



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-286

Cancellation of erroneous taxes and charges

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

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) The property located at 1890 Mt. Hope Avenue is owned by New York State which is exempt from paying local works charges. The special districts such as street cleaning; roadway snow plowing; sidewalk plowing and hazardous sidewalk replacement were inadvertently added when there was an administrative subdivision on the property starting with the 2014-15 tax year.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
150.21-1-2.2	N	1890 Mt. Hope Ave.	2015	\$935.08	\$935.08
			2016	\$944.50	944.50
			2017	\$945.16	945.16
			2018	\$973.56	973.56

- (B) The property located at 465 E. Henrietta Road is owned by New York State which is exempt from paying local works charges. The special

districts such as street cleaning; roadway snow plowing; sidewalk plowing and hazardous sidewalk replacement were inadvertently added when there was an administrative subdivision on the property starting with the 2015-16 tax year.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
150.22-1-1.3	N	465 E. Henrietta Rd.	2016	\$534.10	534.10
			2017	\$534.47	534.47
			2018	\$554.54	550.54

(C) The owner of 584-590 Jefferson Avenue purchased the property from a non-profit organization on December 16, 2016 for the sum of \$45,000. The new owner is also a non-profit organization. However they failed to submit their required application by the filing deadline of February 1, 2017. In addition, they were not utilizing the property by the taxable status date of February 1, 2017 and were not entitled to their own non-profit exemption. Therefore, the property was made taxable and a supplemental tax was charged. The property had been assessed at \$130,000 and was subsequently reduced to the purchase price due to the poor condition of the building. Due to a clerical error, the supplemental tax was based on the prior assessment when it should have been based on the lower value.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
120.68-1-15	N	584-590 Jefferson Ave.	2017	\$1,714.85	1,714.85
Grand Total					\$7,132.26

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaull - 9.

Nays - None - 0.

Attest *Hazel Washington*
City Clerk



City of Rochester

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Ordinance No. 2017-287

Authorizing an agreement for the immobilization and redemption of scofflaw motor vehicles

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

Section 1. The Mayor is hereby authorized to enter into an agreement with IPT LLC, d/b/a PayLock (PayLock) for an immobilization and redemption program for motor vehicles with three or more outstanding parking tickets that may be immobilized pursuant to Section 111-77 of the City Traffic Ordinance. PayLock shall provide to the City software and hardware to identify such vehicles for installation of the immobilization device. The motor vehicle owner or operator shall be able to release the device upon payment to PayLock of the sum of \$85 plus the payments of outstanding notices of violation or notices of liability. The vehicle owner or operator shall also be required to return the immobilization device to the City, and shall be responsible to PayLock for an additional fee of \$25 per day for each day, or part thereof, after the first 48 hours, for which the immobilization device or mechanism is not returned to the City, up to a maximum of \$500.

Section 2. The agreement shall obligate PayLock to pay to the City of Rochester at least 83% of the collections made on the outstanding notices of violation or notices of liability.

Section 3. The agreement shall extend for a term of five years, with two one-year options to renew.

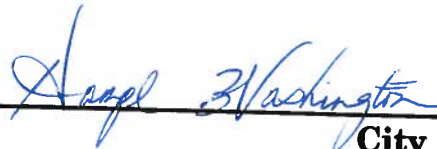
Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.
Passed by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, Miller, Ortiz, Patterson, Spaul - 7.

Nays - Councilmembers Clifford, McFadden - 2.

Attest



City Clerk



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Ordinance No. 2017-288

Authorizing an amendatory agreement with Kronos Incorporated

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Kronos Incorporated related to the implementation of an Enterprise Process & System Solution for Scheduling, Time and Attendance. The term of the agreement authorized in Ordinance No. 2015-315 is hereby extended for an additional two years, to October 28, 2019.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.


Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest



City Clerk



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Ordinance No. 2017-289

Authorizing a grant agreement for the Clarissa Street Reunion and amending the Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for the receipt and use of \$5,000 to be used for the Clarissa Street Reunion. The agreement shall be for a term not to exceed one year.

Section 2. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Bureau of Communications by the sum of \$5,000 received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0

Attest

Hazel Washington

City Clerk



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Ordinance No. 2017-290

Amending the 2016-17 Budget for year-end Budget amendments

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$3,000,000 from the following departments to Cash Capital:

- a) \$2,380,000 from Contingency;
- b) \$370,000 from the Department of Environmental Services; and
- c) \$250,000 from Neighborhood & Business Development.

Section 2. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$1,730,000 from Contingency to the Budget of the Police Department for pending wage and salary settlements.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

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Ordinance No. 2017-291

Authorizing an agreement with the Rochester City School District for the Rochester Public Library's use of a shared space at School 12

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for the Rochester Public Library's use of a shared space at School 12. The term of the agreement shall be September 1, 2017 through June 30, 2027, with the option for two (2) ten-year (10) renewal terms.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

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Ordinance No. 2017-292

Authorizing agreements for the 2017-2018 Street Liaison Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with each of the following organizations in the maximum amount of \$20,000 each to provide Street Liaison services for the specified City quadrants as follows:

- a) Action for a Better Community, Incorporated, Northeast
- b) Highland Planning LLC, Southeast
- c) Highland Planning LLC, Northwest
- d) 19th Ward Community Southwest Association of Rochester, New York, Inc., Southwest

Section 2. The term of said agreements shall continue to June 30, 2018.

Section 3. The amount of \$80,000, or so much thereof as may be necessary for the agreements, shall be funded from the funds appropriated to the Neighborhood Commercial Assistance Program from the Promote Economic Stability fund of the 2017-18 Consolidated Community Development Annual Action Plan in Ordinance No. 2017-224 (\$54,000) and the 2017-18 Budget of Neighborhood and Business Development (\$26,000).

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The City shall enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest *Hazel Washington*
City Clerk



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Ordinance No. 2017-293

Authorizing sale of land, payment in lieu of taxes and loan agreements for the Charlotte Square III Affordable Rental Project

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

Section 1. The Council hereby approves the negotiated sale, for the price of \$255,000, of the following parcel of vacant land to Home Leasing, LLC, or to an affiliated housing development fund corporation that is formed for the purpose, in order to develop the Charlotte Square III Affordable Rental Project (Project):

Address	SBL#	Lot Size	Acreage
120 Charlotte St.	106.81-2-70	153 x 35	0.52

Section 2. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with a housing development fund corporation formed by Home Leasing, LLC for the Project. The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, provided that the housing development fund corporation makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs.

Section 3. The term of the PILOT agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior to that date if and when the Project is no longer operated in accordance with Article 11 of the

NYS Private Housing Finance Law and for the purpose of providing housing for mixed-income households and as supportive transitional housing for ex-offenders.

Section 4. The sum of \$300,000 is hereby appropriated from the Affordable Housing Fund allocation of the Housing Development Fund within the Consolidated Community Development Plan/2016-17 Annual Action Plan to serve as principal for the Project loan authorized herein.

Section 5. The Mayor is hereby authorized to enter into a loan agreement with Home Leasing, LLC or an affiliated partnership or housing development fund corporation formed for the Project, for construction and permanent financing of the Project. The loan shall be in the amount of \$300,000, which shall be funded from the amounts appropriated in Section 4 herein. The loan agreement shall have a term that continues to 30 years following completion of Project construction. The loan shall function as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to permanent financing with a term of 30 years that is subject to an annual interest rate of 2% that shall be paid annually contingent on sufficient Project cash flow, and repayment of the loan principal and deferred interest, if any, due at the end of the loan term.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate the agreements authorized herein.

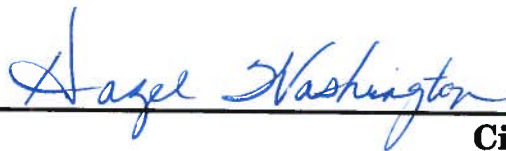
Section 7. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions of the loan in order to conform to legal and other requirements of the Project.

Section 8. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None- 0.

Attest 
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Ordinance No. 2017-294

Authorizing sale of land, payment in lieu of taxes and loan agreements for the Stadium Estates Phase II Affordable Rental Housing Project

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

Section 1. The Council hereby approves the negotiated sale, for an aggregate price of \$18,075, of the following parcels of vacant land to Charles Settlement House, Inc., or to an affiliated partnership or housing development fund corporation that is formed for the purpose, in order to develop the Stadium Estates Phase II Affordable Rental Housing Project (Project):

Address	SBL No.	Dimensions	Price
255 Whitney Street	105.74-2-25.001	80' x 84'	\$ 475
235 Whitney Street	105.74-2-29	77' x 253'	2,100
44 Lime Street	105.74-3-10	33' x 86'	350
43 Lime Street	105.74-3-24	36' x 165'	450
279 Orchard Street	105.74-3-33	40' x 125	425
748-754 Smith St	105.74-3-36.002	91' x 125'	600
766 Smith Street	105.74-3-39	36' x 165'	450
794 Smith Street	105.74-3-44	53' x 165	525
810-812 Smith Street	105.74-3-47.002	53' x 110'	450
244 Whitney Street	105.74-3-53.001	63' x 106'	475
246 Whitney Street	105.74-3-54.001	102' x 106'	525
40 Lime Street	105.74-3-8	44' x 86'	400
42-42.5 Lime Street	105.74-3-9	44' x 86'	400
736 Smith Street	105.75-1-32.003	54' x 99'	450
296 Orchard Street	105.75-1-38.001	165' x 54'	525
795 West Broad St	105.75-2-46	38' x 94'	350

765 Smith Street	105.82-2-12	40' x 100'	400
241 Orchard Street	105.82-2-15	100' x 39'	400
559 Jay Street	105.82-2-39.2	210' x 185	3,000
729-735 Smith Street	105.83-1-1.001	77' x 120'	550
693 Smith Street	105.83-1-10	53' x 165'	525
725 Smith Street	105.83-1-2.001	44' x 120'	450
234 Orchard Street	105.83-1-48.002	45' x 99'	425
378 Jay Street	105.83-2-37.005	76' x 132'	550
364 Jay Street	105.83-2-35	50' x 183'	525
370 Jay Street	105.83-2-36.002	50' x 183'	550
307 Jay Street	105.84-1-39	40' x 164	475
630 West Broad St	105.84-2-35	40' x 100'	400
636 West Broad St	105.84-2-36.001	38' x 100'	400
245-247 Jay Street	105.84-2-40.001	67' x 100'	475
TOTAL			\$ 18,075

Section 2. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with Charles Settlement House, Inc. or an affiliated partnership or housing development fund corporation formed for the Project. The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, provided that annual payments in lieu of taxes remitted to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs.

Section 3. The term of the PILOT agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior to that date if and when the Project is no longer operated in accordance with Article 11 of the NYS Private Housing Finance Law and for the purpose of providing affordable housing consisting of approximately 46 rental units constructed within a mixture of single-family, duplex and triplex houses built on clustered sites in the JOSANA neighborhood.

Section 4. The sum of \$95,178 is hereby appropriated from the Affordable Housing Fund allocation of the Housing Development Fund within the Consolidated Community Development Plan/2016-17 Annual Action Plan and the sum of \$604,822 is hereby appropriated from the Affordable Housing Fund allocation of the Housing Development Fund within the Consolidated Community Development Plan/2017-18 Annual Action Plan to serve as \$700,000 in principal for the Project loan authorized herein.

Section 5. The Mayor is hereby authorized to enter into a loan agreement with Charles Settlement House, Inc. or a subsidiary formed for the Project for construction and permanent financing of the Project. The loan shall be in the amount of \$700,000, which shall be funded from the amounts appropriated in Section 4 herein. The loan agreement shall have a term that continues to 30 years following completion of Project construction. The loan shall function as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to permanent financing with a term of 30 years that is subject to an annual interest rate of 2% that

shall be paid annually and repayment of the loan principal due at the end of the loan term.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate the agreements authorized herein.

Section 7. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions of the loan in order to conform to legal and other requirements of the Project or of its tax credits.


Section 8. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest



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Ordinance No. 2017-295

Authorizing the sale of real estate

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

Section 1. The Council hereby approves of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq.Ft.	Price	Purchaser
26 Boston St	106.23-4-29.1	68 x 96	6,538	\$475	Ronald Phelps
135 Breck St	107.77-1-5	40 x 100	4,000	\$400	Ruthie & Daryl Burke

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
117 Reynolds St	120.52-1-28	21 x 49	1,029	James I. McClary
1113 N. Winton Rd	107.59-1-5	46 x 7	359	Katherine Petty

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest



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Ordinance No. 2017-296

Authorizing funding and agreements for the 2017 Lead Hazard Control Grant Program, as amended

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

Section 1. The Council hereby accepts \$1,000,000 from the U.S. Department of Housing and Urban Development (HUD) to fund the City's 2017 Lead Hazard Control Grant Program (Program) and authorizes the Mayor to enter into an agreement with HUD and to execute such other documents as may be necessary for the City to participate in and administer the use of HUD funding for the Project Program.

Section 2. The Council hereby appropriates ~~\$769,000~~ from the funds authorized by Section 1 herein the following amounts: \$769,000 for the City's use to operate the Program; \$132,000 for the lead abatement worker training and lead hazard evaluation services authorized in Sections 3 and 4 herein; and \$4,464 for travel expenses. The City's personnel costs to implement the Program shall be funded by the grant in the amount of \$31,512 from the 2017-18 Budget of the Department of Neighborhood and Business Development ("NBD") and \$63,024 from future budgets of NBD, contingent upon approval of the future budgets.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Environmental Education Associates, Inc. to provide lead abatement worker training. The maximum compensation for the agreement shall be \$45,000, which shall be funded from the appropriation authorized by Section 2 herein. The term of the agreement shall be one year with the option to extend for up to 2 additional years if funds within the authorized maximum compensation remain.

Section 4. The Mayor is hereby authorized to enter into professional services agreements with the following consultants for lead hazard evaluation services for the Program. The agreement shall have an aggregate maximum compensation of \$87,000, which shall be funded from the appropriation authorized by Section 2 herein:

- a. Environmental, Testing & Consulting Inc., Batavia, NY; and
- b. UNYSE Environmental Consultants, Buffalo, NY.

The term of each agreement shall be one year with the option to extend for up to 2 additional years if funds within the authorized aggregate maximum compensation remain.

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.


Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

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

Nays - None - 0.

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Ordinance No. 2017-297

Authorizing agreements for the Asset Control Area/HOME Rochester Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement or agreements with the Rochester Housing Development Fund Corporation, JPMorgan Chase & Co. and the Greater Rochester Housing Partnership, Inc. to permit the continued participation of the City in the Asset Control Area/HOME Rochester Program through the continued acquisition and development of vacant single family properties under the Loan VIII financing pool. The City shall participate as a lender in RHDFC Loan VIII through the allocation of \$1,863,000 in revenues from the Loan VII pool authorized in Ordinance No. 2014-379 that will be held in a trust account for this purpose. The agreement(s) shall outline how the trust account funds will be accessed for vacant single-family properties that are identified for improvement with Loan VIII funds.

Section 2. The agreement(s) shall obligate the City of Rochester to pay an amount not to exceed \$238,000 to establish a loss reserve account for Loan VIII, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose from 2012-13 Cash Capital.

Section 3. The agreement(s) shall further obligate the City of Rochester to pay an amount not to exceed \$25,000 for an interest reserve account for the Program, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose from 2012-13 Cash Capital.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

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Ordinance No. 2017-298

Amending the 2015-16 Consolidated Community Development Plan and authorizing appropriations of Community Development Block Grant funds to infrastructure and playground improvements

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

Section 1. The Council hereby approves amending the 2015-16 Consolidated Community Development Plan - Annual Action Plan (Con Plan) to transfer and re-allocate \$875,000 of Community Development Block Grant (CDBG) funds to the Infrastructure Improvements allocation of the General Community Needs fund within said Con Plan.

Section 2. The Council hereby appropriates \$875,000 of CDBG funds from the Infrastructure Improvements allocation of the General Community Needs Fund of the 2015-16 Con Plan, as amended under Section 1 above, for infrastructure and playground improvements at various locations including but not limited to the First Street Playground and the Alpha Street Group Project.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-299

Amending Chapter 120 of the Municipal Code, Zoning, for minor changes, clarifications and corrections, as amended

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in §120-208, Definition, with regard to the addition, modification or deletion of the following terms:

BANQUET FACILITY

~~A structure or building that is entirely devoted to banquets and all hours and activities are associated with specific events or any portion of a building in which~~
space can be used for banquets, parties, receptions and the like. Buildings or spaces used primarily for ticketed entertainment events shall not be considered a banquet facility.

BUILDING COVERAGE

~~The percentage of a lot area occupied by the ground area of principal and accessory buildings on such lot, excluding the area occupied by a solar collector.~~

IMPERVIOUS SURFACE

A surface that prevents infiltration of water into the soil, including but not limited to: asphalt; concrete; packed gravel or crusher run; and bricks, stones, or unit pavers set in or laid on top of mortar or concrete.

HOTEL

~~A dwelling~~ One or more buildings containing 15 or more rooming unit(s) with private bathrooms and with or without cooking facilities in which temporary lodging is provided and offered to the public for compensation. Hotels shall include an area for the registration of guests and daily housekeeping provided by the management. Hotels may provide amenities such as restaurants, meeting rooms, swimming pools and exercise facilities to guests and the general public. This definition shall not be construed to affect local or state licensing provisions.

LOT COVERAGE

The percentage of a lot area occupied by the ground area of ~~principal and accessory buildings over 144 square feet, driveways, swimming pools, decks, parking areas and parking lots and other impermeable impervious surfaces on such lot, excluding patios, terraces and pedestrian walkways.~~

Section 2. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended as follows:

- a. Subsection E of Section 120-8 is amended as follows:

120-8 Permitted uses.

The following uses are permitted in the R-1 District:

...

E. Places of worship, except in structures originally designed solely for residential purposes.

- b. Subsection B of Section 120-11 is amended as follows:

§ 120-11. Lot, area and yard requirements. The following lot, area and yard requirements shall apply to the R-1 District:

...

B. Lot area requirements.

(1) Residential uses.

(a) Minimum lot area, detached: 5,000 square feet.

(b) Minimum lot area, attached, two units: 3,000 square feet per unit.

(c) Minimum lot area, attached, three units or more: N/A.

~~(d) Maximum building coverage: 35%.~~

~~(d)(e)~~ Maximum lot coverage: 50%.

(2) Nonresidential uses.

(a) Minimum lot area: N/A.

~~(b) Maximum building coverage: 35%.~~

~~(b)(e)~~ Maximum lot coverage: 50%.

- c. Subsection F of Section 120-17 is amended as follows:

120-17 Permitted uses.

The following uses are permitted in the R-2 District:

...

F. Places of worship, except in structures originally designed solely for residential purposes.

d. Subsection B of Section 120-20 is amended as follows:

§ 120-20. Lot, area and yard requirements.

The following lot, area and yard requirements shall apply to the R-2 District:

B. Lot area requirements.

(1) Residential uses.

(a) Single-family detached and attached.

[1] Minimum lot area, detached: 5,000 square feet.

[2] Minimum lot area, attached, two units: 3,000 square feet per unit.

[3] Minimum lot area, attached, three units or more: N/A.

~~[4] Maximum building coverage: 35%.~~

~~[4]~~[5] Maximum lot coverage: 50%.

(b) Two-family.

[1] Minimum lot area: 6,000 square feet.

~~[2] Maximum building coverage: 35%.~~

~~[2]~~[3] Maximum lot coverage: 50%.

(c) Multifamily.

[1] Minimum lot area: 3,000 square feet per unit.

~~[2] Maximum building coverage: 35%.~~

~~[2]~~[3] Maximum lot coverage: 50%.

(2) Nonresidential uses.

(a) Minimum lot area: N/A.

~~(b) Maximum building coverage: 35%.~~

~~(b)~~(e) Maximum lot coverage: 50%.

e. Subsection J of Section 120-26 is amended as follows:

120-26 Permitted uses.

The following uses are permitted in the R-2 District:

...

J. Places of worship, except in structures originally designed solely for residential purposes.

f. Subsection B of Section 120-28 is amended as follows:

§ 120-28. Lot, area and yard requirements.

The following lot, area and yard requirements shall apply to the R-3 District:

...

B. Lot area requirements.

(1) Residential uses.

(a) Single-family detached and attached.

[1] Minimum lot area, detached: 5,000 square feet.

[2] Minimum lot area, attached, two units: 3,000 square feet per unit.

[3] Minimum lot area, attached, three units or more: N/A.

~~[4] Maximum building coverage: 35%.~~

~~[4]~~[5] Maximum lot coverage: 50%.

(b) Two-family.

[1] Minimum lot area: 6,000 square feet.

~~[2] Maximum building coverage: 35%.~~

~~[2]~~[3] Maximum lot coverage: 50%.

(c) Multifamily.

[1] Minimum lot area: 1,000 square feet per unit for each one- or two-bedroom unit.

[2] Minimum lot area: 1,800 square feet per unit for each three- or more bedroom unit.

[3] Minimum lot area: 9,000 square feet for multifamily buildings over three units.

(2) Nonresidential uses.

(a) Minimum lot area: N/A

g. Section 120-42 is amended to read in its entirety as follows:

120-42. Permitted uses and structures

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building and with hours of operation limited to 6:00 a.m. to 2:00 a.m. Hours of operation limitations do not apply to residential uses.

A. Single-family attached dwellings.

B. Multifamily dwellings.

C. Live-work space, subject to the additional requirements for specified uses in § 120-142.1.

D. Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.

E. Family and group family day-care homes.

F. Adult family day-care homes.

G. Day-care centers, subject to the additional requirements for specified uses in § 120-135.

H. Animal hospitals when conducted entirely within an enclosed building.

I. Places of worship.

J. Convents and rectories.

K. Public and semipublic uses.

L. Funeral homes and mortuaries.

M. Retail sales and service, full-line food store, low-impact, and specialty, subject to the additional requirements for specified uses in § 120-146.1.

N. ~~(Reserved)~~ Mixed uses, as listed in this section, not including industrial uses.

O. (Reserved)

P. Limited adult retail store when conducted entirely within an enclosed building.

Q. Health clubs and similar facilities.

~~R. Theaters. (Reserved)~~

S. Office.

T. Bars, restaurants and banquet facilities, including accessory outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., excluding drive-through facilities.

h. Subsection R of Section 120-43 is revised as follows:

120-43. Special permit uses.

The following uses are allowed as special permit uses in the C-2 District:

...

R. Vehicle service stations, subject to the additional requirements for specified uses in § 120-154, ~~with no more than eight pumps (defined as a fueling area for an individual vehicle)~~ that can dispense fuel to no more than eight vehicles at one time.

i. Subsection M of Section 120-50 is revised as follows:

120-50. Permitted uses and structures.

The following uses are permitted in the C-3 District:

...

~~M. Theaters. (Reserved)~~

j. Subsection C is added to Section 120-62, Permitted uses, as follows.

...

C. Walk-up service windows in the CCD.

k. Subsection C of Section 120-64 is revised as follows:

120-64 Prohibited uses.

The following uses are prohibited in any building or site in the CCD:

...

C. ~~Uses, excluding building parking or outdoor seating/assembly areas,~~ not in a fully enclosed building, excluding building parking, outdoor seating/assembly areas and walk-up service windows.

l. Subsections A, C, D and E of Section 120-76, PMV Public Market Village District, are revised follows:

A. Permitted uses and structures.

The following uses are permitted in the PMV District:

(1) Outdoor market.

(2) Single-family attached dwelling.

(3) Multifamily dwellings.

~~(3)~~ (4) Mixed uses.

~~(4)~~ (5) Live-work spaces.

~~(5)~~ (6) Offices.

- ~~(6)~~ (7) Public and semipublic uses.
- ~~(7)~~ (8) Agriculture.
- ~~(8)~~ (9) Warehouse uses.
- ~~(9)~~ (10) Wholesale uses.
- ~~(10)~~ (11) Retail sales and service.
- ~~(11)~~ (12) Bars, restaurants and the like including outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., but excluding drive-through facilities.
- ~~(12)~~ (13) Manufacturing uses when the products are sold as retail for an individual consumer.
- ~~(13)~~ (14) Parks and recreation uses.
- (15) Places of worship.

...

C. Lot, area and yard requirements. The following lot, area and yard requirements shall apply to the PMV District:

(1) Lot frontage requirements.

(a) Residential uses.

[1] Minimum lot frontage, attached: N/A.

[2] Minimum lot frontage, multifamily: N/A.

(b) Nonresidential uses.

[1] Minimum lot frontage: N/A.

(2) Lot area requirements.

(a) Residential uses.

[1] Single-family attached.

[a] Minimum lot area, attached: 2,600 square feet.

~~[b] Maximum building coverage: 35%.~~

~~[e]~~ [b] Maximum lot coverage: 50%

[2] Multifamily.

[a] Minimum lot area: 1,000 square feet per unit for one or two bedrooms.

[b] Minimum lot area: 1,800 square feet per unit for three or more bedrooms.

[c] Minimum lot area: 9,000 square feet for multifamily buildings over three units

~~(b) Nonresidential uses.~~

~~[1] Minimum lot area: N/A~~

D. Bulk requirements. The following requirements shall apply to buildings constructed in the PMV District:

(1) Building heights.

~~(a) Minimum building height, principal use or structure: 2 1/2 stories or 20 feet.~~

~~(b)~~ (a) Maximum building height, detached accessory use or structure: 20 feet.

~~(2) Square footage.~~

~~(a) Maximum square footage, principal use or structure: 10,000 square feet.~~

~~(b) Maximum square footage, detached accessory use or structure: N/A.~~

E. Specific standards for the PMV District. In addition to the applicable City-Wide Design Guidelines and Standards in Article XIX, the following shall apply to the PMV District:

(1) Buildings.

(a) Building materials. Concrete block, glass block, and metal are permitted on any façade.

(2) Windows and transparency. All new construction on building facades that are within 60 feet of a street right-of-way or a vehicle or pedestrian way internal to the Rochester Public Market shall provide areas of transparency equal to 40% of the wall area between the height of two feet and eight feet from the ground.

~~(1) (2) Site.~~

~~(a) Parking.~~

~~[1] No parking shall be required in this district.~~

~~[2] Parking may be supplied anywhere in the district and is not required on site.~~

~~(b) Signs and awnings.~~

~~[1] Signs and awnings shall relate through their design, size and height to pedestrians.~~

~~[2] Signs and awnings shall not materially obscure architectural features or details of buildings.~~

~~[3] Wall signs, projecting signs or banners and signage on awning valences are allowed as long as they do not obscure, detract from or otherwise degrade the existing design and architectural style of the building.~~

~~[4] Projecting signs are encouraged.~~

~~[5] Detached signs over four feet in height, advertising signs and roof signs are prohibited.~~

~~[6] New construction or modifications/alterations to existing building facades shall include one prominently displayed building address sign that is pedestrian and automobile oriented. The building name may also be displayed on such sign.~~

m. Subsection A(7)(m) is added to and subsection C of Section 120-77, H-V Harbortown Village District, is revised as follows:

A. Permitted uses and structures. The following uses are permitted as of right in the H-V Harbortown Village District:

...

(7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:

...

(m) Places of worship

C. Lot, area and yard requirements. The following lot, area and yard requirements shall apply to the H-V District:

(1) Lot frontage requirements.

(a) Residential uses.

[1] Minimum lot frontage, detached dwelling: average frontage of lots on which the property is located.

[2] Minimum lot frontage, attached dwelling: N/A.

[3] Minimum lot frontage, multifamily dwelling: N/A.

(b) Nonresidential uses.

[1] Minimum lot frontage: N/A.

(2) Lot area requirements.

(a) Residential uses.

[1] Single-family detached.

[a] Minimum lot area: 5,000 square feet.

~~[b] Maximum building coverage: 35%.~~

~~[b]~~[e] Maximum lot coverage: 50%.

[2] Single-family attached.

[a] Minimum lot area, attached: N/A.

~~[b] Maximum building coverage: 35%.~~

~~[b]~~[e] Maximum lot coverage: 50%.

[3] Multifamily.

[a] Minimum lot area: N/A

(b) Nonresidential uses.

[1] Minimum lot area: N/A.

~~[2] Maximum building coverage: N/A.~~

~~[2]~~[3] Maximum lot coverage: N/A.

n. Subsections C(4)(i), (j) and (k) of Section 120-77.2, M-D Marina District, are amended as follows:

C. Building function (use) standards...

...

(4) Prohibited uses. The following uses are prohibited in the Marina District:

...

~~(i) Places of worship;~~

~~(j)~~ (i) Warehouses;

~~(k)~~ (j) Recycling centers.

o. Subsection A of Section 120-92 is amended as follows:

§ 120-92. Lot, area and yard requirements.

The following lot, area and yard requirements shall apply to O-S District:

A. Lot frontage requirements.

(1) Minimum lot frontage: N/A.

B. Lot area requirements.

(1) Minimum lot area: N/A.

~~(2) Maximum building coverage: N/A.~~

~~(2)~~(3) Maximum lot coverage: N/A.

p. Subsection M of Section 120-120 is amended as follows:

§ 120-120. Zoning designations and modifications.

M. Erie Canal Urban Renewal District.

(1) Permitted uses:

(a) Multi-purpose stadium with associated concessions, parking and pedestrian ways.

(b) Offices.

(c) Athletic fields.

(d) Retail sales and service.

(e) Restaurants, including accessory outdoor seating/assembly areas.

(2) Lot and yard requirements.

(a) Lot area requirements.

~~[1] Maximum building coverage: N/A.~~

~~[1]~~[2] Minimum lot coverage: 80%

q. Subsections B of Section 120-129, Purpose, is amended as follows:

~~B. The Planning Commission may, in approving a special permit outlined in this article, waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. For permitted uses, an area variance shall be required to waive any of the requirements imposed by this article. For uses listed in this article that require a special permit, the Planning Commission may waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. For those instances when a use listed in this article is a permitted use, an area variance from the Zoning Board of Appeals shall be required to waive any of the requirements imposed by this article. Prior to making a waiver determination, the Planning Commission or the Zoning Board of Appeals shall have a recommendation from staff addressing evaluate the following factors:~~

...

r. Subsections A(9) and A(10) of Section 120-149 are as follows:

~~(9) (Reserved) Temporary handicapped access ramps located in the front yard, subject to the following:~~

~~(a) All ramp components shall be capable of being readily dismantled without the need for excavation;~~

~~(b) Alternative locations to the front yard were explored;~~

~~(c) Such facilities do not obstruct access to required parking;~~

~~(d) Such facilities are landscaped to reduce visual impacts when necessary;~~

- ~~(e) The dimensions of such facilities do not exceed Building Code requirements and do not require significant alterations to front porches, entrances and other architectural features and do not block windows;~~
~~(f) The facilities shall be removed when no longer necessary, and the front yard shall be restored to its original condition.~~

(10) Food truck, ~~and trailer~~ and cart vending, subject to the following:

(a) The Director of Planning and Zoning may approve up to 60 food ~~truck or trailer~~ vending events per calendar year, except for:

- [1] Special events approved through the Communications Office;
- [2] Events approved by the Director of the Public Market on Public Market property;
- [3] Food vending trucks or trailers operating in public parks approved by the Department of Recreation and Youth Services and/or the Monroe County Parks Department;
- [4] Food ~~trucks or trailers~~ vending included in the approval of farmer's markets operating on private property.

(b) Properties with the following legally established uses may apply for the temporary operation of food ~~trucks or trailers~~ vending:

- [1] Single-family, two-family, and multifamily residential (up to two events per year);
- [2] Nonprofit, places of worship, and educational institutions (up to 60 events per year);
- [3] Government entities (up to 60 events per year);
- [4] Office, warehouse, industrial (up to 60 events per year);
- [5] Mixed-use, retail, bars/restaurants (up to 60 events per year).

(c) Hours shall be limited to the permitted hours for outdoor uses in the zoning district. In no case shall food ~~truck or trailer~~ vending operation in residential districts be permitted between 9:00 p.m. and 9:00 a.m.

(d) The Director of Planning and Zoning shall notify all property owners, both within and outside the municipal boundaries of the City of Rochester, within 100 feet from the property line of approved food ~~truck or trailer~~ vending events occurring three or more times per calendar year, and the official neighborhood contacts. At a minimum, the owners of 15 properties shall receive such notification.

(e) If the applicant for the temporary certificate of zoning compliance is not the property owner, the expressed, written permission of the property owner is required.

(f) In all cases, the temporary certificate of zoning compliance is valid for the calendar year and may be renewed on an annual basis.

(g) ~~Food truck or trailer vending~~ operation approved by a temporary certificate of zoning compliance shall also comply with all requirements and directives of the Rochester Fire Department and the Rochester Police Department.

(h) The temporary certificate of zoning compliance shall only approve operation for ~~food trucks and trailers~~ vending operators that possess a valid solicitor's license issued by the City Clerk's office.

s. Subsections A(2) and B of Section 120-159 are amended as follows:

120-159. Nonresidential and mixed-use building standards.

The following design standards apply to nonresidential and mixed-use development. They apply to new construction, including additions to existing structures, and to substantial repair or rehabilitation of the exterior facade of an existing structure. In the case of repair or rehabilitation, only those standards that relate to the specific repair or rehabilitation activities conducted shall apply.

A. Building materials.

...

(2) Facades. The following building materials are prohibited on any facade:

(a) Plain concrete block, except in the M-1 District.

(b) Glass block, except in the C-3 and M-1 Districts.

(c) Exposed aggregate (rough finish) concrete wall panels, except in the M-1 District.

(d) Exterior insulating finish systems (EIFS) ~~on the first floor~~ installed lower than 4 feet above grade on any building facade, except in the C-3 and M-1 Districts.

~~(e)~~ Exterior insulating finish systems (EIFS) installed lower than 8 feet above grade on any building facade within 10 feet of a public right-of-way, except in the C-3 and M-1 Districts.

~~(e)~~ (f) T-111 composite plywood or oriented strand board (OSB) siding.

~~(f)~~ (g) Plastic.

~~(g)~~ (h) Vinyl, except cellular vinyl trim may be used as decorative or detail elements for up to 25% of the facade.

(i) Metal, except in the PMV, C-3, and M-1 Districts. In all other districts, metal may be used as decorative or detail elements for up to 30% of the facade.

B. Windows and transparency.

(1) Renovations of the first floor of existing buildings within 60 feet of a street right-of-way shall not decrease the area of transparency. Where feasible, renovations shall increase the area of transparency to that required for new construction unless the original historic character of the building requires less transparency area.

(2) ~~All glazing windows~~ shall be clear or lightly tinted.

(3) For sites in C-1, C-2, H-V, PMV, and C-V Districts, all new construction on building facades that are within 60 feet of a street shall provide areas of

transparency equal to 70% of the wall area between the height of two feet and eight feet from the ground.

(a) For sites with frontage on one street, the transparency requirement is applied to that frontage.

(b) For sites with frontage on more than one street, the transparency requirement is applied to all frontage on streets classified as principal arterials, minor arterials and collector streets.

(c) For sites with frontage on local streets only, the transparency requirement is applied to one frontage.

(4) In the C-3 and M-1 Districts, when offices are part of new industrial construction, the entry to such offices shall have direct access from street frontages and parking areas. Offices that are part of new industrial construction and new construction of commercial buildings within 60 feet of street rights-of-way shall provide areas of transparency equal to 40% of the wall area between the height of two feet and eight feet from the ground. The percentage of glazing transparency required on buildings may be reduced ~~by 10% to 20% of the wall area required amount and the cost difference dedicated to streetscape improvements if~~ landscaping improvements consisting of one tree of at least two-inch caliper for every 20 feet of lot frontage are installed between the building and the public street.

(5) The use of opaque materials such as plywood, brick, metal or sheet rock to cover or fill a window opening is prohibited.

(6) The installation of any device which obstructs transparency or impacts the architectural design of a window is not permitted. This prohibition does not apply to nonpermanent devices such as curtains, blinds, shades and nonopaque roll-down grills.

(7) In addition to the standards of this section, new construction and reoccupancy of an existing building with ~~high-impact retail sales and service and pawnbrokers~~ are subject to the design standards of § 120-146.1B.

t. Section 120-162 is amended as follows:

§ 120-162. Purpose.

A. The requirements applying to all districts regulate activities, uses, structures, conditions and treatments that may be present on a property whether or not a principal structure or use is present. These requirements contribute to and promote the health, safety, comforts, conveniences and/or necessities of the property's occupants, the immediate neighborhood and/or the entire Rochester community. These requirements apply to all districts except the CCD.

B. For uses that require a special permit, the Planning Commission may waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. For uses that do not require a special permit, a requirement imposed by this article may be waived by the Zoning Board of Appeals by means of a use or area variance in accordance

with §120-195B. Prior to making a determination, the Planning Commission or the Zoning Board of Appeals shall evaluate the following factors:

- (1) The size and intensity of such use.
- (2) The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
- (3) The obstruction of light or air or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties.
- (4) The overall effect on values and utilization of neighboring properties.
- (5) Unusual topography of the location, and the nature, location and height of buildings, walls, stacks, fences, grades and landscaping on the site.
- (6) The extent, nature and arrangement of parking facilities, entrances and exits.
- (7) Problems of fire and police protection.
- (8) Preservation and/or upgrading of the neighborhood character.
- (9) The availability of adequate sewer and water supply.
- (10) All other standards prescribed by these regulations.

u. Subsections A(6),(7) and B(15),(16) of Section 120-163, Accessory uses and structures, are amended as follows:

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

(6) Handicapped access ramps and wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.

~~(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.~~

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

(15) Handicapped access ramps and wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.

~~(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.~~

v. Subsection B(5) of Section 120-167, Fences and walls, is amended as follows:

B. Fence height.

...

(5) Within residential and village center districts, no fence shall exceed or wall over threefour feet in height ~~shall be constructed in~~ within the front yard of any lot, other than a retaining wall made necessary ~~retaining wall by a natural topographic grade change~~.

w. One of the listed uses in Subsection C(1) of Section 120-173, Off-street parking, is revised as follows:

C. Required parking spaces.

(1) Vehicular parking. For the following uses, the number of off-street parking spaces shall include:

Use	Minimum
...	
Auditorium and theaters	1 per 4 seats

x. Subsections A(4)(c)[5] and 120-191D(3)(a)[5] of Section 120-191, Procedures approved by the Manager of Zoning, are amended as follows:

A. Administrative Adjustment

...

(4)Procedures

...

(c) Approval or Denial

...

~~[5]. (Reserved)The Director of Planning and Zoning shall have the authority to approve an administrative adjustment for four foot high front yard fencing, where the existing, legally installed fencing in the area has been established at that height and which is consistent with the overall character of the neighborhood.~~

D. Site plan review.

...

(3) Site plan review thresholds for minor and major site plan reviews. Site plan review in accordance with this section shall be required in the following cases, with the exception of accessory structures not changing land use or density and projects involving no site or external structural alterations:

(a) Minor site plan review shall be required for any development or redevelopment that includes construction, enlargement or addition to any building or any site

preparation for a site or use that may not include or require a building and meets one of the following:

...

[5] Parking lots over 10 spaces, ~~whether the principal use or serving a principal use on the same lot~~, that do not meet the requirements for parking lots in § 120-173F.

y. Subsection I of Planned Development District No. 18—1201 Elmwood Avenue is amended as follows:

I. Additional Regulations:

- (1) The planned development is subject to the requirements set forth in Article XVII of the Zoning Code regarding planned development districts.
- (2) Development and/or redevelopment in PD#18 is subject to requirements applying to all districts (Article XX) except when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.
- (3) Development and/or redevelopment in PD#18 is subject to the City-Wide Design Guidelines and Standards Article XIX, § 120-157, § 120-158 and § 120-159, except for:
 - a. § 120-158C, Building entrances.
 - b. § 120-159B (3), Transparency. The minimum transparency requirements for all new construction on building facades in Subarea 1 within 60 feet of a public right-of-way shall provide the following areas of transparency between the height of two feet and eight feet above grade:
 - i. For buildings 1 and 2: 50%
 - ii. For the hotel: 40%

z. Subsections H and I of Planned Development District No. 19— Education Success Campus are amended as follows:

H. Signage. A sign program shall be developed for the district which will include building and/or tenant identification, way finding and event promotion. The sign program shall be subject to site plan review approval by the ~~Director~~ Manager of ~~Planning and~~ Zoning.

I. Additional Requirements.

- (1) The enlargement of existing buildings within the “Building Development Envelope” depicted on the approved site plan is subject to a minor site plan review approval by the ~~Director~~ Manager of ~~Planning and~~ Zoning. New buildings that are not considered accessory or building enlargements beyond the “Building

Development Envelope” are subject to major site plan review approval by the Director of Planning and Zoning.

- (2) This planned development is subject to the requirements set forth in Article XVII (PD Planned Development District) of the City of Rochester Zoning Code.
- (3) Uses in PD District No. 19 are subject to the requirements set forth in Article XX (Requirements Applying to All Districts) of the City of Rochester Zoning Code, except where they are superseded by the regulations set forth in this district.

Section 3. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended to adopt new zoning district summary charts as follows:

- a. the Summary Chart of Regulations incorporated into the Zoning Code in §120-13 is replaced with the following chart:

Summary Chart of R-1 Regulations

Requirement	Residential			Non-residential
	Single family detached	Single family attached (2 units)	Single family attached (3 or more units)	
Minimum lot frontage	Average frontage of lots on block	30 feet per unit	N/A	N/A
Minimum lot area	5,000 square feet	3,000 sf per unit	N/A	N/A
Maximum lot coverage	50%			50%
Front Yard				
Minimum front yard setback, principal use or structure	The average front yard depth of buildings on the two lots adjoining a property; or the average front yard depth of the buildings on the block frontage on which the property is located; or 20 feet			Average front yard depth of building(s) on the block on which the property is located or 20 feet, whichever is more, but in no case more than five feet larger than the average of the front yard depth of buildings on the two adjoining lots
Maximum front yard setback, principal use or structure	The average front yard depth of buildings of the two lots adjoining a property; or the average front yard depth of buildings on the block frontage			N/A
Minimum	Front yard of the principal use or			N/A

front yard setback, attached garages and carports	structure plus 10 feet	
Side Yard		
Minimum side yard setback, detached principal use or structure	Five feet minimum with a combined width of both side yards of 15 feet	10 feet minimum with a combined width of both side yards of 25 feet
Minimum side yard setback, attached principal use or structure	Zero, except when adjacent to a detached structure, in which case the setback shall be five feet minimum with a combined width of both side yards of 15 feet	10 feet minimum with a combined width of both side yards of 25 feet
Attached accessory structures	Five feet minimum with a combined width of both side yards of 15 feet	N/A
Minimum side yard setback, detached accessory use or structure	N/A	10 feet
Rear Yard		
Minimum rear yard setback, principal use or structure	20 feet or the average rear yard setback on the block on which the property is located, but in no case less than 10 feet	20 feet
Minimum rear yard setback, detached accessory use or structure	N/A	10 feet
Bulk		
Maximum building height, principal use or structure	2 ½ stories not to exceed 35 feet	2 ½ stories not to exceed 35 feet
Maximum building height, detached accessory use or structure	15 feet	15 feet

b. the Summary Chart of Regulations incorporated into the Zoning Code in §120-22 is replaced with the following chart:

Summary Chart of R-2 Regulations

Requirement	Residential					Nonresidential
	Single family			Two-Family	Multi-famil-y	
	Detached	Attached 2 units	Attache d 3+ units			
Minimum lot frontage	Average frontage of lots on block	30 feet per unit	N/A	Average frontage of lots on block	N/A	N/A
Minimum lot area	5,000 sf	3,000 sf per unit	N/A	6,000 sf	3,000 sf per unit	N/A
Maximum lot coverage	50%			50%	50%	50%
Front Yard						
Minimum front yard setback, principal use or structure	The average front yard depth of buildings on the two lots adjoining a property; or the average front yard depth of buildings on the block frontage on which the property is located; or 20 feet				Average front yard depth of building(s) on the block on which the property is located or 20 feet, whichever is more, but in no case more than 5 feet larger than the average of the front yard depth on buildings on the two adjoining lots	
Maximum front yard setback, principal use or structure	The average front yard depth of buildings of the two lots adjoining a property; or the average front yard depth of buildings on the block frontage					
Minimum front yard setback, attached garages and carports	The front yard of the principal use or structure plus 10 feet					
Side Yard						
Minimum side yard setback, detached principal use or structure	5 feet minimum with a combined width of both side yards of 15 feet				10 feet minimum with a combined width of both side yards of 25 feet	

Minimum side yard setback, attached principal use or structure	0, except when adjacent to a detached structure, in which the case the setback shall be 5 feet minimum with a combined width of both side yards of 15 feet	
Attached accessory structures	5 feet minimum with a combined width of both side yards of 15 feet	
Minimum side yard setback, detached accessory use or structure	N/A	10 feet
Rear Yard		
Minimum rear yard setback, principal use or structure	20 feet or the existing setback, but in no case less than 10 feet	10 feet
Minimum rear yard setback, detached accessory use or structure	N/A	10 feet
Bulk		
Maximum building height, principal use or structure	2 ½ stories not to exceed 35 feet	2 ½ stories not to exceed 35 feet
Maximum building height, detached accessory use or structure	15 feet	15 feet

- c. the Summary Chart of Regulations incorporated into the Zoning Code in §120-30 is replaced with the following chart:

Summary Chart of R-3 Regulations

Requirement	Residential							Non-residential
	Single family			Multifamily			Two-Family	
	Detached	Attached, 2 units	Attached, 3 or more units	1 or 2 Bed-rooms	3 or More Bed-rooms	Over 3 Units		
Minimum lot frontage	40 feet	30 feet per unit	N/A	N/A			30 feet	N/A
Minimum lot area	5,000 sf	3,000 sf per unit	N/A	1,000 sf per unit	1,800 sf per unit	9,000 sf	6,000 sf	N/A
Maximum lot coverage	50%			N/A			50%	N/A
Front Yard								
Minimum front yard setback, principal use or structure	Where applicable, the average front yard depth of buildings on the two lots adjoining a property; or the average front yard depth of buildings on the block frontage on which the property is located; or 20 feet.						Average front yard depth of building (s) on the block or 20 feet, whichever is more.	
Maximum front yard setback, principal use or structure	Where applicable, the average front yard depth of buildings of the two lots adjoining a property; or the average front yard depth of buildings on the block frontage							
Minimum front yard setback, attached garages and carports	The front yard of the principal use or structure, plus 10 feet.							
Side Yard								
Minimum side yard setback, detached principal use or structure.	5 feet minimum with a combined width of both side yards of 15 feet.			1/3 the building height or 10 feet, whichever is greater.		5 feet minimum with a combined width of both side yards of 15 feet.	1/3 of the building height or 10 feet, whichever is greater	
Minimum side yard setback, attached principal use or structure	Zero, except when adjacent to a detached structure, in which case the setback shall be five feet minimum with a combined width of both side yards of 15 feet.							
Attached accessory structures	5 feet minimum with a combined width of both side yards of 15 feet.							
Minimum side yard, detached accessory use or structure	N/A						10 feet	

Rear Yard		
Minimum rear yard setback, principal use or structure	1/3 the building height or 20 feet, whichever is greater.	1/3 the building height or 20 feet, whichever is greater.
Minimum rear yard, detached accessory use or structure	N/A	10 feet
Bulk		
Maximum building height, principal use or structure	Two times the width of the lot frontage	Two times the width of the lot frontage.
Maximum building height, detached accessory use or structure	15 feet	15 feet.

d. the Summary Chart of Regulations incorporated into the Zoning Code in §120-38 is replaced with the following chart:

Summary Chart of C-1 Regulations

Requirement	Residential	Nonresidential
	Attached single-family dwellings	
Minimum lot frontage	N/A	N/A
Minimum lot area	N/A	N/A
Front Yard		
Maximum front yard setback	Zero to five feet or average front yard depth of building(s) along the corridor and within the commercial district where the property is located	Zero to five feet. In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed
Side Yard		
Minimum side yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the side yard shall be the same as the adjacent residential district	Zero feet unless adjacent to a residential district, in which case the side yard shall be the same as the adjacent residential district
Minimum side yard,	N/A	N/A

detached accessory use or structure		
Rear Yard		
Minimum rear yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the rear yard shall be the same as the adjacent residential district	Zero feet unless adjacent to a residential district, in which case the rear yard shall be the same as the adjacent residential district
Minimum rear yard, detached accessory use or structure	N/A	N/A
Bulk		
Minimum building height	Two stories or 20 feet	Two stories or 20 feet
Maximum building height, detached accessory use or structure	15 feet	15 feet
Maximum square footage principal use or structure	N/A	3,000 square feet
Maximum square footage, detached accessory use or structure	N/A	1,000 square feet

e. the Summary Chart of Regulations incorporated into the Zoning Code in §120-46 is replaced with the following chart:

Summary Chart of C-2 Regulations

Requirement	Residential				Nonresidential
	Single-family		Multi-family		
	Attached (2 units)	Attached (3 or more units)	1 or 2 bedroom units	3 or more bedroom units	
Minimum lot frontage	30 feet per unit	N/A	N/A		N/A
Minimum lot area	2,600 square feet	N/A	1,000 square feet per unit	1,800 square feet per unit	N/A
Front Yard					
Minimum front yard setback, principal use or structure	Average front yard depth of buildings on the block on which the property is located, but in no case more than five feet larger than the average of the front yard depth on buildings on the two adjoining lots				
Minimum front yard setback, attached garages	The front yard depth of the principal use or structure plus 10 feet				

Maximum front yard setback	N/A	Zero to five feet. In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed
Side Yard		
Minimum side yard setback, principal use or structure	N/A	Zero feet unless adjacent to a residential district, in which case the side yard shall be the same as the adjacent residential district
Minimum side yard setback, detached accessory use or structure	N/A	N/A

Rear Yard		
Minimum rear yard setback, principal use or structure	N/A	Zero feet unless adjacent to a residential district, in which case the rear yard shall be the same as the adjacent residential district
Minimum rear yard setback, detached accessory use or structure	N/A	N/A
Bulk		
Minimum building height, principal use or structure	20 feet	
Maximum building height, detached accessory use or structure	20 feet	
Maximum square	N/A	6,000 square feet

footage, principal use or structure		
Maximum square footage, detached accessory use or structure	N/A	N/A

f. the Summary Chart of C-3 Regulations incorporated into the Zoning Code by §120-54 is replaced with the following chart:

Summary Chart of C-3 Regulations

Requirement	Nonresidential
Minimum lot frontage	N/A
Minimum lot area	N/A
Front Yard	
Minimum front yard setback	N/A
Side Yard	
Minimum side yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the side yard shall be 30 feet
Minimum side yard, detached accessory use or structure	N/A
Rear Yard	
Minimum rear yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the side yard shall be 30 feet
Minimum rear yard, detached accessory use or structure	N/A
Bulk	
Minimum building height, principal use or structure	N/A
Minimum building height, detached accessory use or structure	N/A
Maximum square footage per use, principal use or structure	N/A
Maximum square footage per use, detached accessory use or structure	N/A

g. the Summary Chart of M-1 Regulations incorporated into the Zoning Code by §120-86 is replaced with the following chart:

Summary Chart of M-1 Regulations

Requirement	Residential	Nonresidential
Minimum lot frontage	N/A	
Minimum lot area	N/A	
Front Yard		
Minimum front yard setback	N/A unless adjacent to a residential district, in which case the front yard shall be the same as the required front yard setback in the residential district	N/A unless adjacent to a residential district, in which case the front yard shall be the same as the required front yard setback in the residential district
Side Yard		
Minimum side yard setback	N/A unless adjacent to a residential district, in which case the side yard shall be the same as the required side yard setback in the residential district	N/A unless adjacent to a residential district, in which case the side yard shall be the same as the required side yard setback in the residential district
Minimum side yard setback, detached accessory use or structure	N/A	N/A
Rear Yard		
Minimum rear yard setback, principal use or structure	N/A unless adjacent to a residential district, in which case the rear yard shall be the same as the required rear yard setback in the residential district	N/A unless adjacent to a residential district, in which case the rear yard shall be the same as the required rear yard setback in the residential district
Minimum rear yard setback, detached accessory use or structure	N/A	N/A
Bulk		
Minimum building height	N/A	N/A
Maximum square footage per use	N/A	N/A

Section 4. This ordinance shall take effect immediately.


Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

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

Nays - None - 0.

Attest

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

City Clerk



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-300

Authorizing pavement width changes, acquisition of parcels and official map amendments related to the Alpha Street Group Project

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

Section 1. In furtherance of the Alpha Street Group Project street, lighting, water and drainage improvements, Council hereby approves the following pavement width changes:

1. Changes to pavement width of Alpha Street:

An increase of 2 feet, from 24 feet to 26 feet, beginning at Meriden Street and extending approximately 233 feet in a northeasterly direction to Beach Avenue.

2. Changes to pavement width of Wilder Terrace:

An increase, from approximately 20 feet to 38 feet, beginning approximately 52 feet in a northeasterly direction from Alpha Street and extending in a northeasterly direction for approximately 341 feet.

Section 2. The Mayor is hereby authorized to acquire for the Project by negotiation or condemnation the *de minimus* parcels of land comprising approximately 14 square feet of the property owned by Victoria Scott at 283 Beach Avenue and approximately 8 square feet of property owned by Theodore Sylvio at 295 Beach Avenue.

Section 3. The Mayor is hereby authorized to amend the Official Map by dedicating as public right-of-way the following portions of the properties that are authorized to be acquired by Section 2 herein:

**LEGAL DESCRIPTION OF LANDS
TO BE ACQUIRED FOR STREET PURPOSES
PART OF #283 BEACH AVENUE
PART OF T.A. #47.38-1-34**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 34, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at the intersection of the southeasterly ROW line of Alpha Street (50' ROW) and the southwesterly ROW line of Beach Avenue (60' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 48° 14' 40" E, along said ROW line of Beach Avenue, a distance of 1.52 feet to an angle point; thence
- 2) S 51° 05' 25" E, along said ROW line of Beach Avenue a distance of 3.48 feet to a point; thence
- 3) S 87° 25' 40" W, a distance of 8.66 feet to a point on the said ROW line of Alpha Street; thence
- 4) N 53° 16' 40" E, along said ROW line, a distance of 6.00 feet to the said southwesterly ROW line of Beach Avenue, being the Point or Place of Beginning.

Hereby intending to describe this parcel of land, containing 14 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Acquired For Street Purposes – SE Corner of Beach Avenue and Alpha Street", dated July 11, 2017, prepared by Jeffrey A. Tiede, L.S.

Being part of the same premises conveyed to Victoria Scott by a deed dated August 10, 2009 and filed in Liber 10777 of Deeds, Page 502.

**LEGAL DESCRIPTION OF LANDS
TO BE ACQUIRED FOR STREET PURPOSES
PART OF #295 BEACH AVENUE
PART OF T.A. #47.38-1-70.1**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 34, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at the intersection of the northwesterly ROW line of Alpha Street (50' ROW) and the southwesterly ROW line of Beach Avenue (60' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 53° 16' 40" W, along said ROW line of Alpha Street, a distance of 4.50 feet to point; thence

- 2) N 11° 30' 05" E, a distance of 5.12 feet to a point on the said ROW line of Beach Avenue; thence
- 3) S 48° 14' 40" E, along said ROW line, a distance of 3.50 feet to the said northwesterly ROW line of Alpha Street, being the Point or Place of Beginning.

Hereby intending to describe this parcel of lands, containing 8 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Acquired For Street Purposes – SW Corner of Beach Avenue and Alpha Street", dated July 11, 2017, prepared by Jeffrey A. Tiede, L.S.

Being part of the same premises conveyed to Theodore R. Sylvio by a deed dated December 3, 2014, filed in Liber 11476 of Deeds, Page 157.


Section 4. This ordinance shall take effect immediately..

Passed by the following vote:

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

Nays - None - 0.

Attest

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

City Clerk



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-301

Authorizing pavement width changes, acquisition of parcels and official map amendments related to the East Henrietta Road Improvement Project

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

Section 1. In furtherance of the East Henrietta Road Improvement Project, Council hereby approves the following pavement width changes:

1. Changes in pavement width on East Henrietta Road as follows:

From the southern City Line and extending 200 feet north: an increase of 39 feet, from 44 feet to 83 feet and tapering down to 65 feet.

From the previous point to the southern entrance driveway for CityGate: an increase of 21 feet, from 44 feet to 65 feet.

From the southern entrance driveway for CityGate to Stan Yale Drive: an increase of 20 feet, from 44 feet to 64 feet.

From Stan Yale Drive and extending 200 feet northward: an increase of 6 feet, from 54 feet to 60 feet.

From the previous point and extending 100 feet northward: an increase of 10 feet, so that the width as modified widens from 60 feet to 70 feet.

From the previous point to Westfall Road: an increase of 6 feet, from 64 feet to 70 feet.

Section 2. The Mayor is hereby authorized to acquire by negotiation or condemnation permanent easements for six *de minimus* parcels of land owned by

Anthony J. Costello & Son Spencer Development, LLC compromising approximately 656 square feet of the property at 450 East Henrietta Road, 1,435 square feet of property at 422 East Henrietta Road, 156 square feet of property at 450 East Henrietta Road, 2,002 square feet of property at 422 East Henrietta Road, 1,154 of property at 400 East Henrietta Road, and 1,228 square feet of property at 390 East Henrietta Road.

Section 3. The Mayor is hereby authorized to amend the Official Map by dedicating as public right-of-way the following portions of the properties that are authorized to be acquired by Section 2 herein:

PERMANENT EASEMENT FOR TRAFFIC CONTROL DEVICE
Portion of 450 East Henrietta Road (TA # 150.22-1-2.12)

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a traffic control device, together with appurtenances and other facilities in connection therewith, for all that piece or parcel of property located in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as TA# 150.22-1-2.002 to the north, thence along said division line N 87°56'58" E a distance of 6.84 feet to the true point of beginning, said point having the NYS Plane Coordinates of N:1,135,257.29 and E:1,406,633.19 and being 90.26 feet right of and at right angles to station 10+53.78 of the hereinafter described 2016 Survey Baseline; thence N 87°56'58" E continuing along said division line a distance of 41.00 feet to a point, said point being 131.24 feet right of and at right angles to Station 10+52.45 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.012 the following three (3) courses and distances; (1) S 02°07'00" E a distance of 2.00 feet to a point, said point being 131.18 feet right of and at right angles to Station 10+50.45 of said Baseline; (2) S 53°34'48" W a distance of 49.63 feet to a point, said point being 89.32 feet right of and at right angles to Station 10+23.78 of said Baseline; (3) N 02°07'00" W a distance of 30.02 feet to the POINT OF BEGINNING.

The above described parcel contains 656± sq. ft. or 0.015± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

PERMANENT EASEMENT FOR TRAFFIC CONTROL DEVICE
Portion of 422 East Henrietta Road (TA # 150.22-1-2.2)

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a traffic control device, together with appurtenances and other facilities in connection therewith, for all that piece or parcel of property located in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as LLC TA# 150.22-1-2.002 to the north, thence along said division line N 87°56'58" E a distance of 6.84 feet to the true point of beginning, said point having the NYS Plane Coordinates of N:1,135,257.29 and E:1,406,633.19 and being 90.26 feet right of and at right angles to station 10+53.78 of the hereinafter described 2016 Survey Baseline; thence N 87°56'58" E along said division line a distance of 41.00 feet to a point, said point being 131.24 feet right of and at right angles to Station 10+52.45 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.002 the following three (3) courses and distances; (1) N 02°07'00" W a distance of 35.00 feet to a point, said point being 132.34 feet right of and at right angles to Station 10+87.43 of said Baseline; thence (2) S 87°56'58" W a distance of 41.00 feet to a point, said point being 91.36 feet right of and at right angles to Station 10+88.77 of said Baseline; thence (4) S 02°07'00" E a distance of 35.00 feet to the POINT OF BEGINNING.

The above described parcel contains 1,435± sq. ft. or 0.033± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

PERMANENT EASEMENT FOR HIGHWAY PURPOSES
Portion of 450 East Henrietta Road (TA # 150.22-1-2.12)

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as TA# 150.22-1-2.002 to the north, said point having the NYS Plane Coordinates of N:1,135,257.05 and E:1,406,626.36 and being 83.43 feet right of and at right angles to station 10+54.00 of the hereinafter

described 2016 Survey Baseline; thence N 87°56'58" E along said division line a distance of 6.84 feet to a point, said point being 90.26 feet right of and at right angles to Station 10+53.78 of said Baseline; thence S 02°07'00" E through said lands denominated as TA# 150.22-1-2.012 a distance of 45.60 feet to a point on said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), said point being 88.83 feet right of and at right angles to Station 10+08.20 of said Baseline; thence N 10°38'46" W, along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), a distance of 46.12 feet to the POINT OF BEGINNING.

The above described parcel contains 156± sq. ft. or 0.004± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

PERMANENT EASEMENT FOR HIGHWAY PURPOSES
Portion of 422 East Henrietta Road (SBL # 150.22-1-2.2)

A permanent easement for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as TA# 150.22-1-2.002 to the north, said point having the NYS Plane Coordinates of N:1,135,257.05 and E:1,406,626.36 and being 83.43 feet right of and at right angles to station 10+54.00 of the hereinafter described 2016 Survey Baseline; thence N 87°56'58" E along said division line a distance of 6.84 feet to a point, said point being 90.26 feet right of and at right angles to Station 10+53.78 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.002 the following three (3) courses and distances; (1) N 02°07'00" W a distance of 35.00 feet to a point, said point being 91.36 feet right of and at right angles to Station 10+88.77 of said Baseline; thence (2) N 19°14'42" W a distance of 33.95 feet to a point, said point being 82.38 feet right of and at right angles to Station 11+21.50 of said Baseline; thence (3) N 02°07'00" W, a distance of 275.00 feet to a point on the division line between lands denominated as TA# 150.22-1-2.009 to the north and lands denominated as TA# 150.22-1-2.002 to the south, said point being 91.00 feet right of and at right angles to Station 13+96.37 of said Baseline; thence S 88°05'00" W along said division line a distance of 5.00 feet to a point on said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route

15A), said point being 86.01 feet right of and at right angles to Station 13+96.54 of said Baseline; thence along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) the following two (2) courses and distances; (1) S 02°07'00" E a distance of 288.06 feet to a point, said point being 76.98 feet right of and at right angles to Station 11+08.63 of said Baseline; thence (2) S 10°38'46" E a distance of 55.00 feet to the POINT OF BEGINNING.

The above described parcel contains 2,002± sq. ft. or 0.046± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

PERMANENT EASEMENT FOR HIGHWAY PURPOSES
Portion of 400 East Henrietta Road (TA #150.22-1-2.9)

A permanent easement for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.002 to the south and lands denominated as TA# 150.22-1-2.009 to the north, said point having the NYS Plane Coordinates of N:1,135,598.97 and E:1,406,605.56 and being 86.01 feet right of and at right angles to station 13+96.54 of the hereinafter described 2016 Survey Baseline; thence N 88°05'00" E along said division line a distance of 5.00 feet to a point, said point being 91.00 feet right of and at right angles to Station 13+96.37 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.009 the following four (4) courses and distances; (1) N 02°07'00" W a distance of 91.27 feet to a point, said point being 93.87 feet right of and at right angles to Station 14+87.60 of said Baseline; thence (2) N 02°22'40" W a distance of 35.00 feet to a point, said point being 94.80 feet right of and at right angles to Station 15+22.58 of said Baseline; (3) N 37°18'19" E a distance of 14.09 feet to a point, said point being 103.57 feet right of and at right angles to Station 15+39.66 of said Baseline; thence (4) N 02°22'40" W a distance of 30.00 feet to a point on the division line between lands denominated as TA# 150.22-1-2.008 to the north and lands denominated as TA# 150.22-1-2.009 to the south, said point being 102.50 feet right of and at right angles to Station 15+69.64 of said Baseline; thence S 87°40'59" W along said division line a distance of 14.00 feet to a point on said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), said point being 88.51

feet right of and at right angles to Station 15+69.16 of said Baseline; thence along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) the following two (2) courses and distances; (1) S 02°22'40" E a distance of 75.85 feet to a point, said point being 88.87 feet right of and at right angles to Station 14+87.74 of said Baseline; thence (2) S 02°07'00" E a distance of 91.24 feet to the POINT OF BEGINNING.

The above described parcel contains 1,154± sq. ft. or 0.027± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

PERMANENT EASEMENT FOR HIGHWAY PURPOSES
Portion of 390 East Henrietta Road (TA # 150.22-1-2.8)

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York and described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.009 to the south and lands denominated as TA# 150.22-1-2.008 to the north, said point having the NYS Plane Coordinates of N:1,135,765.93 and E:1,406,599.04 and being 88.51 feet right of and at right angles to station 15+69.16 of the hereinafter described 2016 Survey Baseline; thence N 87°40'59" E along said division line a distance of 14.00 feet to a point, said point being 102.50 feet right of and at right angles to Station 15+69.64 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.008 the following three (3) courses and distances; (1) N 02°22'40" W a distance of 26.00 feet to a point, said point being 101.58 feet right of and at right angles to Station 15+95.62 of said Baseline; thence (2) N 62°55'48" W a distance of 11.48 feet to a point, said point being 91.38 feet right of and at right angles to Station 16+00.91 of said Baseline; thence (3) N 02°22'40" W a distance of 208.00 feet to a point on said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), said point being 80.82 feet right of and at right angles to Station 18+23.17 of said Baseline; thence along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) the following two (2) courses and distances; (1) S 21°14'00" W a distance of 9.99 feet to a point, said point being 78.81 feet right of and at right angles to Station 18+13.38 of said Baseline; thence (2) S 02°22'40" E a distance of 230.48 feet to the POINT OF BEGINNING.

The above described parcel contains 1,228± sq. ft. or 0.028± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 15+28.03, thence N 00°20'33" W to Station 17+97.75, thence N 09°38'08" E to Station 22+04.67.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

Passed by the following vote:

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

Nays - None- 0.

Attest

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

City Clerk



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-302

Authorizing agreements and appropriating funds for Eastman Trail Phase I

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

Section 1. The sum of \$1,400,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund design, construction and inspection services for Eastman Trail Phase I which shall extend westward from Mt. Read Boulevard to a planned trail along New York State Route 390 (the Project).

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation and to execute such other documents as may be necessary for the City to participate in and administer the use of FHWA funding for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with C&S Engineers, Inc. to provide design and inspection services for the Project. The maximum compensation for the agreement shall be \$400,000 which shall be funded in the amounts of \$320,000 from a portion of the FHWA appropriations authorized in Section 1 herein and \$80,000 in 2017-18 Cash Capital. The term of the agreement shall continue until 6 months after the completion and the City's acceptance of the Project, provided however that the agreement shall terminate one year after the consultant's completion and the City's acceptance of contract deliverables in the event that Project construction is not undertaken.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

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City Clerk



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Ordinance No. 2017-303

Authorizing agreements for architectural service for City facilities

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

Section 1. The Mayor is hereby authorized to enter into professional services agreements with the following companies for architectural services required for facilities renovation projects as required by the City:

RAM Architects

Architectura, P.C.

Konopka Architecture, P.C.

Edge Architecture, PLLC

Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C.

Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Section 2. The agreements shall have a term of three years, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual Budget of the Department of Environmental Services, or other Departments using these services, or from capital project appropriations. Unit prices may be adjusted at the discretion of the City Engineer upon satisfactory justification by the consultant.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

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Rochester, N.Y., _____

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Ordinance No. 2017-304

Authorizing agreements for mechanical, electrical and plumbing engineering services for City facilities

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for mechanical, electrical and plumbing engineering services required for building renovation or capital projects as required by the City:

Erdman, Anthony and Associates, Inc.

LaBella Associates, D.P.C.

M/E Engineering, P.C.

Stantec Planning and Landscape Architecture P.C.

Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Section 2. The agreements shall have a term of three years, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual Budget of the Department of Environmental Services, or other Departments using these services or from capital project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Aazel Washington

City Clerk



City of Rochester
City Clerks Office
Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2017-305

Authorizing an agreement with the Town of Lima Water District 1 for the purchase of water and amending the Municipal Code with respect to wholesale water rates

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Lima Water District 1 (the District) for the purchase of water from the City of Rochester. The District may use up to 50,000 gallons per day. If the District demonstrates a demand greater than or equal to 90% of the maximum quantity for a 30 day consecutive period and if supply is available, the City may consider increasing the maximum quantity. The term of the agreement shall be 20 years.

Section 2. The water may be supplied through either the City's Martin Road connection directly off of Conduit I or a secondary connection at the Monroe County Water Authority's (MCWA) Ontario Street water distribution main connection. The agreement shall provide that the initial rate shall be \$1.68 per 1,000 gallons supplied through either the Martin Road or Ontario Street connection. The rate per 1,000 gallons for water supplied through the Martin Road connection shall be subject to change each year to reflect the most recent water rates enacted by City Council. The Ontario Street connection rate shall be subject to change each year based on the District's monthly gallon usage and the then applicable City and MCWA exchange rate, or the then applicable MCWA Out-of-County Supplemental Supply rate.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Chapter 23, Section 37 of the Municipal Code, relating to water fees, as amended, is here-by further amended by amending subsection F(9) thereof to read in its entirety as follows:

(9) Wholesale rate: ~~\$1.61~~ \$1.68 per 1,000 gallons for Water Districts 1 and 2 of the Town of Lima.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

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

Nays - None - 0.

Attest

A handwritten signature in blue ink, appearing to read "Hazel Washington", is written over a horizontal line.

City Clerk



City of Rochester

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Rochester, N.Y., _____

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Ordinance No. 2017-306

Authorizing a memorandum of agreement with the Corporation for National and Community Service

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

Section 1. The Mayor is hereby authorized to enter into a memorandum of agreement with the Corporation for National and Community Service (CNCS) for the receipt and use of the national AmeriCorps Affiliate service program grant to create a Flower City Americorps Affiliate program for youth ages 14-17.

Section 2. The term of the agreement shall continue to October 31, 2018. No City funds are required for the agreement.

Section 3. This agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest



City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2017-307

Authorizing an agreement for Fire Department counseling and stress management services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement in the maximum annual amount of \$40,000 with Strong Behavioral Health/COAP, a division of Strong Memorial Hospital for the provision of counseling and critical incident stress services to Rochester Fire Department employees and their family members. The term of the agreement shall be two years with the option to extend for two additional two year periods. The first year of the agreement shall be funded from the 2017-18 Budget of the Fire Department and subsequent years from future budgets of the Fire Department, contingent upon approval of future budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest



City Clerk



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Ordinance No. 2017-308

Amending Chapters 30 and 31 of the Municipal Code

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

Section 1. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended in Section 30-42 to read in its entirety as follows:

§ 30-42. Sterilization of adopted cats required.

- A. The City of Rochester is experiencing a significant overpopulation of unwanted cats. These are matters of serious concern affecting public health, safety, quality of life, and welfare of the public and of their pets. Animal Services, which operates the City's animal shelter within the Rochester Police Department, estimates that over 5,500 unwanted, stray, or abandoned dogs and cats entered its facility during the 2005-2006 fiscal year. Of these, approximately 90% were not spayed and neutered. While wandering the City's streets, nonsterilized cats reproduce at alarming rates, exacerbating a potentially unhealthy and dangerous situation. As a result of the exponential rate of increase, increasing numbers of individuals and animals are at risk for rabies and many animals become victims of vehicular accidents. These animals also suffer from lack of appropriate food and water, ingestion of poisons, exposure to inclement weather, and infestation with parasites. Furthermore, it is well documented that sterilization helps to improve health and longevity and to reduce roaming tendencies

and undesirable behaviors, all of which impact cat intakes at shelters. Given the large and growing number of unwanted cats and the benefits of sterilization that address the challenges of cat control, Animal Services finds that a law providing for the spaying and neutering of cats adopted ~~or redeemed~~ from the City's shelter is necessary to protect the health, safety, and quality of life of Rochester residents and the welfare of the City's pet community. Animal Services also finds that with the advancement of medical knowledge over the past 15 years, many veterinarians now advocate and practice early sterilization of pets, as early as eight weeks of age.

Veterinarians at animal hospitals and humane shelters across the country, as well as the American Society for the Prevention of Cruelty to Animals, have performed thousands of early spay-neuter surgeries. Many veterinary associations now also agree that even though any surgery has inherent risks, kittens heal faster and are lower surgical risks than older animals who may be ill, in heat, or pregnant. If cats are spayed or neutered before adoption ~~or redemption~~ from the shelter, then the chance that they will add more unwanted offspring to the numbers that already exist will be eliminated.

- B. The Animal Services Center shall not release a cat to ~~a person claiming ownership thereof, or to a person adopting such cat,~~ unless such cat has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply: ~~(1) If~~ if a licensed veterinarian certifies to Animal Services that he or she has examined such cat and found that because of a medical contraindication, the life of such cat would be endangered by sterilization; provided however, that such reason shall not be based solely on the age of such cat, if such cat is at least eight weeks of age; Prior to releasing a nonsterilized cat to a person claiming ownership thereof, the Animal Services Center may offer to have the cat sterilized by a licensed veterinarian for a fee established by the Chief of Police pursuant to § 30-41, provided, however, that the owner shall not be required to accept the offer in order to redeem the cat.

~~(2) — If such cat within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such cat has a breed show record from the Cat Fancier Association or other similar registry association, dated no more than 12 months prior to the date such cat entered such shelter, or such person claiming ownership is able to provide proof that such cat has successfully completed the requirements of the Cat Fancier Association or other similar registry association for the title of Champion, Grand~~

~~Champion, or its equivalent, at any time prior to the arrival of the cat at the shelter; or~~

~~(3) If such cat is owned by a person who is not a resident of the state who possesses the cat in the City temporarily for a period not to exceed 10 days.~~

Section 2. Chapter 31 of the Municipal Code, Dog Control, as amended, is hereby further amended in Sections 31-20 and 31-22 to read in their entirety as follows:

§ 31-20: Fees for dog licenses and dog control activities.

A. The fees for procuring a dog license in the City, which shall include the state surcharges, shall be as follows:

- (1) Spayed female dogs and neutered male dogs: \$8.50.
- (2) Unaltered dogs: \$20.50.
- (3) Purebred dogs: \$23.50

B. Redemption.

- (1) The fees for redeeming any dog placed in the Animal Services Center shall include fees approved by the Chief of Police or set forth herein for the following: seizure, daily boarding, rabies vaccination, sterilization (when that service has been performed at the request of the redeeming owner) and City New York State dog license. There shall be no waiver of the boarding fee for a dog that is redeemed on the day of seizure.
- (2) No unlicensed dog shall be redeemed unless the person seeking the redemption first obtains a license for the dog.
- (3) No dog shall be redeemed unless the person seeking the redemption first pays all outstanding dog control fines and penalties owed by that person and the dog owner, and all outstanding dog control fines and penalties relating to the dog to be redeemed.

C. The fees for adopting a dog from the Animal Services Center shall include fees approved by the Chief of Police or set forth herein for the following: adoption, rabies vaccination, sterilization and dog license.

D. The Chief of Police shall establish fees for additional services offered by the Animal Services Center.

E. No fees shall be required for the licensing of guide, service, hearing, war, working search, detection, police and therapy dogs.

F. The fee to replace a lost identification tag shall be \$3.

§ 31-22: Sterilization required for adoption.

A. The City of Rochester is experiencing a host of challenges related to stray and roaming dogs. These are matters of serious concern affecting public health, safety, quality of life, and welfare of the public and of their pets. Animal Services, which operates the City's animal shelter within the Rochester Police Department, estimates that over 5,500 unwanted, stray, or abandoned dogs and cats entered its facility during the 2005-2006 fiscal year. Of these, approximately 90% were not spayed and neutered. While wandering the City's streets, nonsterilized dogs reproduce at alarming rates, exacerbating a potentially unhealthy and dangerous situation. As a result of the exponential rate of increase, increasing numbers of individuals and animals are at risk for rabies and many animals become victims of vehicular accidents. These animals also suffer from lack of appropriate food and water, ingestion of poisons, exposure to inclement weather, and infestation with parasites. Additionally, dogs, ~~including many reclaimed from the Animal Services Center,~~ are being intentionally bred irresponsibly throughout the City with little regard for health or temperament of the breeding pair and the resulting offspring. Furthermore, it is well documented that sterilization helps to improve health and longevity and to reduce roaming tendencies, undesirable behaviors, and possibly dominance aggression, all of which impact dog intakes at shelters. Given the benefits of sterilization that address the challenges of dog control, Animal Services finds that a law providing for the spaying and neutering of dogs adopted or redeemed from the City's shelter is necessary to protect the health, safety, and quality of life of Rochester residents and the welfare of the City's pet community. Animal Services also finds that with the advancement of medical knowledge over the past 15 years, many veterinarians now advocate and practice early sterilization of pets, as early as eight weeks of age. Veterinarians at animal hospitals and humane shelters across the country, as well as the American Society for the Prevention of Cruelty to Animals, have performed thousands of early spay-neuter surgeries. Many veterinary associations now also agree that even though any surgery has inherent risks, puppies heal faster and are lower surgical risks than older animals who may be ill, in heat, or pregnant. If dogs are spayed or neutered before adoption or redemption from the shelter, then the chance that they will add more unwanted offspring to the numbers that already exist will be eliminated.

B. The Animal Services Center shall not release a dog ~~to a person claiming ownership thereof, or to a person adopting such dog,~~ unless such dog has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply: ~~(1) If~~ if a licensed veterinarian certifies to Animal Services that he or she has examined such dog and found that because of a medical

contraindication, the life of such dog would be endangered by sterilization; provided however, that such reason shall not be based solely on the age of such dog, if such dog is at least eight weeks of age; Prior to releasing a nonsterilized dog to a person claiming ownership thereof, the Animal Services Center shall offer to have the dog sterilized by a licensed veterinarian for a fee established by the Chief of Police pursuant to § 31-20, provided, however, that the owner shall not be required to accept the offer in order to redeem the dog.

~~(2) — If such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such dog has a breed ring show record from the American Kennel Club or United Kennel Club or other similar registry association, dated no more than 12 months prior to the date such dog entered the shelter, or such person claiming ownership is able to provide proof that such dog has successfully completed the requirements of the American Kennel Club or United Kennel Club or other similar registry association, for the title of Champion or its equivalent, at any time prior to the arrival of the dog at the shelter;~~

~~(3) — If such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such dog is a guide dog, hearing dog, service dog or police work dog; or~~

~~(4) — If such dog is owned by a person who is not a resident of the state who possesses the dog in the City temporarily for a period not to exceed 10 days.~~

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

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

Nays - None - 0.

Attest Angel Washington
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2017-309

Authorizing an agreement for the funding of animal population control programs

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the American Society for the Prevention of Cruelty to Animals for the receipt and use of \$25,000 to fund no-cost spay/neuter vouchers for qualifying residents. The agreement shall have a term from August 3, 2017 to August 2, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Rochester Police Department by the sum of \$25,000 received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Aazel Washington

City Clerk



City of Rochester

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Ordinance No. 2017-310

Authorizing an agreement with the New York State Division of Criminal Justice Services for a Livescan Grant

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$16,300 for a Livescan Grant to pay 50% of the cost for two finger/palm print Livescan devices and the remainder of the cost shall be matched from 2016-17 Cash Capital. The term of the agreement shall be October 1, 2017 through September 30, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

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Ordinance No. 2017-311

Authorizing acceptance of a PetSmart Charities Shelter Operations Grant for Animal Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with PetSmart Charities, Inc. for receipt and use of a Shelter Operations Grant in the amount of \$41,800 to fund wellness and medical programs to improve the quality of pets' stays and prevent illness in the Rochester Animal Services facility. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The term of the agreement shall be September 1, 2017 through August 31, 2018.

Section 2. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$41,800, which amount is hereby appropriated from funds to be received under the grant authorized herein.


Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest



City Clerk



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-312

Authorizing an intermunicipal agreement and funding for the STOP DWI Program

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of New York State funding for the 2018 STOP DWI Program in the amount of \$140,100. The term of agreement shall be January 1, 2018 through December 31, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Rochester Police Department by the sum of \$64,600 received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-313

Authorizing agreement for use of Pethealth Services (USA) Inc. animal management software

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Pethealth Services (USA) Inc. (Pethealth) for Rochester Animal Services (RAS) to use the company's PetPoint animal management software at no cost in return for RAS committing to purchase its radio-frequency identification microchips from the company and providing to clients the option to accept a free 30-day Pethealth pet health insurance policy. The term of the agreement shall be September 1, 2017 through August 31, 2020.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

City Clerks Office

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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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-314

Authorizing an agreement for fitness for duty clinical services for the Rochester Police Department

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with the University of Rochester, Department of Psychiatry, to provide clinical services for fitness for duty evaluations for personnel of the Rochester Police Department for a term of one year, with options to renew for three additional terms of one year each. The maximum annual compensation for the agreement shall be \$50,000. The compensation for the first year shall be funded from the 2017-18 Budget of the Police Department and the compensation for subsequent optional years, if any, shall be funded from future years' budgets of the Police Department, contingent upon approval of future budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

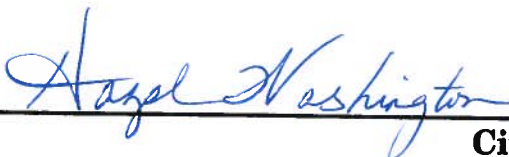
Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2017-315

Authorizing agreements for the 2017 Justice Assistance Grant program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice for the receipt and use of funding from the 2017 Justice Assistance Grant program in the amount of \$169,060, and said amount is hereby appropriated for this purpose. The term of the agreement shall be October 1, 2016 through September 30, 2020.

Section 2. The Mayor is hereby further authorized to enter into an intermunicipal agreement with the County of Monroe in the maximum amount of \$76,077 to fund the Monroe County Probation Department's Nightwatch program. Said amount shall be funded from the amount appropriated in Section 1 herein. The term of the agreement shall be October 1, 2016 through September 30, 2020.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2017-316

Authorizing a grant agreement and funding for the Child Passenger Safety Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Governor's Traffic Safety Committee for receipt and use of \$900 in grant funds for the Child Passenger Safety Program. The term of the agreement shall be October 1, 2017 through September 30, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget for the Rochester Police Department by the sum of \$900, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

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Rochester, N.Y., _____

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Ordinance No. 2017-317

Amending Ordinance No. 2017-242 relating to real property acquisition for the Campbell Street R-Center Gateway Project

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

Section 1. Ordinance No. 2017-242 relating to a professional services agreement with R.K. Hite & Co., Inc. for real property acquisition for the Campbell Street R-Center Gateway Project is hereby amended in Section 2 thereof to read as follows:

Section 2. The cost of the agreement shall not exceed \$22,500, which shall be funded from 2017-18 Cash Capital Infrastructure Improvements ~~allocation of the General Community Needs Fund within the 2008-09 Community Development Block Grant that was appropriated in Section 2 of Ordinance No. 2017-69.~~

Section 2. This ordinance shall take effect immediately.

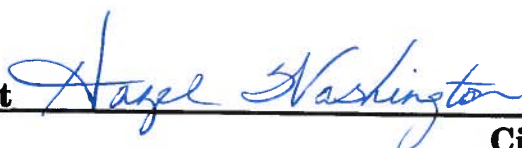
Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

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

Nays - None - 0.

Attest



City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2017-318

Authorizing the exchange of real estate at the Public Market

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

Section 1. The Council hereby approves the negotiated sale to Curtis, LLC of an approximately 731 square foot loading dock area, which includes an approximately 517 square foot concrete block structure, located on the City's Public Market property at 280 North Union Street and abutting the westerly end of Curtis' one-story masonry building located at 248 North Union Street, being a portion of the approximately 5,209 square feet of land that was conveyed by Curtis, LLC to the City of Rochester in a deed that was recorded with the Monroe County Clerk on July 14, 2016 in Book 11725 of Deeds, page 234. In exchange for said loading dock area, which an independent professional appraiser has valued at \$14,500, the Council hereby authorizes the Mayor to accept from Curtis, LLC a free lease for a term of 7 years of approximately 457 square feet of storage space located within Curtis' aforementioned one-story masonry building that is accessible by means of an approximately 14-foot overhead door and a man door located on the northerly side of the building.

Section 2. The Mayor is hereby authorized to execute a deed, lease agreement and such other documents as may be necessary to effectuate the exchange authorized herein, which shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest *Aazel Washington*
City Clerk



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 **September 19, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 20, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-319

Authorizing an agreement with United Negro College Fund, Inc.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with United Negro College Fund, Inc. for an amount not to exceed \$30,000, for services related to a College Fair and Luncheon to provide information and increase access to higher education for youth in the City. The cost of said agreement shall be funded from the 2017-18 Budget for Undistributed Expenses.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

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Rochester, N.Y., _____

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Ordinance No. 2017-320

Amending Chapter 63 of the Municipal Code

Section 1. Chapter 63 of the Municipal Code, Human Rights, as amended, is hereby further amended in Sections 63-2 and 63-3 as follows:

§ 63-2 Definitions.

When used in this chapter, the following terms shall have the following definitions:

AGE

Includes only persons who are 18 years of age and older.

BONA FIDE OCCUPATIONAL QUALIFICATION

A qualification reasonably necessary to the operation of a particular business.

CLOSED CAPTIONING

A visual transcript or dialog of the audio portion of a television program that is displayed on a portion of a television receiver screen when the user activates the feature.

CLOSED-CAPTIONED TELEVISION RECEIVER

A receiver of television programming that has the ability to display Closed Captioning, including but not limited to a television, digital set top box, and other technology capable of displaying Closed Captioning for television programming.

COMMERCIAL SPACE

Any space in a building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale,

resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended, arranged or designed to be used or occupied, as a separate business or professional unit or office in any building, structure or portion thereof.

CREDIT

The right conferred upon a person by a creditor to incur debt and defer its payment, whether or not any interest or finance charge is made for the exercise of this right.

CREDITOR

Any person or financial institution which extends credit or arranges for the extension of credit by others.

CREED

Religion and all aspects of religious observance and practice, as well as belief; provided, however, that in all provisions of this chapter dealing with employment, the term shall be limited to religious observances and practices which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

DISABILITY

- A. A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques;
- B. A record of such an impairment; or
- C. A condition regarded by others as such an impairment; provided, however, that in all provisions of this chapter dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
- D. However, as used in this chapter, the term "disability" shall not include any conditions or disorders which are excluded from coverage under the Federal Americans With Disabilities Act.
[Added 6-28-2001 by Ord. No. 2001-221]

DISCRIMINATION, DISCRIMINATE or DISCRIMINATORY

Any direct or indirect act, policy or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference based on, or the perception of, age, race, creed, color,

national origin, gender, gender identity or expression, sexual orientation, disability, marital status or source of income; or the aiding, abetting, inciting, coercing or compelling thereof.

DISTINCTLY PRIVATE

Any private club, institution or membership organization, except that it shall not include any club, institution or membership organization that has more than 100 members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of a nonmember for the furtherance of trade or business.

DWELLING, DWELLING UNIT and TWO-FAMILY DWELLING

Shall have the same meaning as set forth in § 120-208 of the Municipal Code.

EMPLOYEE

Does not include any individual employed by his or her parents, spouse or child, or in the domestic service of any person.

EMPLOYER

Does not include any employer with fewer than four persons in his or her employ.

EMPLOYMENT AGENCY

Any person undertaking to procure employees or opportunities to work.

FINANCIAL INSTITUTION

Banks and trust companies, private bankers, foreign banking corporations and national banks, savings banks, licensed lenders, savings and loan associations, credit unions, sales finance companies, insurance premium finance agencies, insurers, credit card issuers, mortgage brokers, mortgage companies, mortgage insurance corporations, wholesale and retail merchants and factors, bonding companies, surety companies, or other commercial institutions that extend secured or unsecured credit or offer insurance.

GENDER

Includes the biological and/or social characteristics of gender and gender identity.

GENDER IDENTITY OR EXPRESSION

Having, or being perceived as having, a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

HOUSING

Any building, structure, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings.

LABOR ORGANIZATION

Any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

MARITAL STATUS

The status of being married, unmarried, divorced, separated, or widowed.

NATIONAL ORIGIN

Ancestry, persons not citizens and their descendants, and persons naturalized and their descendants.

PERSON

One or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT

All providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages, amusements and privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages, amusements and privileges of any kind are extended, offered, sold or otherwise made available to the general public, or that receive financial support through the general public or through governmental subsidy of any kind. Such term shall not include any institution, club or place of accommodation which proves that it is in its nature distinctly private.

REAL ESTATE BROKER

Any person, firm or corporation who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts to negotiate, a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate.

REAL ESTATE SALESPERSON

A person employed by a licensed real estate broker to list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers

or attempts to collect rent for the use of real estate for or in behalf of such real estate broker.

REASONABLE ACCOMMODATION

Actions taken which permit an employee, prospective employee or member with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held or which permit an employee's or a prospective employee's religious observance or practice; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested.

REDLINING

The practice of denying financing, credit or insurance based on discrimination as to the applicant or the neighborhood in which the applicant resides or is seeking to reside.

REGULAR BUSINESS HOURS

The hours of any day in which a place of public accommodation, resort or amusement is open to members of the general public.

SEXUAL ORIENTATION

Homosexuality, heterosexuality, bisexuality or asexuality, whether actual or perceived.

SOURCE OF INCOME

Payments from a lawful occupation or employment, as well as other payments including, but not limited to, pensions, annuities, public assistance, supplemental security income, social security disability insurance, unemployment benefits, Housing Choice Vouchers (formerly known as Section 8), other housing voucher or subsidy programs, and any other governmental or charitable subsidy.

§ 63-3 Discrimination in places of public accommodation, resort or amusement.

- A. It shall be unlawful, due to discrimination, for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, to directly or indirectly:
- (1) Refuse, withhold from, deny or charge a higher rate for any goods, services, facilities, accommodations, advantages, amusements or privileges of any kind, including the extension of credit;
 - (2) Publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the goods, services, facilities, accommodations, advantages, amusements or privileges of any kind of any such place shall be refused, withheld

from, denied or charged a higher rate to any person, or that the patronage or custom thereof of any person is unwelcome, objectionable or not acceptable, desired or solicited;

(3) Deny any individual the full and equal, enjoyment of facilities and services by failing to continuously activate the closed captioning feature on closed-captioned television receivers in use at any place of public accommodation, resort or amusement that is accessible to the public during regular business hours. This provision shall not apply if:

- (a) The Closed-Captioned Television Receiver has not been turned on;
- (b) No receiver of television programming is available;
- (c) The Closed-Captioned Television Receiver is incapable of displaying closed captioning.

B. Nothing in this section shall be construed to prevent the barring of any person, because of the gender of such person, from a place of public accommodation, resort or amusement based on bona fide considerations of public policy.

Section 2. This ordinance shall take effect ninety days after it is adopted.

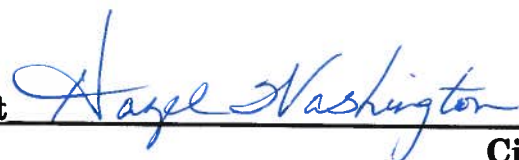
Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

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

Nays - None - 0.

Attest



City Clerk