City of Rochester, NY

INTERPRETATION

(Section 120-191C)
BUREAU OF PLANNING AND ZONING
CITY HALL, 30 CHURCH STREET, ROOM 125-B
ROCHESTER, NEW YORK 14614
(585) 428-7043

APPLICATION

APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY. To schedule an appointment, please call Mitch Rowe (585) 428-6858 or mitch.rowe@cityofrochester.gov.

Office Use	Application Requirements:
☐ ☐ ☐	1. Fee: $100.00. 2. Two (2) copies of this application. 3. One (1) copy of a written request containing: • The specific provision or provisions to be interpreted; • The facts of the specific situation concerning the request for an Interpretation; • The precise Interpretation claimed by the applicant to be correct; • Any additional information requested by the Director of Planning and Zoning deemed necessary to a meaningful Interpretation of the provision in questions.

WHAT IS THE PURPOSE OF AN INTERPRETATION?

Interpretations by the Director of Planning and Zoning are intended to clarify the zoning text or map, including permitted uses, district boundaries, meaning and intent of various portions of this chapter and precise location of mapped district boundary lines.

A request for interpretation of any provision of the Zoning Code shall be submitted in writing to the Director of Planning and 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 Director of Planning and Zoning may require such further facts and information as are, in his or her judgment, necessary for a meaningful interpretation of the provision in question.

WHAT IS THE APPEAL PROCESS?

Appeals of interpretations made by the Director of Planning and Zoning shall be made to the Zoning Board of Appeals within 60 days of the date of the decision in accordance with the procedures found in § 120-195.

An appeal from any final decision of the Zoning Board of Appeals as to any matter regarding the interpretations 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.

[FOR OFFICE USE ONLY]

ADDRESS: _____ **FILE NUMBER:** _____

DATE FILED: _____ **FEE:** _____

INTERPRETATION

STANDARDS

The following criteria shall govern the Director of Planning and Zoning and the Zoning Board of Appeals on appeals of a decision by the Director of Planning and Zoning in issuing use interpretations:

A. No interpretation relating to use shall be given with respect to the R-1 through R-3 Residential Districts.

B. No interpretation shall permit a use that is a prohibited use defined by this chapter.

C. No interpretation shall permit a use listed as a permitted or special permit use in any district to be established in any district in which such use is not so listed.

D. No interpretation shall permit any use in any district unless evidence is presented which demonstrates that it will comply with each use limitation established for the particular district.

E. No interpretation shall permit any use in any district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.

F. If the proposed use is most similar to a use permitted only as a special permit in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special permit pursuant to §120-192.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): _____

2. APPLICANT: _____ COMPANY NAME: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

INTEREST IN PROPERTY: Owner _____ Lessee _____ Other _____

3. PLAN PREPARER: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

4. ATTORNEY: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

5. ZONING DISTRICT: _____

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): _____

_____

_____

_____

_____

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) _____

APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE:_____ DATE: _____

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE:_____ DATE:_____