

RESOLUTION No. 2024-

***RELATIVE TO APPROVING THE REFERRAL OF A PROPOSED ZONING
ORDINANCE AMENDMENT TO THE NIAGARA COUNTY PLANNING BOARD
AND THE CITY OF NIAGARA FALLS PLANNING BOARD, REGARDING R1
AND R2 ZONING DISTRICT RESIDENTIAL USE LIMITATIONS.***

By:

Council Chairman James Perry

WHEREAS, for the last several years, the issue of student housing in the Deveaux area of the City has been a source of concern across the residential and educational community; and

WHEREAS, the Deveaux area's proximity to Niagara University ("NU") has led a significant number of NU students to reside in groups with other students in single-family residential properties throughout this area rather than to live on campus; and

WHEREAS, the evolution of student housing over the years has proven to be inconsistent with the residential character of the Deveaux neighborhood, as evidenced by the significant volume of complaints voiced by concerned area homeowners; and

WHEREAS, in addition to quality-of-life issues experienced by homeowners in this area, the very nature of student housing itself is putting pressure on the City's residential home market as students are now occupying homes that would otherwise be available for rent or sale to families, thereby limiting access to an otherwise stable residential area; and

WHEREAS, in an effort to address the issues surrounding the student housing issue, the City of Niagara Falls and NU are partnering with the two-fold goal of providing a method of permanent relief for the residents of Deveaux and encouraging economic development in the City's North End/Main Street corridor; and

WHEREAS, the first step toward a potential solution of the student housing issue is through the reexamination of the City's current codified zoning ordinance to ensure the preservation of existing and/or promotion of the creation of new homogeneous and traditional single-family neighborhoods; and

WHEREAS, the current use and other provisions of the Zoning Ordinance do not currently appear to adequately limit the types of housing and living arrangements that are compatible with the City's goals of preserving existing and/or promoting the creation of new single-family neighborhoods in the R1 and R2 zoning districts; and

WHEREAS, if those use and other provisions of the Zoning Ordinance are not amended and more narrowly prescribed, certain types of housing and living arrangements now existing in R1 and R2-zoned districts have been shown to negatively impact these goals and City residents' quality of life, and these uses will continue to negatively impact City residents living in those areas unless and until such time as those uses are properly regulated; and

WHEREAS, to that end, the City has developed and is proposing the attached amendments to the Codified Zoning Ordinance to accomplish the abovementioned goals, the contents of which are intended to be incorporated into the City Zoning Ordinance; and

WHEREAS, this Council hereby submits the attached proposed Zoning Ordinance amendment to both the Niagara County Planning Board and the City of Niagara Falls Board for their review and recommendation thereupon; and

WHEREAS, City Council may classify the action under 6 NYCRR 617.4(b)(6)(2) as Type I action because it will result in the adoption of changes in the allowable uses within City zoning districts, affecting 25 or more acres; and

WHEREAS, the City's Environmental Planner is currently drafting the Full EAF Part 1.

NOW, THEREFORE, BE IT RESOLVED that the City Council desires to adopt the attached proposed Zoning Ordinance Amendment, relative to R1 and R2 Zoning District Residential Use Limitations in the City; and

BE IT FURTHER RESOLVED that the City Council desires that the language contained in the current Zoning Ordinance be amended according to the attached proposed regulations; and be it further

RESOLVED that in furtherance thereof, the proposed Zoning Ordinance amendment shall hereby be referred to both the Niagara County Planning Board and the City of Niagara Falls Planning Board for review and recommendation, in furtherance of the Zoning Ordinance amendment process; and be it further

RESOLVED that the City Council does hereby declare its intent to act as Lead Agency for the purpose of SEQRA review, and be it further

RESOLVED that the City Council classifies this action as a Type I Action under 6 NYCRR 617.4(b)(6)(2) because the action results in the adoption of changes in the allowable uses within City zoning districts, affecting 25 or more acres, and be it further

RESOLVED that the City Council will circulate copies of the Full EAF Part 1 and this resolution to the involved and interested agencies.