



Rochester, NY MSA

Regulatory Order/Family: Traditional/Middle America

Summary

With slow growth and moderate rates of sprawl in the 1980s and 1990s, metropolitan Rochester has not innovated much in land use regulation. Exclusionary and low-density zoning are common, high-density zoning much less so. Comprehensive planning is weak and growth management rare. Affordable housing programs are very uncommon.

Governance Framework and Growth Trends

The Rochester MSA had about 1.1 million residents in 2000, up just 3.4 percent in the 1990s (35,000 new residents) and only 6.6 percent (fewer than 70,000) between 1980 and 2000. The region has 142 units of local government, including 51 cities and villages and 91 towns; 3 of the jurisdictions have more than 50,000 residents, 13 between 10,000 and 50,000, and 126 under 10,000. The smallest jurisdictions include 79 rural towns and 47 small villages. The city of Rochester's population fell by about 12,000 in the 1990s, to about 220,000. Despite its slow growth rate, the Rochester MSA urbanized 43,000 acres of land between 1982 and 1997, a 17.5 percent increase when the population grew just under 5 percent. Thus, density dropped from 4.2 to 3.8 persons per urbanized acre. Only about 5 percent of the land in the metro area is owned by government, with most of the government land in state or local ownership.

Regulatory Environment

We received responses from 10 of the 16 jurisdictions (62 percent) with over 10,000 residents we surveyed in Rochester and from 35 of the 50 smaller jurisdictions we sampled (70 percent). The respondents included the city of Rochester, and account for 32 percent of all the jurisdictions in the region, 54 percent of the population, and 34 percent of the land area. One of the towns coincides with an American Indian reservation; we did not send a survey to that jurisdiction and the results we report here omit that jurisdiction.

An estimated 96 percent of jurisdictions in the Rochester MSA have zoning; 62 percent have low-density-only zoning, accounting for 38 percent of the residents and 68 percent of the land area. Our prototype apartment project would be prohibited in only 25 percent of the jurisdictions, however; these jurisdictions account for only 11 percent of the population and 30 percent of the land. Only 19 percent of jurisdictions allow density to exceed 15 dwellings per acre, but these include over 35 percent of the metro area's residents and 15 percent of its land.

Comprehensive planning is not mandatory in New York; only 78 percent of the municipalities, including Rochester itself, have plans. Growth management measures are rare and mainly limited to infrastructure-related controls; an estimated 23 percent of jurisdictions with 38 percent of the population impose impact fees, and 15 percent of the jurisdictions with 18 percent of the population use APFOs. Six percent of jurisdictions report having a containment tool, 2 percent a permit cap,



and 1 percent a major moratorium in the early 2000s. Only 7 percent of the jurisdictions use regulatory mechanisms to encourage or require affordable housing.