



City of Rochester, NY

CERTIFICATE OF NONCONFORMITY

(Section 120-191B)
BUREAU OF ZONING & PERMITTING
CITY HALL, 30 CHURCH STREET, ROOM 125B
ROCHESTER, NEW YORK 14614

APPLICATION

APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY. To schedule an appointment, please contact Jasmine Myers at (585) 428-8822 or Jasmine.Myers@cityofrochester.gov.

Table with 2 columns: Office Use and APPLICATION REQUIREMENTS. Contains a list of 9 requirements for the application, each preceded by a checkbox.

WHAT IS THE PURPOSE OF A CERTIFICATE OF NONCONFORMITY?

A nonconformity is any use lawfully being made of land, buildings, or structures, which does not comply with the current Zoning Code in the district in which it is located. This application is used to determine: the pre-existing rights to a nonconformity, the potential change of intensity from one nonconforming use to another nonconforming use; whether or not there has been a period of vacancy that has caused the use to be abandoned or discontinued; if the structure was built for its current use; or to extend a period of vacancy due to extensive rehabilitation of the structure.

Documents that may be helpful are:

- List of helpful documents including: To determine the Intensity of an existing use or for a change of use, To prove built-as status, and To extend a period of vacancy due to extensive rehabilitation.

[FOR OFFICE USE ONLY]

ADDRESS: _____

FILE NUMBER: _____

DATE FILED: _____

FEE: _____

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

4. LIST THE CURRENT AND PREVIOUS USE(S) OF THE PROPERTY AND WHERE THEY WERE LOCATED EITHER WITHIN THE STRUCTURE OR ON THE PREMISES, INCLUDE DATES OF OPERATION:

5. DESCRIBE WHEN, WHERE AND WHY THE PROPERTY VACANCIES OCCURRED:

6. ZONING DISTRICT: _____

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: _____



Certificate of Nonconformity Intensity of Uses

The below chart assists staff in comparing the previously legal use with the proposed legal use for determining if the proposed use is equally, or less intense that the previous use on site.

These evaluation criteria in items (a) through (f) are from section §120-191B(3) of the City Zoning Code. This criteria, and the provisions of the zoning district which would first permit the establishment of a particular use as of right will be used in determining the intensity of the proposed use.

Review Criteria, §120-191B(3)	Previous use	Proposed use
<p>(a) Floor area.</p> <p><u>Considerations:</u> The square footage of the space, if the new use will expand the current floor area, if this will occur in the existing building, as an addition, etc.</p>		
<p>(b) Hours of operation.</p> <p><u>Considerations:</u> Hours and days of the week that the use will operate, activities that occurred or will occur outside of Certain activities that occur outside of typical hours, etc.</p>		

**Certificate of Nonconformity
Intensity of Uses Chart**

<p>(c) Volume and type of sales.</p> <p><u>Considerations:</u> Types of items sold, how they are displayed, the expectations or historical information on the volume of sales, etc.</p>		
<p>(d) Type of processing activity.</p> <p><u>Considerations:</u> The particular functions of the uses, how they operate and what activities take place, what is being processed, etc.</p>		
<p>(e) Nature and location of storage.</p> <p><u>Considerations:</u> Location of storage areas inside and outside of the principal building on site, type of storage (for use on site or otherwise), etc.</p>		

**Certificate of Nonconformity
Intensity of Uses Chart**

<p>(f) Transportation requirements by volume, type and characteristics.</p> <p><u>Considerations:</u> Number of employees, customer counts (actual or expected), frequency of deliveries (if applicable), alternative transportation considerations on site (walking, bicycle, bus).</p>		
<p>(g) Parking and loading characteristics.</p> <p><u>Considerations:</u> Expectations for parking, existing or proposed parking spaces on site, access, availability of off-street parking. Loading areas for deliveries, location and access.</p>		
<p>(h) Noise, smoke, odor, glare, vibration, radiation and fumes.</p> <p><u>Considerations:</u> This shall include any known outputs from the use on site that may create potential nuisances to be mitigated.</p>		