



**City of Rochester, NY
Rochester City Council**

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NEIGHBORHOOD &
BUSINESS DEVELOPMENT
PRODUCTORY NO.

93, 94

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE

2018 MAR -6 PM 3:00

March 6, 2018

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amending Chapter 120 of the Zoning Code by
Adding the Overlay Limited-Height District

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is an ordinance amending the Zoning Code by adding the Overlay Limited-Height District (O-LH) that will limit the height of new construction to a maximum of three stories. The Overlay District is intended to be placed over or adjacent to certain C-1 Neighborhood Center District areas that are not suitable for buildings exceeding three stories.

Nearly all C-1 zoned properties in the City face neighborhood arterial streets in the front and R-1 Low Density or R-2 Medium Density zoned residential properties in the back. Proximate to lower density residential areas requires C-1 zoned establishments to be unobtrusive and conducted at a scale and density compatible with the surrounding residential neighborhood. The same goes for R-3 High-Density Residential zoned areas located on arterials, which are proximate and similarly situated adjacent to lower density residential areas.

Prior to 2003, the Zoning Code set a maximum height of 40 feet for buildings in the C-1 district. The present Zoning Code that went into effect in 2003 eliminated that height limitation but restricts commercial and other nonresidential uses to a maximum floor area of 3,000 square feet. In most instances, that 3,000 square foot limit, without a height restriction, would tend to suffice as a means to restrict C-1 District establishments to a lower intensity and scale that is compatible with the surrounding neighborhood.

However, the present Zoning Code also provides for some C-1 uses where there is no comparable limit for maintaining compatibility with the surrounding neighborhood. The Zoning Code permits the following uses in the C-1 District without any limit on building floor area: single-family dwellings, apartments or other multifamily dwelling units when sharing a building with a permitted commercial use, live-work space, bed-and-breakfast establishments, and convents and rectories (Zoning Code §120-34). The same goes for the following uses that may be authorized by special permit: homeless residential facilities, hospices and residential care facilities (Zoning Code §120-35). Building heights in the R-3 District are limited to two times the width of the lot frontage (Zoning Code §120-29), which could allow for building heights that would be unsuitably obtrusive in some locations.

In some areas within or adjacent to the C-1 District, buildings of four or more stories would dwarf and place in the shadow the single-family and two-family homes that adjoin them and would generate traffic, parking demands, noise and other effects at a scale that is incompatible with the surrounding residential neighborhood. Reestablishing a height limit in a vulnerable area is necessary to ensure that the C-1 District and adjacent areas continue to be developed in a way that complements rather than detracts from the lower density residential neighborhoods that the C-1 District is intended to serve.

This Overlay District is proposed for that purpose and is first proposed to be applied to the C-1 District parcels located along the east side of Mt. Hope Avenue between Highland Park to the north and the C-V Collegetown Village District beginning at Cook Street to the south. See the attached map. These C-1 District parcels are suitable for the Overlay because they are near the unique features that are especially vulnerable to the aesthetic, traffic, parking and other adverse impacts associated with taller buildings: a narrow R-1 zoned residential neighborhood challenged by a persistent shortage of on- and off-street parking spaces; location across the street from Mt. Hope Cemetery, a property listed on the National Register of Historic Places and zoned O-S Open Space; and Highland Park located nearby to the north and east.

The enactment of this Overlay would give the Council the flexibility to extend the 3-story height limitation to additional C-1 and R-3 District areas in the future by means of a Zoning Map amendment.

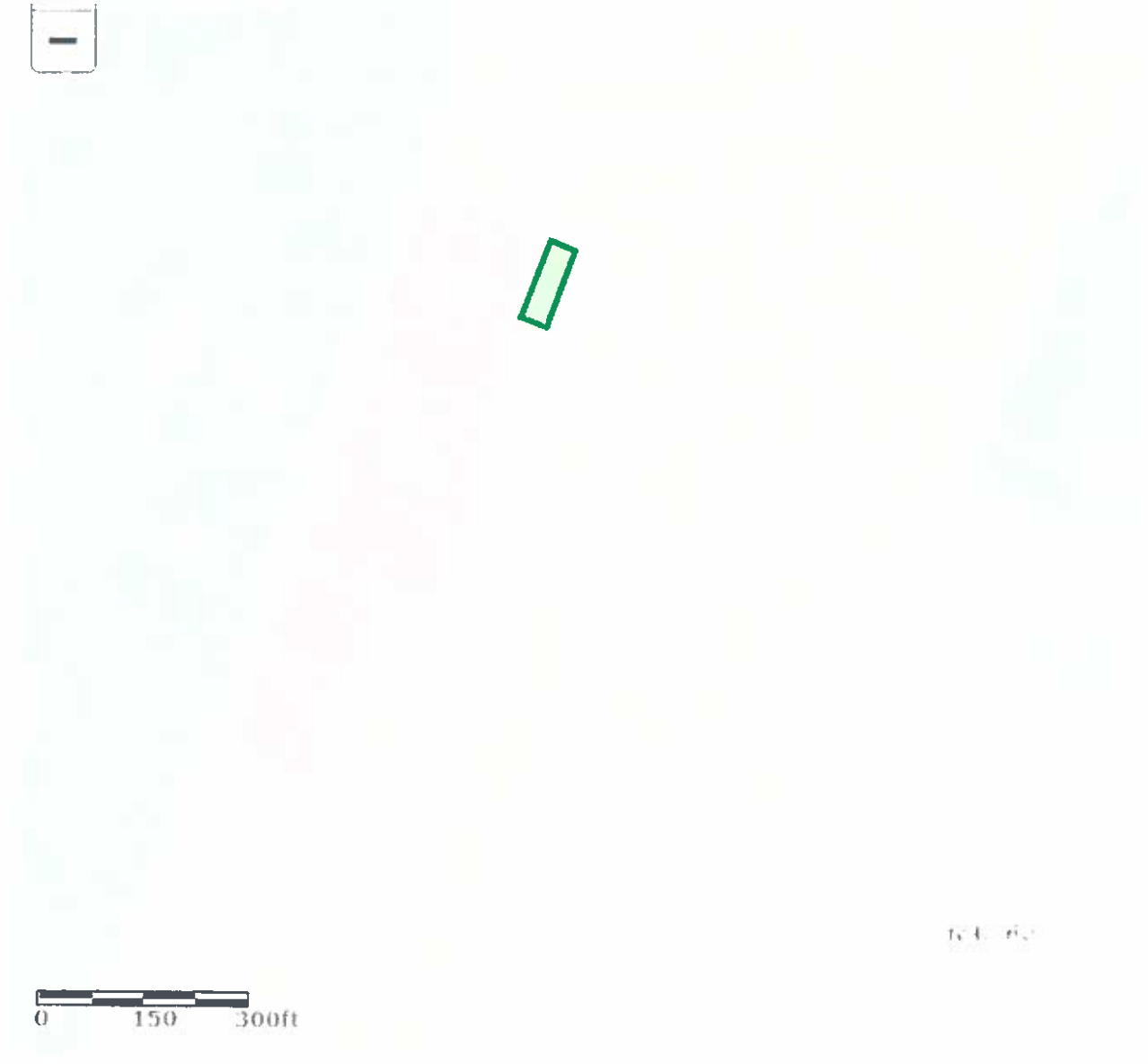
This proposal will be reviewed by the City Planning Commission on May 7, 2018, and a public hearing before the City Council will be required.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam C. McFadden', written in a cursive style.

Adam C. McFadden
Vice President

Mount Hope Avenue C-1 Zoned Parcels proposed for Height Limit Overlay



0 150 300ft

10/1/2015

INTRODUCTORY NO.

93

Ordinance No.

Amending Chapter 120 of the Municipal Code, the Zoning Code, by adding the O-LH Overlay Limited-Height District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding Article XV-A for the O-LH Overlay Limited-Height District, which shall read in its entirety as follows:

Article XV-A. O-LH Overlay Limited-Height District

§ 120-118.1. Purpose.

The O-LH Overlay Limited-Height District protects City neighborhoods that are within or adjacent to the C-1 Neighborhood Center District that would be adversely impacted by taller buildings. It establishes a three-story limit on building heights for those C-1 District or adjoining areas where there is the presence or proximity of features that would be adversely affected by the aesthetic, traffic, parking demands, and other adverse impacts associated with taller buildings. Such features may include but are not limited to uses in the R-1 Low Density Residential and R-2 Medium Density Residential zoned districts, an O-S Open Space District, a Preservation District, a City-designated landmark, a property or structure listed on the State or National Register of Historic Places, a park, a critical environmental area as defined in §48-4 of the Municipal Code, or a residential area challenged by a persistent shortage of on- and off-street parking spaces. The O-LH District shall not be independently mapped on the City of Rochester Zoning Map but shall be overlaid upon an existing C-1 or R-3 District area that is found to be appropriate for such treatment.

§ 120-118.2. Permitted uses and structures.

The uses and structures permitted in the O-LH District shall be the permitted uses allowed in the underlying district.

§ 120-118.3. Special permit uses.

The uses and structures allowed as special permit uses in the O-LH District shall be the special permit uses allowed in the underlying district.

§ 120-118.4. Lot, area and yard requirements.

The lot, area and yard requirements of the O-LH District shall conform to the underlying district.

§ 120-118.5. Bulk requirements.

A. Building heights in the O-LH:

- (1) Minimum building height, principal use or structure: conforming to the underlying district.
- (2) Maximum building height, principal use or structure: three stories.
- (3) Maximum building height, detached accessory use or structure: conforming to the underlying district.

B. Square footage limitations on uses in the O-LH shall conform to the underlying district.

§ 120-118.6. Personal wireless telecommunication facilities (PWTF).
Personal wireless telecommunication facilities in the O-LH District shall be regulated as outlined in § 120-143, Personal wireless telecommunication facilities.

§ 120-118.7. Additional regulations.
The applicable City-Wide Design Guidelines and Standards (Article XIX) and Requirements Applying to All Districts (Article XX) in this chapter shall apply to all uses in the O-LH District.

Section 2. This ordinance shall take effect immediately.

INTRODUCTORY NO.

94

Ordinance No.

Amending Chapter 120 of the Municipal Code, the Zoning Code, by changing zoning classification of 1092, 1098, 1108, 1116, 1118-1120, 1132-1138, 1142, 1150, 1174, 1176, 1182, 1186-1188, 1190 and 1196-1200 Mt. Hope Avenue, 25 May Street, 20, 21, 24 and 25 Stewart Street and 10 Gold Street from C-1 Neighborhood Center District to C-1 Neighborhood Center/ O-LH Overlay Limited Height District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code and the Zoning Map incorporated therein, as amended, is hereby further amended by changing the zoning classification of the following parcels and area from C-1 Neighborhood Center District to C-1 Neighborhood Center/ O-LH Overlay Limited Height District:

Address	SBL #
1092 Mt. Hope Avenue	136.38-1-43
1098 Mt. Hope Avenue	136.38-1-76./HOME
1108 Mt. Hope Avenue	136.38-1-76./NHOM
1116 Mt. Hope Avenue	136.38-1-75
1118-1120 Mt. Hope Avenue	136.38-1-74
1132-1138 Mt. Hope Avenue	136.46-1-1
1142 Mt. Hope Avenue	136.46-1-61
1150 Mt. Hope Avenue	136.46-1-60
1174 Mt. Hope Avenue	136.46-1-59
1176 Mt. Hope Avenue	136.46-1-58
1182 Mt. Hope Avenue	136.46-1-57
1186-1188 Mt. Hope Avenue	136.46-1-56
1190 Mt. Hope Avenue	136.46-1-55
1196-1200 Mt. Hope Avenue	136.46-1-54
25 May Street	136.38-1-44
20 Stewart Street	136.38-1-73
21 Stewart Street	136.46-1-2
24 Stewart Street	136.38-1-72
25 Stewart Street	136.46-1-3
10 Gold Street	136.46-1-24

and the area extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.