

**City Council Public Hearing
July 7, 2015
COUNCIL CHAMBERS
7:00 PM**

COUNCILORS PRESENT

Councilor Bogan
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney O'Rourke

COUNCILORS EXCUSED

Councilor Collins

MINUTES

1. Call to Order

Mayor Jean called the meeting to order at 7:00 PM. Kelly Walters, City Clerk took a roll call. All Council members were present except for Councilor Collins, who had been excused.

2. AB 03 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Multifamily Dwellings

AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING MULTIFAMILY DWELLINGS

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.2, 42.20, and 42.27 of Chapter 42 of the General Ordinances of the City of Rochester regarding Multifamily Dwellings and currently before the Rochester City Council, be amended as follows:

42.2 Definitions and Terminology

A. General Provisions

1. When used in this chapter, the words, terms, and phrases listed in Section B, and the acronyms and abbreviations listed in Section C of this article shall have the meanings ascribed to them therein, unless a contrary meaning is clearly indicated or implied.

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b. Definitions

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82. Development, Multifamily: A development containing 2 or more buildings containing ~~five (5)~~ **three (3)** or more residential units **in total** on the same lot, ~~i.e. most any dwelling other than a single family and/or duplex dwelling.~~ Multifamily development can take many forms.

....

89. Dwelling, Multifamily: A building or portion thereof containing five (5) **three (3)** or more residential units, ~~i.e. most any dwelling other than a single family and/or two family dwelling.~~ Multifamily dwellings can take many forms: **with separate cooking and toilet facilities for each dwelling on one individual lot.**

....

91. Dwelling, Two-family: A building which:

1. Contains exactly 2 residential units;
2. Is not attached to any other dwelling or dwelling unit; and
3. Occupies its own individual lot on which there is no other dwelling or principal use

~~("Duplex" refers to two family dwellings as well as 2 unit buildings situated on the same lot with other 2 unit buildings, other dwellings, and/or other principal uses).~~

42.20 Standards for Specific Permitted Uses

- a. **General Provisions.** For certain permitted uses that could impact surrounding neighborhoods, conflict with adjacent uses, or have other significant impacts, specific standards are provided below. These standards apply only to those uses which are permitted by right shown as "P" in tables XVIII-A through XVIII-E except where specifically noted otherwise. Other particular standards applicable to Conditional Uses, Special Exceptions, and Accessory Uses are articulated in separate articles.

....

11. **Multifamily Dwellings/Development.** The following requirements shall apply to multifamily dwellings/developments of 5 **3** or more dwelling units:
- a. **Buffers from Roads.** A 50 foot buffer shall be established from all neighboring roads, including roads from which access is taken. The Planning Board shall determine treatment of the buffer area, whether it is to be left undisturbed, to have supplemental plantings installed, to be designated part of the overall open space plan for the development, and/or to be part of an individual lot but protected from construction. No roofed structures may be erected in the buffer area.
 - b. **Buffers from Single Family.** A 100 foot buffer shall be established adjacent to any existing single family house or any vacant lots less than 3 acres that are zoned residential.
 - c. **Access.** Any new multifamily development must take access from an existing collector or arterial road rather than an existing local road. The Planning Board may waive this requirement by conditional use upon a finding that it is preferable to take access from a local rather than a collector road and that taking access from the local road will have no significant adverse impact upon residents or property owners located on the local road.

42.27 Miscellaneous Provisions

- a. **Buffers for Residential Property.** All nonresidential development – including any parking and storage areas - shall be screened/buffered from any adjacent residential property situated to the side or rear as stipulated by the Planning Board under site review. The board may stipulate plantings and/or fencing, as reasonably appropriate. See *Figure XXVII-A – Screening between Commercial and Residential Uses*

as an example.

All multifamily development, consisting of ~~5~~ **3** units of more – including parking areas – shall be screened/buffered from any adjacent single family dwellings situated to the side or rear as required by the Planning Board under site review. The board may stipulate plantings and/or fencing, as reasonably appropriate. This requirement does not apply in situations where multifamily development is specifically designed to integrate with single-family dwellings in mixed use developments.

The effective date of these amendments shall be upon passage.

CC FY 16 AMENDMENT 1 07/07 AB 03

Mayor Jean invited the public to speak on the Amendment to the City Ordinances.

Gregg DeNobile, resident of Rochester, spoke about the Amendment. He asked the following questions:

- There was a loophole discovered in the existing Ordinance. How many times has this loophole been exploited? Is the change necessary?
- Is this change retroactive, or just for new construction?
- Is this change exclusively for the Residential 2 Zone or would it be applicable in other zones in which the multifamily units are permitted?
- Is this a result of the newly adopted comprehensive zoning ordinance, or has it been in the ordinance for a long time?
- Has the City Attorney reviewed the Amendment to the Ordinances for legality issues?
- Is there a cost benefit or other benefit to the taxpayers?
- Is this setting a precedent moving forward to require property owners to hook up to the City's water and sewer lines?
- Under General Provisions, is this term "shall" being used properly, or should the verbiage be changed to "will" to avoid

the same problem of creating loopholes?

Councilor Walker clarified that the loophole had been created at the time of adopting the new comprehensive zoning ordinance. It allowed a thirteen family unit to be developed on a three-acre lot. The Amendment would prevent massive multi-family units from being developed in small lots. This Amendment only pertains to the Residential 2 Zone; it closes the loophole, and defines the term of a multi-family dwelling.

3. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the City Council Public Hearing at 7:05 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk