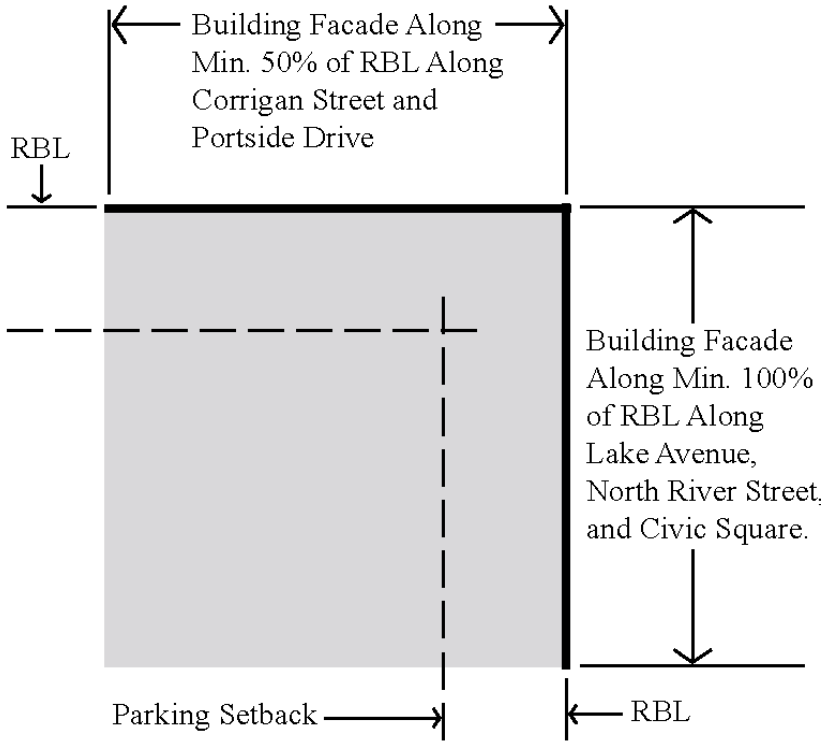
iv. Use: Nonresidential uses are prohibited above residential uses, except in buildings exceeding three stories in height, recreational facilities associated with the residential use may be located on the uppermost story.

c. Type C, Tower Block

This building type allows taller buildings to be constructed above a "podium" or base. The podium is similar to the mid-rise block, with the same relation to the street. The tower above is required to be stepped back from the facade of the podium to maintain the scale of the buildings along the required build-to line (RBL), increase the amount of sunlight reaching the sidewalk and minimize the apparent bulk of the tower from the street. This building type is permitted on Parcel I.

i. Podium Siting: Podium facades fronting on Portside Drive and Corrigan Street shall be built to the RBL for at least 50% of the RBL length along those blocks. Podium facades fronting on Lake Avenue, North River Street and the required civic square shall be built to the RBL for at least 100% of the RBL length along those blocks. Exceptions to the RBL in compliance with the existing building standards of this section are included within the minimum facade length.

BUILDING TYPE C SITING



BUILDING TYPE 'C'- SITING

ii. Tower Siting: One or more towers may be constructed above a podium, provided that they comply with the following:

(1) Towers shall be stepped back at least 30 feet from the RBL above the maximum height of the podium.

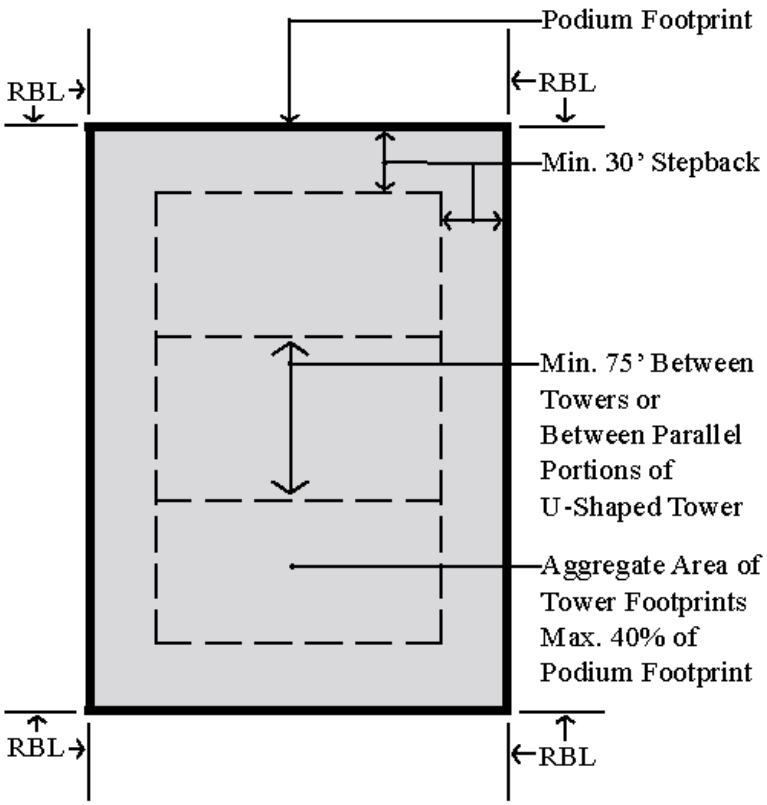
(2) Tower facades shall be substantially parallel to the RBL.

(3) The aggregate building footprint of the towers above the maximum height of the podium shall not exceed 40% of the building footprint of the podium.

(4) Where there is more than one tower or where there is a U- or H-shaped tower building footprint, the minimum distance between parallel building walls shall be 75 feet.

(5) The top two stories (not including stories contained within a pitched roof) shall employ stepbacks, roof forms such as spires, cupolas or belvederes or other configurations or techniques to create a distinctive roof profile.

BUILDING TYPE C TOWER SITING



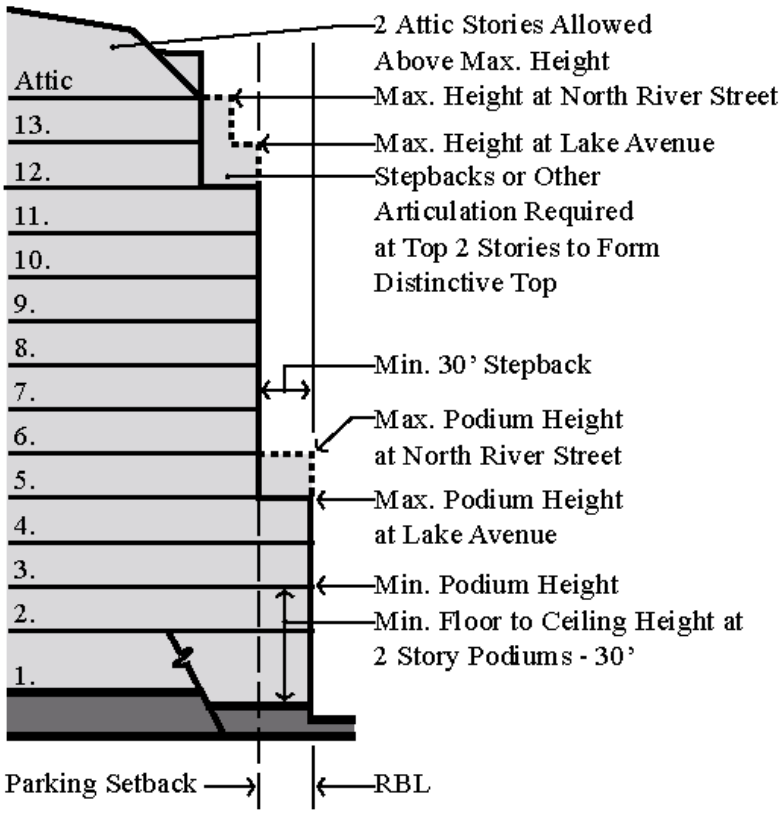
BUILDING TYPE 'C' - TOWER SITING

iii. Building height:

(1) Podium: minimum two stories; two-story podiums shall have a minimum clear height from the ground story floor to the second story ceiling of 30 feet; maximum four stories at Lake Avenue, five stories at North River Street.

(2) Overall Building Height: maximum 12 stories at Lake Avenue, 13 stories at North River Street; up to two additional attic stories permitted in a tower if contained within a single pitched roof with dormers.

BUILDING TYPE C HEIGHT



BUILDING TYPE 'C' - HEIGHT

iv. Upper-Story Fenestration: Primary facades and facades visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total facade area, with each facade area calculated independently.

v. Use: Nonresidential uses are prohibited above residential uses, except that recreational facilities associated with the residential use and/or restaurants may be located on the top two stories, the uppermost story or the first story above the podium and may utilize outdoor space above the podium. Bars, cocktail lounges, and taverns, and nightclubs as defined in Section 202 of the Existing Building Code of New York State are prohibited from these locations.

d. Existing Buildings

The Terminal Building is the only existing building of significance within the Marina District. This section governs demolition, exterior alterations, and additions to this structure.

i. Demolition

Demolition of any portion of the Terminal Building except additions south of the original south building wall shall be prohibited.

ii. Exterior Alterations

Significant architectural features, including but not limited to original exterior wall finishes, the second story open veranda, the clock tower, decorative cornices, windows, doors, trim around openings, railings, storefronts and any significant decorative features, shall be maintained.

iii. Addition Siting
An addition may be constructed within the area indicated on the Regulating Plan. The building facade of the first two stories shall occur entirely within the required frontage zone (RFZ) indicated on the Regulating Plan, with the following exceptions permitted:

(1) The building facade may include variations that project beyond the outside boundary of the RFZ up to 24 inches.

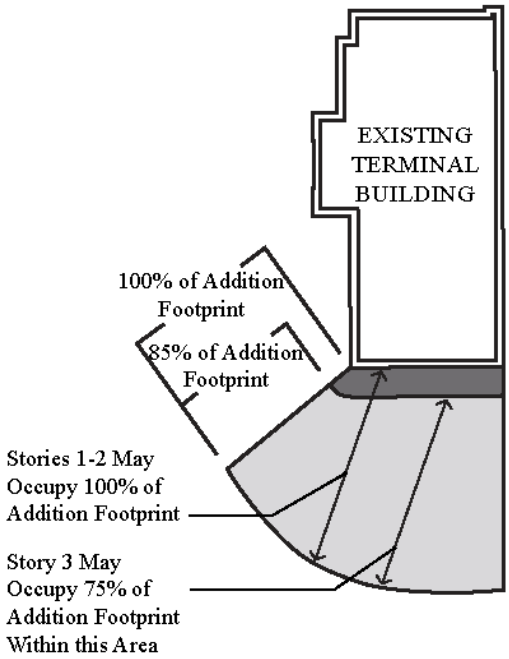
(2) Storefront assemblies (doors, display windows, bulkheads and associated framing) may project beyond the outside boundary of the RFZ by up to 24 inches.

(3) Awnings, canopies and galleries may project beyond the outside boundary of the RFZ;

iv. Addition Parking Setback Line: The parking setback line shall be located 30 feet behind the building facade wall of any addition.

v. Addition Height: Maximum two stories for primary addition; 75% of building footprint may be up to one additional story, provided that this portion of the building occurs within the 85% of the building footprint farthest from the existing Terminal Building.

TERMINAL BUILDING ADDITION HEIGHT



TERMINAL BUILDING ADDITION-HEIGHT

vi. Upper-Story Fenestration: Primary facades and facades visible from any street or open space shall have areas of transparency equal to at least 25% but no more than 50% of the total facade area, with each facade area calculated independently,

vii. The architectural standards in item H (Architectural Standards and Guidelines) are not applicable to the Terminal Building. The Manager of Zoning shall refer all proposed exterior alterations and/or additions to the Project Review Committee for recommendations and shall approve or disapprove the proposals based on those recommendations.

F. Civic Square Standards

These standards are applicable to the required civic square indicated on the Regulating Plan on Parcel I. The square will be the principal pedestrian connection between Lake Avenue and River Street and the marina. It will be an active pedestrian center and a major focal point within the Marina District. In order to facilitate pedestrian activity, most of the square will have paved surfaces. The use of pervious paving materials to allow oxygen for tree roots and to absorb stormwater runoff is encouraged.

1. Location and Dimensions

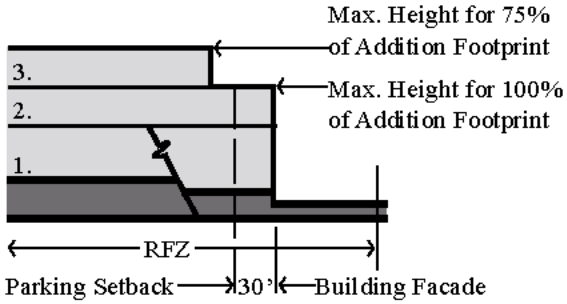
The civic square shall extend from the Lake Avenue public right-of-way to the River Street public right-of-way as shown on the Regulating Plan subject to the following requirements:

a. Minimum 150 feet south of the required build-to line (RBL) fronting on Corrigan Street and 150 feet north of the RBL fronting on Portside Drive,

b. Width: 80 feet minimum, 120 feet maximum. The width of the square may vary within these parameters.

2. Pavements

At least 65% of the surface area of the civic square shall be paved. Any type of unit pavers or concrete



TERMINAL BUILDING ADDITION-HEIGHT

pavement, excluding stamped concrete, is permitted. Asphalt paving, excluding hexagonal asphalt pavers, is prohibited.

3. Trees

The use of trees to shade portions of the civic square is encouraged. Trees shall be of deciduous species.

4. Clear Views

To maximize views, and to ensure public safety, there shall be a clear view zone between two feet and eight feet above grade. Tree trunks, streetlights, kiosks, fountains, public art or monuments are permitted to be within the clear view zone. The foliage of newly planted trees may be within the clear view zone until the tree has sufficient growth to allow the removal of branches below eight feet.

5. Slope

The civic square shall be designed in compliance with the most current ADA Standards for Accessible Design.

G. Vehicle and Bicycle Parking, and Loading

This section establishes standards for the placement of and access to permanent vehicular parking facilities associated with buildings and interim vehicular parking that may be located on Parcels I and II until those parcels are developed. It also establishes standards for short- and long-term bicycle parking and loading areas. In the case of conflict with Article 15 or other provisions of this Code, the provisions of this section control.

1. Permanent Parking Facilities

a. All parking provided for users of a particular building shall be provided on the site of that building.

b. Permanent parking facilities, except for those that are completely below grade, shall be located no closer to the public right-of-way than the required parking setback line indicated on the Regulating Plan.

c. A maximum of one ingress and one egress lane to permanent parking facilities is permitted within each allowable area designated on the Regulating Plan. Ingress/egress driveways shall be located at least 50 feet from block corners. Combined in/out driveways shall have a maximum width of 22 feet. Separate in and out driveways shall have a maximum width of 11 feet each.

d. Openings in any building facade for parking garage entries shall have a maximum clear height no greater than 12 feet and a clear width no greater than 12 feet for single-width openings or 24 feet for double-width openings.

e. The height of parking structures shall not exceed the height of adjacent liner buildings constructed between the parking facility and the required build-to line. There is no minimum height for parking structures.

f. Permanent parking facilities are not required to comply with item H (Architectural Standards and Guidelines).

g. A minimum of 15% of parking spaces provided for building residents shall be provided with facilities capable of recharging the batteries of electric and plug-in hybrid vehicles. All parking spaces provided for residents shall be capable of having recharging facilities added in the future.

2. Interim Parking Facilities

a. Paved parking facilities may be special permit uses to be temporarily located on undeveloped portions of Parcels I and II until such time as these parcels are developed. Interim parking facilities shall be constructed in accordance with this section and with item H (Architectural Standards and Guidelines). Such parking facilities shall be available for public use.

b. Interim parking facilities shall be set back at least 15 feet from the public right-of-way.

c. Ingress and egress to interim parking facilities shall be located within the allowable areas designated on the Regulating Plan where possible. Where the allowable access areas are not available, ingress and egress locations shall be approved by the Manager of Zoning. Combined in/out driveways shall have a maximum width of 22 feet. Separate in and out driveways shall have a maximum width of 11 feet each.

d. The parking setback area shall be provided with minimal landscape treatment such as grasses or ground cover. Mulch is not an acceptable landscape treatment except when used to protect plantings. Trees are not required in the parking setback.

3. Bicycle Parking

a. The Marina District is located at the northern terminus of the Genesee River trail system. This location and the need to provide for and encourage nonmotorized transportation make the provision of facilities for bicyclists a high priority. A significant amount of bicycle parking will be provided within public rights-of-way. This section sets forth minimum requirements for short-term and long-term bicycle parking on private development parcels.

b. Short-term bicycle parking shall be provided in the required civic square and on the grounds of the Terminal Building. Short-term bicycle parking may be provided in interim parking facilities constructed in accordance with item 2 above and in other exterior locations in Parcels I and II. Short-term bicycle parking facilities shall comply with the following:

i. Each bicycle parking space shall be accessible without moving another bicycle, and its placement shall not result in a bicycle obstructing a required walkway.

ii. Bicycle racks may be installed in the public right-of-way subject to the approval of the Department of Environmental Services.

iii. Each bicycle parking space shall permit the locking of the bicycle frame and one wheel to the rack and shall support the bicycle in a stable position without damage to the wheels, frame or components.

iv. A minimum of ten spaces shall be provided in the required civic square.

v. A minimum of two spaces plus one additional space for each 5,000 square feet of retail space, 10,000 square feet of assembly space or 15,000 square feet of office space shall be provided on the Terminal Building grounds in conjunction with any new development outside of the existing terminal building.

c. Long-term bicycle parking facilities for residents in buildings with residential dwelling units shall be provided in compliance with the following:

i. Facilities shall be enclosed, secure and protected from the weather.

ii. Facilities shall be located on the ground story, between the required build-to line (RBL) or required frontage zone (RFZ) and the parking setback line or behind the parking setback line, and have direct access to a public right-of-way.

iii. Facilities shall be internally connected to the residential dwelling units.

iv. Each bicycle parking space shall be accessible without moving another bicycle, and its placement shall not result in a bicycle obstructing a required walkway.

v. Each bicycle parking space shall permit the locking of the bicycle frame and one wheel to the rack and shall support the bicycle in a stable position without damage to the wheels, frame or components.

vi. A minimum of one space for every five bedrooms shall be provided.

4. Loading Facilities

a. Access to loading areas, including dumpsters, shall be located within the allowable areas designated on the Regulating Plan. Except when located within a fully enclosed building, loading docks and dumpsters shall be located no closer to the public right-of-way than the required parking setback line indicated on the Regulating Plan. All loading docks and dumpsters shall be set back a sufficient distance from the public right-of-way to allow service vehicles to park entirely behind the required build-to line.

b. Driveways shall have a maximum width of 12 feet.

H. Architectural Standards and Guidelines

This section establishes standards and guidelines for new construction within the Marina District to ensure that new development establishes a minimum level of architectural quality and positively contributes to the public realm. No particular architectural style is mandated or prohibited; rather the architectural standards and guidelines are intended to promote harmony and help the district coalesce into a unified place. This section includes both mandatory standards and advisory guidelines. The advisory guidelines are intended to provide insight into some of the desired characteristics of the district, while the standards set the minimum requirements for architectural quality. The mandatory standards are applicable to building elements that are clearly visible from the street or any civic space. This includes all public streets and civic spaces within the Marina District and adjoining the Marina District but does not include parking areas. *Advisory guidelines are printed in italics*. Mandatory standards are printed in normal font.

1. Context and Architectural Character

Advisory Guideline:

Where there is little context to relate to, the proper response is to create a new and worthy context. To achieve this goal, new buildings should establish an architectural character and pattern from which future development can take its cues. The creation of a unified, harmonious district is more important than the individual building. To this end, an "architecture of place" is preferred over an "architecture of our time." Charlotte's past as a resort community included fantastical amusement park structures and hotels, which helped make Charlotte a distinctive and memorable place. Charlotte's lost historic buildings are part of a living tradition, which included buildings that spanned the vernacular to classical spectrum, from simple wood frame structures to elaborate masonry and stucco buildings rendered in exotic architectural styles. The standards and guidelines that follow are largely based upon principles that underlie this living tradition. The intent is not to replicate historic buildings but to encourage a range of architectural expressions that will once again establish Charlotte and the Marina District as a distinctive and memorable place.

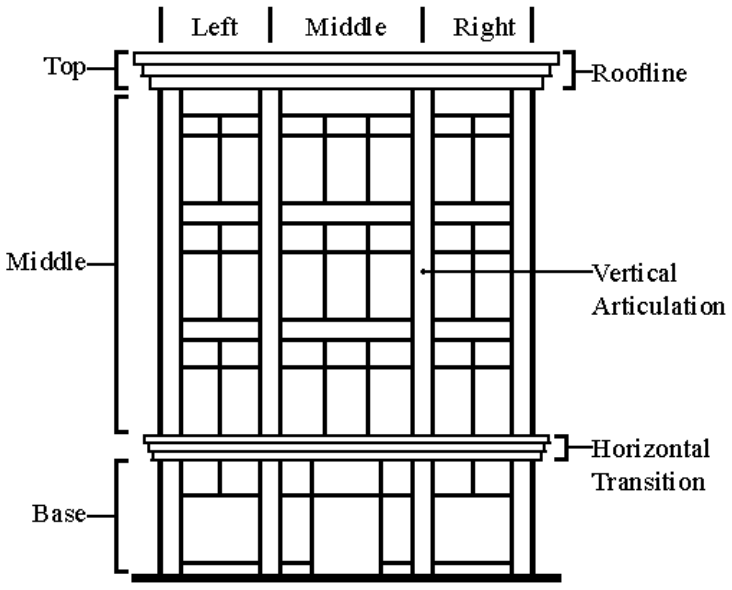
2. Composition and Articulation

Advisory Guideline:

It is likely that most of the buildings in the Marina District will be constructed at a larger scale, both horizontally and vertically, than any previous buildings in Charlotte. Large structures can be monolithic, monotonous, and lacking in human scale. This can be avoided through principles of composition and proportion.

- *Each composition should be conceived as a whole assembled from composite parts, which in turn are wholes composed of smaller parts.*
- *Each building mass and facade composition should have a strong focus or center. The focus need not be at the geometric center of the composition, and the composition need not be symmetrical.*
- *Each composition should have a readily definable base, middle and top and left, middle and right.*
- *Parts of the composition should be joined by transitional elements that both separate and link adjacent parts.*
- *Some elements of the composition should be dominant, while others are subordinate. This establishes a hierarchy, which is a defense against the monotony of simple repetition.*

BUILDING FACADES



BUILDING FACADES

a. Horizontal Transitions

Building facades shall have horizontal transitions. A horizontal transition is an architectural element, such as a cornice, balcony, gallery or change in material, that creates a distinction between the first and second stories or between the second and third stories. Horizontal transitions are not required in buildings with noncommercial frontages.

b. Roof Lines

Building facades shall have roof lines. A roof line is an architectural element, such as a cornice, parapet or change in material, which creates a distinction between the top of the building and the lower stories.

Advisory Guideline:
Horizontal transitions and roof lines are the means to achieve a distinctive horizontal base, occupied middle, and top that complement and balance one another.

c. Vertical Articulations

Building facades shall have vertical articulations. Vertical articulations can be produced by variations in roof lines, window groupings, applied facade elements such as piers or pilasters, bay windows and balconies, entrance stoops and porches, and subtle changes in materials and vertical planes that create shadow lines and textural differences.

Advisory Guideline:

- *Each building should have a clear and harmonious pattern of vertically oriented facade elements that break up long monolithic walls and divide the composition into one or more segments, each with a discernible left, middle and right. A balance of vertical and horizontal lines should be sought, with the balance tipped slightly to the vertical.*
- *Changes in vertical planes should be part of a larger facade composition and should not be used to present a false image of individual buildings. Where separate buildings abut, the principal planes of the facades should be flush.*

3. Building Facade Walls

a. Finish Materials

Each building facade may have two or more finish materials. Street walls shall be constructed of a material matching the adjacent building facade.

Advisory Guideline:
Materials should be separated horizontally, with "lighter" materials placed above more substantial materials, for example, wood above stucco or masonry or stucco above masonry.

b. Projecting Elements

All elements that project from the building by more than 16 inches, such as balconies, bay windows, canopies and marquees, shall be visibly supported from below or above by brackets, posts, columns, pilasters or similar supports that are sized proportionately to the projecting structure.

c. Primary Materials

The following primary materials are permitted:

i. Masonry, including brick, stone, terra cotta, ceramic tile, or similar facings

ii. Cementitious stucco with smooth or sand finish

iii. Fiber cement panels, siding, and trim boards. Wood grain finishes are not permitted (Building Types "A" and "B" only)

iv. Solid PVC paintable or prefinished siding and trim boards (such as NuCedar Mills or equivalent). Wood grain finishes are not permitted (Building Types "A" and "B" only)

v. Painted wood clapboards or painted, stained or natural shingles (Building Types "A" and "B" only)

d. Secondary Materials

The following secondary materials are permitted for up to 10% of a building wall surface:

i. Precast masonry (for lintels, trim and cornices only)

ii. Exterior insulation finish system (EIFS) with smooth or sand finish (EIFS may be utilized above the horizontal transition only)

iii. Metal (for beams, lintels, trim elements and ornamentation only)

iv. Polyurethane (such as Fypon or equivalent) millwork (for lintels, trim elements and ornamentation only)

v. Glazed, ground face or split face concrete block (used as accent trim, piers and foundation walls only)

vi. Glass block

Advisory Guideline:

- *The palette of wall materials should be kept to a minimum, preferably two (e.g., stucco and tile, brick and stone) or fewer. Using the same wall materials as adjacent or nearby buildings helps strengthen the district character;*
- *Stucco and/or painted stucco surfaces should be smooth to prevent the collection of dirt and surface pollutants and the deterioration of painted surfaces;*
- *Sheet metal parapet cap flashings should be painted to match wall or trim color;*
- *The following materials are not appropriate:*
  - *Curtain wall systems, except in limited areas such as connections, between buildings, entrance lobbies, etc.*
  - *Simulated finishes such as artificial stone.*
  - *Plywood siding.*

4. Wall Openings

a. Opening proportions:

i. Windows, doors and other openings (except at ground story commercial frontages) shall be square or vertical in proportion. Except at bay windows, window frames shall be recessed at least three inches from the plane of masonry or stucco building facades.

ii. Windows may be ganged horizontally if each grouping is separated by a framing element at least seven inches wide.

Advisory Guideline:
The width to height ratio of windows, doors and similar elements should typically be 1:2 or 2:3.

b. Permitted finish materials:

i. Windows and doors may be of steel; aluminum, including clear anodized or factory-finished colors; fiberglass; aluminum clad wood; painted wood; stained or natural (clear finish) wood.

ii. Glazing shall be clear or lightly tinted.

iii. If muntins are provided, they shall be of the true divided or simulated divided (applied to interior and exterior with spacer bar within the glazing) types.

5. Roofs

a. Permitted Configuration

i. Flat, (pitched as required for drainage) concealed by a parapet no less than 42 inches high or as required to conceal mechanical equipment. The parapet may have pitched, stepped, or curved forms that help create a roofline.

ii. Gabled, symmetrically sloped, with a minimum pitch of 5:12, with eaves and/or partially concealed by a parapet

iii. Hipped, symmetrically sloped, with a minimum pitch of 5:12, with eaves and/or partially concealed by a parapet

iv. Shed, with a minimum pitch of 2:12 where attached to a larger building mass, with eaves and/or partially concealed by a parapet

v. Barrel vaulted

vi. Domed

Advisory Guideline:
Roof forms should complement the building mass and match the principal building in terms of style, detailing and materials. Double-pitched roofs (such as gable, hip, pyramid), dormer windows, and chimneys can add variety and visual interest when viewed from the streets below and from a distance. Flat roofs are acceptable if a strong, attractively detailed cornice and/or parapet wall is provided. Single-pitched or "shed" roofs should not be used for the principal building. Where the building envelope standards require "a distinctive roof profile" (building type "C"), additional roof forms may be considered.

b. Mansard Roofs

i. Mansard roofs are a type of pitched roof that are considered attic stories and therefore not counted against the maximum story height. Mansards may be added only to buildings that are at least two stories in height or to one-story type "A" buildings. They shall enclose at least one but no more than two attic stories of habitable space as indicated in the building envelope standards.

ii. Only dormer windows are permitted in mansard roofs. Windows, balconies and other features that are recessed into the mansard are prohibited. Dormers and other architectural features shall occupy a minimum of 25% of the roof length.

iii. A cornice or similar architectural feature shall form a transition between the mansard and the vertical building wall. No part of the mansard, including dormers, shall project beyond the building facade wall.

iv. A transitional architectural feature shall be provided between the top of the mansard and the upper part of the roof.

Advisory Guideline:
Mansards should be used only when emulating a traditional building style that typically employs mansard roofs, e.g., Beaux Arts, Victorian, etc.

c. Skylights
Skylights shall be flat to the pitch of the roof.

d. Permitted (Visible) Roofing Materials

i. Standing Seam or Five Vee metal roofs of galvanized steel, copper, aluminum or zinc-aluminum

ii. Asphalt or metal "dimensional" type shingles

iii. Cedar shakes (real or synthetic)

iv. Slate tiles (real or synthetic)

v. Clay, terra cotta or concrete tiles

vi. "Green" roofs on flat roofs only

viii. Roofing materials, including shingles and metal panels, that incorporate photovoltaic solar collectors

6. Projecting Facade Elements

a. Awnings and Canopies
Where awnings or canopies are provided, they shall comply with the following:

i. Minimum eight feet clear above sidewalk; minimum six-foot projection from building; maximum projection two feet from tree planters or grates or two feet from curbline where no trees are present.

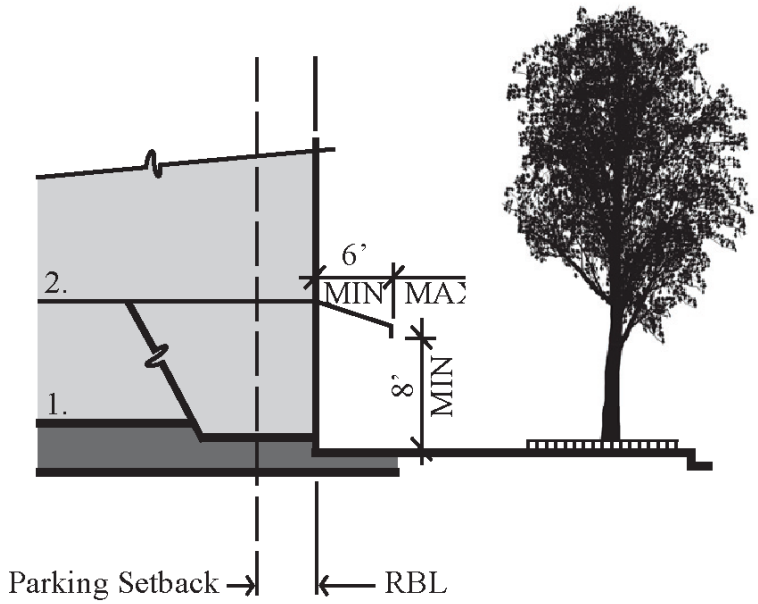
ii. Where encroaching into a public right-of-way, subject to Department of Environmental Services approval.

iii. Canvas cloth or equivalent (shiny or reflective materials are prohibited), metal or glass.

iv. Internal illumination is prohibited.

v. One-quarter cylinder configurations are prohibited.

AWNINGS AND CANOPIES



AWNINGS AND CANOPIES

b. Galleries

Galleries are permitted along building facades where the required build-to line (RBL) or required frontage zone (RFZ) abuts the required civic square or does not abut a public right-of-way, provided that they comply with the following:

i. Minimum width of 10 feet.

ii. Galleries shall have a roof, an open balcony, a covered porch or an extension of the story above. Where there is a covered porch or an extension of an upper story, the building shall have at least one additional story above that level. Where there is an extension of an upper story, the facade of the story extension shall have fenestration with areas of transparency equal to at least 50% but no more than 90% of the facade area.

iii. Minimum ceiling height 12 feet clear above sidewalk, but never less than one foot below ceiling height of adjacent ground story; two-story maximum height.

iv. The distance between columns or piers shall not exceed their height. Minimum spacing is ten feet.

Advisory Guideline:
The location of columns or piers is encouraged to correspond with storefront openings.

c. Porches and Balconies

Porches and balconies shall comply with the following:

i. Porches and balconies may occur at upper stories either forward of or behind the RBL or RFZ and shall have a minimum depth of six feet, but shall not extend more than six feet beyond the RBL except at the upper level of a gallery.

ii. Porches may occur at the ground story along noncommercial frontages, either forward of or behind the RBL or RFZ, and shall have a minimum depth of eight feet, but shall not extend into the public right-of-way.

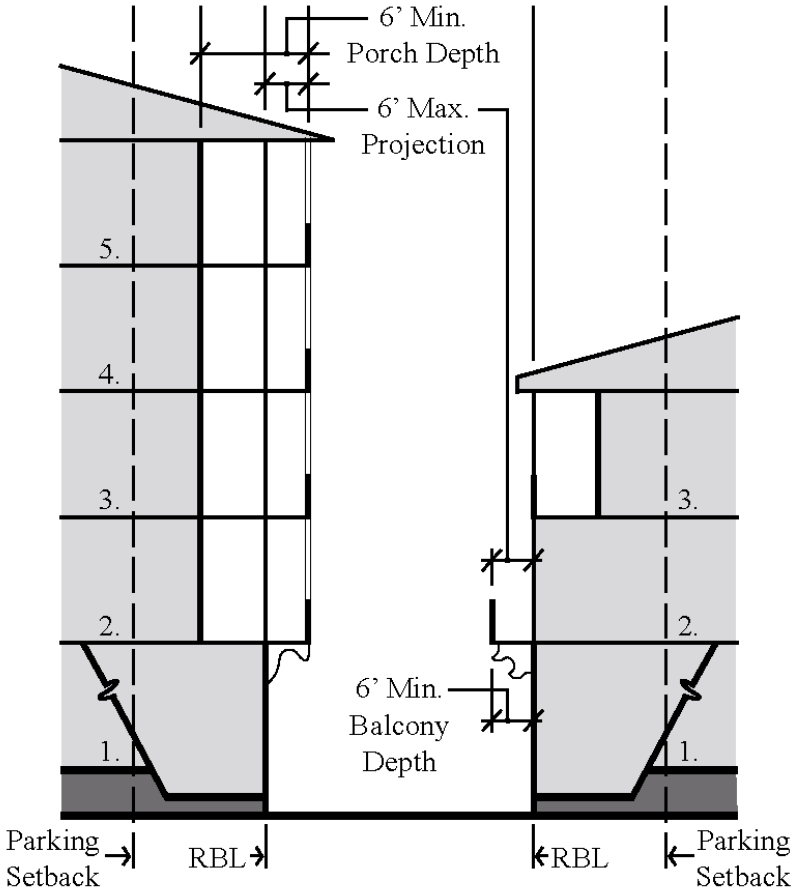
iii. Porches and balconies may have multistory verandas and/or balconies above.

iv. Porches and balconies may have roofs but shall be open parts of buildings with no conditioned air supply. Insect screening is permitted.

v. The minimum distance between columns is 10 feet, and the distance between columns shall not exceed their height.

Advisory Guideline:
Porches and balconies are encouraged at upper-story locations in order to take advantage of views and breezes.

PORCHES AND BALCONIES



PORCHES AND BALCONIES

d. Stoops

Stoops are permitted along noncommercial frontages, provided that they comply with the following:

i. Minimum depth: six feet.

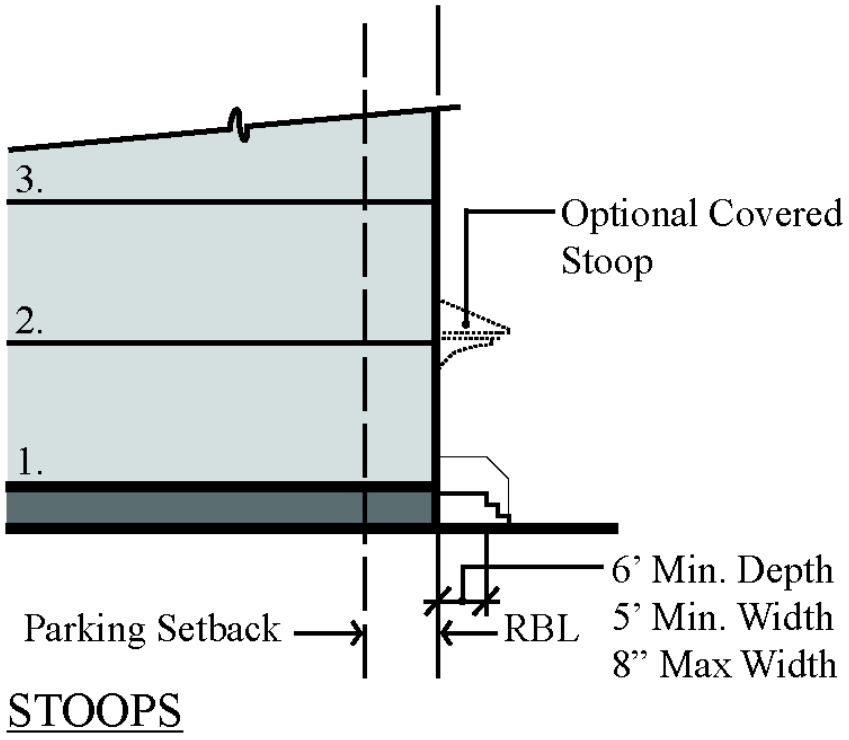
ii. Minimum length: five feet.

iii. Maximum length: eight feet.

iv. Stoops may be covered or uncovered.

v. Stoops may occur forward of the RBL or RFZ and may encroach into the public right-of-way subject to approval from the Department of Environmental Services. Stoops shall not interfere with clear access for pedestrians on the sidewalk.

STOOPS



e. Finish Materials

The following finish materials are permitted for porches, stoops, columns, arches, railings and balustrades:

i. Painted finish wood

ii. Solid PVC paintable or prefinished trim boards (such as Azek or equivalent); wood grain finishes are not permitted

iii. Painted or stainless steel

iv. Cast iron

v. Concrete with smooth finish

vi. Brick or stone masonry

f. Bay Windows

Bay windows are permitted, provided that they comply with the following:

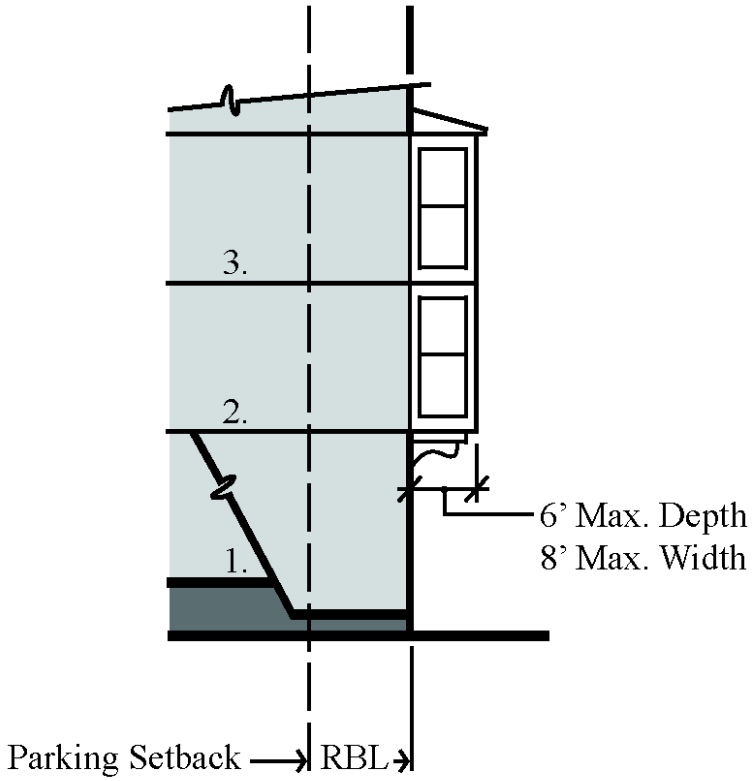
i. Maximum depth: six feet.

ii. Maximum length: eight feet.

iii. Bay windows shall have fenestration on both front and side surfaces.

iv. Bay windows may occur forward of the RBL or RFZ and may encroach into the public right-of-way above the ground story subject to approval from the Department of Environmental Services.

BAY WINDOWS



BAY WINDOWS

I, Signage

No signs will be approved within the Marina District unless an alternative sign program in compliance with Article 17 has been established for the building where the proposed sign will be located.

J. Review and Approval Process

1. Construction of any new building or addition within the Marina District that fully complies with the requirements of this section will be approved administratively. Construction of any new building or addition that does not comply with the requirements of this section shall be categorized as a major site plan and subject to the requirements set forth in Section 20.5. The Manager of Zoning may waive the requirements of the Marina District through the site plan approval process upon a determination that a project is in substantial compliance with the overall intent and purpose of the Marina District, except for the following:

a. Any deviation from the Regulating Plan, including location of the required build-to line (RBL), location of required frontage zone, location of parking setback line, location of allowable areas for parking/loading ingress/egress, location of mandatory commercial frontage and location of permitted building types.

b. Any deviation from the minimum or maximum dimensional requirements of the building envelope standards, or the maximum building height requirements measured in stories, that is greater than 20%.

c. Any deviation from the siting requirements of the building envelope standards other than deviations from the percentage of the facade built to the required build-to line (RBL) that are greater than 20%, and deviations from the dimensional requirements for tower siting in building type C that are greater than 20%.

d. Any deviation from the building function (use) standards.

e. Any deviation from minimum or maximum dimensional requirements of the civic square standards that is greater than 20%.

f. Any deviation from the minimum or maximum dimensional requirements and numerical requirements of the parking and loading standards that is greater than 10%.

g. Any deviation from the architectural standards requirement for an alternative sign program.

2. Any development proposal that will cause the total number of dwelling units in the Marina District to exceed 430 and/or cause the total amount of commercial space in the district, not including existing commercial space in the Terminal Building, to exceed 44,000 square feet shall require a supplemental environmental impact statement pursuant to the requirements of the State Environmental Quality Review Act and Chapter 48 of the City Code.

K. Definitions

In the MD District, the following terms are defined as follows. If such terms are defined within Article 24, the definitions below control and apply only within the MD District.

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost story. They are permitted for all building types and do not count against the maximum story height. Attic stories may have only dormers as windows on the required build-to line (RBL) side of the roof pitch.

Balcony. An exterior platform attached to the upper stories of the building facade.

Bay Window. An enclosure extending the interior space of the building beyond the exterior building facade. For the purposes of this code, a bay window may be generally U-shaped, curved (also known as a "bow window") or rectangular.

Block Corner. The outside corner of a block at the intersection of any two streets. Dimensions from block corners are measured from the intersection of two RBLs.

Building Envelope Standards. The part of this section that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as storefronts, balconies, and street walls. The building envelope standards establish both parameters and specific requirements. The applicable building envelope standard for a site is determined by the allowable building types indicated on the Regulating Plan. This produces a coherent street space and allows the building owner greater latitude behind its facade.

Civic Square. A public open space designated on the Regulating Plan. The term "square" is generally used to describe spaces that have a predominately paved surface area. Civic squares do not include active recreation structures such as playgrounds or game courts.

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the attic story. Dormers are permitted, and the attic does not constitute a story (for height measurement purposes) so long as the dormers do not break the primary eave line, are individually less than 15 feet wide, and are collectively not more than 60% of their required build-to line facade length.

Facade (Building Face). The building elevation facing the public right-of-way or required civic square, generally coinciding with the required build-to line or required stepbacks. Building walls facing private interior spaces are not facades.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm). Fenestration is measured as glass area (including mullions and similar window frame elements) and/or as open area.

Gallery. A lightweight roof structure or balcony supported by columns and attached to the building frontage to provide shelter to the sidewalk.

Ground Story. The first habitable level of a building at or above grade. For commercial frontages, at least two-thirds of the finished floor elevation within 30 feet of the required building line shall be within 18 inches of the adjacent fronting sidewalk level. When a residential use occupies the ground story, the finished floor shall be at least three feet, but never more than six feet, above the fronting sidewalk elevation. The next story above the ground story is the second story.

Parcel. Parcels refers exclusively to Parcels I and II as indicated on the Regulating Plan. Parcels may be subdivided into separate building lots in accordance with Chapter 128. Subdivisions do not affect any provisions of this section relating to parcels.

Parking Setback Line. A line or plane indicated on the Regulating Plan which extends vertically (unless otherwise noted) and is generally parallel to the required build-to line (RBL) or required frontage zone (RFZ). The parking setback is typically 30 feet behind the RBL, or the actual facade of the building where there is an RFZ, unless otherwise designated on the Regulating Plan. All parking shall be situated behind this line, except where it is entirely below grade. The parking setback line is a permissive minimum, and parking may be placed anywhere within the lot behind this line.

Regulating Plan. The implementing plan for the development of the Marina District. The Regulating Plan indicates the allowable building types, allocates space for the required civic square and provides specific information for vehicular access to each parcel.

Required Build-To Line (RBL). A line or vertical plane indicated on the Regulating Plan, defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The facade shall occur on the required build-to line; this is a requirement, not a permissive minimum. The minimum length and height of frontage that is required at the RBL is shown on the appropriate building envelope standard.

Required Frontage Zone (RFZ). A horizontal plane indicated on the Regulating Plan, defining the area within which the building facade must be placed. The facade shall occur within the required frontage zone; this is a requirement that allows for a greater range of options on those parcels where the RFZ is instituted in place of the RBL. These are parcels where definition and enclosure of the street space are of lesser importance, therefore wider latitude is given.

Street Wall. A masonry wall set back not more than 24 inches from the required building line which assists in the definition of the street space in the absence of a building. See the general provisions of the building envelope standards for height specifications.

Article 8. IND District

8.1 Purpose
8.2 Uses
8.3 Dimensional Standards
8.4 Design Standards
8.5 Additional Standards

8.1 Purpose

The IND Industrial District promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial and vehicle-related uses may locate and expand. The obsolescence of many industrial buildings for traditional manufacturing purposes is recognized, and the re-occupancy and redevelopment of those buildings are encouraged through the allowance of commercial uses. Residential conversions are permitted primarily to accommodate loft-style living spaces and to meet the needs of those seeking the benefits of live-work arrangements.

8.2 Uses

Article 3 lists permitted, special permit, accessory, and temporary uses for the IND District.

8.3 Dimensional Standards

Table 8-1: IND District Dimensional Standards establishes the dimensional standards for the IND District. These regulations apply to all uses within each district unless a different standard is listed for a specific use. If only specific uses are listed, standards apply only to those uses. Nonresidential standards include mixed-use development. Diagrams included below of the dimensional standards are for illustrative purposes; rules of measurement are found in Section 24.4.

IND DISTRICT - LOT STANDARDS

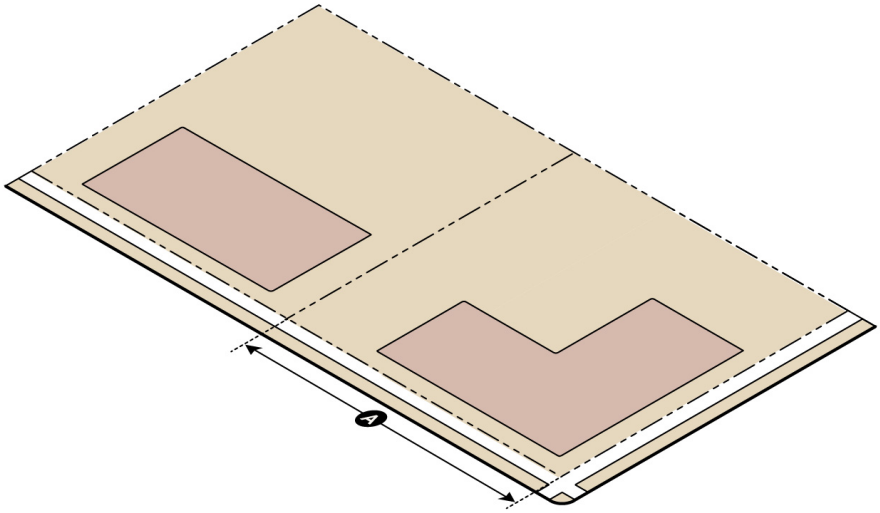


Table 8-1: IND District Dimensional Standards	
LOT	
A Minimum Lot Frontage	None
Maximum Lot Coverage	None

IND DISTRICT - HEIGHT STANDARDS

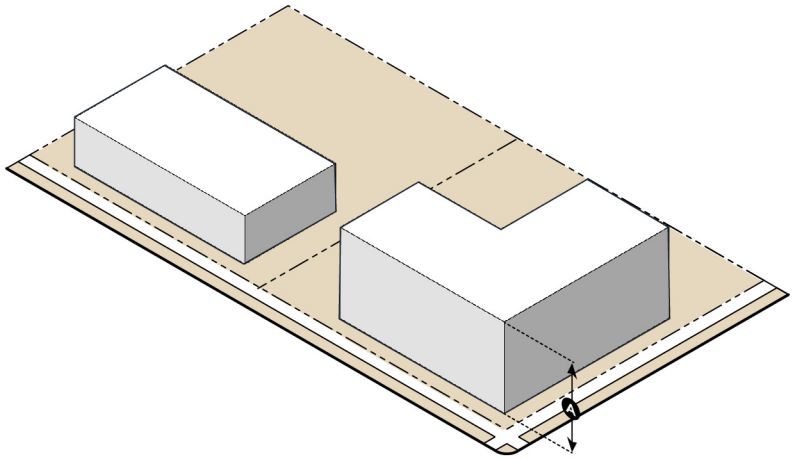


Table 8-1: IND District Dimensional Standards	
HEIGHT	
A Maximum Building Height	None

IND DISTRICT - SETBACK STANDARDS

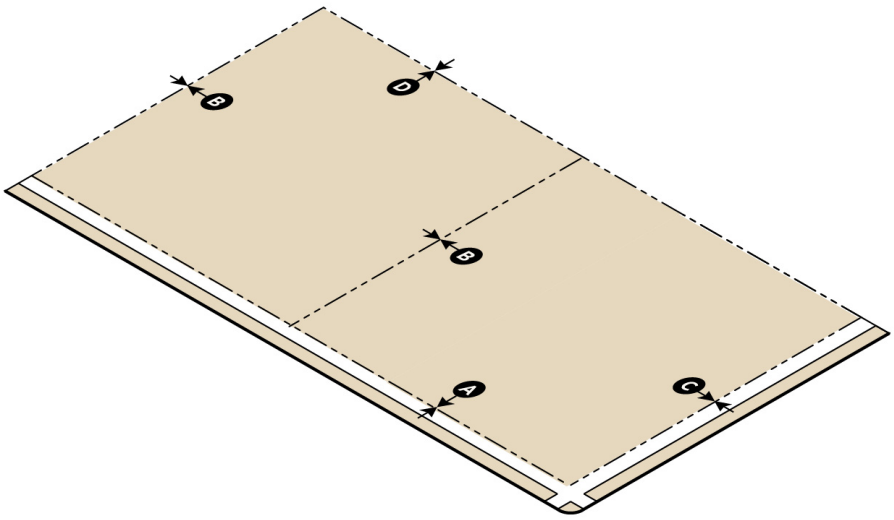


Table 8-1: IND District Dimensional Standards	
SETBACK	
A Minimum Front Setback	None, unless adjacent to a residential district or Harbortown Village District, then 10’
B Minimum Interior Side Setback	None, unless adjacent to a residential district or Harbortown Village District, then 25’
C Minimum Corner Side Setback	None, unless adjacent to a residential district or Harbortown Village District, then 10’
D Minimum Rear Setback	None, unless adjacent to a residential district or Harbortown Village District, then 25’

8.4 Design Standards

A. The design standards of Table 8-2: IND District Design Standards apply to facades located along streets that are not classified as Industrial Link or Industrial Local Street typology. The standards apply to development and redevelopment. In the table, a "✓" indicates that the standard is applicable in the district indicated. The absence of a "✓" indicates that the standard does not apply to the district. For the purposes of Table 8-2, when standards indicate that they are applicable when facing a street, this does not apply to alleys. Diagrams included below of the design standards are for illustrative purposes only.

1. Renovations of the first floor of existing buildings within 60 feet of a street right-of-way shall not decrease the existing area of transparency. Where feasible, renovations shall increase the area of transparency to that required for new construction unless the original historic character of the building requires less transparency area.

2. Renovations of existing buildings shall not decrease the number of entrances. Where feasible, renovations shall include entrances and entrance design to that required for new construction unless this is incompatible with the original historic character of the building.

B. Parking garages are not subject to these design standards but rather subject to the design standards included within Section 15.8.

Table 8-2: IND District Design Standards

Orientation		
1	At least one prominent entrance along the main building facade must include a direct pedestrian connection to the adjacent public sidewalk. On a corner lot, only one façade along a street must have a prominent entrance connected to the public sidewalk or such entrance may be located at the corner.	✓
Facade Design		
2	Building facades of 100' in length or greater that face a street, the waterfront, or a park must include a repeating architectural pattern with a minimum of two of the following elements: color change; texture change; material change; a wall articulation change, such as a reveal, recess, offset, or pilaster; or building recesses or projections. This includes patterns made by structural components visible through glass curtain walls.	✓
3	Buildings must be designed with consistent building materials and treatments on all facades along a street not classified as a Industrial Link or Industrial Local Street or along the waterfront.	✓
Roof Design		
4	Reflective roof surfaces that produce glare are prohibited, except for cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	✓
5	Green roof, blue roof, and white roof designs are permitted.	✓

IND DISTRICT - DESIGN STANDARDS

B. The following building materials are prohibited on any facade located along streets that are not classified as Industrial Link or Industrial Local Street typology. However, such materials may be used as decorative or detail elements for up to a total of 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

1. Mirrored glass

2. Exposed aggregate (rough finish) concrete wall panels

3. Exterior insulating finish systems (EIFS) installed lower than eight feet above grade

4. Wood structural panel sheathing (e.g., plywood, OSB, particleboard, etc.)

5. Plastic, not including light transmitting plastic

6. Vinyl

7. Metal panels unless they meet the following requirement: Metal panels (flat, textured, corrugated, batten, box rib, etc.) whether standalone, composite, or part of a layered or insulated panel, shall be permitted provided they are part of a complete, manufacturer warrantied cladding system, including integral anchorage to structural supports. Steel panels shall be minimum US Standard 26 gauge. Metal panels that meet this requirement are permitted as surface finish material without limitation.

8.5 Additional Standards

A. General Development Standards
See Article 13 for additional on-site development standards and requirements.

B. Accessory Structures
See Article 14 for accessory structures.

C. Off-Street Parking and Loading
See Article 15 for off-street parking and loading standards and requirements.

D. Landscape
See Article 16 for landscape standards and requirements.

E. Signs
See Article 17 for standards governing signs.

Article 9. OS District

9.1 Purpose
9.2 Uses
9.3 Dimensional Standards
9.4 Additional Standards

9.1 Purpose

The OS Open Space District preserves and enhances Rochester's open spaces and recreational areas by protecting these natural amenities and restricting development that does not respect these environmentally sensitive areas. Rochester recognizes the value and importance of these resources for city and regional residents and therefore strictly limits the development of these areas. The OS District is intended to apply to all publicly owned parks, squares, recreational areas, natural wildlife areas, the waterfront, and cemeteries.

9.2 Uses

Article 3 lists permitted, special permit, accessory, and temporary uses for the OS District.

9.3 Dimensional Standards

Table 10-1: OS District Dimensional Standards establishes the dimensional standards for the OS District. These regulations apply to all uses within each district unless a different standard is listed for a specific use. If only specific uses are listed, standards apply only to those uses. Nonresidential standards include mixed-use development. Diagrams included below of the dimensional standards are for illustrative purposes; rules of measurement are found in Section 24.4.

OS DISTRICT - LOT STANDARDS

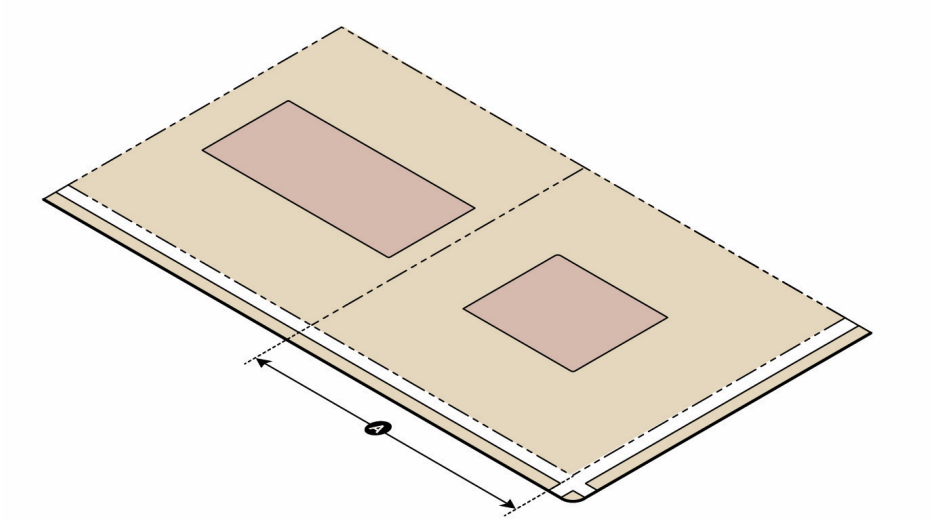


Table 10-1: OS District Dimensional Standards	
LOT	
A Minimum Lot Frontage	None
Maximum Lot Coverage	None

OS DISTRICT - HEIGHT STANDARDS

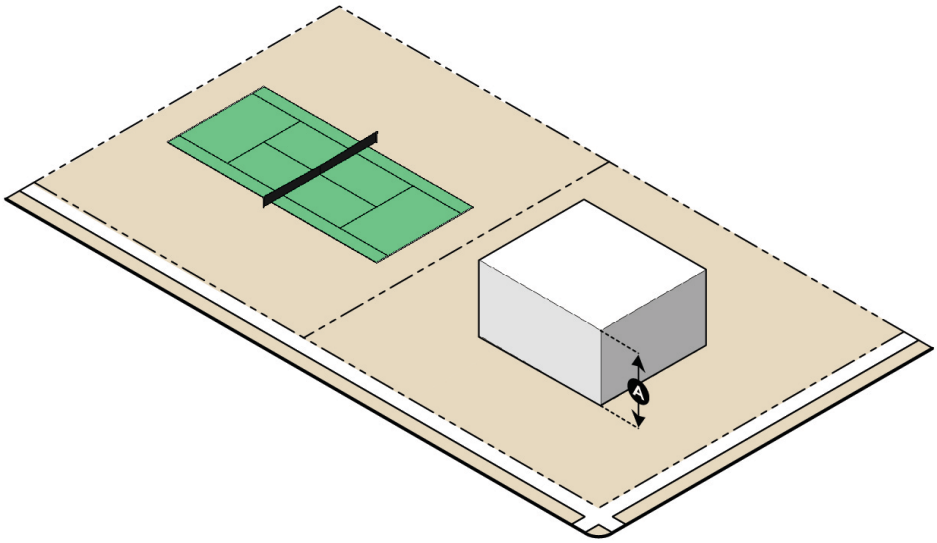


Table 10-1: OS District Dimensional Standards	
HEIGHT	
A Maximum Building Height	25’

OS DISTRICT - SETBACK STANDARDS

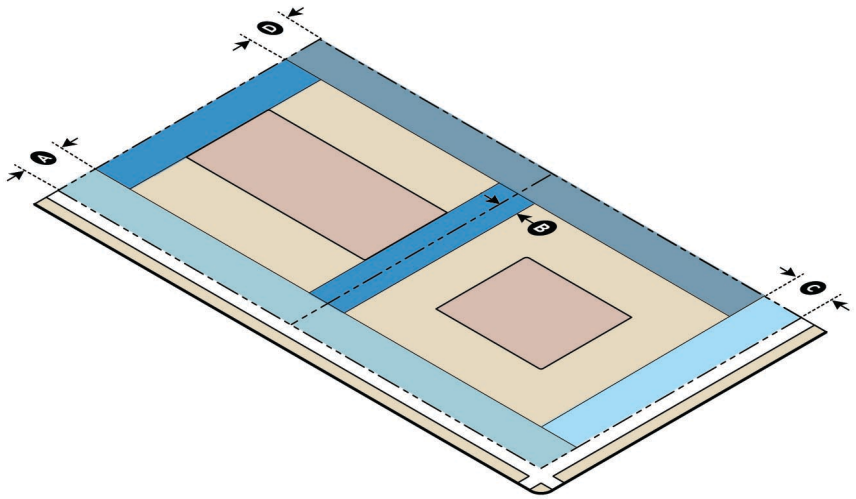


Table 10-1: OS District Dimensional Standards	
SETBACK *Setbacks apply to principal structures or concentrated outdoor activity areas. Examples of concentrated outdoor activity areas include, but are not limited to, playgrounds, recreational fields, and amphitheaters.*	
A Minimum Front Setback	15’ unless abutting a residential district or residential use, then 30’
B Minimum Interior Side Setback	15’ unless abutting a residential district or residential use, then 30’
C Minimum Corner Side Setback	15’ unless abutting a residential district or residential use, then 30’
D Minimum Rear Setback	15’ unless abutting a residential district or residential use, then 30’

9.4 Additional Standards

A. General Development Standards
See Article 13 for additional on-site development standards and requirements.

B. Accessory Structures
See Article 14 for accessory structures.

C. Off-Street Parking and Loading
See Article 15 for off-street parking and loading standards and requirements.

D. Landscape
See Article 16 for landscape standards and requirements.

E. Signs
See Article 17 for standards governing signs.

Article 10. Overlay Districts

10.1 O-C Overlay Commercial District
10.2 O-A Overlay Airport District
10.3 O-V Overlay Vehicle District
10.4 O-EP Overlay Environmental Protection District

10.1 O-C Overlay Commercial District

A. Purpose Statement
The O-C Overlay Commercial District protects and enhances older residential neighborhoods along heavily traveled streets or proximate to commercial, cultural, and employment centers. The accessibility of the O-C District provides an environment suitable for certain small-scale commercial uses that can coexist with residential uses without adversely affecting the primary residential character of the area. Increased use options will contribute to the preservation and rehabilitation of residential structures while protecting residential uses. The O-C District shall not be independently mapped on the Zoning Map but shall be overlaid upon existing residential structures in a residential zoning district found to be appropriate for such treatment.

B. Uses

1. Article 3 lists permitted, special permit, and temporary uses for the O-C District. The uses listed for the O-C District are in addition to those allowed within the underlying district.

2. Nonresidential uses in the O-C District are subject to the following use restrictions:

a. No permitted nonresidential use shall occupy a floor area greater than 1,200 gross square feet.

b. No permitted nonresidential use shall have a posted occupancy limit of more than 45 people.

c. Hours of operation for nonresidential uses is 6:00A.M. to 11:00P.M.

d. Loading and unloading are limited to 8:00A.M. to 6:00P.M.

C. District Development Standards
Development in the O-C District are subject to the district development standards of the underlying district.

10.2 O-A Overlay Airport District

EDITOR'S NOTE: Additional updates from Monroe County Airport will be added here.

A. Purpose
The O-A Overlay Airport District prevents the establishment of flight or safety hazards within the vicinity of the Rochester - Monroe County Airport. The district recognizes the approach-departure corridors where development might endanger the lives and property of residents of the area, airport operations or aircraft. The Overlay Airport District shall not be independently mapped upon the Zoning Map but shall be overlaid upon existing zoning districts. When so mapped, the Overlay Airport District shall provide regulations and review procedures in addition to those required in the underlying district.

B. Establishment
The Overlay Airport District shall consist of two sections, an inner section and an outer section.

1. Inner District
The O-A Overlay Airport District (Inner) shall be established over the area within one mile from the boundary line of the Rochester - Monroe County Airport and within the approach-departure corridors of instrument-equipped runways at the airport over an area not to exceed three miles from the end of the runway and one mile in width. The boundaries of the Overlay Airport District (Inner) may be changed from time to time as necessary to reflect the current configuration and utilization of the airport and its facilities. The Manager of Zoning shall request annually from the Monroe County Department of Planning and Development information concerning any changes or projected changes involving instrument runway layout, airport boundaries or general airport operations or use.

2. Outer District
The O-A Overlay Airport District (Outer) shall be established over the remainder of the area within the corporate limits of the City of Rochester not covered by the Overlay Airport District (Inner).

C. Referral Required
Referral is required prior to City action. The following applications require referral to the Monroe County Department of Planning and Development in accordance with the provisions of § C5-4A of the Monroe County Charter:

1. Inner District
Any application for any of the following actions within the O-A District (Inner):

a. Subdivision.

b. Changes in land use by amendment of the provisions of this Code, special permit, or variance.

c. Other significant changes in land use.

d. Development of vacant land.

e. Any land use which might create a flight or safety hazard by reason of electronic interference, impairment of visibility, glare, flammability, radiation, height, or any other feature.

2. Outer District
Any application for any of the following actions within the Overlay Airport District (Outer):

a. Any land use which might create a flight or safety hazard by reason of electronic interference, impairment of visibility, glare, flammability, radiation, height, or any other feature.

b. Any application for a special permit for height or a variance in accordance with the provisions of this section.

D. Maximum Permitted Height
Within the Overlay Airport District, both inner and outer sections, no building, structure, or use that is not specifically limited to a lower maximum height by the zoning district in which it is to be located shall be permitted to extend above an imaginary plane the height of which is determined as follows:

1. Vertical Height
Vertical height of the imaginary plane shall be measured from an elevation of 559 feet above mean sea level, which is the elevation of Rochester - Monroe County Airport Runway 10-28.

2. Horizontal Distance
Horizontal distance shall be measured from the airport location point (ALP) defined by the United States Department of Commerce, National Oceanic and Atmospheric Administration, as being located within the Rochester - Monroe County Airport at a latitude of 43° 07' 11.2" and a longitude of 77° 40' 18.2".

3. Location-Determined Height and Distance

a. For all locations less than 8,000 feet from the ALP, the height of the imaginary plane shall be 40 feet.

b. For all locations between 8,000 and 10,000 feet from the ALP, the height of the imaginary plane shall begin at 50 feet and shall increase one foot in height for every 40 feet of horizontal distance to a maximum height of 100 feet at a distance of 10,000 feet.

c. For all locations between 10,000 and 25,000 feet from the ALP, the height of the imaginary plane shall begin at 100 feet and shall increase one foot in height for every 50 feet of horizontal distance to a maximum height of 400 feet at a distance of 25,000 feet.

d. For all locations beyond 25,000 feet from the ALP, the height of the imaginary plane shall be 400 feet. Any building, structure or use may extend above this plane subject to the issuance of a special permit (Section 20.11).

4. Table of Dimensions

The following table illustrates the height of the imaginary plane, measured from 559 feet above mean sea level, defined in this section:

Distance from ALP (feet)	Height of Imaginary Plane Measured from 559 Feet Above Mean Sea Level
Less than 8,000	40
8,000	50
9,000	75
10,000	100
11,000	120
12,000	140
13,000	160
14,000	180
15,000	200
16,000	220
17,000	240
18,000	260
19,000	280
20,000	300
21,000	320
22,000	340
23,000	360
24,000	280 **Note: Current standard to be doublechecked (380?)**
25,000	300 **Note: Current standard to be doublechecked (400?)**
25,000 +	400+ by special permit

E. Trees

Any tree, shrub or other object of natural growth located within the Overlay Airport District that exceeds the maximum permitted heights defined in this article or otherwise impairs visibility may be declared to be a flight hazard and may be required to be removed, trimmed, or otherwise altered at the owner's expense.

F. Prohibition

No building, structure or use shall be established, created, or constructed which creates or is expected to create a flight or safety hazard. No certificate of zoning compliance shall be issued for such a building, structure, or use.

G. Variance

1. Procedure

a. An applicant desiring to erect any structure or increase the height of any structure or otherwise use his or her property in violation of these regulations may file for a variance (Section 20.16).

b. Every application shall be accompanied by the Federal Aviation Administration's current written advisory determination issued pursuant to Part 77 of the Federal Aviation Regulations and shall include a written statement addressing the impact of the proposed use upon existing flight patterns.

c. The application shall be referred to the Monroe County Department of Planning and Development for review and approval by said Department, the Monroe County Department of Public Works, the Monroe County Law Department, the manager of airport operations and the airport operator, if other than Monroe County, pursuant to procedures established in Article 19. The review shall include the impact of the proposed structure or use on flight patterns, airport operations, the environment, changes in aircraft noise contours and any other matters they deem appropriate.

d. Upon receipt of the report of the Monroe County Department of Planning and Development, the Manager of Zoning shall officially advise the City Clerk of each such application, together with the advisory determination of the Federal Aviation Administration and the report of the Monroe County Department of Planning and Development. The City Clerk shall transmit all such information as an official communication to the City Council at its next meeting. In the event that City Council does not have a regularly scheduled meeting within 14 days from the receipt of the application, the Manager of Zoning shall also transmit all such information by registered mail to each member of the City Council.

2. Hearing

All such variances shall be heard and decided by the Zoning Board of Appeals. A public hearing shall be set, advertised, and conducted by the Zoning Board of Appeals in accordance with this chapter. All such public hearings shall be scheduled not less than ten days following City Council's receipt of the official communication or the date of issuance of such information by registered mail, whichever occurs earlier.

3. Determination

a. If the advisory determination of the Federal Aviation Administration and/or the report of the Monroe County Department of Planning and Development indicates that the applicant's proposal would affect flight patterns and/or airport operations, the Manager of Zoning shall give notice of such application and a brief summary of the advisory determination of the Federal Aviation Administration and the report of the Monroe County Department of Planning and Development. Such notice shall be given by publication in an official newspaper or a newspaper of general circulation in the City at least once, not more than 30 days nor less than 20 days before the date of the public hearing.

b. In approving the variance, the Zoning Board of Appeals may require the applicant to install, operate, and maintain upon the structure such markers and lights as may be necessary to indicate to operators of aircraft the presence of such hazard.

c. If the advisory determination of the Federal Aviation Administration and/or the report of the Monroe County Department of Planning and Development indicates that the applicant's proposal would affect flight patterns and/or airport operations, then no variance shall be approved unless the applicant establishes that the proposal would not adversely affect the health and safety of City residents nor result in increased noise levels in the City.

H. Special Permit Uses

1. Procedure

a. An applicant desiring to erect any structure or increase the height of any structure located at a distance greater than 25,000 feet from the airport location point (ALP) which shall extend above an imaginary plane the height of which is 400 feet above the elevation of Rochester - Monroe County Airport Runway 10-28, 541 feet above mean sea level, may file for a special permit (Section 20.11).

b. The application shall be accompanied by the Federal Aviation Administration's current written advisory determination issued pursuant to Part 77 of the Federal Aviation Regulations and shall include a written statement addressing the impact of the proposed use upon existing flight patterns.

c. The application shall be referred to the Monroe County Department of Planning and Development for approval by said Department, the Monroe County Department of Public Works, the Monroe County Law Department, the manager of airport operations and the airport operator, if other than Monroe County, pursuant to procedures established in Article 19. The review shall include the impact of the proposed structure on such matters as flight patterns, airport operations, environmental impact, changes in aircraft noise contours and any other matters they deem appropriate.

d. Upon receipt of the report of the Monroe County Department of Planning and Development, the Manager of Zoning shall officially advise the City Clerk of each such application, together with the determination of the Federal Aviation Administration and the report of the Monroe County Department of Planning and Development. The City Clerk shall transmit all such information as an official communication to the City Council at its next meeting. In the event that City Council does not have a regularly scheduled meeting within 14 days from the receipt of the application, the Manager of Zoning shall also transmit all such information by registered mail to each member of City Council.

2. Hearing

A public hearing shall be set, advertised, and conducted by the Planning Commission in accordance with this chapter. All such public hearings shall be scheduled not less than ten days following City Council's receipt of the official communication provided in this section herein or the date of issuance of such information by registered mail, whichever occurs earlier.

3. Determination

a. If the advisory determination of the Federal Aviation Administration and/or the report of the Monroe County Department of Planning and Development indicates that the applicant's proposal would affect flight patterns and/or airport operations, the Manager of Zoning shall give notice of such application and a brief summary of the advisory determination of the Federal Aviation Administration and the report of the Monroe County Department of Planning and Development. Said notice shall be given by publication in an official newspaper or a newspaper of general circulation in the City at least once, not more than 30 days nor less than 20 days before the date of the public hearing.

b. In approving the special permit, the Planning Commission may require the applicant to install, operate, and maintain upon the structure such markers and lights as may be necessary to indicate to operators of aircraft the presence of such hazard.

c. If the advisory determination of the Federal Aviation Administration and/or the report of the Monroe County Department of Planning and Development indicates that the applicant's proposal would affect flight patterns and/or airport operations, then no special permit shall be approved unless the applicant establishes that the proposal would not adversely affect the health and safety of City residents nor result in increased noise levels in the City.

10.3 O-V Overlay Vehicle District

A. Purpose Statement

The O-V Overlay Vehicle District promotes the retention and growth of employment opportunities and consumer services by providing areas where a broad range of vehicle-related uses may locate and grow, and where historically they have been successful. Market conditions demonstrate that a reasonable concentration of these uses benefits the community and the businesses. Where these areas are proximate to a more restrictive zoning district, setbacks and screening are important to mitigating neighborhood visual and other impacts.

B. Uses

Uses allowed within the O-V District are those of the underlying district, with the following additional uses permitted by-right, subject to the standards of this overlay district:

1. Vehicle repair

2. Vehicle body work

3. Vehicle sales

C. District Development Standards

Development in the O-V District are subject to the district development standards of the underlying district. However, the uses allowed in item B above are subject to the additional standards of this section. In the case of conflict with the standards of the underlying district or other sections of this Code, these standards shall control.

1. Screening is required along all lot lines abutting a residential district or residential use as follows:

a. Along the rear and interior side lot line with a solid fence or wall, a minimum of six feet and a maximum of eight feet in height.

b. One shrub must be planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity. Plantings must be placed inside the fence oriented to the interior of the lot.

2. A fence that is a minimum of 60% open shall be located along any lot line that abuts a street, excluding alleys, with the exception of ingress/egress points. Such fence shall be four feet in height. As an alternative to a fence, shrubs may be planted at a rate of one shrub planted for every three linear feet and spaced sufficiently to form a continuous linear hedgerow at plant maturity.

3. For the uses in item B above, structures are subject to a minimum front and corner side setbacks of ten feet. Structures are not subject to any build-to lines, build-to zones, or front and corner side setbacks that may be part of the underlying district.

4. Parking shall be permitted in front of the front building façade. However, parking may not be located within the required minimum ten foot setback of item 3 above.

5. Bays for repair may be located along any façade of the structure.

10.4 O-EP Overlay Environmental Protection District

A. Purpose Statement

The O-EP Overlay Environmental Protection District recognizes the residential and commercial development permitted in the underlying district, while protecting certain properties with a known history of environmental contamination from the adverse impacts that could occur if the property were developed for all uses permitted in the underlying district. The O-EP District restrictions reduce the risk of disruption or exposure to soil contamination and prevent significant interference with remedial programs at the site. The O-EP District requires that all residential development be restricted to development of land with multiple dwelling units owned by a single owner/entity that leases the dwelling units to tenants, or with other dwelling unit types on parcels in single ownership or common ownership with all other individual dwelling unit owners. These restrictions are intended to ensure that individual owners do not undertake changes, development, or improvements to the land that may cause or increase environmental impacts or inhibit or reduce the effectiveness of remediation measures on the property and to ensure that there is single owner responsibility for the reviews of remediation sites as required by the New York State Department of Environmental Conservation (DEC).

B. Uses

These use restrictions apply to the permitted or special permit uses in the underlying district. The following use restrictions shall control over the permissions of the underlying district:

1. Single-family attached or detached dwellings, two-family dwellings, or townhouse dwellings constructed on individually owned parcels shall be prohibited.

2. However, a townhouse development of four or more units shall be permitted if there is common ownership or a single owner/managing entity of the parcel on which the dwelling units are located.

3. Community gardens shall not be permitted unless they are constructed in raised planters or planting beds, using clean imported soil.

Article 11. U-R Districts

11.1 Urban Renewal Districts in the City of Rochester
11.2 Zoning Designations and Modifications
11.3 Urban Renewal District Procedures

11.1 Urban Renewal Districts in the City of Rochester

The U-R Urban Renewal Districts are separate and distinct areas with identified objectives, actions and land use plans for the purpose of eliminating substandard and deteriorated structures and other blighting influence in an area of the City, through demolition and subsequent redevelopment. These districts promote economic development in the City and beautification of an area in both the public and private realm and provide the City with the ability to convey property to support private development. Areas specified as U-R Urban Renewal Districts by the City Council of the City of Rochester include:

A. Cascade Area Urban Renewal District

B. Norton Street Urban Renewal District

C. Ridgeway Urban Renewal District

D. St. Joseph's Area Urban Renewal District

E. Washington Square Urban Renewal District

F. Brooks Landing Urban Renewal District

G. Erie Canal Urban Renewal District

H. La Marketa North Clinton Avenue Urban Renewal District

I. Midtown Urban Renewal District

J. Dewey-Driving Park Urban Renewal District

K. Marketview Heights Urban Renewal District

11.2 Zoning Designations and Modifications

The U-R District shall follow the regulations for the specified district on the City of Rochester Zoning Map. No sexually-oriented business shall be established in any urban renewal district. In addition, the following provisions in the specified U-R Districts shall apply to that individual U-R District.

A. Cascade Area Urban Renewal District

In the sections of the U-R District designated as DMU, all of the requirements of the DMU shall apply except as follows:

1. Industrial uses are restricted to the following:

a. Research and testing laboratories, but excluding biotechnology, genetic, and gene research.

b. Corporate headquarters and offices.

c. Manufacture, processing and assembly of communications equipment, data processing equipment and software, electronic systems, components and accessories, professional, scientific and control instruments, office systems and equipment, photographic and imaging equipment and systems, optics, surgical, medical and dental instruments, appliances and products.

B. Norton Street Urban Renewal District

In the sections of the U-R District designated on the Zoning Map as IND, all of the requirements of the IND shall apply except as follows:

1. Prohibited Uses

The following uses are prohibited.

- **a.** Any commercial use
- **b.** Junkyard
- **c.** Waste station
- **d.** Animal care facility
- **e.** Kennels
- **f.** Vehicle body work
- **g.** Vehicle fueling station
- **h.** Vehicle operations facility
- **i.** Vehicle rental
- **j.** Vehicle repair
- **k.** Vehicle sales
- **l.** Vehicle storage – impound lot
- **m.** Car wash
- **n.** Any nonmanufacturing establishments.

2. Special Permit Uses

The following uses require a special permit and are subject to the use standards of Article 3:

- **a.** Technical and vocational schools providing job training programs.
- **b.** Warehousing, storage, and distribution establishments.
- **c.** Business and government offices.
- **d.** Manufacture of any of the following items and materials:
  - **i.** Acetylene
  - **ii.** Asbestos products
  - **iii.** Cement, lime or gypsum
  - **iv.** Coke or charcoal
  - **v.** Disinfectants, insecticides, or poisons
  - **vi.** Ferrous or nonferrous metals
  - **vii.** Glass, from raw materials
  - **viii.** Matches, explosives, fireworks, and other pyrotechnic devices

ix. Paint, shellac, varnish, or enamel

x. Paper or paper pulp

xi. Rubber or tires

xii. Soap

xiii. Wine, beer, liquor, or other alcoholic beverages

xiv. Tobacco products

xv. Gas

xvi. Metal foundries; metal stamping and forging

xvii. Enameling, lacquering, galvanizing

xviii. Batch mixing of cement; rock- and stone-crushing mills; lumber mills

xix. Food processing; dairy and soft drink bottling

xx. Slaughterhouses; tanneries; fat and tallow rendering

xxi. Petroleum refineries; bulk fuel storage; distillation of petroleum, tar, coal, wood, or bones

xxii. Bus and railroad yards

xxiii. Construction equipment, sales, rental, and storage yards

xxiv..Sewage treatment facilities

xxv. Electric and steam generation facilities

3. Dimensional Standards

a. Minimum front yard, building height is 15 feet: 10 feet

b. Minimum front yard, building height is 15 to 30 feet: height of the building

c. Minimum front yard:

i. Bastian Street: Zero feet

ii. Norton Street: 10 to 30 feet from sidewalk easement

d. Minimum side yard: Five feet

e. Maximum building height: 30 feet

C. Ridgeway Urban Renewal District

In the sections of the U-R District designated on the Zoning Map as IND, all of the requirements of the IND shall apply except as follows:

1. Prohibited Uses

The following uses are prohibited.

a. Junkyards and waste stations

b. Vehicle body work

c. Vehicle operations facility

d. Vehicle rental

e. Vehicle repair

f. Vehicle sales

g. Vehicle storage – impound lot

h. Warehousing, storage, and distribution establishments

i. Building materials storage and sales

j. Construction equipment storage yards, including rental and sales of equipment

k. Batch mixing of cement, concrete and asphalt

l. Personal wireless telecommunication facilities

m. Manufacture of any of the following items or materials:

i. Acetylene

ii. Asbestos products

iii. Cement, lime, or gypsum

iv. Coke or charcoal

v. Disinfectants, insecticides, or poisons

vi. Ferrous or nonferrous metals

vii. Glass, from raw materials

viii. Matches, explosives, fireworks, and other pyrotechnic devices

ix. Paint, shellac, varnish, or enamel

x. Paper or paper pulp

xi. Rubber or tires

xii. Soap

xiii. Wine, beer, liquor, or other alcoholic beverages

xiv. Tobacco products

xv. Gas

xvi. Metal foundries; metal stamping and forging

xvii. Enameling, lacquering, galvanizing

xviii. Batch mixing of cement; rock- and stone-crushing mills; lumber mills

xix. Food processing; dairy and soft drink bottling

xx. Slaughterhouses; tanneries; fat and tallow rendering

xxi. Petroleum refineries; bulk fuel storage; distillation of petroleum, tar, coal, wood, or bones

xxii. Bus and railroad yards

xxiii. Construction equipment, sales, rental, and storage yards

xxiv. Sewage treatment facilities

xxv. Electric and steam generation facilities

n. Pawnbrokers

2. Special Permit Uses
The following uses require a special permit and are subject to the use standards of Article 3:

a. Commercial uses and wholesale establishments whose goods are stored entirely indoors, subject to the additional standard that such uses are in conformance with the goals and objectives of the Urban Renewal District and the policies of the City for economic development and job creation, or when the Planning Commission finds that the use will provide a service to the manufacturing uses and/or their employees.

b. Trade or technical schools.

c. Day care centers that serve industries within the district.

3. Landscape Buffer Yard

a. Minimum landscape buffer yard of 20 feet when abutting a residential district boundary line

D. St. Joseph's Area Urban Renewal District
In the sections of the U-R District designated on the Zoning Map as DMU, all of the requirements of the DMU shall apply except as follows:

1. Maximum Front Yard Standards
The first three stories or the first 50 feet of building height of all buildings shall comply with the following maximum yard requirements:

a. North Clinton Avenue: Zero to five feet

b. Pleasant Street: Zero to 40 feet

c. Franklin Court: Not applicable

d. Other yards: Not applicable

E. Washington Square Urban Renewal District
In the sections of the U-R District designated on the Zoning Map as DMU, all of the requirements of the DMU shall apply except as follows:

1. Permitted Uses
The following uses are permitted and are subject to the use standards of Article 3:

a. Administrative offices, corporate headquarters, and governmental offices.

b. All commercial uses, indoors

c. Day care centers

d. Parking garage

2. Special Permit Uses
The following uses are allowed with a special permit and are subject to the use standards of Article 3:

a. None

3. Dimensional Standards

a. Maximum Front Yard
Within the first three stories or the first 50 feet of building height, all buildings shall comply with the following maximum yard requirements:

i. South Clinton Avenue: Zero to 20 feet for the first 100 feet from East Broad Street and Court Street; Zero to 50 feet for the balance of the street frontage

ii. East Broad Street: Zero to 20 feet.

iii. Court Street: Zero to 30 feet

iv. South Avenue: Zero to 20 feet

v. Bausch & Lomb Place: Zero to 30 feet

vi. Woodbury Boulevard: Zero to 15 feet

4. Building Design Standards
The following limitations and conditions apply to and must be complied with by all permitted uses.

a. Structures that abut Clinton Avenue shall have a major pedestrian entrance onto Clinton Avenue.

b. The primary entrance thresholds of all structures shall be flush with the abutting outdoor sidewalk elevations, and all other entrances shall not exceed grade elevations by more than 18 inches.

c. In any street yard of 30 feet or less, activities, attractions and/or an inviting environment directly linked to the adjacent public sidewalk shall be provided.

d. The building facades along South Clinton Avenue and Court Street between South Clinton Avenue and Bausch & Lomb Place (the realigned Stone Street) shall have fenestration with a total horizontal length equal to approximately 3/4 of the linear frontage of walls facing a street, consisting of glazing that is clear, see-through and nonreflective and having lower edges no higher than two feet above the building's first floor elevation and top edges no lower than seven feet above the building's first floor elevation.

e. No loading facility shall be permitted along South Clinton Avenue, Court Street, East Broad Street, South Avenue or St. Mary's Place.

F. Brooks Landing Urban Renewal District

1. Land Use Areas
The district is divided into three land use areas which are comparable to zoning districts listed in the Rochester Zoning Code:

a. The Open Space land use area (OS) located along the edge of the Genesee River will remain in City ownership as dedicated parkland.

b. The Neighborhood Commercial land use area (BMU) provides infill development and renovation opportunities on the west side of Genesee Street and nearly two acres of new commercial development opportunities on the east side of Genesee Street north of Brooks Avenue.

c. The Riverfront Commercial land use area (NMU) on the east side of Genesee Street south of Brooks Avenue will provide unique riverfront development opportunities.

2. Open Space Land Use
In the sections of the district designated on the Land Use Map as "OS," all of the requirements of the OS shall apply.

3. Neighborhood Commercial Land Use

The Neighborhood Commercial land use area is comparable to the BMU Boutique Mixed-Use District. In the sections of the district designated on the Land Use Map as “BMU,” all of the requirements of the BMU shall apply, except as follows:

a. Permitted Uses
The following uses are permitted in the Neighborhood Commercial land use area when conducted entirely within an enclosed building, and are subject to the use standards of Article 3:

- **i.** Dwelling units when part of a mixed-use development with other permitted commercial uses
- **ii.** Public and semi-public uses
- **iii.** Educational facility
- **iv.** Community center
- **v.** Museum
- **vi.** Retail sales and services
- **vii.** Offices open between the hours of 6:00 a.m. and 11:00 p.m.
- **viii.** Bars, cocktail lounges and taverns operating between the hours of 6:00 a.m. and 11:00 p.m.
- **ix.** Restaurants operating between the hours of 6:00 a.m. and 11:00 p.m., including accessory outdoor seating/assembly areas but excluding drive-thru facilities

b. Special Permit Uses
The following uses are allowed in the Neighborhood Commercial land use area with a special permit and are subject to the use standards of Article 3:

- **i.** Drive-thru services when attached to employee-occupied bank branch with indoor teller service
- **ii.** Parking lots

c. Dimensional Standards
Dimensional standards are as required for BMU of this Code, except as follows:

- **i.** Maximum lot coverage for new infill development shall be 95%.
- **ii.** Minimum building height, principal use or structure: Two stories or 18 feet.
- **iii.** Maximum building height, principal use or structure: Three stories or 35 feet.
- **iv**. Maximum square footage, principal use: 8,000 square feet on the ground floor.

d. Off-Street Parking
Off-street parking shall be subject to the provisions of Article 15 and other applicable regulations of this Code, except as follows:

- **i.** Parking lots shall have a maximum frontage of 50 feet.

4. Riverfront Commercial Land Use
The Riverfront Commercial land use area is comparable to the NMU Neighborhood Mixed-Use District. In the sections of the district designated on the Land Use Map as "NMU," all of the requirements of the NMU shall apply, except as follows:

a. Permitted Uses
The following uses are permitted in the Riverfront Commercial land use area and are subject to the use standards of Article 3:

i. Multi-family dwellings

ii. Public and semi-public uses

iii. Educational facility

iv. Community center

v. Museum

vi. Retail sales and service when conducted in an entirely closed building

vii. Offices open between the hours of 6:00 a.m. and 11:00 p.m.

viii. Bars, cocktail lounges and taverns, including accessory outdoor seating and assembly areas

ix. Restaurants and banquet facilities, including accessory outdoor seating and assembly areas

x. Hotels

xi. Parking lots

xii. Drive-through services, with up to two lanes, when attached to an employee-occupied financial institution with indoor teller service

b. Dimensional Standards
Dimensional standards are as required for NMU of this Code, except as follows:

i. Maximum front yard setback shall be zero to five feet, except for buildings that front on the river. Buildings that front on the river shall have a minimum setback of 30 feet and a maximum setback of 60 feet from the existing river wall or river edge, whichever is closer to the building.

ii. Maximum building height, principal use or structure fronting on the river: Five stories or 65 feet

iii. Minimum building height, principal use or structure: Two stories or 20 feet

iv. Maximum square footage, principal use: Not applicable

d. Off-Street Parking
Off-street parking shall be subject to the provisions of Article 15 and other applicable regulations of this Code, except as follows:

i. Parking shall not be permitted between a building and the sidewalk on the street, except for buildings that front on the river.

ii. Parking shall not be permitted between a building and the riverfront.

iii. Parking lots shall be screened from view from all directions.

e. Design Guidelines and Standards
Design guidelines and standards shall be subject to the provisions for NMU of the Rochester Zoning Code, with the following:

i. Additions
Any building fronting on the river shall have a facade facing the river of equal or near equal prominence to the facade facing the public street.

ii. Exception to NMU Design Standards
Any building fronting a river promenade shall have a facade with an active elevation facing the river. This active elevation shall include architectural features that enhance the pedestrian scale and experience of the building facade. Such elevations may or may not include windows and/or building entrances.

5. Other Requirements Applying to All Land Use Areas
Other requirements of this Code, not qualified above, shall apply.

G. Erie Canal Urban Renewal District

1. Permitted Uses
The following uses are permitted and are subject to the use standards of Article 3:

a. Multi-purpose stadium with associated concessions, parking, and pedestrian ways.

b. All commercial uses, indoor, including accessory outdoor seating/assembly areas.

c. Athletic fields.

2. Dimensional Standards
Dimensional standards are as required for FMU, except as follows:

a. Lot Area Requirements

i. Minimum lot coverage: 80%.

b. Yard Requirements

i. Front Yards

(A) Buildings: 20 feet

(B) Parking: 10 feet

(C) Patios/pedestrian ways: Zero feet

ii. Yards Abutting Residential Uses

(A) Buildings: 20 feet

(B) Parking: Ten feet, except where a solid screening wall at least six feet in height is placed on the lot line, in which case no setback shall be required

(C) Patios/pedestrian ways: Ten feet, except where a solid screening wall at least six feet in height is placed on the lot line, in which case no setback shall be required

3. Fences
Fences shall be subject to the requirements outlined in Section 13.4 and this Code, except for the following when along a street frontage:

i. Within the required front yard, fences must be decorative and limited to six feet in height.

ii. Behind the required front yard, fences are limited to six feet in height.

4. Off-Street Parking
Parking lots in the district shall be subject to the parking lot design standards and landscaping requirements of this Code.

5. Signs
Signs in the district shall be subject to the alternate sign plan as outlined in Section 17.6 of the City Zoning Code, except that signs facing toward the interior of the site located on concession buildings and nonpermanent signs located on the playing surface level shall be permitted without requiring a certificate of zoning compliance.

6. Additional Requirements
Development in the Erie Canal Urban Renewal District shall be subject to all other requirements in this Code, not listed above.

H. La Marketa North Clinton Avenue Urban Renewal District
All of the requirements of the NMU District shall apply except as follows:

1. Permitted Uses
The following uses are permitted and are subject to the use standards of Article 3:

a. Public and semi-public uses

b. Educational facility

c. Community center

d. Museum

e. All commercial uses, indoors

f. Bars, cocktail lounges and taverns, including accessory outdoor seating/assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m.

g. Restaurants and banquet facilities, including accessory outdoor seating/assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m.

h. Dwelling units when part of a mixed-use development on the second story or above

i. Entertainment, Limited, accessory to a principal use

j. In any public or semipublic plaza, open space or community gathering space: public entertainment, festivals, neighborhood parties, and other events that are either sponsored by the City or a community organization or issued a special event permit

2. Special Permit Uses
The following uses are allowed with a special permit and are subject to the use standards of Article 3:

a. Entertainment, indoor

3. Dimensional Standards
Dimensional standards are as required for NMU of this Code except as follows:

a. Parcel I: Maximum Front Yard Setback

i. North Clinton Avenue: Not applicable

ii. Hoeltzer Street: Not applicable

iii. Sullivan Street: Not applicable

b. Maximum building height, principal use or structure: Three stories or 35 feet.

c. Parcel I, Minimum building height: 30% of building; 20 feet.

d. Maximum square footage:

i. Principal use: Not applicable

ii. Structure: Not applicable

5. Design Standards
Design standards shall be subject to the provisions for NMU of this Code except as follows:

a. Parcel I
Any building facade facing Sullivan Street or Hoeltzer Street shall have an active building elevation which may or may not include windows and or building entrances. Where such facade does not comply with the window transparency requirement for NMU, such facade must be set back from the street with a minimum ten-foot landscaped front yard.

6. Fences and Walls
Fences and walls requirements shall be subject to the provisions of Section 13.4 and this Code except as follows:

a. No fence shall exceed three feet in height, except where it abuts a residential district where such fence or wall shall not exceed six feet in height.

7. Off-Street Parking
Off street parking shall be subject to the provisions of Article 15 and other applicable regulations of this Code, except as follows:

a. Required parking spaces:

i. Minimum number of parking spaces: Not applicable

ii. Maximum number of parking spaces: Not applicable

b. Parcel I: parking shall be located at the rear (east side) of the parcel.

8. Signs
Signs shall be subject to the provisions for the NMU District.

9. Other Requirements
Development in the La Marketa North Clinton Avenue shall be subject to all other requirements of this Code not listed above.

I. Midtown Urban Renewal District

1. Land Use Regulations

a. Development within the Midtown Urban Renewal District will be regulated by the DMU District. All of the requirements of the DMU contained in this Code shall apply.

b. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the DMU but prohibited in the Midtown Urban Renewal District shall include:

i. Warehousing and distribution, unless accessory to the principal use of the property

ii. Boarding houses

iii. Recycling centers

iv. Vehicle repair

v. Vehicle body work

c. Development shall be guided by the design principles outlined in Exhibit D of the Amended Midtown Urban Renewal Plan.

J. Dewey-Driving Park Urban Renewal District

1. North Area

Land uses within the North Area of the Dewey-Driving Park Urban Renewal District will be regulated by the BMU District.

a. Uses allowed in the BMU District but prohibited in the Dewey-Driving Park Urban Renewal District are:

i. Dwellings: single-family detached, attached, and townhouse

ii. Bed and breakfast

iii. Places of worship

iv. Residential care facilities

v. Hospice residence

b. Special permit permitted in the BMU District but prohibited in the Dewey-Driving Park Urban Renewal District shall include:

i. Parking lots

ii. Public utilities

c. All of the requirements of the BMU District contained in this Code shall apply.

2. South Area

Land uses within the South Area of the Dewey-Driving Park Urban Renewal District will be regulated by the NMU District.

a. Uses allowed in the NMU District but prohibited in the Dewey-Driving Park Urban Renewal District shall include:

i. Dwellings: single-family detached, attached, and townhouse

ii. Bed and breakfast

iii. Day care center

iv. Residential care facilities

v. Animal care facilities

vi. Places of worship

vii. Funeral homes and mortuaries

viii. Limited adult retail store

ix. Vehicle fueling stations

b. Special permit permitted in the C-2 Community Center District but prohibited in the Dewey-Driving Park Urban Renewal District shall include:

i. Drive-through restaurant

ii. Hotels

iii. Public utilities

iv. Research laboratories, including testing facilities

v. Homeless residential facilities

vi. Boarding houses

vii. Vehicle repair of noncommercial vehicles

c. All of the other requirements of the NMU District contained in this Code shall apply.

K. Marketview Heights Urban Renewal District
See the Rochester Zoning Map.

1. Land uses within the Marketview Heights Urban Renewal District that are classified as U-R Marketview Heights O-S shall be regulated by the OS Open Space District.

2. Land uses within the Marketview Heights Urban Renewal District that are classified as U-R Marketview Heights R-2 shall be regulated by the MDR Medium Density Residential District.

3. Land uses within the Marketview Heights Urban Renewal District that are classified as U-R Marketview Heights CCD-M shall be regulated by the DMU District.

4. Land uses within the Marketview Heights Urban Renewal District that are classified as U-R Marketview Heights C-2 shall be regulated by the NMU District.

5. Land uses within the Marketview Heights Urban Renewal District that are classified as U-R Marketview Heights M-1 shall be regulated by the IND Industrial District.

11.3 Urban Renewal District Procedures

The following procedures for site plan review, variance, and amendment shall apply in all Urban Renewal Districts.

A. Review of Site Plans and Development Plans
Site and development plans, including landscaping, shall be submitted to the Manager of Zoning for review and approval subject to site plan review. Prior to making a determination, the Manager of Zoning shall transmit such plans to the Secretary of the Urban Renewal Agency for review and comment with respect to the conformance of such plans with the respective Urban Renewal Plan and its objectives.

B. Variance of Plan Regulations
Variances of Urban Renewal District regulations may be approved by the Zoning Board of Appeals with the exception of use variances.

C. Amendment
This Article may be amended at any time by the City Council of the City of Rochester. An Urban Renewal Plan may be amended in accordance with procedures then in effect for the adoption of an Urban Renewal Plan per Article 15 of the General Municipal Law, § 505.

D. Design Review
All development and redevelopment in U-R Districts shall be subject to the dimensional and design standards pf referenced zoning districts, as well as all other requirements set forth in this Code, except where modified by the land use regulations of the Urban Renewal Plans.

Article 12. PD Planned Development District

12.1 Purpose
12.2 Location
12.3 District Ownership and Size
12.4 Requirements and Standards
12.5 Procedures for Planned Development Districts

12.1 Purpose

The PD Planned Development Districts recognize a defined area for unified and integrated development and are intended to create more flexible development opportunities than would be possible through the strict application of the land use and development regulations of this Code. Planned Development Districts allow diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces and are conceived as cohesive unified projects with unique standards and regulations. The Zoning Map may be amended from time to time, by ordinance duly enacted by the City Council, to provide for planned development districts upon approval of a development concept plan as set forth herein. Planned Development Districts (PD) shall achieve the following objectives:

A. An alternative development pattern in harmony with the objectives of various City and regional land use and development plans.

B. A creative use of land and related physical development allowing an orderly transition from one land use to another.

C. Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and height of structures in developments conceived as cohesive unified projects.

D. Unique standards for site and building design.

E. The preservation and enhancement of desirable site characteristics, such as open space, natural topography, vegetation and geologic features and the prevention of soil erosion.

F. Provision of a public benefit to the City, including, but not limited to:

1. Community amenities, including public plazas, formal gardens, and public art.

2. Bicycle, transit, and pedestrian facilities.

3. Preservation of historic features.

4. Public access to existing adjoining public trails.

5. Sustainable design, including reduction of impervious surfaces, LEED-rated or equivalent building designs, and/or alternative energy production.

6. Adaptive reuse of existing buildings.

7. Affordable/workforce and/or senior housing set-asides.

12.2 Location

The Planned Development District shall be applicable to any area of the City of Rochester where the applicant can demonstrate that the characteristics of the development will satisfy the intent and objectives of this Code. Where a planned development is deemed appropriate, the rezoning of land to a Planned Development District will replace all use and dimensional specifications contained elsewhere in this Code, unless otherwise stated.

12.3 District Ownership and Size

A. All owners of the tract shall be included as joint applicants on all applications, and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

B. No PD District shall be established having an area of less than two contiguous acres.

12.4 Requirements and Standards

A. The requirements and standards for a Planned Development District shall be determined for each individual project. At a minimum, the Planned Development District application shall include:

1. Purpose statement that includes how the project meets the objectives of this Code.

2. The categories of permitted and/or special permit uses. Unless otherwise addressed in the development concept plan, the requirements in Article 3 shall apply to the Planned Development District.

3. Lot frontage, coverage, and setback dimensions.

4. Building size and height limitations, including accessory structures.

5. Building design and frontage requirements.

6. Open space.

7. Parking and access.

8. Unless otherwise addressed in the development concept plan, the general development standards of Article 13 shall apply to the Planned Development District.

9. The proposed ownership and management of the Planned Development District, including the buildings, landscaped areas, and open spaces.

B. Planned Development Districts shall be served adequately by, and shall not impose an undue burden upon, essential public facilities and services such as highways, streets, traffic control signals and devices, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools. Where any such facility or service is not available or adequate to service the Planned Development District, the applicant shall be responsible for establishing their ability, willingness, and binding commitment to provide such facilities and services.

C. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with a Planned Development District shall provide that they may not be modified, removed, or released without the express consent of the City Council and shall provide that they may be enforced by the City of Rochester in addition to the landowners within the Planned Development Districts. Additionally, such documents shall require expiration and reverter language to remedy nonperformance.

D. Nothing in the Development Concept Plan shall override, contradict, or invalidate any discretionary review procedures authorized by the Article 20.

12.5 Procedures for Planned Development Districts

A. Development Concept Plan Approval and Amendments

1. The development concept plan is any plan hereinafter adopted by the City Council, after notice and a public hearing, for the development or redevelopment of an area with specific geographic boundaries, which clearly identifies the purposes of the development or redevelopment and involves one or more elements of land acquisition, site clearance, rehabilitation or construction of buildings, construction or reconstruction of public improvements, and land disposition and which is specifically designated a "development concept plan" for purposes of this Code.

2. Along with the requirements and standards listed in Section 12.4 above, the applicant shall provide a development concept plan for the proposed Planned Development District or amendment of a previously approved development concept plan. The development concept plan or amendment to a development concept plan shall include:

a. District boundary lines and any proposed property boundaries.

b. Existing and proposed principal and accessory buildings with proposed use.

c. Existing and proposed parking areas, including bicycle parking.

d. Vehicular, bicycle, and pedestrian circulation systems.

e. Lot coverage and building size (maximum gross square footage) calculations.

f. Public and private open space.

g. Existing and proposed utilities.

3. The applicant may, at their option, submit an incremental development plan in accordance with item B below for the Planned Development District simultaneously with the submission of the development concept plan. In such case, the applicant shall comply with all provisions of this Code applicable to submission of the development concept plan and to submission of the incremental development plan.

4. The development concept plan for proposed Planned Development Districts, amendments to existing Planned Development Districts, and incremental development plans shall be subject to site plan review in accordance with Section 20.5.

5. Action by Planning Commission:

a. Review by the Planning Commission of Planned Development Districts or amendments shall follow the procedures for zoning text or map amendments set forth in Section 20.1.

b. In considering the development concept plan and formulating its recommendations, the Planning Commission shall specifically address the objectives and standards applicable to the proposed Planned Development District in this Article.

6. Action by City Council:
Within 40 days following the receipt by the City Council of the report of the Planning Commission, or its failure to act as above provided, the City Council shall conduct a public hearing. The City Council shall:

a. Deny the development concept plan;

b. Refer it back to the Planning Commission for further consideration of specified matters; or

c. By ordinance duly adopted, approve the development concept plan, with or without modifications to be accepted by the applicant as a condition of such approval, and amend the Zoning Map of the City to designate the area included in the approved plan as "Planned Development District Number ___."

i. If the development concept plan is approved with conditions, the Zoning Map shall not be amended until the applicant has filed with the Manager of Zoning written consent to such conditions.

ii. In the event that a development concept plan is approved, or approved with conditions acceptable to the applicant, no development shall be permitted unless and until an incremental development plan has been submitted and approved in accordance with the provisions of this Code.

B. Incremental Development Plan Approval

1. The incremental development plan is a plan showing development occurring wholly within the boundaries of an approved Planned Development District which complies with all of the standards and requirements of the development concept plan approved for the district.

2. All incremental development plan approvals shall require site plan approval as set forth in Section 20.5.

3. In addition to the requirements of site plan approval, if the Manager of Zoning finds substantial conformity with the development concept plan and finds the incremental development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the development concept plan, the Manager of Zoning shall approve the incremental development plan. An incremental development plan shall be deemed not to be in substantial conformity with an approved development concept plan if one or more of the following occur:

a. Exceeds by more than 10% the maximum parking, building height, lot coverage, or setback requirements approved for the Planned Development District.

b. Decreases by more than 10% the area approved for public and private open space or significantly changes the general location of such areas.

c. Substantially relocates approved public circulation elements to any extent that would significantly decrease their functionality, adversely affect their relation to surrounding lands and circulation elements, or significantly reduce their effectiveness as buffers or amenities.

d. Significantly alters the arrangement of land uses within the Planned Development District.

e. Provides for uses not included in the approved development concept plan.

f. Exceeds by more than 10% of the maximum gross square footage and massing for residential uses and nonresidential uses.

g. Relies on a development characteristic that is insufficiently provided for in the development concept plan.

4. An approved incremental development plan may be amended or varied by submitting a new site plan to the Manager of Zoning in accordance with Section 20.5. In the case that the adjustments exceed the thresholds established for the Manager of Zoning by the development concept plan, the development concept plan must be amended as provided in this Article for original development concept plan approval.

C. Limitations to Approvals

1. A development concept plan shall become null and void one year after the filing date with the City Clerk, and the zoning district shall revert to the prior zoning district if an incremental development plan is not submitted for approval.

2. An incremental development plan approval shall become null and void six months after the date on which it was issued unless a building permit is obtained and maintained.

D. Appeals

1. After a decision by the Manager of Zoning on an incremental development plan application, an appeal of the application may be submitted to the Planning Commission within 30 days of Manager of Zoning's decision. A public hearing shall be set, advertised, and conducted by the Planning Commission in accordance with Section 19.4. The Planning Commission shall review the Manager of Zoning's decision and the application in accordance with the denial criteria set forth in Section 20.5.F along with the requirements and standards set forth above. The Planning Commission shall render a decision within 30 days following the conclusion of the public hearing to either approve, approve with conditions, or deny the application. The failure of the Planning Commission to act within 30 days shall be deemed an endorsement of the decision of the Manager of Zoning.

2. An appeal from any final decision of the Planning Commission may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

E. Current Plan Submission

1. The current plan is a complete, comprehensive, and permanent public record of a Planned Development District. The current plan is intended only to put in final form the information contained in the development concept plan and shall conform to all prior approved and all approved conditions thereof resulting from the Planned Development District process. The current plan shall consist of a site map that reflects all approved incremental development as well as the development concept plan for all areas not yet approved through an incremental development plan. It shall also contain references to all development concept plan components outlined in this Article.

2. A current plan must be submitted prior to any applications for amendments to the approved development concept plan or with request for approval of incremental development plans.

Article 13. General Development Standards

13.1 On-Site Development Standards
13.2 Standards for Residential Conversions
13.3 Exterior Lighting
13.4 Fences and Walls
13.5 Refuse and Recycling Containers
13.6 Mechanical Equipment and Aboveground Utility Equipment
13.7 Permitted Encroachments
13.8 Performance Standards

13.1 On-Site Development Standards

A. Purpose

The requirements of this section and this Article regulate activities, uses, structures, conditions, and treatments that may be present on a property, whether or not a principal structure or use is present. These requirements contribute to and promote the health, safety, comforts, conveniences and/or necessities of the property's occupants, the immediate neighborhood, and/or the entire Rochester community.

B. Designated Buildings of Historic Value

Any deviation from these standards requires a certificate of appropriateness.

1. Demolition of a designated building of historic value shall be prohibited.

2. Significant architectural features, including but not limited to slate or tile roofing, original cladding, porches, cornices, etc., shall be maintained.

3. Replacement windows in a designated building of historic value shall utilize true divided lights or simulated divided lights when matching the original mullion and/or muntin configuration. This does not include interior-only grids or grids between the panes of glass, except where the windows are being replaced in order to abate lead paint hazards.

C. Residential Dwellings with Existing Open Porches

1. No existing open porch visible from any public right-of-way shall be removed unless the original design of the building lacked such a porch.

2. No open porch visible from any public right-of-way shall be enclosed.

D. Storefront Conversion

1. Residential Standards

The applicant for conversion of a commercial storefront to a residential use in an area that is predominantly residential shall have the option either to:

a. Retain the storefront features (for example, display windows, transoms, lintels, etc.). Retaining the original storefront design is not subject to the first-floor transparency minimum; or

b. Remove the entire storefront and redesign the facade to a residential appearance.

2. Commercial Conversions

When converting only one portion of a building, the entire commercial character of the storefront must be retained. In cases where demolition of a commercial addition to a house is proposed, the new facade shall approximate, as closely as possible, the original design of the house.

E. Sight Visibility

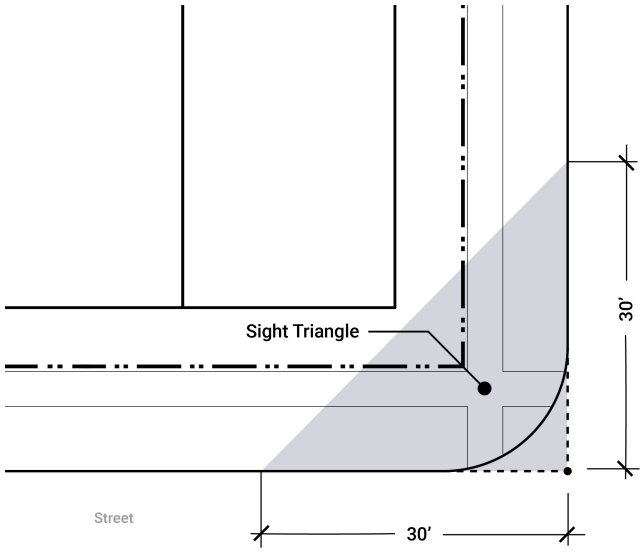
1. Within the triangular area formed by the right-of-way lines of intersecting streets at non-signalized intersections within Residential Districts and Village Center Districts and a line connecting points 30 feet on either side of such intersecting right-of-way, including triangles formed from centerlines of driveways, there shall be clear space and no obstruction to vision.

2. No person shall place or maintain any structures, fences, landscaping, or other objects within any sight distance triangle that obstructs or obscures site distance visibility by more than 25 percent of the area between the ground and eight feet, except for the following:

a. Landscaping, structures, or fences that protrude no more than 30 inches above the adjacent roadway surface may be permitted within the sight distance triangle.

b. Trees may be planted and maintained within the sight distance triangle if all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface and the location of the trees planted, based on the tree species expected mature height and size, does not obstruct sight visibility by more than 25 percent of the site distance triangle area.

SIGHT TRIANGLE



13.2 Standards for Residential Conversions

A. Purpose

The intent of this section is to establish standards to prevent overcrowding caused by the increase in number of dwelling units and to ensure the protection of neighborhood character.

B. Applicability

1. These standards apply to all conversion of existing buildings to increase or decrease the number of dwelling units in the LDR, MDR, and HV Districts.

2. Residential conversions are allowed as follows:

a. LDR District: Any residential conversion requires approval of a use variance. If the conversion does not meet the standards of this section, an area variance is also required.

b. MDR and HV Districts: Residential conversions up to four units are allowed that meet the standards of this section. If the conversion does not meet the standards of this section, both a use variance and an area variance are required.

C. Increase in Number of Dwelling Units
The following standards must be met:

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

a. Studio: 500 square feet

b. One bedroom: 650 square feet

c. Two bedrooms: 800 square feet

d. Three bedrooms: 950 square feet

e. Four bedrooms: 1,100 square feet

f. Five bedrooms: 1,250 square feet

2. Minimum Building Size
No dwelling unit conversion is permitted in a dwelling with less than 1,500 square feet of habitable floor area.

3. Minimum Lot Area Requirements
No building located on a lot having an area of less than 4,000 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. Parking Regulations
The dwelling unit conversion must comply with all off-street parking and loading regulations required by Article 15.

D. Decrease in Number of Dwelling Units
Conversion of existing buildings to decrease the number of dwelling units requires alterations or modifications which ensure that the discontinued dwelling unit is permanently and fully integrated into a legal dwelling unit with unimpeded access throughout the legal unit. Dwelling unit conversions that do not meet the following requirements shall require an area variance in accordance with the provisions of Section 20.16.

1. Unimpeded access is evidenced by the removal of all partitions, inoperable doorways, and other obstructions that impede or prevent access throughout the dwelling unit.

2. The integration of a discontinued dwelling unit is further evidenced by the removal of those elements that are integral and previously supported the discontinued dwelling unit. These may include the removal of the kitchen and any utility meters in excess of one meter per dwelling unit, except in the case of two or more dwelling units where an additional house meter may be permitted.

13.3 Exterior Lighting

A. Applicability
The following standards apply to all nonresidential, mixed-use, and multi-family developments.

B. Lighting Standards

1. No use shall produce a strong, glaring light or reflect a strong light or glare that is visible from any point along a lot line.

2. Lighting for pedestrian areas and sidewalk shall not exceed 15 feet in height.

3. All light fixtures shall be concealed source fixtures except for pedestrian-oriented accent lights.

4. Security lighting fixtures shall not project above the facade or roofline of any building and are to be shielded. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures and are restricted to lighting only loading and storage locations or other similar areas requiring security lighting.

5. Service-area lighting shall be contained within the service yard boundary. No light spillover shall occur outside the service area; the light source shall not be visible from the street.

6. Exterior wall-mounted floodlights shall be prohibited except for security lighting in enclosed service courtyards.

C. Exceptions to Lighting Standards

1. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this Code.

2. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational fields (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, driving ranges, and other similar uses are exempt from the lighting standards of Item B above and subject to the following:

3. Temporary holiday and seasonal lighting designs are exempt from the requirements of this Code.

4. Certain temporary uses may use lighting that does not meet the requirements of this section. When such temporary uses are allowed, approval of the lighting plan is required as part of the temporary use permit.

D. Prohibited Lighting

1. Flickering or flashing lights.

2. Searchlights, laser source lights, or any similar high intensity.

3. Any light fixture that can be confused with or construed as a traffic control device.

13.4 Fences and Walls

A. General Requirements

1. When additional fence and wall requirements are found in the use standards of Article 3 or the landscape standards of Article 16, such requirements control.

2. The following materials are prohibited in the construction of fences and walls:

a. Scrap metal

b. Corrugated metal

c. Chicken wire

d. Chain link with slats except in the IND District

e. Privacy screens (e.g. fabric, canvas) except for use in swimming pool fencing

3. A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.

4. All fences shall be installed so that the finished side shall face outward. All bracing shall be on the inside of the fence, and the outward-facing side shall be of similar materials and colors as the inward-facing side.

5. All required fences and walls shall be maintained in good condition and, when necessary, repaired or replaced.

6. Wooden retaining walls, when not integral to a natural topographic grade change, are prohibited.

7. The height of fences or walls is measured from the average finished grade within two feet of the fence line.

8. All fences shall comply with sight visibility regulations of Section 13.1.E.

B. Fence Regulations within Districts

1. Residential and Village Center Districts

a. Front setback fence height: Maximum of four feet in height to the front building line. However, a retaining wall made necessary by a natural topographic grade change may exceed four feet. Gates within or that open into the front yard shall also be limited to four feet.

b. Corner side setback fence height: Maximum of six feet in height up to the front building line.

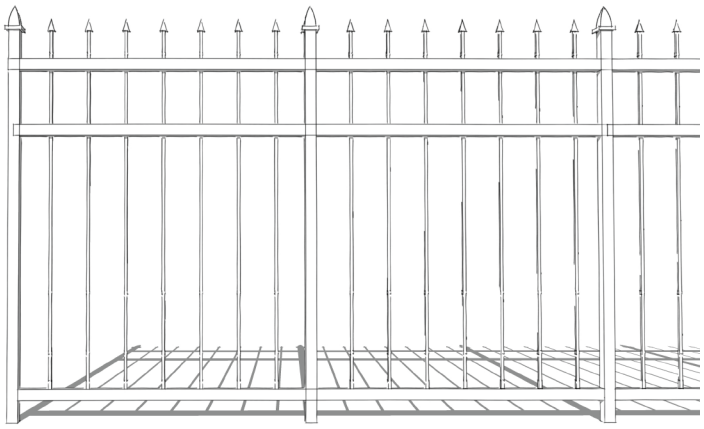
c. Rear and interior side setback fence height: Maximum of six feet in height. However, if the rear or interior side lot line abuts a nonresidential district, then the maximum fence height of that allowed within abutting nonresidential district is permitted.

d. Fences located in the front yard and corner side yard shall be a minimum of 30% open.

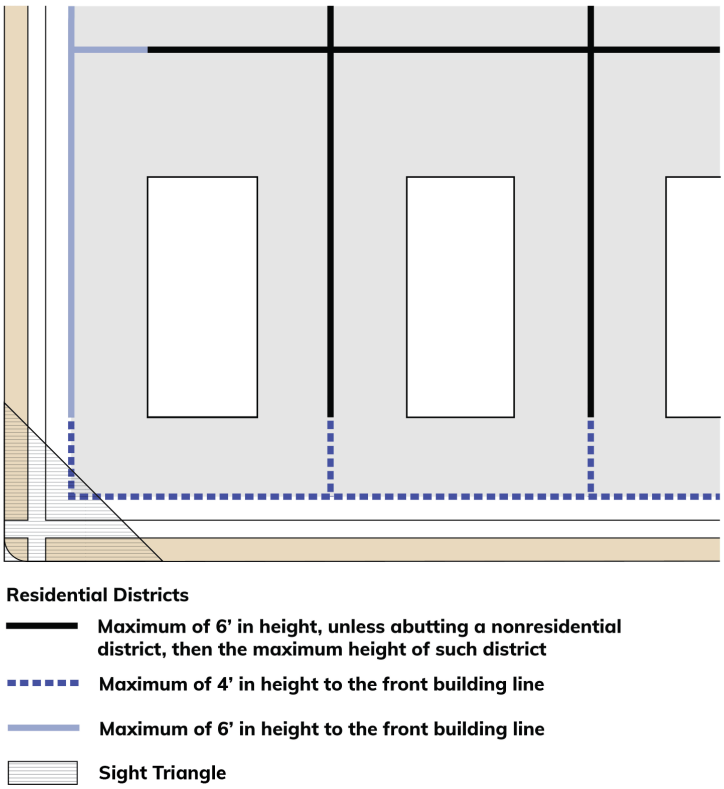
e. No chain link fencing shall be permitted in the front yard of a residential district lot unless an administrative adjustment is approved.

OPEN FENCE (EXAMPLE)

Fences in the front and corner yards shall be a minimum of 30% open



FENCE - RESIDENTIAL DISTRICTS



2. Nonresidential Districts

a. Fences are limited to a maximum height of eight feet in any setback in the RC, IND, and OS Districts.

b. In all other nonresidential districts not listed in item a above, fences are permitted as follows:

i. Solid fences or walls are permitted in any setback to a maximum height of three feet.

ii. Fences up to a maximum of six feet in height are permitted in any setback but must be cast or extruded metal with a minimum transparency of 80% when located along a public street, excluding alleys or private internal access drives, or along the riverfront. Decorative embellishments of columns are permitted to exceed this maximum height by 18 inches.

iii. Fences in rear and interior side setback are limited to a maximum of eight feet in height.

3. Exceptions

a. A fence a maximum height of 12 feet is permitted to enclose a private or public tennis court or public basketball court.

13.5 Refuse and Recycling Containers

These provisions do not apply to standard personal refuse and recycling bins, approximately 96 gallons or less in size.

A. Refuse and recycling containers are prohibited in the front or corner side yard.

B. Enclosures are required as follows:

1. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The wall or wall extension must be constructed as an integral part of the building's architectural design.

2. The enclosure must be gated. Such gate must be solid and a minimum of six feet and a maximum of eight feet in height. This requirement does not apply to refuse containers located adjacent to an alley.

3. The gate must be maintained in good working order and must remain closed except when refuse/recycling pick-ups occur.

4. Refuse and recycling containers must remain in the enclosure with the gate closed and/or locked.

13.6 Mechanical Equipment and Aboveground Utility Equipment

Mechanical equipment, such as heating, ventilation, and air conditioning (HVAC) equipment, heat pumps, electrical generators, power storage, pool pumps, and above ground utility equipment is subject to the following standards.

A. Ground-Mounted Equipment

1. Equipment is prohibited in the front and corner side yard. Equipment is allowed in the interior side or rear yard and must meet the general regulations for accessory structures in Section 14.1.

2. For multi-family and nonresidential uses, ground-mounted equipment must be screened from public view by a decorative wall, solid fence, or year-round landscaping that is compatible with the architecture and landscaping of a development site. The wall, fence, or plantings, at maturity, must be of a height equal to or greater than the height of the equipment being screened.

B. Roof-Mounted Equipment

1. For structures 40 feet or more in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet in equipment height.

2. For structures less than 40 feet in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in a screening structure that is architecturally integrated with the principal structure.

C. Building-Mounted Equipment

See Table 13-1 for permissions for building-mounted mechanical equipment.

13.7 Permitted Encroachments

A. An encroachment is the extension or placement of an architectural feature, building infrastructure, site elements into a required setback. Permitted encroachments are indicated in Table 13-1: Permitted Encroachments into Required Setbacks. Encroachments that extend into the right of way are also regulated by Chapter 104 of the City Code.

B. Article 14 contains regulations for accessory structures, which may include additional permissions or restrictions on their permitted encroachment into required setbacks.

Table 13-1: Permitted Encroachments Into Required Setbacks
Y= Permitted // N= Prohibited
Max. = Maximum // Min. = Minimum
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback

Accessibility Ramp	Y	Y	Y	Y
Arbor	Y	Y	Y	Y
Awning	Y	Y	Y	Y
Balcony *Min. of 3' from lot line*	Y	Y	Y	Y
Bay Window *Min. of 3' from lot line* *Min. vertical clearance of 2' from the floor level*	Y	Y	Y	Y
Canopy *Min. of 3' from lot line* *Max. 15' width or no more than 3' extension on either doorway side, whichever is less*	Y	Y	Y	Y
Chimney *Max. of 2' into required setback*	Y	Y	Y	Y
Decks *Min. 3' from lot line*	N	Y	Y	Y
Eaves, Cornices, Sills, and Belt Courses *Max. of 2' into setback*	Y	Y	Y	Y
Emergency Escape Well *Min. of 5' from a lot line*	N	Y	Y	Y
Exterior Exit Stairwell and Fire Escape *Min. of 5' from a lot line* *Prohibited in the front yard*	N	N	Y	Y
Gazebo or Pergola *Prohibited in the front yard* *Min. of 5' from a lot line*	N	Y	Y	Y
Greenhouse *Prohibited in the front yard* *Min. of 5' from a lot line*	N	N	Y	Y
Mechanical Equipment - Building-Mounted *Must maintain a min. separation between buildings of 5'*	N	N	Y	Y
Patio Front yard patios must be constructed or brick or stone, and must be separated a minimum of 5' from driveways by groundcover or other landscape materials	Y	Y	Y	Y
Porch - Unenclosed *Min. of 3' from a lot line* *Also applies to second-story porches* *(Enclosed porches are considered part of the principal structure)*	Y	Y	Y	Y
Powerwall (Exterior) *Limited to a total of 25% of the wall area* *(Powerwalls that exceed 25% of the wall area are not permitted in any setback)*	Y	Y	Y	Y
Stoop and Stairs or Main Entry Stairs *Min. of 3' from a lot line*	Y	Y	Y	Y

13.8 Performance Standards

All uses must comply with the performance standards established in this section unless any federal, state, or local law, code, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

A. Noise

All uses shall be subject to Chapter 75 of the Municipal Code.

B. Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

C. Vibration

No vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

D. Air Quality

1. Emissions to the outdoor atmosphere, including but not limited to any dust, fumes, gas, mist, odor, smoke, vapor, toxic or deleterious emission, either alone or in combination with others, are subject to the specific air quality standards and emissions limits set forth in the Federal Clean Air Act and the New York State Air Pollution Control Rules and Regulations as administered by the New York State Department of Environmental Conservation (NYSDEC).

2. Notwithstanding the existence of any New York State or federal permits or approvals, no use or structure shall emit smoke, dust, heat or heated air, noxious odors, odorous gases or other matter in such quantities as to be readily discernible on neighboring property and detrimental to the use and enjoyment of such neighboring property.

E. Water Pollution

Storage of materials must include all proper precautions to protect any surface water or groundwater sources, whether natural or manmade, from contamination.

F. Radioactive and Hazardous Waste

Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

G. Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove or reduce the odor.

H. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

I. Drainage

No stormwater which originated on the property, or water generated by an activity, such as swimming pools, may be drained across property lines. No natural drainage may be diverted to cross property lines unless transported in an approved or existing drainage system.

Article 14. Accessory Structures

14.1 General Regulations for Accessory Structures
14.2 Specific Accessory Structures Regulations

14.1 General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this Article and Code.

A. A certificate of zoning compliance is required for all accessory structures per Section 20.6. A building permit may also be required for the construction of an accessory structure per the Building Code.

B. All accessory structures are required to be in the rear yard, unless otherwise indicated in the regulations below or in Article 13.

C. Only those accessory structures permitted by this Article and in Article 13 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards.

1. The use of the term "yard" refers to the area between the applicable building facade and lot line. This distinction is made because certain principal buildings may not be built at required or minimum setback lines, thereby creating a yard larger than the minimum setback dimension.

2. When an accessory structure is allowed within a required setback, it is also allowed within the corresponding yard, but may be subject to additional limitations.

D. The maximum height of any detached accessory structure is 24 feet, unless otherwise permitted or restricted by this Code. However, the height of any accessory structure cannot exceed the height of the principal structure.

E. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.

F. Accessory structures that are not regulated by the Building Code and/or do not require a building permit, or are not specifically regulated by this Article or Article 13, must be setback three feet from any lot line. Where no principal structure is part of the principal use of the lot, accessory structures are not permitted within require front or corner side setbacks.

G. The footprint of any single detached accessory structure cannot exceed 75% of the footprint of the principal structure. Where no principal structure is part of the principal use of the lot, accessory structures are limited to a maximum building coverage of 40% of the lot, unless a stricter maximum building coverage is required by the district.

H. No accessory structure may continue after the principal use or structure is abandoned or permanently removed.

I. A detached accessory structure may not contain cooking facilities or a full bath. Plumbing fixtures above the first floor are prohibited.

14.2 Specific Accessory Structures Regulations

The following regulations apply to specific types of accessory structures. The regulations of Section 14.1 apply unless specifically modified by the standards of this section.

A. Amateur (ham) Radio Equipment

1. Towers that solely support amateur (ham) radio equipment and conform to all applicable performance standards set forth in Section 13.8 are permitted in the rear yard only and must be located ten feet from any lot line. Towers are limited to the maximum building height of the applicable district plus an additional five feet.

2. Antennas may be building-mounted and are limited to a maximum height of five feet above the structure.

3. Any such antennas and/or towers owned and operated by the City are exempt from these requirements.

B. Apiary

1. Apiaries are permitted only in the rear yard and must be located ten feet from any lot line.

2. All bee colonies must be kept in a removable frame hive, which must be kept in sound and usable condition.

3. The beekeeper must establish and maintain a flyway barrier at least six feet in height consisting of a hedge, fence, solid wall, or combination that is parallel to the lot line and extends ten feet beyond the colony in each direction so that bees are forced to fly at an elevation of at least six feet above ground level over adjacent lots in the vicinity of the apiary.

4. Each beekeeper must provide a convenient source of water available to the bees at all times.

5. All beekeepers in New York State are required to register with the Department and to renew their registration annually. Beekeepers must also indicate if they intend to sell nucleus (nucs) colonies.

C. Aquaculture, Aquaponic, Hydroponic Facilities

1. Facilities are permitted in the rear yard only and must be located a minimum of ten feet from any lot line.

2. All operations related to holding and rearing fish must be located within fully enclosed structures.

3. All operations shall not cause glare, noise, or odors that negatively impact adjacent properties.

D. Carport, Detached

1. Carports must be located over a paved or gravel surface and accessed by a driveway.

2. A carport is permitted only in the interior side, corner side, or rear yard.

3. Carports shall be located at least ten feet behind the front building line.

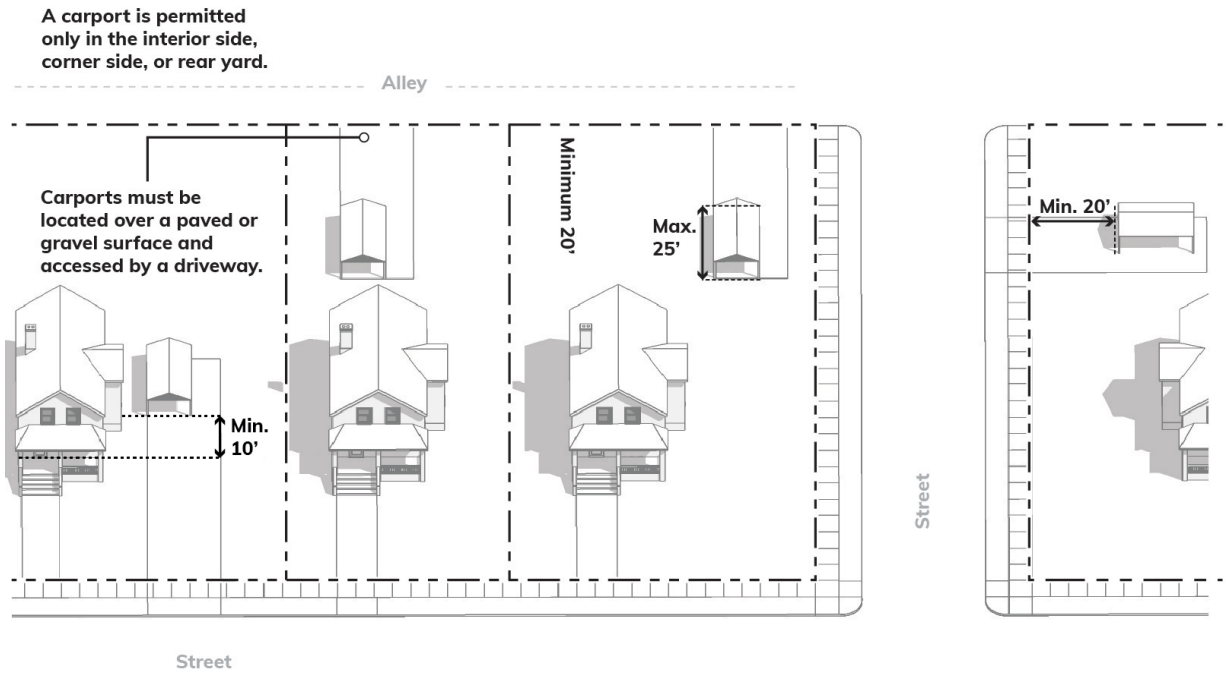
4. When accessed from a street, other than an alley, detached carports must be set back a minimum of 20 feet from the lot line parallel to the carport entrance.

5. The total length of a carport is limited to 25 feet.

6. A carport must be open on at least three sides except for the necessary supporting columns and designed to be consistent with the architecture of the principal structure.

7. A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports and are prohibited.

CARPORT



E. Chicken Coops

1. In addition to the requirements of Section 30-19 of the City Code, chicken coops are permitted only in the rear yard and must be setback 10 feet from all lot lines.

2. A chicken coop must include a fenced outdoor enclosure.

3. Any manure must be composted in enclosed bins.

F. Coldframe Structures

1. Coldframe structures up to three feet in height are permitted only in the interior side, corner side, or rear yard.

2. Coldframe structures over three feet in height and up to a maximum of six feet are permitted only in the rear yard.

3. Each coldframe structure that is not part of a community garden is limited to a maximum square footage of 80 square feet.

4. When part of a community garden, each coldframe structure is permitted a maximum square footage of 160 square feet and six feet in height, and cannot be located in the required minimum setbacks of the district.

G. Donation Boxes

1. Only one donation box is permitted per lot.

2. Donation boxes may only be located to the side or rear of the principal building. In no case may a donation box be located in a front yard. No donation box may be located within a required parking space.

3. The area surrounding the donation box must be kept free of any junk, debris, or other material.

4. Donation boxes must be maintained in good condition and appearance with no structural damage, holes, or visible rust, and must be free of graffiti.

5. Donation boxes must be locked or otherwise secured.

6. Donation boxes must contain the following contact information on the front of each donation box: the name, address, email, and phone number of the operator.

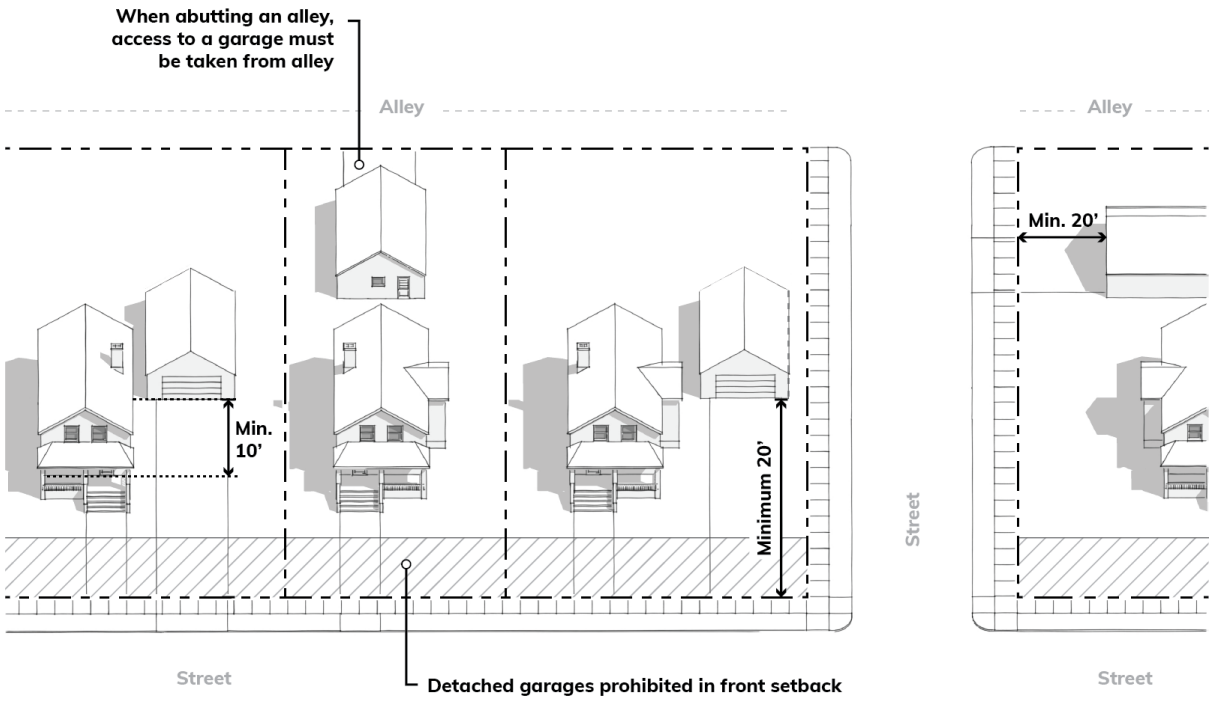
H. Garage, Detached

1. Detached garages are permitted in the interior side, corner side, and rear yards. Detached garages are prohibited in the front yard and must be setback a minimum of ten feet from the front façade of the principal building.

2. When accessed from a street, other than an alley, detached garages must be set back a minimum of 20 feet from the lot line parallel to the garage door.

3. When a property is abutting an alley, access to a garage must be from the alley.

DETACHED GARAGE



I. Satellite Dish Antennas

1. General Requirements

a. Satellite dish antennas must be permanently installed on a building, on the ground, or on a foundation, and cannot be mounted on a portable or movable structure.

b. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.

c. Antennas no longer in use must be immediately removed.

2. Additional Standards for Large Satellite Dish Antennas

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

a. Large satellite dish antenna are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.

b. Roof-mounting is permitted only if the large satellite dish antenna is entirely screened from public view along the right-of-way by an architectural feature such as a parapet wall.

c. A large ground-mounted satellite dish antenna must be substantially screened from public rights-of-way or adjacent properties. Screening includes solid fences or walls or plant materials located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation. Fences and walls must meet the standards of Section 13.4.

J. Solar Panels

1. General Requirements

a. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

b. Solar panels may be co-located on structures such as light poles.

2. Building-Mounted Systems

a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.

b. Roof-mounted solar energy systems do not count toward building height maximums.

3. Ground-Mounted Systems

a. A ground-mounted system is permitted in the rear yard only.

b. A ground-mounted system is limited to a maximum of six feet in height.

c. A ground-mounted system must be setback from all lot lines a distance equivalent to the height of the system.

K. Swimming Pool

1. Swimming pools are allowed in the rear yard only.

2. Swimming pools are subject to the requirements of the Building Code.

L. Wind Turbines

1. Wind turbines may be designed as either vertical or horizontal axis turbines, or designs that combine elements of the different types of turbines.

2. Wind turbines are subject to the following height restrictions:

a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district or 35 feet, whichever is less.

b. The maximum height of any wind turbine mounted upon a structure is 20 feet above the height of such structure. Wind turbines may exceed maximum building heights.

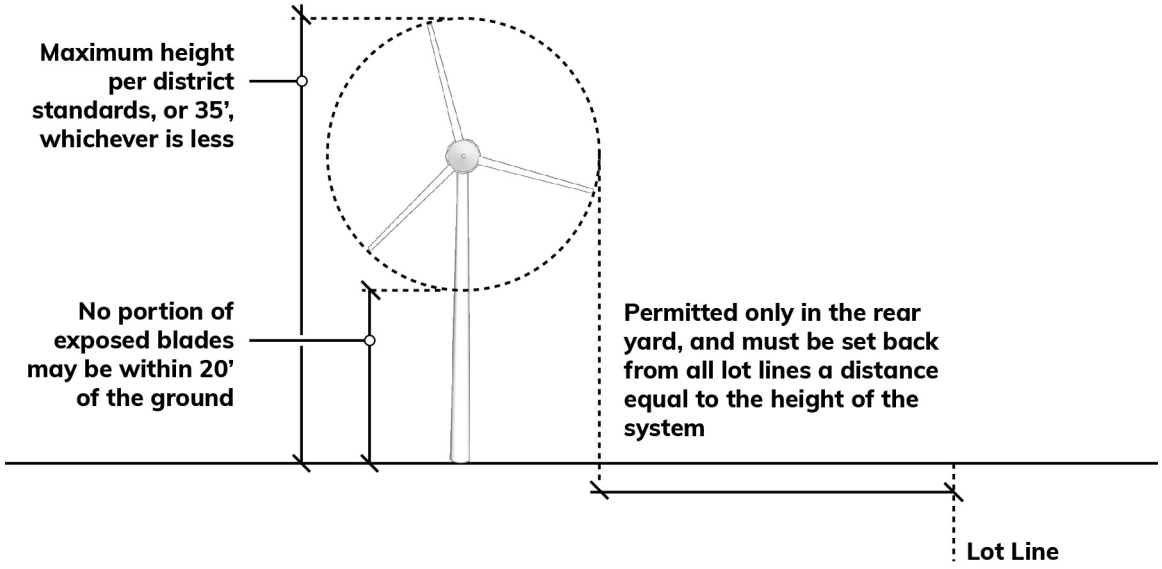
c. Maximum height is the total height of the turbine system as measured from the base of the tower to the top. For horizontal axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.

d. No portion of exposed turbine blades may be within 20 feet off the ground. Unexposed turbine blades may be within ten feet of the ground.

3. Ground-mounted wind turbines are permitted only in the rear yard. The tower must be set back from all lot lines and principal buildings equal to the height of the system.

4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

WIND TURBINES



Article 15. Off-Street Parking and Loading

15.1 On-Site Development Standards
15.2 Transportation Access Plan (TAP)
15.3 Required Vehicle Parking Spaces
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15.11 Required Off-Street Loading Spaces
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15.1 On-Site Development Standards

A. Completion of Off-Street Parking and Loading Facilities
All construction and improvements, including landscaping and screening, for off-street parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.

B. Use of Off-Street Parking and Loading Facilities

1. Whenever a use existing on the effective date of this Code is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use, except that when any such existing use was deficient in required parking spaces on such effective date, such new use may be established with a deficiency in required parking spaces equal in number to not more than such preexisting deficiency.

2. The sales and display of goods in off-street parking areas is prohibited unless specifically permitted by this Code.

3. The property owner is responsible for ensuring that parking and loading facilities are used only by tenants, employees, and other authorized persons.

4. Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street vehicle parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street vehicle parking space shall not be used to satisfy the requirement for any off-street loading space or portion thereof.

5. Except as permitted in § 90-15B(7) of the Municipal Code, no vehicle of any kind or type without current license plates shall be parked or stored on any residentially zoned property other than a completely enclosed building.

15.2 Transportation Access Plan (TAP)

A. A TAP must be reviewed and approved per this section. No building permit or certificate of occupancy may be granted prior to approval of a required TAP.

1. A Transportation Access Plan (TAP) is intended to manage off-street parking demand and is required for development actions and uses described in Section 15.3.

2. When a Level A site plan review is required and a TAP is also required, the TAP will be approved as part of the Level A site plan review. If no Level A site plan review is required, the TAP will be approved as an administrative adjustment application.

3. An approved TAP may be modified through the administrative adjustment process.

B. In making a decision, the Manager of Zoning must assess the following performance standards:

1. The project includes 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.

2. The project must meet the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.

C. Based upon the review and approval of the TAP, a parking minimum or a parking maximum may be established, reduced, or eliminated. Additionally, off-street parking may be required above that established by the parking maximum.

D. A TAP must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field. A TAP must include:

1. The anticipated peak-to-daily transportation demand for the project.

2. How the anticipated transportation demand for the project will be met on-site or off-site, including:

a. Number of off-street vehicle parking spaces to be provided.

b. Current on-street parking supply during the relevant times for project demand.

c. Any shared vehicle parking arrangements.

d. Number of bicycle parking spaces to be provided or are publicly available.

e. Transit options available to reach the site.

f. Available drop-off/valet accommodations.

3. The TAP strategies of item E below that will be employed to reduce single-occupancy vehicle trips, reduce vehicle miles travelled by site users, and promote transportation alternatives such as walking, cycling, ridesharing, and transit.

4. How the TAP strategies listed in 3. above will be implemented.

E. TAP Strategies

TAP strategies may include, but are not limited to, the following:

1. Walking, cycling, ridesharing, and transit promotion and education.

2. Employee parking cash-out programs.

3. Unbundled parking, where parking spaces are not included as part of the purchase or rental of a dwelling within a residential development.

4. Shared parking arrangements.

5. Enhanced bicycle parking and services above the minimum required.

6. Support for car-share and bike-share services and facilities.

7. Carpooling or vanpooling programs or benefits.

8. Free or subsidized transit passes, transit-to- work shuttles, or enhanced transit facilities (such as bus shelters).

9. Provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, telecommuting).

10. Promotion of “live near your work” programs.

11. Roadway improvements adjacent to the site that will help encourage transportation alternatives.

12. Designation of an on-site employee and/or resident transportation coordinator.

15.3 Required Vehicle Parking Spaces

A. Calculation of Required Vehicle Spaces

1. Vehicle parking spaces are calculated based on the principal use of the lot. When more than one principal use occupies the same lot, the number of spaces required is the sum of the separate requirements for each principal use.

2. When a calculation results in a fractional space, a fraction of 0.5 or less shall be disregarded, and a fraction of more than 0.5, shall be considered one space.

B. Residential Districts

Residential districts, to include LDR, MDR, and HDR, are subject to the parking requirements of this section. If a use allowed within the residential districts is not expressly listed below, parking requirements shall be provided as required for the most similar listed use, to be determined by the Manager of Zoning.

1. Minimum Off-Street Parking Requirements

Table 15-1: Residential District Parking Requirements contains parking requirements for the residential districts. Any residential conversions (Section 13.2) shall meet the standards of Table 15-1.

2. Required Transportation Access Plan

A TAP is required when any development proposes to exceed any established parking maximum.

3. Existing Nonresidential Structures in the LDR, MDR, HDR Districts

As of the effective date of this Code, unless a use is included in the list of uses requiring a TAP, existing nonresidential structures in the LDR, MDR, HDR Districts that currently do not provide the minimum required amount of parking are exempt from parking requirements, regardless of a change in use where a use is allowed by the district. Any existing parking located on the site must be maintained. If the principal building is expanded or demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased or leased), this exemption is no longer valid.

Table 15-1: Residential District Parking Requirement

Use	Minimum Parking Requirement	Maximum Parking Limitation
Residential Uses		
Boarding House	0.5/sleeping unit	110% of the total minimum required parking
Bed and Breakfast Establishment	1 + 1/guestroom	110% of the total minimum required parking
Community Home	0.5/sleeping unit	110% of the total minimum required parking
Day-Care Home	1/du	3/du outside of a garage
Day-Care Home, Adult	1/du	3/du outside of a garage
Residential Dwellings:		
Dwelling, Single-Family Detached	1 space	3 spaces outside of a garage
Dwelling, Single-Family Attached	1/du	2/du outside of a garage
Dwelling, Two-Family	1/du	2/du outside of a garage
Dwelling, Three-Family	1/du	2/du outside of a garage
Dwelling, Four-Family	1/du	2/du outside of a garage
Dwelling, Townhouse	1/du	2/du outside of a garage
Dwelling, Multi-Family	Studio: 1 space 1 Bedroom: 1 space 2 Bedroom: 1.2 spaces 3 or more Bedroom: 1.5 spaces For buildings with 20 or more units, the total number of spaces may be reduced by 20%	110% of the total minimum required parking

Table 15-1: Residential District Parking Requirement		
Residential Dwellings (cont'd):		
Dwelling Unit(s) within a Mixed-Use Building	Studio: 1 space 1 Bedroom: 1 space 2 Bedroom: 1.2 spaces 3 or more Bedroom: 1.5 spaces For buildings with 20 or more units, the total number of spaces may be reduced by 20%	110% of the total minimum required parking
Emergency Residential Facility	0.5/bed	110% of the total minimum required parking
Emergency Shelter	None required	2/1,000sf GFA
Hospice Residence	0.5/bed	110% of the total minimum required parking
Live-Work Unit	1/du	3/du outside of a garage
Pocket Neighborhood Residential Development	*Based on dwelling units included*	*Based on dwelling units included*
Residential Care Dwelling	0.5/bed	110% of the total minimum required parking
Residential Care Facility	0.5/bed	110% of the total minimum required parking
Commercial and Industrial Uses		
All Commercial Uses, Indoor, unless otherwise specified below	2/1,000sf GFA	110% of the total minimum required parking
Animal Care Facility	2/1,000sf GFA	110% of the total minimum required parking
Craft Production	2/1,000sf GFA	110% of the total minimum required parking
Daycare Center	1/1,000sf GFA	110% of the total minimum required parking
Hotel	1.5/guest room	110% of the total minimum required parking
Industrial, Light	1/1,000sf GFA	110% of the total minimum required parking
Kennel	1/1,000sf GFA	110% of the total minimum required parking
Outdoor Market	1/1,000sf of lot area	110% of the total minimum required parking
Outdoor Recreation	1/1,000sf GFA	110% of the total minimum required parking
Self-Storage, Climate Controlled	1/20 storage units	110% of the total minimum required parking
Short-Term Rental	Studio: 1 space 1 Bedroom: 1 space 2 Bedroom: 1.2 spaces 3 or more Bedroom: 1.5 spaces For buildings with 20 or more units, the total number of spaces may be reduced by 20%	110% of the total minimum required parking
Other Uses		
Boat Launch, Non-Motorized	1/launch	3/launch
Clinic, Outpatient	2/1,000sf GFA	110% of the total minimum required parking
College/University	2/1,000sf GFA	110% of the total minimum required parking
Community Center	1/1,000sf GFA	110% of the total minimum required parking
Community Garden	None	4 spaces
Educational Facility	1/1,000sf GFA	110% of the total minimum required parking
Museum	1/1,000sf GFA	110% of the total minimum required parking
Place of Worship	1/1,000sf GFA	110% of the total minimum required parking
Private Club or Lodge	1/1,000sf GFA	110% of the total minimum required parking
Public and Semipublic Use	1/1,000sf GFA	110% of the total minimum required parking
Public Utility	1/1,000sf GFA	110% of the total minimum required parking
Solar Energy System - Principal Use	2 spaces	4 spaces
Urban Farm	2 spaces	10 spaces
Wind Energy Conversion System - Principal Use	2 spaces	4 spaces

C. Nonresidential Districts

The nonresidential districts are subject to the parking requirements of this section.

1. Minimum Off-Street Parking Requirements

There are no minimum off-street parking requirements in the nonresidential districts.

2. Maximum Off-Street Parking Requirements

a. Nonresidential uses within the nonresidential districts are limited to a maximum of 2.2 spaces per 1,000 square feet of gross floor area, unless specifically exempted by this Article.

b. Multi-family dwellings and the residential component of mixed-use development within the nonresidential districts are limited to a maximum number of spaces as follows:

i. Studio Unit: 1.1 space

ii. 1 Bedroom Unit: 1.1 space

iii. 2 Bedroom Unit: 1.3 spaces

iv. 3 or More Bedroom Unit: 1.7 spaces

c. Single-family, detached and attached, two-family, three-family, and four-family dwellings are limited to a maximum number of spaces of two spaces per dwelling unit outside of a garage.

d. The IND Districts are not subject to a parking maximum.

e. The OS District is not subject to a parking maximum. However, any parking facility in the OS District over ten spaces is subject to a Level A site plan review.

3. Required Transportation Access Plan

A Transportation Access Plan (TAP) is required for the following:

a. Any place of assembly, per the New York State Building Code, such as bars, restaurants, gymnasiums, reception facilities, arcades, and theaters, with an occupancy posting of more than 75 people.

b. New developments of 20,000 square feet or more of gross floor area. The Manager of Zoning may waive the TAP requirement based on a low-occupancy use.

c. Within a nonresidential district, a three-family, four-family, multi-family dwelling, short-term rental, or mixed-use development with a residential component that is located within 150 feet of an LDR or MDR District.

d. Any development that proposes to exceed any established parking maximum.

e. Development or redevelopment of the following uses:

i. Hospital

ii. College/University

15.4 Location of Required Off-Street Parking

A. Residential Uses

1. All required parking spaces for residential uses must be located on the same lot as the residential use, including the residential component of a mixed-use property.

2. No parking for such residential uses shall be located in the front, interior side, or corner side yard except in a legal driveway that provides access to a parking space in the rear yard, or a detached or attached garage.

3. Vehicles parked within a driveway or off-street parking space shall not project over the right-of-way, which includes the sidewalk, and shall have approved paved access to a curb cut.

B. Nonresidential Uses

1. Required off-street parking spaces for nonresidential uses in residential districts must be located on the same lot as the use served, unless otherwise permitted by this Code.

2. Except for the IND, RC, and FMU Districts, parking spaces cannot be located in front of the front building line.

3. In the FMU District, no more than 20% of parking spaces provided may be located between any building facade that faces a street, excluding alleys, and the street lot line.

15.5 Parking Space Design Standards

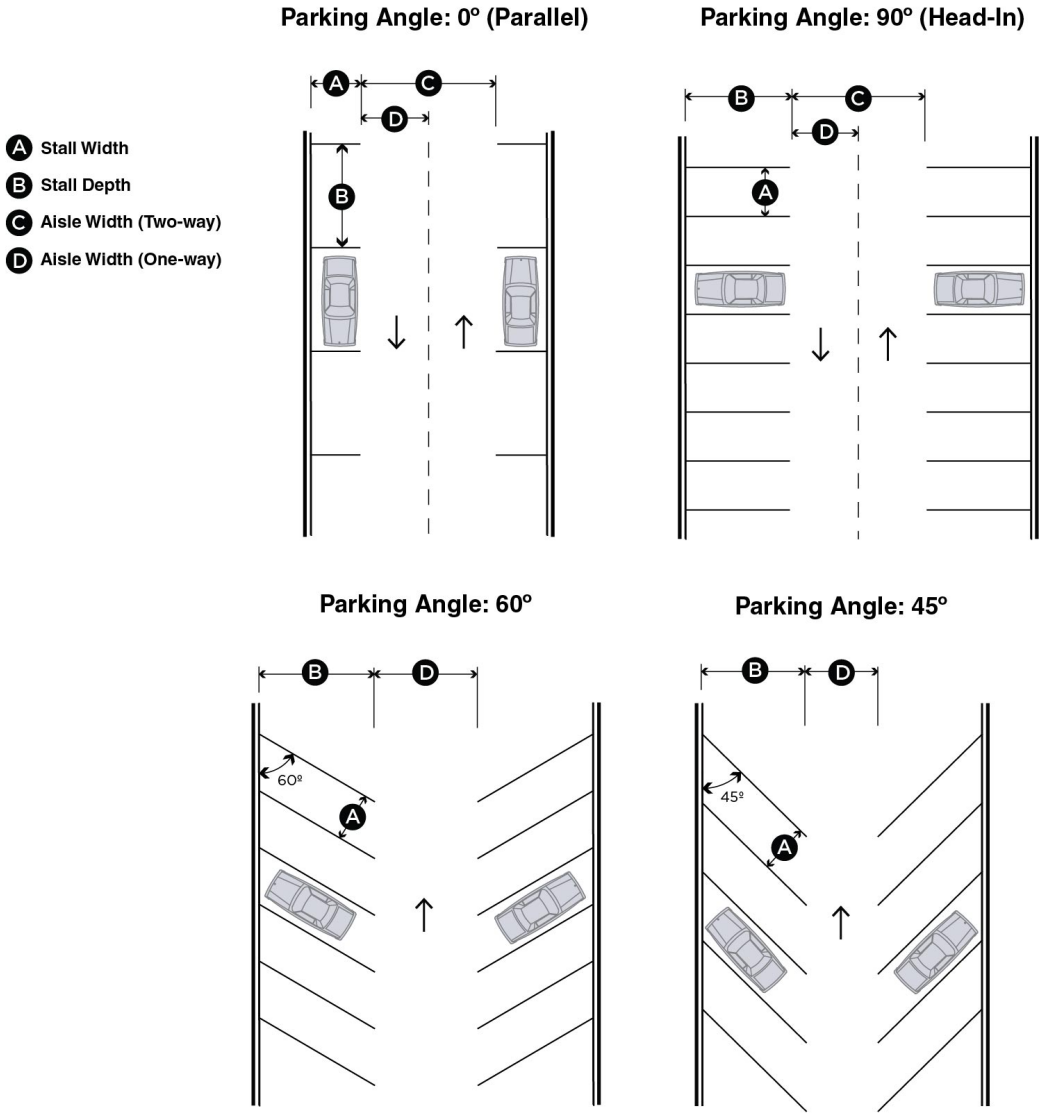
The following standards apply to parking spaces within off-street parking facilities (parking lots and parking garages), with the exception of single-family detached and attached, two-family, three-family, four-family, and townhouse dwellings (see Section 15.9 below for those uses). However, if a townhouse development is designed with a common parking lot or parking garage, including multiple common parking lots or structures for all tenants/residents, that lot or structure is subject to all the standards of this section.

A. Dimensions

Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 15-2: Off-Street Parking Space Minimum Dimensions. Other parking angles other than those described in Table 15-2 are permitted but must be approved by the Manager of Zoning in consultation with the City Engineer and the design must provide evidence of safe and efficient parking configuration and traffic circulation.

Table 15-2: Off-Street Parking Space Minimum Dimensions

Parking Angle	Stall Width (A)	Stall Depth (B)	Aisle Width *Two-Way* (C)	Aisle Width *One-Way* (D)	Vertical Clearance
0° (Parallel)	8’	24’	24’	12’	7’
90° (Head-In)	9’	18’	24’	24’	7’
60°	9’	21’	24’	18’	7’
45°	9’	19.10’	24’	13’	7’



B. Accessible Spaces

Accessible parking spaces are required in accordance with the standards of the Americans with Disabilities Act (ADA) and marked with ADA-compliant signage.

C. Required Electric Vehicle Charging Station

1. Installation of electric vehicle (EV) charging stations as required by this section applies only to new construction as of the effective date of this Code.

2. Parking facilities, both accessory to a principal use and as a principal use, are required to have EV charging stations as follows:

a. For parking facilities under 20 spaces, one EV charging station is required.

b. For parking facilities of more than 20 spaces and up to 39 spaces, two EV charging stations are required.

c. For parking facilities of 40 or more spaces, a minimum of 5% of the required spaces must be EV charging stations, with any fraction rounded down.

3. All required EV charging stations and associated electrical infrastructure must be capable of providing a minimum of 32amp 7.2 kW, or the equivalent if standard industry categorizations change.

15.6 Parking Facility Access

A. All parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.

B. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Except as provided for in 15.9, parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out.

15.7 Parking Lot Design Standards

A. Surfacing
All off-street parking lots must be improved with a hard surfaced, all-weather, dustless material. Pervious paving may also be used and is encouraged.

B. Striping
All off-street parking lots must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition.

C. Curbing and Wheel Stops
Curbing or wheels stops are required when a parking space abuts a pedestrian walkway, landscape area, structure, or fence. Inlets, or breaks in curbing or wheels stops may be provided to allow for drainage into landscape areas that can absorb water. Curbing and wheel stops must be constructed of permanent materials such as concrete, stone, or masonry, and a minimum height of four inches above ground level. Curbing and wheel stops must be located a minimum of 18 inches from any pedestrian walkway, landscape area, structure, or fence to allow for vehicle overhang.

D. Lighting
Parking lot lighting must be in accordance with Section 14.4.

E. Landscape
All parking lots must be landscaped in accordance with Article 16.

F. Pedestrian Circulation
All off-street parking lots over 20 spaces must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.

G. Required Turnaround for Rows of Dead End Parking
Dead end rows of parking without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating “No Parking” and painted to indicate parking is prohibited.

H. Solar Shades
Parking lots may be designed with solar shade structures to protect from direct sunlight, UV rays, and excessive heat.

15.8 Parking Garage Design Standards

A. On parking garage facades that front on public streets, façade design and screening must mask the interior ramps, unless the ramps are integral to a unique architectural design. Parking garages must meet any blank wall requirements of the district through architectural detail, public art, and/or landscape.

B. On portions of the ground floor façade along public streets where parking spaces are visible, a decorative knee wall and landscaping are required to screen parking spaces. Such knee wall must be a minimum of four feet in height.

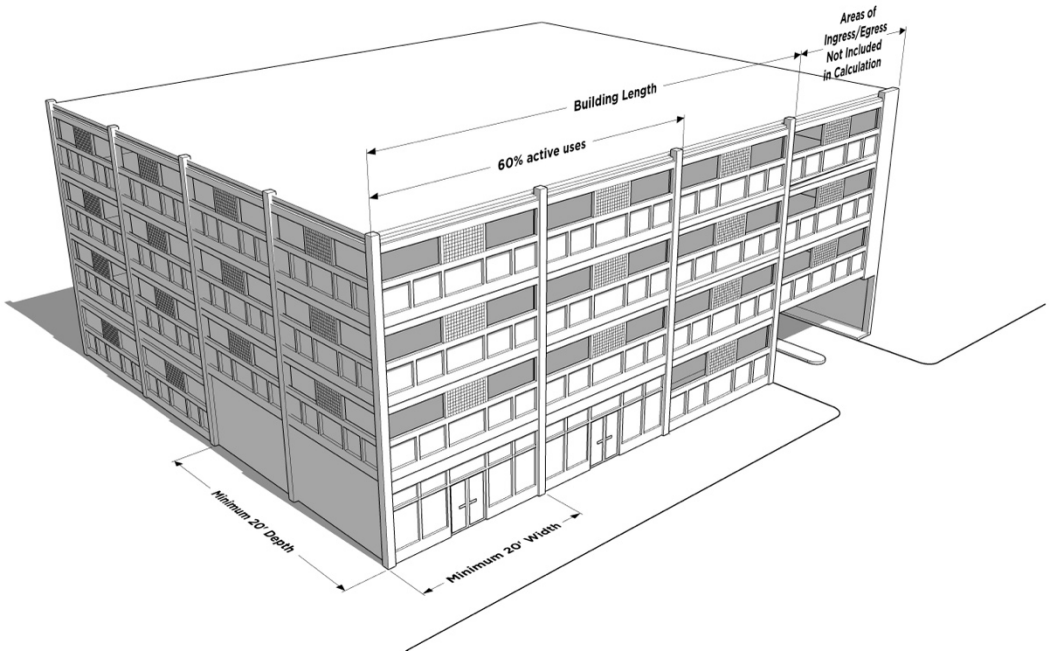
C. In the DMU District, parking garages must meet the following standards:

1. Parking garages must include residential or nonresidential active uses along 60% of the ground floor building length along any façade facing a street. Calculation of this percentage excludes areas of required vehicular and pedestrian ingress/egress. This does not apply to facades that face an alley.

2. Nonresidential active use spaces must be a minimum of 20 feet in width and 20 feet in depth, with utility access and space for mechanical, electrical, plumbing, and fire suppression infrastructure. The infrastructure shall include at a minimum horizontal and/or vertical shafts for ductwork and piping. Infrastructure accommodations shall consider the most intense use allowed in the zoning district.

3. Nonresidential active use spaces must meet the design standards of the district.

PARKING GARAGES – GROUND FLOOR ACTIVE USES



D. For parking garages with rooftop open-air parking, a four foot parapet wall is required for screening.

E. A vehicular clear sight zone must be included at vehicular exit areas for all parking garages per the standards of this section.

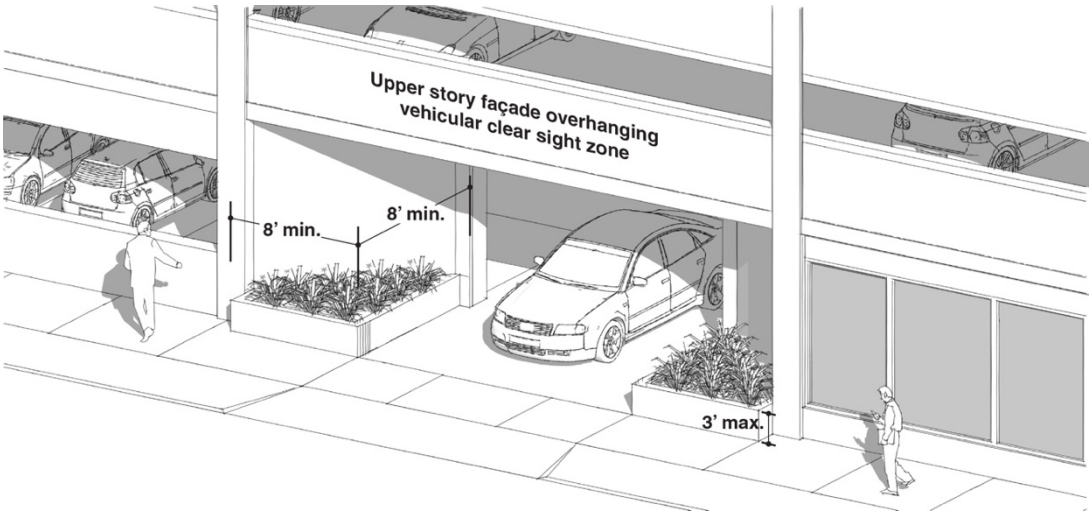
1. The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the façade that includes the vehicle exit area and eight feet on each side of the exit opening.

2. A clear sight zone is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.

3. In the clear sight zone, groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.

4. The upper story façade(s) of the parking garage may overhang the vehicular clear sight zone.

PARKING GARAGE - CLEAR SIGHT ZONE



15.9 Single-Family, Detached and Attached, Two-Family, Three-Family, Four-Family, and Townhouse Dwelling Off-Street Parking Spaces

The following apply to single-family detached and attached, two-family, three-family, four-family, and townhouse dwellings. This does not apply to a townhouse development that is designed with a common parking lot or parking garage, including multiple common parking lots or structures for all residents/tenants.

A. All required off-street parking spaces must have vehicular access from a driveway.

B. Residential driveways must lead to a garage, either attached or detached, or a parking pad. Such parking pad must be located entirely in the rear yard.

C. Driveways shall not exceed ten feet in width in the front yard.

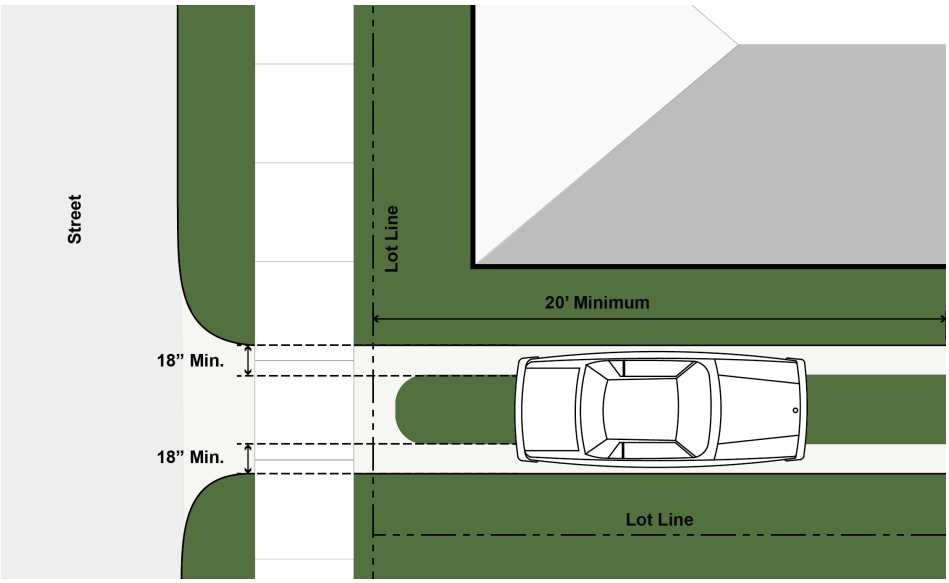
D. Townhouse developments are prohibited from constructing individual driveways for each dwelling unit. This restriction does not apply when the driveways are from an alley.

E. Required parking spaces for single-family and two-family dwellings may be designed so that the driver may back out into traffic. Only one curb cut is permitted for single-family and two-family dwellings unless approval for additional curb cuts is granted by the Manager of Zoning. Additional curb cuts shall require approval from the City Engineer.

F. All off-street parking spaces and parking pads must be improved with a hard surfaced, all-weather dustless material. Pervious paving may be used and is encouraged.

G. For single-family and two-family dwellings, access to a driveway leading to a garage, either attached or detached. or parking pad (see item B above) may consist of two parallel paved parking strips. Each of must be at least 18 inches in width. The length of such parking strips must be a minimum of 20 feet in length as measured from the lot line.

PARALLEL PAVED PARKING STRIPS



15.10 Bicycle Parking Spaces

A. New construction of a principal building and expansion of an existing principal building by 2,500 square feet or more must provide bicycle parking in accordance with this section.

B. When bicycle parking is required, a minimum of four bicycle spaces must be provided. No more than 30 bicycle spaces shall be required, though the development has the option to exceed this number if desired.

C. Bicycle parking is not required in the RC, IND, and OS Districts.

TABLE 15-3: REQUIRED BICYCLE SPACES

Use	Required Bicycle Spaces
Multi-Family Dwelling	1 per unit All spaces must be long-term spaces
Nonresidential - Over 10,000sf in GFA	1 short-term space per 3,000GFA

D. Design of bicycle spaces must meet the following standards:

1. Required short-term bicycle spaces must provide each bike space within a row of bicycle parking a minimum of two feet in width by six feet in length, with a minimum vertical clearance of seven feet. Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet wide between each set of bicycle parking to allow room for bicycle maneuvering.

2. The area devoted to short-term bicycle parking must be surfaced as required for vehicle parking areas.

3. Short-term bicycle parking racks must permit the bicycle frame and one wheel to be locked to the rack and support the bicycle in a stable position. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or a structure to prevent the racks and lockers from being removed from the location.

4. If required short-term bicycle parking facilities are not visible from the street or principal building entrance, signs must be posted indicating their location.

5. All long-term bicycle parking spaces must be located indoors and within a secure area, such as within an indoor storage area for residents. Storage areas may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

6. Alternative short-term and long-term bicycle parking designs may be acceptable when reviewed and approved by the Manager of Zoning through an administrative adjustment.

D. Location of short-term bicycle spaces must meet the following standards:

1. The bicycle parking area must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic. Bicyclists must not be required to travel over stairs to access parking.

2. Short-term bicycle parking spaces must be located no more than 50 feet from the principal building entrance and at the same grade as the sidewalk or an accessible route.

15.11 Required Off-Street Loading Spaces

A. Design

1. All off-street loading spaces must be located on the same lot as the use served or servicing the same structure in which the use is located, With the exception of industrial districts, no off-street loading space may be located in a front or corner side yard or in front of a front building line.

2. All required off-street loading spaces must be at least 12 feet in width and at least 35 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of at least 14 feet.

3. All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material.

4. All off-street loading spaces must meet the lighting requirements of Section 13.3.

5. Loading spaces should be located opposite any adjacent residential district lot line whenever possible.

6. Loading spaces shall be provided in sufficient number and of sufficient size so that no loading and unloading operations infringe upon any street or sidewalk.

7. No part of a loading area utilized for the access, maneuvering and temporary parking of delivery vehicles shall also be used for the parking of employee or customer vehicles.

8. No part of a loading area shall be utilized for the open air, outdoor storage of materials, merchandise and equipment.

9. When any part of a loading area is also utilized for refuse and trash disposal and storage purposes, all outdoor containers shall be closed and permanently stationed in an area that is easily accessible for pickup and removal and that satisfies the screening requirements of this Code.

10. Loading and unloading operations shall be designed so they minimize the number and width of curb cuts.

B. Minimum Number of Off-Street Loading Spaces

Off-street loading spaces must be provided in accordance with the minimums of Table 15-4: Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one nonresidential use tenant of a multi-tenant building is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required. Nothing herein prevents the construction of additional loading spaces above the minimums required here.

TABLE 15-4: OFF-STREET LOADING REQUIREMENTS	
Use Type	**Minimum Number of Spaces Required**
Multi-Family Dwelling	
Total of 50 dwelling units or more	1 loading space
Commercial & Institutional Use	
10,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
200,001sf and above GFA	3 loading spaces
Industrial Use	
10,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

15.12 Commercial and Recreational Vehicle Storage

A. Commercial Vehicles

1. Residential Lots

a. No commercial vehicle may be parked outdoors on a residential lot, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises, unless all of the following conditions are met:

i. The vehicle is a standard size passenger motor vehicles including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks.

ii. The vehicle is owned and used for commercial purposes by the occupant of a dwelling or guest.

iii. The vehicle is stored or parked in a permitted parking area such as a driveway or parking pad.

b. Permitted personal commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

c. All other commercial vehicles that exceed standard size passenger vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, sprinter vans, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be parked outdoors overnight in residential districts or on any lot in residential use .

2. Nonresidential Lots

On nonresidential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be registered and in operable condition.

B. Recreational Vehicles

1. A maximum of one licensed recreational vehicle may be stored outside.

2. Licensed recreational vehicles may be stored within the interior side yard behind the front building line or in the rear yard. If a recreational vehicle and any trailer is more than eight feet in height, as measured to the highest point of the vehicle, it must be located at least ten feet from any lot line.

3. A licensed recreational vehicle or trailer licensed to transport recreational vehicles or equipment may also be stored outdoors within the corner side yard if it is eight feet or less in total height and 20 feet or less in total length. Recreational vehicles or trailers stored outdoors that exceed either of these dimensions cannot be stored in the corner side yard and must be stored in the interior side or rear yard per item 1 above.

4. The area devoted to recreational vehicle storage must be on an improved surface as required in Section 15.7.A.

5. There is no limit on the storage of recreational vehicles within fully enclosed permanent structures. Temporary storage tents do not meet the requirement of a fully enclosed structure.

6. No recreational vehicle may be used for living, sleeping, housekeeping, or home occupation purposes in any district and shall not be hooked up to any public utilities.

7. All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

Article 16. Landscape

16.1 Selection, Installation, and Maintenance
16.2 Parking Lot Landscape
16.3 Buffer Yard Landscape
16.4 Protected Areas During Grading and Construction
16.5 Alternative Landscape Plan

16.1 Selection, Installation, and Maintenance

A. Selection

1. All plants must meet minimum quality requirements and be free of defects, of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Horticulture Industry Association (AmericanHort).

2. All plant materials must be capable to withstand the seasonal temperature variations of western New York, as well as the individual site microclimate.

3. The use of native or naturalized vegetation is required. Invasive species are prohibited. Any species classified as invasive by the New York State Department of Environmental Conservation (NYSDEC) is prohibited. Salt tolerant landscape is encouraged where adjacent to salted infrastructure.

B. Installation

1. All landscaping must be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth, and per the ANSI A 300 Standard Practice for Tree, Shrub, and other Woody Plant Maintenance, most current edition and parts.

2. Placement of plant material should be designed to help insulate and shade development, and to reduce energy consumption needs.

3. Parking lot landscape is encouraged to coordinate with the design of parking lot lighting, to avoid conflicts between lighting and plant material that may result in the need for pruning or topping of required plant material.

C. Existing Trees and Shrubs

All existing trees and shrubs that are maintained on a site and in good health may be counted toward any required on-site landscape of this Article.

D. Minimum Planting Sizes

1. Shade trees shall have a minimum trunk caliper of 2 inches at planting.

2. Evergreen trees shall have a minimum height of six feet at planting.

3. Single stem ornamental trees shall have a minimum trunk size of two inches in caliper at planting. Multiple stem ornamental trees shall have a minimum height of seven feet at planting.

4. Shrubs shall have minimum height of 24 inches at planting.

E. Maintenance

1. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a development in the same manner as parking, building materials, and other site details. The property owner shall be responsible for the regular maintenance of all landscaping elements in good condition.

2. All landscaping must be maintained free from disease, pests, weeds, and litter. All landscape structures such as fences and walls must be repaired and replaced periodically to maintain them in a structurally sound and aesthetically pleasing condition.

3. Any landscape element that dies, or is otherwise removed or seriously damaged, must be removed and replaced within 30 days of the beginning of the growing season.

4. Proper mulching must be installed and maintained to protect required trees and shrubs.

F. General Landscape Requirement

All portions of a lot not covered by structures or paved surfaces must be landscaped with trees, shrubs, live groundcover, and other plantings. Rain gardens, bioswales, and similar stormwater management landscape elements also meet this requirement.

16.2 Parking Lot Landscape

A. Parking Lot Landscape Along a Street

1. A perimeter landscape treatment is required along all edges of any parking lot abutting the street (this does not include alleys). The landscape treatment must run the full length of the street edge, except for points of ingress or egress.

2. The landscape area for parking lot landscape along a street must be a minimum of five feet in width. In addition, there must be a minimum linear clear distance of 18 inches between the perimeter landscape area and any wheel stops or curbs to accommodate vehicle bumper overhang.

3. The perimeter landscape area must be planted as follows:

a. A minimum of one shade tree must be planted for every 40 linear feet of landscape area, spaced linearly on-center. Trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 40 linear feet of landscape area.

i. Alternatively, two ornamental trees may be planted for each shade tree. Ornamental trees may be spaced at various intervals based on specific site requirements.

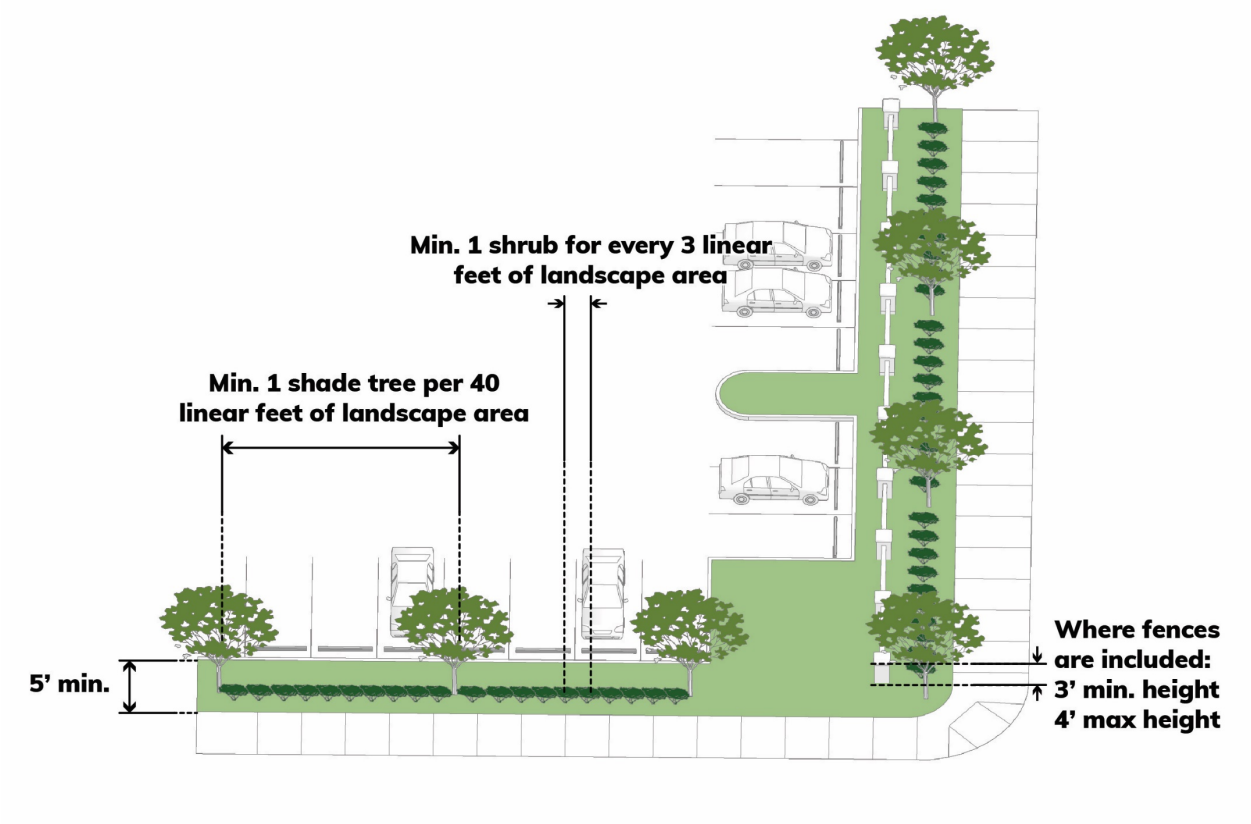
b. A minimum of one shrub, a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly on-center.

c. Fences or walls are permitted within this area. Such fences or walls must be constructed of high quality, durable materials such as masonry, stone, brick, iron, or any combination thereof. Fences must be a minimum of three feet in height to a maximum of four feet in height.

i. Alternatively, a design combination of an open fence and a masonry, stone, or brick wall is permitted. For such design, the wall portion is limited to a maximum of three feet in height. An open fence installed on top of such wall is limited to a maximum of six feet in height as measured from the ground at the base of the wall to the top of the open fence.

d. Landscape areas outside of shrub masses must be planted in live groundcover, perennials, and/or grass. Rain gardens, bioswales, and similar stormwater management landscape elements also meet this requirement.

PARKING LOT LANDSCAPE ALONG A STREET



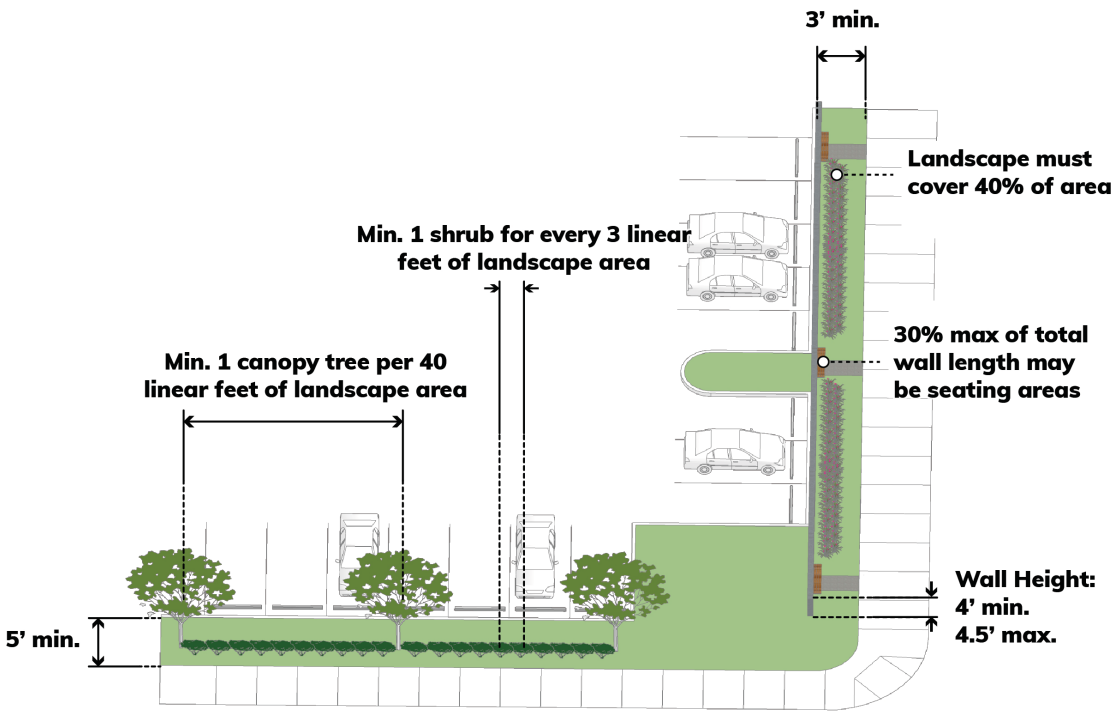
4. The following is an accepted alternative to the planting requirements of item 3 above:

a. A low pedestrian wall of a minimum of four feet in height to a maximum of 4.5 feet in height constructed of masonry or similar permanent material may be installed. In this alternative, the parking lot screening area of item 2 above may be reduced to three feet in width.

b. Shrubs, groundcover, perennials, ornamental grasses, and other native planting types shall be planted in front of such wall along the street, facing toward the street, covering a minimum of 40% of the total screening area.

c. Up to 30% of the total length of such wall (item a above) may be designed as a seating wall. Where seating areas are included, the minimum wall height does not apply and plantings are not required in front of that portion of the seating wall.

PARKING LOT LANDSCAPE ALONG A STREET – ALTERNATIVE



B. Interior Parking Lot Landscape

1. Any parking lot of 15 or more spaces is required to install interior parking lot landscape.

2. One parking lot island must be provided at a minimum between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than one island for every 15 spaces. In addition, all rows of parking spaces of 30 or more spaces must terminate in a landscape island.

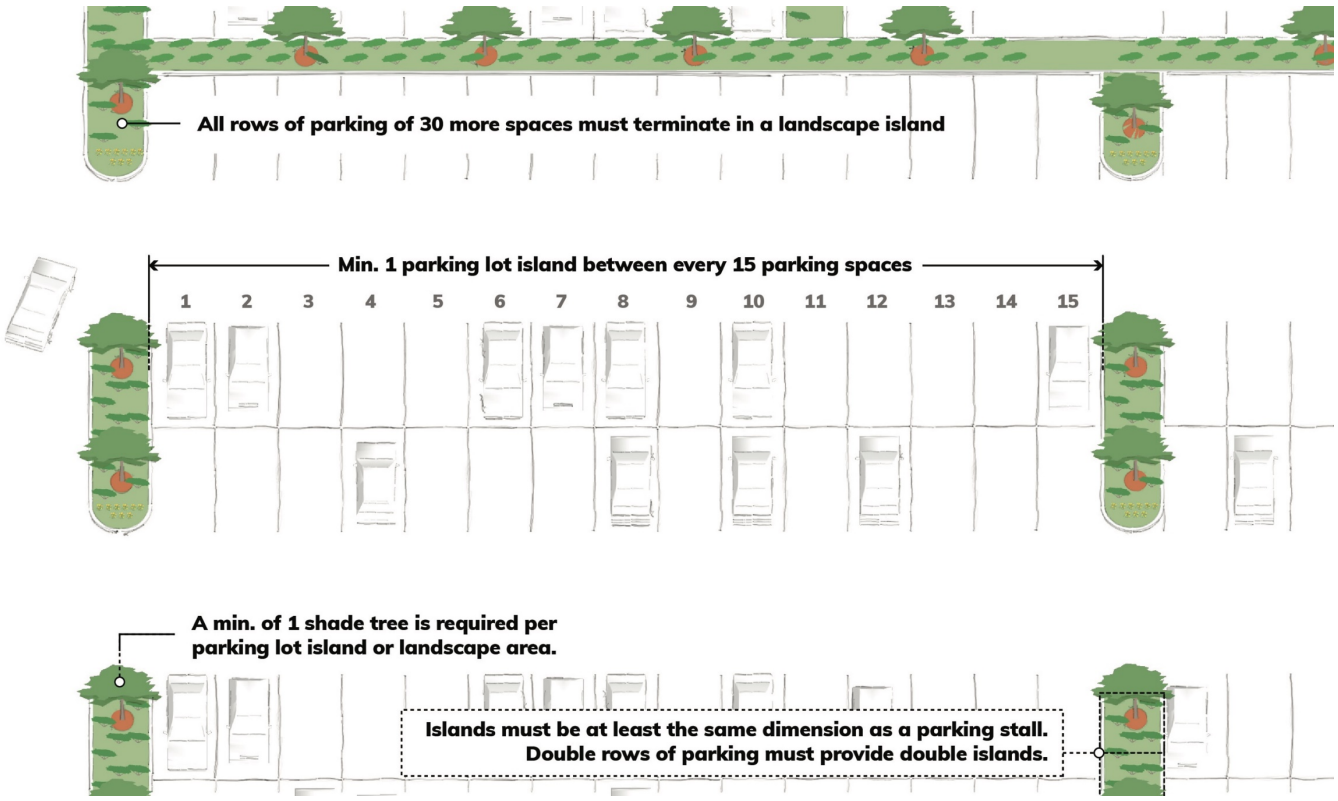
3. Parking lot islands must be, at minimum, the same dimension as a parking stall. Double rows of parking must provide parking lot islands that are, at minimum, the same dimension as the double row.

4. A minimum of one shade tree must be provided for every parking lot island. The remaining area of a parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, and/or grass except for any areas accommodating pedestrian access and circulation.

5. The use of stormwater management elements, such as sunken islands, perforated curbs, rain gardens and bioswales, is encouraged in landscape areas. When a parking lot island is designed for stormwater management, the tree requirement may be exempted when it is determined that trees may not thrive as part of such design.

6. Interior parking lot landscape is encouraged to coordinate with the design of parking lot lighting to avoid conflicts between lighting and plant material that may result in the need for pruning or topping of required plant material.

INTERIOR PARKING LOT LANDSCAPE



16.3 Buffer Yard Landscape

A. General Requirements

1. Buffer yards are located within rear and interior side setbacks, and must be reserved for planting material and screening as required by this section. No parking spaces or accessory structures are permitted within the required buffer yard.

2. Where the use standards of Article 3 require landscaping and/or screening, such standards control over the standards of this Article.

B. Required Buffer Yards

A rear or Interior side setback buffer yard is required in the following situations. Buffer yards are required when uses or districts, as identified below, share a lot line. When such uses or districts are separated by a street or alley, buffer yards are not required.

1. Where a multi-family dwelling abuts a single-family, two-family, three-family, four-family, or townhouse dwelling. The multi-family dwelling is responsible for the installation and maintenance of the buffer yard.

2 Where a nonresidential use abuts a single-family, two-family, three-family, four-family, or townhouse dwelling. Nonresidential use does not include a park or community garden. The nonresidential use is responsible for the installation and maintenance of the buffer yard.

3. Where a development in a nonresidential district, excluding the OS District, abuts a residential or Village Center district. The development in the nonresidential district is responsible for the installation and maintenance of the buffer yard.

4. Where a development in the IND District abuts a residential district, or a BMU, NMU, DMU or OS District, the development in the IND District use is responsible for the installation and maintenance of the buffer yard.

C. Buffer Yard Design

1. The buffer yard must be a minimum of eight feet in width.

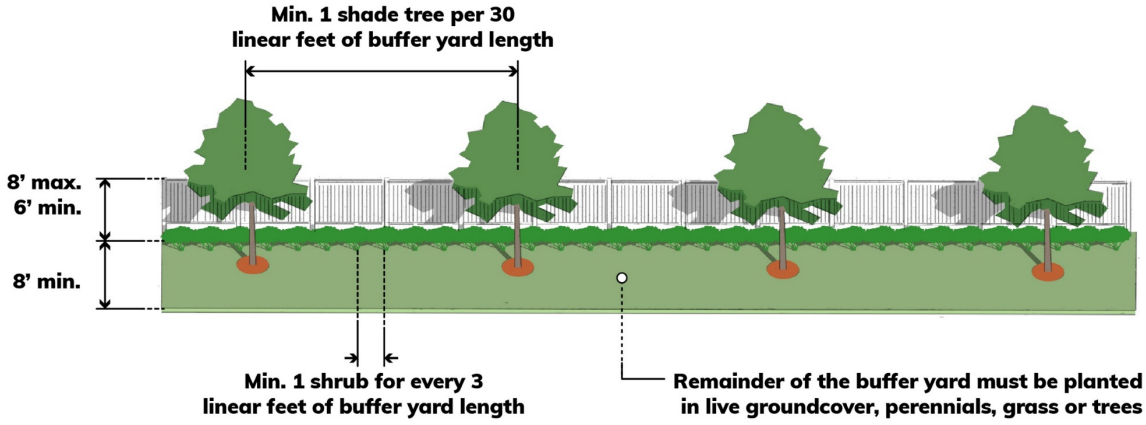
2. A solid fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the yard length at the lot line. Such fence shall be installed along the full length of rear lot line and interior side lot line, as applicable.

3. One tree must be planted for every 30 linear feet. 60% of such trees shall be evergreen. Trees must be planted toward the interior of the lot. Trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.

4. One shrub, a minimum of three feet in height at maturity, must be planted for every three linear feet of landscape area, spaced linearly. A minimum of 50% of required shrubs must be evergreen. Shrubs must be planted toward the interior of the lot. Shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.

5. The remainder of the buffer yard must be planted in live groundcover, perennials, grass, or trees. Limited amenities, such as seating areas, walking paths, and picnic tables for the use of the on-site users are permitted within the buffer yard.

BUFFER YARD



D. Shallow Rear Buffer Yard Alternative

For lots of 90 feet or less of lot depth, the following rear buffer yard alternative applies:

1. The rear buffer yard must be three feet in depth.

2. A fence or wall a minimum of six feet and a maximum of eight feet in height must be erected along 100% of the rear setback buffer yard length and located at the rear lot line.

16.4 Protected Areas During Grading and Construction

A. During grading and construction, a protected area extending outward to the drip line of each tree shall be provided within which paving, grading, or the storage of dirt, building materials, debris, or any other materials or any other equipment is prohibited.

B. Each protected area shall be enclosed by a barrier constructed in a manner required and approved by the Manager of Zoning. Failure to maintain barriers may result in revocation of the building permit.

C. Permanent soil stabilization to prevent soil loss and protect water quality shall be required and include:

1. Permanent soil stabilization treatments include establishment of lawn cover or groundcover, mulch, or retaining wall as appropriate to the slope and use.

2. Permanent restoration or stabilization of swales, drainage channels, stream, canal, riverbanks, and shoreline disturbed by construction should be required. Soil retention treatments include use of stone, geo-textile, and/or vegetative cover.

3. Determination of the structural stability and/or required stabilization of existing or proposed slopes steeper than 50%, rock cuts, or river gorge shall be required. The required barriers shall be constructed by the property owner and approved by the Manager of Zoning prior to issuance of a building permit. Protective barriers shall be maintained until issuance of a certificate of occupancy. The Manager of Zoning may reduce the protected area if they determine a larger area is not necessary to the survival and health of the tree.

16.5 Alternative Landscape Plan

The applicant may submit an alternative landscape plan that includes an alternate way of meeting the landscaping requirements that may include masonry or stone street walls, more mature plant materials, public art, or other similar amenities. Such alternative landscape plan shall be prepared by a licensed professional and shall require a Level A site plan review (Section 20.5).

Article 17. Signs

17.1 Purpose
17.2 General Standards
17.3 Illumination
17.4 Abandoned Signs
17.5 Unified Sign Plan
17.6 Alternative Sign Plan
17.7 Prohibited Signs
17.8 Exempt Signs
17.9 Allowed Signs - Certificate of Zoning Compliance Required
17.10 Summary of Sign Permissions for Sign Types Allowed in Districts and/or for Uses
17.11 Off-Premise Advertising Signs

17.1 Purpose

The purpose of this section is to provide standards for the regulation of the height, size, location, and appearance of signs, and with respect to non-digital and digital advertising signs (DAS), to address the potential benefits and impacts of these signs, specifically as it relates to community character, sign clutter, aesthetics, driver distraction, and impacts on the City's vehicle, bicycle, and pedestrian transportation network, and to:

A. Protect and enhance property values and neighborhood character.

B. Protect public and private investment in buildings and open spaces.

C. Encourage sound sign practices to aid businesses and provide information to the public.

D. Prevent excessive and confusing sign displays.

E. Reduce hazards to motorists, bicyclists, and pedestrians.

F. Protect the public health, safety, and general welfare.

G. Enhance pedestrian-scaled commercial areas and walkable urban neighborhoods.

17.2 General Standards

All signs constructed, erected, modified, relocated, or altered must comply with the following standards.

A. Exceptions

All signs constructed, erected, modified, relocated, or altered must comply with the standards of this Article, whether such signs do or do not require a certificate of zoning compliance and/or building permit, with the exceptions listed in this section. The following signs are not regulated by this Code:

1. Signs within a building or enclosed space within a development that are not visible from a park or a public right-of-way.

2. Signs installed by federal, state, or local governments.

3. Logos and labels on mechanical equipment, recycling bins, trash containers, and similar equipment, which are part of the equipment as manufactured and/or installed.

4. Decorative flags, flags of nations, states, and cities, or flags for fraternal, religious, and civic organizations.

B. Location Restrictions

1. No sign may be erected in a location that violates the building code, fire code, and other applicable City codes or ordinances.

2. Only signs that have been placed by or authorized by federal, state, or the City may be installed on public property. Any sign installed on public property, including rights-of-way, without prior authorization, may be removed by the City without notice and disposed of at the City's sole discretion.

3. No sign may be erected on private property without the consent of the property owner or their authorized agent.

4. No building-mounted sign shall be installed on a building in such a manner as to obstruct windows or cover architectural details.

5. No sign shall be attached to any tree, utility pole, or street appurtenances as set forth in Chapter 35, or be painted upon or otherwise affixed to any rock, ledge, or other natural feature.

C. Encroachment in the Public Right-of-Way

All signs that encroach in the public right-of-way must comply with Section 104-33 of the City Code.

D. Tree Protection

Sign placement, including projections from a building facade, must protect all trees. Removal of existing trees or significant trimming in order to install a sign or create more visibility for a sign is discouraged and may be considered in any discretionary approval process. Existing trees located in the public right-of-way may not be removed or trimmed without the written consent of the City Forester, as set forth in Section 89-9 of the City Code.

E. Audio Components

Audio components are prohibited as part of any sign, except for the following:

1. Drive-through sign. The audio component of any drive-through sign is limited to communication between the customer and service window.

2. Signs owned and/or operated by a government agency.

3. Gas station pump video screens. The audio component of a gas pump video screen is limited in volume so that it is only audible at the pump. In no case may the audio component be audible at the property line.

F. Construction Standards

1. Supports and braces must either be designed as an integral part of the overall sign or obscured from public view to the greatest extent feasible.

2. Conduits, raceways, and other components of a sign illumination system must be designed as an integral part of the overall sign structure and obscured from public view to the greatest extent feasible.

3. Permanent sign structures must be constructed of weather-proof, durable materials suitable for the conditions present at the mounting location.

4. Solid awnings and structural canopies must be constructed of permanent building materials.

5. Awnings, canopies, blade signs, light pole banners, banners, and wall signs must be constructed of durable weather resistant material, such as canvas, nylon, or vinyl-coated fabric.

6. All signs must be professionally manufactured.

G. Required Maintenance

1. All signs must be kept in a safe and well-maintained condition and appearance, and must be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.

2. All signs must be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.

3. If a sign is maintained in an unsafe or unsecured condition, it must be removed or the condition corrected. The City may enforce this requirement pursuant to Chapter 52 of the City Code.

4. All unused sign hardware or wiring must be removed.

5. No sign frame may remain unfilled and no internal part or element of the sign structure shall be visible.

6. The City may summarily repair or remove any sign that is an immediate health or safety threat to persons or property without notice. The owner of such sign shall be responsible for all costs of repair, removal, storage, or disposal of the sign as determined to be necessary by the City and the City shall not be liable for any damage to the sign or any other costs whatsoever. The City may enforce this requirement pursuant to Chapter 52 of the City Code.

7. Painting, cleaning, and other normal maintenance and repair of a sign shall not require any approvals. However, any design or structural changes, including the removal or replacement of electrical components, change of the sign face and any substantive increase in the size, dimensions, height, or location of the sign shall require a certificate of zoning compliance.

H. Special Considerations within Residential Districts

Special considerations are granted for certain existing nonresidential buildings in the residential districts. Uses allowed by such special considerations are subject to the sign standards for nonresidential uses in the LDR District.

17.3 Illumination

A. Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, must be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and to prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.

B. The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible. The full number of illuminating elements of a sign shall be kept in working condition and immediately repaired or replaced.

C. All external illumination of a sign must concentrate the illumination upon the sign face.

D. The use of bare bulbs as external illumination is only permitted for marquee signs and blade signs.

E. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.

F. The maximum allowable foot-candle at the lot line is one foot-candle unless such signs are allowed to extend over the lot line, where the maximum of one foot-candle is measured at the back of curb or edge of pavement.

G. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 280 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign must be equipped with both a dimmer control and a photocell that will automatically adjust the display intensity according to natural ambient light conditions and not exceed the maximum brightness as per above.

H. Strobe lights, moving or fixed spotlights, floodlights/searchlights.

I. Illumination of off-premise advertising signs are regulated separately in this Article (Section 17.11).

17.4 Abandoned Signs

A. Unless specifically allowed by this Article, any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign and structure which pertains to a time, event or purpose that no longer applies, is deemed abandoned.

B. Abandoned signs and structures are prohibited and shall be removed. If a sign on a shared support structure is abandoned, the sign and any structure particular to that sign shall be removed.

17.5 Unified Sign Plan

A. Purpose
A unified sign plan (USP) shall be used to coordinate all signs within a development, establishing criteria to govern the design and construction of signs for current and future tenants.

B. Applicability
New multi-tenant development with 250 feet or more of linear frontage in any district shall require a unified sign plan (USP).

C. Applicability to Existing Development
For development existing as of *effective date*, the property owner has the option to submit a unified sign plan for approval. Once such unified sign plan is approved, all future signs shall comply with the approved unified sign plan.

D. Unified Sign Plan Requirements
A unified sign plan shall provide details and specifications to establish a coordinated and consistent approach to all signs within a development. At a minimum, unified sign plans shall include the following:

1. A site plan for all lots within the development on which signs will be located, at a scale of not less than one inch to 100 feet and including the location of all buildings, parking lots, driveways, and landscaped areas. The site plan shall accurately indicate the number, location, and orientation of all signs for which a permit is being sought, and the anticipated location of future signs requiring a permit.

2. A table or tables containing the following:

a. A list of all signs proposed immediately and in the future.

b. Dimensions of individual signs, including maximum area and maximum height.

3. Specifications for standards that ensure consistency among signs within the development, including lighting, typical location of building-mounted signs, proposed materials, and sign proportions.

4. For each sign included in the unified sign plan:

a. Sign elevation, including annotated dimensions, individual sign area dimensions, and description of sign elements.

b. For building-mounted signs, elevations including the location of each sign on the building face.

c. Description of illumination proposed for each sign.

E. Compliance with Standards
All signs included in a unified sign plan must comply with the standards set forth in this Article within 10% of all numerical requirements. This does not apply to off-premise advertising signs (see item G below).

F. Approval Procedure
Unified sign plans shall be approved as an administrative adjustment unless a certificate of appropriateness is required.

G. Limitation for Off-Premise Advertising Signs
In no case shall the regulations of this Article pertaining to off-premise advertising signs be altered or changed through the use of the unified sign plan.

H. Amendments to Unified Sign Plans

1. The Manager of Zoning may approve minor modifications to an approved unified sign plan, including modifications to sign dimensions of 10% or less, and relocation of a sign or signs to respond to final site engineering or building construction issues such as topography, drainage, underground utilities, structural safety, or pedestrian and vehicular circulation, when such relocation is deemed to maintain general compliance with the approved unified sign plan.

2. After approval, any modification not considered a minor modification requires resubmittal of a new unified sign plan. The application is subject to the same standards and limitations as provided in this section for original approval.

17.6 Alternative Sign Plan

A. In order to provide an imaginative, effective, visually compatible plan for all signs on a property, or for properties that contain unique elements or requirements, a property owner may submit a sign program containing provisions different from the requirements for permanent signs within this Article. The intent of this provision is to allow for creative responses to site-specific conditions or uses.

B. Only nonresidential developments, including mixed-use, are eligible to apply for an alternative sign plan. Only the standards for permanent signs may be modified.

C. Each such alternative sign plan shall require a Level A site plan review (Section 20.5), except that in the case of signs in preservation districts the Preservation Board shall be responsible for approval of an alternative sign program.

D. The applicant shall submit graphic and written information indicating why the proposed signs do not comply with existing sign regulations and require an alternative sign program.

E. In no case shall the regulations of this Article pertaining to off-premise advertising signs be altered or changed through the use of the alternative sign plan.

17.7 Prohibited Signs

All signs not expressly permitted by this Code are prohibited unless approved as part of a unified sign plan. In addition, the following sign types are specifically prohibited.

A. Animated signs.

B. Banners wrapped around a permanent sign structure, such as a monument sign or blade sign.

C. Balloon signs or other inflatable signs including displays designed to inflate or move by use of a fan or blower.

D. Feather flags/sails.

E. Flashing signs.

F. Moving signs. However, analog clocks and barber poles are permitted.

G. Portable readerboard signs.

H. Signs that constitute a traffic hazard, including signs that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color.

2. May be confused with any public safety lighting.

3. Mislead, interfere with, or confuse traffic.

I. Temporary off-premise advertising signs. Also known as push signs, bandit signs, and snipe signs.

J. Vehicle signs placed, mounted, installed, or painted on a vehicle for the primary purpose of attracting attention to an occupant's presence within a building at which the vehicle is being parked.

1. This prohibition does not include signs painted on or applied to vehicles, trucks, or buses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans, and rental trucks, provided that the primary purpose of such vehicles is not the display of such sign, and that they are properly parked or stored in areas related to their use as vehicles and all such vehicles are in operable condition.

K. Video display screens, except video display screens on gas pumps.

17.8 Exempt Signs

The following signs are permitted without a certificate of zoning compliance, subject to the standards of this section. If an exempt sign does not meet these standards, an area variance is required.

A. Banner

1. A banner is permitted for nonresidential uses in the nonresidential districts.

2. Banners are limited to the following display periods:

a. When a banner is related to an activity or event with a specific timeframe: A total display period of 30 days prior to the start of the event, the time period of the event, and three days following the end of the event.

b. All other banners (non-time specific): 21 days.

c. A maximum of four display periods per year per establishment is permitted with a minimum of 30 days between displays.

3. One banner is permitted per business with frontage on the ground floor.

4. Banners are limited to a maximum area of 32 square feet.

5. Banners must be securely attached to a building wall. No banner may extend above the first floor of a building.

B. Construction Activity

On a lot where active new construction is taking place to improve the structure or site, a temporary sign is permitted subject to the following.

1. Temporary signs are permitted in all districts on all sites with construction activity.

2. One sign is permitted per street frontage.

3. Temporary signs may be constructed as either freestanding signs, wall signs, or a sign mounted on a fence.

4. Temporary signs in residential districts are limited to six square feet in area. Freestanding temporary signs are limited to four feet in height and shall be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

5. Temporary signs in nonresidential districts are limited to 32 square feet in area. Freestanding temporary signs are limited to six feet in height and shall be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

6. Signs cannot be illuminated.

7. In the commercial and mixed-use and downtown mixed-use districts, in lieu of a freestanding, wall, or fence-mounted sign, a building wrap sign may be used to wrap the fence or the structure under construction. A wrap sign requires review and approval by the Manager of Zoning. Such wrap sign must be made of mesh or similar material that is not completely opaque. There is no maximum square footage limitation.

8. Signs may be installed only after approval of a building permit for such activity. Signs shall be removed within 14 days of completion of construction or the expiration of the building permit, whichever occurs first.

C. Culturally or Historically Significant Sites

1. A site or building with cultural or historical significance is permitted a permanent sign. Such signs are permitted in any district. However if such site or building is located in a preservation district or for a Local Landmark, a certificate of appropriateness is required.

2. Signs on culturally or historically significant sites or buildings may be constructed as either freestanding or wall signs, subject to the following. Such signs may be designed as plaques, markers, monuments or tablets.

a. Signs are limited to six square feet in area.

b. Freestanding signs are limited to four feet in height. Freestanding signs shall be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

c. Wall mounted signs must be placed so as to be an integral part of the structure, cut into stone or masonry, or be a permanently affixed plaque of metal or other durable material.

d. Signs may be externally illuminated.

3. Signs on culturally or historically significant sites or buildings are limited to one per street frontage.

D. Multiple Tenant Building Entryway

Nonresidential and mixed-use developments with multiple commercial tenants, are permitted a permanent sign at the entryway subject to the following:

1. Signs may be constructed as either freestanding or wall signs.

2. Signs are limited to six square feet in area.

3. Freestanding signs are limited to five feet in height. Freestanding signs shall be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

4. Wall-mounted signs must be installed at the building entryway.

5. Freestanding signs must be installed so that they are primarily viewable at the building entryway.

6. Signs are limited to one per building entry.

E. Noncommercial Message

Sign structures used for the expression of noncommercial messages are permitted in all districts. Examples include, but are not limited to, signs advocating a public issue, recommending a candidate for public office, alerts, or warnings.

1. Signs are permitted in all districts.

2. Signs may be freestanding, wall-mounted, or window-mounted. There is no limit on the number of signs permitted. However, if there is a limitation in the district on the amount of window signs allowed, such window signs shall be included in such limitation.

3. Signs shall not exceed six square feet in area.

4. Freestanding signs shall be limited to four feet in height and must be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

5. Signs cannot be illuminated.

6. Signs shall not be used for any on-premises or off-premises advertising.

F. On-Site Repair or Rehabilitation Activity

For lots where on-site repair or rehabilitation of an existing structure or site is taking place, a temporary sign is permitted. Such temporary signs are subject to the following:

1. Such temporary signs are permitted in all districts on sites with active repair or rehabilitation projects. One temporary sign per lot is permitted.

2. Such temporary signs must be removed once the repair or rehabilitation is complete.

3. Such temporary signs are limited to six square feet in area.

4. Freestanding signs shall be limited to four feet in height and must be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

5. Signs cannot be illuminated.

G. Parking Lot and Parking Structure Circulation Points

1. Parking lots and structures in all districts are permitted permanent signs at parking lot and/or structure circulation points in accordance with this section.

2. Circulation points include, but are not limited to, entrances/exits, driveway intersections, drive-through lanes, fire zones, and parking lot drive aisles.

3. Signs for parking lot and structure circulation points may be internally or externally illuminated.

4. Signs are limited to two square feet in area and four feet in height.

5. Freestanding signs shall be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

6. Signs shall not be used for off-premises advertising.

H. Real Estate Activity

When a structure or lot is offered for sale, lease, or rent in all districts, such lot is permitted a temporary sign as follows:

1. Temporary signs are permitted in all districts and must be located on the site of the property for sale, lease, or rent.

2. Signs are limited to one per street frontage.

3. Signs may be constructed as either freestanding, wall, or window signs.

4. Signs are limited to six square feet in area.

5. Freestanding signs shall be limited to four feet in height and must be located a minimum of five feet from any lot line and ten feet from any abutting residential lot line.

6. Signs cannot be illuminated.

7. Signs shall be removed within14 days of final closing, lease, or rental.

I. Residential District Specific Sign Standards: Day Care Home, Bed and Breakfast, and Home Occupation

1. Day care homes, bed and breakfasts, and home occupations in the residential districts are permitted one wall-mounted sign. Such signs are limited to the following maximum sign areas:

a. LDR District: One square foot

b. MDR and HDR Districts: Two square feet

2. Signs cannot be illuminated and must be mounted near the first floor entryway and cannot be mounted above the first floor.

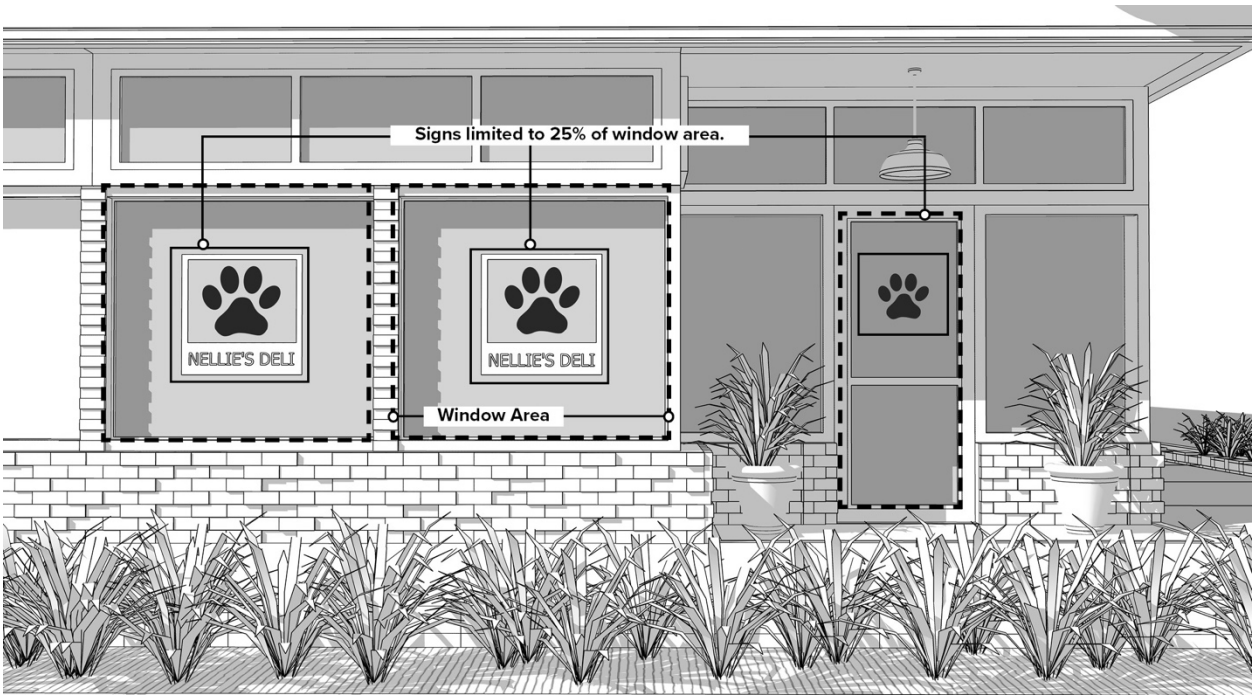
3. No additional signs are permitted regardless of the residential district in which the uses are located.

J. Window Sign

1. Window signs are permitted for all nonresidential uses in all districts.

2. All window signs cumulatively, whether temporary or permanent, are limited to no more than 25% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

WINDOW SIGN



17.9 Allowed Signs - Certificate of Zoning Compliance Required

This section describes the types of signs allowed with a certificate of zoning compliance. Specific regulations for each sign type may include restrictions specifying in which districts the sign types are allowed and/or on which uses within a district the sign types are allowed. Any signs that encroach in the public right-of-way must comply with Section 104-33 of the City Code. Off-premise advertising signs are permitted only in accordance with Section 17.10. permitted.

A. Awning Sign

1. Awning signs are permitted for multi-family dwellings and nonresidential uses in any district.

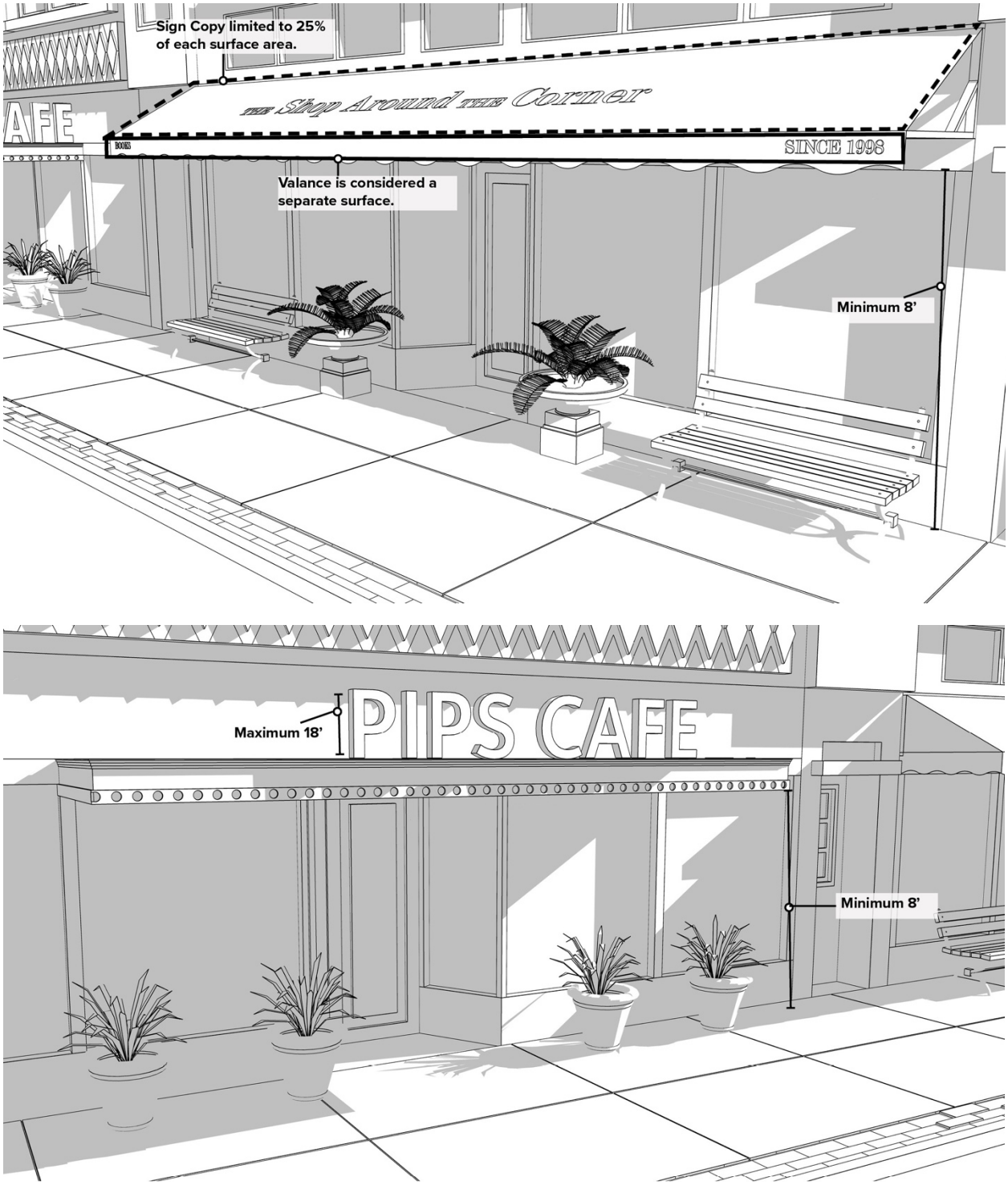
2. When located entirely on private property, awning signs must maintain a minimum vertical clearance of eight feet.

3. Sign copy on any awning sign surface is limited to 25% of each surface area. A valance is considered a separate surface area.

4. Solid awnings are permitted lettering attached to and located either above or below the awning to a maximum height of 18 inches. If attached below the awning, the minimum vertical clearance of eight feet must be maintained from the bottom of such lettering.

5. Awning signs may be externally illuminated.

AWNING SIGNS



B. Blade Signs

1. Blade signs are permitted in the commercial and mixed-use districts, for nonresidential uses in the Village Center Districts, and in the DMU District.

2. Blade signs are limited to 16 square feet in all districts except the BMU and NMU Districts and the Village Center Districts. In the BMU and NMU Districts and the Village Center Districts, blade signs are limited to 12 square feet.

3. Blade signs over six square feet in area are limited to a maximum copy area of 50% of the sign face.

4. The following exception to sign area applies to structures that are five or more stories in height, within districts where blade signs are permitted. Such signs must meet all other requirements of this section.

a. A blade sign may be up to 144 square feet in area when designed as a multi-story sign. The proportions of such sign must have a vertical dimension a minimum of four times the horizontal dimension.

b. No such blade sign, including sign support structure, may project beyond the roofline of the structure to which it is attached

c. The maximum copy area limitation of item 3 above does not apply to this type of blade sign.

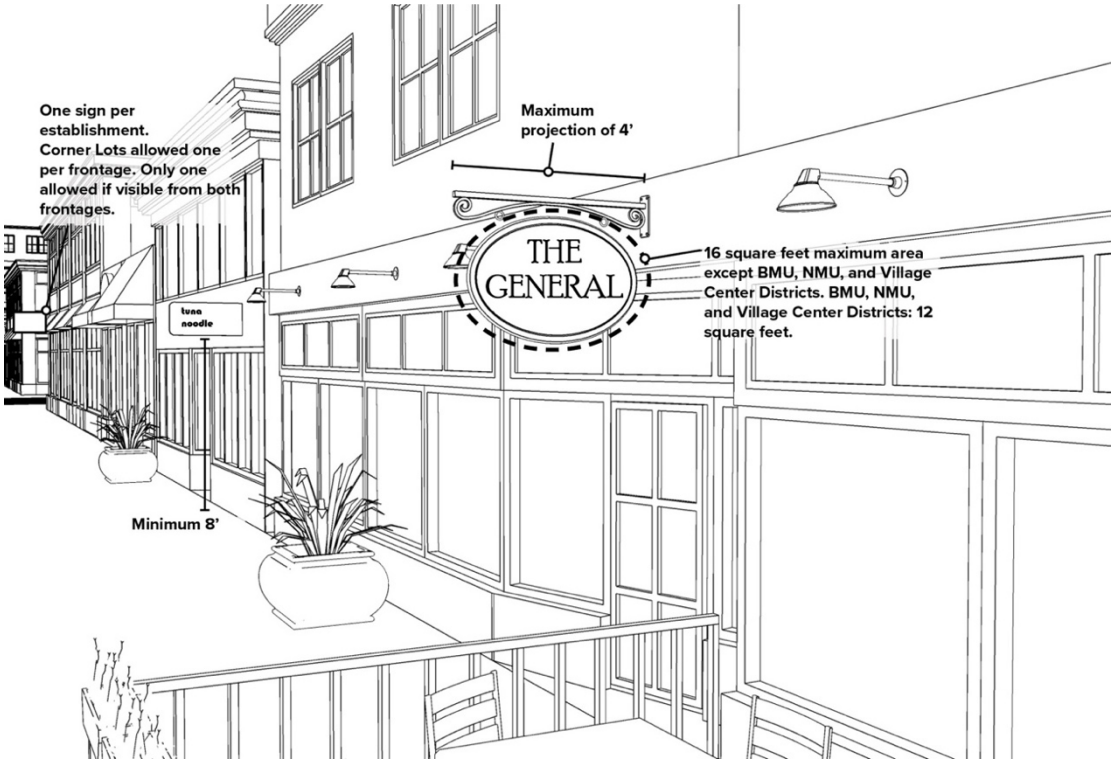
5. One blade sign is permitted per establishment with frontage on a street. For a corner lot, one blade sign is permitted for each street frontage. However, on a corner lot, when a blade sign is located at the corner such that it is visible from both frontages, no additional blade signs are permitted.

6. Blade signs may project a maximum of four feet from the façade.

7. Blade signs must maintain a minimum vertical clearance of eight feet.

8. Blade signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above.

BLADE SIGNS



BLADE SIGN

C. Canopy Sign

Canopy signs are divided into two types: non-structural and structural.

1. Non-Structural Canopy Signs

a. Non-structural canopy signs are permitted for multi-family dwellings and nonresidential uses in all districts.

b. Non-structural canopy signs must maintain a minimum vertical clearance of eight feet.

c. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.

e. Sign copy on any canopy sign surface is limited to 25% of each surface area.

f. Non-structural canopy signs may only be externally illuminated.

2. Structural Canopy Signs

a. Structural Canopy Signs Attached to Principal Structure

i. Structural canopy signs must be attached to the principal structure and are permitted for multi-family dwellings and nonresidential uses in all districts.

ii. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.

iii. Canopy signs attached to a building must maintain a minimum vertical clearance of eight feet.

iv. For structural canopies attached to a principal building, sign copy is limited to 25% of each surface area. Such signs are permitted lettering attached to and located either above or below the canopy to a maximum height of 12 inches. If attached below the canopy, the minimum vertical clearance of eight feet must be maintained from the bottom of such lettering.

v. Structural canopy signs may be internally or externally illuminated.

b. Freestanding Structural Canopy Signs

i. Freestanding structural canopy signs are permitted for car wash, vehicle fueling station, and accessory drive-through facilities in any district.

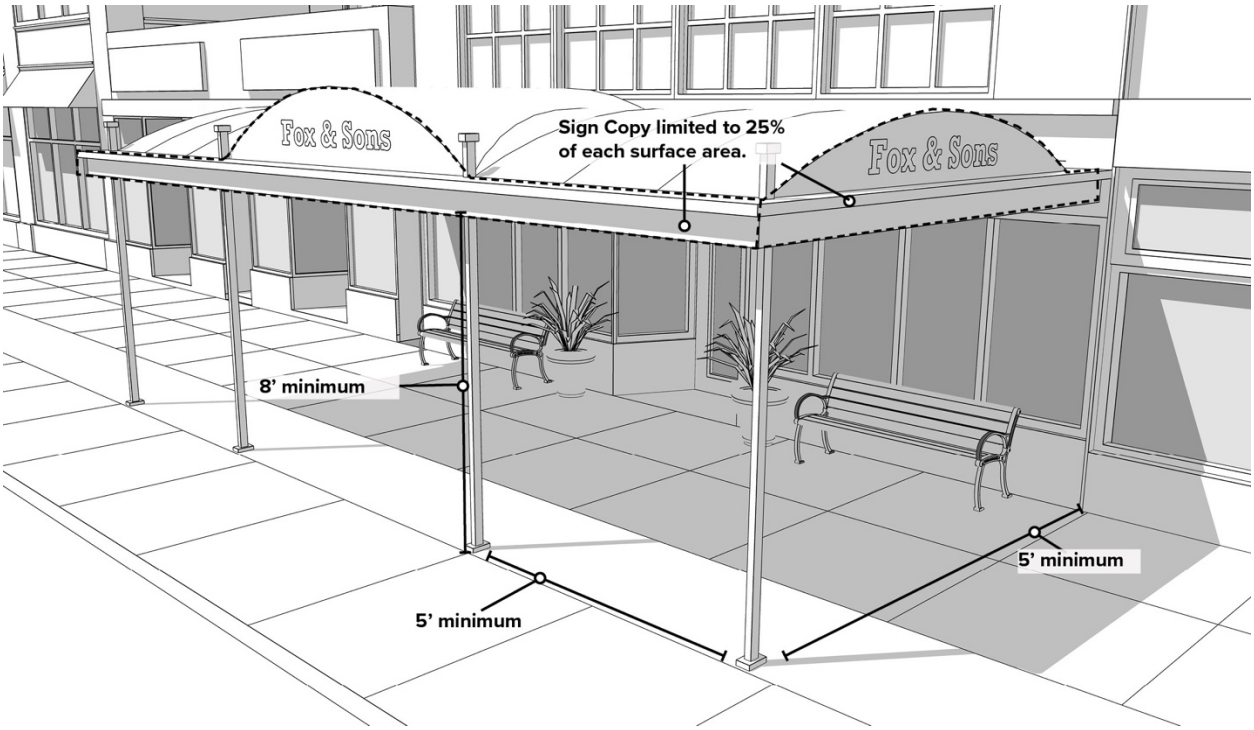
ii. Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet from a lot line, whichever is greater.

iii. Freestanding structural canopy signs are limited to a maximum height of 25 feet. Height is measured to the highest point of the canopy.

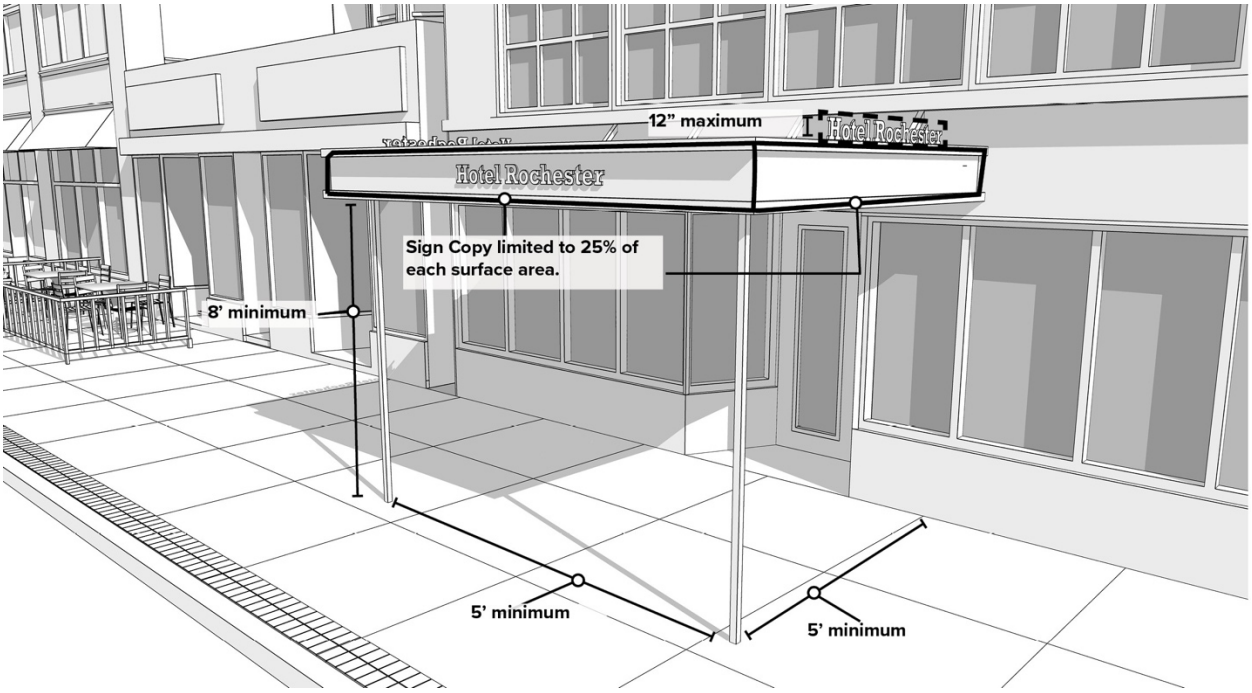
iv. For freestanding structural canopies, sign copy is limited to a maximum of 25% of the area of each surface area. No sign may be mounted above the top of the roof of the structural canopy, but a sign mounted on the structural canopy façade may extend a maximum of six inches above the roofline.

v. Freestanding structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign.

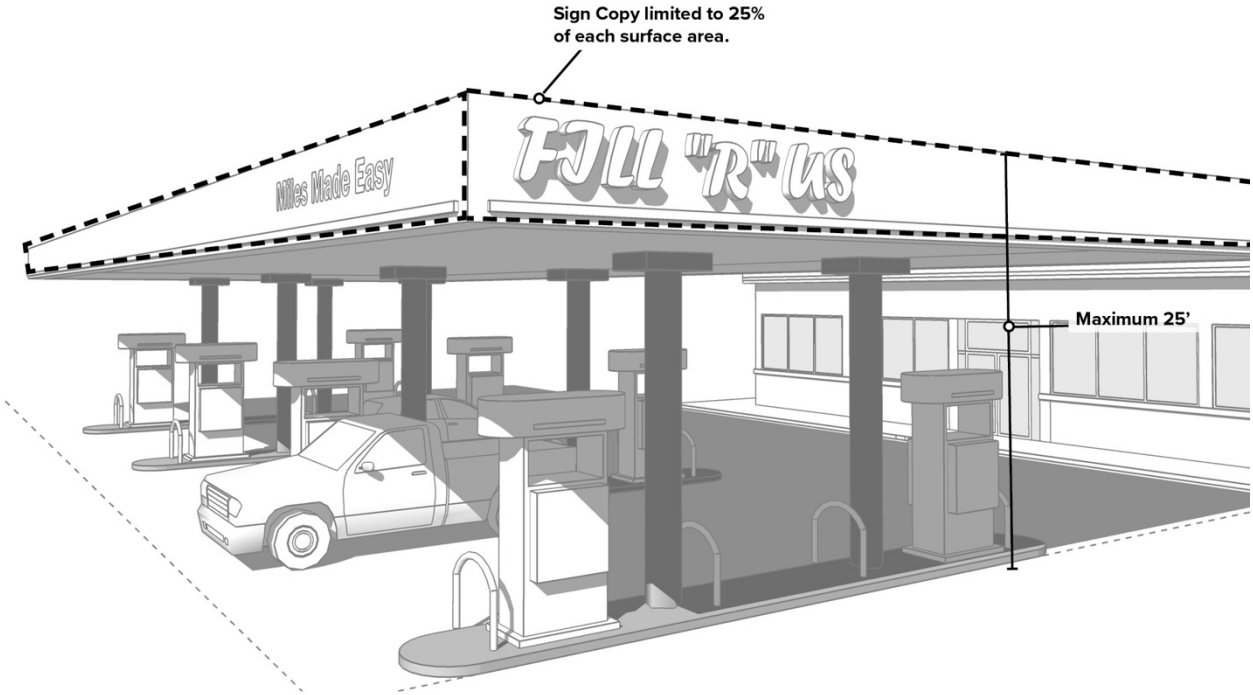
CANOPY SIGN - NON-STRUCTURAL



CANOPY SIGN – STRUCTURAL: ATTACHED TO PRINCIPAL STRUCTURE



CANOPY SIGN - STRUCTURAL: FREESTANDING



D. Drive-Through Sign

1. Drive-through signs are permitted for all drive-through facilities.

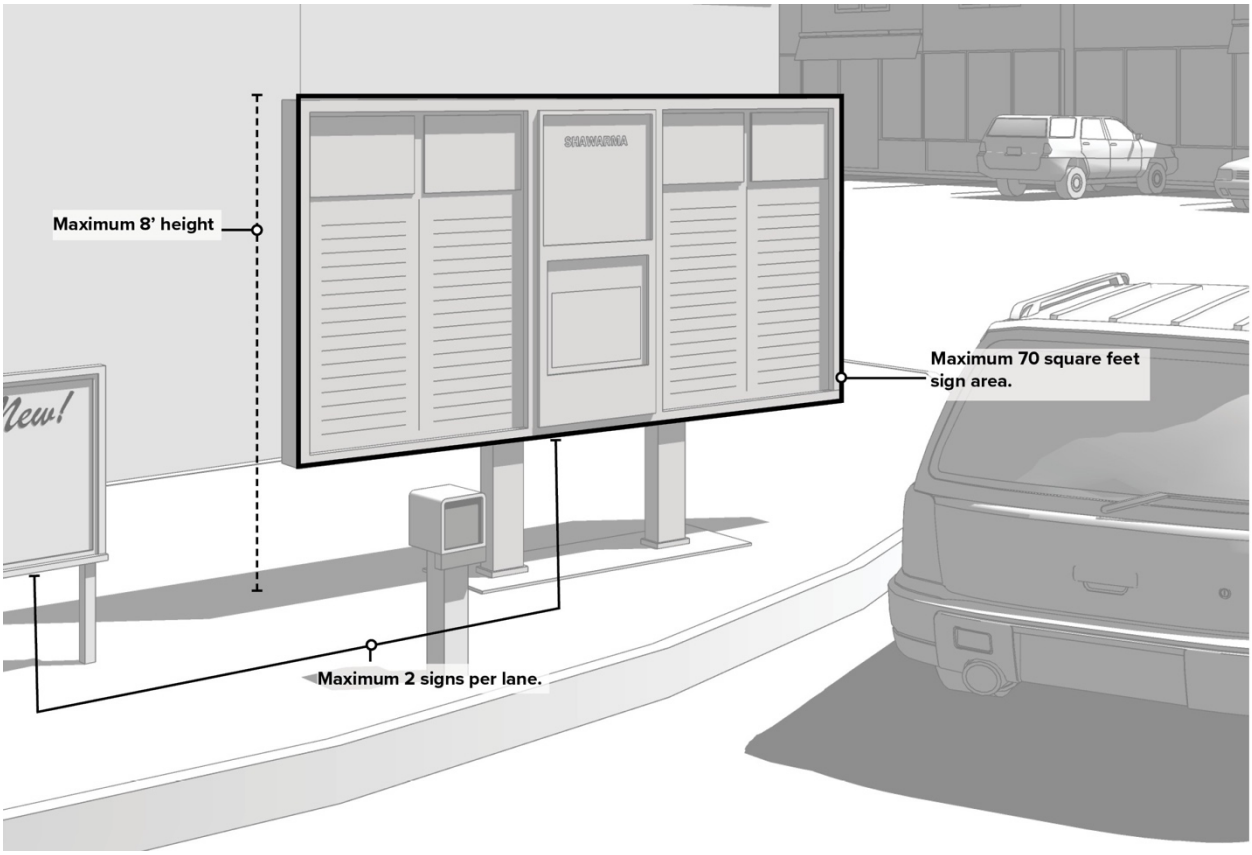
2. Drive-through signs are limited to a maximum of two per drive-through lane.

3. Drive-through signs are limited to 70 square feet in sign area and eight feet in height. The drive-through sign may be designed as separate freestanding signs grouped together and may include the use of preview boards designed as separate freestanding signs installed a distance earlier in the drive-through lane, however the total area of all signs must not exceed 70 square feet.

4. Drive-through signs must be located a minimum of 15 feet from any residential district lot line. This is measured from the closest part of the sign structure to the residential lot line.

5. Drive-through signs may be internally illuminated. Drive-through signs may also contain an electronic screen for interaction with each customer.

DRIVE-THROUGH SIGN



E. Electronic Message Signs

1. Electronic message signs are permitted as follows:

a. In the RC and DMU Districts.

b. The following uses in any district: college/university, educational facility, public and semi-public uses, museums, community centers, and places of worship.

c. Gas stations in any district are permitted an electronic message sign to display information required to be displayed by law.

2. Electronic message signs are permitted as part of a monument or marquee sign and are subject to the requirements for that sign type within the district.

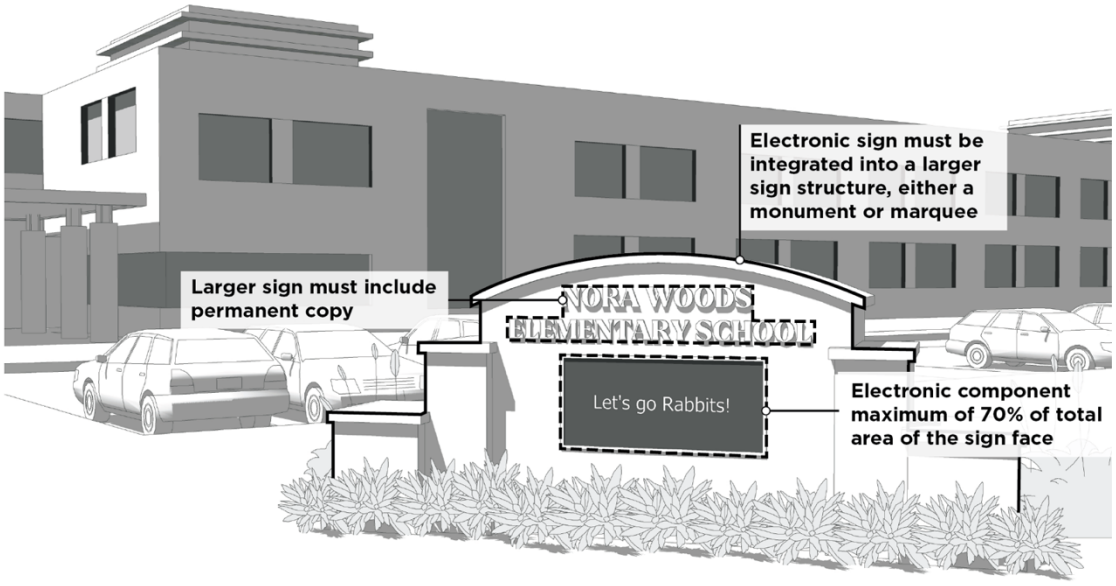
3. Electronic message signs must be integrated into a larger sign structure. The electronic component shall be limited to a maximum of 70% of the total area of the sign face. The sign face must have at least 30% permanent non-electronic copy.

4. Only one electronic message sign per lot is permitted. Signs may include an electronic message component on both sign faces. For the purposes of this regulation, a multi-tenant development where the development, as a whole, comprises separate lots of record, the entire development, including any outlot parcels and the inline commercial development, is considered one lot.

5. Each message or image displayed on an electronic message sign must be static for a minimum of 10 seconds. Electronic message signs must display static text messages only, with no animation or effects simulating animation or video. Any scrolling, flashing, spinning, revolving, or shaking animation, or movement of the message or any component of the sign is prohibited. Any message change sequence must be accomplished immediately by changing from one screen to another without transition by means of, for example, fade or dissolve mode. Video display screens are prohibited.

6. Electronic message signs shall not operate as a commercial off-premise sign. This does not include public service messages.

ELECTRONIC MESSAGE SIGNS



F. Gateway Signs

1. Gateway signs are permitted in all commercial and mixed-use districts, the Village Center Districts, and the DMU District.

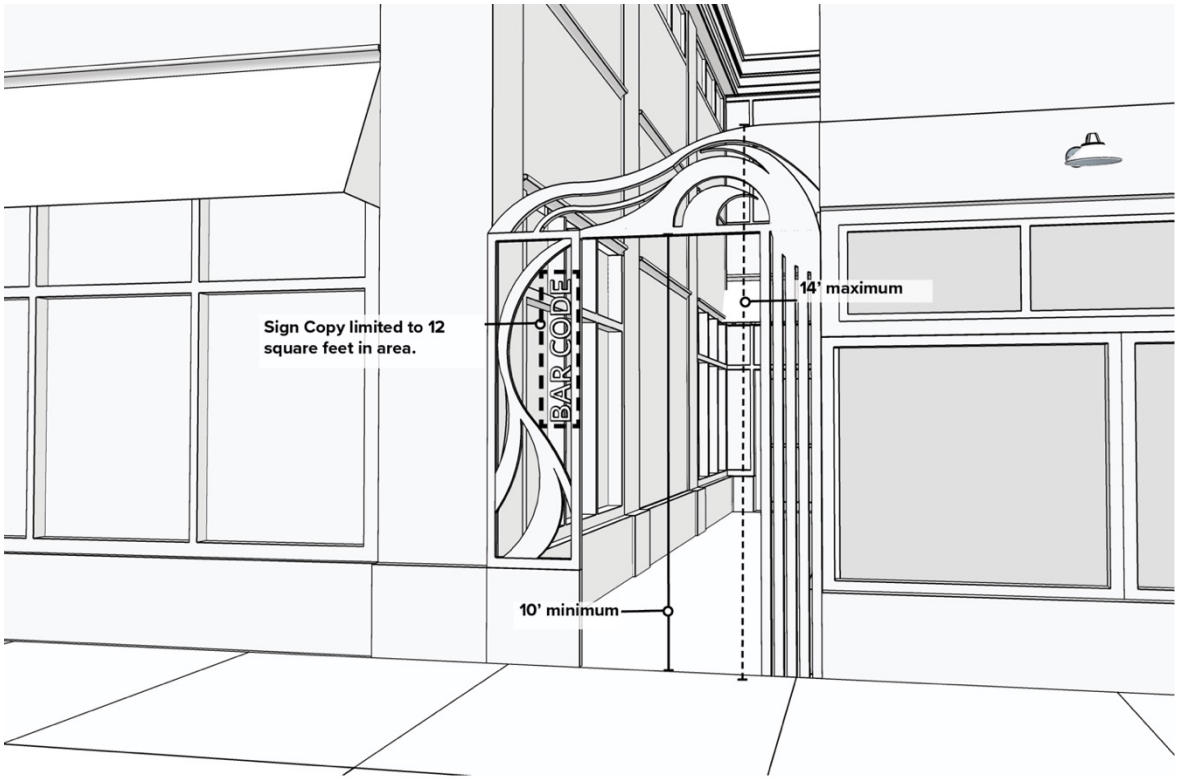
2. One gateway sign is permitted per lot. Gateway signs must be located over a main pedestrian entryway.

3. Gateway signs cannot encroach into the right-of-way or extend beyond the lot lines. Gateway signs are prohibited above driveways or any other vehicle drive aisles.

4. Gateway signs are limited to a maximum of 12 square feet in area. The entire gateway sign structure is limited to 14 feet in height. A ten foot vertical clearance is required.

5. Gateway signs may only be externally illuminated and all light must be directed onto the sign face.

GATEWAY SIGN



G. Marquee

1. Marquees are permitted for commercial uses in FMU, RC, and DMU Districts.

2. The roof of a marquee may not be used for any purpose other than to form and constitute a roof.

3. Water from the roofs of a marquee may not drain, drip, or flow onto the surface of a public right-of-way. Sufficient downspouts, drains, and gutters must be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public right-of-way.

4. Marquees must be erected over a building entrance and are limited to the width of the building entrance plus an additional five feet on each side of the entrance doors covered by the marquee.

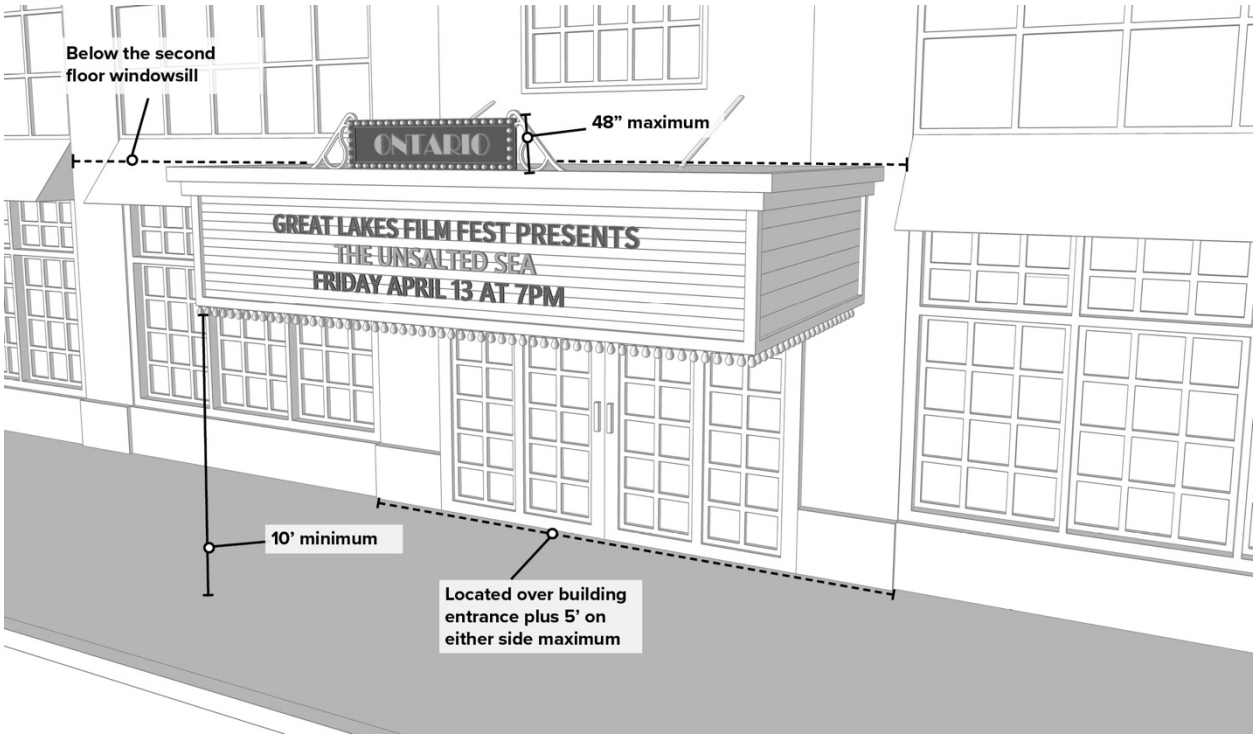
5. All marquees must maintain a minimum vertical clearance of ten feet, unless a higher clearance is required by Section 104-33 of the City Code, and the roof of the marquee structure must be erected below the second floor windowsill and cannot conceal any significant architectural features or ornamentation of the building.

6. Lettering attached to and above the roof of the marquee sign is permitted to a maximum height of 48 inches. Such lettering may not block any windows.

7. Marquees are permitted an electronic message component if the district allows electronic message signs. Marquees are also permitted a changeable message board as part of the marquee structure. However, the marquee may only have either a changeable message board sign or an electronic message sign.

8. Marquees may be internally or externally illuminated.

MARQUEE



H. Monument Signs

1. Monument signs are permitted as described in Table 17-1: Monument Sign Permissions:

Table 17-1: Monument Sign Permissions			
	Restrictions	**Maximum Sign Area**	**Maximum Sign Height**
Residential Districts			
LDR District	Nonresidential uses only	16sf	4’
MDR District	Nonresidential uses only	16sf	4’
HDR District	Nonresidential uses only	24sf	6’
Commercial and Mixed Use Districts			
BMU District		24sf	6’
NMU District		24sf	6’
FMU District		24sf	6’
RC District		32sf	15’
Downtown Mixed Use District			
DMU District		24sf	6’
Village Center Districts			
PMV District	Nonresidential uses only	24sf	6’
HV District	Nonresidential uses only	24sf	6’
CV Village	Nonresidential uses only	24sf	6’
MD District	Nonresidential uses only	24sf	6’
Industrial District			
IND District		32sf	6’
Open Space District			
OS District		24sf	6’

2. One monument sign is permitted per lot. Additional monument signs are allowed as follows:

a. On a corner lot, a second monument sign is permitted on the street frontage if one of the street frontages is a minimum of 200 feet or more in length. Only one sign is allowed per frontage.

b. On an interior lot, a second monument sign is permitted on the same street frontage if that frontage is a minimum of 300 feet or more in length and meets both of the following conditions:

i. A separation of a minimum of 150 feet between signs.

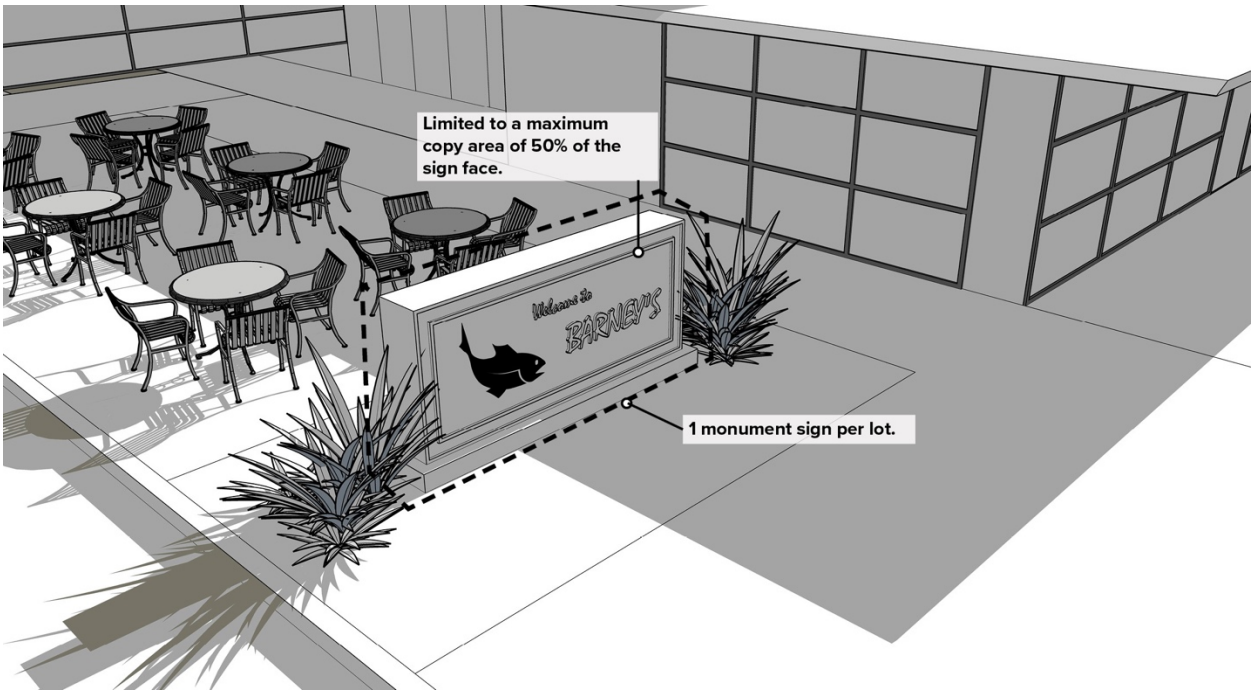
ii. The second sign is located at a pedestrian and/or vehicle access point.

3. A monument sign shall be located a minimum of five feet from any lot line and ten feet from any residential lot line. Monument signs shall not encroach into any internal pedestrian walkway or driveway.

4. Monument signs are limited to a maximum copy area of 50% of the sign face.

5. Monument signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.

MONUMENT SIGN



I. Roof Signs

1. Roof signs are permitted only for nonresidential and mixed-use developments of five stories or more in height in the FMU, DMU, and IND Districts.

2. The size of the roof sign is limited to a height of 15 feet above the roof, including the support structure. The width of a roof sign is limited to 55% of the roof level width or 35 feet, whichever is less.

3. Roof signs shall be designed with channel letters.

4. A maximum of one roof sign is permitted per building.

5. Roof signs shall only be installed on a flat roof.

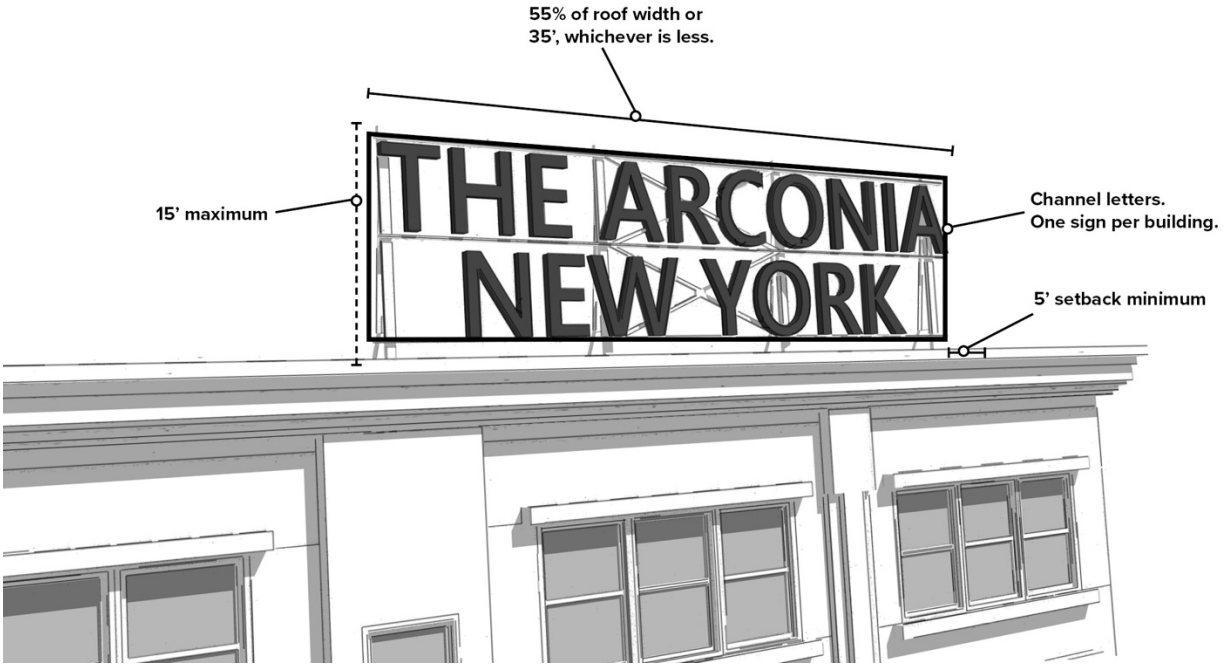
6. A roof sign shall be set back a minimum of five feet from the edge of a roof.

7. Roof signs shall be safely and securely attached to the roof structure and cannot interfere with any roof access points.

8. Roof signs shall only be internally illuminated.

9. If a roof sign is erected on a building, a skyline sign (item J below) is prohibited.

ROOF SIGN



J. Skyline Signs

1. Skyline signs are permitted only for nonresidential and mixed-use developments of five stories or more in height in the FMU, DMU, and IND Districts.

2. The size of the skyline sign is limited to one square foot per linear foot of the facade width where it is mounted or 200 square feet, whichever is less.

3. One skyline sign is permitted per façade.

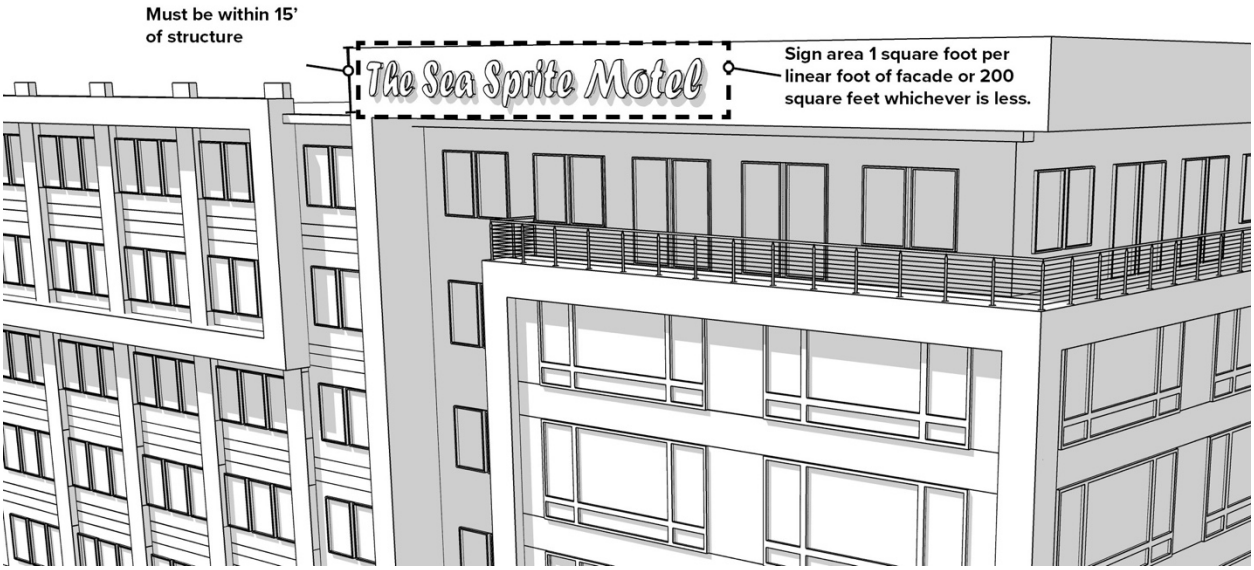
4. Skyline signs must be placed within the top 15 feet of the structure and cannot cover any fenestration or architectural features.

5. Skyline signs cannot project above the roofline or parapet wall and must be designed as a wall-mounted sign. A skyline sign cannot be supported by structures installed on the roof.

6. Skyline signs may be internally illuminated only.

7. If a skyline sign is erected on a building, a roof sign (item I above) is prohibited.

SKYLINE SIGNS



K. Wall Sign

1. Wall signs are permitted for all nonresidential uses in any district.

2. Wall signs are permitted on each facade of a structure.

3. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage from different structures cannot be combined to create a larger sign on any one structure.

4. For a single-tenant structure, the maximum total wall sign area is one square feet per one linear foot of building wall where the wall sign(s) will be mounted or 25 square feet, whichever is greater. The square footage from different facades cannot be combined to create a larger sign on anyone facade.

5. For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of one square feet per one linear foot of business frontage or 25 square feet, whichever is greater, along their individual frontage(s). Exterior business façade area includes tenants with only windows on a façade where an entry is internal to the structure or located along a non-street facing façade.

6. The number of individual wall signs for each tenant is not limited, however the cumulative sign area of all signs on a façade for a tenant cannot exceed the maximum allowable total wall sign area for that tenant.

7. As of the effective date of this Code, existing painted wall signs of a minimum of 50 years in age or more, called ghost signs, are not counted toward maximum wall sign area. Such signs may only be restored to the original graphic and no additional wall signs may be placed upon the graphic. No new information may be added to ghost signs.

8. Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.

9. Wall signs must be safely and securely attached to the building wall. Wall signs must project 18 inches or less from the building wall.

10. For multi-story buildings, wall signs are permitted only within a sign band or the area of the building immediately above the first floor windows and below the second floor window sills where a sign band is not present in the building design. No wall sign shall be permitted above the second story sill line.

11. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.

12. On existing buildings, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign.

13. Only in the RC and IND Districts, a wall sign may be constructed as a cabinet box wall sign. Cabinet box wall sign construction is prohibited in other districts. Each individual cabinet box wall sign is limited to a maximum sign area of 40 square feet. All wall signs are limited to the maximum square footage of this section.

14. For street facing facades that do not mount a permanent wall sign, a projected wall sign is permitted as follows:

a. Projected wall signs are limited to 30% of the building wall.

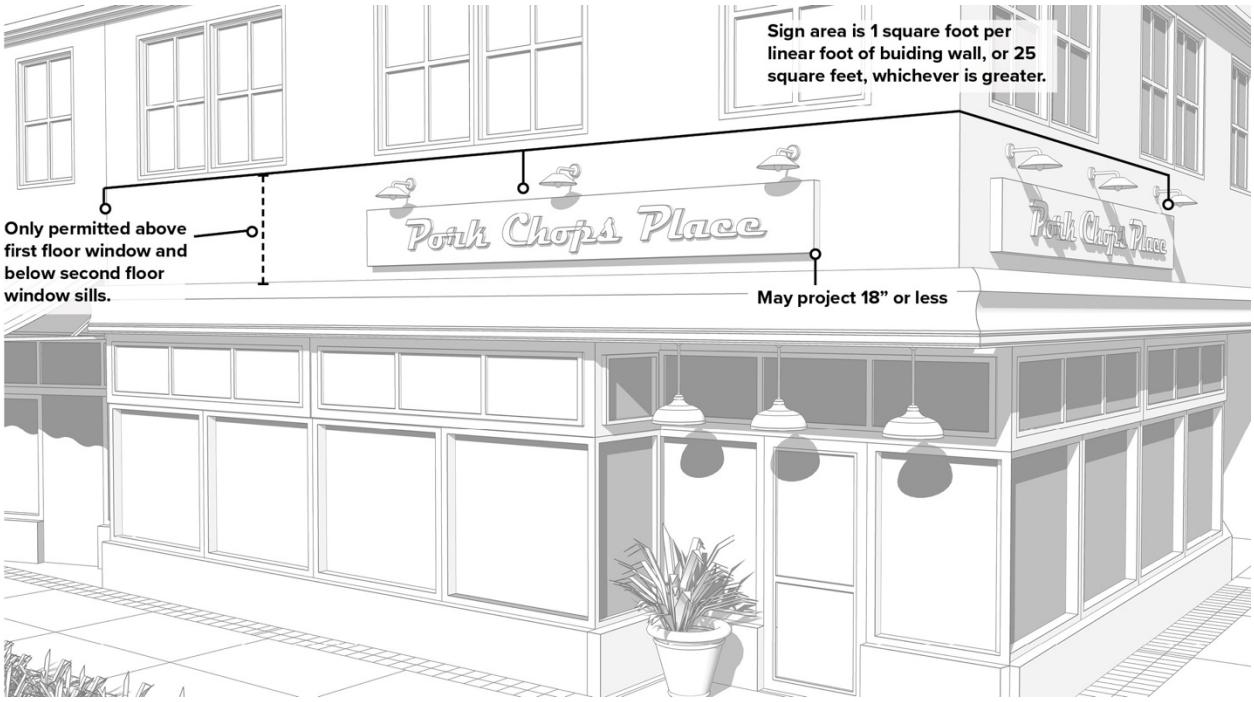
b. Projected wall signs must remain static and cannot flash, rotate, or move. No projected wall sign can project an electronic video.

c. Projected wall signs cannot glare onto adjacent properties.

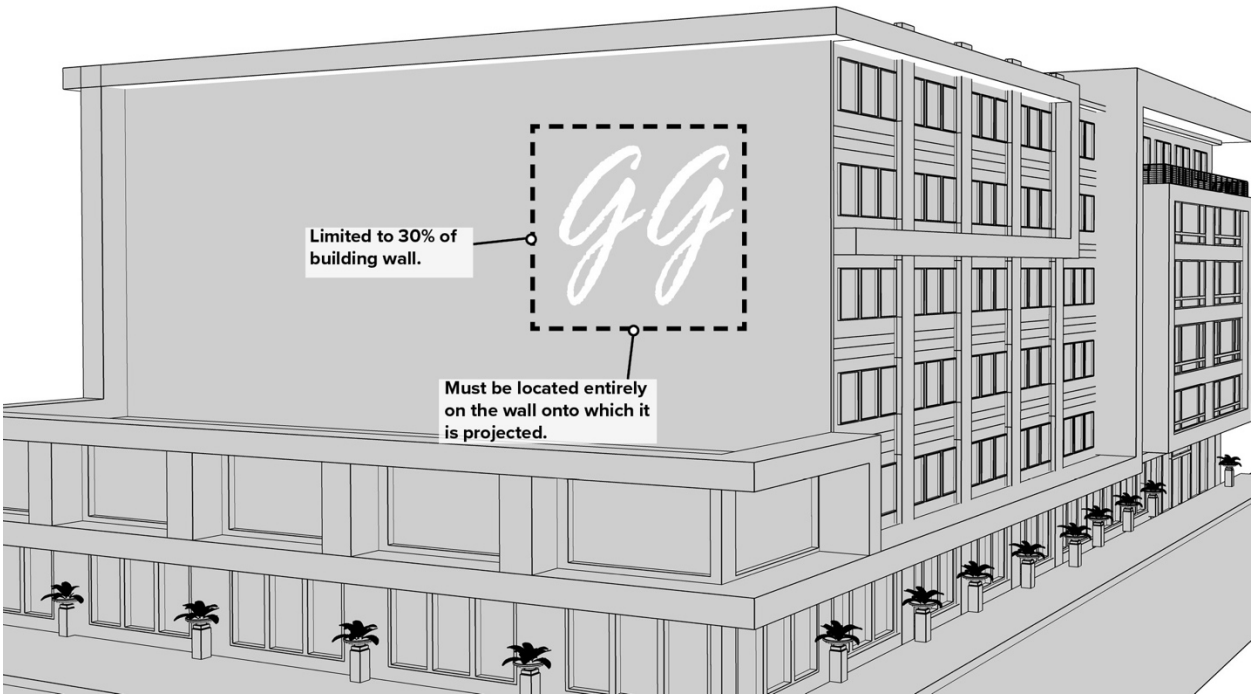
d. Projected wall signs must be located entirely on the wall onto which it is projected.

e. Projected wall signs cannot be projected over any other permanent or temporary sign.

WALL SIGN



WALL SIGN – PROJECTED



17.10 Summary of Sign Permissions for Sign Types Allowed in Districts and/or for Uses

Table 17-2: Summary of Sign Permissions for Sign Types Allowed in Districts and/or for Uses catalogs the types of permitted signs, both permanent and temporary, and indicates whether such sign requires a certificate of zoning compliance. This table is provided for reference purposes. In the case of any conflict with the regulations of this table and this Article and/or Code, the specific sign regulations control over this Table. Off-premise advertising signs are regulated by Section 17.11.

Table 17-2: Summary of Sign Permissions for Sign Types Allowed in Districts and/or for Uses			
Sign	**Exempt Signs**	**Certificate of Zoning Compliance**	**Permitted Districts/Uses**
Awning Sign		✓	Permitted for multi-family dwellings and nonresidential uses in any district
Banner (Temporary Sign)	✓		Permitted for nonresidential uses in the nonresidential districts
Blade Sign		✓	Permitted in the commercial and mixed-use districts, for nonresidential uses in the Village Center Districts, and in the DMU District
Canopy Sign – See Types Below			
Non-Structural Canopy Sign		✓	Permitted for multi-family dwellings and nonresidential uses in any district
Structural Canopy Sign - Attached to Principal Structure		✓	Permitted for multi-family dwellings and nonresidential uses in any district
Structural Canopy Sign - Freestanding		✓	Car wash, vehicle fueling station, and accessory drive-through facilities in any district
Construction Activity (Temporary Sign)	✓		Lots where active new construction is taking place to improve the structure or site in any district
Drive-Through Sign		✓	Drive-through facilities
Electronic Message Sign		✓	RC and DMU Districts. The following uses in any district: college/university, educational facility, public and semi-public uses, museums, community centers, and places of worship
Gateway Signs		✓	Permitted in all commercial and mixed-use districts, the Village Center Districts, and the DMU District
Marquee		✓	Commercial uses in FMU, RC, and DMU Districts
Monument Sign		✓	All districts except limited to nonresidential uses in the LDR, MDR, HDR, and Village Center Districts
Multiple Tenant Building Entryway (Permanent Sign)	✓		Nonresidential and mixed-use developments with multiple commercial tenants in any district
Noncommercial Message (Temporary Sign)	✓		All districts
On-Site Repair or Rehabilitation Activity (Temporary Sign)	✓		Lots where on-site repair or rehabilitation of an existing structure or site is taking place in any district
Parking Lot and Parking Structure Circulation Points (Permanent Sign)	✓		Parking lots and structures at circulation points in any district
Real Estate Activity (Temporary Sign)	✓		Lots where a structure or lot is offered for sale, lease, or rent in any district
Residential District: Day Care Home (Permanent Sign)	✓		One wall-mounted sign
Residential District: Bed and Breakfast (Permanent Sign)	✓		One wall-mounted sign
Residential District: Home Occupation (Permanent Sign)	✓		One wall-mounted sign
Roof Sign		✓	Permitted only for nonresidential and mixed-use developments of five stories or more in height in the FMU, DMU, and IND Districts
Skyline Sign		✓	Permitted only for nonresidential and mixed-use developments of five stories or more in height in the FMU, DMU, and IND Districts
Wall Sign		✓	Permitted for all nonresidential uses in any district
Window Sign (Temporary and Permanent Signs)	✓		Permitted for nonresidential uses in any district

17.11 Off-Premise Advertising Signs

A. Purpose

1. The size, number, location, and illumination of off-premise advertising signs ("Advertising Signs") can have a significant impact on the City's visual environment, including its pedestrian friendly commercial districts and neighborhoods. While recognizing that advertising signs provide a benefit to businesses and the community, without adequate control, off-premise advertising signs can create or contribute to blighted conditions, and reinforce auto-oriented development over walkable urban development and contribute to driver confusion or distraction. The purpose of this section is to provide reasonable advertising sign control to:

a. Protect and enhance community appearance.

b. Direct new advertising signage to appropriate areas of the City.

c. Strengthen walkable commercial districts and neighborhoods.

d. Ensure advertising signs do not negatively impact the safety of drivers, bicyclists, and pedestrians.

e. With respect to digital advertising signs (DAS), to address the issue of driver distraction inherent in DAS, by imposing specific additional restrictions to reduce the potential adverse impacts of DAS on drivers as well as others in living or working in proximity to these signs.

2. Additionally, it is the purpose of this section to eventually eliminate nonconforming off-premise advertising signs and roof-mounted off-premise advertising signs from the City, especially in the LDR, MDR, HDR, BMU, NMU, and Village Center Districts and other sensitive areas, through incentives to remove such off-premise advertising signs in exchange for the development of new conforming digital advertising signs.

B. General Requirements and Restrictions

1. Location and Design Requirements

a. Non-Digital Advertising Signs

i. Non-digital advertising signs shall be permitted in the IND and RC Districts subject to the exchange provisions of item C below and the additional requirements of this section. Where any applicable requirements are not met, an area variance is required. In zoning districts where non-digital advertising signs are prohibited, a use variance is required.

ii. No more than two sign faces, which must be back to back, may be erected at any site. A "flip" or message change shall not be considered as a sign face.

iii. Distance separation measurements are to be taken from the center point of the sign in its proposed location.

iv. Non-digital advertising signs shall not be placed in such a manner as to obstruct, obscure, or otherwise interfere with the effectiveness of an official traffic sign, signal, or devise, or with the driver's view of approaching, merging, or intersecting traffic, or interfere with the driver's operation of a motor vehicle.

v. Non-digital advertising signs shall not be located on building rooftops.

vi. Non-digital advertising signs shall not be placed on the face of a building in such a manner as to obstruct windows or architectural details.

b. Digital Advertising Signs (DAS)

i. DAS shall be allowed in the IND and RC Districts subject to the exchange provisions of item C below and the additional requirements of this section.

ii. In zoning districts where DAS are not allowed, a use variance shall be required.

iii. No more than two sign faces, which must be back to back, may be erected at any site. Message changes shall not be considered as a sign face.

iv. Distance separation measurements are to be taken from the center point of the sign in its proposed location.

v. DAS shall not be placed in such a manner as to obstruct, obscure, or otherwise interfere with the effectiveness of an official traffic sign, signal, or devise, or with the driver's view of approaching, merging, or intersecting traffic, or interfere with the driver's operation of a motor vehicle.

vi. Digital advertising signs shall not be located on building rooftops.

vii. Digital advertising signs shall not be placed on the face of a building in such a manner as to obstruct windows or architectural details.

2. Prohibited Advertising Signs

a. Non-Digital Advertising Signs

i. Signs shall not resemble a warning or danger sign or contain any language or graphics or other information that would cause a driver to mistake the sign for such a traffic sign.

ii. Mobile advertising signs shall be prohibited.

b. Digital Advertising Signs

i. DAS shall not resemble a warning or danger sign or signal or contain any language or graphics or other information that would cause a driver to mistake the sign for such a traffic sign or signal.

ii. Mobile advertising signs shall be prohibited.

iii. Interactive DAS, that permit, support, or encourage personalized communications with the driver or other persons in real-time, and DAS signs or devices that emit audible, sound, odor, or visible matter, other than light, shall be prohibited.

3. Distance Separation

a. Non-digital advertising signs shall not be located:

i. Within 400 feet of any other advertising sign structure.

ii. Within 400 feet of any lot line of any residential district.

iii. Within 400 feet of any City preservation district boundary line or any lot line of a City designated landmark property.

iv. At any location within 750 feet of the edge of the Genesee River.

v. Within 20 feet of any street frontage, unless located on the face of a building.

b. Digital advertising signs in the IND and RC Districts shall not be located:

i. Within 2500 feet of any other DAS that is visible at the same time on either side of the road.

ii. Within 400 feet of any non-digital advertising sign structure.

iii. Within 400 feet of any lot line of any residential district.

iv. Within 400 feet of any City preservation district boundary line or any lot line of a City designated landmark property.

v. At any location within 750 feet of the edge of the Genesee River.

vi. Within 20 feet of any street frontage, unless located on the face of a building.

4. Size

a. Non-Digital Advertising Signs

i. Sign faces in IND and RC Districts shall not exceed 672 square feet when located within 660 feet of a Federal Interstate Highway or Primary Highway System highway and oriented to be viewed primarily by persons traveling on the highway.

ii. Sign faces in IND and RC Districts located beyond 660 feet from a Federal Interstate Highway or Primary Highway System highway shall not exceed 382 square feet.

b. Digital Advertising Signs

i. Sign faces in IND and RC Districts shall not exceed 672 square feet when located within 660 feet of a Federal Interstate Highway or Primary Highway System highway and oriented to be viewed primarily by persons traveling on the highway.

5. Height

Requirements for non-digital and digital advertising signs are as follows:

a. The maximum allowable height above grade shall be 45 feet. Cut-outs or extensions not exceeding five feet beyond the permitted height, are allowed for non-digital advertising signs.

b. If adjacent (i.e., within 50 feet) to an elevated roadway additional height may be permitted to achieve sign face clearance above the grade of the elevated roadway, not to exceed 45 feet above that roadway grade. Only one double-sided sign structure is permitted and must be oriented to the elevated roadway. No additional signs on the pole structure are permitted.

c. If adjacent (i.e., within 50 feet) to roadway sound barrier walls additional height may be permitted to achieve sign face clearance above the roadway sound barrier, not to exceed 45 feet above such barrier. This shall apply to signs installed either before or after the construction of the sound barrier. Only one double-sided sign structure is permitted and must be oriented to the elevated roadway. No additional signs on the pole structure are permitted.

5. Messaging Display for Digital Advertising Signs

a. Luminance

i. Maximum DAS brightness shall not exceed 5,000 nits in day light and 200 nits at night.

ii. DAS must be equipped with both a dimmer control and a photocell that will automatically adjust the display intensity according to natural ambient light conditions and not exceed the maximum brightness as per [a] above.

b. Dwell Time - IND and RC Districts

i. The message/image change interval shall be a minimum of ten seconds.

ii. The displayed image shall remain static during the ten second interval.

c. Transition
Message transition time shall be instantaneous, seamless, and imperceptible from one image to the next.

d. Special Effects
There shall be no visual "special effects" of any kind during a message or during the transition between successive messages. The screen shall transition from one message to the next with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, animation, flashing, or moving lights.

e. Sequence
The sequencing of messages is prohibited such as using two or more successive screens to convey a message on a single sign that will not fit on one screen, or sequencing messages on multiple signs.

f. Malfunction Control
DAS shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs. In the event of any failure or combination of failures that affect DAS luminance, the display shall default to an output level no higher than that permitted under normal operation. If this cannot be achieved, then the display shall default to an "off" position until the problem can be resolved.

g. Anti-Hacking Technology
DAS shall include anti-hacking technology sufficient to prevent the sign message, luminance, dwell time, or any other operation of the sign to be changed in violation of any approvals of the sign or the requirements of this section.

h. Public Services

i. The City may cause emergency information to be displayed on DAS according to the established protocols agreed to by the City and the advertising sign owner.

ii. Amber and silver alerts, public service messages, public safety messages, and public event advertising are allowed according to protocols developed and agreed to by the City and the sign owner.

iii. Emergency preemption-access to DAS shall be permitted for public emergency messages according to protocols developed and agreed to by the City and the sign owner.

C. Exchange Provisions

1. Purpose
The following exchange provisions are intended to reduce the number of nonconforming non-digital advertising signs in targeted locations, by requiring a square footage exchange for removal of those existing signs for new DAS, as described below.

2. Digital Advertising Sign Exchange

a. Targeted Removal

i. The Manager of Zoning ("Manager"), in their sole discretion, shall develop a priority list of nonconforming non-digital advertising signs for the purpose of identifying signs to be removed in exchange for new digital advertising signs. Priority will be based upon factors that add to the sign's nonconformity including, but not limited to zoning district, location and design requirements, massing and scale, proximity to the uses identified in item B.3 (Distance Separation) above and consistency with the purpose statements of this Article and this section.

ii. The following exchange provisions apply:

(A) Roof-mounted off-premise advertising signs (all districts): One square foot of DAS in exchange for removal of every two square feet of roof mounted sign area.

(B) Nonconforming off-premise advertising signs in the LDR, MDR, HDR Districts: One square foot of DAS in exchange for removal of every two square feet of nonconforming signs in residential districts.

(C) Nonconforming off-premise advertising signs in the Village Center Districts: One square foot of DAS in exchange for removal of every two square feet of nonconforming signs in the Village Center Districts.

(D) Nonconforming off-premise advertising signs in the BMU and NMU Districts: One square foot of DAS in exchange for removal of every two square feet of nonconforming signs in the BMU and NMU Districts.

(E) Nonconforming off-premise advertising signs in the FMU, DMU: One square foot of DAS in exchange for removal of every 1.5 square feet of nonconforming signs in the BMU and NMU Districts.

(F) Nonconforming off-premise advertising signs in all other districts: One square foot of DAS in exchange for removal of every one square foot of nonconforming sign area.

b. Exchange

Until such time as all nonconforming non-digital advertising signs in the City of Rochester have been removed, no DAS shall be approved and no Certificate of Zoning Compliance shall be issued unless the required nonconforming non-digital advertising signage surface area is removed, as set forth in the priority list of nonconforming signs, in item “a” above.

c. Removal of Nonconforming Signs

All nonconforming signs being exchanged for new DAS shall be removed in entirety prior to issuing a building permit for the new DAS. Removal shall include the entire adverting sign structure including the sign face and support structure. It shall be the responsibility of the applicant to demonstrate, to the satisfaction of the Manager, that the advertising sign has been removed and the site adequately restored.

d. Removal Credits

When a nonconforming advertising sign is removed, the owner of the sign will accrue square footage credits towards the erection of DAS, whether or not a DAS is erected on the removal premises. Such credits shall expire if they are not exchanged for new advertising signage within 12 months of removal, unless a written request for extension of the expiration deadline is approved by the Manager based on good cause.

e. Applicability

The exchange provisions of this sub-section do not apply to applicants that do not own or control any nonconforming non-digital advertising signs in the City of Rochester.

Article 18. Review Authorities

18.1 Responsibility for Administration
18.2 City Council
18.3 Manager of Zoning
18.4 Project Review Committee
18.5 Environmental Commission
18.6 Planning Commission
18.7 Preservation Board
18.8 Zoning Board of Appeals

18.1 Responsibility for Administration

A. Direct responsibility for the administration of the provisions of this Code shall be vested in the City Council, Manager of Zoning, Project Review Committee, Planning Commission, Preservation Board, and Zoning Board of Appeals, all in accordance with the provisions of this Article. The Commissioner of Neighborhood and Business Development, the Corporation Counsel, and other officials, departments and agencies of the City shall cooperate in such administration and enforcement, as specified below.

B. In addition to the jurisdiction, authority, and duties conferred on them by other provisions of the Code, codes, and ordinances of the City of Rochester, the Corporation Counsel, or their designee, shall have the following jurisdiction, authority and duties with relation to the administration and enforcement of this Code:

1. The Corporation Counsel, or their designee, shall attend all hearings of the Zoning Board of Appeals, the Planning Commission, and the Preservation Board and shall attend any meeting of any such body at which their presence has been requested and shall act as the legal advisor to the body holding such hearing or meeting.

2. The Corporation Counsel, or their designee, shall provide all appropriate advice and aid to the Manager of Zoning in the enforcement of this Code and shall, where appropriate, initiate and defend such legal actions as may be necessary to the proper enforcement of this Code.

3. The Corporation Counsel, or their designee, shall review and give their opinion concerning the legal sufficiency of any Charter provision, code, ordinance, rule or regulation, or amendments thereto, relating to land use development and regulation presently in force or proposed for adoption by any official, department, bureau, board, commission, or agency of the City.

4. The Corporation Counsel, or their designee, shall be available, on reasonable request, for consultation with the Manager of Zoning, the Zoning Board of Appeals, the Planning Commission, and the Preservation Board concerning matters properly subject to their jurisdiction and authority.

18.2 City Council

In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the City, the City Council shall have the following jurisdiction and authority:

A. Text Amendments
The City Council shall be responsible for reviewing Zoning Ordinance text amendment applications and for taking final action to approve, approve with conditions, modify, or deny such applications.

B. Map Amendments
The City Council shall be responsible for reviewing map amendment (rezoning) applications and for taking final action to approve, approve with conditions, modify, or deny such applications.

C. Comprehensive Plan Amendments
The City Council shall be responsible for reviewing applications for amendments to the Comprehensive Plan and for taking final action to approve, approve with conditions, modify, or deny such applications.

D. Planned Development Designation
The City Council shall be responsible for reviewing planned development designation applications and for taking final action to approve, approve with conditions, modify, or deny such applications.

E. Preservation District Designation
The City Council shall be responsible for reviewing preservation district designation applications and for taking final action to approve, approve with conditions, modify, or deny such applications.

18.3 Manager of Zoning

A. Staff Secretary
The Manager of Zoning, or a designee, shall serve as Staff Secretary to the Zoning Board of Appeals, the Planning Commission, the Environmental Commission, the Preservation Board, and the Project Review Committee. The Manager of Zoning, or a designee, shall, in that capacity:

1. Attend the meetings of each such body.

2. Inform each such body of all relevant and available facts and information with respect to any matter brought before such body.

3. Give notice, 30 days prior to the expiration of the term of any member of any such bodies, of the date on which the term of such member shall expire to such member and to the Commissioner of Neighborhood and Business Development.

4. Perform such other duties as may be assigned to the Manager of Zoning by the Charter, this Code and by the rules of such bodies.

B. Records
The Manager of Zoning shall maintain a copy of all official records pertaining to the official duties as outlined in this Code and the various bodies for which the Manager serves as Staff Secretary. Such records shall be filed with the City Clerk, as required by law.

C. Applications: Receipt, Processing, and Notification

1. Receipt
The Manager of Zoning shall receive all applications, other than applications for certificates of occupancy, required to be filed pursuant to this Code and such other applications that the codes and ordinances of the City may from time to time require to be filed with the Manager of Zoning.

2. Processing
Upon receipt of any such application, the Manager of Zoning shall see to its processing, including its referral to and retrieval from each official, department, bureau, board, commission, or agency of the City, or other government, with any interest in or duty with respect to such application.

3. Notification

a. Within five business days following the final disposition of any application submitted to the Manager of Zoning pursuant to this subsection, the Manager of Zoning shall file the decision in the Division of Zoning and shall notify:

i. The applicant.

ii. Any other department, bureau, board, commission, or officer of the City whose duties may be affected by such action.

b. In any case where an application has been denied, such notice shall inform the applicant of any right to appeal such denial that may exist pursuant to this Code.

D. Failure to Act

In any case where this Code provides that the failure of the Manager of Zoning to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Manager of Zoning rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness.

E. Jurisdiction, Authority, and Duties

1. Whenever the Zoning Board of Appeals, the Planning Commission, the Environmental Commission, the Preservation Board, or the Project Review Committee by general rule or specific direction so requests, the Manager of Zoning shall conduct or request such surveys, investigations and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts, and exhibits as shall be necessary and appropriate to the processing of any application filed with the Manager of Zoning.

2. In addition to the jurisdiction, authority, and duties conferred on the Manager of Zoning by other provisions of the Charter, codes and ordinances of the City of Rochester, the Manager of Zoning, or a designee, shall be charged with the administration of this Code and shall have all powers necessary to such administration and, in particular, shall have the following jurisdiction, authority and duties:

a. Certificate of Zoning Compliance

Pursuant to the provisions of Section 20.6, the Manager of Zoning shall review all applications for certificates of zoning compliance and approve or disapprove the applications based on compliance or noncompliance with the provisions of this Code.

b. Site Plan Review

i. Subject to the procedures, standards and limitations set forth in Section 20.5, the Manager of Zoning shall review or cause to be reviewed all site plans and approve, approve with conditions, or deny such applications.

ii. All major site plans shall be referred to the Project Review Committee for review and recommendation. The Manager of Zoning shall comply with the recommendation unless there are documented reasons for rejecting the findings and issuing a decision that is contrary to the recommendation of the Project Review Committee.

c. Administrative Adjustments

Subject to the procedures, standards and limitations set forth in Section 20.4, the Manager of Zoning shall review or cause to be reviewed applications for administrative adjustments and shall approve, approve with conditions, or deny such applications.

d. Interpretations

Pursuant to the provisions of Section 20.9, the Manager of Zoning shall issue written interpretations of the meaning and applicability of specific provisions of this Code.

e. Planned Development Modifications and Cluster Development Modifications

The Manager of Zoning shall have the authority to approve certain planned development district modifications (Article 12) and cluster development modifications (Section 20.10). In addition, the Manager of Zoning shall have authority to permit minor adjustments to final plans for planned developments.

f. Certificates of Appropriateness

The Manager of Zoning shall issue all certificates of appropriateness for applications that conform to the preservation guidelines adopted by the Preservation Board.

g. Certificate of Nonconformity

The Manager of Zoning shall issue all certificates of nonconformity subject to the requirements of Section 20.8.

h. Other Permits
The Manager of Zoning shall issue all other certificates, permits, and approvals required by this Code or after being authorized to do so by the person or body responsible for authorizing such issuance. All such certificates, permits, and approvals shall contain any information required to be included therein by this Code or the authorizing person or body and, in particular, shall expressly set forth any limitations or conditions imposed on the issuance of such permit.

i. Extensions of Time
The Manager of Zoning may, upon written request by an applicant or a permittee prior to the expiration date of the approval, for reasonable cause shown and without notice of hearing, extend the original time limit imposed on an applicant or permittee by this Code or, unless a resolution shall expressly provide otherwise, by any resolution of any body acting pursuant to this Code, for a period not to exceed the length of the original period. For any additional time limit extensions, the Manager of Zoning shall notify the appropriate approval body that shall make a recommendation for or against the extension. A nonrefundable fee, as may be established from time to time by the City Council to defray administrative costs, shall accompany each extension request.

j. Reports
Three years after the effective date of this Code, the Manager of Zoning shall submit a comprehensive report evaluating the performance and effectiveness of the Zoning Code to the Mayor and City Council. Thereafter, such reports shall be prepared at the request of the Mayor or the City Council.

F. Input From Other Departments
The Manager of Zoning may request technical and legal aid, assistance, and expertise from appropriate City departments for the various boards and commissions as they may reasonably require in the performance of their duties.

18.4 Project Review Committee

A. Membership
There shall be a Project Review Committee made up of the following individuals or a designee:

1. Department of Neighborhood and Business Development Deputy Commissioner
2. Director of Buildings and Compliance
3. The Manager of Planning
4. Plans Examiner
5. City Engineer
6. Manager of the Division of Environmental Quality
7. Three urban design specialists, or their designees, appointed by the Mayor. Urban design specialists must be degreed and/or licensed/certified in the fields of urban/city planning, urban design, architecture, or landscape architecture.

B. Chairperson
The Manager of Planning shall serve as Chair of all Project Review Committee meetings.

C. Staff Secretary and Public Record
The Manager of Zoning, or their designee, shall be the Staff Secretary of the Project Review Committee. The Staff Secretary shall inform the Project Review Committee of all relevant and available facts and information with respect to any matter brought before the Committee. The Staff Secretary shall provide technical guidance, filing of all records of the Committee, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

D. Recommendation Procedures

1. Recommendation to the Manager of Zoning
Subject to the procedures, standards, and limitations set forth in Part II of Article 20 (Procedures Approved by the Manager of Zoning), the Project Review Committee shall review all major site plans referred to it by the Manager of Zoning and make a recommendation to approve, approve subject to conditions, or deny the application.

2. Quorum and Necessary Vote
The Project Review Committee may meet and deliberate at any meeting regardless of the presence of a quorum consisting of five members or may continue consideration of such matter to any later meeting. However, no final recommendation shall be made on any such matter without a quorum being present. The concurring recommendation of a majority of the quorum of the Committee shall be necessary.

E. Meetings and Procedures

1. Meetings shall be held as needed to review and make recommendations on all development within the authority of the Committee. All meetings of the Project Review Committee shall be held at the call of the Chair or as provided by rule of the Committee.

2. The applicant, or an authorized designee, may be in attendance at the meetings to respond to clarifying questions the Project Review Committee may have.

3. Meetings shall be open to the public; however, no public participation shall be permitted. Any public comment must be submitted to the Manager of Zoning or their designee in writing.

F. Record
The recommendation, with appropriate exhibits and papers filed in any meeting before the Project Review Committee, and the report shall constitute the record.

G. Jurisdiction and Authority
In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the City, the Project Review Committee shall have the following jurisdiction and authority:

1. Subject to the provisions of Section 20.5, to review and make its recommendations on Level B site plan applications that have been referred to it by the Manager of Zoning.

2. Upon reasonable written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission, or agency of the City, county, state, or federal governments to aid them in the performance of their respective duties relating to the design of development.

18.5 Environmental Commission
The Rochester Environmental Commission shall have the jurisdiction and authority set forth in Chapter 48 and Section 12-12 of the City Charter.

18.6 Planning Commission

A. Membership

1. Appointment and Terms

a. Pursuant to the Charter of the City of Rochester, there is hereby established a Planning Commission, which shall consist of seven regular members appointed by the Mayor, subject to confirmation by City Council.

b. All new members shall be appointed for a two-year term; members may be appointed to subsequent terms of two years. There shall be no limitation on the number of terms served by a member of the Planning Commission.

2. Commission Composition
Members of the Planning Commission shall be residents of the City of Rochester and shall not be officers or employees of the City or any of its agencies or departments.

a. At all times there shall be at least one member residing in each City Council district, except that the failure of the Commission to meet this requirement shall not affect the validity of the Commission's actions.

b. At all times at least one member shall be a licensed design professional.

3. Compensation
Members of the Planning Commission shall serve without compensation but shall be entitled, to the extent of available funds appropriated, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

4. Vacancies
Permanent vacancies on the Planning Commission shall be filled by the Mayor, subject to confirmation by City Council as set forth above.

5. Mandatory Training
The members of the Planning Commission shall be required to attend at least eight hours of training regarding land use issues by the end of their initial full term on the Commission. For each subsequent term, the Planning Commission members shall be required to attend four hours of training.

6. Removal
Any member of the Planning Commission may be removed for cause by the Mayor at any time, provided, however, that before any such removal, such member shall be given an opportunity to respond to allegations of such cause in writing to the Mayor.

a. Cause for removal of a member shall include:

i. Any undisclosed or unlawful conflict of interest.

ii. Any violation of the codes, ordinances or rules applicable to the member's performance of their duties.

iii. Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner.

iv. Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Mayor to be detrimental to the proper functioning of the Commission.

b. Failure to attend 50% or more of the meetings during the course of one calendar year or failure to meet their mandatory training requirements.

c. No member who has been removed for cause shall be reappointed, except when the cause for removal is item b above in which case a member may be reappointed if the reason for the absences no longer exists.

B. Chairperson and Vice Chairperson

1. The members of the Planning Commission shall annually elect one of their members as Chairperson, to preside at all meetings and hearings of the full Commission and to fulfill the customary functions of that office, and another of their members as Vice Chairperson. The Chairperson and Vice Chairperson may administer oaths.

2. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Planning Commission.

3. In the absence of both the Chairperson and the Vice Chairperson, the members present shall vote to establish a temporary Chairperson.

C. Staff Secretary and Public Record

1. The Manager of Zoning, or a designee, shall be the Staff Secretary of the Planning Commission and shall attend all its proceedings and, upon request, the proceedings of any of its committees.

2. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall maintain all state-mandated permanent records of Commission meetings, hearings and proceedings and all correspondence of the Commission. The Staff Secretary shall provide for keeping a file of all records of the Commission, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

D. Voting Procedures and Quorum

1. Quorum

a. As to any matter requiring a hearing before the Planning Commission, no business shall be transacted by the Commission without a quorum. The concurring vote of four members shall be necessary for any action by the Commission. If less than a quorum is obtainable, the hearing shall be adjourned to the next scheduled meeting or to a special meeting as determined by the Commission. However, the Planning Commission may hear testimony from members of the public who are present for the scheduled hearing. In such case, the applicant shall have the opportunity to listen to a recording and/or transcript of the testimony and shall have the ability to rebut the testimony at the next scheduled hearing or meeting.

b. A member absent from any portion of a hearing or meeting shall be qualified to vote at a subsequent hearing or meeting upon the matter heard provided they shall first certify on the record that they has reviewed the entire record of any such portion of the hearing or meeting during which they was absent and has been fully informed of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

2. Adjournment

a. If during the course of a public hearing there is a determination that a continuation of the hearing is needed and the date and time are announced, no further notification of the adjournment will be required.

b. If notification of the date and time of the adjourned hearing date cannot be determined at the hearing, notification requirements set forth in this Code shall be followed.

3. Deliberation

As to any matter not requiring a hearing, the Planning Commission may meet and deliberate at any properly called meeting regardless of the presence of a quorum or may continue consideration of such matter to any later meeting. However, no final action shall be taken on any such matter without a quorum.

E. Meetings and Hearings

1. Meetings

Regular meetings of the Planning Commission shall be held at the call of the Chairperson, the Manager of Zoning, or as provided by rule of the Commission. Special meetings shall be called by the Chairperson at the request of any three members of the Commission or at the request of the Manager of Zoning or City Council.

2. Hearings

All meetings and hearings of the Planning Commission shall be open to the public. All testimony at any hearing of the Planning Commission shall be given under oath.

F. Rules and Procedures

The Planning Commission shall adopt its own rules of procedure for the conduct of its business consistent with this Code and the statutes of the State of New York, including establishing meeting times and related procedures. Such rules shall be filed with the Staff Secretary of the Commission and the City Clerk.

G. Record and Decisions

1. Record

The following shall constitute the record:

a. The transcript of testimony, if any.

b. The minutes of the Staff Secretary, if any.

c. All applications, staff reports, requests, exhibits and papers filed in any proceeding before the Planning Commission.

d. The decision of the Commission.

2. Decisions

a. The Planning Commission may rely on the personal knowledge of its members, on testimony during public hearings, on its inspections of the property and on any reports available to it; provided, however, that reliance on such matter shall not be allowed unless the Commission shall have made the particular knowledge, inspection or report a matter of record at the public hearing and afforded every party reasonable time to respond to it at the hearing.

b. Every decision of the Planning Commission upon an application for amending this Code, for cluster development approval, for special permit approval, for site plan approval or for designation of a landmark shall be by written resolution which shall include findings of fact, shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based and shall contain the findings of fact which shall set forth the recommendation of the Commission or shall approve, approve with conditions, or deny approval. Every resolution shall expressly set forth any limitations or conditions imposed on any approval or any development, work or use authorized.

3. Final Decision

The Planning Commission shall take no final or binding vote on any decision pertaining to the aforesaid applications unless it shall first state its findings and conclusions as above required at a meeting open to the public.

4. Failure to Act

a. In any case where this Code provides that the failure of the Planning Commission to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Commission rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness.

b. Where no decision is made by the Planning Commission and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.

5. Notification of Decision

Within ten business days following any decision on such applications, the Staff Secretary shall mail notice thereof to each person entitled to such notice and file such decision in the office of the City Clerk. As to other matters brought before the Commission, the Commission shall prepare such report as it shall deem appropriate to the subject matter.

H. Conflicts

No member of the Planning Commission shall participate in the hearing or disposition of any matter in which they have an interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law or by the Rochester Code of Ethics of the Rochester City Charter shall disqualify a member.

I. Appeals

An appeal from any final decision of the Planning Commission as to any matter over which it has final authority may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules and § 38 of the New York General City Law.

J. Jurisdiction and Authority

The Planning Commission shall have the following jurisdiction and authority:

1. To review and recommend on matters relevant to the Comprehensive Plan and the Official Map to the City Council.

2. To review the Capital Improvement Program.

3. Subject to the provisions of Part I of Article 20 (Procedures Approved by City Council), to initiate, hear, review, and offer its recommendations to the City Council on applications for amendment of this Code.

4. Subject to the provisions of Part I of Article 20, to hear, review, and offer its recommendations to the City Council on applications for planned development district approval.

5. Subject to the provisions of Part III of Article 20 (Procedures Approved by Planning Commission), to hear, review, and finally decide applications for cluster development approval.

6. To hear appeals of the Manager of Zoning decisions on modifications to the cluster development (Section 20.10) and site plan review (Section 20.5).

7. Subject to the provisions of Section 20.11, to hear, review, and finally decide applications for special permit approval.

8. To initiate, review and offer its recommendations on proposals for the establishment of preservation districts.

9. Subject to the provisions of Part IV of Article 20 (Procedures Approved by Preservation Board and Planning Commission), to initiate, review, and approve or disapprove proposals for the designation of landmarks.

10. Subject to the provisions of Part II of Article 20 (Procedures Approved by Manager of Zoning), to hear, review, and finally decide on applications for site plan approval referred to the Commission.

11. To hear, review, and approve subdivisions.

12. When requested, to aid and assist the City Council and the departments and agencies of the City in planning specific projects.

13. To review and report on any matter referred to it by the City Council or Mayor. All aspects and effects of such review and report shall be governed by the directions of the City Council or Mayor in making such referral.

14. Upon reasonable, written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission, or agency of the City, county, state, or federal governments to aid them in the performance of their respective duties relating to the planning and development of the City and its region.

15. In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports, and recommendations in connection therewith, relating to the planning and development of the City of Rochester as seem desirable to it, provided, however, that the expenditures of the Commission shall not exceed the amount appropriated.

16. In furtherance of the above jurisdiction and authority, and with the prior authorization of the Mayor, to employ such experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and for other necessary and proper expenses; provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes from time to time by the City Council.

K. Alternate Members

The Mayor is hereby authorized to appoint, subject to confirmation by City Council, up to three alternate members to the Commission for purposes of substituting for a regular member in the event such regular member is unable to participate in the Commission's consideration of any application or other matter.

1. Substitution

The Chairperson of the Commission may designate an alternate member to substitute for a regular member when such regular member is unable to participate in the consideration of any application or other matter before the Commission due to a conflict of interest, illness, or any other reason that causes the regular member to be absent or otherwise unable to participate. When so designated, the alternate member shall possess all the powers and responsibilities of such regular member of the Commission for the application or matter so designated by the Chairperson. Such designation shall be entered into the minutes of the Commission meeting at which the substitution is made. Each alternate member shall be a resident of Rochester and shall be appointed for a two year term.

2. Other Requirements

All other provisions of this section and the rest of the Municipal Code relating to the eligibility, compensation, ethics, conflicts of interest, vacancies, mandatory training, reappointment, and removal of regular Commission members shall also apply to alternate members, provided, however, that there shall be no requirement that there be at least one alternate member residing in each City Council district.

18.7 Preservation Board

A. Membership

1. Appointment and Terms

a. Pursuant to the Charter of the City of Rochester, there is hereby established a City Preservation Board, which shall consist of seven regular members appointed by the Mayor, subject to confirmation by City Council.

b. All new members shall be appointed for a two-year term; members may be appointed to subsequent terms of two years. There shall be no limitation on the number of terms served by a member of the Preservation Board.

2. Board Composition

a. Among the members of the Preservation Board there shall be:

i. One licensed or certified real estate professional.

ii. One member of a recognized historical association.

iii. One licensed architect.

iv. One licensed landscape architect.

v. Two residents, each from a different preservation district established pursuant to this Code.

vi. One resident at large.

b. All members of the Preservation Board shall be residents of the City of Rochester, and no member of the Preservation Board shall be an officer or employee of the City of Rochester or any of its agencies or departments. A member may satisfy one or more of the criteria listed in item a above. The failure of the Board to meet the composition requirement shall not affect the validity of the Board's actions.

3. Compensation

Members of the Preservation Board shall serve without compensation but shall be entitled, to the extent of available funds appropriated, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

4. Vacancies
Permanent vacancies on the Preservation Board shall be filled by the Mayor in the same manner as other appointments as set forth above.

5. Mandatory Training
The members of the Preservation Board shall be required to attend at least eight hours of training regarding historic preservation issues by the end of their initial term on the Board. For each subsequent term, the Preservation Board members shall be required to attend four hours of training.

6. Removal
Any member of the Preservation Board may be removed for cause by the Mayor at any time; provided, however, that before any such removal, such member shall be given an opportunity to respond to allegations of such cause in writing to the Mayor.

a. Cause for removal of a member shall include:

i. Any undisclosed or unlawful conflict of interest.

ii. Any violation of the codes, ordinances, or rules applicable to the member's performance of their duties.

iii. Any unwillingness or inability to carry out their duties in a prompt, conscientious, and competent manner.

iv. Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Mayor to be detrimental to the proper functioning of the Board.

b. Failure to attend 50% of the meetings during the course of one calendar year or failure to meet their mandatory training requirements.

c. No member who has been removed for cause shall be reappointed, except when the cause for removal is item b above, in which case a member may be reappointed if the reason for the absences no longer exists.

B. Chairpersons

1. Chairperson and Vice Chairperson

a. The members of the Preservation Board shall annually elect one of their members as Chairperson, to preside at all meetings and hearings of the full Board and to fulfill the customary functions of that office, and another of their members as Vice Chairperson. The Chairperson and Vice Chairperson may administer oaths.

b. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Preservation Board.

c. In the absence of both the Chairperson and the Vice Chairperson, the members present shall vote to establish a temporary Chairperson.

2. Committee Chairperson
In any case where a committee of the Board is authorized to act, the Chairperson may designate or, absent such designation, the committee members may select a committee chairperson. While acting as such, the committee chairperson shall have all of the powers of the chairperson with respect to the conduct of meetings and hearings of the committee.

C. Committees

For the purpose of reviewing and acting upon applications for certificates of appropriateness pursuant to Section 20.13, the Preservation Board may, by rule, establish procedures for the appointment or selection of permanent or ad hoc committees, consisting of three members of the Board, and for the assignment to such committees of such applications for action. Except as specifically provided otherwise in this section, the provisions of this section pertaining to the Preservation Board shall be applicable to its committees.

D. Staff Secretary and Public Record

1. The Manager of Zoning, or a designee, shall be the Staff Secretary of the Preservation Board and shall attend all its proceedings and, upon request, the proceedings of any of its committees.

2. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall maintain all state-mandated permanent records of Board meetings, hearings, and proceedings and all correspondence of the Board at the direction of the City Clerk. The Staff Secretary shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

E. Voting Procedures and Quorum

1. Quorum

a. As to any matter requiring a hearing before the Preservation Board, no business shall be transacted by the Board without a quorum of four members. The concurring vote of four members shall be necessary for any action by the Board. If less than a quorum is obtainable, the hearing shall be adjourned to the next scheduled meeting or to a special meeting as determined by the Board. However, the Preservation Board may hear testimony from members of the public who are present for the scheduled hearing. In such case, the applicant shall have the opportunity to listen to a recording and/or transcript of the testimony and shall have the ability to rebut the testimony at the next scheduled hearing or meeting. The Staff Secretary shall notify in writing all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

b. A member absent from any portion of a hearing or meeting shall be qualified to vote at a subsequent hearing or meeting upon the matter heard provided they shall first certify on the record that they has reviewed the entire record of any such portion of the hearing or meeting during which they was absent and has been fully informed of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

2. Adjournment

a. If during the course of a public hearing there is a determination that a continuation of the hearing is needed and the date and time are announced, no further notification of the adjournment will be required.

b. If notification of the date and time of the adjourned hearing date cannot be determined at the hearing, notification requirements set forth in this Code shall be followed.

3. Deliberation

As to any matter not requiring a hearing, the Preservation Board or any of its committees may meet and deliberate at any properly called meeting regardless of the presence of a quorum or may continue consideration of such matter to any later meeting. However, no final action shall be taken on any such matter without a quorum.

F. Meetings, Hearings, and Procedures

1. Meetings

Regular meetings of the Preservation Board shall be held monthly at the call of the Chairperson, the Manager of Zoning, or as provided by rule of the Board. Special meetings shall be called by the Chairperson or at the request of the City Council. Meetings of any committee of the Preservation Board shall be held by agreement of all three members. Notice for this meeting shall be the formation of the committee at the Board's meeting and a contact person will be established.

2. Hearings

All meetings and hearings of the Preservation Board and its committees shall be open to the public. All testimony at any hearing of the Preservation Board shall be given under oath.

G. Rules and Procedures

The Preservation Board shall prepare and adopt Rules and Procedures for the conduct of its business, consistent with this Code and the statutes of the State of New York, including establishing meeting times and related procedures. Such rules shall be filed with the Staff Secretary of the Commission and the City Clerk.

H. Record and Decisions

1. Record

The following shall constitute the record:

a. The transcript of testimony, if any.

b. The minutes of the Staff Secretary, if any.

c. All applications, staff report, consultant reports, requests, exhibits and papers filed in any proceeding before the Preservation Board.

d. All recommendations, comments, and decisions from committees.

e. The decision of the Board.

2. Decisions

a. The Preservation Board may rely on the personal knowledge of its members, on testimony from the public hearing, on its inspections of the property and on any reports available to it, provided, however, that reliance on such matter shall not be allowed unless the Board shall have made the particular knowledge, inspection or report a matter of record at the public hearing and afforded every party reasonable time to respond to it at the hearing.

b. Every decision of the Preservation Board upon an application for the designation of a preservation district or a landmark and every decision of the Preservation Board or a committee of the Preservation Board approving, conditionally approving or denying a certificate of appropriateness shall be by written resolution, including findings of fact, shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based and shall contain the findings of fact, which shall set forth the recommendation of the Board or shall approve, approve with conditions or deny approval. Every resolution shall expressly set forth any limitations or conditions imposed on any approval or any development, work, or use authorized.

3. Final Action

The Preservation Board or any of its committees shall take no final or binding vote on any of the aforesaid decisions unless it shall first state its findings and conclusions as above required at a meeting open to the public.

4. Failure to Act

a. In any case where this Code provides that the failure of the Preservation Board to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness.

b. Where no decision is made by the Preservation Board and the time period for rendering decisions has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.

5. Notification of Decision

Within ten business days following any decision of the Preservation Board or one of its committees, the Staff Secretary shall mail notice thereof to each person entitled to such notice and shall file the decision with the City Clerk. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.

I. Conflicts

No member of the Preservation Board shall participate in the hearing or disposition of any matter in which they has an interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law or by the Rochester Code of Ethics of the Rochester City Charter shall disqualify a member.

J. Appeals

An appeal from any final decision of the Preservation Board as to any matter over which it has final authority may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

K. Jurisdiction and Authority

The Preservation Board shall have the following jurisdiction and authority:

1. Subject to the provisions of Section 20.11, to review and offer recommendations on applications for special permits that have been referred to it by the Manager of Zoning.

2. Subject to the provisions of Section 20.12, to initiate, hear, review, and, subject to the similar authority of the Planning Commission, approve or disapprove proposals for the designation of landmarks.

3. Subject to the provisions of Section 20.2, to initiate, hear, review, and offer its recommendations on proposals for the designation of preservation districts.

4. Subject to the provisions of Part V of Article 21 (Procedures Approved by the Zoning Board of Appeals), to review and offer recommendations on applications for variances that have been referred to it by the Manager of Zoning.

5. To develop and adopt preservation guidelines.

6. To review and finally decide applications for certificates of appropriateness.

7. Upon reasonable written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission, or agency of the City, county, state, or federal governments to aid them in the performance of their respective duties relating to preservation and landmark matters.

8. In furtherance of the above jurisdiction and authority, and with the prior authorization of the Mayor, to employ such experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and other necessary and proper expenses; provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes from time to time by the City Council.

L. Alternate Members

The Mayor is hereby authorized to appoint, subject to confirmation by City Council, up to three alternate members to the Preservation Board for purposes of substituting for a regular member in the event such regular member is unable to participate in the Board's consideration of any application or other matter.

1. Substitution

The Chairperson of the Preservation Board may designate an alternate member to substitute for a regular member when such regular member is unable to participate in the consideration of any application or other matter before the Board due to a conflict of interest, illness, or any other reason that causes the regular member to be absent or otherwise unable to participate. When so designated, the alternate member shall possess all the powers and responsibilities of such regular member of the Board for the application or matter so designated by the Chairperson. Such designation shall be entered into the minutes of the Board meeting at which the substitution is made. Each alternate member shall be a resident of Rochester and shall be appointed for a two-year term.

2. Other Requirements

All other provisions of this this Article and the rest of the Municipal Code relating to the eligibility, compensation, ethics, conflicts of interest, vacancies, mandatory training, reappointment and removal of regular Board members shall also apply to alternate members; provided, however, that there shall be no requirement that the alternate members as a group satisfy each of the professional certification, preservation district residency, and residency at large requirements that apply to the regular Board members.

18.8 Zoning Board of Appeals

A. Membership

1. Appointment and Terms

a. Pursuant to the Charter of the City of Rochester, there is hereby established a Zoning Board of Appeals, which shall consist of seven regular members appointed by the Mayor, subject to confirmation by City Council.

b. All new members shall be appointed for a two-year term; members may be appointed to subsequent terms of two years. There shall be no limitation on the number of terms served by a member of the Zoning Board of Appeals.

2. Board Composition

Members of the Zoning Board of Appeals shall be residents of the City of Rochester and shall not be officers or employees of the City or any of its agencies or departments.

a. At all times, there shall be at least one member residing in each City Council district, except that the failure of the Board to meet this requirement shall not affect the validity of the Board's actions.

b. At all times at least one member shall be a licensed design professional.

3. Compensation

Members of the Zoning Board of Appeals shall serve without compensation but shall be entitled, to the extent of available funds appropriated, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

4. Vacancies

Permanent vacancies on the Zoning Board of Appeals shall be filled by the Mayor, in the same manner as other appointments as set forth above.

5. Mandatory Training

The members of the Zoning Board of Appeals shall be required to attend at least eight hours of training regarding land use issues by the end of their initial full term on the Board. For each subsequent term, the Zoning Board of Appeals members shall be required to attend four hours of training.

6. Removal

Any member of the Zoning Board of Appeals may be removed for cause by the Mayor at any time; provided, however, that before any such removal such member shall be given an opportunity to respond to allegations of such cause in writing to the Mayor.

a. Cause for removal of a member shall include:

i. Any undisclosed or unlawful conflict of interest.

ii. Any violation of the codes, ordinances, or rules applicable to the member's performance of their duties

iii. Any unwillingness or inability to carry out their duties in a prompt, conscientious, and competent manner.

iv. Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Mayor to be detrimental to the proper functioning of the Board.

b. Failure to attend 50% or more of the meetings during the course of one calendar year or to meet their mandatory training requirements.

c. No member who has been removed for cause shall be reappointed, except when the cause for removal is item b above, in which case a member may be reappointed if the reason for the absences no longer exists.

B. Chairperson and Vice Chairperson.

1. The members of the Zoning Board of Appeals shall annually elect one of their members as Chairperson, to preside at all meetings and hearings of the full Board and to fulfill the customary functions of that office, and another of their members as Vice Chairperson. The Chairperson and Vice Chairperson may administer oaths.

2. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Zoning Board of Appeals.

3. In the absence of both the Chairperson and the Vice Chairperson, the members present shall vote to establish a temporary Chairperson.

C. Staff Secretary and Public Record

1. The Manager of Zoning, or a designee, shall be the Staff Secretary of the Zoning Board of Appeals and shall attend all its proceedings and, upon request, the proceedings of any of its committees.

2. The Staff Secretary shall provide for the keeping of minutes of the proceedings of the Board showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall maintain all state-mandated permanent records of Board meetings, hearings, and proceedings and all correspondence of the Board. The Staff Secretary shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

D. Voting Procedures and Quorum

1. As to any matter requiring a hearing before the Zoning Board of Appeals, no business shall be transacted by the Board without a quorum. The concurring vote of four members shall be necessary to approve an application or appeal. Failure to obtain the concurring vote of four members shall be deemed a denial. If less than a quorum is obtainable, the hearing shall be adjourned to the next scheduled meeting or to a special meeting as determined by the Board. However, the Zoning Board of Appeals and may hear testimony from members of the public who are present for the scheduled hearing. In such case, the applicant shall have the opportunity to listen to a recording and/or transcript of the testimony and shall have the ability to rebut the testimony at the next scheduled hearing or meeting. The Staff Secretary shall notify in writing all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

2. A member absent from any portion of a hearing or meeting shall be qualified to vote at a subsequent hearing or meeting upon the matter heard provided they shall first certify on the record that they has reviewed the entire record of any such portion of the hearing or meeting during which they was absent and has been fully informed of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

E. Adjournment

1. If during the course of a public hearing there is a determination that a continuation of the hearing is needed and the date and time are announced, no further notification of the adjournment will be required.

2. If notification of the date and time of the adjourned hearing date cannot be determined at the hearing, notification requirements set forth in this Code shall be followed.

F. Meeting and Hearing

1. Meetings

Regular meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or as provided by rule of the Board. Special meetings shall be called by the Chairperson.

2. Hearings

All meetings and hearings of the Zoning Board of Appeals shall be open to the public. All testimony at any hearing of the Zoning Board of Appeals shall be given under oath.

G. Rules and Procedures

The Zoning Board of Appeals shall adopt its own rules of procedure for the conduct of its business consistent with this Code and the statutes of the State of New York, including establishing meeting times and related procedures. Such rules shall be filed with the Staff Secretary of the Board and the City Clerk.

H. Record and Decisions

1. Record

The following shall constitute the record:

a. The transcript of testimony, if any.

b. The minutes of the Staff Secretary, if any.

c. All applications, staff reports, requests, exhibits and papers filed in any proceeding before the Zoning Board of Appeals.

d. The decision of the Board.

2. Decisions

a. The Board may rely on the personal knowledge of its members, on testimony at the public hearing, on its inspections of the property and on any reports available to it; provided, however, that reliance on such matter shall not be allowed unless the Board shall have made the particular knowledge, inspection, or report a matter of record at the public hearing and afforded every party reasonable time to respond to it at the hearing.

b. Every decision of the Zoning Board of Appeals shall be by resolution which shall include findings of fact, shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based, shall specify the reason or reasons for such decision, shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief approved or denied, and shall expressly set forth any limitations or conditions imposed on any relief approved or work or use authorized.

3. Final Action
In taking final action, the Zoning Board of Appeals shall first state its findings and conclusions at a meeting open to the public and shall, in addition, state the special circumstances warranting such action.

4. Failure to Act

a. In any case where this Code provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness.

b. Where no decision is made by the Zoning Board of Appeals and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.

5. Notification of Decision
Within ten business days following any decision of the Zoning Board of Appeals, the Staff Secretary shall mail notice thereof to each person entitled to such notice and file such decision in the office of the City Clerk. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.

I. Conflicts
No member of the Zoning Board of Appeals shall participate in the hearing or disposition of any matter in which they has an interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law or by the Rochester Code of Ethics of the Rochester City Charter shall disqualify a member.

J. Appeals
An appeal from any final decision of the Zoning Board of Appeals may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules and § 81-c of the New York General City Law.

K. Jurisdiction and Authority
The Zoning Board of Appeals shall have the following jurisdiction and authority:

1. Subject to the provisions of Section 20.15, to hear and decide appeals from, and review orders, decisions or determinations made by, the Manager of Zoning and to that end shall have the power of the Manager of Zoning with respect to such order, decision or determination.

2. Subject to the provisions of Section 20.16, to approve or deny variances from the requirements of this Code.

3. Subject to the provisions of Section 20.1, to initiate amendments to this Code.

4. Upon reasonable written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission, or agency of the City, county, state, or federal governments to aid them in the performance of their respective duties relating to zoning and its administration in the City.

5. In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports, and recommendations in connection therewith, relating to zoning and its administration in the City of Rochester as seem desirable to it, provided, however, that the expenditures of the Board shall not exceed the amount appropriated therefor.

6. Subject to the provisions of Chapter **76** of the City Code hereof, to approve or deny Official Map variances.

L. Alternate Members

The Mayor is hereby authorized to appoint, subject to confirmation by City Council, up to three alternate members to the Zoning Board of Appeals for purposes of substituting for a regular member in the event such regular member is unable to participate in such Board's consideration of any application or other matter.

1. Substitution

The Chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a regular member when such regular member is unable to participate in the consideration of any application or other matter before the Board due to a conflict of interest, illness, or any other reason that causes the regular member to be absent or otherwise unable to participate. When so designated, the alternate member shall possess all the powers and responsibilities of such regular member of the Board for the application or matter so designated by the Chairperson. Such designation shall be entered into the minutes of the Board meeting at which the substitution is made. Each alternate member shall be a resident of Rochester and shall be appointed for a two-year term.

2. Other Requirements

All other provisions of this section and the rest of the Municipal Code relating to the eligibility, compensation, ethics, conflicts of interest, vacancies, mandatory training, reappointment, and removal of regular Board members shall also apply to alternate members, provided, however, that there shall be no requirement that there be at least one alternate member residing in each City Council district.

Article 19. General Procedures

19.1 Applications Generally
19.2 Pre-Application Meeting
19.3 Application Intake and Completeness Review
19.4 Administrative Decisions, Informational Meetings, Public Hearings, and Notice
19.5 Adjournment of Meetings and Hearings
19.6 Successive Applications
19.7 Decisions Based on False Information
19.8 Letters of Credit or Other Form of Security

19.1 Applications Generally

A. Initiation of Application
A property owner, or their duly authorized agent, or other persons having a contractual interest may make an application required under this Code for the subject property. City Council and City agencies, commissions, or boards may submit applications as defined in this Code.

B. Compliance Required
No application for a special process approval shall be considered where there are existing violations or outstanding judgments pursuant to any other City statute, ordinance, or code, except where such application is intended to cure the violation.

C. Actions Requiring Multiple Approvals
Whenever two or more forms of review and approval are required under this Code, the Manager of Zoning shall determine the sequence of the review, including whether the review meetings, hearings, and other review procedures may be held simultaneously.

D. Application Submission
Applications shall be submitted as required by the Manager of Zoning. The Manager of Zoning shall have the authority to waive application requirements that are not applicable to a specific project.

E. Application Filing Fees
Applications shall be accompanied by the fee established by City Council. Fees are not required with applications submitted by the City Council, Planning Commission, or City agencies. Application fees are nonrefundable, unless otherwise expressly stated.

19.2 Pre-Application Meeting

A. The purpose of a pre-application meeting with City and/or other agency staff is to inform the applicant of applicable procedures, submission requirements, development standards, and other relevant information before the applicant finalizes the development proposal. Prior to the submission of an application, a pre-application meeting may be requested by the applicant or required by the Manager of Zoning. The applicant shall be required to attend any pre-application meeting required by the Manager of Zoning and failure to do so may result in delay of processing the application.

B. City and/or agency staff opinions presented during a pre-application meeting are advisory/informational only and are not a commitment by the City or represented agency regarding the acceptability of the development proposal.

19.3 Application Intake and Completeness Review

A. Application Intake Meeting
The purpose of an application intake meeting is to allow a review to determine whether the application meets the minimum requirements for acceptance of the application. The intake meeting shall be made by appointment with appropriate zoning staff. Application intake meetings shall be required for all applications unless waived by the Manager of Zoning.

B. Application Completeness

1. An application shall be considered complete if it is submitted in the required form, includes all mandatory information, including all exhibits, and is accompanied by the applicable fee.

2. If an application is determined to be incomplete, the official responsible for accepting the application shall provide written notice to the applicant with an explanation of the application's deficiencies. No further processing of the application shall occur and no public hearings shall be scheduled until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 30 days, the application shall be considered withdrawn and the application shall be returned to the applicant.

C. Referrals to Monroe County Department of Planning and Development and Adjacent Municipalities
Applications subject to New York State General Municipal Law § 239-m shall be referred to the Department of Planning and Development at Monroe County and applications subject to New York State General Municipal Law §239-nn shall be referred to adjacent municipalities as required. In addition, the Manager of Zoning shall refer a copy of applications in the Airport Overlay District to the Department of Planning and Development of Monroe County.

19.4 Administrative Decisions, Informational Meetings, Public Hearings, and Notice

A. Notice for Administrative Matters Not Requiring Informational Meetings or Public Hearings
Public notice shall be made to the official neighborhood contacts and/or abutting property owners for matters not requiring informational meetings or public hearings as required by this section. Official neighborhood contacts shall be notified by electronic transmission.

1. Certificate of Nonconformity, Level B Site Plan, Administrative Adjustments, and Certificates of Appropriateness approved by the Manager of Zoning

a. Within ten business days of receipt of the complete application, the Manager of Zoning shall notify all property owners within 100 feet of the property line, both within and outside the municipal boundaries of the City of Rochester, and the official neighborhood contacts. At a minimum, the owners of 15 properties shall receive such notification. Notification of the official neighborhood contacts shall be made by electronic transmission.

b. Within ten business days of the date of notification, all property owners and the official neighborhood contacts shall submit any written documentation concerning the pending application to the Manager of Zoning.

2. Level A Site Plans and Interpretations
For Level A site plans and Interpretations, only the official neighborhood contacts shall be notified. Such notification shall be made by electronic transmission within ten business days of receipt of the complete application.

B. Informational Meetings Required and Notice

1. Required Informational Meetings
Informational meetings shall be required for the following:

a. Planned Development Districts or amendments.

b. Comprehensive Plan adoption and amendments.

c. Official Map adoption and amendments.

d. Zoning Map adoption and amendments.

e. Zoning Code text adoption and amendments.

f. Preservation district designation.

2. Informational Meeting Notice

a. Mailed Notice
Within ten business days of receipt of the complete application, the Manager of Zoning shall notify all property owners within 600 feet from the property line, both within and outside the municipal boundaries of the City of Rochester, and the official neighborhood contacts. Notification of the official neighborhood contacts shall be made by electronic transmission. This is not required for applications that are not related to a specific property.

b. Published Notice
The Manager of Zoning shall cause notice for such meetings to be placed in an official newspaper or a newspaper of general circulation in the City, at least five days prior to the meeting date.

C. Public Hearings Required and Notice

1. Public Hearings Required
Public hearings shall be required for the following:

a. Certificate of appropriateness.

b. Special permit.

c. Planned Development District or amendments.

d. Cluster development.

e. Adoption of neighborhood design guidelines.

f. Comprehensive Plan adoption and amendments.

g. Official Map adoption and amendments.

h. Zoning Map adoption and amendments.

i. Zoning Code text amendments.

j. Landmark designation.

k. Certificate of economic hardship.

l. Preservation district designation.

m. Variances.

n. Appeals of administrative decisions.

o. Site plan appeals.

p. Subdivisions per Chapter A128.

2. Setting Public Hearing
For all matters properly brought before the Zoning Board of Appeals, the Planning Commission, or the Preservation Board for which a public hearing is required, the body charged with conducting the hearing shall, upon receipt of a completed application, select a reasonable time and place for such hearing; provided, however, that such time shall be not later than 62 days following the submission of the subject application, unless the applicant shall agree to some later time.

3. Public Hearing Notice

a. Mailed Notice

i. The Manager of Zoning shall be required to mail the appropriate notices for public hearings to property owners within 600 feet of the property line, both within and outside the municipal boundaries of the City of Rochester. Where notice by mail is required, it shall be given at least 20 days in advance of the hearing date by regular United States mail, except that notice to City agencies or officials may be by interdepartmental memorandum or electronic transmission.

ii. Where mailed notice is required, it shall be sent to the applicant, the owner of any property subject of the application as shown in the records of the office of the City Treasurer, the Department of Neighborhood and Business Development, the Official Neighborhood Contact, and to any other person or persons deemed by the Manager of Zoning to have a direct interest in the matter of the hearing. Notification of the official neighborhood contacts shall be made by electronic transmission.

iii. The time and manner for mailed notices for public hearings to be held by the City Council shall be determined by the City Clerk.

b. Subscription Notice

Any entity which shall have filed a written request and appropriate annual fee shall, within 45 days of said written request, subscribe to receive preliminary agendas associated with public hearings from the Division of Zoning. Such subscription shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date. In giving any notice pursuant to this subsection, the Manager of Zoning shall be entitled to rely on names and addresses as shown in his or her records.

c. Published Notice

Where published notice is required, it shall be placed in an official newspaper or a newspaper of general circulation in the City at least five days prior to the date of the hearing.

i. Published notice shall include:

(A) The general location of land that is the subject of the application.

(B) The legal description or street address.

(C) The description of the application.

(D) The current zoning district.

(E) The time, date, and location of the public hearing.

(F) A phone number to contact the City.

(G) A statement that interested parties may appear at the public hearing.

ii. The time and manner of published notice for public hearings held by City Council shall be determined by the City Clerk.

d. Posted Notice

i. For hearings related to a certificate of appropriateness, cluster development, special permit, landmark designation, variances, or property-specific map amendment, a sign shall be posted on the subject property. Other posted notices for applications involving multiple properties shall be placed in locations at the discretion of the Manager of Zoning.

ii. Such sign shall be issued by the Manager of Zoning to the applicant for posting at the time a completed application is filed and shall be posted on the property in a location with an unobstructed view from the right-of-way at least 20 days prior to the date set for a hearing on the application. Such shall be removed from the property by the applicant following, but not before, the conclusion of the hearing.

iii. For properties with multiple street frontages, a sign shall be required along each street frontage.

iv. Where such posting is required, compliance with posting requirements may require verification by the applicant prior to or at the hearing or during testimony under oath.

v. Posted notice shall be at least six square feet in area and shall bear on its face:

(A) The hearing body.

(B) A City website address with application information.

vi. Text amendments are exempt from this requirement.

e. Constructive Notice
Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

4. Pre-Hearing Examination of Documents
The application and all other documents on file with the Manager of Zoning pertaining to the application shall be posted on the City of Rochester website. In addition, hard copies of such application and documents shall be available upon request and payment of a fee as established by City Council to cover the cost of such copies.

5. Right to Submit Written Statements
Any person may at any time prior to the commencement of a hearing, or within such time as may be allowed by the hearing body following such hearing, submit written and signed statements in support of or in opposition to the application being heard.

D. Summary of Required Notice

The following table summarizes the notification procedures for actions in the City of Rochester. Where there is a conflict between the requirements of Table 18-1: Summary of Notice Requirements and the text of this Article or Code, the text shall control.

Table 18-1: Summary of Notice Requirements

Application	Published	Posted	Mailed (600 ft)	Mailed (100 ft)	Official Nbhd. Contact (electronic)	Info. Meetings	Public Hearing
PD designation	X	X	X		X	X	
Preservation district designation	X	X	X		X	X	
Zoning Map amendment	X	X	X		X	X	
Zoning text amendment	X					X	
Comprehensive Plan amendment	X					X	
Administrative adjustment				X	X		
Certificate of nonconformity				X	X		
Interpretations					X		
Site plan, Level A					X		
Site plan, Level B				X	X		
Cluster development	X	X	X		X		X
Special permit	X	X	X		X		X
Landmark designation	X	X	X		X		X
Certificate of appropriateness except those approvable by the Manager of Zoning	X	X	X		X		X
Certificates of Appropriateness approved by the Manager of Zoning				X	X		
Appeal of administrative decisions	X	X	X		X		X
Variance	X	X	X		X		X
Site plan appeal	X		X		X		X

19.5 Adjournment of Meetings and Hearings

Notification for adjourned meetings, special meetings and hearings shall follow the process outlined in this section unless an adjourned meeting, committee meeting or hearing date was announced at a prior meeting or hearing.

19.6 Successive Applications

A. Whenever any application, appeal, or other request filed pursuant to this Code has been finally denied on its merits or approved subject to specified conditions, a second application, appeal, or other request seeking essentially the same relief or a modification of such conditions shall not be brought within two years unless, in the opinion of the review authority, or, in the case of decisions of the Zoning Board, Preservation Board, and Planning Commission, in the unanimous opinion of all members present , at least one of the following standards has been met**:**

1. There is a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.

2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.

3. A new application is proposed to be submitted that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application.

4. The final decision on the application was based on a material mistake of fact.

B. Upon approval of the right to bring a successive application, the new application shall be subject to the application, notification, fee, and all other requirements listed in this Code.

19.7 Decisions Based on False Information

Any decision issued based on false information submitted by the applicant shall be null and void.

19.8 Letters of Credit or Other Form of Security

To ensure that applicants complete site improvements required as part of the approval of an application.

A. At the discretion of the review authority, applicants may be required to provide a letter of credit, or similar security acceptable to the review authority, and a fully executed agreement in the form provided by the City. The letter of credit or other security in favor of the City of Rochester for the estimated cost of required site improvements shall be unconditional and irrevocable for a period of not to exceed two years. The agreement shall also be irrevocable for a period of two years. The agreement shall permit the City to draw on the security and enter the subject property to install such improvements if the applicant fails to do so within the period of time specified in the agreement.

B. Such letter of credit or similar security, and the agreement, each in a form satisfactory to the review authority, shall be submitted prior to obtaining approval of a Certificate of Zoning Compliance.

C. Should the applicant fail to perform the required site improvements within the agreed period of time, the Manager of Zoning shall issue a written notice of such failure to the applicant. It shall be sufficient service of such notice if it is mailed to the applicant at the address provided by them in their application. If the applicant fails to perform the required site improvements within 15 business days of the issuance of such notice, the Manager of Zoning is authorized to draw upon the letter of credit or to access any other offered security as may be necessary to cover the costs to the City to perform work which the applicant failed to perform. The applicant may request a hearing before the Manager of Zoning within five days from the issuance of the notice. The hearing will be held before the expiration of the notice period of 15 business days.

D. The letter of credit or other security, as described in this subsection, may be waived by the review authority where the applicant has established at least one of the following:

1. No site improvements or alterations to the site are associated with the application and no site improvement conditions have been attached to such approval.

2. None of the proposed or required site improvements will have any discernible impact on adjacent private property or on the public right-of-way, and such improvements primarily affect the user of the property and not adjacent property owners or the general public.

3. Evidence of the applicant's satisfactory completion of prior approval conditions is provided.

4. Evidence of a satisfactory financing plan that guarantees completion of the required site improvements.

Article 20. Zoning Applications and Approvals

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20.2 Preservation District Designation
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20.15 Administrative Appeal
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PART I: PROCEDURES APPROVED BY THE CITY COUNCIL

20.1 Amendments

A. Authority

This Code, the Zoning District Map, the Official Map, and the Comprehensive Plan may be amended by ordinance duly enacted by the City Council; provided, however, that no such amendment shall be enacted except in accordance with the procedures set out in this section.

B. Purpose

The amendment process herein established is intended to provide a means for making changes to the text of this Code, the Zoning District Map, the Official Map, and the Comprehensive Plan that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights to a particular property owner but is intended as a tool to adjust the provisions of this Code, the Zoning District Map, the Official Map, and the Comprehensive Plan in light of changing, newly discovered or newly identified conditions, situations or knowledge.

C. Procedure

1. Initiation

a. Proposal by City

i. Amendments may be proposed by either the Mayor, the City Council, the Planning Commission, the Zoning Board of Appeals, or the Preservation Board by transmitting such proposal, together with such supporting materials as may be appropriate, to the Manager of Zoning for processing in accordance with the provisions of this section.

ii. Minor text amendments addressing spelling, grammar, numerical references, and other minor modifications which are not substantive may be proposed by the Manager of Zoning and submitted directly to City Council for approval.

b. Proposal by Property Owner
A proposed amendment may be initiated by an owner of, or other person having a contractual interest in, real estate to be affected by the proposed amendment or by the owners of 50% or more of the street frontage of real estate to be affected by the proposed amendment. The application for such amendment, addressed to the City Council, shall be filed with the Manager of Zoning in accordance with Article 19.

2. Action by Planning Commission

a. An informational meeting shall be set, advertised, and conducted by the Planning Commission. Within 62 days following the conclusion of the informational meeting, the Planning Commission shall make a recommendation to approve, approve subject to conditions, or deny the application. The failure of the Planning Commission to act within 62 days following the conclusion of the informational hearing shall be deemed a recommendation for the approval of the proposed amendment as submitted. The recommendation of the Planning Commission shall be transmitted to the City Clerk for City Council action.

b. In making recommendations regarding amendments to the text of the Zoning Code or to the Zoning Map, the Planning Commission shall consider and make findings on the following matters regarding the proposed amendment:

i. Consistency with the City's Comprehensive Plan and any other adopted special area plans.

ii. Compatibility with nearby zoning, conforming uses of nearby properties, and with the character of the neighborhood.

iii. Suitability of uses proposed by the zoning amendment for the property affected by the amendment.

iv. Availability of public services and infrastructure generally suitable and adequate for uses allowed within the proposed district.

3. Action by City Council

a. Within 40 days of the receipt by the City Clerk of the Planning Commission's recommendation, or its failure to act as provided above, the City Council shall conduct a public hearing and either approve the application by ordinance duly enacted or adopt the proposed amendment, with or without conditions, or deny the application.

b. In the event a protest against a proposed amendment is presented to the City Clerk no later than 24 hours before the City Council is scheduled to consider the amendment, duly signed and acknowledged by the owners of 20% or more of the area to be affected by the proposed amendment or by the owners of 20% or more of the area of the land immediately adjacent to the subject site, or immediately across a street and extending 100 feet from the subject site, such amendment shall not be adopted except by a three-fourths vote of the City Council.

c. The City Clerk shall mail notice thereof to all parties entitled thereto as provided by Section 19.4. In the event that the City Council, prior to the expiration of the time limit herein specified for its refusal or adoption of the proposed amendment, requests further information from the Manager of Zoning, the time limit for its refusal or adoption of the proposed amendment shall be extended to 120 days. The failure of the City Council to act within the time limit herein specified shall be deemed a refusal of the amendment.

d. Minor text amendments as outlined in Section 20.1.C.1.a.ii above shall be handled in the same manner as all other proposed amendments except no recommendation from the Planning Commission shall be required.

20.2 Preservation District Designation

A. Authority

The City Council shall have the authority, in accordance with the procedures and standards hereinafter established, to create and to designate the boundaries of preservation districts within the City and to amend such boundaries or rescind such designations as shall seem appropriate. Such preservation districts may include one or more zoning districts established pursuant to this Code.

B. Purpose

Preservation districts may be created in furtherance of the following public purposes, which are hereby found to be in the interest of the health, prosperity, and welfare of the City and its residents:

1. To effect and accomplish the protection, enhancement, perpetuation and use of improvements and areas of special character or special historic or aesthetic interest or value which represent or reflect elements of the City's broad and diverse cultural, social, economic, political, and architectural history.

2. To safeguard the City's historic, aesthetic, and broad and diverse cultural heritage as embodied and reflected in such improvements and areas.

3. To stabilize and improve property values in such areas.

4. To foster civic pride in the beauty and noble accomplishments of the past.

5. To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

6. To strengthen the economy of the City.

7. To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

C. Preservation District Standards

No area of the City shall be designated a preservation district pursuant to the provisions of this section unless such area shall constitute a defined area of the City and shall have the potential to provide cultural and civic benefits for the people of the City by reason of the prevalence of at least two of the following factors:

1. The presence of special cultural or historical interest relating to local, state, or national history.

2. The presence of special character or aesthetic interest or value caused by the development pattern of the area or by natural, landscape, or topographical features of the area.

3. The presence of one or more periods or styles of architecture typical of one or more eras in the history of the City that gives the area a distinct character.

4. The concentration of indigenous examples of local architecture which have not been significantly altered from their original design and which have a uniform scale and derive special value from the repetition of scale and form.

5. The presence of one or more distinguished buildings of high architectural quality, or cultural or historic interest.

D. Procedure

1. Initiation

a. Proposal by the City

A preservation district, or the amendment of the boundaries of an existing district, may be proposed by either the City Council, the Planning Commission, or the Preservation Board by transmitting such proposal, together with such supporting materials as may seem appropriate, to the Manager of Zoning for processing in accordance with the provisions of this section.

b. Proposal by Property Owner

A preservation district, or the amendment of the boundaries of such an existing district, may be proposed by an owner of, or other person having a contractual interest in real estate to be affected by the proposed designation, or by the owners of 50% or more of the street frontage of real estate to be affected by the proposed designation. The application for such designation shall be filed with the Manager of Zoning as required in Article 19.

2. Action by Preservation Board

a. The Preservation Board shall conduct an informational meeting for all preservation district designation applications. If so determined by the Manager of Zoning, such meeting shall be held jointly with the Planning Commission

b. Within 62 days of the conclusion of the informational meeting, the Preservation Board shall make a recommendation to the City Council on the proposed preservation district.

c. If the Preservation Board recommends against designation, the application shall not be referred to the Planning Commission, no further action shall be taken, and the application shall be deemed denied.

d. The failure of the Preservation Board to act within 62 days shall be deemed a denial.

e. In the Manager of Zoning's discretion, a joint meeting of the Preservation Board and Planning Commission may be scheduled and held.

3. Action by Planning Commission

a. If the Preservation Board recommends designation, the Planning Commission shall conduct an informational meeting for all preservation district designation applications. If so determined by the Manager of Zoning, such meeting shall be held jointly with the Preservation Board.

b. The Planning Commission shall consider:

i. Potential impact of the designation upon the City's Comprehensive Plan and overall planning program of the City.

ii. Whether the proposed designation would have an adverse impact upon the growth and development of the City.

c. Within 62 days of the conclusion of the informational meeting, the Planning Commission shall make a recommendation to the City Council on the proposed preservation district.

d. The failure of the Planning Commission to act within 62 days shall be deemed a recommendation for the approval of the proposed amendment as submitted.

e. In the Manager of Zoning's discretion, a joint meeting of the Preservation Board and Planning Commission may be scheduled and held.

4. Action by City Council

a. Within 40 days of the receipt by the City Council of the Preservation Board's and Planning Commission's recommendations, or their failure to act as provided above, the City Council shall conduct a public hearing and either approve the application by ordinance duly enacted, adopt the proposed amendment, with or without conditions, or deny the application.

b. In the event a protest against a proposed amendment is presented to the City Clerk no later than 24 hours before the City Council is scheduled to consider the amendment, duly signed and acknowledged by the owners of 20% or more of the area to be affected by the proposed amendment or by the owners of 20% or more of the area of the land immediately adjacent to the subject site, or immediately across a street and extending 100 feet from the subject site, such amendment shall not be adopted except by a three-fourths vote of the City Council.

c. Within five business days of such action, the City Clerk shall mail notice thereof to all parties entitled

thereto as provided by Section 19.4. In the event that the City Council, prior to the expiration of the time limit herein specified for its refusal or adoption of the proposed amendment, requests further information from the Manager, the time limit for its refusal or adoption of the proposed amendment shall be extended to 70 days. The failure of the City Council to act within the time limit herein specified shall be deemed a refusal of the amendment.

E. Amendment and Rescission of Preservation District

Any preservation district designated hereunder may be amended or rescinded in the same manner as herein provided for the designation of such district.

20.3 Planned Development Designation

See Article 12 for planned development designation.

PART II: PROCEDURES APPROVED BY THE MANAGER OF ZONING

20.4 Administrative Adjustment

A. Authority
The Manager of Zoning, or a designee, shall have authority to issue administrative adjustments in accordance with the provisions of this section, except for items D.3.c through f, when the property is in a Preservation District or involves a Designated Building of Historic Value or a Local Landmark.

B. Purpose
For purposes of this section, carrying out the strict letter of a provision of this Code may cause a practical difficulty and an administrative adjustment is permitted to alleviate these practical difficulties.

C. Administrative Adjustment Standards
To approve an application for an administrative adjustment, the Manager of Zoning shall make an affirmative finding that the following standards are met:

1. The benefits to the applicant of the approval of the administrative adjustment outweigh any detriments to the health, safety, and welfare of the neighborhood or community by such approval.

2. There is no means other than the requested administrative adjustment by which the difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot or parcel.

D. Procedures

1. Application
An application for an administrative adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section.

2. Action by Manager of Zoning
Within 45 days from submission of a complete application, the Manager of Zoning shall review the application and approve, approve with conditions, or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.

3. Administrative Adjustment Criteria

a. The Manager of Zoning shall have the authority to approve an administrative adjustment of up to 10% from any numerical standard set forth in this Code.

b. The Manager of Zoning shall have the authority to approve an administrative adjustment for a Transportation Access Plan “(TAP”) for five or fewer parking spaces.

c. The Manager of Zoning shall have the authority to approve an administrative adjustment for a parking area for a residential use when the circumstances of item i exist and the conditions of item ii are met:

i. When the City is replacing a curb that blocks access to an illegal parking area that existed before a street project was identified in the City's Capital Plan and no other parking is available on the property, provided that one of the two following conditions exist:

(A) A parking area is located within the side yard; or

(B) A parking area is located within the front yard and is limited to one parking space.

ii. The proposed front or side yard parking area shall be reviewed to ensure that the installation of said area does not have a detrimental impact on the streetscape. Such review shall include an evaluation of the following:

(A) Neighborhood characteristics, based on a physical evaluation of the streetscape.

(B) Impact on available on-street parking, including parking that will be eliminated by a curb cut.

(C) Impact on trees and other vegetation.

(D) Impact on the historic and/or architectural integrity of the streetscape.

d. The Manager of Zoning shall have the authority to approve an administrative adjustment for surface parking located between the principal building and a street for commercial uses in a commercial district which meets the following:

i. Has a preexisting curb cut.

ii. Has insufficient space behind the building to accommodate required parking when new curbs are being installed and the parking lot or parking area existed before the project was identified in the City's Capital Plan.

iii. Can accommodate a parking stall length of 18 feet.

iv. Accommodates defined pedestrian access to the building.

v. Does not have a detrimental impact on the streetscape according to the evaluation criteria set forth in item c.ii above.

e. The Manager of Zoning shall have the authority to approve an administrative adjustment for chain link fencing in the front yard in residential districts, provided a substantial number of properties with similar legally installed fencing exist on the block on which the property is located.

f. The Manager of Zoning shall have the authority to approve an administrative adjustment for mechanical equipment in the side yard.

i. A proposed unit shall be reviewed to ensure that the installation will not have a detrimental impact on the adjacent properties. Such review shall include an evaluation of the following:

(A) Neighborhood characteristics, based on a physical evaluation of the streetscape.

(B) Sound attenuation measures.

(C) Screening.

(D) Impact on the historic and/or architectural integrity of the streetscape.

ii. When located in a preservation district, the Preservation Board shall have the authority to issue a certificate of appropriateness for side yard installations. In such cases no administrative adjustment shall be required. In addition to the certificate of appropriateness standards, the Preservation Board shall apply the above-listed standards.

g. The Manager of Zoning shall have the authority to approve a unified sign plan unless the property is within a Preservation District in which case a certificate of appropriateness from the Preservation Board is required.

E. Limitations on Administrative Adjustments

An administrative adjustment shall become null and void unless a certificate of zoning compliance is obtained within one year from the date of approval except in the case where site plan approval is required, the expiration date shall be the same as that of the site plan approval.

F. Effect of Issuance of Administrative Adjustments

The issuance of an administrative adjustment shall merely authorize the preparation, filing, and processing of applications for any permits and other approvals which may be required by the codes and ordinances of the City, including but not limited to, a building permit.

G. Appeals

1. Appeal of a decision by the Manager of Zoning on an administrative adjustment shall be submitted to the Zoning Board of Appeals within 60 days of the filing of the Manager of Zoning's decision in accordance with the procedures outlined in Section 18.8.

2. An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the administrative adjustment must be submitted within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

20.5 Site Plan Review

A. Authority
Subject to the procedures, standards, and limitations set forth in this Code, the Manager of Zoning, or a designee, shall review and approve, approve with conditions, or deny applications for site plans.

B. Purpose
The site plan review process recognizes that some developments and uses, even though generally suitable for a location in a particular district, are, because of their design, capable of causing adverse impacts. The review process provides comprehensive consideration of critical design elements such as materials, details, and textures, and potential impacts related to the character, nature, size, and complexity of the project.

C. Actions Not Subject to Site Plan Review
The following actions are not subject to site plan review:

1. Unless specifically required by item D below, projects involving no site alterations or external structural alterations, provided alterations comply with applicable standards.

2. Accessory structures.

D. Site Plan Review Thresholds

1. Level A Site Plan Review

a. Level A site plan review shall be required for any project that meets the definition of development or redevelopment that meets one of the following thresholds below and includes either: 1) construction, enlargement, or addition to any building; or 2) any site preparation for a site or use that may whether or not a building will be constructed. Where a project meets a Level B threshold in addition to the Level A thresholds below, the project will be reviewed as a Level B site plan review.

i. Parking lots over ten spaces that do not meet the requirements for parking lots.

ii. More than two loading spaces in any district adjacent to any residential district or OS District.

iii. Any new structure or structures having a total floor area, or covering a contiguous land area, in excess of 20,000 square feet.

iv. Any new construction on a vacant parcel of one acre or more.

v. Projects involving or abutting a designated Landmark or involving a site listed or eligible for listing on the State or National Register of Historic Places.

vi. Projects within an OS District, and nonresidential development adjacent to an OS District.

vii. Any outdoor seating/activity area accessory to a nonresidential use. This excludes outdoor seating/activity areas solely used for outdoor seating.

viii. Projects within 100 feet of the waterfront.

ix. New construction of multi-family dwellings.

x. New advertising sign structures.

xi. The conversion of floor area designed for nonresidential use to a residential use and, the conversion of floor area designed for residential use to a nonresidential use.

xii. Development or redevelopment involving an urban farm.

xiii. Establishment of a pocket neighborhood.

xiv. Development or redevelopment involving a kennel.

xv. Development or redevelopment of a junkyard, salvage yard, recycling center, or waste station.

xvi. Any development or redevelopment in all districts with the exception of detached single-family dwellings and two-family dwellings, that involves the installation of a new curb cut in the public right-of-way for the following street types: Regional Activity, Downtown Activity, Neighborhood Activity, and Neighborhood Link.

xvii. Cluster subdivision (Section 20.10).

xviii. Any proposed demolition in BMU, NMU, FMU, DMU, and Village Center Districts requires site plan review of a site preparation, restoration, development, and/or redevelopment plan prior to demolition.

xix. Incremental development plans in a Planned Development District

xx. Site and development plans, including landscaping, within an Urban Renewal District

b. Level A site plan review shall also be required for:

i. Transportation Access Plan

ii. Alternative Landscape Plan

iii. Alternative Sign Plan

iv. Conversion to the following vehicle-related uses or the development or redevelopment of any sites devoted to such uses or services, including:

(A) Vehicle body work

(B) Vehicle operations facility

(C) Vehicle rental

(D) Vehicle repair

(E) Vehicle sales

(F) Vehicle fueling station

(G) Vehicle storage - impound lot

(H) Any use where outdoor places or premises where trucks, tractors, and/or trailers are parked or are assigned, stationed, fueled, stored, loaded, or unloaded.

c. Level A site plan review shall also be required when a variance is required for:

i. Establishment of a use or development in a residential district which is not permitted as of right by the use regulations applicable in such district.

ii. Increasing the number of residential units within an existing building in the LDR District.

iii. Establishment of a sexually oriented business.

iv. Establishment of an outdoor shooting range in any district.

2. Level B Site Plan Review

Level B site plan review shall be required for any project that meets the definition of development or redevelopment that meets one of the thresholds below, and includes either: 1) construction, enlargement, or addition to any building; or 2) any site preparation for a site or use whether or not a building will be constructed. Where a project meets a Level A threshold in addition to those below, the project will be reviewed as a Level B site plan review.

a. Projects that do not comply with the required design standards in any district. This includes the use of prohibited materials on more than 25% of the building façade.

b. Reconstruction or rehabilitation of an existing building or new construction of a building that fronts on three or more streets.

c. Reconstruction, rehabilitation, or new construction of a building facing a street façade that is 200 feet or longer.

d. Drive-through restaurant, drive-through kiosk, and accessory drive-through facilities.

e. Parking garages.

f. All Type I actions as identified in § 48-4 of the City Code.

g. All development concept plan approvals or amendments for a PD Planned Development District.

h. Projects that do not comply with the standards for Designated Buildings of Historic Value as set forth in Section 13.1.B.

i. A redevelopment plan contingent upon the demolition of a Designated Building of Historic Value.

E. Regional Context Review Considerations

As part of site plan review, the regional context shall be considered, including but not limited to:

1. Pedestrian and Bicycle Linkages

To the maximum practical extent, new development shall be laid out and designed to provide walkways and paths that connect with destinations such as parks and trails, schools, and shopping areas within and outside the municipal boundaries.

2. Transit Routes

Any proposed development shall consider the location of existing and planned transit routes and provide vehicular and pedestrian connections to any transit points within or adjacent to the development.

3. Regional Sustainability

Regional sustainability plans, climate action plans, and other regional environmental goals shall be considered.

F. Denial Criteria

The Manager of Zoning shall deny an application on the basis of specific written findings based on one or more of the following:

1. The application is incomplete in specified particulars or contains or reveals violations of this Code or other applicable regulations which the applicant has, after written request, failed, or refused to supply or correct.

2. The proposed site plan interferes unnecessarily, and in specified particulars, with easements, roadways, rail lines, utilities, and public or private rights-of-way.

3. The proposed site plan unnecessarily, and in specified particulars, destroys, damages, detrimentally modifies or interferes with the enjoyment of significant natural, topographic, or physical features of the site.

4. The proposed structures unnecessarily, and in specified particulars, destroy, damage, detrimentally modify or interfere with the significant design features of the existing buildings and structures on the site.

5. The proposed structures or landscaping unnecessarily, and in specified particulars, bear a poor relationship to the existing physical development of the site or results in an overall development that compromises existing design, parking, or landscaping elements.

6. The site design does not comply with ADA requirements.

7. The proposed site plan unnecessarily, and in specified particulars, is injurious or detrimental to the use and enjoyment of surrounding property.

8. There is inadequate infrastructure capacity to support the use or development.

9. The proposed site plan and associated improvements fail to mitigate the project's anticipated traffic impacts.

10. The proposed site plan fails to provide for adequate access for emergency vehicles.

11. The pedestrian and vehicular circulation elements unnecessarily, and in specified particulars, create hazards to safety on or off the site.

12. The proposed structure unnecessarily, and in specified particulars, is lacking amenity in relation to or are incompatible with, nearby structures and uses.

13. The proposed site plan unnecessarily, and in specified particulars, is lacking amenity in relation to, or incompatible with, nearby structures and uses.

14. The proposed site plan unnecessarily, and in specified particulars, creates drainage or erosion problems.

15. The proposed structures unnecessarily, and in specified particulars, are incompatible with or lacking in amenity in relation to existing uses on the site or existing building materials, roof shapes and fenestration on the site.

16. The proposed site plan fails to contribute to existing pedestrian-oriented rights-of way and unnecessarily, and in specified particulars, is lacking in amenity in relation to the public realm and streetscape.

17. The proposed site plan detrimentally impacts the visual and physical access to and along the waterfront

18. In the DMU District, the proposed site plan is contrary to, or fails to meet, the principles and objectives of the Center City Master Plan.

G. Procedure

1. Application

Applications for Level A and Level B site plans shall be submitted in a form and in such numbers as required by the Manager of Zoning in accordance with Article 19.

2. Action by Manager of Zoning

a. Within 30 days following receipt by the Manager of Zoning of a completed application or such longer time as may be agreed to by the applicant, the Manager of Zoning shall cause such application and the attached plans to be reviewed for compliance with this Code and distributed to other reviewing City agencies and departments.

b. For all Level B site plans, the Manager of Zoning will refer the site plan to the Project Review Committee (PRC) which shall review and make a recommendation to the Manager of Zoning regarding the site plan.

c. Processing multi-action applications:

i. In cases where site plan review applications are required in conjunction with applications to other review authorities, including, but not limited to, the Zoning Board of Appeals, City Planning Commission, and Rochester Preservation Board, site plan review shall precede all other applications.

ii. Following appropriate staff and agency review, preliminary site plan review findings shall be issued, including a finding of the status of the SEQR environmental significance determination.

iii. Following the issuance of preliminary findings, any applications to other review authorities shall be submitted and public hearings held in accordance with this Article.

iv. Final site plan review decisions shall not be made until all required decisions by other review authorities are rendered.

3. Decision

a. The Manager of Zoning shall issue a final decision on each site plan. The decision of the Manager of Zoning, which shall be based on findings set forth in the decision, shall be final and shall approve the application, approve the application with conditions, or deny the application.

b. In any case where an application is denied, the Manager of Zoning shall state the specific reasons and shall cite the specific provisions of this Code upon which such denial is based.

c. The Manager of Zoning shall stamp each copy of the application and plans to reflect the action taken and shall return one copy of each to the applicant and shall retain one copy of each in City records for such period as they may deem necessary or as may be required by law.

5. Amendment

An approved site plan may be amended at any time in the same manner and subject to the same standards and limitations as provided in this section for original site plan approval except as otherwise authorized by the Manager of Zoning.

H. Effect of Site Plan Approval

If the Manager of Zoning or the Planning Commission approves the application or approves it subject to further specified approvals or conditions, such approval shall not authorize the establishment or expansion of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure. A site plan approval shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City, including but not limited to a building permit.

I. Limitations on Site Plan Approvals

1. A site plan approval shall become null and void one year after the date on which it was issued unless a building permit is obtained and maintained.

2. A site plan approval expiration date shall be the expiration date for all other approvals for the subject project and shall override all other expiration dates of other approvals.

J. Appeals

1. After a decision by the Manager of Zoning on a site plan review application, an appeal of the application may be submitted to the Planning Commission within 30 days of Manager of Zoning's decision. A public hearing shall be set, advertised, and conducted by the Planning Commission in accordance with Section 19.4. The Commission shall review the Manager of Zoning's decision and the application in accordance with the denial criteria set forth above and shall render a decision within 30 days following the conclusion of the public hearing to either approve, approve with conditions, or deny the application. The failure of the Planning Commission to act within 30 days shall be deemed an endorsement of the decision of the Manager of Zoning.

2. An appeal from any final decision of the Planning Commission as to any matter regarding the site plan review must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

20.6 Certificate of Zoning Compliance

A. Authority
The Manager of Zoning, or their designee, shall have authority to issue certificates of zoning compliance in accordance with the provisions of this section.

B. Purpose
The certificate of zoning compliance provides a procedure for reviewing plans for compliance with this Code and a means for evidencing such compliance. It must be filed prior to or with, all applications filed pursuant to this Code with respect to a specific use or development proposal.

C. Certificate Issued in Conflict is Void
Any certificate of zoning compliance issued in conflict with the provisions of this Code shall be null and void.

D. Certificate of Zoning Compliance Required

1. A certificate of zoning compliance shall be required for the following purposes:

a. Construction, reconstruction, exterior remodeling, exterior alteration, or moving of any structure, including accessory structures.

b. Any change in the use or occupancy of any land or structure, whether or not construction, reconstruction, remodeling, alteration, or moving is involved.

c. Occupation or use of vacant land.

d. Improvement of land preliminary to any use of such land.

e. Alteration to the exterior of a designated Local Landmark or alterations to significant architectural features as outlined in Section 13.1.B on a Designated Building of Historic Value.

f. All substantial dredging, filling, excavating, or grading or any man-made change to improved or unimproved real estate of any land located within a flood hazard area as delineated on the Federal Insurance Administration Flood Hazard Boundary Maps.

g. Site preparation for a use that does not include or require a building.

h. Installation or replacement of a driveway connecting property to the public right-of-way.

i. Any exterior improvements to buildings or sites in a Preservation District.

j. Installation, construction, or replacement of fences and decks.

k. Home occupations.

l. Establishment of a community garden or urban farm.

2. In any case where a certificate of zoning compliance is not required under this Code, the Manager of Zoning shall, on written request, issue a notice of such fact.

E. Procedure

1. Application

Applications for certificates of zoning compliance shall be submitted as required by the Manager of Zoning. A nonrefundable fee, as established by City Council, shall accompany each application. Applications shall in all instances contain at a minimum the following information or documentation unless any such information or document is expressly waived by the Manager of Zoning as not relevant or necessary to determine that all provisions of this Code have been met in a particular case:

a. The applicant's name, address, and interest in the subject property.

b. The owner's name and address, if different from the applicant. and the owner's signed consent to the filing of this application.

c. The address or location of the subject property.

d. The present use and zoning classification of the subject property.

e. The proposed use or uses of the subject property and a description of the construction, reconstruction, remodeling, alteration or moving.

f. Certification from a registered architect or licensed professional engineer or of an owner-designer that the proposed construction, reconstruction, remodeling, alteration, or moving complies with all the provisions of this Code.

g. A site plan, drawn to a scale of not less than 50 feet to the inch, on one or more sheets, illustrating the proposed construction, reconstruction, remodeling, alteration or moving and including the following:

i. Property boundary lines and dimensions of the property and any significant topographic or physical features of the property.

ii. The location. size, use and arrangement, including height, in stories and feet where relevant, floor area ratio, total floor area and lot and building coverage; and the number and size of dwelling units, by number of bedrooms, of proposed buildings and existing buildings.

iii. Minimum yard dimensions and, where relevant, the relation of yard dimensions to the height of any building or structure.

iv. The location, dimensions, number and slope and gradient of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles; the total lot coverage of all parking, loading, driveway and aisle areas; and, where more than ten parking and loading spaces are required, the location of area for snow storage or an indication of an alternative disposal method.

v. The location, size, arrangement, and sketch showing content and layout of all outdoor signs.

vi. The location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.

vii. The location, designation, and total area of all usable open space.

h. Any information necessary to determine that conditions imposed by any special approval granted pursuant to this Code have been complied with.

i. Scaled floor plans.

j. Scaled elevations.

k. Such other and further information and documentation as the Manager of Zoning may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

2. Action by Manager of Zoning

a. Within ten business days following receipt of a completed application, the Manager of Zoning shall cause the application and related submissions to be reviewed for compliance with this Code and shall inform the applicant whether the application has been approved, approved with conditions, or denied.

b. The Manager of Zoning shall issue a final decision for each certificate of zoning compliance. The decision of the Manager, which shall be based on the findings set forth, shall be final and shall approve, approve with conditions, or deny the application.

c. Where an application is approved, the Manager of Zoning shall issue a certificate of zoning compliance. Approval of the certificate of zoning compliance will ensure that all provisions of this Code are met. The issuance of a certificate of zoning compliance shall not authorize the establishment or expansion of any use nor the development, construction, relocation, alteration, or moving of any building or structure but shall merely authorize the preparation, filing, and processing of applications for any additional permits and approvals which may be required by the codes and ordinances of the City, including but not limited to a building permit, a certificate of occupancy, and subdivision approval.

d. Where an application is denied, the Manager of Zoning shall state the specific reasons for denial and shall cite the specific provisions of this Code upon which such denial is based. If relief from such denial would be available, the Manager of Zoning shall so state and shall refer the applicant to the appropriate provisions of this Code. The Manager of Zoning shall also inform the applicant of his or her appeal rights under this Code.

F. Limitation on Certificates of Zoning Compliance

1. A certificate of zoning compliance shall become null and void one year after the date on which it was issued unless a building permit is obtained. The Manager of Zoning is authorized to extend the approval by one year for reasonable cause, including, but not limited to:

a. Financial hardships.

b. Health or injury issues.

c. Legal issues concerning the property.

2. In the case where a building permit is not required, work must commence within six months from date of issuance.

G. Appeals

1. Appeals of a decision by the Manager of Zoning on a certificate of zoning compliance application shall be submitted to the Zoning Board of Appeals within 60 days of the filing of the decision.

2. An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the certificate of zoning compliance must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

20.7 Certificate of Zoning Compliance for Temporary Uses

A. Authority

The Manager of Zoning will review and make final decisions on certificate of zoning compliance for a temporary use applications.

B. Purpose

A certificate of zoning compliance for a temporary use allows for the short-term use, including those in temporary or permanent structures.

C. Initiation

A property owner, or person expressly authorized in writing by the property owner, may initiate a certificate of zoning compliance for a temporary use.

D. Procedure

1. Application

Applications for certificates of zoning compliance for a temporary use shall be submitted in a form and in such numbers as required by the Manager of Zoning. A nonrefundable fee, as established by City Council to help defray administrative costs, shall accompany each application. Applications shall be in such form and contain such information and documentation as shall be prescribed by the Manager of Zoning, but shall in all instances contain at a minimum the following information or documentation unless any such information or document is expressly waived by the Manager of Zoning as not relevant or necessary to determine that all provisions of this Code have been met in a particular case:

a. The applicant's name, address, and interest in the subject property.

b. The owner's name and address, if different from the applicant. and the owner's signed consent to the filing of this application.

c. The address or location of the subject property.

d. The present use and zoning classification of the subject property.

e. The proposed use or uses of the subject property and a description of all temporary activities, including the requested timeframe, and temporary structures.

f. Demonstration of compliance with any applicable standards for the temporary use in Section 3.8.

g. Such other and further information and documentation as the Manager of Zoning may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

2. Action by Manager of Zoning

a. Within ten business days following receipt of a completed application, the Manager of Zoning shall cause the application and related submissions to be reviewed for compliance with this Code and shall inform the applicant whether the application has been approved, approved with conditions, or denied.

b. The Manager of Zoning shall issue a final decision for each certificate of zoning compliance for a temporary use. The decision of the Manager of Zoning, which shall be based on the findings regarding the approval standards in item E below, shall be final and shall approve, approve with conditions, or deny the application.

c. Where an application is approved, the Manager of Zoning shall issue a certificate of zoning compliance for a specified time period. Approval of the certificate of zoning compliance will ensure that all provisions of this Code are met for the temporary use.

d. Where an application is denied, the Manager of Zoning shall state the specific reasons for denial and shall cite the specific provisions of this Code upon which such denial is based. If relief from such denial would be available, the Manager of Zoning shall so state and shall refer the applicant to the appropriate provisions of this Code. The Manager of Zoning shall also inform the applicant of his or her appeal rights under this Code.

E. Approval Standards
All temporary uses must comply with the requirements of this Code, including the temporary use standards in Article 3, and the following standards:

1. The temporary use does not substantially impact operations of adjacent uses.

2. The temporary use does not pose any detriment to public health, safety, and welfare.

3. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required by the City, the operator of the temporary use must employ appropriate security personnel.

4. The temporary use does not conflict with another previously authorized temporary use.

5. The temporary use provides adequate parking and does not impact the parking and site circulation of the principal use.

F. Temporary Uses Not Listed
For a temporary use that is not listed within Article 3, the Manager of Zoning may issue an interpretation that such proposed temporary use meets the standards of this section and this Code and may be permitted subject to issuance of a certificate of zoning compliance for a temporary use.

G. Expiration
The certificate of zoning compliance for a temporary use is valid only for the time period granted as part of the approval.

20.8 Certificate of Nonconformity

A. Authority
The Manager of Zoning, or a designee, shall have authority to issue a certificate of nonconformity in accordance with the provisions of this section and Article 22, however, a certificate of nonconformity shall not be issued to authorize the operation of a cannabis establishment in any of the LDR, MDR, or HDR Districts.

B. Purpose
The certificate of nonconformity shall establish the legality of nonconforming uses, structures, lots, and signs established prior to the effective date of this Code. When necessary to establish the legality of a nonconformity, a certificate of nonconformity shall be required for any nonconforming use, structure, lot, and sign in the City prior to the approval of any additional zoning applications that may be required.

C. Procedure

1. Application
The owner of any nonconformity may at any time apply to the Manager of Zoning for a certificate of nonconformity to establish the legality of nonconformity as of a specified date or to extend the abandonment period as outlined in Section 22.2.E. Such application shall contain such information as may be required by the Manager of Zoning.

2. Action by Manager of Zoning
Within 45 days following receipt by the Manager of Zoning of a completed application or such longer time as may be agreed to by the applicant, the Manager of Zoning shall cause such application to be reviewed for compliance with this section and shall inform the applicant whether the application has been approved or denied. The failure of the Manager of Zoning to act within 45 days of a completed application shall be deemed a denial.

a. Upon reviewing an application for a certificate of nonconformity, the Manager of Zoning shall determine, through written findings, if the required documents and proof are in order and shall decide if the use, lot, structure, or sign:

i. Was lawfully existing at the time of the adoption of the provision creating the nonconformity in question.

ii. Has been in continuous use since its establishment with no period of discontinuance causing abandonment, except as authorized pursuant to Article 22 and is not in violation of any other provisions of this Code.

iii. Has not increased intensity, as set forth in Section 22.2.C.

iv. Was fire damaged less than the percentages of the cost of replacement new as set forth in Article 22.

b. Prior to the expiration of a period of abandonment or discontinuance, the owner of any nonconformity may apply for a certificate of nonconformity to request an extension of the period of abandonment or discontinuance, in accordance with Section 22.2.E.

c. In the case where the application is denied, the applicant will be provided with a written finding explaining the legalization process for the desired outcome.

D. Limitations on Certificates of Nonconformity
A certificate of nonconformity shall become null and void one year after the date on which it was issued unless a building permit and a certificate of occupancy are obtained and maintained.

E. Appeals

1. Appeal of a decision by the Manager of Zoning on a certificate of nonconformity shall be submitted to the Zoning Board of Appeals within 60 days of the filing of the Manager's decision in accordance with the procedures found Section 20.15.

2. An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the certificate of nonconformity must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

20.9 Interpretation

A. Authority
The Manager of Zoning, or their designee, may, subject to the procedures, standards, and limitations hereinafter set out, render interpretations of any provision of this Code.

B. Purpose
Interpretations by the Manager of Zoning are intended to clarify the zoning text or map, including permitted uses, district boundaries, meaning and intent of various portions of this Code, and precise location of mapped district boundary lines.

C. Interpretation Standards
The following criteria shall govern the Manager of Zoning in issuing use interpretations:

1. No interpretation shall allow a use in a district in which that use is listed as a permitted or special permit use.

2. No interpretation shall allow any use in any district unless such use is substantially similar to other uses allowed in such district.

D. Procedure

1. Application

A request for interpretation of any provision of this Code shall be submitted in writing to the Manager of Zoning. It shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation concerning the request for an interpretation, and the precise interpretation claimed by the applicant to be correct. Before the rendering of any interpretation, the Manager of Zoning may require such further facts and information as are, in their judgment, necessary to a meaningful interpretation of the provision in question. Informal oral or written opinions, clarifications, and other statements from the Manager of Zoning or their designee shall not be deemed interpretations unless the procedures contained in this section have been followed.

2. Action by Manager of Zoning

Within ten business days following the receipt of a completed request or application for interpretation, the Manager of Zoning shall inform the applicant in writing of the interpretation. The Manager of Zoning shall state the specific precedent, reasons, and analysis upon which such interpretation is based.

3. Interpretation Initiated by the Manager of Zoning

Upon determination by the Manager of Zoning that clarification of the Code or reconciliation of inconsistent provisions of the Code is necessary to ensure that the meaning and intent of the Code is applied, the Manager of Zoning may issue an interpretation and shall subsequently submit an application for an amendment to the text of the Code.

4. Procedure Following Interpretation

Following an interpretation by the Manager of Zoning, such interpretation shall be appended to the official project file. The interpretation shall not be applicable to any other property or project unless there is a subsequent amendment to the Code.

E. Effect of Interpretation

An interpretation finding a particular use to be permitted or a special permit in a specified district shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for any permits and approvals which may be required by the Code of the City of Rochester, including but not limited to a permit for a special permit, a certificate of zoning compliance, a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

F. Limitation on Interpretations

If not made part of this Code, an interpretation shall remain valid for the subject property only.

G. Appeal

1. Appeals of interpretations made by the Manager of Zoning shall be submitted to the Zoning Board of Appeals within 60 days of the filing of the decision in accordance with the procedures found in Section 20.15 and the interpretation standards set forth in item C above shall govern the Zoning Board's decision is such appeal.

2. An appeal of an interpretation shall stay all proceedings in furtherance of the interpretation appealed, including the issuance of a building permit, unless the Manager of Zoning certifies to the Zoning Board of Appeals after the notice of appeal has been filed that a stay would cause substantial damage to life or property. In such case, the proceedings shall not be stayed other than by a majority vote of the Zoning Board of Appeals.

3. An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the interpretations must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

PART III: PROCEDURES APPROVED BY THE PLANNING COMMISSION

20.10 Cluster Development

A. Authority

Pursuant to § 37 of the New York General City Law and the Charter of the City of Rochester, the Planning Commission, as a matter of its original jurisdiction and subject to the procedures, standards, and limitations hereinafter set out, may permit, simultaneously with the approval of a subdivision plat, deviations from the zoning requirements established by this Code governing the average density of population permitted in the zoning district where such land lies.

B. Purpose

Cluster development procedures are established to provide a method to permit minor modifications of the dimensional requirements applicable in the various districts established by this Code. Cluster development permits the grouping of structures in order to provide more usable open space or to preserve open space or historic or scenic features without exceeding overall density or land coverage requirements.

C. Cluster Development Standards

1. Authorized Uses

No use shall be authorized by a cluster development permit except uses permitted or permissible in the district in which such development is to be located. Approval of a cluster development for a use requiring any special approval shall not excuse the requirement of obtaining such special approval.

2. Density and Coverage

No permit for a cluster development shall authorize any increase in the overall density or intensity of development nor any increase in the overall lot coverage permitted by the district regulations applicable in the district in which such development is to be located. All land devoted to private street purposes shall be excluded from density, intensity, building coverage, and maximum impervious surface calculations.

3. Approval Criteria

A permit for a cluster development shall be approved only if evidence is presented which establishes that:

a. The proposed development will provide more usable open space or will preserve open space or historic or scenic features.

b. The proposed development will be in harmony with the general purpose, goals, objectives, standards, and implementing strategies of the Comprehensive Plan, this Code, the Subdivision Code, and the purpose of cluster development.

c. The proposed building or use complies with all applicable regulations of this Code except as modified pursuant to the authority of this section.

d. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

e. The proposed cluster development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations.

f. The proposed cluster development will be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

g. The proposed cluster development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

D. Procedure

1. Application

An application for cluster development shall be submitted in a form and in such numbers as required by the Manager of Zoning in accordance with Article 19.

2. Public Hearing

A public hearing shall be set, advertised and conducted by the Planning Commission.

3. Action by Planning Commission

a. Within 62 days following the conclusion of the public hearing, the Planning Commission shall render its decision of approval, approval with conditions or denial of approval. The failure of the Commission to act within 62 days, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the application.

b. Within ten business days of such decision or the expiration of such period, the Manager shall mail notice of such decision or failure to act to all parties entitled thereto as provided by Section 19.4, file such decision in the office of the City Clerk, and, in the event that a cluster development permit is authorized, the Manager of Zoning shall issue such permit, listing therein any and all conditions imposed by the Planning Commission.

c. The Planning Commission may impose such conditions upon the premises benefited by a permit for a cluster development as may be necessary to ensure its compatibility with other development in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the cluster development and in any associated permit. Violation of such conditions shall be a violation of this Code.

4. Amendments to Cluster Developments

An approved cluster development may be amended in the same manner and subject to the same limitations as any other regulation established by this Code, except that site plan review and approval pursuant to Section 20.5 shall be required in connection with any such proposed amendment.

E. Effect of Cluster Development Approval

1. Amendment to Regulations

The issuance of a permit for a cluster development shall, upon the filing of a plat of such development with the Monroe County Clerk, constitute an amendment of the dimensional regulations of this Code applicable to such development, and thereafter such plat shall constitute the dimensional regulations applicable to such development.

2. No Development or Construction Authorized

The issuance of a permit for a cluster development shall not authorize the establishment or expansion of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure. A permit for a cluster development shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City, including but not limited to a building permit.

F. Modifications to Cluster Development

During the development of a cluster development, the Manager of Zoning may authorize modifications to the approved cluster development when such modifications appear necessary in light of technical or engineering considerations first discovered during actual development.

1. Authorization of Modifications

No such modifications shall authorize the violation of any of the requirements set forth in this section nor result in:

a. Altering the bulk of any one structure or altering the bulk of a member of similar structures by more than 10%.

b. Altering the location of any one structure or group of structures by more than 10 feet or 0.1 of the distance shown on the plat between such structure or structures and any other structure or any vehicular circulation element or any boundary of the cluster development, whichever is less.

c. Altering the boundary of any open space by more than 10 feet.

d. Reducing the total amount of open space by more than 5% or reducing the yard area or open space associated with any single structure by more than 5%.

2. Consistency of Modifications
Such modifications shall be consistent with the intent and purpose of the Comprehensive Plan, this Code, and the approved cluster development plat and shall be the minimum necessary to overcome the particular difficulty.

G. Limitation on Cluster Development
The expiration of a cluster development approval shall correspond with the expiration of the site plan approval.

H. Appeal

1. After a decision by the Manager of Zoning on a modification, an appeal of the application may be submitted to the Planning Commission within 30 days of Manager of Zoning's decision. A public hearing shall be set, advertised, and conducted by the Planning Commission in accordance with Section 19.4. The Commission shall review the Manager of Zoning's decision and the application in accordance with the same standards and limitations as the Manager of Zoning and shall render a decision within 30 days following the conclusion of the public hearing to either approve, approve with conditions, or deny the application. The failure of the Planning Commission to act within 30 days shall be deemed an endorsement of the decision of the Manager of Zoning.

2. An appeal from any final decision of the Planning Commission as to any matter regarding the cluster development must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

20.11 Special Permit

A. Authority

1. As a matter of its original jurisdiction, the Planning Commission may, subject to the procedures, standards, and limitations hereinafter set out, hear, review, and finally decide special permit applications required by this Code.

2. All applications for a special permit shall comply with all standards imposed by the particular provision of this Code, unless the Planning Commission may waive the standard, authorizing such use.

B. Purpose
The special permit procedure is intended to provide a means to establish those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the appropriateness of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

C. Special Permit Standards

1. Approval Standards

a. A special permit shall be approved only if evidence is presented which establishes that:

i. The proposal will be in harmony with the general purpose, goals, objectives, standards and implementation strategies of the Comprehensive Plan, this Code, and, where applicable, the Subdivision Code.

ii. The proposal will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

iii. The proposed application will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring properties in accordance with the applicable district regulations.

iv. The proposal will be served adequately by essential public facilities and services, such as highways, streets, sidewalks, bike lanes, transit services, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

v. The proposal will not result in the destruction, loss, or damage of any natural, scenic, cultural, or historic feature of significant importance.

b. In determining whether the evidence establishes that the foregoing standards have been met, the Planning Commission may determine that an overriding public need mitigates certain impacts or effects of the proposed application and support approval.

2. Floodplain

For special permit applications for any development within a floodplain requiring relief from Chapter 56, Flood Damage Prevention, the Planning Commission shall weigh the considerations set forth in § 56-6, Variance procedure.

3. O-A District

For special permit applications in the O-A Airport Overlay District, the Planning Commission shall weigh the considerations outlined in Section 10.2.

D. Procedure

1. Application

An application for a special permit shall be submitted in a form and in such numbers as required by the Manager of Zoning in accordance with Article 19.

2. Public Hearing

A public hearing shall be set, advertised, and conducted by the Planning Commission.

3. Action by Planning Commission

a. Within 62 days following the conclusion of the public hearing, the Planning Commission shall:

i. Approve the application.

ii. Approve the application with conditions.

iii. Approve the application for a specified time period, except however such specified time period shall not be applied to special permits approved for a use requiring permanent structural construction.

iv. Deny the application.

b. The failure of the Commission to act within 62 days shall be deemed a denial of the application.

c. Within 15 business days of such decision or the expiration of such period, the Manager shall mail notice of such decision or failure to act to all parties entitled thereto as provided by Section 19.4, file such decision in the office of the City Clerk, and, in the event that a permit for a special permit is authorized, the Manager of Zoning shall issue such permit, listing therein any and all conditions imposed by the Planning Commission.

d. Where the district regulations authorizing any special permit in a particular district impose additional standards to be met by such use in such district, a permit for such use in such district shall be approved only if evidence is presented to establish compliance with such additional standards.

4. Conditions on Special Permits

a. The Planning Commission may impose such conditions upon the premises benefited by a special permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood.

b. Such conditions shall be expressly set forth in the resolution authorizing the special permit and in any associated permit.

c. Violation of such conditions shall be a violation of this Code.

d. Such conditions may be required to be performed in a specific order.

e. Such conditions may be secured in accordance with Section 19.8.

f. Such conditions may include but shall not be limited to the following:

i. Modification of specific features of the site plan to improve the safety of the site for the general public.

ii. The hours of operation, loading, and deliveries.

iii. Location on a site of activities that generate potential adverse impacts on adjacent uses such as noises and glare.

iv. Placement of trash receptacles.

v. Location of loading and delivery areas.

vi. Lighting location, intensity, and hours of illumination.

vii. Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities.

viii. Additional landscaping and buffering.

ix. Preservation of views of unique and important features from public property and rights-of-way.

x. Access to natural lighting and solar exposure.

xi. Ventilation and control of odors and fumes.

xii. Dust-control paving.

xiii. Noise limitations.

5. Renewal of Special Permits with Specified Time Periods

Special permits that have been issued for a specific time period are subject to review for compliance with all of the conditions imposed at the time of approval of the initial permit and shall be required to apply for a new special permit. Following a public hearing on the matter, the Planning Commission may decline to reissue the special permit if the applicant has failed to substantially comply with one or more of the conditions of the original approval. The applicant shall demonstrate that the use continues to meet the special permit standards and that it has complied with all of the special permit conditions during the entire time period of the operation of the approved use.

E. Modifications to Special Permits

No expansion or modification of a use or its operation that is the subject of a special permit shall be permitted, except through the same process as required for initial approval of the special permit.

F. Effect of Issuance of Special Permit

The issuance of a special permit shall merely authorize the preparation, filing, and processing of applications for any permits and other approvals which may be required by the codes and ordinances of the City, including but not limited to, a building permit.

G. Limitations on Special Permit

1. A special permit shall become null and void unless a certificate of zoning compliance and/or building permit is obtained and work is commenced within one year from the date of approval except in the case where site plan approval is required, the expiration date shall be the same as that of the site plan approval.

2. Where a violation of this Code has been cited against the property that is the subject of the special permit, the Planning Commission may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues, or other relevant factors.

3. A special permit shall be deemed to authorize only the particular use or its operation for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued or abandoned for a period of one year.

H. Appeal

An appeal from any final decision of the Planning Commission as to any matter regarding the special permit must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

PART IV: PROCEDURES APPROVED BY THE PRESERVATION BOARD AND PLANNING COMMISSION

20.12 Designation of Landmarks

A. Authority
The Preservation Board and Planning Commission shall have the authority, in accordance with the procedures hereinafter established, to designate Landmarks within the City and to rescind such designations as shall seem appropriate.

B. Purpose
Landmarks may be designated in furtherance of the following public purposes, which are hereby found to be in the interest of the health, prosperity, and welfare of the City and its residents:

1. To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historical and aesthetic interest or value which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.

2. To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements and areas.

3. To stabilize and improve property values in such areas.

4. To foster civic pride in the beauty and noble accomplishments of the past.

5. To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

6. To strengthen the economy of the City.

7. To promote the use of historic districts and Landmarks for the education, pleasure, and welfare of the people of the City.

C. Landmark Designation Standards
No structure, improvement, landscape feature, or cultural site in the City shall be designated a Landmark pursuant to the provisions of this section unless it shall have the potential to provide cultural and civic benefits for the people of the City by reason of prevalence of one or more of the following standards:

1. Preservation Board standards:

a. Presence of significant character or historic or aesthetic interest or value as part of the maritime, architectural, economic, or social heritage of the City, county, state, or nation.

b. Identification with an historic person or event.

c. Embodiment of the distinguishing characteristic of an architectural style.

d. Significance as representative of the work of a master builder, designer, architect, or landscape architect.

e. Significance as an established and familiar visual feature of the City because of a unique location or singular physical characteristic.

f. Relationship to a distinctive area of the City, lakefront, or riverfront.

g. Presence or potential presence of information important to history or prehistory.

h. Worthiness for inclusion or listed on the State or National Register of Historic Places.

2. Landmark designation standards for the Planning Commission for applications that the Preservation Board has agreed to designate:

a. The proposed designation will be in harmony with the City's Comprehensive Plan and overall planning program of the City.

b. The proposed designation will not adversely impact the growth and development of the City.

c. The proposed designation will not adversely impact any scheduled public improvement or renewal project.

D. Procedure

1. Application

a. A Landmark may be proposed by the City Council, the Planning Commission, the Preservation Board, or the property owner by transmitting such proposal, together with such supporting materials as may seem appropriate, to the Manager of Zoning for processing in accordance with the provisions of this section.

b. Any other City resident may submit a nomination request to the Preservation Board. If the Preservation Board agrees to sponsor the application, the City resident shall provide supporting documentation that the proposed Landmark is worthy of designation by preparing all supporting materials for any application.

2. Notice to Owner

In addition to any other required notification, a notice sent by certified mail with return receipt requested shall be forwarded within five business days of the Manager of Zoning receiving a nomination request and upon receipt of the completed application to the last known property owner of the nominated Landmark as shown on records of the City.

3. Action by the Preservation Board

Upon receipt of a completed application by the Manager, a public hearing shall be set, advertised, and conducted by the Preservation Board. In the Manager of Zoning's discretion, a joint meeting of the Preservation Board and Planning Commission may be scheduled and held.

a. Within 32 days following the closing of their public hearing, the Preservation Board shall approve and designate the Landmark, approve and designate the Landmark with modifications, or deny the designation.

b. The failure of the Preservation Board to act within 32 days of the closing of the public hearing, or such longer time as may be agreed to by the applicant, shall be deemed a refusal to approve the Landmark as proposed.

c. In the event that the designation is not consented to by the owner of the proposed Landmark, such designation shall require a three-fourths affirmative vote of the entire Board.

d. A copy of such resolution shall be forwarded to the Chairperson of the Planning Commission, except where there is a joint meeting, in which case the Planning Commission's witnessing of the Preservation Board's deliberations and decision shall be deemed receipt of the resolution.

4. Action by Planning Commission

In the Manager of Zoning's discretion, a joint meeting of the Preservation Board and Planning Commission may be scheduled and held.

a. Where the Preservation Board does not act within the required time period, or where the Board refuses to designate, no further action shall be necessary, and the application shall be deemed void.

b. The Planning Commission shall give due consideration to the resolution of the Preservation Board, the evidence produced at its public hearing, any staff reports prepared with respect to the proposed Landmark and its own knowledge and expertise.

c. Within 32 days following the conclusion of the Planning Commission's public hearing, the Planning Commission shall approve such designation or disapprove the designation.

d. In the event that the designation is not consented to by the owner of the proposed Landmark, such designation shall require a three-fourths affirmative vote of the entire Planning Commission. The failure of the Planning Commission to act within 32 days, or such longer time as may be agreed to by the applicant, shall be deemed an approval of the Landmark designation as passed by the Preservation Board.

e. Within ten business days following the action of the Planning Commission or the expiration of the time set for its action, the Manager of Zoning shall mail notice of such action and the action of the Preservation Board to such person entitled to such notice pursuant to Section 19.4.

5. Publication, Recording, and Effective Date

a. Upon the adoption of a resolution by the Planning Commission approving the designation of a Landmark, or upon the expiration of time provided for the adoption of such a resolution, the Manager of Zoning shall cause the location of such Landmark to be recorded on the Zoning Map.

b. The designation of such Landmark shall become effective upon such recording.

E. Amendment and Rescission of Landmark Designation

A Landmark designation made pursuant to this section may be amended or rescinded in the same manner as herein provided for the designation of such Landmark.

F. Alteration to Property Pending Final Disposition

When any proposal, nomination request or application has been filed pursuant to this section to designate a Landmark, and until such proposal or application has been finally disposed of, it shall be unlawful for any person to, and no person shall, perform, cause or permit any construction, alteration, remodeling, removal, movement, or demolition of any building, structure, other improvement, or premises which is included within such proposal or application except in accordance with the provisions of this section.

G. Appeal

An appeal from any final decision of the Preservation Board or Planning Commission as to any matter regarding the Landmark designation must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

PART IV: PROCEDURES APPROVED BY THE PRESERVATION BOARD

20.13 Certificate of Appropriateness

A. Authority
The Preservation Board shall have the authority to issue certificates of appropriateness within the City.

B. Preservation Guidelines
The Preservation Board shall have the authority to develop and adopt preservation guidelines in accordance with the public hearing process set forth in this Code. The guidelines shall include criteria under which the Manager of Zoning may issue a Certificate of Appropriateness instead of the Preservation Board. The preservation guidelines shall be kept on record with the Manager of Zoning.

C. Purpose
The certificate of appropriateness is intended to provide a procedure for the review of plans for work in preservation districts, on Local Landmarks, and on Designated Buildings of Historic Value, to ensure that such work will comply with standards established to preserve the integrity of any structure, improvement, landscape feature, or cultural site that has been determined to merit special protection.

D. Certificate of Appropriateness Required

1. It shall be unlawful for any person to perform, cause or permit any construction, alteration, remodeling, removal, movement or demolition of any structure, improvement, landscape feature, or cultural site which has been designated a Landmark or which is located within an area which has been designated as a preservation district, unless a certificate of appropriateness shall have been issued by the Preservation Board or Manager of Zoning in accordance with this section.

a. The certificate of appropriateness requirement shall not apply to activities located within the public right-of-way, even if such right-of-way is located within a preservation district, except when such right-of-way is part of a designated Local Landmark.

2. In addition, the following actions shall require a certificate of appropriateness:

a. Use of the alternate sign programs in preservation districts, subject to the criteria of Section 17.6.

b. Development of parking areas in the side and front yard subject to the criteria of Section 20.4.D.

c. Installation of mechanical equipment in a side yard, subject to the criteria of Section 20.4.D

d. With respect to a Designated Building of Historic Value:

i. Demolition of the Designated Building of Historic Value.

ii. Removal or alteration of significant architectural features including, but not limited to, slate or tile roofing, original cladding, porches, cornices, etc.

iii. Replacement of windows that:

(A) Do not match the original windows' configuration of divided lights, mullions and muntins.

(B) Do match the original windows' configuration of divided lights, mullions, and muntins, but by the use of interior-only grids, grids between panes of glass, or some other method other than the installation of:

(1) True divided lights.

(2) Simulated divided lights consisting of grids permanently adhered to both sides of the glass.

(3) Simulated divided lights consisting of grids permanently adhered to the exterior side of the glass.

3. No permit authorizing any such work shall be issued, unless a certificate of appropriateness with respect to such work and, in the case of demolition of a principal structure, with respect to the new construction proposed to replace such structure shall have first been issued pursuant to this section.

E. Activities Exempt from Certificate of Appropriateness

A certificate of appropriateness shall not be required for the following, unless the site is a Landmark:

1. Replacement of historic features precisely in kind, using like material in the same configuration, size, and degree of detail.

2. Interior renovations without Landmark designated interior.

3. Exterior painting of previously painted structures when a color change is proposed.

4. Routine repairs and maintenance that do not constitute alteration.

5. The removal of dead or diseased trees, as certified in advance by a licensed arborist in writing to the Manager of Zoning.

6. Improvements in the rear yard not deemed to be permanent as determined by the Manager of Zoning.

F. Certificate of Appropriateness Standards

In approving applications for certificates of appropriateness, the Preservation Board and committees shall consider and evaluate the propriety of issuing the certificate in terms of its effect on the purposes for which Landmarks, preservation districts and Designated Buildings of Historic Value are designated. In addition, the Board and its committees shall be guided by the following standards and considerations, except with respect to a Designated Building of Historic Value, which shall have the standards in item 3 below.

1. Properties within a Preservation District

In reviewing applications for certificates of appropriateness in a preservation district, the Preservation Board shall consider quality of design and quality of site development, including but not necessarily limited to:

a. Visual Compatibility

New and existing buildings and structures, and appurtenances thereof, which are moved, reconstructed, materially altered, or repaired shall be visually compatible in terms of the following criteria:

i. Height

The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

ii. Proportion of Front Façade

The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

iii. Proportion of Openings

The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

iv. Rhythm of Solids to Voids in Front Facades

The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways and places to which it is visually related.

v. Rhythm of Spacing and Buildings on Streets

The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.

vi. Rhythm of Entrance Porch and Other Projections
The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways and places to which it is visually related.

vii. Relationship of Materials, Texture, and Color
The relationship of the materials, texture and color of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.

viii. Roof Shapes
The roof shape of a building shall be visually compatible with the buildings to which it is visually related.

ix. Walls of Continuity
Building facades and appurtenances, such as walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street, to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.

x. Scale of a Building
The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.

xi. Directional Expression of Front Elevation
A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

b. Quality of Design and Site Development

i. The quality of the open spaces and landscaping between buildings and in setback spaces between street and facade.

ii. The quality of materials and their relationship to those in existing adjacent structures.

iii. The quality of the design in general and its relationship to the overall character of the neighborhood.

iv. The quality of the site development in terms of recreation, pedestrian access, automobile access, parking and servicing, and the retention of trees and shrubs to the extent possible.

v. When considering side or front yard parking, the impact on available on-street parking.

c. Special Considerations for Existing Buildings

i. For existing buildings the Board shall consider the availability of materials, technology, crafts and artisanship to duplicate existing styles, patterns, textures and overall detailing. When several acceptable alternatives are appropriate, costs may be considered by the Preservation Board. When evaluating whether particular materials, technologies, crafts, or artisanship present a reasonable alternative for establishing appropriateness, the Board shall consider where relevant:

(A) The availability of skilled labor, crafts, and artisans for restoring or reusing existing materials.

(B) The availability of materials that match the existing materials.

(C) The ability of alternative materials to closely match the existing materials in appearance, including color, shape, pattern, texture, and overall detailing.

(D) The ability of alternative materials to impart a benefit to the preservation of the property, such as added fire resistance, durability, or improved sustainability.

ii. The Preservation Board shall consider whether any previous certificate of appropriateness issued for the same property is relevant to the present application.

2. Landmarks

In reviewing applications for certificates of appropriateness with respect to Landmarks, the Preservation Board shall consider the following factors:

a. Standards

All the standards applicable to preservation district applications set forth in this section.

b. Color

The color shall be compatible with the style of the structure or improvement. Any change in color from the existing color at the time of designation shall be reviewed to ensure its appropriateness for the structure or improvement.

c. Exterior Repairs

The Board shall evaluate any proposed exterior repair for compatibility with those characteristics of the Landmark that were treated as significant in the application for in the application for, and the Preservation Board's approval of, the local Landmark designation. Where such documentation is not available, the Board may consider the general design of buildings of that architectural style and era, including any well documented local trends.

iv. Interior Repairs

Any interior repairs for buildings with interior Landmark designation shall be compatible with the original design**.**

v. Restoration

Any program of restoration shall be compatible with the original design, where plans or other records are available. Where such documentation is not available, the Board may consider the general design of buildings of that architectural style and era, particularly in the Rochester area where local documentation or other structures evidencing that same style and era are available.

3. Designated Building of Historic Value that is Not a Landmark and Not Located in a Preservation District

a. Demolition

In the case of a proposed demolition of a Designated Building of Historic Value, the applicant shall establish the need for demolition of the building because of the deteriorated or dangerous condition of the building and/or lack of economic viability of the building. A letter from a licensed architect or engineer shall be provided to establish the safety and condition of the building. An estimate from a licensed architect or engineer, or developer with demonstrated experience within the last five years in rehabilitation of historic structures, shall be provided to establish the economic feasibility of rehabilitation or reuse of the existing building, to establish the economic viability of the building. Drawings and other information as required by the Manager of Zoning for any replacement buildings or site improvements shall be provided and all such proposed replacement buildings or site work shall be visually compatible with the property, adjacent properties, and the neighborhood.

b. Significant Architectural Features

i. Removal

Removal of significant architectural features such as slate or tile roofs, porches, or cornices, shall require documentation of extraordinary costs to repair, replace or restore the architectural feature in kind. Applicant must demonstrate that such costs would result in a lack of reasonable return for income-producing property or a lack of available funds and inability to perform such compliant work for non-income-producing properties. Applicant shall provide cost comparisons for both non-compliant and compliant work. The application shall be subject to the provisions of item 1.c above, Special Considerations for Existing Buildings.

ii. Alteration or Replacement
Alteration, repair, or replacement work of significant architectural features shall be visually compatible with the site, adjacent properties and the neighborhood. The relationship of the features, including the materials, texture, scale, and color shall be visually compatible with the predominant materials, textures, scale, and colors used in other unaltered portions of the building, other buildings or structures on the property or the buildings and structures to which the property is visually related, such as adjacent properties or the neighborhood.

iii. Replacement of Windows
Replacement of windows that fail to use utilize true divided lights or simulated divided lights when matching the original mullion and/or muntin configuration shall be visually compatible with any remaining original windows or shall provide alternative window configurations that are visually compatible with the building, other buildings or structures on the property and structures to which the property is visually related, such as adjacent properties or the neighborhood. This does not include interior-only grids or grids between the panes of glass, except where the windows are being replaced in order to abate lead paint hazards.

G. Procedures

1. Application
Applications for certificates of appropriateness shall be submitted to the Manager of Zoning. Such applications shall be in such form and contain such information and documentation as shall be prescribed by the Manager of Zoning.

2. Other Approvals Required
Where the proposed application requires the issuance of a special permit, a variance, or other approval, no final approval for a certificate of appropriateness shall be issued until all other required approvals have been issued. The issuance of any other approvals shall not be deemed to establish any right to a certificate of appropriateness, which shall be issued or denied solely on the basis of the standards established by this section.

3. Action by Manager of Zoning
The Manager of Zoning shall have the authority to issue certificate of appropriateness for improvements that conform to the Preservation Board's preservation guidelines.

4. Action by Preservation Board

a. The Preservation Board shall have the authority to issue certificate of appropriateness for improvements that do not conform to the preservation guidelines.

b. Within 62 days following the conclusion of the public hearing, the Preservation Board shall render its decision that could include:

i. To approve the certificate of appropriateness.

ii. To approve the certificate of appropriateness with modifications or subject to conditions.

iii. To deny the certificate of appropriateness.

c. Where a rule of the Preservation Board, adopted pursuant to Section 18.7, provides that specified applications shall be directed to a permanent or ad hoc committee of the Preservation Board, such applications shall be referred to such committee rather than to the entire Board. No applications related to Designated Buildings of Historic Value shall be directed to a committee.

d. Where a committee is authorized to act, the vote of any two members of the committee shall be required and shall be sufficient to approve or deny a certificate. Such committee shall have a designated chairperson, take minutes of any meeting, and report its decisions at the next full Preservation Board meeting.

e. Where a committee of the Preservation Board is authorized to act, such committee may, at any time prior to announcing its decision on a certificate of appropriateness, refer the application to the entire Preservation Board for decision. Applications so referred shall be processed as though on appeal to the Board pursuant to this section.

f. In passing upon such applications the Board or such committee shall be guided by the purposes for which Landmarks and preservation districts are designated and by the particular standards and considerations set forth in this section. The failure of the Board or such committee to act within the specified time frame, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the certificate of appropriateness.

g. Within ten business days following the Board's or such committee's action or its failure to act within the specified time frame, the Manager of Zoning shall mail notice of such action to each of the persons entitled to such notice pursuant to Section 19.4. In the event that a certificate is approved, the Manager of Zoning shall, within such time, issue the certificate, noting thereon any modifications or conditions imposed by the Board or such committee.

5. Appeal from Committee Decision to Preservation Board

a. In any case where a committee of the Preservation Board is authorized to act as provided in this Code and where an application for a certificate of appropriateness is denied or is approved with conditions that are unacceptable to the applicant, the applicant may appeal the decision of such committee to the entire Preservation Board by filing a notice of such appeal with the Manager of Zoning within 30 days following the committee's decision. Upon receipt of such notice, the Manager of Zoning shall forthwith transmit such notice to the Preservation Board together with all papers bearing thereon. Within 30 days following the receipt of such notice, the Preservation Board shall render its decision in the form specified by Section 18.7.

b. Within ten business days following the Board's action, or its failure to act within the aforesaid 30 days, the Manager of Zoning shall mail notice of such action to each person entitled to notice pursuant to Section 19.4.

H. Emergency Provisions

1. In any case where a City enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement which is a Landmark, is a Designated Building of Historic Value or is in a preservation district for the purpose of remedying conditions determined to be dangerous to life, health, or safety, the Manager of Zoning shall issue a certificate of appropriateness to permit compliance with such order or direction. The certificate may require that the work minimize the impact to those characteristics for which the Landmark, Designated Building of Historic Value, or preservation district was nominated.

2. The Manager of Zoning shall notify the Chairperson of the Preservation Board within ten business days of issuance of a certificate of appropriateness for such emergency situations.

I. Limitation on Certificates of Appropriateness

A certificate of appropriateness shall become null and void one year after the date on which it was issued unless a building permit or certificate of zoning compliance is obtained and maintained. Where a violation of this Code has been cited against the property which is the subject of the certificate of appropriateness, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues, or other relevant factors.

J. Appeals

1. An appeal of the decision to issue a certificate of appropriateness by the Manager of Zoning may be appealed to the Preservation Board within 30 days of the decision.

2. An appeal from any final decision of the Preservation Board as to any matter regarding the certificate of appropriateness must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

20.14 Certificate of Economic Hardship

A. Authority

The Preservation Board shall have authority to issue certificates of economic hardship in accordance with the provisions of this section. This section does not apply to Designated Buildings of Historic Value that are not within a preservation district or to Designated Buildings of Historic Value that are not designated as a Local Landmark.

B. Purpose

The certificate of economic hardship is intended to provide a means by which relief may be granted from a certificate of appropriateness decision that creates an economic hardship. The hardship procedure shall be utilized only in conjunction with the denial of a certificate of appropriateness application.

C. Certificate of Economic Hardship Standards

1. General

The Preservation Board shall have the power to vary or modify adherence to the standards for a certificate of appropriateness and issue certificates of economic hardship when:

a. Based on extraordinary replacement or maintenance costs, there is a lack of reasonable return for income-producing property.

b. Based on the equity in the property and any financial encumbrances, there is a lack of available funds for strict adherence to preservation standards for a Certificate of Appropriateness for non-income-producing properties.

2. Demolition

Specifically in the case of a demolition, the applicant is required to show the following:

a. That the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

b. That the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

d. That the claimed hardship is not self-imposed or self-created.

D. Procedure

1. Application

Application for certificates of economic hardship shall be submitted to the Manager of Zoning prior to the expiration date of a certificate of appropriateness decision by the Preservation Board. The application shall contain at a minimum the following information and documentation as described in this section. The application must include a detailed description of the minimum level of relief sought to relieve the economic hardship.

a. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

b. Amount paid for the property, the date of purchase and the party from which purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and the buyer.

c. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

d. Any appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property or, if no such appraisal exists, a new appraisal.

e. Purposes for which money has/will be expended which the property has been used to secure.

f. Any listing of the property within the past two years for sale or rent, price asked, and offer received, if any, and sale prices of properties of comparable size and/or construction in a rehabilitated condition.

g. If the property is income-producing, the annual gross income from the property for at least the previous two years, itemized income revenue, operating and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

h. Assessed value of the property according to the two most recent assessments and assessment value of comparable property.

i. Real estate taxes and other governmental surcharges for the previous two years.

j. A report from a licensed engineer or architect with demonstrated experience in rehabilitation of historic structures as to the cost of meeting the requirement of the certificate of appropriateness, or cost estimates by three different contractors with demonstrated experience within the last five years in the rehabilitation of historic structures qualified to perform the proposed work as planned and as required.

k. In the case of a proposed demolition, an estimate from a licensed architect or engineer, or developer with demonstrated experience within the last five years in rehabilitation of historic structures, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property; such professional may be asked to submit a listing of projects completed within the last five years.

l. Any grants and financial assistance that is pending, applied for, granted, or denied.

2. Public Hearing

For all certificates of economic hardship, a public hearing shall be set, advertised, and conducted by the Preservation Board in accordance with Section 19.4

3. Action by the Preservation Board

a. Within 62 days following the conclusion of the public hearing, the Preservation Board shall tender its decision and shall by written resolution, in the form specified in Section 18.7, either approve the certificate of economic hardship and issue a modified certificate of appropriateness or deny such certificate of economic hardship.

b. The failure of the Preservation Board to act within 62 days, or such longer period of time as may be agreed to by the applicant, shall be deemed a denial of the application. Within ten business days of such decision or the expiration of such period, the Manager of Zoning shall mail notice of such decision of failure to act to all parties entitled.

E. Limitation on Certificates of Economic Hardship

A certificate of economic hardship shall become null and void upon the expiration of the modified certificate for appropriateness.

F. Appeal

An appeal from any final decision of the Preservation Board as to any matter regarding the certificate of economic hardship must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

PART VI: PROCEDURES APPROVED BY THE ZONING BOARD OF APPEALS

20.15 Administrative Appeal

A. Authority

The Zoning Board of Appeals shall hear and decide administrative appeals relating to each decision, interpretation, or determination by the Manager of Zoning. In cases of administrative appeals, the Zoning Board of Appeals shall have the same powers and be subject to the same standards and limitations as the Manager of Zoning with respect to any order, requirement, decision, interpretation, or determination being appealed. Administrative appeals do not include appeals of both site plan review and appeals of cluster development modifications approved by the Manager of Zoning.

B. Purpose

An administrative appeal provides redress for any person aggrieved or for any officer, department, board, or bureau of the City affected by a decision of the Manager of Zoning. This does not include appeals of site plan review and appeals of cluster development modifications approved by the Manager of Zoning.

C. Procedure

1. Notice of Appeal

A notice of appeal specifying the reasons for the appeal shall be submitted to the Zoning Board of Appeals within 60 days of the filing of each decision, interpretation, or determination by the Manager of Zoning. The Manager of Zoning shall transmit to the Zoning Board of Appeals the notice of appeal, together with all documents constituting the record upon which the action appealed from was taken.

2. Public Hearing

A public hearing shall be set, advertised, and conducted by the Zoning Board of Appeals.

3. Action by Zoning Board of Appeals

Within 62 days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal in the manner and form specified in Section 18.8. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed. The failure of the Board to act within such 62 days shall be deemed a denial of the appeal. Within ten business days of such decision, or the expiration of such period, notice of such decision, or failure to act, shall be mailed by the Manager of Zoning to all parties entitled to such notice, pursuant to Section 19.4.

D. Right to Approve Variance in Deciding Appeals

In any case where the administrative appeal is accompanied by an application for a variance, the Zoning Board of Appeals, following the denial of the administrative appeal, shall have the authority to review and render a decision on the application for a variance.

E. Conditions and Limitations on Use or Rights Approved by Appeal

In any case where this Code imposes conditions or limitations upon any use or right, a decision of the Zoning Board of Appeals on an administrative appeal shall retain such conditions and limitations, unless a variance is granted removing or reducing the conditions or limitations.

F. Stay of Proceedings

An appeal shall stay all proceedings in the furtherance of the action appealed from, unless the Manager of Zoning certifies to the Board of Appeals after the notice of appeal has been filed with them that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by the Supreme Court on application, upon reasonable written notice to the Manager of Zoning and on due cause shown.

8. Appeals

An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the administrative appeal must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

20.16 Variance

A. Authority

The Zoning Board of Appeals shall have the authority, in accordance with the procedures hereinafter established, to authorize use, area or other variances within the City. Minor deviations from this Code may be permitted under the provisions for administrative adjustment pursuant to Section 20.4.

B. Purpose

The variance procedure is intended to provide a means by which relief may be granted only when no other applicable remedy is available, pursuant to this Article.

C. Use Variance

1. A use variance shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise prohibited by the applicable zoning regulations. A use variance is required for the following:

a. Use of land for a purpose that is not allowed according to Table 3-1.

b. Use of land that does not comply with the use permissions listed in Table 3-1.

c. Increase in the intensity of an existing nonconforming use (Section 22.2.C).

d. Residential conversion that does not meet certain standards outlined in Section 13.2.

2. The Zoning Board of Appeals shall not grant a use variance without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located:

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. Proof that the property cannot realize a reasonable return must include verifiable facts and the unsupported opinion of the owner or others shall not be accepted as proof. Proof that the property could be used more profitably if not subject to the Code provision sought to be varied shall not, alone, be sufficient to establish such lack of return.

b. The alleged hardship relating to the property in question is unique and does not apply to other properties in a substantial portion of the district or neighborhood. The inability to realize a reasonable return must arise out of a unique circumstance related to the property, not the personal situation of the owner.

c. The requested use variance, if granted, will not alter the essential character of the neighborhood. The requested variance must not materially impact the enjoyment, use or development of adjacent properties or the neighborhood because of issues of noise, traffic or parking congestion or undue demands on public utilities or services.

d. The alleged hardship has not been self-created. The inability to realize a reasonable return may not the result of any action or inaction by the owner or its predecessors. Acquisition or improvement of a property at any time after the effective date of the Code provision sought to be varied, shall be a rebuttable presumption that the hardship is self-created.

3. When a use variance application involves development or redevelopment, the Zoning Board of Appeals may review the application in two steps for the purpose of reducing administrative staff time and application costs.

a. The applicant may submit a request for a partial determination of unnecessary hardship by submitting the required information to the Zoning Board of Appeals to establish that the proposed development or redevelopment cannot realize a reasonable return, is unique to the property, and has not been self-created as set forth in items 2.a, 2.b, and 2.d above.

b. If the Zoning Board of Appeals renders a decision that the applicant has demonstrated items 2.a, 2.b, and 2.d above, the applicant may submit the remainder of the application requirements, e.g. plans, drawings, SEQR forms, to the Board for a final decision on the remaining standard(s) for the use variance.

c. The Zoning Board of Appeal's decision on the standard of reasonable return shall be deemed a final decision.

4. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance, including less relief than requested, that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Area Variance

1. Unless otherwise indicated, an area variance provides relief from the dimensional or physical requirements imposed by zoning regulations. An area variance does not authorize any change in the type or intensity of use of the property. An applicant cannot apply for a variance to a definition (Article 24).

2. In addition, an area variance provides relief from regulations pertaining to:

a. The structural alteration or enlargement of a legally existing nonconforming structure which does not result in an expansion of a nonconforming use as described in Article 22.

b. Requirements and standards relating to signs.

3. In making its determination whether to grant an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

b. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

c. Whether the requested area variance is substantial.

d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

E. Procedure

1. Application

A variance may be sought only after a decision by the Manager of Zoning to deny a certificate of zoning compliance. An application for a variance may be filed by the owner, the owner's designee, or any person having a contractual interest in, the subject property.

2. Action by Manager of Zoning

Upon receipt of a completed application, the Manager of Zoning shall determine whether or not the variance requested is an administrative adjustment.

3. Action by the Zoning Board of Appeals

a. In any case where the variance requested is not an administrative adjustment, a public hearing shall be set, advertised, and conducted by the Zoning Board of Appeals in accordance with Section 19.4.

b. Within 62 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision, approving or denying the variance, in the manner and form specified by Section 18.8. The failure of the Board to act within 62 days shall be deemed a denial of the variance.

c. Within ten business days following such decision or the expiration of such period, the Manager of Zoning shall mail notice of such decision or failure to act to all persons entitled to such notice pursuant to Section 19.4 and file such decision in the office of the City Clerk.

4. Conditions on Variances

a. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property.

b. Such conditions or restrictions shall be consistent with the spirit and intent of the Code or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

c. Such conditions shall be expressly set forth in the resolution approving the variance and in the notice informing the applicant thereof and in any zoning permit based thereon.

d. Modifications of such conditions or restrictions shall require approval of the Zoning Board of Appeals.

e. Violation of such conditions and safeguards shall be a violation of this Code.

5. Approval of Variance Other Than Requested Variance
A variance offering less relief than that requested may be approved when the record supports the applicant's right to some relief but not to the relief requested.

F. Modifications to Variances
No expansion or modification that increases the intensity of a use or its operation that was originally approved by variance shall be permitted except through the same process as required for initial approval of the variance.

G. Effect of Variance Approval
The issuance of a variance shall merely authorize the preparation, filing, and processing of applications for any permits and other approvals which may be required by the codes and ordinances of the City, including but not limited to a building permit.

H. Limitations on Variances

1. A variance shall become null and void unless a certificate of zoning compliance and/or building permit is obtained and work is commenced within one year from the date of approval except in the case where site plan approval is required, the expiration date shall be the same as that of the site plan approval.

2. Where a violation of this Code has been cited against the property which is the subject of the variance, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues, or other relevant factors.

3. When the active operation of all or a portion of a use variance is discontinued or abandoned for a period of one year, regardless of any intent to resume or not to abandon the use, the use variance shall be null and void. The active operation of a use shall be the typical or normal activities associated with the use.

I. Appeal
An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the variance must be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board, or commission of the City, in accordance with Article 78 of the New York Civil Practice Law and Rules.

Article 21. Fees

21.1 Fee Schedule

21.1 Fee Schedule

A. The fees in Table 21-1: Fee Schedule shall be charged upon application for the following actions:

Table 21-1: Fee Schedule			
Action		**Reference**	**Fee**
Official Map Amendment			
	Planning Commission	Municipal Code Ch. 76	$200
	City Council	Municipal Code Ch. 76	$200
	Department of Environmental Services	Municipal Code Ch. 76	$100
Official Map Variance		Municipal Code Ch. 76	$250
Street Abandonment			
	Planning Commission	Municipal Code Ch. 76	$200
	City Council	Municipal Code Ch. 76	$200
	Department of Environmental Services	Municipal Code Ch. 76	$200
Amendment (Zoning Map and Text Amendments, and Amendments to Existing IPD and PD)			
	Planning Commission	Section 21.1	$200
	City Council	Section 21.1	$200
Planned Development		Article 12	$750
Cluster Development and Appeal of Cluster Development Modification		Section 21.4	$250
Special Permit		Section 21.5	$250
Site Plan Review			
	Minor	Section 21.12	$250
	Major	Section 21.12	$500
Site Plan Review Appeal		--	$500
Variance			
	Use	Section 21.10	*See below*
	Use Variance Application - Step 1	Section 21.10	*$250*
	Use Variance Application - Step 2	Section 21.10	*$250*
	Area	Section 21.10	$250
Administrative Adjustment		Section 21.11	$100
Interpretation		Section 21.15	$100
Administrative Appeal		Section 21.9	$250
Landmark Designation			
	Rochester Preservation Board	Section 21.6	$250
	City Planning Commission	Section 21.6	$250
Certificate of Appropriateness		Section 21.7	$250
Certificate of Zoning Compliance (When No Permit Is Required)		Section 21.13	$50
Certificate of Nonconformity		Section 21.14	$150
Special Approval Extensions, Per Year *In cases of one or more approvals associated with a specific project, a single extension fee shall include all related approvals*		--	$100
Minor Transfers of Land		Municipal Code Ch. 128	$100
Subdivision Approval		Municipal Code Ch. 128	$250

B. The sum of $50 shall constitute a nonrefundable application fee.

1. Upon written request by the applicant and for good cause, an applicant who withdraws an application prior to the issuance of a decision or findings may request a refund from the Commissioner.

a. If a withdrawal request is made within one week of the application, a refund shall be limited to any portion of the fee paid in excess of $50.

b. If a withdrawal request is made at least one week but no more than two weeks after the application, a refund shall be limited to any portion of the application fee paid in excess of $50 or 75% of the application fee paid, whichever is less.

c. If a withdrawal request is made more than two weeks after the application, a refund shall be limited to any portion of the application fee paid in excess of $50 or 50% of the application fee paid, whichever is less. A refund request must be made within one month of submission of an application; if the request is not made within one month of submission, no refund will be provided.

Article 22. Nonconformities

22.1 Purpose
22.2 Nonconforming Uses
22.3 Nonconforming Structures
22.4 Nonconforming Lots of Record
22.5 Nonconforming Signs

22.1 Purpose

The purpose of this Article is to regulate nonconforming uses, structures, lots, and signs as follows:

A. The zoning districts established by this Code are designed to guide the future use of the City's land by encouraging the development of appropriate, compatible, and related uses and to promote and protect the public health, safety, and general welfare.

B. Some nonconformities may continue to exist and afford adaptive reuse opportunities that can contribute to neighborhood character, diversity, and services. The continued existence of certain nonconformities may be inconsistent with the Comprehensive Plan and the gradual elimination of such nonconformities is often desirable.

C. The regulations of this Article are intended to restrict further investments that would make certain nonconformities more permanent in their location as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood and are consistent with the goals of the Comprehensive Plan.

D. A certificate of nonconformity may be required per Section 20.8 to establish the legality of nonconforming uses, structures, lots, and signs established prior to the effective date of this Code that do not conform to the regulations of this Code applicable in the zoning districts in which such nonconformities are located.

22.2 Nonconforming Uses

A. Continuance

Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, may be performed.

B. Moving

No nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot or structure unless the entire use conforms to all regulations of the zoning district in which the use is located.

C. Expansion of Use

No nonconforming use shall be increased in intensity. Increases of intensity include, but are not limited to:

1. Expansion of such use to an additional existing structure other than that occupied by such nonconforming use on the effective date of this Code, or any amendment hereto which causes such use to become nonconforming.

2. Expansion of such use, within a building or other structure, to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Code, or any amendment hereto which causes such use to become nonconforming. This includes enlargement of an existing structure to accommodate the nonconforming use.

3. Expansion of such use to additional area of the lot that was not occupied by such nonconforming use on the effective date of this Code, or any amendment hereto which causes such use to become nonconforming.

4. An enlargement of any existing parking lot or garage.

5. An increase in the posted occupancy limit.

D. Change in Use

1. A nonconforming use shall not be changed to any use other than a use allowed in the zoning district in which the property is located.

2. Once changed to a permitted use, the use shall not be changed back to the prior nonconforming use. The use is deemed changed when an existing nonconforming use is terminated and a new use commences and continues for a period of seven consecutive days, including any change of use in violation of this section.

E. Abandonment or Discontinuance

1. When the active operation of all or a portion of a nonconforming use, excluding legally existing two-family dwellings in any district where they are not permitted as of right, is discontinued or abandoned for a period of 12 months, regardless of any intent to resume or not to abandon the use, the use or portion thereof shall not be reestablished or resumed. The active operation of a use shall be the typical or normal activities associated with the use.

a. In the case of complete abandonment or discontinuance of a nonconforming use, any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such structure is located.

b. In the case of abandonment or discontinuance of a portion of a nonconforming use, the remaining occupied portion of the nonconforming use may continue subject to the provisions of this section.

2. Any period of discontinuance caused by government actions, strikes, material shortages, forces of nature, or declarations of disasters and/or emergencies, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection, except that any period of discontinuance ordered by the City or a court of law because of Municipal Code violations or failure to act shall be included in calculating the length of discontinuance of this subsection. Any such period of discontinuance based on this section shall be documented by the owner and an application for an extension of the abandonment period shall be submitted to the Manager of Zoning as set forth in item 3 below.

3. Prior to the expiration of a period of abandonment or discontinuance, the owner of any nonconformity may apply to the Manager of Zoning for a certificate of nonconformity (Section 20.8) to document the intent to discontinue a nonconforming use for a period in excess of the period of abandonment or discontinuance. Such application shall be based on one or more of the following circumstances and shall include a plan and timetable for reuse or re-occupancy:

a. Extensive rehabilitation of property, ongoing since prior to the expiration of the period of discontinuance.

b. Unique circumstances associated with repairs and alterations on designated landmarks or designated buildings of historic value.

c. Transfer of title delays caused by estate or probate issues.

d. Delay caused by serious illness or injury of any owner that may warrant special consideration on the basis of personal hardship.

e. Current and expected market conditions that impact the ability to reoccupy within the re-occupancy period for built-as nonresidential buildings.

f. Conditions listed in item 2 above.

4. Upon the expiration of a period of abandonment or discontinuance, the owner of any nonconformity may apply for a certificate of nonconformity (Section 20.8), which, upon denial by the Manager of Zoning, may be appealed to the Zoning Board of Appeals. The Zoning Board of Appeals may extend the period of abandonment or discontinuance if sufficient evidence is provided substantiating that the personal and/or property circumstances set forth in item 3 above significantly affected the ability to reoccupy the property.

5. The owner of any nonconformity may apply to the Manager of Zoning for a certificate of nonconformity to establish by relevant and credible evidence that the use has not been discontinued or abandoned. For the purposes of this section, the Manager of Zoning shall consider the following circumstances, which shall not be exclusive, which shall contribute towards evidence of discontinuance or abandonment of a use:

a. Failure to maintain regular business hours, typical or normal for the use (past operations of the use and/or industry standards may be used to determine typical or normal hours); or

b. Failure to maintain equipment, supplies or stock-in-trade which would be used for the active operation of the use; or

c. Failure to maintain utilities which would be used for the active operation of the use; or

d. Failure to pay taxes, including but not limited to sales taxes, workers' compensation taxes, corporate taxes, etc., that would be required for the active operation of the use; or

e. Failure to maintain required local, state, or federal licenses or other approvals that would be required for the active operation of the use.

6. The legality of one or more nonconforming uses located within a property shall not affect the determination that another nonconforming use on the same property has been discontinued or abandoned.

22.3 Nonconforming Structures

A. Continuance

A nonconforming structure may continue so long as it remains otherwise lawful, subject to the restrictions in this section.

B. Maintenance and Repair

Any nonconforming structure may be maintained or repaired, provided no additional nonconformity is created or the degree of the existing nonconformity increased.

C. Damage or Destruction

1. In the event that a nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50% of the cost of replacement, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located. This does not apply to legally existing single-family dwellings, two-family dwellings, three-family dwellings, and four-family dwellings, which are addressed in item a below.

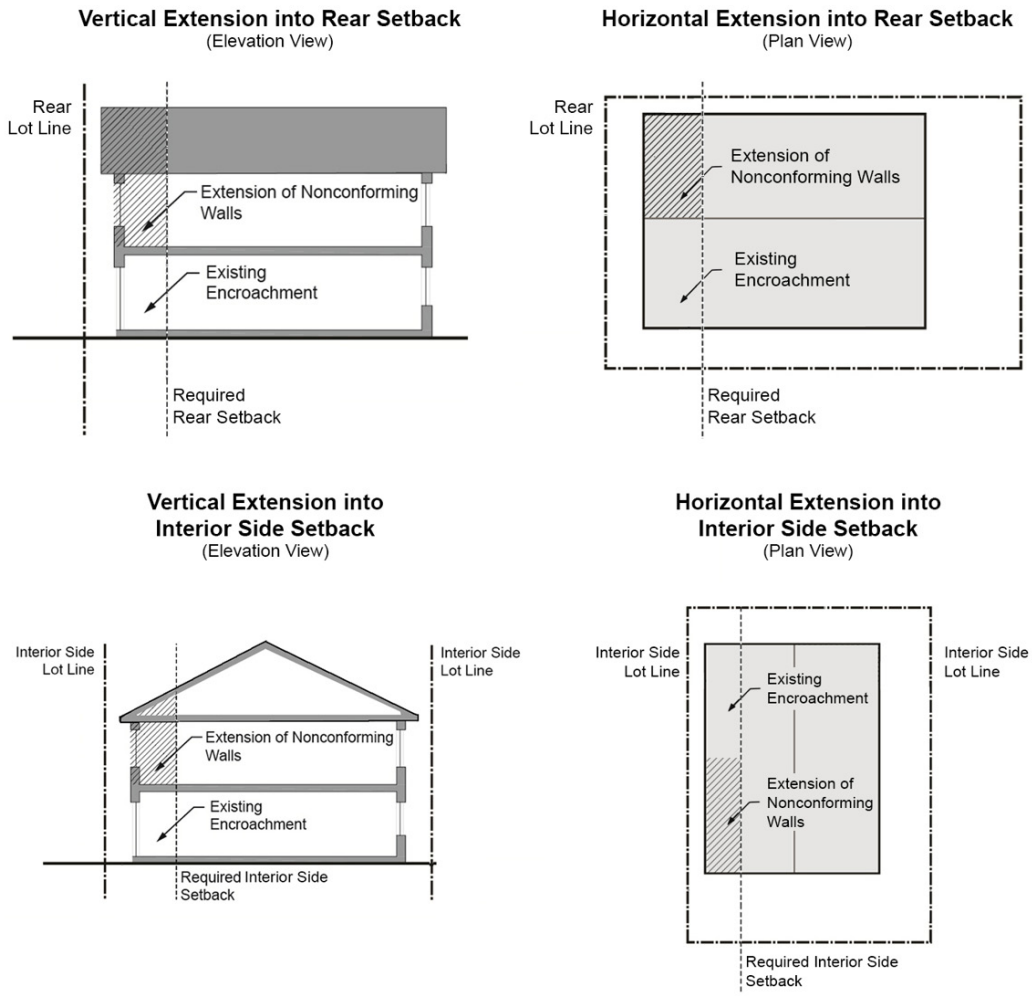
a. A legally existing single-family dwelling, two-family dwelling, three-family dwelling, and four-family dwelling may be rebuilt as it was after any level of destruction, in compliance with other relevant sections of New York State and City of Rochester Codes.

2. When a nonconforming structure is damaged or destroyed, by any means, to the extent of 50% or less of the cost of replacement of such structure, the structure may be rebuilt as it was if a certificate of zoning compliance or certificate of nonconformity is obtained and restoration is begun within one year after the date of such partial destruction and is diligently pursued to completion. No additional nonconformities may be created.

D. Extension of Walls for Nonconforming Single-Family and Two-Family Dwelling Structures

Where a single-family or two-family dwelling structure is deemed nonconforming because of encroachment into a required rear or interior side setback, the structure may be enlarged or extended horizontally or vertically along the same plane as the existing perimeter walls, so long as the resulting structure does not violate any other district regulation. A variance is not required.

EXTENSION OF NONCONFORMING WALLS



D. Moving

No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

E. Enlargement

No nonconforming structure shall be enlarged if it increases the degree of nonconformity.

22.4 Nonconforming Lots of Record

A. Use of a Nonconforming Lot
Where a parcel legally existed prior to adoption of this Code, notwithstanding the regulations imposed by any other provisions of this Code, a structure which complies with the dimensional requirements of the district in which it is located may be erected on that parcel.

B. Common Ownership Limitation
If two or more lots with contiguous street frontage are held in common ownership that have been used as a single development site, and one or more of the lots does not meet the requirements for lot dimensions as established by this Code, the land is considered to be a single zoning lot for the purposes of this Code. No portion of the lots may be used, transferred, or conveyed if it does not meet the lot dimensions requirements of this Code. No division of the lot may be made which leaves the remaining lot or lots with lot dimensions below the minimum requirements of this Code without approval of an area variation. No building permit may be issued for the use of any lot or portion of a lot transferred or conveyed in violation of this section.

22.5 Nonconforming Signs

A. Continuance
Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Code.

B. Alteration, Expansion or Moving
No nonconforming sign shall be:

1. Changed or altered in any manner which would increase the degree of its nonconformity.

2. Increased in size or any other sign dimension, such as height.

3. Changed or altered to prolong its useful life, except for a change solely to text or graphics on an existing background, not involving a change to any other part of the sign or sign structure. A change in the sign face is considered a change that prolongs the sign's useful life.

4. Moved in whole or in part to any other location where it would remain nonconforming.

C. Termination of Nonconforming Signs

1. Termination by Abandonment

a. Any nonconforming sign, the use of which is discontinued for a period of 90 days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be reestablished.

b. Any period of such discontinuance caused by government actions, strikes, material shortages or forces of nature, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

2. Termination by Damage or Destruction
Any nonconforming sign damaged or destroyed, by any means, to the extent of 50% of its replacement cost new shall not be restored but shall be terminated.

3. Termination by Change of Business
Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change of such business necessitating any change in the sign.

Article 23. Enforcement

23.1 Penalties
23.2 Code Compliance Required
23.3 Enforcement Responsibility
23.4 Continuing Violations

23.1 Penalties

Violations of this Code may be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in this Code.

23.2 Code Compliance Required

The commencement or continuation of any activity regulated by this Code that is not in compliance with the express provisions of this Code, or that is not in compliance with the express provisions of any permit or approval, including any attached findings or conditions, shall be a violation of this Code and subject to enforcement under the terms of this Article and New York Law.

23.3 Enforcement Responsibility

The responsibility for the enforcement of this Code is delegated to the Manager of Zoning, or their designee, or as otherwise designated in the City Charter or the Municipal Code.

23.4 Continuing Violations

Pursuant to the procedures in Chapter 52 of the Municipal Code, whenever a ticket or summons of such violation of this Code has been served, each day the offender continues such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

Article 24. General Definitions & Rules of Measurement

24.1 Rules of Interpretation
24.2 General Abbreviations
24.3 Definition of General Terms
24.4 Rules of Measurement

24.1 Rules of Interpretation

The terms in the text of this Code are interpreted in accordance with the following rules of construction:

A. The singular number includes the plural, and the plural the singular.

B. The present tense includes the past and future tenses, and the future tense includes the present.

C. The terms “must,” “shall,” and “will” are mandatory.

D. The terms “may” and “can” are permissive.

E. The terms “must not,” “will not,” “cannot,” “may not,” and “shall not” are prohibiting.

F. The word “and” indicates that all connected items, conditions, provisions, or events shall apply.

G. The word “or” indicates that the connected items, conditions, provisions, or events may apply singly or in combination.

H. The words “either...or” indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.

I. Any gender includes all genders.

J. The following terms are inclusive:

1. The word “lot” includes the word “plot” or “parcel.”

2. The word “person” includes an individual, firm, or corporation.

3. A building or structure includes any part thereof.

K. The word “City” means the City of Rochester, New York.

L. The word “County” means the County of Monroe, New York.

M. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

N. In case of any difference of meaning or implication between the text of this Code and any caption, illustration, or table, the text shall control.

24.2 General Abbreviations

The following abbreviations may be used within this Code:

A. BTZ is an abbreviation for "build-to zone."

B. GFA is an abbreviation for "gross floor area."

C. ft is an abbreviation for "feet."

D. N/A is an abbreviation for "not applicable."

E. sf is an abbreviation for "square feet."

F. Dwelling types:

1. SF-D is an abbreviation for "single-family - detached."

2. SF-A is an abbreviation for "single-family - attached."

3. 2F is an abbreviation for "two-family."

4. 3F is an abbreviation for "three-family."

5. 4F is an abbreviation for "four-family."

6. TH is an abbreviation for "townhouse."

7. MF is an abbreviation for "multi-family."

G. NR is an abbreviation for "nonresidential."

24.3 Definition of General Terms

The following are definitions of general terms used throughout this Code. Definitions are not eligible for a variance. Use definitions for the uses within Table 3-1: Use Table are found in Article 3.

Aboveground Utility Structures. Above ground utility structures include appurtenances and components for infrastructure: natural gas, water, sewer, stormwater, electricity, telephone (excluding wireless communications), cable television, fiber optic, and others.

Abut. Having common property boundaries or lot lines which are not separated by a street; touching; adjacent.

Accessibility Ramp. A ramp or similar structure that provides access to a building for wheelchairs and other mobility aids.

Accessory Structure. A detached structure located on the same lot as the principal building that is subordinate to the area and purpose of the principal structure and the principal use of the structure or lot.

Accessory Use. The use of land or a structure, or portion thereof, that is related, incidental, and subordinate to the principal use of the land or structure.

Addition. Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Alley. A thoroughfare which affords only a secondary means of access to abutting property.

Alteration. A change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders. Alteration also includes any replacement or modification of windows and doors.

Amateur (ham) Radio Equipment. An amateur (ham) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Apiary. A place where bees are kept; in particular, a collection of hives or colonies of bees kept for their honey.

Ancillary. In regard to principal uses, a structure or use that provides support and is integral to a principal structure or use.

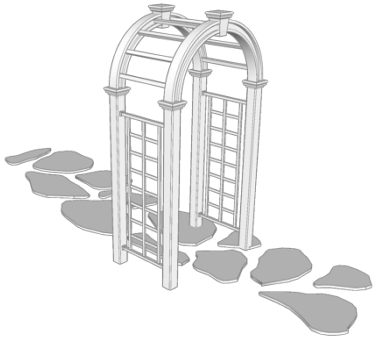
Aquaculture. The breeding, raising, and harvesting of fish, shellfish, and aquatic plants.

Aquaponics. Food production systems that use aquaculture and hydroponics, where the aquaculture water is fed to hydroponically-grown plants.

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, excluding signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Arbor. A latticework structure in an arched shape upon which plants and vines can grow.

ARBOR



Awning. A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

Balcony. A roofed or unroofed platform that typically projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground. A balcony may also be constructed in line with the building wall.

Banner. A temporary sign printed upon flexible material mounted with or without rigid frames on a structure.

Bar Hours. The hours during which premises licensed by the State Liquor Authority to sell alcoholic beverages at retail for on-premises consumption in Monroe County are allowed to operate in accordance with New York State Alcoholic Beverage Control Law §106.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

Blank Wall. The horizontal linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.

Block. Defined in Section 24.4.

Block Frontage. Defined in Section 24.4.

Blockface. Defined in Section 24.4.

Blue Roof. A roof designed to store water and discharge rainfall.

Buffer Yard. Land area with landscape plantings and other components used to separate one use from another and to shield or block noise, lights, or other nuisances.

Build-To Zone (BTZ). Defined in Section 24.4.

Build-To Percentage (BT%). Defined in Section 24.4.

Build-Out Percentage (BO%). Defined in Section 24.4.

Buildable Area. The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Code. The NYS Uniform Fire Prevention and Building Code and Chapter 39 of the Rochester Municipal Code.

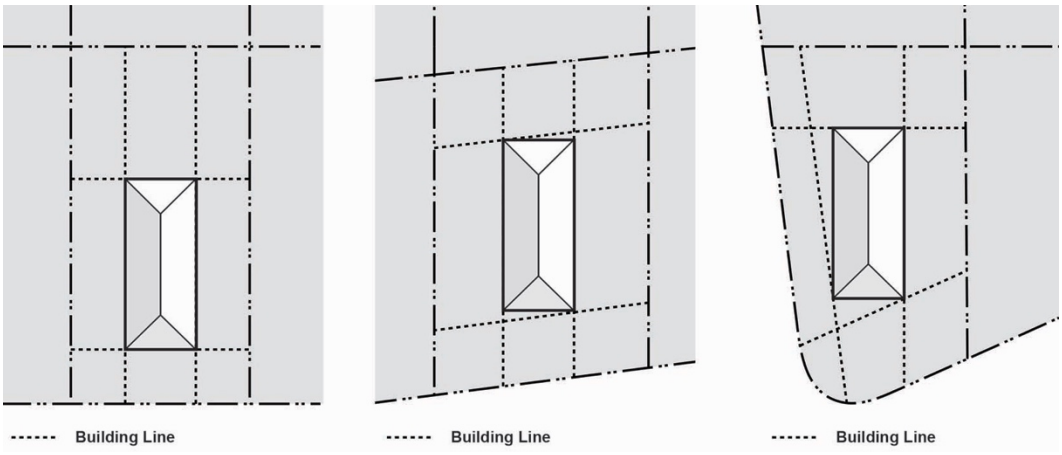
Building Coverage. See Section 24.4.

Building Façade. The exterior wall of a building. When this Code refers to a building facade that faces a street, a lot line, or the waterfront, that includes the facades of buildings that are set back from the lot line. This also includes facades that are set back and have parking areas located in front of the building façade.

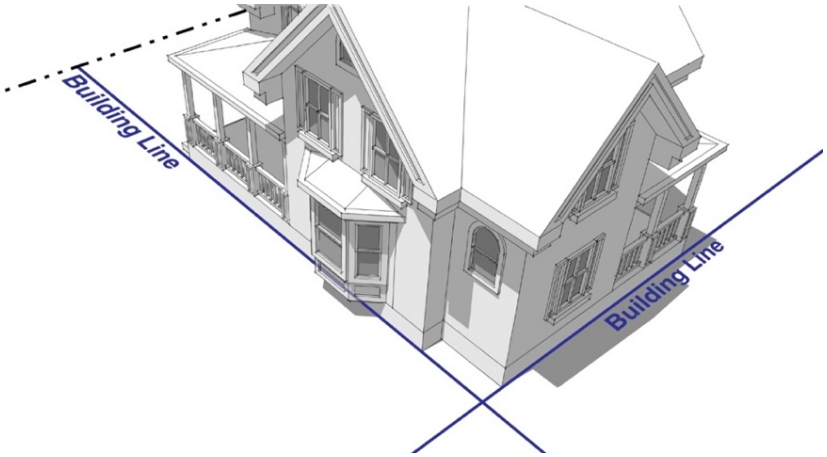
Building Height. See Section 24.4.

Building Line. A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include architectural features, façade projections or permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops. Porches are considered part of the building line.

BUILDING LINE



BUILDING LINE



Building, Principal. A building in which the main or principal use of the lot is conducted on which said building is situated.

Canopy. A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building or freestanding, with supports that extend to the ground.

Carport. An open-sided, roofed vehicle shelter, typically attached on one side to a building, but may be freestanding.

Change of Use. Any transition to a use for which there is a change in application of any requirement of this Code.

Chicken Coop. A structure where chickens are kept.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Coldframe Structure. A temporary unheated outdoor structure used for protecting seedlings and plants from the cold.

Co-Location. Placement of telecommunication equipment from more than one service or service provider on a single tower or site.

Commercial Vehicle. All trucks, vans, construction equipment, and limousines that bear commercial license plates.

Commercial/Industrial Materials. Materials stored, warehoused, exchanged, used, consumed, assembled, repaired, salvaged, manufactured, generated, displayed, offered for sale, or discarded at a commercial or industrial use facility, including, but not limited to, raw materials, equipment, parts, merchandise, construction materials, by-products, regardless of whether they are intended to be used, salvaged, or discarded.

Completely Enclosed Building. A building separated on all sides from the adjacent open area, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or doors normally provided for the accommodation of persons, goods, or vehicles. All operations of a completely enclosed building shall be conducted with doors and windows closed, except for access, loading, and unloading.

Corner Feature (Applies in CV District). Buildings located at specified corners in the CV District indicated in the district standards shall have a corner feature. A corner feature is an architectural element that tends to emphasize a building's relationship to a corner, including, but not limited to, chamfered corners, rounded corners, vertical elements, special roof forms, or a plaza or other open space.

Courtyard. Open space, other than a yard, unoccupied except by obstructions permitted in yards, on the same lot with a building, which is bounded on three sides by the walls of such building.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

Deck. An uncovered outdoor structure, attached or freestanding, built on supports.

Designated Building of Historic Value (DBHV). A building that is listed in the City of Rochester's Historic Resources List (Mack Survey) from 1986 and as updated in 2000, as filed in the City Clerk's Office. Accessory structures and buildings are only a DBHV if they are identified in the Mack Survey as relevant.

Development, Multi-Tenant. A nonresidential development or the nonresidential component of a mixed-use development designed for and occupied by three or more tenants.

Development, Single-Tenant. A development designed for and occupied by one tenant.

Development or Redevelopment. Any change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

District. A portion of the City of Rochester within which certain regulations and requirements or various combinations thereof apply pursuant to the provisions of this Code.

Donation Box. An unmanned receptacle designed with a door, slot, or similar opening intended to accept and store donated clothes and household items to be picked up and emptied by the organization operating the receptacle.

Drainage. The removal of surface or subsurface water from a given area either by gravity or by pumping. The term is commonly applied to surface and ground water.

Driveway. The private access delineated through pavement, gravel, or other surface from a public right-of-way to a parking space or garage.

Dwelling Unit. One room, or a group of rooms joined to each other, located in a dwelling, designed, and maintained as unified living quarters, containing integrated facilities used for living, sleeping, cooking, eating, and sanitation.

Dwelling Unit Conversion. The rebuilding or remodeling of, addition to, alteration, expansion, enlargement, or conversion in any manner of an existing building to increase the number of dwelling units contained therein.

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Electric Vehicle (EV) Charging Station. Electric Vehicle (EV) Charging Station. An electric vehicle charging station, also called "EV charging station," "electric recharging point," "charging point," and "EVSE (electric vehicle supply equipment)," that supplies electric energy for the recharging of plug-in electric vehicles, including all-electric cars, neighborhood electric vehicles, and plug-in hybrids.

Emergency Escape Well. A window designed to provide a means of escape and access in the event of an emergency from a floor located wholly or partially below grade.

Encroachment. The extension, placement, or existence of any structure, or a component of such, into a required setback, adjacent property or right-of-way.

Endwall. The wall of the end unit of a single-family attached, development that is not attached to another dwelling unit or party wall.

Enlargement. The addition of floor area to an existing building that increases the size of an existing structure.

Erect. To build, construct, attach, hang, place, suspend, or affix.

Expansion. An increase in the amount of existing floor area within an existing building or an increase in the amount of existing floor area occupied by a use within an existing building.

External Illumination. Illumination by an artificial source of light not internal to the sign face.

Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

Exterior Wall. Any wall which defines the exterior boundaries of a building or its courts or of a structure.

Facade. An exterior building wall, from grade to the top of the parapet or eaves. A facade incorporates the full width of a building elevation, including any projections or recesses occurring across an elevation.

Family. Persons occupying a dwelling unit and living together as a family unit. Although it shall be presumptive evidence that more than four persons living in a single dwelling unit who are not related by blood, marriage, domestic partnership, legal adoption, or foster relationships do not constitute a family unit, if more than four unrelated persons substantially meet the following criteria, such persons shall be deemed to be a family unit:

1. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family.

2. The group shares expenses for food, rent or ownership costs, utilities and other household expenses.

3. The group is permanent and stable. Evidence of such permanency and stability may include:

a. The presence of minor dependent children regularly residing in the household who are enrolled in a local school;

b. Members of the household having the same address for the purposes of voter registration, driver's license, motor vehicle registration and filing of taxes;

c. Members of the household are employed in the area;

d. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;

e. Common ownership of the furniture and appliances among the members of the household; and

f. The group is not transient or temporary in nature.

4. Any other factor reasonably related to whether or not the group is the functional equivalent of a family. A fraternity or sorority will not be considered the functional equivalent of a family.

Feather Flag/Sail. A freestanding attention-getting device, vertical in orientation, typically constructed of cloth held taut by a single post.

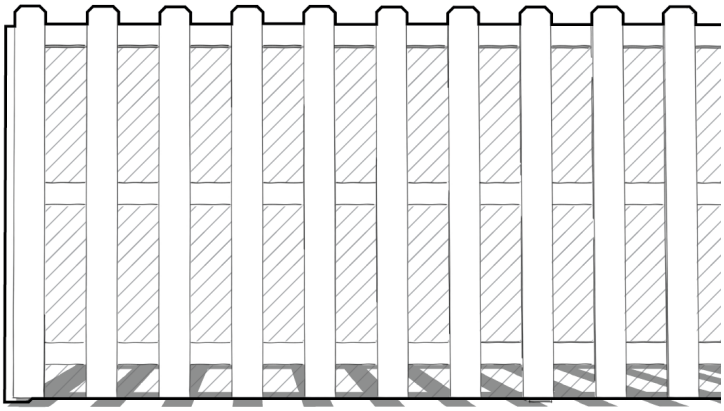
Fence. A structure over two feet in height used as a boundary, screen, separation, means of privacy, protection, or confinement, and is constructed of wood, plastic, metal, chain link, masonry, or other similar material and is used as a barrier, excluding retaining walls.

1. Fence, Open. A fence that has, over its entirety, more than 60% of its surface consisting of regularly distributed openings.

2. Fence, Solid. A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

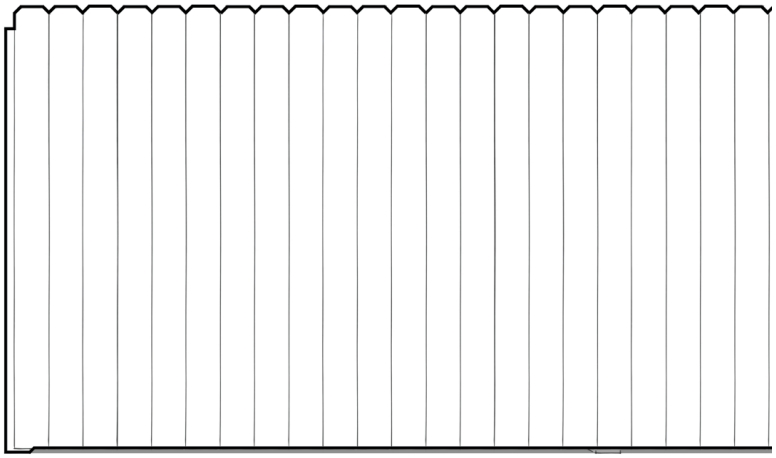
OPEN FENCE

Minimum of 60% of surface consists of regularly distributed openings



SOLID FENCE

No distributed openings, including shadowbox designs



Fire Escape. A staircase or similar apparatus used to provide a means of escape in the event of an emergency

Flag. Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags

Floodlight. A powerful light, typically in a grouping of several lights, used to illuminate the exterior of a building or sign.

Food Truck or Trailer. A motor vehicle or a food trailer towed by another vehicle, designed and equipped to prepare, assemble, and sell food and/or beverages directly to consumers. The vendor physically reports to and operates from a commercial kitchen for servicing, restocking, and maintenance.

Footcandle. A unit of illumination, technically, the illumination at all points one foot distant from a uniform point source of one candle power.

Garbage. All putrescible animal and vegetable waste resulting from growing, processing, marketing, and preparation of food items, including container in which packaged.

Gazebo. A freestanding accessory structure with a roof but otherwise open-air structure designed for recreational use only and not for habitation.

Glare. The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Grade. See Section 24.4.

Grade, Established. See Section 24.4.

Grade, Finished. See Section 24.4.

Green Roof. A roof partially or completely covered with vegetation and a growing medium, typically planted over such layers as a waterproofing membrane, root barrier, and drainage and irrigation systems.

Greenhouse. A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Guest. A person whose name and address is listed on the registry maintained by the short-term whole dwelling unit rental or hotel and who is the occupant of the short-term whole dwelling unit rental or hotel room.

Hedge. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Historic Marker. That portion of an historic site which memorializes an event or person of historical importance.

Historic Site. A parcel of land which marks or is associated with some event or person of historical importance.

Hours of Operation. The hours specified when businesses may be open to the public or permitted hours for loading, unloading and other service operations related to the business. The presence of an employer or employees within a building preparing for or closing out a business day is not considered to be a service operation.

Hydroponics. Horticulture that involves growing plants without soil by using mineral nutrient solutions in a nutritious liquid.

Impervious Surface Coverage. See Section 24.4.

Inline Commercial Development. That potion of a commercial development developed where tenants are contiguous to neighboring tenants, typically under a single roof.

Junk Appliance. Any household appliance, or parts thereof, including, but not limited to, a stove, washing machine, dryer, dishwasher, freezer refrigerator, air conditioner, water heater, or television, electronic equipment and parts thereof, including but not limited to computers, copiers, fax machines and printers, which is placed outside of any residence or structure.

Junk Furniture. Furniture that is abandoned, discarded or damaged to an extent that renders it unsuitable for its ordinary and customary use, including, but not limited to, sofas, upholstered and unupholstered chairs, mattresses, bed frames, desks, tables, and chests of drawers.

Junk Item. Worn-out or discarded material of little or no value which is no longer intended or in condition for ordinary and customary use.

Liquor Store Hours. The hours during which premises licensed by the State Liquor Authority to sell liquor and/or wine for off-premises consumption are allowed to be open pursuant to New York State Alcoholic Beverage Control Law §105.

Loading Space. An unobstructed, hard-surfaced area that is not located in any street or public right-of-way, the principal use of which is for the standing, loading, and/or unloading of trucks and trailers.

Local Landmark. Any City-designated structure (interior and/or exterior), improvement, landscape feature or cultural site that by its architectural or historic merit or impact is worthy of special recognition and preservation.

Light Pole. Pole on which a luminaire is mounted.

Lot. See Section 24.4.

Lot Area. See Section 24.4.

Lot, Corner. See Section 24.4.

Lot, Double-Frontage. See Section 24.4.

Lot, Interior. See Section 24.4.

Lot, Reverse Corner Side. See Section 24.4.

Lot, Through. See Section 24.4.

Lot Frontage. See Section 24.4.

Lot Line. See Section 24.4.

Lot Line, Corner Side. See Section 24.4.

Lot Line, Front. See Section 24.4.

Lot Line, Rear. See Section 24.4.

Lot Line, Reverse Corner Side. See Section 24.4.

Lot Line, Side. See Section 24.4.

Lot of Record. A parcel of land that is a lot in a subdivision recorded on the records of the Recorder of Deeds of Monroe County, New York, or that is described by a metes and bounds description which has been so recorded.

Manager of Zoning. The Manager of Zoning of the City of Rochester, or their designee.

New Construction. Structures for which the start of construction commences on or after the effective date of the applicable sections of this Code.

Nits. A luminance (brightness) unit equal to one candle per square meter measured perpendicular to the rays from the source.

Noncommercial Message. The expression of noncommercial ideas and messages. A noncommercial message does not promote a business, product, service, commercial entertainment, or other commercial activity offered on or off the premises.

Nonconforming Lot. A lawful lot of record that does not comply with the lot requirements in the district in which it is located.

Nonconforming Sign. A sign lawfully existing on the effective date of this Code that does not comply with all of the standards and regulations of this Code or any subsequent amendment hereto.

Nonconforming Site Element. A site development element, such as landscape or lighting, lawfully existing on the effective date of this Code that does not comply with all of the standards and regulations of this Code or any subsequent amendment hereto.

Nonconforming Structure. A principal or accessory structure lawfully existing on the effective date of this Code that does not comply with all of the standards and regulations of this Code or any subsequent amendment hereto.

Nonconforming Use. The use of a structure or land lawfully existing on the effective date of this Code that does not comply with all of the standards and regulations of this Code or any subsequent amendment hereto.

Off-Premise Advertising Sign – Permanent. A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also called an “advertising sign.”

Off-Premise Advertising Sign – Temporary. A temporary sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any ground-mounted, building-mounted, or sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

Off-Street Parking. The storage space for an automobile on premises other than public rights-of-way.

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

Official Street Map. The Official Street Map herein defined is the Official Street Map authorized by § 26 of the New York General City Law.

Outlot Commercial Development. That portion of a commercial development that is located separate from the larger inline development and may share a common parking lot with the other buildings and establishments within that development.

Owner. Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years. Whenever a statement of ownership is required by this Code, full disclosure of all legal and equitable interests in the property is required.

Owner-Occupied. The premises at which an individual, who is an owner, resides permanently**.** Evidence of such permanency may include:

1. Having the premises’ address for the purposes of voter registration, driver's license, or motor vehicle registration.

2. Permanently employed in the area.

3. The presence of minor dependent children regularly residing in the household who are enrolled in a local school.

4. Ownership of the furniture and appliances.

5. Not transient or temporary in nature.

Parapet. The extension of a false front or wall above a roofline.

Parking Facilities. A parking lot or parking garage, or a combination of a parking lot and parking garage.

Parking Pad. Land area constructed as a parking space accessory to a single-family detached, two-family, or single-family attached dwelling.

Parking Space. A space for the temporary parking of a motor-driven vehicle within a public or private parking area.

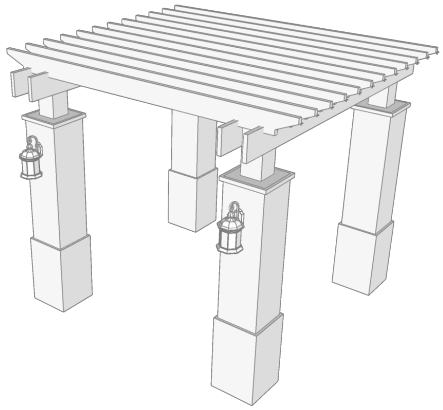
Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another along a property line, but is in joint use by each building.

Patio. A hard surface laid directly on the ground designed and intended for gathering or cooking and not used as a parking space. Patios are constructed such that its finished walking surface is laid or poured directly on finished grade.

Pier. A structure, usually of open construction, extending into the water from the shore. It serves as a landing and moving place for vessels or for recreational uses. Includes trestles, platforms and docks.

Pergola. An open structure, which may be either freestanding or attached to a structure, that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

PERGOLA



Porch. An architectural feature that projects from the exterior wall of a structure and is covered by a roof or eaves.

1. **Porch – Unenclosed.** A roofed open structure projecting from the exterior wall of a building and having at least 60% of the total area of the vertical planes forming its perimeter unobstructed

2. **Porch – Enclosed.** A porch fully enclosed by walls, screens, lattice, or other material. A screened-in porch is an enclosed porch and is considered part of the principal building.

UNENCLOSED PORCH

Porch, Second Story. An architectural feature that projects from the exterior wall of a structure and is covered by a roof or eaves and open on all sides that do not abut the principal building, which is located directly above and connected to a first story unenclosed porch.

Powerwall. A rechargeable lithium-ion battery stationary home energy storage product.

Premises. A lot, plot, or parcel of land, together with the buildings and structures thereon. When used in the context of sexually oriented businesses, premises means the building in which a sexually oriented business is conducted as well as its surrounding yard and parking areas and any additional required parking areas.

Preservation District. Any City-designated preservation district.

Preservation Guidelines. The guidelines adopted by the Preservation Board.

Principal Building. A non-accessory structure in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use or uses of land or structures as distinguished from an accessory use.

Prominent Entrance. Prominent entrances must be visually distinctive from the remaining portions of the facade along which they are located. A prominent entrance contains at least three of the following elements: decorative pedestrian lighting/sconces; architectural details carried through to upper stories; covered porches, canopies, awnings, or sunshades; archways; transom or sidelight windows; pediments/entablatures with brackets, pilasters or columns, terraced or raised planters; common outdoor seating enhanced with specialty details, paving, landscaping, or water features; and stoops with ramps or stairs.

Recreational Vehicle. Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

Refuse Container. A container for the collection of refuse with a hooking mechanism that permits it to be raised and dumped into a sanitation truck typically between one to two cubic yards.

Recycling Containers. A container for the collection of recyclables.

Redevelopment. See development or redevelopment.

Residential Building. A building the principal use of which is a residential use.

Retaining Wall. Any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Rubbish, Litter and Debris. Ordinary household or commercial trash, including but not limited to paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, automobile and other vehicle parts, lumber, brick, stone, and other building materials no longer intended or in condition for ordinary use.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

Searchlight. An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

SEQRA. The State Environmental Quality Review Act of New York State as defined in 6 NYCRR 617.

Setback. See Section 24.4.

Setback, Corner Side. See Section 24.4.

Setback, Front. See Section 24.4.

Setback, Rear. See Section 24.4.

Setback, Reverse Corner Side. See Section 24.4.

Setback, Side. See Section 24.4.

Service Street or Service Road. A roadway running parallel to and used primarily for providing access to an expressway designated as "Unclassified" in the City of Rochester Comprehensive Access and Mobility Plan.

Sign. Letters, numbers, symbols, pictures, and/or illumination designed to identify, announce, direct attention to, and/or inform about a product, service, place, activity, person, institution, business, or solicitation, that is visible from a public right-of-way or public place. Signs do not include public art; to be considered public art, such artwork cannot contain any commercial messages.

Sign, Animated. A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs.

Sign, Awning. An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground. An awning sign is a sign printed or displayed upon an awning.

Sign, Balloon. A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation.

Sign, Banner. A temporary sign printed upon flexible material mounted with or without rigid frames on a building or the ground.

Sign, Blade. A sign that is attached to a rigid structure that extends more than 18 inches beyond the surface of the structure to which it is attached.

Sign, Cabinet Box Wall. A type of wall-mounted sign constructed as within a box where the flat sign face is not an integral part of the structure and is specifically constructed to allow the sign face to be changed without any alteration to the box structure, and may or may not be internally illuminated. A cabinet box wall sign does not include molded wall signs, routed metal signs, or similar designs. Generally, a cabinet box wall sign is designed by applying vinyl printed with the sign message onto acrylic/plexiglass sheets and then inserting such into the cabinet structure.

Sign, Canopy. A canopy sign is a sign printed, mounted, or installed upon a canopy.

1. **Canopy - Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the ground.

2. **Canopy - Structural.** A roofed structure constructed of permanent building materials, such as metal, brick, or similar materials, that is constructed as part of and attached to a building, and extends outward from the building and supported both by the structure and by supports that extend to the ground. Certain structural canopies may also be constructed as a freestanding structure on the same lot with the principal use and/or structure.

Sign, Drive-Through. A sign constructed as part of drive-through facilities and oriented to drive-through lanes.

Sign, Electronic Message. A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs. Flashing signs, animated signs, and video display signs are not considered electronic message signs.

Sign, Flashing. A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

Sign, Gateway. A sign that is installed over a pedestrian entryway and supported by the ground, independent of the principal structure on the lot, designed as an entryway feature to the property.

Sign, Ghost. A painted wall sign from an earlier time, existing as of the effective date of this Code, originally painted a minimum of 50 years ago from the effective date of this Code. A ghost sign is not an off-premise advertising sign.

Sign, Marquee. A permanent roof-like structure that extends from the wall, with no supports extending to the ground, constructed over the entrance of a building of permanent building materials that includes a sign along its edge for changeable messages, whether electronic or by hand. Marquees are supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

Sign, Monument. A freestanding, permanent sign that is placed upon or supported by the ground independently of any other structure on the lot.

Sign, Moving. Any sign that rotates, revolves, or has any visible moving part, or any sign that gives the appearance of movement, including signs designed to be moved by wind or other natural elements. This includes pennants, ribbons, streamers, sheets, spinners, or other moving devices. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include analog clocks or barber poles.

Sign, Portable Readerboard. A readerboard sign that is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse and where a portion of the sign area allows for a message to be changed manually. Portable readerboard signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed.

Sign, Roof. A sign that is erected, constructed, or maintained on and/or extending above the roof structure or parapet of any building with the principal support attached to the roof structure.

Sign, Skyline. A sign attached to the topmost band or bands of the building façade.

Sign, Wall. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

Sign, Wall - Projected. A sign that is projected by an optical device that projects an image directly onto the exterior wall of a building or structure by light or other technological means.

Sign, Window. A sign that is attached directly to, placed directly upon, or printed directly on the interior or exterior of a window or door of a building, or a sign placed on the interior within three feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

Site Preparation. The filling, stripping of vegetation, grading, or altering of existing topography.

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

Solar Panel. A photovoltaic device capable of collecting and converting solar energy into electricity.

Solar Shade Structure. An architectural element designed to provide shade and reduce solar heat gain from the sun typically constructed using materials that block and/or filter sunlight, such as fabric, mesh, or specialized shading materials. Solar shade structures offer protection from direct sunlight, UV rays, and excessive heat.

Special Process Approval. A process through the Division of Zoning where one or more of the following approvals is required: Site Plan Review, Area Variance, Use Variance, Special Permit, Certificate of Appropriateness, Certificate of Nonconformity, Zoning Map Amendment, Administrative Adjustment, Appeal of Administrative Decisions, and Planned Development.

Stacking Space. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility, drive-up window, or service bay.

Standpipe. A rigid vertical or horizontal pipe to which fire hoses can be connected, which may be building, ground, or roof mounted.

Stoop. An exterior floor typically constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

Street. A public or private way, square, or lane, permanently open to common and general use, which affords the principal means of access to abutting properties.

Street, Downtown Activity. Principal employment and entertainment downtown streets that support a number of residents, institutions, students, and workers at the highest densities.

Street, Downtown Link. Streets that carry local downtown traffic between Downtown Activity Streets.

Street, Industrial Link. Regional connections that primarily serve large-scale industry, often isolated manufacturing, warehousing, and distribution uses. Industrial link streets are rarely found in close proximity to residential or commercial uses, may be relatively isolated from other streets, may occur in small pockets among other street types, or may comprise an entire distinct district.

Street, Industrial Local. Streets that typically serve smaller pockets of industry across the City. Industrial local streets are generally smaller streets that connect to larger network link streets, but may also serve as access points to larger industrial properties.

Street, Neighborhood Activity. Commercial corridor streets that serve to connect the larger transportation network. Neighborhood activity streets serve medium intensity mixed uses, including newer flexible mixed uses.

Street, Neighborhood Link. Residential corridor streets that serve to connect the larger transportation network similar to Neighborhood Activity Streets.

Street, Neighborhood Local. Streets that provide access to local residents and also provide public linear recreational space. Neighborhood local streets generally connect low and medium density residential areas.

Street, Regional Activity. A street that serves the larger regional transportation network, often serving auto-oriented commercial uses as well as institutional and industrial land uses.

Street Frontage. That portion of any lot line abutting the right-of-way line of any public street.

Structural Alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Structure. Anything constructed or erected with a fixed location on the ground above grade but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

Temporary Use. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Trellis. A frame of latticework used as a screen or as a support for climbing plants.

Transparency. The required amount of window area as a percentage of the specified facade area. Doors are included in ground floor transparency when such doors are designed with glass or other transparent materials. Garage entrances shall not be included in ground floor transparency. Glazing shall have a minimum of 40% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR). The following do not qualify as transparency: windows with shadowboxes on the interior, glass block, and printed window film, regardless of whether it allows views into or out of the building.

1. **Visible Light Reflectance (VLR)** The amount of visible light that is reflected out by a glazing system. A high VLR percentage blocks more daylight from passing through the window.

2. **Visible Light Transmittance (VLT)** The amount of light (daylight) that travels through a glazing system. A high VLT percentage allows more daylight to pass through.

Use. The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Value-Added Product. A change in the physical state or form of the product such as making raspberries into jam.

Vehicle Storage Area. Any outdoor area used for the storage of vehicles.

Video Display Screen. A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming.

Water Frontage. That portion of any lot line abutting the waterfront.

White Roof. A roof designed to deliver high solar reflectance, reducing heat transfer to the building.

Wind Turbine. A wind energy conversion system typically consisting of a turbine apparatus and the associated control or conversion mechanisms. A horizontal axis means the rotating axis of the wind turbine is horizontal or parallel with the ground. A vertical axis means the rotating axis of the turbine stands vertical or perpendicular to the ground.

Yard. See Section 24.4.

Yard, Corner Side. See Section 24.4.

Yard, Front. See Section 24.4.

Yard, Rear. See Section 24.4.

Yard, Side. See Section 24.4.

Zoning Division. The Zoning Division of the City of Rochester.

24.4 Rules of Measurement

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Code.

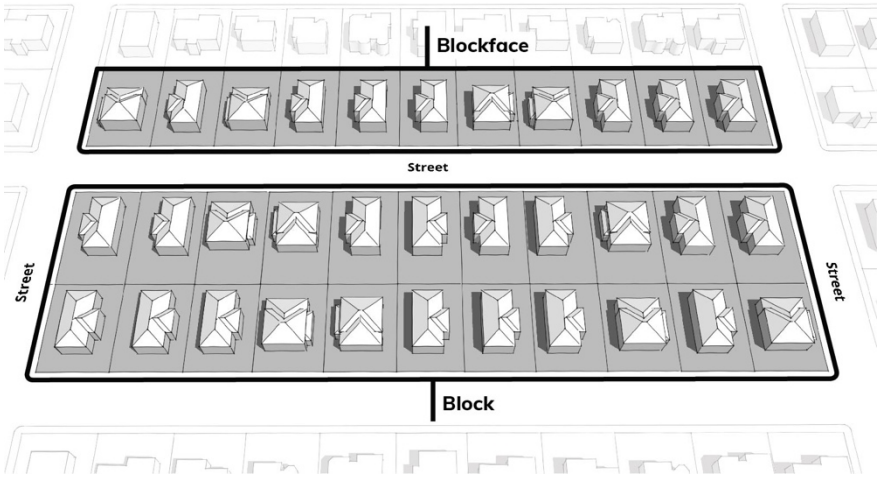
A. Block, Blockface, and Block Frontage

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way.

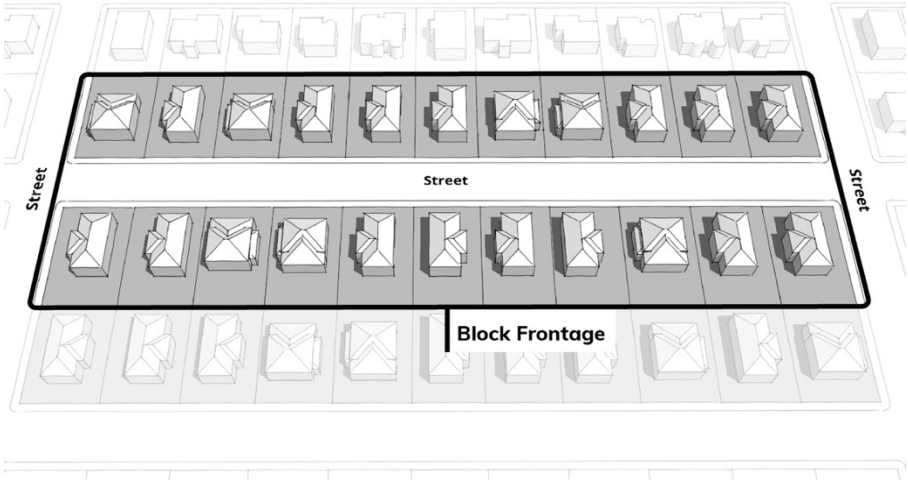
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

3. Block frontage is all property fronting on both sides of a street between an intersecting or intercepting street and another intersecting or intercepting street, or an end of a dead-end street.

BLOCK AND BLOCKFACE



BLOCK FRONTAGE



B. Build-To Dimensions

Certain dimensional requirements within the district require structures to be constructed at a build-to dimension. This Code includes three types of build-to dimensions:

1. Build-To Zone (BTZ)

A build-to zone (BTZ) is the area on a lot, measured perpendicular from the applicable lot line, where the building must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone.

2. Build-Out Percentage (BO%)

A build-out percentage specifies the percentage of the total lot width that must be occupied by the building facade within the build-to zone.

3. Build-To Percentage (BT%)

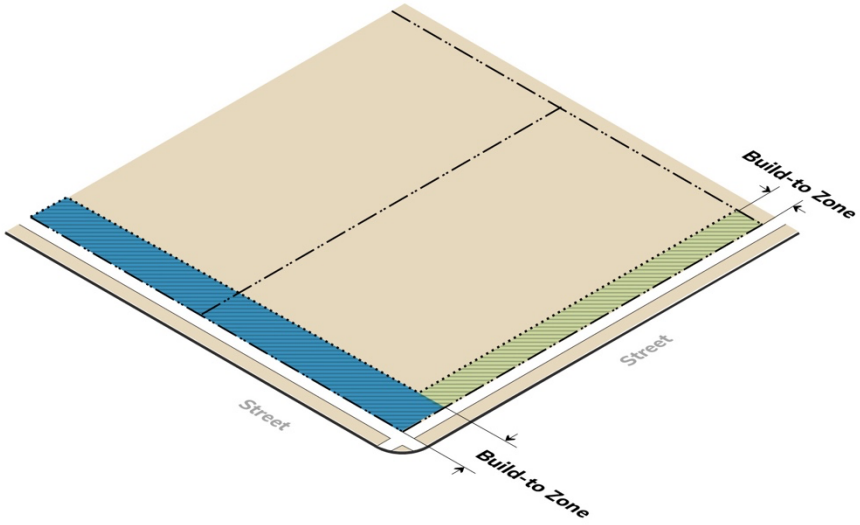
A build-to percentage specifies the percentage of the building facade that shall be located within the build-to zone. Build-to percentage is calculated by building facade, not lot width.

a. Facade articulation elements, such as window or wall recesses and projections, are included in the calculation of a required build-to percentage.

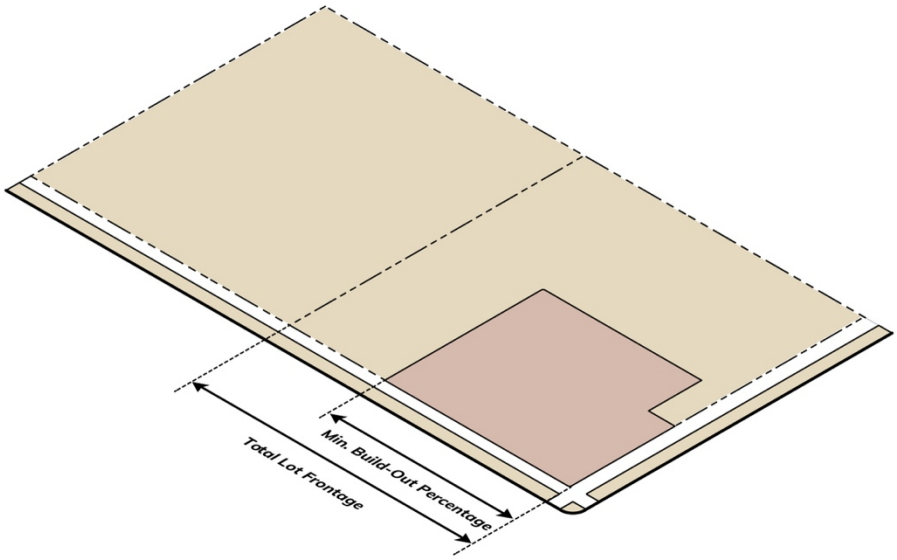
b. Programmed outdoor spaces and outdoor dining areas that are bounded by a building facade parallel to the frontage are included in the calculation of a required build-to percentage.

c. Open space bounded on three sides by a building, such as courtyards, are included in the calculation of a required build-to percentage.

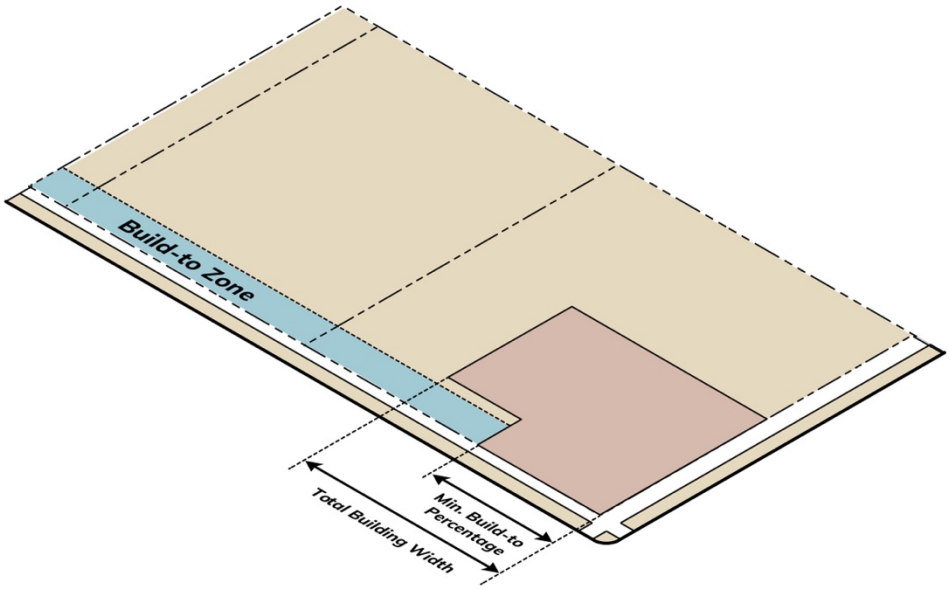
BUILD-TO ZONE (BTZ)



BUILD-OUT PERCENTAGE (BO%)



BUILD-TO PERCENTAGE (BT%)



C. Building Coverage

That portion(s) of a lot developed with principal and accessory buildings. Building coverage includes all parts of the principal building including, but not limited to, bay windows, cantilevered floor space ("box-outs"), porches, decks, and covered breezeways.

D. Building Height

1. Maximum Building Height Measurement

Maximum building height is measured from finished grade to:

a. The mean height between eaves and ridge for gable and hip roofs.

b. The deckline for mansard roofs.

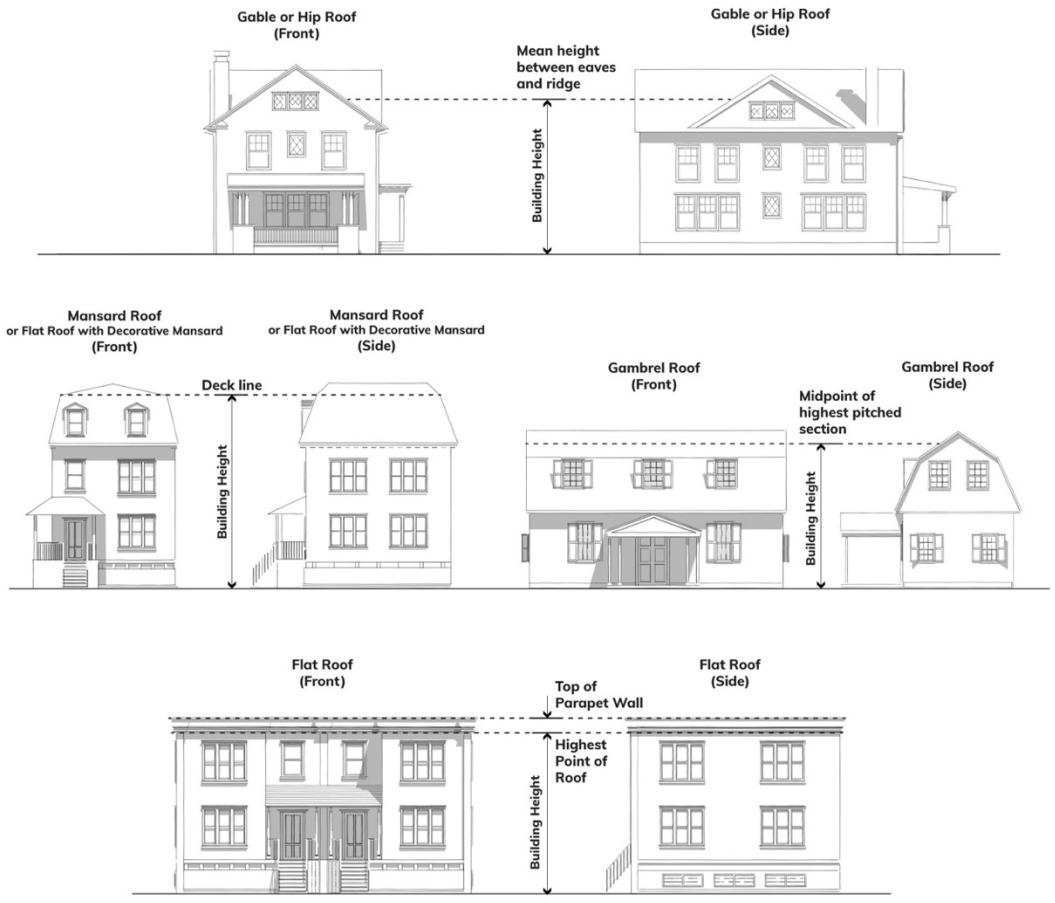
c. The midpoint of the highest pitched section of a gambrel roof.

d. The highest point of the roof for flat roofs with parapet walls of 48 inches in height or less. When parapet walls exceed 48 inches in height, the highest point of the parapet wall.

2. Appurtenances Exempt from Maximum Building Height

Building appurtenances such as chimneys, parapet walls up to 48 inches in height, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, monuments, stacks, ornamental towers and spires, water tanks and standpipes, or penthouses to house mechanical equipment and the like are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by Section 10.2 (O-A Airport Overlay District).

BUILDING HEIGHT



E. Grade

1. Grade, Established
The elevation of the centerline of the streets as officially established by the City Engineer.

2. Grade, Finished
For completed surfaces, such as lawns, walks, and roads:

a. For buildings and structures more than five feet from any street line, the average level of the finished surface adjacent to the building or structure.

b. For buildings or structures any portion of which is located within five feet of a street line or lines, the center line of the streets as officially established by the City Engineer.

F. Gross Floor Area (GFA)
The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

G. Impervious Surface Coverage

1. A measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.

2. When pervious paving or similar pervious surfaces are used, the area of such pervious surface is calculated at a reduced percentage of 50% for the purpose of impervious surface calculations (e.g., a 200 square foot patio constructed of permeable pavers would be counted as 100 square feet of the total impervious surface). No barrier to infiltration shall be installed beneath the material and the installation complies with the NYS Stormwater Management Design Manual and manufacturer's instructions.

3. Gravel is not considered a pervious surface and does not qualify for the reduced percentage in item 2 above.

H. Lot
A tract of land under single ownership and occupied by, or designated to be developed for, a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Code, to be used with such buildings or use.

1. An interior lot is a lot other than a corner or double-frontage lot, bounded by two interior side lot lines.

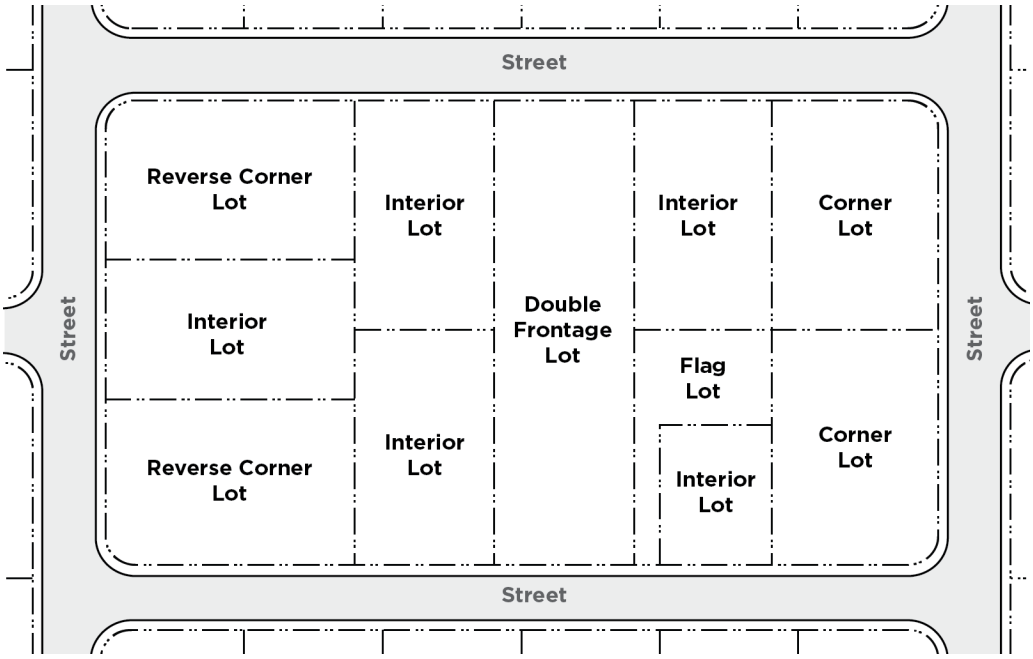
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.

3. A reverse corner lot is a corner lot where the corner lot line is substantially a continuation of the front lot line of the first lot to its rear.

4. A double-frontage lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A double-frontage lot is also called a through lot.

5. A flag lot is platted so that the main building site area (the "flag") is set back from the street on which it fronts and includes an access strip (the "pole") connecting the main building site with the street.

LOT TYPES



I. Lot Area

The total area within the boundaries of a lot.

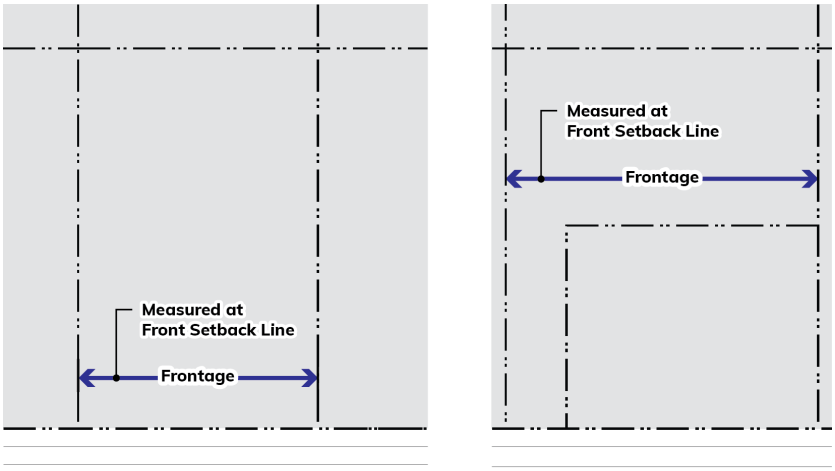
J. Lot Frontage

1. Lot frontage is calculated as the horizontal distance between side lot lines measured at the required front yard setback line.

2. For flag lots, the lot frontage used for the front lot line is that of the front setback line, as defined in this section.

3. For townhouse developments, lot frontage requirements are used to calculate the required frontage of the overall development site for the townhouse development, not individual townhouse dwelling unit widths.

LOT FRONTAGE



K. Lot Frontage, Average

Average lot frontage is calculated by the block frontage of lots on both sides of the street when both sides of the street are classified as the same zoning district. When the opposite side of the street is within a different zoning district, only the lot frontage of the block frontage on the side of the street where the lot is located is used within averaging.

L. Lot Line

The lines bounding a lot.

1. A front lot line is the lot line separating a lot from a street right-of-way. In the case of a corner lot, the shorter street lot line is the front lot line.

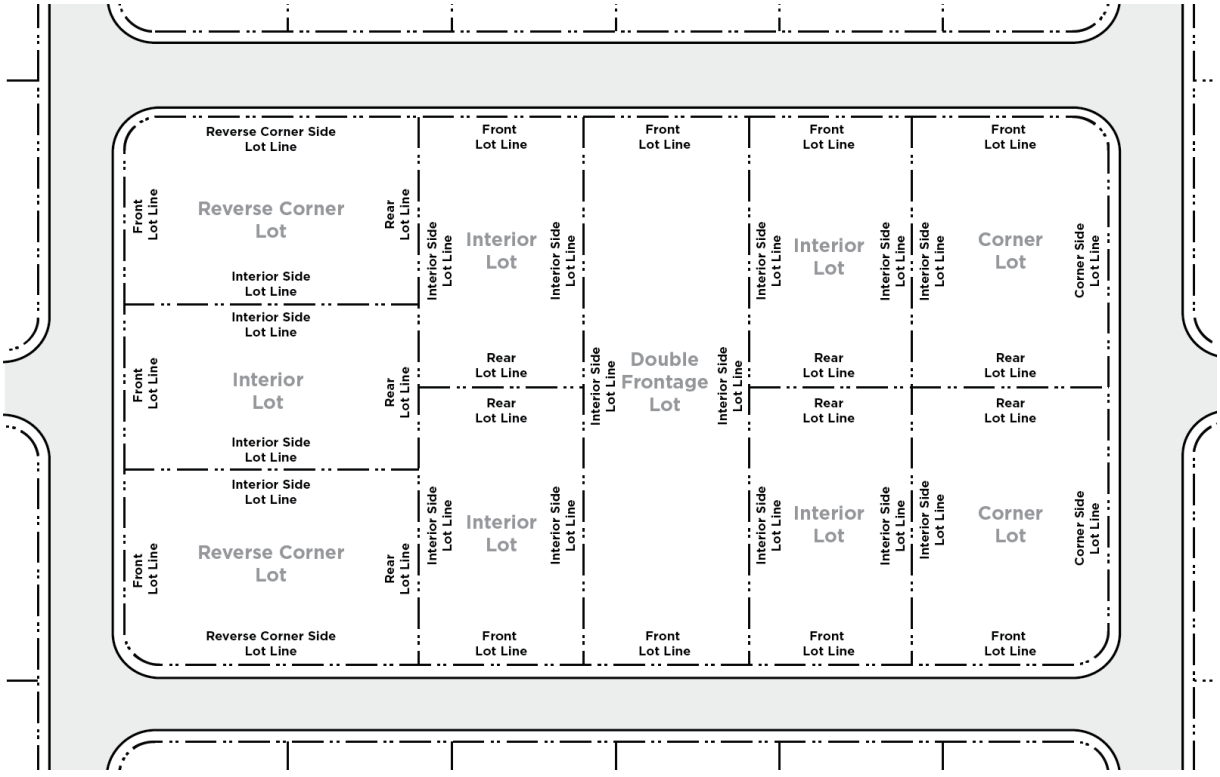
2. A rear lot line is the lot line opposite and most distant from the front lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

3. On a corner lot, the corner side lot line is the longer street lot line and is perpendicular or approximately perpendicular to the front lot line. On a reverse corner lot, the reverse corner side lot line is the longer street lot line, is perpendicular or approximately perpendicular to the front lot line, and is substantially a continuation of the front lot line of the first lot to its rear.

4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts an adjacent lot.

5. A street lot line is any lot line separating a lot from a street right-of-way.

LOT LINES



M. Sign Measurements

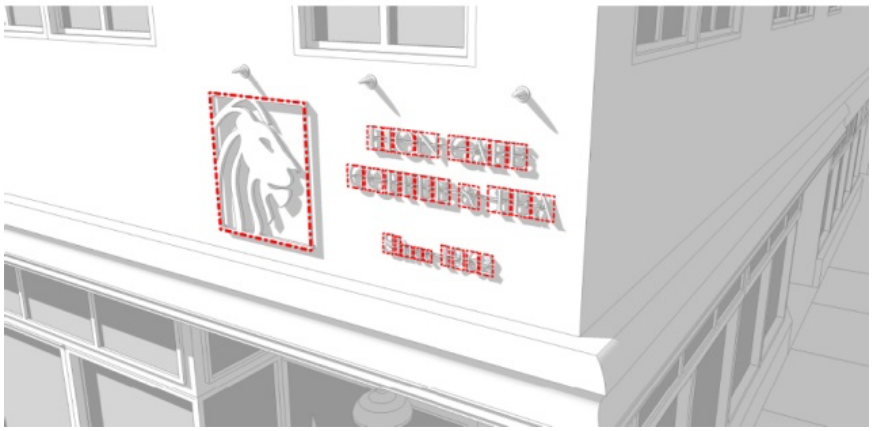
1. Sign Area

a. The sign area of each sign is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing.

b. For channel letters or freestanding logos/symbols, the sign area is calculated as the customary, applicable mathematical formula for the total area of each square, circle, ellipse, rectangle, or triangle, or combination thereof that encompasses each individual letter, logo, background, or display.

SIGNS ON A BACKGROUND

SIGNS CONSISTING OF CHANNEL LETTERS OR LOGOS



c. Window area for the purpose of calculating maximum area of window signs is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Only the individual letters or logos of the window sign shall be used in the calculation of surface area. The transparent film around the perimeter of the individual letters or logos comprising the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door shall be exempt from the area calculations, provided that such portion of the transparent film maintains 100% transparency of the window.

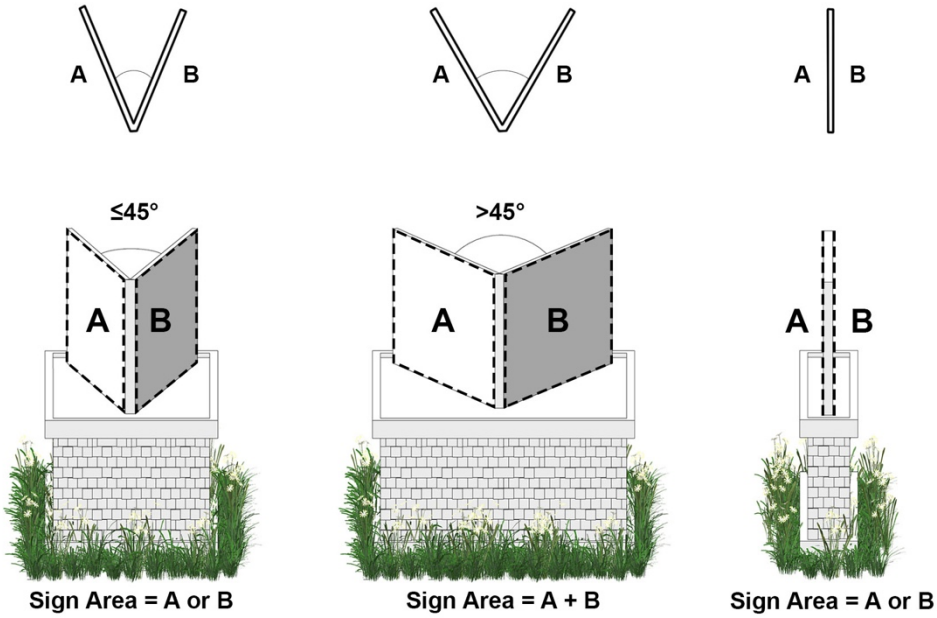
WINDOW SIGNS

2. Measurement of Sign Height
Sign height is measured as the vertical distance measured from grade at the base of the sign to the highest point of the sign, including any decorative elements.

3. Measurement of Vertical Clearance
Vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

4. Determination of Number of Sign Faces
If the interior angle between two sign faces is 45° (degrees) or less, the sign area is computed as the area of one face only. If the angle between two sign faces is greater than 45° (degrees), the total sign area is computed as the sum of the areas of the two faces.

NUMBER OF SIGN FACES



5. Sign Setback

A required sign setback is measured from the applicable lot line to the closest component of the sign or sign structure.

N. Yards and Setbacks

1. General Definitions

a. A yard is the area between the building line of a principal building and the lot line, exclusive of facade articulation, such as window or wall recesses and projections.

b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, with the exception of permitted encroachments allowed by this Code.

i. A build-to zone is considered a required setback. In the case of a build-to zone, the setback is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.

c. A setback may be equal to or less than a yard.

d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

a. Front Yard: A front yard is located between a principal building line and the front lot line.

b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.

c. Front setbacks on irregular lots are subject to the additional provisions:

i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line.

ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.

3. Interior Side Yard and Interior Side Setback

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

a. Interior Side Yard: An interior side yard is located between a principal building line and the interior side lot line.

b. Interior Side Setback: An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.

c. Total Interior Side Setback: The total combined interior side setback required on the lot. This standard does not apply to corner lots.

d. For single-family attached dwellings, the interior side yard and interior side setback are only applicable to the side of the unit not located on the lot line (no shared wall attachment to another unit). For townhouse developments, the interior side yard and interior side setback are only applicable to end units of the overall townhouse building.

4. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

a. Corner Side Yard: A corner side yard is located between a principal building line and the corner side lot line.

b. Corner Side Setback: A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

5. Reverse Corner Side Yard and Reverse Corner Side Setback

The reverse corner side yard and reverse corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the reverse corner side lot line.

a. Reverse Corner Side Yard: A reverse corner side yard is located between a principal building line and the reverse corner side lot line.

b. Reverse Corner Side Setback: A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from the reverse corner side lot line.

6. Rear Yard and Rear Setback

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

a. Rear Yard: A rear yard is located between a principal building line and the rear lot line.

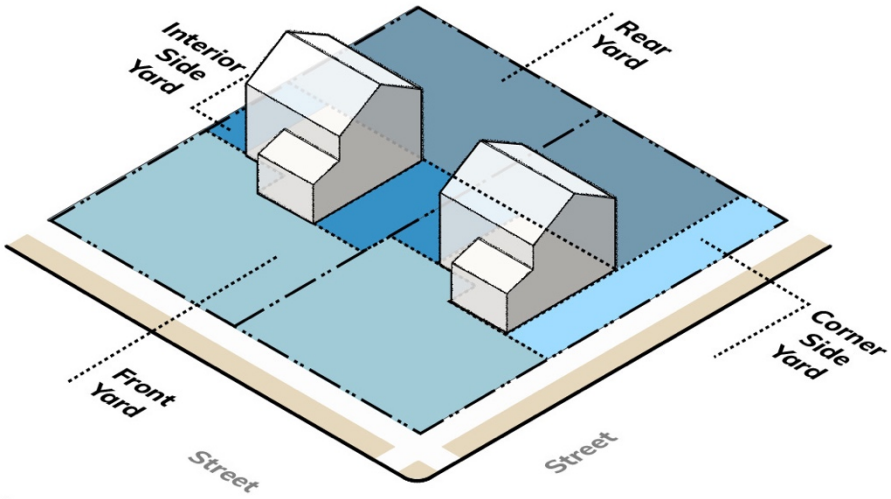
b. Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.

c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback, measured perpendicular to the rear lot line.

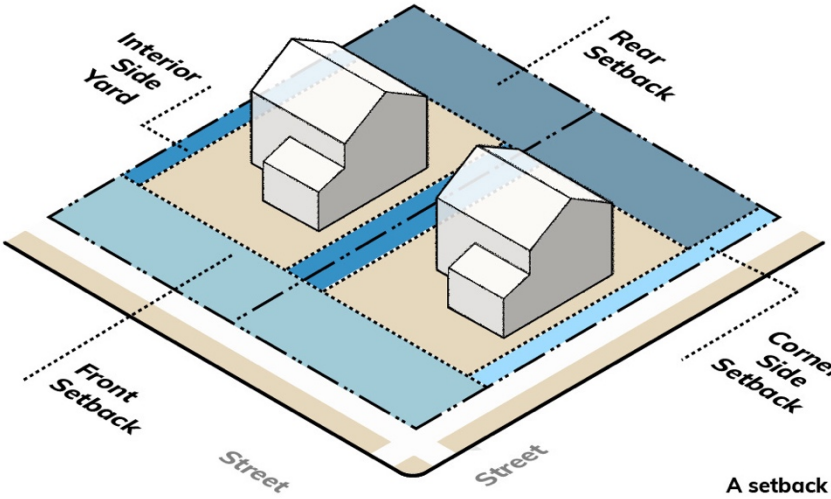
7. Yard and Setback Requirements for Double-Frontage Lots

For double-frontage lots, both the front and the rear required setbacks must meet the required front setback of the zoning district. In the case of a double-frontage lot, one of the front setbacks shall be considered a rear yard for the purposes of applying the accessory structure regulations of this Code; the required dimension of the front setback still applies.

SETBACKS AND YARDS



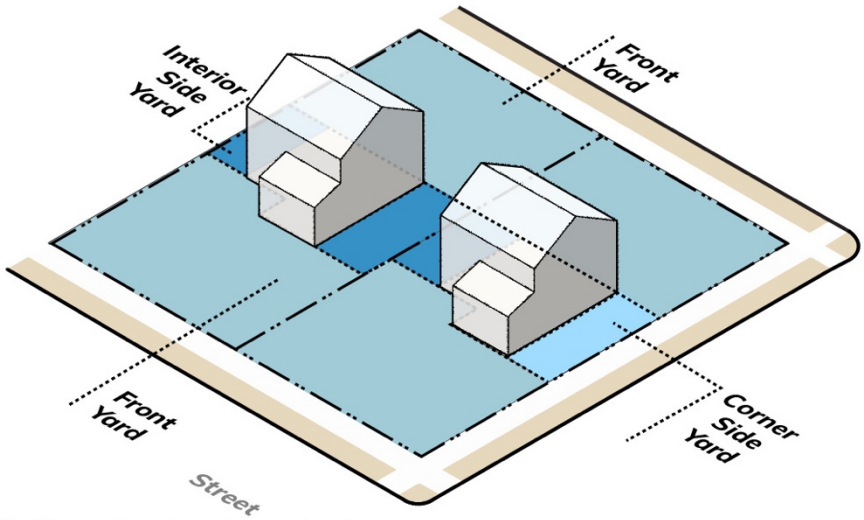
Yards



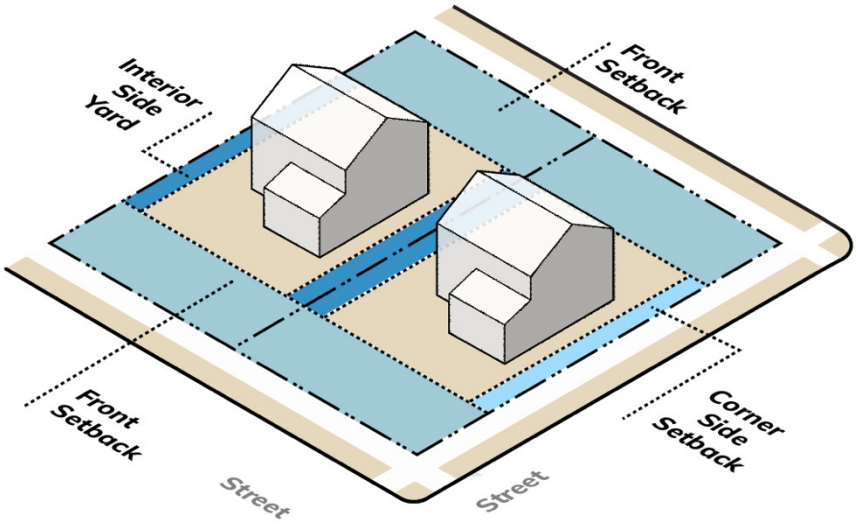
Setbacks

A setback may be equal to or less than a yard.

SETBACKS AND YARDS: DOUBLE FRONTAGE LOT

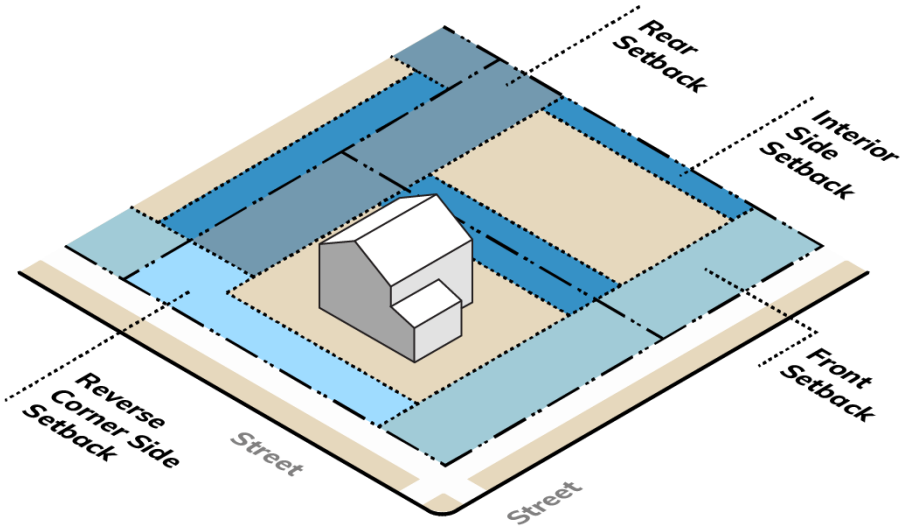


Yards Double Frontage Lots

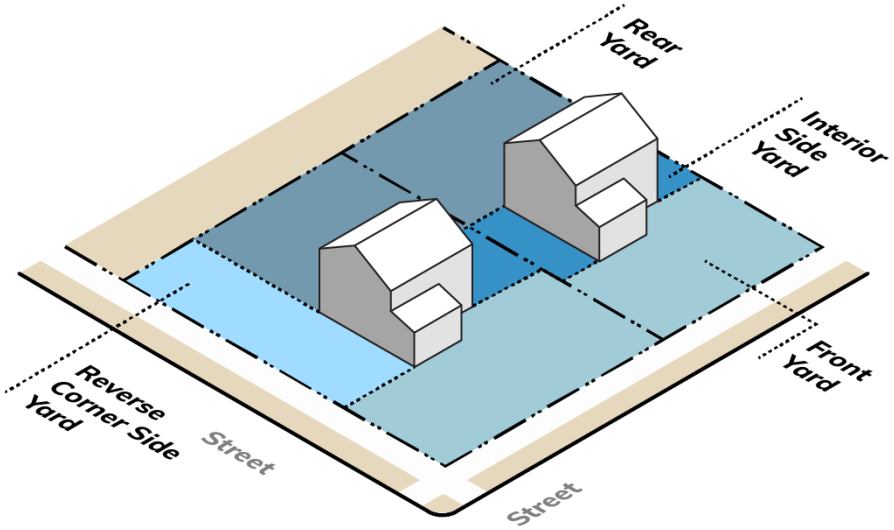


Setbacks - Double Frontage Lots

SETBACKS AND YARDS: REVERSE CORNER LOT

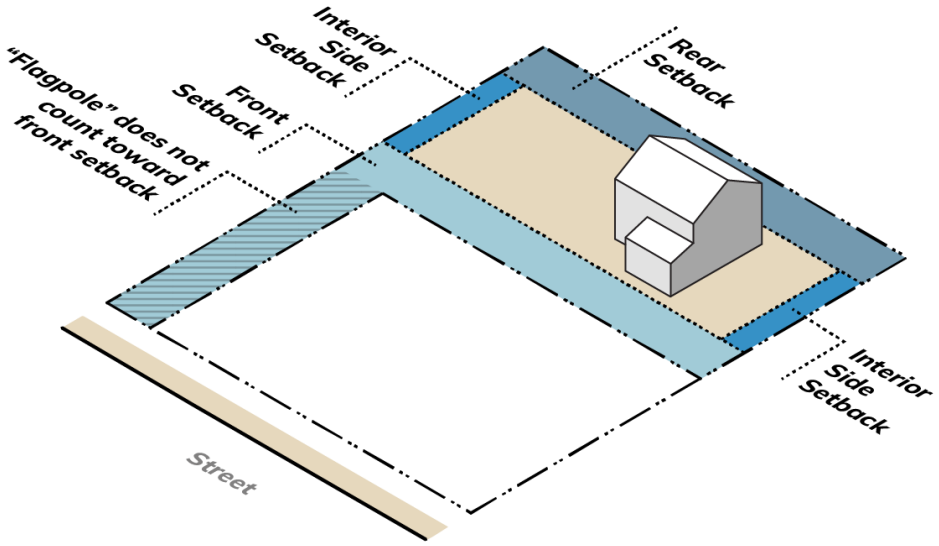


Setbacks - Reverse Corner Lots

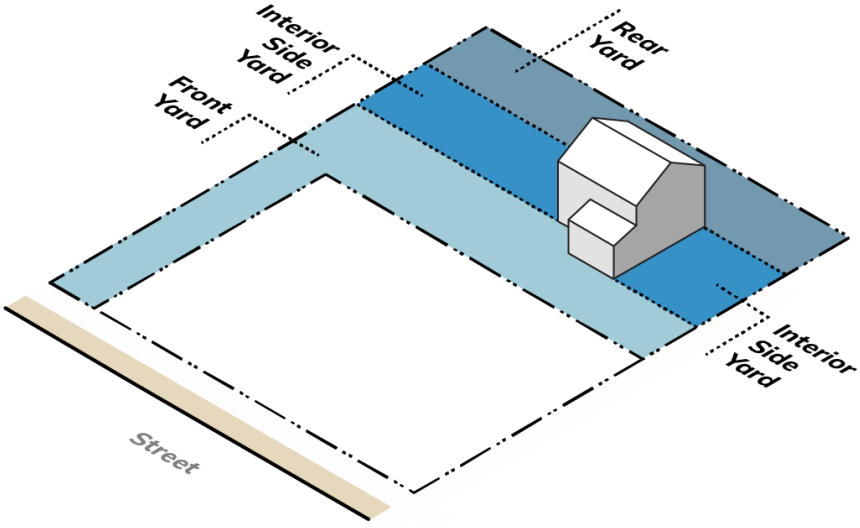


Yards - Reverse Corner Lots

SETBACKS AND YARDS: FLAG LOT



Setbacks - Flag Lots



Yards - Flag Lots