

Rochester Road Access Management Plan

Zoning Ordinance Instructions

The zoning ordinance on the following pages is a template that is suggested for your community. The following explains how the proposed zoning ordinance works, and how you can tailor it to your community. The template contains various It shows where the Planning Commission has choices to make, which are explained further below:

Planning Commission Option ❶

These boxes in the ordinance template show where discussion is needed.

What is the Purpose of this Zoning Ordinance?

The template provided is intended to implement the recommendations of the Rochester Road Access Management Plan, which is currently being developed. The Access Management Plan will provide specific access recommendations along the corridor based on a review of existing conditions and best practices. But, the Plan cannot be enforced unless each city adopts a supporting set of zoning regulations. The proposed Rochester Road Overlay Zone is the regulatory document that translates the general policies of the Access Management Plan into specific regulations and standards that apply when properties are developed, redeveloped or reused.

How Does an Overlay Zone Work?

Planning Commission Option ❶

The Rochester Road overlay zone is proposed to be additional regulations that apply in addition to those already in place. They would not replace any existing regulations, but would apply alongside existing regulations (such as setbacks, uses, parking, etc.) to all parcels with frontage on Rochester Road. For example, if the current zoning is commercial, the uses permitted in that zoning district, the dimensional standards (setbacks, height, etc.) and other regulations would still apply. But, for sites with Rochester Road frontage, the access spacing and circulation design standards of the proposed overlay zone would also apply. The overlay zone can be adopted either as an additional district that would apply over top of the traditional zoning district regulations, with a notation on the official zoning map, or as a general provision in the ordinance (such as in the parking section of the ordinance). Either approach is equally effective, the decision whether to create an overlay zone “district” or a general regulation is really more one of local preferences and past practice.

Where Do These Access Management Regulations Apply?

Planning Commission Option ❷

As written, this template applies only to non-residential property on Rochester Road. Your community can also apply these access management standards to apply to other roads, if desired. By amending specific references to Rochester Road to include other streets with similar characteristics, the ordinance can easily be applied to other roads the community feels could benefit from access management.

When do They Apply?

Planning Commission Option ③

When new access regulations are adopted in developed areas, communities often ask when they should apply. Driveways and access points proposed with new land division or development should comply with all of the requirements. This ordinance was written to require compliance for changes in use that will attract more traffic to the site, or new buildings or additions that will increase the building by more than 25%. The Planning Commission can change this to a higher or lower percentage if they feel this number is too lenient or restrictive.

Divided Roads?

Planning Commission Option ④

Because this ordinance is intended to provide direction for all communities along Rochester Road, it contains regulations for any possible scenario, which includes divided (or boulevard) roads. If a portion of Rochester Road in your community is divided, or if the city desires to regulate other divided roads in the community, then this provision should remain in your final draft. If this ordinance will not regulate any divided roads, then it can be deleted.

What is the Procedure if These Regulations Cannot Be Met?

Planning Commission Option ⑤

Many communities ask if it is fair to require every land owner to comply with these more restrictive standards. First, it is important to remember that the purpose and intent of access management is to improve the safety and efficiency of the existing transportation system, a purpose that is in the best interest of the entire community. In some cases, where a safety hazard exists, it is more important to improve access for the good of the community than to preserve an extra driveway that someone has had for a while. In other cases, where building addition or business expansion will bring additional traffic, a potential safety hazard is anticipated and access changes are required to prevent them for the good of the community. Yet still, in other cases, the extent of an application may not be significant enough to demand a change. Communities need to ensure that the access changes required is proportional to the extent of changes proposed in the application submitted.

This ordinance was written to give each community Planning Commission the flexibility to modify the requirements where they may not be reasonable or appropriate. Your community may prefer this flexibility be granted only by the Zoning Board of Appeals. If this is true in your community, these standards will be revised and moved to the Variance provisions of your ordinance.