



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **April 23, 2014** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **April 24, 2014** in accordance with the applicable provisions of law.

Ordinance No. 2014-84

**Amending Chapter 120 Of The Municipal Code,
Zoning Code, With Respect To Electric Vehicle
Charging Stations**

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

Section 1. Section 120-163 of the Municipal Code, as amended, is hereby further amended to read in its entirety as follows:

§ 120-163. Accessory uses and structures.

Accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. No accessory use or structure shall be established or constructed until the primary use or structure is constructed and unless a certificate of zoning compliance evidencing the compliance of such use or structure shall have first been issued in accordance with § 120-189. Accessory uses and structures deemed to be similar in nature and appropriate by the Director of Planning and Zoning may also be allowed in the City of Rochester.

- A. For residential uses, the following accessory uses and structures are permitted:**

- (1) All detached accessory structures and uses, except for the driveway, accessory to a residential use shall be located in the rear yard including, but not limited to:
 - (a) Child's playhouse.
 - (b) Decks, patios and terraces.
 - (c) Detached residential garage or carport.
 - (d) Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
 - (e) Fire escapes but only when located on that portion of the dwelling bordering on the side or rear yard.
 - (f) Freestanding radio antennas and dish antennas limited to one meter or less in diameter.
 - (g) Guest house or servants quarters, located in the rear yard, not including kitchen facilities; provided, however, that such structures are used only for the housing of persons employed on the premises or for the occasional housing of guests of the occupants of the principal building and not as rental units or for permanent occupancy as dwelling or rooming units for persons other than such employees.
 - (h) Outdoor parking or storage of no more than one boat and boat trailer, camping trailer, ATV, camping vehicle or the like, provided that such boat, trailer or vehicle shall not be used for living, sleeping or housekeeping purposes.
 - (i) Private swimming pool and bathhouse and limited to use by the occupants and their guests.
 - (j) Solar energy systems.
 - (k) Storage structure with a maximum of one.
 - (l) Tennis courts limited to use by the occupants thereof and their guests.

- (m) Wind energy conversion systems.
- (2) Attached residential garages, carports, decks and terraces located in the side and rear yard.
- (3) Building management offices when limited to the management of the building in which such office is located or a complex of buildings forming an integrated development of which such building is a part.
- (4) Vehicle repair of noncommercial vehicles on residential premises when performed:
 - (a) By a resident of the premises;
 - (b) On a legal, off-street parking space;
 - (c) On a vehicle owned, licensed and operated for personal use by a resident of the premises; and
 - (d) Between the hours of 7:00 a.m. and 10:00 p.m.
- (5) Fences and walls subject to the provisions of § 120-167, Fences and walls.
- (6) Handicapped access ramps, installed permanently, when located in the side or rear yard, provided that the ramp does not obstruct access to required parking.
- (7) Vertical wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.
- (8) Home occupations, subject to the additional requirements for specified uses in § 120-139.
- (9) Green infrastructure techniques, such as rain barrels, rain gardens, or bioswales, when located in the side or rear yard.
- (10) Electric vehicle charging stations when located in the side or rear yard.

B. For nonresidential uses, the following accessory uses and structures are permitted:

- (1) Background entertainment/music.
- (2) Commercial vending machines in the PMV, C-3 and M-1 Districts but not within the required setbacks, and, if located within 150 feet of a residential district, the machine shall be screened from the residential district.
- (3) Decks, patios and terraces when associated with a legal outdoor seating/assembly area.
- (4) Detached garage but only in the rear yard.
- (5) Dish antennas two meters or less in diameter located in the rear yard in the C-1, C-2, C-3 and M-1 Districts.
- (6) Fences and walls subject to the provisions of § 120-167, Fences and walls.
- (7) Fire escapes but only when attached to that portion of the dwelling bordering on the side or rear yard.
- (8) Freestanding radio antennas located in the rear yard.
- (9) Parking lots and parking areas: including electric vehicle charging stations.
- (10) Solar energy systems located in the rear yard.
- (11) Storage structure, one, incidental to a permitted use located in the rear yard.
- (12) Temporary outdoor display of retail merchandise subject to the requirements for outdoor display set forth in § 120-176.
- (13) Walkup service windows facing any public right-of-way when accessory to a permitted retail sales and service use.
- (14) Wind energy conversion system located in the rear yard, subject to site plan approval.
- (15) Handicapped access ramps, installed permanently, when located in the side or rear yard, provided that the ramp does not obstruct access to required parking.

- (16) Vertical wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.
- (17) Green infrastructure techniques, such as rain barrels, rain gardens, or bioswales, when located in the side or rear yard.

Section 2. Section 120-208 of the Municipal Code, as amended, is hereby further amended to read in its entirety as follows:

§ 120-208. Definitions.

When used in this chapter, the following terms shall have the meanings herein ascribed to them. Where any definition is divided into classifications or categories of activities or uses, each classification or category shall be considered a different activity or use requiring separate application of the provisions of this chapter. No part of any definition shall be varied.

ELECTRIC VEHICLE CHARGING STATIONS

An electric vehicle charging station, also called EV charging station, electric recharging point, charging point and EVSE (Electric Vehicle Supply Equipment), is infrastructure that supplies electric energy for the recharging of plug-in electric vehicles, including all-electric cars, neighborhood electric vehicles and plug-in hybrids.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, added text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Patterson, Spaul - 9.

Nays - None - 0.

Attest Hayel L. Washington
City Clerk