

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 12, 2023 – 6:00 PM

City Hall – Second Floor Conference Room
47 Castle St.
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Camera, Clr. Brimm, Clr. Noone, and Clr. Burrall

Absent: Clr. Salamendra and Clr. Pealer

2. ZONING WORK SESSION

David West began the zoning work session by explaining that the first change was to the section 'Keeping of Animals' (350-7.13) under letter C which formerly included ducks, geese, fowl, cattle, horses, sheep and goat but now solely pertains to chickens. He mentioned that line F was added to include the animals that were taken out. Another major difference is that the chickens must be kept no closer than 20ft from any buildings on adjacent lots, a reduction from the originally proposed 100ft restriction. David stated this is his suggestion as it is more appropriate if council wants to actually allow it to be possible for people to have chickens in their backyards in the city, adding 20ft is what many other places use. Clr. Burrall was surprised at the reduction to 20ft and asked if it is the majority of what David has looked at from other places. He replied yes, explaining that since the typical urban lot is 50x100ft there would be a very small piece of the land that chickens could be kept on so the reduction makes it a possibility for more people. Clr. Burrall also expressed concern about the maximum of one chicken per 1,000 square feet and asked whether it was for the open space outside or the total lot size. It was explained that the number of chickens allowed is based on the total lot size and as long as the coop and open space requirements are met things like driveways, buildings, pools, etc. would not reduce the total square feet of a lot area.

Clr. Gaglianese brought up a concern that chickens must be bought in a minimum of 6 at a time and wondered if that was taken into consideration for how many are allowed. David stated that other places have dealt with the same thing, and in one instance they made a limit of 18 chickens due to concern about buying them by the dozen. This allowed for a new dozen to be bought if half have died without having to wait for them all to pass before being able to buy any more chickens. Further, he explained that the framework is what the City of Buffalo uses which has worked well for about half a decade. He reassured that he understands the minimums and limitations which come from the normal routes of getting chickens. The requirements for coops, open space, and maintenance are in place to ensure the coops are kept clean with reasonable space and measurements for protection. David stated while these are somewhat simplified from the City of Buffalo, chickens are a huge debate, so their main goal was to create something

reasonable, rational, and enforceable based on what code enforcement thought was important to get in without becoming extremely long.

City Manager Hendrix suggested the difference between 'should' and 'shall' be explained for clarification. David stated in this ordinance the 'shalls' are mandates, or requirements, and in order to not comply with something that has a 'shall' the person must either go before the planning board for approval or go to the board of zoning appeals. For the zoning board there are two kinds of variances, which are area and use. In general, an area variance can be obtained with proof that the benefit to the applicant is greater than the detriment to the neighborhood in general, and has a lower bar. The use variance on the other hand has a much higher bar, being nearly impossible to get, since the applicant must prove that there is no other financially viable use of the site. On the other hand, the 'shoulds' are still things the city wishes to see in projects and will be considered in the review of a project that goes up for development plan review. Along those lines, David also added a clarifying text that the "approval will be denied for proposals that are not in substantial compliance with the spirit of these standards and guidelines" (350-10.2-A.2). David summarized that under the 'shalls' you must be in compliance while under the 'shoulds' you're still supposed to be in compliance most of the time but with a good reason there can be some flexibility. The mayor thanked him for the explanation, stating the focus on these updates is to create a zoning code that allows development that aligns with both business and our comprehensive plan. He is also attempting to reduce people going to the zoning board of appeals and hopes that this takes away the politically directed decisions that the zoning board has been faced with.

David moved on to other changes, first pointing to Building Placement, Orientation, Massing & Form. He felt there was general understanding that some flexibility was warranted in number 4 under Applicability and General Design Requirements so it was changed that "newly constructed buildings should be no less than 80% and no more than 120% the width of adjacent historic buildings" rather than saying they shall. He added "where it is necessary to exceed these limits, new buildings shall include architectural bays and other features that are vertically oriented" to reflect the historic rhythm of downtown buildings. Looking out the window David pointed out that most of the buildings are oriented vertically which he feels is an important part of historic characters and noted even ones that aren't do still have similar proportions. When thinking about a site like O.E.O. he said regardless of how many stories a building on that site has it wouldn't be taller than it is wide.

Clr. Gaglianese asked if this was a standard everywhere to which David explained it is more of an emerging best practice but most places don't have this kind of thoughtful language. The mayor compared it to the height limit by the lake put in place to protect the fabric of the neighborhood on South Main Street by not obstructing their view of the lake. Clr. Gaglianese questioned if a property wasn't obstructing anyone's view could it still be proposed to the planning board for permission to build something with more stories than what is allowed. David stated the zoning sets a maximum height which is the current limit and, while unlikely, you could go for a variance to ask for more floors than what is allowed. The requirement in number 4 is putting boundaries so while it can be slightly wider than it is tall, they should generally be taller than they are wide. Clr. Burrall pointed out there aren't many exceptions downtown aside from a church and the O.E.O. being wider than they are tall.

Clr. Regan requested clarification that if they wanted to go slightly higher, they could still go to the zoning board and ask for a variance, so the option isn't eliminated but more-so adding another hurdle. City Manager Hendrix clarified that the purpose of the document is to set the policies council wants to see to create the vision they have. She explained most of these things can have variances but the question then becomes how many they would need, for example if they wanted to go up 100 stories there would be several variances required.

David moved onto number 5 in the same section, where he struck out the first sentence due to confusing language such as “shall be avoided” since it is strong but also weak. Additionally, he suggests adding windows to the next sentence which requires buildings to not have “blank, uninterrupted length exceeding 40 feet without including” some design element that subdivides the wall into proportions. The goal being to have details that break up what would otherwise be giant blank walls. The mayor pointed to 5-Star bank on the corner of Exchange St. and Seneca St. and Clr. Regan mentioned the Super Casuals building on Seneca St. stating the Linden St. side is blank aside beyond a painted mural. David had looked at the bank and didn’t think the 40 feet mark was reached before there was another window, stating he feels 40 feet is a long way. As for Super Casuals he said while we haven’t given an out for murals yet some places do give an out for that and added these are generally interpreted as street facing requirements. The last sentence in number 5 specifically focuses on street facing and requires more frequency of these elements, every 10 feet, because he feels it is rare to see more than 5 feet between windows and doors. David pointed out the way it was initially drafted had not included windows but called for the forward and back of a building every 40 feet, as seen in figure 9.1, which he feels does not reflect what we have downtown anyway.

Under Facade Composition and Fenestration (350-10.6) numbers 3 and 4 the ‘shalls’ were changed to should. He stated council seemed to be comfortable with these being guidelines rather than requirements as some things can be done much cheaper and faster such as allowing window placement to be mounted outside rather than having to be set in.

David went on to the next page, the subsection on Upper Floors, which also has some ‘shalls’ that were changed to should for bullets 2 and 3. In number 4 there is a change that says “upper-floor windows should be double-hung” as he again feels we don’t need to regulate these minor details. Instead, the sentence has been modified to still say the windows “shall include ornamental elements” since he feels this was more important to keep than how they are hung.

Another section touched on was under Windows and Doors (D.3) which changed the mandate that all windows could only be clear or lightly tinted to a recommendation. On Roof Styles & Treatments he changed ‘shall’ to ‘should’ for rooflines to be “designed in proportion to the overall height and width of the building” because he didn’t feel it was possible to mandate that. He kept that they shall, where practicable, relate to nearby historic structures. The mayor asked for an example of a roofline that wasn’t designed to those proportions since he feels it would be nice to have overhang over sidewalks and wanted to know if this would disallow that. David said a possible example would be a steep roofline, like a Swiss Chalet, but that he doesn’t feel that this would prohibit an overhang. He also said he does believe it would be difficult to decide the line between in and out of proportion and the city manager agreed that the ‘should’ being in the front adds some flexibility so it could be questioned. Additionally, alternative energy systems, number 2 under Roof Treatments, received general consensus that it would be better to have ‘should’ rather than ‘shall.’

Clr. Gaglianese asked why our expectations weren’t taken into consideration for our city, and he feels despite what they were paid we were simply given a general or standardized template. David said he has been a consultant writing zoning for places and acknowledged that recycling is done and he’ll admit he does that to bring the best of what he’s seen from other places. Clr. Gaglianese asked how much the city paid for the rezoning and he was told it was \$65,000. The city manager added that the work from the consultants was also worked on with our partners who have different approaches, so while she is unsure of how many community interactions shaped revisions, what they’re attempting to do now is incorporate as much feedback as possible. David added that feedback from the BID was that it would be beneficial to change a lot to ‘should’ and he doesn’t think what is being adopted will be in place forever as projects and

problems will arise that may require revision or rethinking. In other words, if the same variances are coming up over and over again then it can be looked at closer to see if it's something that should be legislated. The mayor expressed his desire for changes in the future to be more progressive rather than waiting another 50-60 years. Clr. Camera wanted to be sure the Gateway Project, on the corner of North St. and Exchange St., wouldn't be affected by these changes.

In section 10.8, on Materials and Color, David explained there was disagreement where some people wanted a 'should' instead of the 'shall.' First, he clarified that at the end of number 3 it states "unless otherwise approved by the reviewing body." Additionally, he added "when façade treatments include multiple materials or colors" to the beginning to make it more specific. He pointed to a wall in the room as an example, stating if the front of it was a different material it would need to be wrapped around the corners before stopping, to explain what the text means by inside and outside corner. In other words, if the section of wall that sticks out is brick, then the corners on each side should be brick as well before meeting the wall again and changing to a different material. Number 4 under this same section was changed so "building materials, textures, and colors should be compatible with adjacent historic structures."

The next section, Exterior Lighting (350-10.9), David felt everyone was comfortable with encouraging the International Dark Sky Association lighting compliance. The mayor stated he agreed and he feels it isn't extraneous to developers since it just means the light is going down rather than up or out. Clr. Gaglianese added he feels it is now the standard to do a study with any building being put up.

The last change is in the section Open Space & Stormwater Management (350-10.10) which he felt was confusing so he added it as part of the development plan review. Clr. Gaglianese stated he doesn't believe there has to be a storm water protection plan in place for anything under one acre and David replied, while unsure if the city has adopted something different, there is usually a pollution protection plan required during construction for half an acre. Clr. Gaglianese said he would like it to be even smaller than that and he wants David to look into it. He feels it should be done on all properties undergoing excavation because we don't need any more sedimentation in our storm sewers than we already have. David agreed he feels the practice is important but it can be difficult to implement, pointing out that some sites downtown have buildings that take up 100% of their lot.

Clr. Camera brought up a new topic based on an article in the New York Times, saying he related to it since one of his daughters lived in a development that models what he feels we should promote in Geneva. He explained that it was a multi-purpose building, located in a concentrated area, which included shops, parking, numerous stories of apartments, an entertainment spot on the roof, and exercise areas. He said there was a rule that 25% of this development had to be low to moderate income. He feels this validates that there are similar opportunities for this in Geneva. While he is glad that the non-profits we have here, he said a large amount of property in the city has been soaked up by them so he wants to look at where our opportunities are. This made him look at the Town & Country Plaza, which is in the Gateway Business (GB) district, but feels it should be changed to Mixed Use for zoning. He said he feels we've scared developers away with the minimums and complicated requirements under GB. He feels while the code is what we allow, it should also encourage new projects and developers and right now it doesn't. In a recent meeting about housing, he learned that land use and zoning policies can restrict housing development, particularly larger multi-family and affordable complexes. When he looked into mixed use zoning, he felt it would be a solution to allow better development of that property without trying to modify the current zoning to meet his goal of being more user friendly. The mayor pointed out he feels Gateway Business already encompasses what Clr. Camera is looking for. Clr. Camera explained he feels it is the complexity of the current zoning that is off-putting to developers and there should either be an overlay district or tweaks made to the current one to become more modernized. He asked David to look into the

minimum changes that could be made to Gateway Business and explore the possibility of an overlay district. David stated there are a few things that could be done, including altering the numbers in the zone, changing the zone, or adjusting the zoning map to include this space in a different zone. He explained he doesn't see any benefit in doing a zoning overlay as it would be more appropriate if we weren't currently working on zoning and didn't wish to make any changes. Clr. Gaglianese said he feels the zoning code isn't holding developers back from the plaza. He feels if they wanted to come to Geneva and have the money then they'd already be here and would do so regardless of zoning. He feels a lot of small things have to change for them to feel like there will be profit here, but also believes we have unique aspects that may be an incentive like an undeveloped lakefront. He is concerned that there is an attempt to fast track the code when it is more important to try and do it correctly.

Clr. Burrall asked David if he is familiar with the living arraignment that Clr. Camera had previously mentioned which David replied that he knew of these types of developments. Clr. Burrall stated his daughter also lived in the same sort of place, which many refer to as 'Disney Communities,' because every service is within walking distance of the apartments which eliminates the need for public transportation. Everything can be walked to from the grocery store, to your accountant, and even a pool. He further explained that when he helped her move in, he saw a plaque with information about the developer for it was Tom Bozzuto. He pointed out that Mr. Bozzuto has numerous developments like this and is very well known in Geneva for having the boat house named after him and currently sitting on the Board of Trustees for the colleges. Clr. Burrall agreed Clr. Camera's idea for the plaza is fantastic but believes, while it has the proper acreage for this type of development, there is also a reason it hasn't been. He described it as a magnet for young professionals, which he feels the community currently lacks, and isn't sure whether they are so desperately sparse due housing, jobs, or both. He said a phone call or conversation should be had to ask why Mr. Bozzuto hasn't or wouldn't invest in a space like this to help council better move forward with this discussion.

The City Manager stepped in to clarify that this direction would be something David and herself would discuss to move forward and acknowledged that the Town and Country Plaza is owned by Wells Fargo, not the city. Clr. Camera said he still wishes to change the zoning in order to make it easier to develop the property, even if it is far down the road, since the document is already being looked at now. Clr. Regan stated she supports and agrees with Clr. Camera that the plaza would be a perfect space for a development and that developers would be more likely to come if there are less hoops to jump through. She said it is the same way as her view on zoning the section behind Slosson to allow more than just a large-lot residential to go in there. She doesn't see why we wouldn't modify it to accommodate a possible change in the future even for the chance despite not currently owning it. She thinks it would be wise, without affecting what is currently there, to allow for the opportunity in the future.

Clr. Gaglianese said he doesn't feel we have a lot of land to develop and isn't willing to sacrifice the little land we do have with the hopes a developer will come in to do this. He expressed concerns about what the development would look like if it were allowed and compared it to the development on County Road 6 in the Town of Geneva. He said that is now the number one call to Ontario County Sheriff's Office and he doesn't want a similar ordeal near Slosson Lane where there currently aren't any issues. He stated the lakefront hasn't been developed for all of these years because the forefathers of the city wanted to ensure if something were to be done that it is the right thing. While he admits the idea for the plaza would be great, he feels that instead of rushing to create these ideas when we should start by looking further into why it hasn't been done yet.

David jumped in, bringing up a case study from the Urban Land institute, of a development in Connecticut, adjacent to a university, much like the ones described tonight. He said it's possible there is a

market for it but he feels it'd be a process that would include bringing in designers and holding community meetings. He noted the zone has been designed to change the character to be more urban and he doesn't feel having the proposed large change to the code right now would make a big difference. Instead, he thinks it should begin with a community process to determine the general consensus then work through legislative issues. The mayor said David's statements make a lot of sense and he is not ready to give staff a directive to move forward with Clr. Camera's proposal for a big zoning change to that area. He wants community input and to also allow time to digest all that was suggested.

Mayor Valentino moved on to discuss the Applicability section (350-10.2-A.3), because he is against the exemption for industrial structures and buildings located in the 18th district, particularly in regards to stormwater. This is the agricultural tech area where Cornell is, which he believes is developable, and doesn't want development to be allowed that ignores critical aspects which are in place in this section. He said he is cautious because he wants them held accountable for stormwater and other aspects in this zoning and believes them being allowed to not consider stormwater retention is a detriment to the rest of the city. David explained that they would still be held to the state stormwater standard as it is a state mandate. City Manager Hendrix said that, like Clr. Gaglianese proposed, we could go further than the mandate in terms of stormwater and clarified all this is doing is making them exempt from article 10.

Clr. Burrall suggested deleting number 3 to prevent confusion and the city manager explained these exceptions were intentional since the agricultural buildings don't fit in with downtown or need to unless council decides otherwise. David added that Cornell also has design requirements in their stand-alone zoning, which he's heard don't mesh with where they want to go, so they may be coming to council to ask to change those. The conversations he has heard from them about plans for more light manufacturing style buildings was what led to this decision as it wouldn't mesh well with the current zoning requirements. The mayor said if number 3 was deleted they would still be accountable to various codes and would have to come before the planning board if they did want to put another building up. He asked if this deletion would prohibit them from what they normally do and the city manager replied that she thinks they would be able to get all of the variances but it's something they'd have to look into further. The mayor said while places like HWS and Finger Lakes Health contribute to funds on an annual basis to support the city while Cornell supplies none so he doesn't feel the need to give them any extra exemptions. David suggested everyone look into their separate requirements, under the agricultural and technology district, since they are designing for a different context.

Clr. Gaglianese asked if there is anything in the code now about having water retention upgrades for existing buildings and if it is something we should include. David said there isn't and it's difficult to apply to existing buildings as the state requirements have mandates to not make things worse when developing. David said while it is something we could encourage he doesn't feel it's something that could be required from all existing buildings. He described voluntary programs that can provide training and do things like giving out free rain barrels to anyone who will disconnect their downspout from going directly into the stormwater system. While it is something he thinks we can and should work on as a city he doesn't feel it is a zoning requirement.

Clr. Camera proposed changing the area for the Town and Country Plaza from a Gateway Business (GB) to a CB5 because he feels the CB5 has more flexibility and asked for a straw vote. David explained he doesn't have the data for the map yet but once he does, it would be a quick change. He also noted that the O.E.O. site is currently on the map as just CB but predecessors said BID had suggested, and others had agreed, that it should be CB5. Clr. Camera suggested we follow BID's guidance and change both to CB5 for consistency and asked for council's thoughts on the proposal.

Clr. Noone asked if the city has ever pursued having the plaza developed into this formerly mentioned type of development situation and if becomes rezoned to be more attractive to developers, would they? He also stated he fully supports it being developed into a multi-use area due to its location and doesn't see why we shouldn't pursue it. City Manager Hendrix stated there would need to be discussion about where the priority is since she feels there are city-owned parcels that should be focused on first which is why this has not been the top project as we don't currently own it. Clr. Noone agreed city owned property should be the number one priority but also feels it would be nice to chase development and find out what needs to be done because this would be a housing opportunity and he can't foresee any negative impacts to the community. Clr. Gaglianese said he doesn't understand trying to chase it and feels it is like the O.E.O. site which people have proposed to build on numerous times.

Clr. Camera clarified he isn't saying we should chase a project for the plaza but is trying to get the zoning changed to CB5. Clr. Regan agreed and said this is just for preparation and while we don't know if we'll ever own it, she doesn't see why we wouldn't change the parcel to something that would both allow it to remain as it is or give the opportunity for development to be pursued if it arises. Clr. Burrall stated the city will never own it because the bank that owns it now is not going to default and Clr. Regan pointed out that they could decide to sell it. David said development planning sets the table, regardless of who owns it, for a supportable idea that's desirable to the city for that space. Mayor Valentino stated he wishes to keep it GB because it creates a stepping stone without having to change the zoning since there are no opportunities on the plate now anyways.

The City Manager clarified the straw vote would be just for one parcel, the plaza.

Clr. Regan said that she is a yes, along with Clr. Camera, Clr. Burrall, and Clr. Noone. Mayor Valentino, Clr. Gaglianese, and Clr. Brimm said they were against it and voted no. The plaza will remain as GB.

Clr. Regan mentioned under A in Restaurants and Taverns (350-7.17) that cannabis should be put in wherever the sale of alcohol is mentioned. Specifically, they "shall obtain a license" for both alcohol and cannabis. She also said, under waste management, she'd like to see a line that composing is strongly encouraged and/or a program for leftover food to be donated. Clr. Camera said he agrees and referencing composing is a modern practice that he sees appropriate to add.

Clr. Burrall brought up the section Dumpster Screening (350-9.9) and states he feels many areas, particularly downtown, it is difficult to fully screen all dumpsters from public use. He proposed changing this to a 'should' since many of them are close to buildings or right-of-ways. He thinks the 'shall' will create a public health issue because he has seen lots of trash tossed out of upper floors into open dumpsters and thinks there will be trash all over if they must be closed and secured. Additionally, many of the experienced landlords have explained to him that it will not be possible to have a combination of landscaping and fencing in many areas. Clr. Burrall referenced the dumpsters in the parking lot behind City Hall and said there isn't room for "landscaping and fencing" so he wants them changed to 'should' since there are situations with lots that are completely taken up by the building on it. Clr. Regan said she does feel they should still be kept secured and closed, which the mayor agreed with saying if we don't require it there is exposure to liability due to potential safety issues. Clr. Camera pointed out the exceptions part under letter B says "the requirements may be waived or modified through development plan review" and Clr. Burrall replied that would mean every previous 'shall' should be replaced with 'should' since there is an exception. David jumped in to point out that this section won't instantly be imposed on existing development but for people coming in with new development plans to be reviewed. Clr. Burrall stated that because of the exceptions section he was fine with leaving this as it was.

In concluding, Clr. Burrall stated he felt this was valuable and proposed doing a work session for short-term rentals as well, which Clr. Regan agreed with. Mayor Valentino said he wants to move forward with the short-term rentals the way they are because he wants them registered and permitted. He sees changes being made in the future but feels it doesn't need to be tweaked now as it is not going to be perfect. Clr. Camera agreed with the mayor because he sees a resource issue with city hall and feels the sooner we start the faster things can start getting better for citizens impacted by them. He pointed out that there could be a work session after it is passed to start implementing what they wish to change. The mayor pointed out that David had shown how concerns about parking can be addressed without going after the ordinance. There was a straw vote taken, the mayor, Clr. Camera, Clr. Noone, Clr. Brimm, and Clr. Gaglianese voted no and Clr. Regan and Clr. Burrall voted yes. There was no additional work session set for short-term rentals.

3. ADJOURNMENT

ACTION TAKEN by Clr. Camera; seconded by Clr. Gaglianese

MOVED THAT the meeting be adjourned at 7:52pm

MOTION CARRIED UNANIMOUSLY (7-2 absent)

Nicole Wright

City Clerk

REVISED DRAFT –September 11,

CHAPTER 350. CITY OF GENEVA ZONING CODE

REVISED DRAFT – September 11, 2023

INTRODUCTORY PROVISIONS

- ARTICLE 1: PURPOSE & INTENT
ARTICLE 2: DEFINITIONS

DISTRICT & USE REGULATIONS

- ARTICLE 3: RESIDENTIAL DISTRICTS
ARTICLE 4: BUSINESS DISTRICTS
ARTICLE 5: MIXED USE DISTRICTS
ARTICLE 6: SPECIAL PURPOSE DISTRICTS
ARTICLE 7: ADDITIONAL USE REGULATIONS

REVISION KEY:

Red text indicates new material and/or revised material from the **DECEMBER 10, 2020** Draft Code.

~~Red text with strikethroughs~~ indicates material deleted from the **DECEMBER 10, 2020** Draft Code. (Deleted 4-18-2023)

Tracked changes reflect PED proposed compromises for Chickens and Article 10 for discussion at the Sept. 12, 2023 working meeting. NOTE: STR edits are not reflected in this draft but will be updated when STR ordinance is final.

DEVELOPMENT STANDARDS

- ARTICLE 8: OFF-STREET PARKING, LOADING & ACCESS MANAGEMENT
ARTICLE 9: LANDSCAPING & SCREENING
ARTICLE 10: BUILDING & SITE DESIGN STANDARDS
ARTICLE 11: SIGN REGULATIONS

ADMINISTRATION & ENFORCEMENT

- ARTICLE 12. GENERAL REVIEW & APPLICATION PROCEDURES
ARTICLE 13. DEVELOPMENT PLAN REVIEW
ARTICLE 14. SPECIAL USE PERMITS
ARTICLE 15. CERTIFICATES OF APPROPRIATENESS
ARTICLE 16. SUBDIVISIONS
ARTICLE 17. PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS
ARTICLE 18. AMENDMENTS, APPEALS & VARIANCES

PREPARED BY:

BARTON & LOGUIDICE | ROCHESTER, NY

ARTICLE 19. REVIEW BODIES
ARTICLE 20. CODE ENFORCEMENT

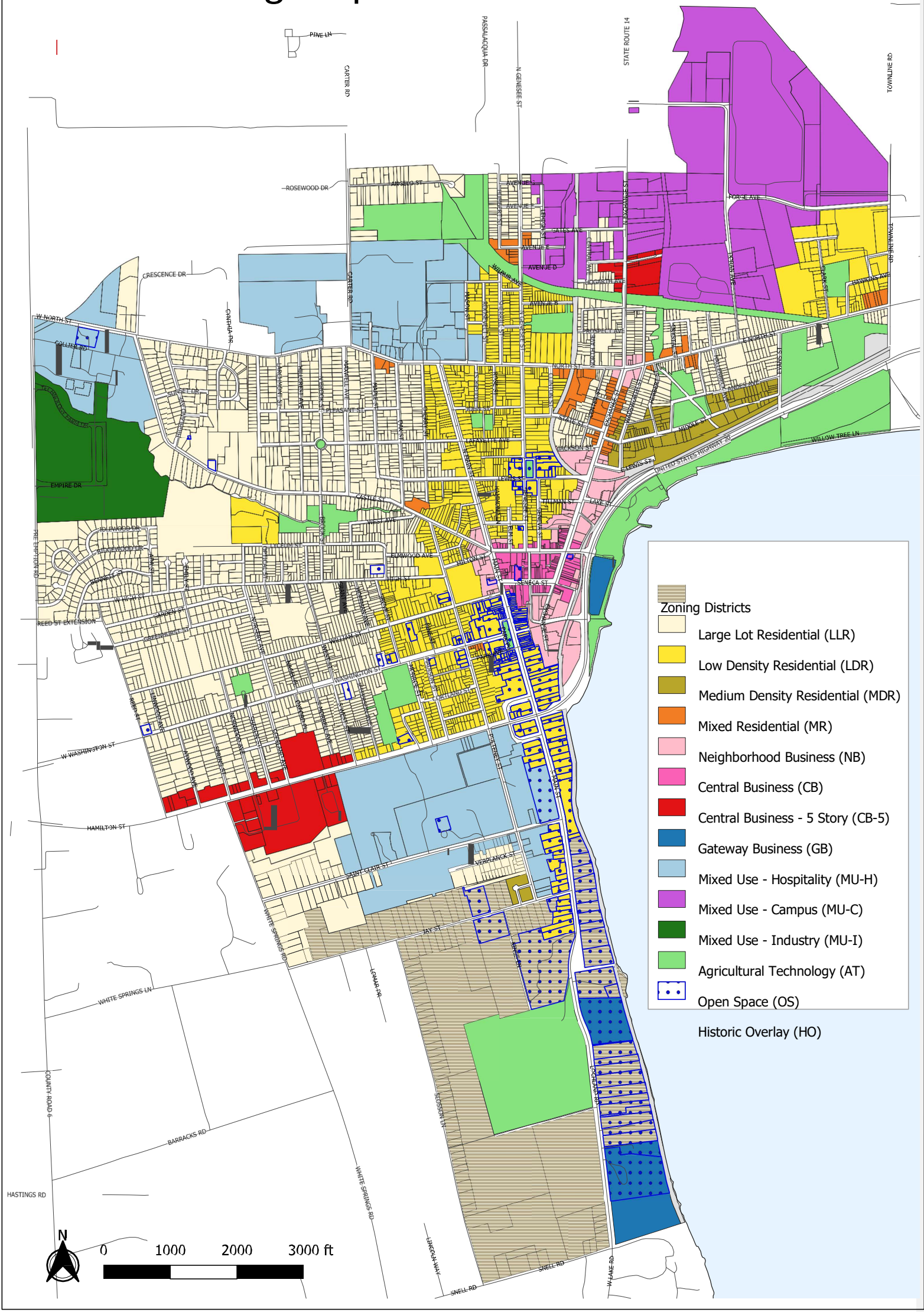
CITY OF GENEVA

Zoning Map

REVISED DRAFT
MAY 28, 2021

Commented [DW1]: Note: Staff proposes adding OEO site to CB-5 zone, but has not received map data to make adjustment in house yet.

Commented [DW2R1]: Also note formatting error in Legend makes this map difficult to use.



CHAPTER 350. CITY OF GENEVA ZONING CODE

INTRODUCTORY PROVISIONS

ARTICLE 1. PURPOSE & INTENT	2
ARTICLE 2. DEFINITIONS	3

REVISED DRAFT April 18, 2023

REVISION KEY:

Red text indicates new material and/or revised material from the **DECEMBER 10, 2020** Draft Code.

~~Red text with strikeouts~~ indicates material deleted from the **DECEMBER 10, 2020** Draft Code.

Deleted in this Revised Draft

NOTES: Article 1 has not been edited from the existing City of Geneva Zoning Code regulations. These sections were reformatted to match that of the revised draft code.

Article 2 is based on the existing definitions of the existing City of Geneva Zoning Code. Some definitions have been removed, added, or amended to reflect the language of the proposed draft code.

ARTICLE 1. PURPOSE & INTENT

§ 350-1.1 AUTHORITY & PURPOSE

This chapter is enacted pursuant to the authority and provisions of the General City Law to promote public health, safety and welfare and the most desirable use of land and to conserve the value of buildings and enhance the value of land and the aesthetic aspects throughout the City.

§ 350-1.2 ZONING MAP

The location and boundaries of said zoning districts are shown on the map designated "Official Zoning Map of the City of Geneva," which is attached hereto and is hereby made a part of this chapter. Said map and all notations, references and designations shown thereon shall be, as such, a part of this chapter as if the same were all fully described and set forth herein.

§ 350-1.3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any aforesaid districts as shown on the Zoning Map, the following shall apply:

- A. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a center line or right-of-way line of such street, highway, public utility or watercourse is moved a maximum of 50 feet.
- B. Where district boundaries are indicated as approximately following the City boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Where district boundaries are so indicated that they are approximately parallel to the City boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
- D. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion.
- E. In all other cases, where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon, but in no instance will a district depth be less than the specified minimum lot depth required for each district.

ARTICLE 2. DEFINITIONS

§ 350-2.1 MEANING & INTENT

The language of the zoning law must be read literally. Regulations are no more or less strict than stated. Words defined in this Article shall have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in this Chapter shall have the relevant meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

§ 350-2.2 TENSES & USAGE

For the purpose of this Chapter, certain terms and tenses used herein shall be interpreted or defined as follows:

- A. Words used in the singular include the plural. The reverse is also true.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words "must," "will," "shall" and "may not" are mandatory.
- D. The word "may" is permissive, and "should" is advisory, not mandatory or required.
- E. The word "occupied" shall include "designed, arranged, or intended to be occupied."
- F. The word "used" shall include the words "arranged," "designed" or "intended to be used."
- G. The word "person" shall mean a person, firm or corporation or the plural of those words.
- H. The word "lot" shall include the word "plot" or "parcel."
- I. When used with numbers, "up to X," "not more than X" and "a maximum of X" all include X.

§ 350-2.3 CONJUNCTIONS

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- A. "And" indicates that all connected items or provisions apply; and
- B. "Or" indicates that the connected items or provisions may apply singularly or in combination.

§ 350-2.4 LISTS & EXAMPLES

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

§ 350-2.5 FRACTIONS

The following rules apply to fractional number unless otherwise expressly stated.

- A. **Minimum Requirements.** When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one tree to be provided for every 30 linear feet of frontage is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to two required trees.
- B. **Maximum Limits.** When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet is applied to an 18,500 square foot lot, the resulting fraction of 3.7 is rounded down to 3 permitted dwelling units.

§ 350-2.6 CURRENT VERSIONS & CITATIONS

All references to other city, county, state, or federal regulations in the zoning law refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, zoning law requirements for compliance are no longer in effect.

§ 350-2.7 DEFINITIONS

The following definitions shall be used in interpreting this Chapter:

Aa

ACCESSORY — The term applied to a building, structure, or use (except for accessory dwelling unit) that:

1. Is customarily incidental and subordinate to and serves a principal building or use;
2. Is subordinate in area, extent, or purpose to the principal building or use served;

3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or use; and
4. Is located on the same parcel as the principal building or use.

ACCESSORY DWELLING UNIT — One subordinate dwelling unit that is an adapted reuse of an existing or new permanent detached accessory structure located on the same parcel as the primary dwelling unit.

ADULT USE ESTABLISHMENT — Any adult arcade, adult bookstore or video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, massage establishment, nude model studio or sexual encounter center, as those terms are defined herein. This definition shall not include any bona fide medical or health service office or establishment in which clients or customers may be required to display any specified anatomical area for the purpose of diagnosis or treatment.

1. **ADULT** — When used as part of or in conjunction with other terms defined herein, refers to establishments which customarily exclude persons who, by reason of age, are defined as minors under New York State law.
2. **ADULT ARCADE** — Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
3. **ADULT BOOKSTORE OR VIDEO STORE** —
 - a) A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - i. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - ii. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
 - b) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration of specified materials which depict or describe specified sexual activities or specified anatomical areas.

4. **ADULT CABARET** — A nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:
 - a) Persons who appear in a state of nudity; or where there is topless waitressing, bussing or table or bar service; or establishments which offer service where the servers wear pasties or G-strings or both;
 - b) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c) Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
5. **ADULT MOTEL** — A hotel, motel or similar commercial establishment which:
 - a) Offers accommodations to the public for any form of consideration and which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
 - b) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
6. **ADULT MOTION-PICTURE THEATER** — A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
7. **ADULT THEATER** — A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
8. **ESCORT** — A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
9. **ESCORT AGENCY** — A person or commercial enterprise who or which furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
10. **ESTABLISH** — Includes any of the following as related to an adult use:

- a) The opening or commencement of any adult use establishment as a new business;
 - b) The conversion of any existing business to any adult use establishment;
 - c) The addition of any adult use establishment to any other existing use or business; or
 - d) The relocation of any adult use establishment.
11. **MESSAGE ESTABLISHMENT** — Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical or massage therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.
12. **NUDE MODEL STUDIO** — Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
13. **NUDITY or STATE OF NUDITY** — The state of dress of the human body in which the buttocks or anus, genitals, pubic region or full female breast are less than completely and opaquely covered.
14. **PRINCIPAL BUSINESS PURPOSE** — Twenty percent or more of the business is devoted to or comprised of any of the following:
- a) The number of different titles or kinds of such merchandise;
 - b) The number of copies or pieces of such merchandise;
 - c) The amount of floor area or space devoted to the sale and/or display of such merchandise; or
 - d) The amount of advertising which is devoted to such merchandise, either in the print or broadcast media.
15. **SEMINUDE** — A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast as well as portions of the body covered by supporting straps or devices.
16. **SEXUAL ENCOUNTER CENTER** — A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a) Physical contact in the form of wrestling or tumbling between persons of opposite sexes; or
 - b) Activities between male and female persons and/or persons of the same sex when one or more of the persons are in a state of nudity or seminudity.
17. **SPECIFIED ANATOMICAL AREAS** — The male genitals or pubic region in a state of nudity, or the human male genitals in a discernible state, even if completely and opaquely covered, and/or the vulva or pubic region or the full female breast in a state of nudity.
18. **SPECIFIED SEXUAL ACTIVITIES** — Any of the following:
- a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 - b) Sex acts, normal or perverted, actual or simulated.
19. **TRANSFER OF OWNERSHIP OR CONTROL** — Any of the following:
- a) The sale, lease or sublease of the business;
 - b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 - c) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

AGRICULTURAL OPERATION — The use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise or a hobby, and including greenhouse, nursery, timber operations, compost, mulch, or other organic biomass crops, beekeeping, and commercial horse boarding/equine operations as defined in NYS Agriculture and Markets Law Article 25-AA, Section 301.

ALTERATION — Any construction or renovation to an *existing structure* other than *repair or addition*.

ANIMAL GROOMING SHOP — A commercial operation that provides grooming services for domesticated animals and pets that customarily reside and are cared for within a residential dwelling.

APPEARANCE — The outward visible aspect.

APPLICANT — A property owner or agent of a property owner who has filed an application for a land development activity as provided herein.

APPROPRIATE — Sympathetic, compatible with, or fitting, to the context of the site and the whole community.

APPROVAL — Favorable decision to an application that indicates acceptance and the terms of the application, as written or modified, are satisfactory. Includes both approval and approval with conditions.

APPURTANCES — The visible, functional objects accessory to and part of buildings.

ARCHITECTURAL FEATURE — A prominent or significant part or element of a building, structure, or site.

ARCHITECTURAL STYLE — The characteristic form and detail, as of buildings of a particular historic period or school of architectural thought.

ASSISTED LIVING — A multiunit residence building (or buildings) designed for and restricted to the housing of persons, each of whom is at least 55 years of age, and in which personal and health-related services (such as congregate meals, housekeeping, homemaking, transportation, social activities, personal care and supervision) are provided to residents. An assisted-living facility must be licensed by the NYS Department of Health as an "adult home" or as a provider of "enriched housing" services or dementia care.

ATTIC — That space of a building which is immediately below and wholly or partly within the roof framing. An attic with a finished floor shall be counted as 1/2 story in determining the permissible number of stories.

AWNING — A roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the facade of a structure.

Bb

BASEMENT — A story partly below finished grade but having at least 1/2 of its height, measured from floor to ceiling, but not less than four feet, above average finished grade. A basement shall be counted as one story when determining the height of a building in stories.

BED AND BREAKFAST — An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers, and containing not more than five bedrooms for such lodgers.

BERM — A raised form of earth to provide screening or to improve the aesthetic character.

BLOCK — The length of a street between two intersections or between an intersection and its termination.

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BREWERY — An enclosed building for the manufacture, processing, bottling, and packaging of malt liquors, such as beer, ale, or ciders, but not to include distilled liquors, and duly licensed by the NYS Liquor Authority. For the purposes of this Chapter, a Brewery in the Central Business District (CB) shall include a tasting room.

BUFFER — A unit of land, together with a specified type and amount of planting and/or fencing thereon, which may be required to eliminate or minimize conflicts between land uses. Also referred to as "screening."

BUILDING — Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing, or enclosure of persons, animals or chattel.

BUILDING AREA — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of terraces and uncovered steps.

BUILDING FOOTPRINT — The area of a single building at ground level measured from the exterior of the foundation walls, exclusive of attached garages, porches, terraces, breezeways and cellars.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

BUILDING LINE, FRONT — A line parallel to the front lot line, drawn through that point or projection of a building face which is closest to the front lot line; provided, however, that where side lot lines are not perpendicular to the front lot line, then the front building line shall be the shortest line drawn through that point or projection of a building face which is closest to the front lot line and perpendicular to either side lot line. The building face shall include any portion of the building or structure, enclosed or unenclosed, except steps.

BUILDING LINE, REAR — A line parallel to the rear lot line, drawn through that point or projection of a building face which is closest to the rear lot line; provided, however, that where side lot lines are not perpendicular to the rear lot line, then the rear building line shall be the shortest line drawn through that point or projection of a building face which is closest to the rear lot line and perpendicular to either side lot line. The building face shall include any portion of the building or structure that is enclosed. On a through lot, the rear building line shall be determined on the opposite side of the principal building from the street where the property is addressed.

BUILDING LINE, SIDE — A line along the edge of a building face which is closest to the side lot line that extends to the front lot line and rear lot line and is generally parallel to the side lot line.

BULK — A term used to describe the size, volume, area, and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building, and all open spaces required in connection with a building, other structure, or tract of land.

BUSINESS or INDUSTRY — Any occupancy or use classified under the provisions of the New York State Uniform Fire Prevention and Building Code.

Cc

CALIPER — The measurement of the size in inches of the diameter of small trees (under six inches), usually measured at six inches above grade. Trees greater than six inches in diameter are measured 12 inches above the ground. This measurement is generally used for tree-planting measurement applications.

CARPORT — A covered parking structure enclosed on three sides but without doors.

CHARACTER — The atmosphere or physical environment that is created by the combination of land use and buildings within an area. "Character" is established and influenced by land use types and intensity, traffic generation and also by the location, size and design of structures as well as the interrelationship of all these features.

CITY — The City of Geneva, New York.

CITY COUNCIL — The duly elected common council of the City of Geneva, New York.

CODE ENFORCEMENT OFFICER (CEO) — The duly designated Code Enforcement Officer (CEO) of the City of Geneva.

COMMUNITY or SERVICE CLUB — The premises and buildings used by a local, international, national or state organization or by a bona fide local civic association catering exclusively to members and their guests primarily for a patriotic, fraternal, benevolent, social, educational, religious or political purpose. The club shall not be used in whole or in part for the conduct of any business or enterprise for profit, but this shall not be construed as preventing the utilization of a club for benefits or performances for a recognized charity, nor for the meeting of other organizations or for educational and cultural purposes.

COMMERCIAL MESSAGE — Any message where the primary purpose of which is the commercial advertisement or promotion of a commercial entity, product, event, or service (including content on an internet website operated for a commercial purpose).

COMMERCIAL VEHICLE — A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanent affixed sign exceeding one square foot in area or lettering of a commercial nature.

COMMUNITY CENTER — Any building, room, or area designed or utilized primarily for indoor recreational, educational and civic pursuits and purposes by nearby residents, but not including any retail, service, or other commercial activities.

COMPATIBLE — In harmony with location, context, setting, and historic character, as applicable. This shall include, but is not limited to:

- A pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a structure;
- A pleasing or congruent arrangement of elements in the design and/or appearance between two or more structures;
- A pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a neighborhood; and/or
- A pleasing or congruent arrangement of elements in the use or function between two or more attributes of a neighborhood, area or city.

CONCESSIONS, FOOD or RETAIL SALES — A commercial operation within the premise of a larger use, typically selling refreshments to patrons of the larger use.

CORNICE — A horizontal decorative molding that crowns a building, such as the top edge of a façade or over an external door or window.

COVERAGE — That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

Dd

DAY-CARE CENTER, CHILD OR ADULT — Daytime care or instruction of three or more children or adults away from their own homes for more than three but less than 24 hours per day, by an individual, association, corporation, institution or agency, whether or not for compensation or reward. Such centers shall be duly licensed by NYS Law.

DEVELOPMENT — Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTILLERY — An enclosed building for the manufacture, processing, bottling, and packaging of distilled liquors, such as vodka, gin, whiskey, or tequila, duly licensed by the NYS Liquor Authority. For the purposes of this Chapter, that shall include operations that may include tasting rooms.

DRIVE-THROUGH FACILITY — A window or other such structure wherein the sale of goods or delivery of services is provided directly to patrons while seated in motor vehicles located on the premises.

DWELLING — A building designed or used principally as the living quarters for one or more families.

DWELLING UNIT — One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

DWELLING UNIT, UPPER FLOOR — A dwelling unit located within a mixed-use or multi-story building on any floor other than the ground floor.

DWELLING, ATTACHED — A single- or two-family dwelling attached by a common party wall.

DWELLING, SINGLE-FAMILY — A building containing one dwelling unit and designed or used exclusively for occupancy by one family.

DWELLING, TWO-FAMILY — A building containing two dwelling units and designed or used exclusively for occupancy for two families living independently of each other; or two single-family dwellings having a party wall in common.

DWELLING, MULTI-FAMILY — A building or portion thereof containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.

Ee

EXPANSION OF USE — Any change in any occupancy or use which results in an addition to the building footprint or an increase in the total interior square footage or in an increase in the total number of occupancies or uses contained within the building or structure.

Ff

FAÇADE — The face of a building.

FAÇADE, PRIMARY or FRONT — The principal face of a building that looks onto a street, right-of-way, or open space. Buildings on corner lots shall be considered to have two primary or front facades.

FAMILY — A family consists of:

1. One person, or two or more persons related by blood, marriage or adoption; or
2. Not more than five persons not necessarily related by blood, marriage or adoption and, in addition, any domestic servants or gratuitous guests who live together in a single dwelling unit and maintain a common household.

FLOOR AREA, GROSS — The sum of the total horizontal area of all floors or stories of a dwelling or occupied by a use as measured to the outside surfaces of structural walls, including attached garages, enclosed porches, and other attached accessory

structures having more than 50% of the perimeter enclosed or screened. Basements, attics, and cellars legally occupied by a residential or commercial use shall also be included in the calculation of gross floor area.

FRONTAGE — The extent of a building or a lot abutting or parallel to a street or right-of-way.

Gg

GARAGE — Covered parking enclosed on three sides and provided with doors and located as an accessory structure or incorporated into principal structures.

GASOLINE SERVICE STATION — Any land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil or other lubricating substances, including any sale of motor vehicle accessories. Such use may include incidental sales of food or other consumptive goods.

GYM or FITNESS CLUB — An establishment providing indoor recreation or instruction to patrons for health, exercise, or educational purposes.

Hh

HOME OCCUPATION — An accessory use of a service character customarily conducted entirely within a dwelling by the residents thereof which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a permitted sign in accordance with this Chapter.

HOSPICE — A residence building (or buildings) in which housing and supportive programming for terminally ill persons and their families is provided in accordance with the NYS Department of Health.

HOSPITAL — A building containing beds for four or more patients and used for the diagnosis, treatment, or other care of ailments and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

HOTEL or INN — A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances. A hotel or inn may also include incidental uses such as conference rooms or banquet rooms. Additional commercial services proposed as part of a hotel, such as restaurants, taverns, or spas, shall be considered separate uses for the purposes of this Chapter and shall be permitted in accordance with district regulations.

Ii

IMPERVIOUS SURFACE — A surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces shall include but are not limited to roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, or compacted gravel surfaces.

IMPERVIOUS SURFACE, GROSS — The total area of all buildings, structures, and surfaces of impermeable pavement or other such material that impedes or prevents natural infiltration of water into the soil underneath.

Jj

JUNKYARD — An area of land with or without buildings used for or occupied by the storage, keeping, or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. The deposit on a lot of two or more wrecked or broken-down vehicles or the major parts thereof for three months or more shall be deemed to make the lot a junkyard.

Kk

KENNEL — Any place at which there are kept four or more dogs more than four months of age or any number of dogs that are kept for the primary purpose of sale or for the boarding, care or breeding of which a fee is charged or paid.

Ll

LANDSCAPE — Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPED AREA — The area required or permitted under this Chapter to be devoted to landscaping and environmental improvement, which may include, but is not limited to, existing and new vegetation, planting beds and berms.

LANDSCAPING — The use of natural plant materials including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation and

maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

LIGHT INDUSTRIAL USE — The manufacture, assembly or packing of products not objectionable or injurious due to smoke, noise, odors, glare, dust, or the release of hazardous materials. Such products would include cloth, metal, plastic, paper, wood, electronic instruments or devices, pharmaceutical, optics, precision instruments, laboratories, research and development and similar activities conducted completely within a building.

LOADING SPACE — An area, exclusive of driveways, passageways, maneuvering aisles or other maneuvering space, for the loading and/or unloading of one motor vehicle used for the transport of goods.

LOT — A defined portion or parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership and the customary accessories and open spaces belonging to the same. A lot shall abut and be accessible from a public or private street.

LOT, CORNER — A lot at the junction of and fronting on two or more intersecting streets.

LOT COVERAGE — The percentage of the area of the lot covered by impervious surface.

LOT LINE — The property line bounding the lot. Where any property line parallels a street and is not coincident with the street line, the street line shall be construed as the property line for the purpose of complying with the area and setback regulations of this Chapter.

LOT LINE, FRONT — The street right-of-way line at the front of the lot. On a corner lot there shall be two front lot lines.

LOT LINE, REAR — The lot line opposite to the front lot line.

LOT LINE, SIDE — Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.

LOT SIZE — The total horizontal area included within lot lines.

LOT WIDTH — The dimension measured from side lot line to side lot line along a line parallel to the street line at the required minimum front yard depth.

Mm

MANUFACTURED HOME — Any dwelling unit that is fully equipped upon arrival at the site after being transported to it on wheels.

MECHANICAL EQUIPMENT — Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MIXED USE BUILDING or STRUCTURE — A building or structure occupied by two or more uses of varying land use classifications, such as residential and commercial, generally a mixed use structure is a multi-story building providing commercial uses on the first floor and residential and/or office uses on the upper floors.

MOBILE HOME — A vehicle which is used or designed to be used for living or sleeping purposes and which is customarily standing on wheels or rigid supports.

MUNICIPAL STRUCTURE or USE — A building, structure, lot, or other property occupied by a municipal authority, such as a local governmental agency.

Nn

NONCONFORMING — Any lawful use of land, premises, or buildings or building or structures which do not conform to the regulations of this Chapter for the district in which such use or building is located, either at the effective date of this Chapter or as a result of subsequent amendments thereto.

NURSING HOME — A residence building (or buildings) in which skilled nursing services and chronic custodial care are provided to residents. A skilled nursing care facility must be licensed as such by the NYS Department of Health.

Oo

OFFICE, ADMINISTRATIVE or PROFESSIONAL — The use of a building or structure for the operation of day-to-day activities that are related to record keeping, billing, personnel, and logistics, within an organization. This shall also include the workplace of any person who earns their living from a specified professional activity, such as an accountant, engineer, architect, or financial planner. This shall not include medical professionals.

OFFICE or CLINIC, MEDICAL — A facility for the diagnosis and/or treatment of outpatients by medical professionals. This may include a group practice in which several physicians or medical professionals work cooperatively. Medical professionals include, but are not limited to, dermatologists, doctors, dentists, or psychiatrists.

OPEN SPACE — Any area or area(s) that are undeveloped or restricted from development, provide access to light, air, and/or water, and hold some environmental, aesthetic, economic, and/or recreational value. This may include, but is not limited to, privately or publicly owned parkland and recreational facilities, farmland, woodlots, wetlands, lakes, ponds, local habitats, environmentally sensitive areas, and otherwise undeveloped lands.

OUTDOOR ASSEMBLY or SEATING AREA — The use of an adjacent, outside area by a commercial establishment, such as a restaurant or tavern, in which the same activities which occur within the establishment may be enjoyed by patrons.

OUTDOOR SALES AND DISPLAY — The placement of goods in an area outside the principal structure for advertising, display, or sale purposes as an ancillary and temporary use to a permanent commercial use located inside an adjacent building.

OUTDOOR STORAGE — The placement of goods in an area outside the principal structure for storage purposes as an ancillary and temporary use to a permanent nonresidential use located inside an adjacent building.

Pp

PARAPET WALL — That portion of a building wall that rises above the level of the roof.

PARKING AREA or LOT — An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto, as required by this Chapter.

PARKING SPACE — An area, exclusive of driveways, passageways, maneuvering aisles or maneuvering space, for the parking of one vehicle.

PEDESTRIAN-ORIENTED — Refers to a pedestrian-friendly design policy providing clear, comfortable pedestrian access to residential and nonresidential areas as well as providing for the construction of buildings, sites, and amenities to be human-scaled, purposefully engaging and accommodating pedestrians.

PERSON — Any person, firm, partnership, corporation, association or legal representative, acting individually or jointly.

PERSONAL SERVICE SHOP — Any use where the premises is used to provide personal grooming services or for the cleaning or care of personal apparel or other goods. This may include, but is not limited to, barbers, nail salons, hairstylists, spas, shoe repair, etc.

PLACE OF WORSHIP — A structure, building, or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

PLANNED COMMERCIAL DEVELOPMENT — A commercial development in accordance with a single plan for compatible land uses and the placement of buildings which may not correspond to the intent of this Chapter for similar uses.

PLANNED RESIDENTIAL DEVELOPMENT — A residential development (as above, "planned commercial development").

PLANNING BOARD — The duly designated Planning Board of the City of Geneva as provided for and established by this Chapter.

PLANT MATERIALS — Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

PROPORTION — Balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

PUBLIC RIGHT-OF-WAY — Existing land owned by the City of Geneva, or other government entity, for use as a street or other public purpose.

Rr

RECREATION or ENTERTAINMENT FACILITY, INDOOR — An establishment providing for recreational or entertainment activities or events in a completely enclosed structure. Indoor recreation may include uses such as, swimming pools, sports arenas, ball courts, or other similar type uses where patrons are engaged in and/or spectating physical sport or game activities. Indoor entertainment may include uses such as, movie theatres, arcades, bingo halls, banquet halls, or other similar type uses where patrons are provided social, arts, or cultural experiences for personal enjoyment. Incidental services, such as the serving of food and/or beverages and/or the sale of equipment related to the use, may also be permitted.

RECREATION or ENTERTAINMENT FACILITY, OUTDOOR — An establishment providing for recreational or entertainment activities or events in an open air environment or partially enclosed structure. Outdoor recreation may include uses such as, swimming pools, ball fields or courts, miniature or regular golf courses, or other similar type uses where patrons are engaged in and/or spectating physical sport or game activities. Outdoor entertainment may include uses such as, drive-in movie theatres, amphitheaters, bandshells, or other similar type uses where patrons are provided social, arts, or cultural experiences for personal enjoyment. Incidental services, such as the serving of food and/or beverages and/or the sale of equipment related to the use, may also be permitted.

REPAIR OR SERVICE OF PERSONAL ITEMS — An establishment where personal goods, apparel, electronics, or other household items are restored to a sound or functioning state.

RESIDENTIAL DEVELOPMENT — Means a newly constructed or redeveloped project containing at least 10 residential units, including single-family dwellings, mobile homes, manufactured homes, two-family dwellings, or multi-family dwellings; or a subdivision of land for the purpose of constructing 10 or more residential dwelling units. This definition shall apply to Article 11 of this Chapter only (Sign Regulations).

RESTAURANT —

1. An establishment where people pay to sit and eat meals that are cooked and served on the premises which may or may not have carry-out service.
2. In addition, "restaurant" shall mean a place which is regularly, and in a bona fide manner, used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of food which may be required for ordinary meals, the kitchen of which must at all times be in charge of a chef with the necessary help, and kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises, and must comply with all regulations of the local Department of Health.

RETAIL STORE — An establishment selling commodities or goods directly to the public, but not including such services as business and professional offices, meeting rooms for social clubs and personal service establishments. The term "retail store" shall also not include a restaurant, brewery, distillery, winery, or tavern.

Ss

SCALE — Proportional relationship of the size of parts to one another and to the human figure.

SCHOOL, PUBLIC or PRIVATE — A public or private institution in which primary, secondary, elementary, or other educational programming for children and adults is provided. Such institution shall be duly licensed, certified, and/or accredited by the State of New York.

SCREENING — The method by which a view of one site from another adjacent site is shielded, concealed or hidden. "Screening" techniques include fences, walls, hedges, berms or other features.

SETBACK — The horizontal distance from any building or from a specific building to the nearest point on an indicated lot line or street line.

SEQRA — The New York State Environmental Quality Review Act.

SHORT-TERM RENTAL — A dwelling unit that is rented, in whole or part, to any person or entity for a period of less than 30 consecutive nights and is not regulated by any other section of the Code of the City of Geneva. "Rental" means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a short-term rental by a record owner of a property shall not be considered a rental under this section.

SHRUB — A multi-stemmed woody plant other than a tree.

SIGN — Any object, device, display or structure, or part thereof, situated outdoors that is used to advertise, identify, display, direct or attract attention to an object, person,

institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Signs" shall also include all sign structures. A sign for the purposes of this Chapter does not include the following:

1. A flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organization;
2. Merchandise, pictures or models of products or services incorporated in a window display;
3. Official notices issued by any court or public office or officer in the performance of a public or official duty;
4. Traffic control signs as defined in the NYS Vehicle and Traffic Law; and
5. Works of art, including murals, that do not contain any commercial message, logo, graphic, or trademark.

SIGN TYPE — The design and/or structure of a sign, including freestanding signs, wall signs, projecting signs, suspended signs, awning signs, and window signs.

SIGN, ABANDONED — A sign which for a period of 60 consecutive days has not correctly directed or informed any person or advertised a business, lessor, owner, or activity conducted on the premises where such sign is displayed.

SIGN, A-FRAME — A freestanding sign that is comprised of two sign faces diverging at an angle of no more than 45 degrees from their adjoined edge.

SIGN, AWNING — A sign that is part of or attached to a roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the facade of a structure.

SIGN, BANNER — A length of fabric or similar material, strung between two points, upon which a message is imprinted.

SIGN, CHANNEL — A fabricated or formed three-dimensional element, such as a sign letter, into which a light source, such as a lighting tube, may be placed.

SIGN, COPY — The wording, graphics, or other messaging on a sign or composing a sign.

SIGN, DIGITAL — A sign that utilizes computer-generated messages or some other electronic means of message display. These signs may include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

SIGN, DIRECTIONAL — A sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way driveways, rest rooms, pickup and delivery areas, or drive-throughs. Such sign shall not carry a commercial message.

SIGN, EXTERNAL ILLUMINATION — The provision of lighting for a sign from a source intentionally directed upon the sign face, such as a floodlight or gooseneck lamp.

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SIGN, FREESTANDING — A sign not attached to any building or structure.

SIGN, GOVERNMENTAL — A sign erected and maintained pursuant to and in discharge of any governmental function or required by any general law, local law or governmental regulation.

SIGN, GROUND — A sign not attached to any building or structure, which may be flush with the ground or supported by two columns or posts provided the distance between the ground and bottommost edge of the sign is no greater than three feet.

SIGN, INCIDENTAL — A sign containing no commercial message and typically erected to identify addresses, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency addresses and telephone numbers, etc. These examples are not given by way of limitation. An incidental sign may contain any noncommercial message in accordance with this Chapter.

SIGN, INTERNAL — Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is intended only to be seen from within the enclosed space and is so oriented.

SIGN, INTERNAL ILLUMINATION — The provision of lighting for a sign from a light source within the sign.

SIGN, LAWN — A sign constructed of materials not intended for permanent installation that are attached to a single or multiple posts for support and stuck into the ground. The height of a lawn sign shall include any posts or supports. Political campaigns, garage sales, and charitable events, for example, are often advertised with lawn signs.

SIGN, NEON — A sign that incorporates illumination through the use of neon type gas.

SIGN, NONCONFORMING — Any lawful sign existing at the time of adoption of this Chapter, or any subsequent amendments thereto, which does not conform to the regulations of this Chapter or to the regulations of the district in which it is located.

SIGN, OFF-PREMISE — A sign that directs attention to an entity, business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located. This shall not include billboards.

SIGN, PENNANT — A length of fabric, or similar material, suspended from overhead.

SIGN, POLE — A sign not attached to any building or structure and is supported by one or two columns or posts with a distance exceeding three feet between the ground and the bottommost edge of the sign.

SIGN, PROJECTING — A sign which is wholly dependent upon a building for support and which projects more than 12 inches from such building.

SIGN, REVERSE CHANNEL — A channel than has a face and sides, but no back, and is pinned out from a background surface so as to produce a halo effect around the letter or graphic when illuminated.

SIGN, SUSPENDED — A sign attached to and supported by the underside of a horizontal plane.

SIGN, TEMPORARY — A sign which is not intended to be used for a period of time exceeding 60 days and is not attached to a building, structure, or ground in a permanent manner. Such signs usually being constructed of poster board, cardboard, masonite, plywood, or plastic material and mounted to wood, metal, wire or rope frames or supports.

SIGN, WALL — A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than 12 inches from such building or structure.

SIGN, WINDOW — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but shall not include graphics in connection with customary window display of products.

SITE PLAN — A rendering, drawing or sketch prepared to specifications and containing necessary elements, as set forth in this Chapter, which shows the arrangement, layout and design for the proposed use of a parcel or parcel(s) of land as shown on said plan.

SPECIAL USE PERMIT — An authorization of a particular land use which is permitted in this Chapter subject to requirements imposed on such use to assure that the proposed use is in harmony with this Chapter and will not adversely affect the neighborhood.

STORY — That portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement, if the ceiling is more than five feet above the average adjoining ground level or if it is used for business or dwelling purposes. A half story is a story under a sloping roof having a ceiling height of seven feet or more for not more than 1/2 the floor area of the uppermost full story in the building.

STREET —

1. An existing public or private way which affords the principal means of access to abutting properties and is suitably improved; or
2. A proposed way shown on a plat approved by the Planning Board and/or recorded in the office of the County Clerk.

STREET GRADE — The officially established grade of the street upon which the lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the frontage of the lot shall be taken as the "street grade."

STREET LINE — The dividing line between a lot and a street right-of-way.

STREETSCAPE — The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

STRUCTURE — A static construction of building materials, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, reviewing stands, gasoline pumps, mobile dwellings (whether mobile or stationary at the time) and the like.

SUBDIVISION — The division of a parcel of land or an assemblage of parcels of land into two or more lots or parcels, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land.

Tt

TAVERN — An establishment where beverages, beer, wine, and/or liquor are sold to the public for consumption on the premises. Such a use shall include a minimum food preparation area and menu that satisfies the NYS Liquor Authority's minimum food requirement, where applicable. Also referred to as a "bar."

TELECOMMUNICATIONS — The transmission and reception of audio, video, data and other information by wire, radio, light and other electronic or electromagnetic systems.

TELECOMMUNICATIONS EQUIPMENT — Includes telecommunication towers, accessory facilities or structures and/or antennas and any buildings and/or equipment used in connection with the provision of cellular telephone service, personal communication services (PCS's), paging services, radio and television services and similar broadcast services.

TELECOMMUNICATIONS TOWER — Any structure, including but not limited to a pole, windmill or other such structure, whether attached to a building, guyed or freestanding, designed and/or used for the support of any device for the transmission and/or reception of radio frequency signals, including but not limited to broadcast, shortwave, citizen's band, FM or television or microwave and/or for the support of any wind-driven device, whether used for energy conservation or not.

TEMPORARY STORAGE UNIT — Any container, storage unit, box-like container or portable structure which resembles and functions in the same way as a traditional shipping container is a temporary portable storage unit and not a structure, even when affixed to a permanent foundation.

Uu

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

USE, PRINCIPAL or PRIMARY — The dominant purpose, by area, scale, and/or intensity of use, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USE, PERMITTED — Any use of a building, structure, lot or part thereof which this Chapter provides for in a particular district as a matter of right.

USE, PROHIBITED — A use of a building, structure, lot or part thereof which is not listed as a permitted, specially permitted, or accessory use.

USE, SPECIALLY PERMITTED — A particular land use which is permitted within a given zoning district, subject to conditions imposed to assure that the proposed use is in harmony with the requirements of this Chapter and will not adversely affect the neighborhood or vicinity if such conditions are met.

USE, NONRESIDENTIAL — A building, lot, structure, or structure(s) containing no dwelling units and designated or intended for commercial, public, institutional, or other such use. The inclusion of dwelling units in a mixed use building or structure shall be considered a nonresidential use for the purposes of this Chapter.

USE, RESIDENTIAL — A building, lot, structure, or structure(s) containing a dwelling unit or grouping of dwelling units designated or intended for the housing of individuals and families, not including any commercial, public, or institutional use. The inclusion of dwelling units in a mixed use building or structure shall be considered a nonresidential use for the purposes of this Chapter.

UTILITY SERVICE — Any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, and communications into a building or development.

Vv

VALANCE — A projection of fabric below the main frame of an awning to create a decorative edge.

VALANCE — A projection of fabric below the main frame of an awning to create a decorative edge.

VARIANCE, AREA — The authorization by the Zoning Board of Appeals, provided for by NYS Municipal Law, for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE — The authorization by the Zoning Board of Appeals, provided for by NYS Municipal Law, for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VEHICLE or AUTOMOBILE — Every vehicle operated or driven which is propelled by power other than muscular power, except:

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- Electrically driven mobility devices operated or driven by a person with a disability.
- Vehicles which run on rails or tracks.

VEHICLE SERVICE or REPAIR SHOP — A commercial establishment offering vehicle repair or maintenance services, such as adjustments, painting, replacement of parts, or other parts thereof.

VEHICLE SALES — A commercial establishment offering new or used vehicles for sale, rental, or lease, including personal vehicles, commercial vehicles, or other registered automobiles.

Ww

WINERY — An enclosed building for the manufacture, processing, bottling, and packaging of wine as defined by and duly licensed by the NYS Liquor Authority. For the purposes of this Chapter, this shall include operations which include tasting rooms.

Yy

YARD, FRONT — An open unoccupied space extending the full width of the lot between the front building line and the front lot line of the lot.

YARD, REAR — An open space extending the full width of the lot between the rear building line, including any structure attached to such building, and the rear lot line of the lot.

YARD, SIDE — An open unoccupied space extending between the side building line, including any structure attached to such building, and the side lot line of the lot, extending through from the front yard or from the front lot line where no front yard exists to the rear yard or to the rear lot line where no rear yard exists.

YARD AREA, REQUIRED — That portion of the open area of a lot extending open and unobstructed from the ground upward along a lot line for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

Zz

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ZONING BOARD OF APPEALS (ZBA) — The duly designated Zoning Board of Appeals of the City of Geneva.

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CHAPTER 350. CITY OF GENEVA ZONING CODE

DISTRICT & USE REGULATIONS

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REVISED DRAFT MAY 28, 2021

REVISION KEY:

Red text indicates new material and/or revised material from the **DECEMBER 10, 2020** Draft Code.

~~Red text with strikethroughs~~ indicates material deleted from the **DECEMBER 10, 2020** Draft Code.

PREPARED BY:

BARTON & LOGUIDICE | ROCHESTER, NY

ARTICLE 3. RESIDENTIAL DISTRICTS

§ 350-3.1 DISTRICTS ESTABLISHED

The residential districts of the City of Geneva are listed in the following table. When this zoning law refers to residential or "R" zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Low Density Residential</i>	LDR
<i>Medium Density Residential</i>	MDR
<i>Large Lot Residential</i>	LLR
<i>Mixed Residential</i>	MR

§ 350-3.2 PURPOSE STATEMENTS

A. Low Density Residential (LDR).

1. The purpose of the LDR District is to support the vision and policies contained within the City's adopted Comprehensive Plan with respect to the preservation and enhancement of Geneva's existing traditional neighborhoods. The settlement pattern of the City is generally comprised of single- and two-family neighborhoods with lot sizes under 8,000 square feet, ranging from 25 to 75 feet in width. The intent of this District is to protect the residential character and pedestrian-friendly setting of Geneva's neighborhoods, while permitting the construction and/or reconstruction of homes compatible with the traditional settlement pattern.
2. Future development and investment should reflect that of existing low density neighborhood character, generally consisting of detached dwellings, unobstructed front yards, garages setback from the street, and pedestrian-scaled streetscapes (e.g. sidewalks, street lighting, street trees, etc.).

B. Medium Density Residential (MDR).

1. The purpose of the MDR District is to protect and enhance the neighborhoods of the City of Geneva that are established with a moderately higher density than that of the LDR District. The uses and scale of development permitted within the MDR District is intended to implement the middle housing recommendations and goals outlined in the City's Comprehensive Plan.
2. The medium density neighborhoods of the City have developed organically over time to include single-, two-, and multi-family dwellings. While the density of dwellings may vary, lots maintain the low density residential character of the neighborhood with unobstructed front yard areas, garages set back from the street, and entrances fronting the street with connections to public sidewalks. Investment in the MDR District should continue to preserve the City's traditional neighborhood character, defined by well-maintained homes and pedestrian-scaled streetscapes.

C. Large Lot Residential (LLR). The purpose of the LLR District is to recognize and protect the lowest density neighborhoods within the City of Geneva, generally located at the southernmost edge of the City. This includes historic large-lot estates along Lochland Road and post-war homes along Slosson Lane, Jay Street, and Snell Road. Properties within this District are characterized by homes situated on lots larger in area and width than typically found in the LDR and MDR Districts, observing a larger front setback from the roadway. Future investment within the LLR District on undeveloped lands should be consistent with the existing single-family, large-lot settlement pattern in this District and maintain the bucolic environment. A natural, landscaped buffer shall also be provided between any new development and existing residential areas.

D. Mixed Residential (MR). The purpose of the MR District is to allow for the development of mixed density neighborhoods within the City of Geneva in accordance with the recommendations of the City Comprehensive Plan for denser, diversified residential living opportunities. Residential uses permitted in this District include single-, two-, and multi-family dwellings. The design and location of housing stock should be scaled according to the existing neighborhood context. To ensure the future design, layout, and character of the MR District is cohesive and consistent with the vision of the City of Geneva, all development and/or redevelopment proposals should seek to achieve the following:

1. Establish neighborhoods with a variety of housing types in a unique, attractive environment that is oriented toward pedestrian activity.
2. Locate residential types and densities in a manner that provides a natural transition from existing single- and two-family neighborhoods to higher density developments, community resources, and commercial centers;
3. Expand housing options for residents of all ages, incomes, and life stages;
4. Foster the compatibility of residences and other improvements through their arrangement, bulk, form, character, and landscaping;
5. Develop on- and off-site connections to nearby amenities, roadways, sidewalks, and trails;
6. Design well-configured greens, landscaped streets, greenbelts, and parks that are woven into the pattern of the neighborhood and dedicated to the social interaction, recreation, and visual enjoyment of the residents;
7. Preserve and integrate existing natural features and undisturbed areas into the open space and design of the neighborhood; and
8. Create a cohesive and interconnected traditional neighborhood development pattern throughout the entirety of the District, regardless of the sequence of proposals or project phasing.

§ 350-3.3 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a residential district without obtaining the following approvals, as required by this Chapter:

- A. **Development Plan Review.** Review and approval may be required. Refer to Article 13.
- B. **Special Use Permit.** Required as noted in §350-3.4 use table. Refer to Article 14 for review and application procedures.
- C. **Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to Article 15 for review and application procedures.

§ 350-3.4 USE LISTS

Uses are allowed in residential districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see Article 14 for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.

LAND USE	LDR	MDR	LLR	MR	ADDITIONAL REGULATIONS
RESIDENTIAL					
Single- or Two-Family Dwelling	P	P	P	P	-
Multi-Family Dwelling, By Conversion	-	SP	-	SP	§350-7.14
Multi-Family Dwelling, Up to 6 Units	-	P	-	P	§350-7.14
Multi-Family Dwelling, 7 to 12 Units	-	-	-	P	§350-7.14
Multi-Family Dwelling, Over 12 Units	-	-	-	SP	§350-7.14
Fraternity or Sorority House	-	SP	SP	SP	-
Bed and Breakfast or Short-Term Rental	SP	SP	SP	SP	§350-7.7 & 7.18
Home Occupation (including Day Care)	P	P	P	P	§350-7.12
Hospice, Nursing Home, or Assisted Living	-	SP	-	SP	-

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LAND USE	LDR	MDR	LLR	MR	ADDITIONAL REGULATIONS
COMMERCIAL					
Day Care Center, Child or Adult	-	-	-	SP	§350-7.8
Dance, Art, Music, or Photo Studio	SP ¹	SP ¹	-	-	-
Office, Administrative or Professional	-	SP	-	SP	-
OTHER					
Agricultural Operation	-	-	P	-	-
Community or Service Club	-	SP	-	SP	-
Cultural Facility, such as Museum	-	-	P	-	-
Municipal Structure or Use	-	SP	-	SP	-
Place of Worship	P	P	P	P	-
Public Park or Playground	P	P	P	P	-
School, Public or Private	P	P	P	P	-
Telecommunications Facility	-	-	-	-	-
ACCESSORY					
Accessory Use or Structure	P	P	P	P	§350-7.4
Accessory Dwelling Unit	SP	SP	SP	SP	§350-7.3
Keeping of Animals	SP	SP	SP	-	§350-7.13

§ 350-3.5 DIMENSIONAL REQUIREMENTS

	LDR	MDR	LLR ³	MR
MIN LOT SIZE				
Residential	4,000 sf	3,000 sf	20,000 sf	2,500 sf
	-	-	-	-
Nonresidential Use	15,000 sf	12,000 sf	20,000 sf	5,000 sf
MIN LOT WIDTH				
Residential Use	40 ft	40 ft	100 ft	30 ft
Nonresidential Use	40 ft	40 ft	100 ft	30 ft
MIN FRONT SETBACK				
Primary Structure	15 ft ²	10 ft ²	40 ft	5 ft ²
Fronting S Main Street or Lochland Road	-	-	-	100 ft
MIN SIDE SETBACK				
Primary Use or Structure	5 ft	5 ft	20 ft	5 ft
Accessory Use or Structure	5 ft	3 ft	15 ft	3 ft
MIN REAR SETBACK				
Primary Use or Structure	30 ft	30 ft	30 ft	20 ft
Accessory Use or Structure	5 ft	3 ft	15 ft	3 ft

NOTES: (1) The notation "sf / unit" indicates square feet per dwelling unit.
(2) Or the average between developed lots adjacent to the property in question.
(3) Additional dimensional requirements may be determined as part of development Plan review. This process shall be governed by the goal of creating an environment consistent with existing land use patterns and density, encouraging compatibility with residential properties within the district, and with the general purpose of this district.

§ 350-3.6 BULK REQUIREMENTS

	LDR	MDR	LLR ³	MR
MAX BUILDING HEIGHT				
<i>Primary Structure</i>	35 ft ¹ (2.5 stories)	35 ft ¹ (2.5 stories)	35 ft ¹ (2.5 stories)	45 ft ¹ (3 stories)
<i>Accessory Structure</i>	12 ft ²	12 ft ²	12 ft	12 ft ²
MAX LOT COVERAGE				
<i>Gross Impervious Surface</i>	30%	30%	30%	35%

- NOTES:**
- (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
 - (2) No accessory structure may exceed the height of the primary structure on the lot.
 - (3) Additional dimensional requirements may be determined as part of **development plan** review. This process shall be governed by the goal of creating an environment consistent with existing land use patterns and density, encouraging compatibility with residential properties within the district, and with the general purpose of this district.

ARTICLE 4. BUSINESS DISTRICTS

§ 350-4.1 DISTRICTS ESTABLISHED

The business districts of the City of Geneva are listed in the following table. When this zoning law refers to business or "B" zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Gateway Business</i>	GB
<i>Neighborhood Business</i>	NB
<i>Central Business</i>	CB
<i>Central Business – 5 Story</i>	CB-5

§ 350-4.2 PURPOSE STATEMENTS

- A. Gateway Business (GB).** The purpose of the GB District is to support the goals, objectives, and policies contained in the City's Comprehensive Plan. More specifically, the GB District is intended to foster the redevelopment of low density, auto-oriented areas into active and dense corridors that serve as more attractive entrances to the City. This may include a wide variety and/or mix of uses including residential, commercial, and light industrial activity that serve the daily needs of local residents and the traveling public. In order to accomplish this, the GB District regulates the location, design and use of structures and land to emphasize and redefine the streetscape in a manner that promotes the traditional character, walkability, and human-scale exemplified elsewhere in the City, while accentuating the corridor's presence as a gateway to Geneva.
- B. Neighborhood Business (NB).** The purpose of the NB District is to provide for the development of small-scaled retail and service stores in areas adjacent to or surrounded by established residential neighborhoods, and to support the vision and goals contained in the City's Comprehensive Plan. Investment permitted in the NB District shall be compatible with the scale and walkability of neighborhoods and shall not negatively impact their residential character. The intent of this District is to accommodate shops and services that meet the needs of residents while enhancing the walkability of the community and preserving the City's traditional residential development pattern.
- C. Central Business (CB).** The purpose of the CB District is to identify the traditional, mixed-use core of the City of Geneva and support investment that is consistent with the vision and goals of the City's Comprehensive Plan. Not only does the CB District encompass much of the historic center of the City, but also includes the surrounding neighborhoods and parcels that contribute to Geneva's downtown character. The intent of the CB District is to foster higher density, mixed-use developments that provide a variety of shopping, service, and living opportunities consistent with the pedestrian-oriented and historic character of the Main, Castle, and Exchange Street areas. In order to accomplish this, regulations on the location, design and use of structures or land will be employed to foster a desirable concentration of activities and amenities, creating a comfortable environment for visitors arriving by foot, bicycle, or motor vehicle. The CB District will also serve to support the continued

development of downtown as the civic, cultural, and governmental center to the City.

- D. **Central Business – 5 Story (CB-5).** The purpose of the CB-5 District is to designate the areas of the CB District in which a maximum building height of up to five stories is permissible. This is intended to recognize the highest density core of the CB District area, where four and five story structures already exist and may be desirable with future infill or redevelopment opportunities.

§ 350-4.3 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a business district without obtaining the following approvals, as required by this Chapter:

- A. **Development Plan Review.** Review and approval may be required. Refer to **Article 13**.
- B. **Special Use Permit.** Required as noted in §350-4.4 use table. Refer to **Article 14** for review and application procedures.
- C. **Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to **Article 15** for review and application procedures.

§ 350-4.4 USE LISTS

Uses are allowed in business districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see **Article 14** for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.
- E. In the GB District it may be permissible to locate more than one primary structure or use on a lot, provided the location and arrangement of such uses is approved as part of **development plan** review.

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LAND USE	GB	NB	CB, CB-5	ADDITIONAL REGULATIONS
RESIDENTIAL				
Single- or Two-Family Dwelling	-	P	-	-
Multi-Family Dwelling, Up to 6 Units	P	P	P	§350-7.14
Multi-Family Dwelling, 7 to 12 Units	P	-	P	§350-7.14
Multi-Family Dwelling, Over 12 Units	SP	-	SP	§350-7.14
Bed and Breakfast or Short-Term Rental	P	SP	P	§350-7.7 & 7.18
Home Occupation	P	P	P	§350-7.12
Upper-Floor Dwelling Units or Lofts	P	P	P	-
COMMERCIAL				
Animal Grooming Shop	P	P ¹	P	§350-7.6
Dance, Art, Music, or Photo Studio	P	P ¹	P	-
Day Care Center, Child or Adult	P	P	P	§350-7.8
Financial Institution	P	P ¹	P	-
Funeral Home or Parlor	SP	SP	-	-
Gasoline Service Station	SP	-	-	§350-7.11
Gym or Fitness Club	P	P ¹	P	-
Hotel or Inn	P	-	P	-
Laundromat or Dry Cleaner	P	P ¹	P	-
Office, Administrative or Professional	P	P	P	-
Office or Clinic, Medical	P	SP	P	-
Personal Service Shop or Spa	P	P ¹	P	-
Recreation or Entertainment Facility, Indoor	P	SP	P	-
Repair or Service of Personal Items	P	P ¹	P	-
Restaurant or Tavern	P	SP	P	§350-7.17
Retail Store	P	SP	P	-
Vehicle Sales, Service, or Repair Shop	SP	-	-	§350-7.23
Veterinary Clinic	P	SP	SP	§350-7.6
Winery, Brewery or Distillery	P	-	P	§350-7.22
OTHER				
Municipal Structure or Use	P	P	P	-
Museum or Library	P	P	P	-
Community or Service Club	P	P	P	-
Place of Worship	P	P	P	-
Public Park or Playground	P	P	P	-
School, Public or Private	SP	SP	SP	-
Telecommunications Equipment	SP	SP	SP	§350-7.20
Mix of Uses in a Single Structure or Lot	Refer to Each Use			
Permitted Uses Over 2,000 Square Feet	N/A	SP	N/A	-
ACCESSORY				
Accessory Use or Structure	P	P	P	§350-7.4
Accessory Dwelling Unit	-	SP	-	§350-7.3
Drive-Through Facility	P	-	SP	§350-7.9
Outdoor Assembly or Seating Area	P	SP	P	§350-7.15
Outdoor Sales, Display, or Storage Area	P	P	P	§350-7.15
Temporary Storage Unit	P	P	P	§350-7.21

NOTE: (1) Provided the use occupies a gross floor area of no more than 2,000 square feet.

§ 350-4.5 DIMENSIONAL REQUIREMENTS

	GB	NB	CB, CB-5
MIN LOT SIZE			
Residential	5,000 sf	5,000 sf	5,000 sf
Nonresidential Use	15,000 sf	8,000 sf	DPR ²
MIN LOT WIDTH			
	50 ft	50 ft	-
FRONT SETBACK			
Minimum	20 ft	10 ft	0 ft
Maximum	50 ft	30 ft	10 ft
MIN SIDE SETBACK			
Primary Use or Structure	10 / 15 ft ³	5 / 10 ft ³	DPR ²
Accessory Use or Structure	5 ft	5 ft	DPR ²
MIN REAR SETBACK			
Primary Use or Structure	25 / 35 ft ³	20 / 30 ft ³	DPR ²
Accessory Use or Structure	5 ft	5 ft	DPR ²

NOTES: (1) The notation "sf / unit" indicates square feet per dwelling unit.
 (2) DPR indicates requirement to be determined in development plan review.
 (3) The larger requirement shall apply to nonresidential uses adjacent to a residential use or district.

§ 350-4.6 BULK REQUIREMENTS

	GB	NB	CB	CB-5
MAX BUILDING HEIGHT				
Primary Structure	45 ft ¹ (3 stories)	35 ft ¹ (2.5 stories)	45 ft ¹ (3 stories)	65 ft ¹ (5 stories)
Accessory Structure	20 ft ²	15 ft ²	18 ft ²	20 ft ²
MIN BUILDING HEIGHT				
Primary Structure	30 ft ¹ (2 stories)	-	30 ft ¹ (2 stories)	30 ft ¹ (2 stories)
MAX BUILDING FOOTPRINT				
Per Individual Building Section (For new construction only)	-	5,000 sf ³	8,000 sf ³	8,000 sf ³
MAX LOT COVERAGE				
Gross Impervious Surface	60%	40%	-	-

NOTES: (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
 (2) No accessory structure may exceed the height of the primary structure on the lot.
 (3) An individual building section shall be considered a structure built to stand alone and/or connect to adjacent structures such as a wing or addition adjoined via a fire wall, breezeway, or other structural element providing for the articulation of the primary structure(s) to appear as a smaller scale.

ARTICLE 5. MIXED USE DISTRICTS

§ 350-5.1 DISTRICTS ESTABLISHED

The mixed use districts of the City of Geneva are listed in the following table. When this zoning law refers to mixed use or "MU" zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Mixed Use - Hospitality</i>	MU-H
<i>Mixed Use - Campus</i>	MU-C
<i>Mixed Use - Industry</i>	MU-I

§ 350-5.2 PURPOSE & INTENT

- A. Mixed Use - Hospitality (MU-H).** Due to the location of MU-H District areas at the southern border of the City and along the Seneca Lake waterfront, they serve as a gateway to Geneva and transition to the heart of Finger Lakes Wine Country. The purpose of the MU-H District is to capitalize on its location and provide a variety of hospitality uses, such as hotels, restaurants, and entertainment establishments that support the local tourism industry. It is important that development within the MU-H District respect the Seneca Lake viewsheds and utilize sustainable development practices compatible with the character of the lakefront corridor. Buildings should be set back from the roadway, built into the landscape, and oriented to address the waterfront as well as entrances from the street. The scale, design, and intensity of use should be evaluated for all investment proposals to ensure consistency with the City's desired land use character and context as identified in its Comprehensive Plan.
- B. Mixed Use Campus (MU-C).** The purpose of the MU-C District is to support and enhance the City's major community service centers, including Geneva City Schools, Cornell AgriTech, Geneva General Hospital and Hobart and William Smith Colleges, in accordance with the vision and goals of the City's Comprehensive Plan. The intent of this District is to permit a mix of residential, commercial, and institutional uses that are supportive not only of the medical or educational facilities located within the District, but also the greater Geneva community and resident quality of life. Development within this District should be campus-style in design and layout, and should facilitate internal pedestrian and bicyclist circulation systems that are linked to the City's larger multi-modal transportation network.
- C. Mixed Use - Industry (MU-I).** The purpose of the MU-I District is to foster the transformation of industrial areas into vibrant, viable economic centers. While the presence of industrial operations once served as an important facet of Geneva's economy, the viability of large-scale, stand-alone industrial operations has declined in response to changing markets and technology. This District is intended to support the vision and recommendations of the City's Comprehensive Plan by allowing for creative redevelopment and investment efforts that cultivate increased employment opportunities. Development proposals will be evaluated based on the standards of this District and their ability to achieve the following:

1. Foster an innovative, culturally vibrant character within the District;
2. Contribute to the local economy and provide goods, services, jobs, or other resources to Geneva residents and visitors;
3. Capitalize on opportunities to rehabilitate vacant or underutilized spaces within the District; and
4. Continue to support large-scale industry and commerce provided that such uses operate in a manner that protects and maintains the health, safety, welfare, and quality of life of adjacent neighborhoods.

§ 350-5.3 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a mixed use district without obtaining the following approvals, as required by this Chapter:

- A. **Development Plan Review.** Review and approval may be required. Refer to [Article 13](#).
- B. **Special Use Permit.** Required as noted in §350-5.4 use table. Refer to [Article 14](#) for review and application procedures.
- C. **Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to [Article 15](#) for review and application procedures.

§ 350-5.4 USE LISTS

Uses are allowed in mixed use districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see [Article 14](#) for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.
- E. In the mixed use districts it may be permissible to locate more than one primary structure or use on a lot, provided the location and arrangement of such uses is approved as part of [development plan](#) review.

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LAND USE	MU-H	MU-C	MU-I	ADDITIONAL REGULATIONS
RESIDENTIAL				
Single- or Two-Family Dwelling	-	P	-	-
Multi-Family Dwelling or Dormitory, Up to 12 Units	P	P	-	§350-7.14
Multi-Family Dwelling or Dormitory, Over 12 Units	-	SP	-	§350-7.14
Fraternity or Sorority House	-	SP	-	-
Live/Work Unit	-	P	P	-
Home Occupation	P	P	-	§350-7.12
Upper-Floor Dwelling Units or Lofts	P	P	P	-
COMMERCIAL				
Adult Use	-	-	SP	§350-7.5
Airport	-	-	SP	-
Dance, Art, Music, or Photo Studio	P	P	P	-
Day Care Center, Child or Adult	P	P	P	§350-7.8
Financial Institution	P	-	-	-
Gym or Fitness Club	-	P	P	-
Hotel or Inn	P	SP	-	-
Marina	P	-	-	-
Office, Administrative or Professional	-	P	P	-
Office or Clinic, Medical	-	P	P	-
Personal Service Shop or Spa	P	-	-	-
Recreation or Entertainment Facility, Indoor	P	P	P	-
Recreation or Entertainment Facility, Outdoor	SP	SP	-	§350-7.16
Repair or Service of Personal Items	P	-	P	-
Restaurant	P	SP	-	§350-7.17
Tavern	P	-	-	§350-7.17
Retail Store	P	-	-	-
Veterinary Clinic	-	P	P	§350-7.6
Winery, Brewery or Distillery	P	-	P	§350-7.22
INDUSTRIAL ¹				
Manufacturing, Processing, or Fabrication Facility	-	-	P	-
Research and Development Facility or Laboratory	-	P	P	-
Packaging or Assembly of Products	-	-	P	-
Printing or Publishing Operations	-	P	P	-
Industrial Equipment Sales, Service, or Repair	-	-	P	-
Warehouse, Storage Facility	-	SP	P	-

- Table Continued on Next Page -

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LAND USE	MU-H	MU-C	MU-I	ADDITIONAL REGULATIONS
OTHER				
Community or Service Club	P	P	P	-
Municipal Structure or Use	P	P	P	-
Museum or Library	P	P	-	-
Place of Worship	P	P	-	-
Public Park or Playground	P	P	P	-
School, Public or Private	-	P	P	-
Telecommunications Equipment	SP	SP	SP	§350-7.20
Mix of Uses in a Single Structure or Lot	Refer to Each Use			
ACCESSORY				
Accessory Use or Structure	P	P	P	§350-7.4
Drive-Through Facility	-	SP	SP	§350-7.9
Keeping of Animals	-	-	SP	§350-7.13
Outdoor Assembly or Seating Area	P	P	P	§350-7.15
Outdoor Sales, Display, or Storage Area	P	P	P	§350-7.15
Temporary Storage Unit	P	P	P	§350-7.21

NOTE: (1) No industrial use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light, or any combination of the above, which is dangerous and prejudicial to the public health, safety and general welfare shall be permitted

§ 350-5.5 DIMENSIONAL REQUIREMENTS

	MU-H	MU-C	MU-I
MIN LOT SIZE			
Single- or Two-Family Dwelling	-	6,000 sf	-
Multi-Family Dwelling	1,000 sf / unit ¹	1,500 sf / unit ¹	-
Nonresidential Use	15,000 sf	20,000 sf	20,000 sf
MIN LOT WIDTH			
Residential Use	40 ft	50 ft	-
Nonresidential Use	60 ft	75 ft	80 ft
MIN FRONT SETBACK			
Primary Structure	DPR ²	DPR ²	DPR ²
Fronting S Main Street or Lochland Road	150 ft	-	-
MIN SIDE SETBACK			
	DPR ²	DPR ²	DPR ²
MIN REAR SETBACK			
	DPR ²	DPR ²	DPR ²

NOTES: (1) The notation "sf / unit" indicates square feet per dwelling unit.
(2) DPR indicates requirement to be determined in development plan review.

§ 350-5.6 BULK REQUIREMENTS

	MU-H	MU-C	MU-I
MAX BUILDING HEIGHT			
<i>Primary Structure</i>	40 ft ¹ (3 stories)	50 ft ¹ (4 stories)	40 ft ¹ (3 stories)
<i>Accessory Structure</i>	12 ft ²	20 ft ²	20 ft ²
MAX LOT COVERAGE			
<i>Gross Impervious Surface</i>	DPR ³	DPR ³	DPR ³
MIN OPEN SPACE			
<i>Share of Lot Area</i>	30%	-	30%

- NOTES:** (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
 (2) No accessory structure may exceed the height of the primary structure on the lot.
 (3) DPR indicates requirement to be determined in development plan review.

ARTICLE 6. SPECIAL PURPOSE DISTRICTS

§ 350-6.1 DISTRICTS ESTABLISHED

The special purpose districts of the City of Geneva are listed in the following table.

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Historic Overlay</i>	HO
<i>Open Space</i>	OS
<i>Agricultural Technology</i>	AT

§ 350-6.2 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished or use established within a special purpose district without obtaining the following approvals, as required by this Chapter:

- A. Development Plan Review.** Review and approval may be required. Refer to [Article 13](#).
- B. Special Use Permit.** Required as noted in the applicable district use table. Refer to [Article 14](#) for review and application procedures.
- C. Certificate of Appropriateness.** Required where subject property is located in the Historic Overlay (HO) District. Refer to [Article 15](#) for review and application procedures.

§ 350-6.3 HISTORIC OVERLAY (HO) DISTRICT

- A. Purpose.** The purpose of the Historic Overlay (HO) District is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and utilization of buildings, structures, signs, features, improvements, sites, and areas within the City that reflect special elements of the City's historical, architectural, cultural, economic or aesthetic heritage. The intent of the HO District is to achieve the following objectives:
 - 1. To foster public knowledge, understanding, and appreciation of the historical and architectural character of the City and in the accomplishments of its past;
 - 2. To ensure the harmonious, orderly, and efficient development of the City;

3. To enhance the visual character of the City by encouraging new design and construction that complements the City's buildings;
 4. To protect and promote the economic benefits of historic and architectural preservation to the City, its inhabitants and visitors;
 5. To protect property values in the City;
 6. To promote and encourage continued private ownership and stewardship of historic buildings within the City;
 7. To identify as early as possible and resolve conflicts between the preservation of buildings and structures in the City and alternative land uses; and
 8. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.
- B. Applicability.** The regulations of this section shall hereby apply to all buildings, structures, and lots within the HO Districts. The HO Districts established under this zoning code shall consist of the following historic districts and/or properties as listed on the State and National Registers of Historic Places, as recognized by local law or declaration, and as identified on the official City of Geneva Zoning Map.
1. South Main Street – Pulteney Park Historic District;
 2. Genesee Park Historic District; and
 3. The individual properties listed below.
 - a) Thomas Folger House - 105 Jay Street;
 - b) Ashcroft House - 112 Jay Street;
 - c) Douglas-Blackwell House - William Smith College Campus
 - d) Van Brent-Foote (DeLancey) House - 46 DeLancey Drive
 - e) Greek Revival House - 273 Washington Street
 - f) Greek Revival House - 226 Washington Street
 - g) Greek Revival House - 218 Washington Street
 - h) Victorian Eclectic House - 210 Washington Street i)
 - Federal Three-Bay House - 508 Washington Street j)
 - Greek Revival House - 143 William Street
 - k) Greek Revival House - 96 Pulteney Street
 - l) Greek Revival House - 92 Pulteney Street
 - m) Geneva Women's Club - 336 South Main Street
 - n) Baldrige House - 196 Genesee Street

- o) Simpson House - 34 Elmwood Place
 - p) Former Smith Nursery Office - 580 Castle Street
 - q) Parrott Hall - 643 North Street
 - r) Gothic House - 165 Washington Street
 - s) The Smith Observatory – 618 Castle Street
 - t) The Smith Opera House for the Performing Arts - 82 Seneca Street
- C. Conflict of Provisions.** For the purposes of this Chapter, the HO District shall be considered an overlay district, or district imposing additional regulation and/or review to those of the underlying zoning district(s). Where the regulations of the HO District are in conflict with that of the underlying district, the HO District regulations shall take precedence.
- D. Use, Dimensional, and Bulk Regulations.** The use, dimensional, and bulk regulations of the underlying zoning districts shall apply to all uses, buildings, and lots of the HO District as provided thereto.
- E. Certificate of Appropriateness Required.**
- 1. A certificate of appropriateness shall be required for the construction or exterior alteration of any building, structure, or architectural feature in the HO District that is, in any respect, visible from a public street, park, or any other public or private space that is accessible to the public.
 - 2. The CEO shall not issue a building permit until a certificate of appropriateness has been issued by the Commission where required by this Chapter.

§ 350-6.4 OPEN SPACE (OS) DISTRICT

- A. Purpose.** The purpose of the Open Space (OS) District is to preserve and enhance the City's open spaces, natural areas, and parks by restricting development that would not otherwise be compatible with or respect the natural environment. The intent of this District is to ensure ample passive and active recreational opportunities for residents and visitors and to identify areas of valued green space.
- B. Applicability.** Areas applicable to and designated under the OS District include, but are not limited to, privately or publicly owned parkland and recreational facilities, farmland, woodlots, wetlands, environmentally sensitive areas, and otherwise undeveloped lands.
- C. Use List.** Uses are allowed in the OS District in accordance with the following table.
- 1. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
 - 2. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see [Article 14](#) for review and application procedures).
 - 3. Uses identified with a "-" are expressly prohibited.

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4. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.

LAND USE	OS DISTRICT	ADDITIONAL REGULATIONS
RECREATIONAL		
Park or Playground	P	-
Recreation Facility, Outdoor	SP	§350-7.16
Recreation Facility, Indoor	P	-
OTHER		
Band Shell or Outdoor Theater, Excluding Drive-In	SP	-
Botanical Garden, Arboretum, or Conservatory	P	-
Cemetery	P	-
Cultural Facility, such as a Museum or Observatory	SP	-
Educational Institution	SP	-
Natural Wildlife or Open Space Area	P	-
Parking Lot, as Primary Use	SP	-
ACCESSORY		
Accessory Structure or Use	P	§350-7.4
Concessions or Other Retail Operation	SP	-
Telecommunications Equipment	SP	§350-7.20
Temporary Storage Unit	P	§350-7.21

D. Dimensional & Bulk Requirements.

REQUIREMENT	OS DISTRICT
MIN LOT SIZE OR WIDTH	-
MIN FRONT SETBACK	10 ft
MIN SIDE SETBACK	10 ft / 30 ft ¹
MIN REAR SETBACK	20 ft / 40 ft ¹
MAX BUILDING HEIGHT	30 ft
MAX LOT COVERAGE	15%
Gross Impervious Surface	15%

NOTE: (1) The larger requirement shall apply to nonresidential uses adjacent to a residential use or district.

§ 350-6.5 AGRICULTURAL TECHNOLOGY (AT) DISTRICT

- A. Purpose.** This district is created to recognize the economic development opportunities of the proposed Cornell Agriculture and Food Technology Park on the

grounds of Cornell AgriTech. The district is intended to facilitate the reconfiguration of the AgriTech campus, and to promote the orderly, rational, and predictable development of the proposed Cornell Agriculture and Food Technology Path and its lessees while protecting surrounding residential and commercial uses from the impacts of technology park uses and expansion. These objectives are derived from the larger goal of conserving the value of land and buildings in the City of Geneva, and thus protecting the City's tax base. Regardless of any specific mention in the permitted uses below, the permitted and special permit uses are to be intrinsically related to the purpose and mission of the Cornell Agriculture and Food Technology Park Corp., AgriTech, or related activities of its parent institution, Cornell University.

B. Permitted Uses.

1. Agricultural uses, such as greenhouses, but excluding facilities for livestock, and excluding (on-site) outdoor crop cultivation, subject to the nuisance regulations stipulated herein.
2. Facilities intended for production or light assembly and warehousing of agricultural and food products and bio-based products produced by plants and microorganisms, for testing or distribution, excluding prohibited industrial uses listed in §350-5.4, note 1, and subject to the nuisance regulations of this section.
3. Laboratories and related facilities intended for basic and applied research, development of technology-based products and services, or testing of technology-based products and services.
4. Offices.
5. Public, private, and charitable agriculture-related and food technology-related research and educational facilities, and agricultural and food service organizations and consultants, as well as biotechnology research leading to bio-based products produced by plants and microorganisms.
6. Public utility services for the immediate vicinity, including only minor structures not more than 500 square feet in area.
7. Technology-dependent and/or computer-based facilities dedicated to the processing of data or analysis of information, provided that these information services support on-site research or product development.

C. Specially Permitted Uses.

1. Garages or storage buildings or sheds.
2. Services and retail uses incidental to, and in support of, the permitted uses such as limited food-service facilities in support of principal permitted uses, conference centers, day-care facilities and athletic facilities, provided that these uses are in support of a permitted principal use, but in no case larger than 2,000 square feet.
3. Uses similar in purpose and scale to those permitted, but not specifically identified, subject to confirmation by the Planning Board.

D. Accessory Uses and Structures.

1. Off-street parking, subject to the requirements of Articles 8 and 9 of this Chapter.
2. No farm or agriculture-related vehicle or equipment (including tractors, cultivators, sprayers, and similar equipment) may be parked in this district.

E. Prohibited Uses. Uses not explicitly listed herein are prohibited.

F. Dimensional Requirements.

1. Where the AT District abuts an adjacent district (other than Cornell AgriTech) on a side or rear lot line, the minimum setback shall be 150 feet.
2. Where the AT District abuts Cornell AgriTech, on a side or rear lot line, the minimum setback shall be 10 feet.
3. Where the AT District abuts a public right-of-way, excluding the interior roads (both public and private) and driveways of Cornell AgriTech, the minimum setback shall be 75 feet.
4. The minimum setback for interior public roads, excluding roads or driveways at Cornell AgriTech, shall be 40 feet from the right-of-way.
5. Buildings situated along interior public roads, with the exception of the northernmost entry road, shall, to the extent practicable, be situated such that the fronts of the buildings are aligned with the roadway and with other buildings facing that roadway.
6. The maximum height shall be 35 feet including any stacks, airhandling units or other building appurtenances.
7. Additional dimensional requirements may be determined as part of the **development plan** review process. This process shall be governed by the goal of creating a campus environment consistent with existing land use patterns and density and with the purpose of this district.

G. Development Plan Review.

1. **Development plan** review shall be required as provided in **Article 13**.
2. The Cornell Agriculture and Food Technology Park shall submit a campus plan indicating current and proposed uses, including a **development plan** showing intended ingress and egress, internal parking and traffic circulation, and proposed building sites, to City Council and shall file this plan with the City Clerk. Permit applications for uses that are not in keeping with the plan shall require the Cornell Agriculture and Food Technology Park to revise the plan on file.
3. In addition to the applicable design guidelines, buildings must comply with the following regulations. Should any requirements of **this Chapter** conflict with the provisions of this section, those of this section shall apply.

4. Buildings should be compatible and harmonious with those existing, not by mimicking the architectural style or building materials, but by compatibility of styles, materials, shape, height, massing, orientation, and siting.
5. Buildings shall be constructed of substantial and permanent materials. Materials shall be sufficiently durable and low maintenance and have a reasonable life span. The use of masonry materials, such as brick, precast panels, and exterior insulation and finish systems, shall be strongly encouraged.
6. Buildings should be well-designed and visually interesting in terms of both massing and detail.
7. Unfenestrated walls are not permitted and shall be disallowed by the Planning Board during architectural review.
8. Stepped-back buildings and modulated rooflines are encouraged.
9. Flat roofs are not permitted.
10. Building entries shall be clearly visible and readily obvious to the first-time visitor.
11. Prefabricated metal buildings are only permitted if applicant meets other architectural requirements for 350-6.5 H and building design has been reviewed and recommended by Cornell AgriTech.
12. Use of extensive landscaping shall be encouraged in order to screen and buffer the buildings and parking areas, and any lighting in and around same, from adjacent residential areas.

H. Off-Street Parking.

1. The number, arrangement, and buffering for off-street parking spaces shall comply with the applicable parking and loading requirements specified in Article 8 of this Chapter, or in the alternative, a parking plan may be submitted per the requirements of the Urban Land Institute Standards for research and development parks, subject to the approval of the Planning Board.
 2. No contiguous surface parking area shall exceed 10,000 square feet without being subdivided by landscaped islands at intervals of no more than 300 feet.
 3. Parking areas within required setbacks shall be screened from the street and from adjacent properties by a landscaped berm between 36 and 42 inches high and no less than six feet wide. Larger berms are permitted with approval from the Planning Board.
- I. Signs.** Signs shall not be erected without first obtaining a permit in accordance with Article 11 of this Chapter and shall comply with the following requirements:
1. Coordinated Sign Plan. A coordinated signage plan for the Cornell Agriculture and Food Technology Park is required, subject to the approval of the Planning

Board. Signage shall be consistent throughout the Cornell Agriculture and Food Technology Park and consistent with said plan.

2. Permitted materials are wood, stone, etched brass, and enameled metal.

J. **Fences and Landscaping.** Fences, landscaping and buffering shall comply with all applicable requirements specified in this Chapter.

K. **Storage Areas.** Storage areas shall comply with the following requirements:

1. All storage, including that for waste products (i.e., sanitation dumpsters, recycling collection points), shall be within completely enclosed buildings or effectively screened with visually opaque screening not less than eight feet, nor more than eight feet, in height, and no storage shall exceed the height of such screening.
2. Storage areas and the required enclosure shall be in accordance with all setback requirements.
3. Storage areas may not be located in front of a primary structure.

L. **Lighting.** Lighting design shall comply with the requirements of §350-10.9, in addition to the following:

1. A coordinated lighting plan for the campus is required, subject to the approval of the Planning Board. Lighting shall be consistent throughout the park and consistent with said plan.
2. Exterior offset illumination of facades and landscape elements is encouraged. However, any building or landscape illumination should be directed so that there is no overspill to adjacent buildings or properties.
3. The placement of freestanding lighting fixtures shall be in accordance with all required setbacks.

M. **Performance Standards.** All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive condition, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, glare, or night illumination, or any other adverse impact on public health. Prior to issuance of a building permit or a certificate of occupancy, the Code Enforcement Officer may require evidence that adequate measures have been provided to protect the public health, comfort, convenience, safety, and general welfare from any such nuisance, hazard, or offensive condition. If required, said evidence shall include specific documentation of compliance with:

1. Chapter 232, Noise, and the maximum permissible sound levels specified therein;
2. Chapter 294, Smoke Abatement, and the maximum permissible smoke emissions specified therein;
3. Chapter 277, Sanitary Sewers, and the applicable Federal Categorical Pretreatment Standards, as well as any additional local discharge limitations

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(prior to disposal, all drain-disposable wastes must be treated for disposal consistent with these regulations);

4. The Resource Conservation and Recovery Act [42 U.S.C. 6901 et seq. (1976)], if hazardous waste regulated by the Environmental Protection Agency is used or generated;
5. Applicable requirements for proper deactivation, recycling or disposal, if waste is not regulated by the Environmental Protection Agency, but poses a potential threat to human health and natural environment as generated; and
6. All other local, state and federal regulations as may be applicable.

ARTICLE 7. ADDITIONAL USE REGULATIONS

§ 350-7.1 PURPOSE & INTENT

- A. **Purpose.** This Article provides additional regulations for uses that are generally considered to have a higher potential for incompatibility with residential or low impact commercial uses without proper mitigation measures. The purpose of the regulations contained herein is to promote the health, safety, and general welfare of the public, while also protecting property values and the character of the immediate neighborhood and greater Geneva community.
- B. **Intent.** These regulations are intended to mitigate the potentially undesirable impacts of certain uses, which by reason of nature or manner of operation, are or may become hazardous, obnoxious, or offensive owing to excessive and undue increases in the production and presence of odors, dust, smoke, fumes, noise, vibrations, refuse matter, vehicular traffic, or human activity.

§ 350-7.2 APPLICABILITY

- A. The following requirements are applicable to all uses, permitted (P) and specially permitted (SP), as noted in the use tables of Articles 3, 4, 5, and 6 of this Chapter.
- B. Specially permitted uses must obtain a special use permit and **development plan** review in accordance with **Articles 13 and 14**.
- C. Permitted uses do not require a special use permit. However, uses permitted as-of-right must obtain **development plan** review approval in accordance with **Article 13** and conform to the additional use requirements of this Article, where applicable.
- D. Should the additional use regulations of this Article conflict with other requirements of this Chapter, the regulations contained herein shall take precedence.

§ 350-7.3 ACCESSORY DWELLING UNITS

- A. **Purpose.** The purpose of regulating accessory dwelling units is to:
 - 1. Create new housing units while respecting the design and scale of low density residential neighborhoods;
 - 2. Increase the housing stock of existing neighborhoods in a manner that is less intense than multi-family dwelling alternatives;
 - 3. Provide a broader range of affordable housing options that respond to changing family and household needs; and
 - 4. Offer a means for residents to remain in their homes and neighborhoods while also obtaining extra income, security, companionship, and/or services.

B. General Requirements.

1. An accessory dwelling unit (ADU) may be allowable as an accessory use to a single-family dwelling. There shall be no more than one ADU per primary use.
2. No ADU shall be permitted on a nonconforming lot or within a nonconforming principal or accessory structure.
3. ADUs may be allowed within the principal structure under the following conditions:
 - a) The principal structure is at least 2,000 square feet in habitable floor area.
 - b) The ADU entrance is located on the side or rear façade of the principal structure.
4. ADUs may be allowed in a detached garage or other accessory structure under the following conditions:
 - a) The garage or accessory structure is located in the rear yard and is at least 500 square feet in habitable floor area.
 - b) The ADU is maintained as an accessory use and under no circumstances may be subdivided from the lot containing the principal use.
5. An ADU shall be a complete, separate housekeeping unit containing both a legal kitchen and bath and must meet NYS Uniform Building and Fire Prevention Code requirements. No ADU shall include more than two bedrooms.
6. No ADU shall be permitted if an existing approved driveway cannot accommodate at least one off-street parking space, in addition to the parking spaces required for the primary use.
7. The construction, modification, addition, or demolition of an ADU shall not discernably alter the single-family residential character of the lot or structure located thereon.
8. ADUs may be subject to an annual inspection by the CEO to ensure compliance with the requirements of this Chapter and all other local, regional, or state laws, rules, and regulations.

C. Owner-Occupancy Requirements.

1. At least one of the dwelling units is required to be occupied by the property owner and maintained as their primary residence.
2. The property owner shall sign an affidavit before a notary public affirming that the property is their primary residence. Such affidavit shall be submitted to the CEO. Upon sale of the property, a new owner shall be required to sign and submit a new affidavit within 30 days of the close of sale.
3. The individual sale of any ADU apart from the principal use is strictly prohibited.

§ 350-7.4 ACCESSORY USES & STRUCTURES

Accessory uses and structures are allowed in any zoning district in connection with any principal use lawfully existing within such district as noted in Articles 3, 4, 5, and 6 of this Chapter. All accessory uses and structures shall conform to the following requirements.

A. General Requirements. Accessory uses and structures shall:

1. Be subject to the issuance of a Certificate of Appropriateness from the Historic Districts and Structures Commission when located within the Historic Overlay District.
2. Be clearly incidental and subordinate to the primary structure or use by height, area, extent, and purpose;
3. Not be located in any required front yard area, unless otherwise permitted in this Chapter;
4. Be in conformance with the dimensional and bulk requirements of the zoning district in which they are located. No accessory use or structure shall cause the rate of lot coverage to exceed the maximum rate permitted;
5. Be finished with materials and/or siding that is consistent and compatible with the existing character of the primary structure and surrounding neighborhood;
6. Maintain a separation of at least 10 feet from the primary building, when established as a detached accessory structure; and
7. Not obstruct, block, or force the enclosure of any structural opening (windows, doors, etc.), open porch, deck, or terrace, or required vehicular or pedestrian accessway.

B. Residential Accessory Uses and Structures. The following shall be considered permissible residential accessory uses or structures for the purposes of this Chapter.

1. Decks, patios, terraces, or seating areas.
2. Residential garages or carports.
3. Enclosed storage structures, such as sheds.
4. Fences, hedges, and walls in accordance with §350-7.10.
5. Swimming pools in accordance with §350-7.19.
6. Short-term rental operations in accordance with §350-7.18.
7. Playgrounds or playhouses.
8. Noncommercial nurseries, gardens, or greenhouses.
9. Fire escapes or other such structures intended to maintain the health, safety, and welfare of residents within a dwelling and the general public.

10. Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.
 11. Dish or radio antennae no more than one meter in diameter and intended for noncommercial use. Such antennae shall not extend more than 30 inches above the roofline or exceed the maximum building height of the district, whichever is less.
 12. Personal generators, air conditioning units, and other small-scale mechanical equipment for noncommercial use, provided such equipment is located, screened, and operated in accordance with the requirements of this Chapter.
 13. Solar energy systems, provided they are located on the roof of the structure and do not cause the structure to exceed maximum building height requirements. Solar energy systems may be located in the side or rear yard with special use permit approval;
 14. Green infrastructure installations, such as rain barrels, rain gardens, or bioswales.
 15. Off-street parking areas and driveways, including electric vehicle charging stations, provided all applicable parking requirements of this Chapter are met.
 16. Other uses and structures which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.
- C. Nonresidential Accessory Uses and Structures.** The following shall be considered permissible nonresidential accessory uses or structures for the purposes of this Chapter.
1. Decks, patios, terraces, or seating areas otherwise not programmed for public use as part of the primary operation.
 2. Garages or carports.
 3. Enclosed storage structures, such as sheds.
 4. Fences and walls in accordance with §350-7.10.
 5. Playgrounds or playhouses.
 6. Nurseries, gardens, or greenhouses.
 7. Fire escapes or other such structures intended to maintain the health, safety, and welfare of employees, patrons, and the general public.
 8. Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.
 9. Dish or radio antennae no more than two meters in diameter when screened from public view and adjacent residential property. Such antennae shall not

extend more than five feet above the roofline or exceed the maximum building height of the district, whichever is less.

10. Generators, HVAC systems, and other mechanical equipment, provided such equipment is located, screened, and operated in accordance with the requirements of this Chapter.
11. Solar energy systems, provided they are located on the roof of the structure and do not cause the structure to exceed maximum building height requirements. Solar energy systems may be located in the side or rear yard with special use permit approval;
12. Green infrastructure installations, such as rain barrels, rain gardens, or bioswales.
13. Walkup service windows facing any public right-of-way when accessory to a permitted retail sales and service use. Pedestrian safety, access, and connectivity shall be addressed through **development plan** review;
14. Off-street parking and loading areas, including electric vehicle charging stations, provided all applicable parking and loading requirements of this Chapter are met.
15. Other uses and structures which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.

§ 350-7.5 ADULT USES

A. Purpose and Intent.

1. The regulation of adult use establishments, as hereinafter defined, is found to be necessary in light of the operational characteristics of such uses which, without the enactment and enforcement of appropriate regulations, would have documented adverse, detrimental and harmful impacts and effects within the City of Geneva, and particularly on residential neighborhoods and community business areas. Such impacts and effects include but are not limited to decreased property values; creation of traffic and/or parking problems due to the attraction of transients; potential increases in criminal activities; loss of business by non-adult-use commercial establishments in the vicinity, and deterioration within residential neighborhoods.
2. It is the purpose and intent of this section to establish appropriate and reasonable regulations and restrictions regarding the location and operation of adult use establishments, as hereinafter defined, so as to promote the health, safety, and general welfare of the residents of the City of Geneva, and to establish reasonable and uniform regulations to prevent the deleterious impacts and effects identified above which may result from the location and operation of such establishments.
3. It is neither the purpose nor intent of this section to impose a limitation or restriction on the content of any communicative materials, including sexually explicit or sexually oriented materials, nor is it the purpose or intent of this

section to restrict or deny access by adults to sexually explicit or sexually oriented materials, activities, performances or depictions protected by the First Amendment to the United States Constitution, or to deny access by distributors and/or exhibitors of sexually explicit or sexually oriented materials or entertainment to their intended market. However, it is also not the purpose or intent of this section to condone or legitimize the display or distribution of obscene materials.

B. Location Restrictions.

1. Such a use shall be permitted only on lots of two acres or more.
2. Such a use may not be established or maintained within 500 feet of:
 - a) A church, synagogue or regular place of worship.
 - b) A public or private elementary or secondary school.
 - c) Any child-care institution or day-care center, as defined herein and in the Education Law.
 - d) A residence, or the boundary of any residential zoning district.
 - e) A public park, playground, playing field, governmental office or facility or other similar area where large numbers of persons may travel or congregate.
 - f) A municipal boundary.
3. No two adult use establishments may be established or maintained within 1,000 feet of each other.
4. Only one such use may be established or maintained on any lot or in any building or structure.

C. Distance Measurement. For the purposes of this section, measurement of the distances specified above shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used or operated for such a use to the nearest property line or boundary of an affected use. The distance between any two adult use establishments shall be measured in a straight line, without regard to intervening structures or objects, between the closest exterior walls of the structures in which each such use is located.

D. General Requirements. All adult uses:

1. Shall be conducted in an enclosed building.
2. Shall be conducted in such a manner that, regardless of location or distance, no one who is passing by or who is at any point outside of the enclosed building occupied by such a use shall be able to observe or perceive any performance, conduct, image, printed matter, visual representation, instrument, device or paraphernalia displaying, depicting or otherwise presenting any specified anatomical area or specified sexual activity regulated hereunder, including but not limited to any sign or advertisement or

any window or other opening permitting the view of the interior of the premises from the exterior of the premises.

3. Shall not employ loudspeakers or sound equipment as part of the adult use establishment in such a way as may be audible to or discerned by the public from public or semipublic areas.
- E. **Conditions of Approval.** Final approval of any special use permit application for such a use shall only be made contingent upon the applicant also satisfying all conditions and requirements of approval by the Planning Board of any **development plan** application for such a use.
- F. **Inspection Requirements.** Prior to the commencement of any adult use establishment business, or upon any transfer of ownership or control of such a business, the premises on which such establishment is located must be inspected and found to be in compliance with all laws, rules and regulations of or enforced by the New York State Health Department, Fire Department, Code Enforcement Office, Fire Marshal, and other code enforcement officials of the City and county.
- G. **Penalties for Offenses.**
 1. Any person committing an offense against any provision of this section shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Continuation of an offense shall constitute, for each day the offense is continued, a separate and distinct violation.
 2. In addition to the penalties provided in Subsection G(1) above, any violation under this section shall be punishable by suspension of the right to conduct or operate such adult use for a period not to exceed 30 days for each separate and distinct violation.
 3. In addition to the penalties provided above, the Code Enforcement Office may also maintain an action or proceeding in the name of the City of Geneva in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

§ 350-7.6 ANIMAL GROOMING SHOPS & VETERINARY CLINICS

- A. All services shall be provided within a completely enclosed building.
- B. The boarding of animals at an animal grooming shop shall be prohibited.
- C. All buildings, structures, and accessory use areas, except off-street parking areas, shall be located at least 50 feet from any property line abutting a residential use or district.
- D. Adjacent properties shall be adequately protected from noise, odors, and unsightly appearances as determined appropriate by the reviewing board in **development plan** review.

- E. A waste management plan shall be required to ensure proper upkeep of the site and disposal of animal excrement and waste.

§ 350-7.7 BED & BREAKFASTS

In order to protect the residential character of the district in which it is located, a bed and breakfast (B&B) use shall be regulated by the following:

- A. A B&B may be permitted in an owner-occupied single-family, detached dwelling or a detached accessory structure located on the same lot. A B&B shall not be permitted on a nonconforming lot or within a nonconforming structure.
- B. The minimum lot area required for a B&B shall be 10,000 square feet. The minimum habitable floor area of a B&B shall be 2,500 square feet.
- C. The maximum stay of guests shall be no more than 30 consecutive days.
- D. Sales of merchandise shall be incidental to the bed-and-breakfast operation.
- E. The residential character of the lot and structures located thereon shall be preserved. Structural alterations or additions of a nonresidential nature shall be prohibited.
- F. No more than two employees shall be nonresidents of the dwelling.
- G. All B&Bs must be able to accommodate parking requirements on-site. Where on-site parking is impracticable, the reviewing board may provide relief from this provision through **development plan** review if deemed appropriate.
- H. Off-street parking shall not be permitted in the front yard. All parking areas shall be screened from adjacent properties and the public right-of-way in a manner approved by the reviewing board.
- I. All outdoor lighting proposed for the operation of a B&B shall be appropriately shielded so as not to adversely impact neighboring properties.
- J. The facilities and operation must comply with the applicable provisions of the New York State Uniform Fire Prevention and Building Code, including the definition of a bed-and-breakfast contained therein. The operation must comply with the regulations of the Ontario County and New York State Boards of Health, and any other agency having jurisdiction.

§ 350-7.8 DAY CARE CENTERS, CHILD OR ADULT

- A. No day care shall be permitted without obtaining the proper license and registration, as required by NYS or Ontario County Law.
- B. All buildings, structures, and areas of organized activity dedicated to the primary day care use shall maintain a setback of at least 15 feet from all property lines.
- C. A landscaped buffer of at least five feet in height and five feet in width shall be provided at all side and rear property lines abutting a residential use or district.

- D. Outdoor speakers and public-address or stereo systems are prohibited.
- E. Day care centers may be conducted as a home occupation, provided such use is in also in conformance with all applicable home occupation requirements.

§ 350-7.9 DRIVE-THROUGH FACILITIES

- A. No drive-through facility shall be located on a lot directly adjacent to or across the road or street from a property used for residential purposes.
- B. Vehicular stacking lanes, service areas, or windows shall not be located in the front yard. All stacking and exit lanes shall be designed so that they do not interfere with off-street parking areas or vehicular and pedestrian circulation on the site. Such lanes shall be designed to reduce the impacts of traffic congestion on adjacent property and public streets.
- C. A vehicular stacking lane shall be provided on-site in a manner that does not impede on- or off-site traffic movements. The stacking lane shall be delineated from other internal areas through the use of pavement markings that are identifiable during all seasons.
- D. Drive-through facilities, including any protective canopies, signage, stacking lanes, or other associated elements, shall meet the setback requirements for the property. Such facilities shall be screened as determined appropriate during **development plan** review.
- E. Only one access drive, or two one-way access drives, shall be permitted per street frontage.
- F. All impervious surfaces, including curbing, shall maintain a setback of at least 10 feet from any abutting residential property line. Such setback areas shall be landscaped to the satisfaction of the reviewing board in **development plan** review.
- G. The applicant may be required to submit a traffic study demonstrating the impact of traffic generated by the proposed drive-through restaurant as part of **development plan** review. No drive-through shall be permitted that is anticipated to be a significant detriment to the community or to the local road network. The applicant must demonstrate that the proposed use will not alter levels of service or utilize available traffic capacity to such an extent that it cannot be adequately mitigated or otherwise create unsafe on-site or off-site traffic conditions.

§ 350-7.10 FENCES, HEDGES & WALLS

- A. **Residential Districts.**
 - 1. Fences, hedges and walls up to four feet in height shall be permitted anywhere on a lot except where corner clearances are required for traffic safety, as provided in Subsection C below.
 - 2. A fence, hedge or wall up to six feet in height shall be permitted on the rear property line and on the side property line from the rear line of the principal building to the rear property line.

B. All Other Districts.

1. There shall be no height restriction on fences, hedges or walls except as provided in Subsections B(2), B(3), and C below.
2. Where a property within a nonresidential district abuts a residentially zoned property, all fences, hedges or walls shall be limited to eight feet in height.
3. Where corner clearances are required by Subsection C below, no fence, hedge or wall in excess of three feet in height shall be constructed, maintained or permitted within 30 feet of the curbline.

C. Corner Clearances. For the purpose of minimizing traffic hazards at street intersections, no fence, hedge, wall or other obstruction of a height greater than three feet above the top of the adjacent curb or street center-line elevation shall be permitted to be planted, placed or maintained on any corner lot within the triangular area formed by the intersection of the pavement lines, or their projection when corners are rounded, and a straight line joining the pavement lines at points 50 feet distant from their point of intersection.

D. General Requirements.

1. No gate shall be placed, erected or maintained which shall swing outward over any sidewalk within the City.
2. No fence or wall shall be erected or maintained which shall be equipped with or have barbed wire spikes or any similar device within seven feet of the ground level or which shall have any electric charge sufficient to cause shock.

§ 350-7.11 GASOLINE SERVICE STATIONS

- A.** A curbed landscaped area shall be maintained at least three feet in depth along all street frontage space not used as driveway. The required landscaping and screening treatments of such area shall be determined through **development plan** review.
- B.** Entrance or exit driveways shall be located at least five feet from any side or rear property line. Such driveways shall be so laid out as to avoid the necessity of any vehicle backing across any right-of-way.
- C.** No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church, or other public gathering place, park, playground or fire station unless a street 50 feet or more wide lies between such service station and such building or use.
- D.** No part of any filling pump, lift, or other service appliance shall be erected within 100 linear feet of a property line of any residential district or use.
- E.** No fuel pump shall be located closer than 20 feet to any side lot line nor closer than 35 feet to any street line, measured from the outside edge of the fuel island.
- F.** Minor vehicle repair or service may be permitted provided all activities are conducted within a completely enclosed building.

- G. The storage and/or display of vehicles for sale or for rent shall be prohibited.

§ 350-7.12 HOME OCCUPATIONS

- A. **Purpose.** The purpose of the regulating home occupations is to provide residents with the opportunity to conduct professional office or administrative uses within their home, while still preserving the value and character of the neighborhood.
- B. **Permitted Occupations.** Permitted home occupations include lawyers, accountants, authors, engineers, architects, consultants, realtors, insurance agents/brokers, counselors, artists, photographers, tailors, repairpersons, beauticians, barbers, counselors, teachers, tutors, music or art instructors, seeing no more than one pupil or client at a time, or other such vocations which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent.
- C. **Prohibited Occupations.** Prohibited home occupations include those that would generate adverse impacts to or are incompatible with the existing character of a residential neighborhood. These uses include, but are not limited to, retail stores, medical or emergency services, animal care services, and vehicle sales, service, or repair, dancing instruction, instrument instruction in groups, tearooms, convalescent homes, or mortuary establishments.
- D. **General Regulations.**
1. The home occupation must be clearly incidental and secondary to the use of the residential dwelling and shall conform to all requirements of the NYS Uniform Building and Fire Prevention Code.
 2. The residential character of the lot and structures located thereon shall be preserved. Structural alterations or additions of a nonresidential nature shall be prohibited.
 3. The home occupation shall be owned and operated by a full-time resident of the dwelling.
 4. All home occupation related activities shall occur wholly within an enclosed structure.
 5. No more than one employee shall be permitted that is a nonresident of the dwelling.
 6. There shall be no exterior display or storage of materials, good, supplies, or equipment related to the home occupation.
 7. No home occupation shall produce odors, noises, dust, vibrations, glare, or any other nuisance not typically found in a residential neighborhood.
 8. On-site retail sales is prohibited, except for the sale of items that are clearly incidental to a permitted home occupation.
 9. Deliveries to home occupations shall be permitted by two-axle vehicles only.

§ 350-7.13 KEEPING OF ANIMALS

- A. **Purpose.** The purpose of this chapter is to protect the safety and health of the inhabitants of the city; to establish safeguards for the keeping of bees, animals and poultry within the city; and to provide for penalties for the violations thereof.
- B. **Keeping of Bees.** No person shall keep or harbor any bees in the city. Any beehive used or occupied by bees is hereby declared to be a nuisance; and it shall be unlawful to keep or maintain any such hive in the city.
- C. **Keeping of Chickens, Ducks, Geese, Fowl, Cattle, Horses, Sheep, and Goats.** No person shall keep or harbor any such animals ~~chickens in the City of Geneva~~ except as follows:
1. ~~Such animals~~Chickens shall be kept not closer than ~~100-20 feet to from any dwelling unit, except the owner's, church, school, hospital or any other building on an adjacent lot that is customarily used or occupied by human beings; such as but not limited to dwellings, stores, hotels, restaurants, offices, churches, schools, hospitals, and factories.~~
 2. ~~Every person maintaining animals as permitted in this section shall keep clean and sanitary every shed, barn or structure housing said animals. Every such shed, barn or structure shall be thoroughly cleaned at least once every 24 hours and refuse from the same shall, when collected, be kept in airtight containers until disposed of in accordance with any other provisions of this Code.~~
 2. ~~Number of Chickens-~~ A maximum of one chicken may be kept on a lot for each 1,000 square feet of lot area. Roosters and Guinea Fowl are expressly prohibited, regardless of the age or maturity of the bird. If the sex of a chick cannot be determined at hatching, a chick of either sex may be kept on the property for no more than six months, .
 3. ~~Chicken Coop - Required~~
 - a) ~~Chicken coops are only allowed in rear yards; must be at least ten feet from any building used for dwelling purposes, and five feet from interior or corner side lot lines.~~
 - b) ~~A minimum of two square feet of coop area must be provided for each chicken within the coop.~~
 - c) ~~The coop must be adequately constructed to protect the birds from predators and weather extremes. The coop must be well ventilated, allowing for fresh air and natural light.~~
 4. ~~Open Space - Required~~
 - a) ~~Each chicken must have continuous access to at least four square-feet of range and foraging area.~~
 - b) ~~The range and foraging area must be well drained and clean at all times, offer access to living vegetation whenever conditions allow, be resistant to erosion, and provide access to water, shelter, and feeding areas.~~
 - c) ~~The range and foraging area must be adequately fenced such that chickens are contained at all times on the owner's property and within all required setbacks.~~
 5. ~~Maintenance –~~
 - a) ~~Chickens must be kept in coops from dusk to dawn.~~
 - b) ~~Coops and open space must be managed to ensure the regular removal~~

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of manure and the elimination of ammonia, dampness, and mold. Property and chickens must be maintained such that the keeping of chickens does not result in any nuisance, including dust, or odor, beyond the property line.
c) Chicken feed must be stored in rodent-resistant and weatherproof containers.

D. Keeping of Pigs or Swine. No person shall keep or harbor any pigs or swine in the City; and it shall be unlawful to keep or maintain any pen, pig sty or other building for the housing of pigs or swine.

E. Keeping of Dogs, Cats, Birds and other Domesticated Pets.

1. No person, except as a legal veterinarian or kennel use permitted under this Chapter, shall maintain any establishment for hire or profit within the City for the raising, training, boarding or selling of dogs or cats, or where more than three dogs or cats are harbored or kept.
2. Notwithstanding the foregoing, the owner of a female dog or cat may keep upon his premises the litter of such dog or cat for a period not to exceed six months.
3. Small Bbirds and other domesticated pets may be maintained as pets if kept in a clean and sanitary manner and are not offensive or dangerous.

F. Ducks, Geese, Fowl, Cattle, Horses, Sheep, and Goats.

1. No person shall keep or harbor any such animals in the City of Geneva.

§ 350-7.14 MULTI-FAMILY DWELLINGS

A. By Conversion. The conversion of an existing single- or two-family dwelling to three or more units shall be required to comply with the following:

1. All dwelling units and structures resulting from conversion shall comply with the standards set forth in the NYS Uniform Code. Said standards shall take precedence to this Chapter should there be a conflict.

2. No dwelling unit conversion shall be permitted in a structure with less than 1,500 square feet of gross floor area. No dwelling unit conversion shall cause the use to exceed the maximum density requirements of the district in which it is located.
 3. Any alterations made to the exterior of the building due to the unit conversion shall be completed in such a way to preserve the single- or two-family residential character.
 4. No dwelling unit conversion shall be permitted unless the dwelling, following such conversion, can comply with all off-street parking requirements of this Chapter. Landscaping and screening of off-street parking areas shall be provided as determined necessary in **development plan** review.
 5. Conversions of dwellings that decrease the number of units or combine units shall be required to ensure the discontinued dwelling unit is permanently and fully integrated into a legal dwelling unit with unimpeded access throughout the legal unit.
- B. New Construction.** Newly constructed multi-family dwellings shall be in conformance with the following regulations and design standards:
1. When adjacent to an existing residential neighborhood building designs are required to take the form of single- or two-family dwellings in a manner that is visually compatible with the architectural detailing of the City's traditional residential character.
 2. Buildings shall not have uninterrupted or undefined continuous wall or roof planes in excess of 50 feet. Varied roof heights, projecting bays, gables, recesses, and porches shall be used to visually divide larger building facades to produce a scale that is compatible with and complimentary to adjacent residential development.
 3. Buildings shall maintain a distance of at least 20 feet from other structures on the lot.
 4. Detached garages shall be located in the side or rear yard only and shall maintain a minimum setback of five feet from the front building line.
 5. Garage entrance or exit doors are prohibited on the front façade of buildings.
 6. Buildings shall be laid out so that the primary entrances face the street. Each entrance shall be connected by sidewalk to the City's public sidewalk system.
 7. Accessory structures, such as clubhouses, pools, pool buildings, storage buildings, and trash enclosures, shall be located in a manner that does not disturb or encroach upon the public realm of the site (pedestrian walkways, roadways, etc.).
 8. Off-street parking areas shall be located in the side or rear yard only and shall maintain a minimum setback of 20 feet from all property lines and five feet from the front building line.

9. Developments of 10 or more units shall provide recreational open space at a standard of 250 square feet per dwelling unit. Each recreation area shall be developed with both passive and active recreation facilities, including the installation of appropriate playground or leisure equipment. Where compliance with this requirement is infeasible due to lot size or other physical restriction, the reviewing board may waive or modify the minimum open space area to be provided.

§ 350-7.15 OUTDOOR ASSEMBLY, SEATING, SALES, DISPLAY & STORAGE AREAS

All outdoor assembly, seating, sales, display, and storage areas shall be in conformance with the following requirements. These standards shall not apply to residential accessory uses.

A. General Requirements.

1. No area shall be located within 100 feet of a residential use or within any public right-of-way, except where located within the CB and CB-5 Districts.
2. No area shall block windows, entrances, exits, pedestrian or vehicular access, sidewalks, fire lanes, or other travel lanes.
3. No area shall exceed 30% of the gross floor area of the primary use. Properties within the CB and CB-5 Districts shall be exempt from this restriction.

B. Assembly, Seating, Sales, and Display Area Requirements.

1. Within a business or mixed-use district such areas may be allowable in the public right-of-way with the issuance of a license by the Director Of Public Works, Outdoor Dining Permit.

C. Storage Area Requirements.

1. No area shall be permitted in any front yard or within any public right-of-way.
2. All areas shall be fully screened from public view and from adjacent residential uses or districts.

§ 350-7.16 RECREATION & ENTERTAINMENT FACILITIES, OUTDOOR

- A. Permanent, enclosed bathroom facilities for the general public shall be provided on site.
- B. No outdoor recreation or entertainment facilities shall be located closer than 200 feet to the property line of any adjacent residential use or district, unless proper landscaping and screening is provided to the satisfaction of the reviewing board.
- C. Hours of operation shall be posted on-site. All outdoor facilities shall be secured and closed to the public outside of operating hours.
- D. A waste management plan shall be required to ensure proper upkeep of the site and disposal of trash, litter, animal waste, and other refuse.

§ 350-7.17 RESTAURANTS & TAVERNS

- A. All such uses dealing with the importation, manufacture, distribution, or sale of alcohol shall obtain a license as required by the NYS Liquor Authority and operate in accordance of the regulations therein. A complete copy of any application filed with and license issued by the NYS Liquor Authority shall be provided with any application subject to this Chapter.
- B. Uses where the sale of food is the primary source of revenue shall be considered restaurants. Restaurants must have a full kitchen and menu as required by the NYS Liquor Authority when the sale of beer, wine, and/or liquor is provided.
- C. Taverns shall include a minimum food preparation area and menu that satisfies the NYS Liquor Authority's minimum food requirement.
- D. A waste management plan shall be required to provide for proper upkeep of the site and disposal of refuse. All refuse containers shall be located in the rear yard and maintain a setback of at least five feet from all property lines.
- E. Where the provision of on-site refuse containers is infeasible, a shared waste management agreement may be established between adjacent uses. Under no circumstance shall any shared refuse container be located outside of a 200 foot radius of a single use.

§ 350-7.18 SHORT-TERM RENTALS

A. General Requirements.

- 1. Short-term rentals are subject to City of Geneva Room Occupancy Tax, §318-42 of the City of Geneva Code.

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2. The property must have sufficient off-street parking spaces to accommodate the maximum occupancy.
3. Tenants and guests shall park in the off-street parking spaces, and shall not park on any part of the lawn of the property nor on the street.
4. Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.

B. Permits Required.

1. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit is to be used for short-term rental purposes.
2. Where the district regulations of this Chapter require a special use permit, such permit shall be in addition to a revocable short-term rental permit only in the initial filling of a short-term rental permit. Regulations of Article 14 shall apply.

C. Short-Term Rental Permit Provisions.

1. A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
2. A short-term rental permit shall be valid for two calendar years, and shall expire on December 31 of the second year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
3. The short-term rental permit is transferable to a new owner, so long as the owner registers with the City, updates the short-term rental permit, application, and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.
4. If the conditions under which the short-term rental permit is issued are not kept or these regulations not followed, the short-term rental permit may be revoked and the owner subject to the penalties of this Chapter and the penalties set forth below.
5. Short-term rental permits issued pursuant to this section shall state the following:
 - a) The names, addresses, and phone numbers of the subject property owner or property manager who lives within 30 minutes of the City of Geneva if subject property owners do not live within 30 minutes of the City of Geneva.
 - b) Identification of the number of and location of off-street parking spaces available.
 - c) A statement that the short-term rental permit may be revoked for violations.
 - d) Any conditions imposed by the City Code Enforcement.
 - e) The permit expiration date, which shall be set for December 31 of the second year for which it is effective.

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D. Application Requirements. An application for (or renewal of) a short-term rental permit shall be submitted to the City Code Enforcement Office, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of a \$100 permit fee, shall be accompanied by a copy of the current vesting deed showing how title to the subject property is then held, shall be completed on the form provided by the City, and shall provide the following information:

1. A list of all the property owners of the short-term rental, including names, addresses, telephone numbers and email addresses.
2. A list of all property managers of the short-term rental within 30 minutes of the City of Geneva, including names, addresses, telephone numbers and email addresses if listed property owners of the short-term rental do not live within 30 minutes of the City of Geneva.
3. An operating permit inspection conducted by the City of Geneva Code Enforcement office.
4. A site plan, drawn to scale, showing the location of buildings and required parking.

E. Application Denial. City Code Enforcement may decline an application for any of the following reasons:

1. If application is incomplete, the documentation required was not included with the application, or the full permit fee, in payment form acceptable for the City Clerk, was not included with the application.
2. If the City of Geneva issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.
3. If the City Code Enforcement determines upon permit inspection that the subject property is not in compliance with City code.
4. If the site plan required to be submitted with the application does not comport with the requirements of this section.

F. Compliance, Hearings, and Penalties.

1. Owners of short-term rental units shall obey all applicable laws, ordinances, and regulations of the City of Geneva, Ontario County, New York States and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this Chapter.
2. If the City Code Enforcement finds a violation of the permit, Code Enforcement may do any of the following depending on the circumstances:
 - a) Attach reasonable conditions to the existing short-term rental permit.
 - b) Suspend the short-term rental permit.
 - c) Revoke the short-term rental permit.

3. Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
4. The City may initiate enforcement proceedings under this Chapter at any time following receipt of a complaint.
5. Any property owner found in willful violation of the provisions of this ordinance shall be required to reimburse the City for its reasonable costs of enforcement, including staff time.

§ 350-7.19 SWIMMING POOLS

- A. **Purpose and Intent.** The purpose and intent of this article is to establish regulations for the construction, the use, and the maintenance of swimming pools within the City of Geneva in order to promote and protect the health, safety, comfort, convenience and general welfare of the inhabitants of the City of Geneva, New York, and to promote peace and good order therein.
- B. **Building Permit.** No swimming pool shall be constructed or enlarged in the City of Geneva without a building permit issued by the Superintendent of Building and Zoning. Each application for a building permit shall include a plot plan of the lot upon which the swimming pool is to be built, which plan shall contain existing structures and lot lines.
- C. **Construction, Use and Maintenance.** No building permit for the construction of a swimming pool within the City of Geneva shall be issued except upon compliance with the following regulations:
 1. Private swimming pools may be erected or installed only as an accessory to a dwelling, private club, community building, or commercial structure for the use of the owner(s) or occupant(s) and family(ies), guests and/or invitees. Such swimming pool shall not occupy more than 10% of the area of the lot on which the same is located and shall in all other respects comply with this Chapter, particularly setback requirements.
 2. No person, firm or corporation shall maintain a swimming pool within the City of Geneva without first completely enclosing such swimming pool with a permanent protective fence. Such fence shall be a minimum of four feet in height measured from the ground level. It shall be so constructed as to have no openings, holes or gaps larger than two inches in any direction. The wall of a dwelling or an accessory building may form a part of such fence. Swimming pools which are constructed completely above grade, at a minimum height of 42 inches, as measured from the land immediately adjacent to the outside edge of said structure, shall be exempted from this fencing requirement if the means of access to the swimming pool is a ladder, or a device that must be removed when the pool is not in use or attended.
 3. All gates or doors opening through a fence surrounding a pool shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling, house or accessory building which forms a part of the enclosure need not be so equipped. Any such gate or door shall be kept locked while the swimming pool is not under the direct supervision of a

responsible individual who is 18 years of age or older.

4. All equipment or mechanical devices pertinent to and in the general vicinity of a pool relying on electrical power sources shall be of single-phase, one-hundred-twenty-volt, three-wire construction directly grounded to the ground system of the house or the source of power.
 5. In the course of pool maintenance the emptying or discharging of the contents of the pool shall be controlled in such a manner as not to cause a nuisance to adjacent properties.
- D. Health Requirements.** A filter recirculating pump and purification system shall be provided so as to maintain the bacterial standard established by the provisions of the New York State Sanitary Code relating to public swimming pools.
- E. Light and Noise Abatement.**
1. No artificial lighting shall be maintained or operated in connection with any swimming pool presently constructed or installed or hereafter constructed or installed in such manner as to unreasonably interfere with the occupants of any neighboring property.
 2. The use of megaphones, loudspeakers or public address systems is prohibited in connection with swimming pools herein regulated, and the use of any sound producing or reproducing devices, including human voices, shall not be such as to be objectionable to the occupants of any nearby property.

§ 350-7.20 TELECOMMUNICATIONS EQUIPMENT

- A. Legislative Intent.** The purpose of this section is to allow for telecommunications equipment installation in accordance with applicable state and federal law. While acknowledging the demand for wireless communications, the City recognizes that the residential and commercial districts, open spaces, and waterfront areas comprising the City are primary community resources. The erection of telecommunications equipment of unusual height or bulk within the City may threaten the historic integrity, damage the aesthetic value, and reduce residents' opportunities to enjoy these resources. The intent of this section is to regulate the construction and siting of telecommunications equipment in compliance with the Federal Communications Act of 1996 to achieve the following:
1. Protect the health, safety and general welfare of City residents;
 2. Protect the aesthetic characteristics and historic features of the City; and
 3. Ensure that telecommunications equipment planned for locations within the City of Geneva are sited and constructed in a manner consistent with sound land use planning, the City's comprehensive plan, and other adopted plans and policies of the City.

B. Application.

1. No freestanding telecommunications equipment, including but not limited to, a tower, satellite dish, antenna, or pole, shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a special use permit and **development plan** in conformity with these regulations.
2. No existing structure shall be modified to serve as a transmission tower or telecommunication facility unless in conformity with this section.

C. Application Requirements. In addition to the requirements for a special use permit and **development plan** application, telecommunication equipment applications shall also include the following, at a minimum:

1. Location of the equipment, together with towers, dishes, antennae, guy wires, guy anchors, and accessory structures, if applicable.
2. Proposed height of all equipment, including any towers or antennae, and the justification for such proposed height.
3. Construction detail for any towers, dishes, or antennae, including but not limited to, monopole, guyed, freestanding or other.
4. Elevation illustrations, drawn to scale, of the equipment, together with all towers, dishes, or antennae.
5. Final grading plans for the site, including facilities and roads.
6. Plans indicating how the proposed structures will supplement, detract, or coordinate with existing equipment in the City and contiguous jurisdictions; any changes proposed or anticipated within the following 24 month period, including a build-out plan for new locations and the discontinuance or relocation of existing facilities. If granted a special use permit, this build-out plan must be updated annually.
7. Inventory of other existing and proposed equipment within the City and adjacent communities.
8. Proposed maintenance and inspection procedures, including records systems.
9. Certification that the proposed equipment will not cause interference with existing communication devices, including but not limited to, radio, television, telephone, cellular, or wireless reception.
10. Certification that the equipment meets all state and federal structural requirements for loads, wind, ice, fall down specifications, etc.
11. A copy of the applicant's FCC license.
12. Certification that the applicant has utility status from New York State and the Public Service Commissioner.

D. Visual Impact Assessment. The applicant shall also be required to complete a visual impact assessment, including but not limited to:

1. A description of how the equipment can be blended with the viewshed, including any plans for camouflage, such as simulating the appearance of a tree or other structure depending on the context of the proposed location.
 2. A Zone of Visibility Map that identifies locations from which the equipment, including all towers, dishes, or antennae, may be seen.
 3. Pictorial representations of "before and after" views from key viewpoints both inside and outside the City, including but not limited to state and City streets, local parks, state lands, waterways, other public lands, preserves and historic sites, viewsheds that are important to the community, and from any other location where the site is visible to a large number of visitors or residents. The reviewing board may assist the applicant in determining appropriate key sites.
 4. Assessment of the visual impact of the equipment, including all towers, dishes, antennae, guy wires, and accessory facilities or structures from abutting properties and streets, and viewsheds that are important to the community.
- E. Waivers.** The reviewing board is permitted to waive any requirements of this section which are inapplicable as a result of the applicant proposing a shared use on existing equipment, including any towers or structures.
- F. Shared Use.**
1. An applicant shall be required to present an inventory report of existing equipment within the City of Geneva and adjacent municipalities, and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to new construction.
 2. Where shared use is unavailable, location of equipment on preexisting structures shall be considered the next preferable location.
 3. An applicant intending to share use of existing equipment shall be required to document consent from the existing equipment and property owner for the shared use.
 4. The applicant shall pay all reasonable fees and costs of adapting existing equipment to a new shared use. Those adaption costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate the shared use.
 5. In the case of new equipment, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from owners of existing equipment. Copies of written requests and responses for shared use shall be provided
- G. Aesthetics.** In order to minimize any adverse aesthetic effect on neighboring properties to the maximum extent practicable, the reviewing board shall impose reasonable conditions on the applicant, including the following:
1. All telecommunications equipment and accessory facilities or structures shall be sited to have the least adverse visual effect on the environment.
 2. A freestanding tower instead of a guyed tower.

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3. Existing on-site vegetation shall be preserved. The cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) may be allowed with review board approval.
4. Evergreen tree plantings shall be required to screen equipment from nearby property, as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, at least one row of evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting shall be provided to screen the equipment, as well as any tower base or accessory facilities. In the case of poor soil conditions, planting may occur on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
5. The applicant shall show that it has made good faith efforts to collocate on existing equipment and/or to construct new facilities near existing equipment in an effort to consolidate visual disturbances.
6. Equipment should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. The equipment shall not be artificially lighted except as required by the FAA. Any lighting utilized shall not result in glare on adjacent properties. Equipment is to be of a galvanized finish or painted matte gray unless otherwise approved by the review board or required by the FAA.
7. No equipment or accessory facilities or structures shall contain any signs or devices displaying a commercial message. Safety warning signs shall not be considered a commercial message, the size and type shall be determined and approved by the reviewing board.
8. All communication cable and utilities, including water, gas, electric and sewer leading to and away from any new telecommunications equipment shall be installed underground and in compliance with all the laws, rules and regulations of the City.

H. Setbacks.

1. All freestanding telecommunications towers, dishes, antennae, and accessory structures shall be set back from abutting parcels, public property or right-of-way lines a distance sufficient to substantially contain on-site all ice fall or debris from equipment failure, or 200 feet, whichever is greater. In no case shall such equipment be located less than 200 feet from a residential property.
2. All appurtenances and attachments, such as guy wires, must be located at a minimum setback from any property line a distance of at least 200 feet. The minimum setback requirement of this subsection may be increased at the discretion of the reviewing board as part of the **development plan** approval procedures, or it may be decreased in those instances where the owner/applicant has submitted plans for a tower design in such a manner as to collapse within a smaller area. Such tower design and collapse zone shall be reviewed by and must be acceptable to the City Engineer and the reviewing board.

- I. **Indemnification.** To the maximum extent permitted by law, the applicant shall execute an agreement indemnifying and holding the City harmless from any and all liabilities, claims of personal injury or property damage arising out of or in any way related to the installation and operation of the telecommunications equipment and its accessory structures and facilities.

J. Traffic, Access, and Safety.

1. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with City standards for private roads and shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objective of this subsection.
2. All telecommunications equipment and guy anchors, if applicable, shall be enclosed by climb-proof fencing of not less than eight feet to protect it from trespassing or vandalism.

K. Letter of Credit.

1. The applicant and the owner of record of the premises shall be required to execute and file with the City Clerk of the City of Geneva a letter of credit acceptable to the City Attorney as to form and manner of execution in an amount sufficient for the faithful performance of the terms and conditions of this section, the conditions of the permit or approval issued hereunder, for the observation of all City local laws or ordinances to cover the maintenance of the equipment during its lifetime, and provide for its removal and restoration of the site to its original condition.
2. The amount required shall be determined by the City Engineer and shall be not less than 150% of the cost of removal of the equipment, and shall be reviewed and adjusted at five-year intervals.
3. In the event of default upon the performance of any such conditions, the letter of credit or security shall be forfeited to the City of Geneva, which shall be entitled to maintain an action thereon.
4. The letter of credit or security shall remain in full force and effect until the removal of all equipment and site restoration. Further, the applicant and owner shall be required to furnish evidence of adequate insurance, the adequacy of which shall be determined by the City's insurance consultant.

L. Removal of Facilities. Approval of new telecommunications equipment or the expansion or a modification of any existing equipment shall be conditioned upon the owner's and applicant's agreement to remove such equipment, facilities, and structures once it is no longer used. Removal of such obsolete and/or unused equipment shall take place within six consecutive months of cessation of use.

M. Expiration of Approval. Special use permit and development plan approval shall expire upon:

1. The failure to commence active operation of the telecommunications equipment and/or accessory facilities or structures within six consecutive months of the date of approval.
2. The discontinuance of the active and continuous operation of the telecommunications equipment and/or accessory facilities for six consecutive months, regardless of any reservation of an intent not to abandon or discontinue the use or of an intent to resume active operations. Upon such abandonment or cessation of use the applicant shall remove the equipment and all related facilities and structures.

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N. Exemptions. The following are exempt from the requirements of securing a special use permit and **development plan** approval pursuant to this section:

1. The repair and maintenance of existing telecommunications equipment, facilities, towers, antennas, and accessory structures or facilities.
2. Antennas used solely for the residential household television and radio reception which do not exceed the maximum height permitted for principal structures within the zoning district.
3. Satellite antennas measuring one meter (39.37 inches) or less in diameter, building-mounted, installed according to manufacturer's recommendations, adequately secured and meeting all electrical code requirements regardless of the zoning district in which it is located. For safety reasons, no such satellite antenna shall be placed on an ingress or egress to a building or placed within 10 feet of a power line.

§ 350-7.21 TEMPORARY STORAGE UNITS

A. Purpose. This section has been adopted to ensure that placement of temporary storage units does not negatively impact the character and aesthetics of the City, as well as to promote the health, safety, and welfare of the general public.

B. Registration Required.

1. It shall be unlawful for any person or entity to place or permit the placement of a temporary storage unit on property located within any zoning district without registering such unit with the CEO.
2. Registration shall occur prior to the initial delivery of the temporary storage unit.
3. The registration form shall contain:
 - a) The name of the registrant to whom the temporary storage unit is supplied;
 - b) The registrant's property status: owner, renter, lessee, etc.;
 - c) The address at which the temporary storage unit will be placed;
 - d) The delivery date and removal date;
 - e) A sketch depicting the location and the placement of the temporary storage unit on the lot; and
 - f) Signature of the parcel owner or other legal occupant with the written permission of the parcel owner.
 - g) A copy of the rental agreement with the owner of the temporary storage unit.
4. Only the property owner may register a unit. A renter, lessee, or other legal resident may register a unit if they have the written permission of the property owner.

C. Placement of Units.

1. Units shall only be placed in the driveway, or if access exists, at the side or rear of the lot. The unit may not be placed in unpaved front yard space.
2. Units shall be set back at least five feet from any lot line and five feet from any structure.
3. Approval from the CEO shall be required if the location of a unit meets either of these conditions:
 - a) There is no driveway; or
 - b) The property is a corner lot.
4. Placement may not limit visibility of vehicles, pedestrians, or bicyclists.

D. Allowable Number of Units. Only one temporary storage unit may be placed upon any lot at one time.

E. Unit Size. Units shall not have a footprint exceeding 200 square feet or a height of more than 10 feet.

F. Duration. The temporary storage unit may be permitted for a maximum of 30 consecutive days, including the days of delivery and removal. The registration may be extended an additional 30 days upon written request to and approval by the CEO.

G. Maximum Number of Registrations. Each lot is limited to a maximum of four registrations per 12 month period.

H. Maintenance. All temporary storage units shall be fully enclosed structures. The registrant shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

I. Prohibited Materials and Uses. The storage of solid waste, chemical substances, and illegal or hazardous material is prohibited.

J. Inspection. Upon reasonable notice to the registrant, the CEO may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used in a manner prohibited by this section.

§ 350-7.22 WINERIES, BREWERIES & DISTILLERIES

- A.** When adjacent to residential uses or districts, such uses shall be buffered to minimize visual and auditory impacts in a method approved during **development plan** review. Such buffering may include but is not limited to landscaping, screening, and fencing.
- B.** All such uses dealing with the importation, manufacture, distribution, or sale of alcohol shall obtain a license as required by the NYS Liquor Authority and operate in accordance of the regulations therein. A complete copy of any application filed with and license issued by the NYS Liquor Authority shall be provided with any application subject to this Chapter.

§ 350-7.23 VEHICLE SALES, SERVICE & REPAIR SHOPS

- A. A curbed landscaped area shall be maintained at least three feet in depth along all street frontage space not used as driveway. The required landscaping and screening treatments of such area shall be determined through development plan review.
- B. Entrance or exit driveways shall be located at least five feet from any side or rear property line. Such driveways shall be so laid out as to avoid the necessity of any vehicle backing across any right-of-way.
- C. No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church, or other public gathering place, park, playground or fire station unless a street 50 feet or more wide lies between such service station and such building or use.
- D. No part of any filling pump, lift, or other service appliance shall be erected within 100 linear feet of a property line of any residential district or use.
- E. No fuel pump shall be located closer than 20 feet to any side lot line nor closer than 35 feet to any street line, measured from the outside edge of the fuel island.
- F. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work or automobile maintenance is to be performed outside a building.
- G. No automotive use area shall be used for auto wrecking or for the storage of wrecked, partially dismantled or junked vehicles or equipment or motor vehicles which do not qualify for New York State vehicle registration.

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CHAPTER 350. CITY OF GENEVA ZONING CODE

DEVELOPMENT STANDARDS

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REVISION KEY:

Red text indicates new material and/or revised material from the **DECEMBER 10, 2020** Draft Code.

~~Red text with strikeouts~~ indicates material deleted from the **DECEMBER 10, 2020** Draft Code.

Highlighted text indicates topics under review and up for consideration by the City Council.

PREPARED BY:

BARTON & LOGUIDICE | ROCHESTER, NY

ARTICLE 8. OFF-STREET PARKING, LOADING & ACCESS MANAGEMENT

§ 350-8.1 PURPOSE & OBJECTIVES

The purpose of this Article is to achieve the following objectives:

- A. Ensure there are adequate amounts of parking and loading facilities to serve the use(s) and users of the property;
- B. Protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles;
- C. Reduce congestion on the street network in the City;
- D. Encourage alternative parking designs and modes of transportation to reduce the share of auto-dominated sites within the City and dependence on single-occupancy vehicular trips;
- E. Minimize further expansion of impervious surfaces within the City and reduce loss of green space;
- F. Provide safe traveling conditions and off-street accommodations for motorists, pedestrians, and bicyclists; and
- G. Ensure safe, well-planned multi-modal access is provided to all properties within the City while minimizing potential vehicular, pedestrian, and bicyclist conflicts.

§ 350-8.2 APPLICABILITY

- A. The term "vehicle," as used in this Article, shall include, but not be limited to automobiles, motorcycles, trucks, recreational vehicles, campers and trailers, including recreational and boat trailers.
- B. Off-street parking and loading spaces shall be provided and kept available as an accessory use to all permitted and specially permitted uses of buildings, structures, and lots in amounts not less than those specified in this Article.
- C. Areas that may be considered as off-street parking space include any private garage, carport or other area available for parking other than a street, entrance and exit lanes, or driveway.
- D. The provision and maintenance of private off-street parking areas is a continuing obligation of the property owner.

§ 350-8.3 SINGLE-, TWO- & MULTI-FAMILY DWELLING PARKING

Off-street parking and driveways for single-, two-, and multi-family dwellings up to four units shall conform to the following:

- A. Parking is prohibited on grass and yard space that is not hard-surfaced and properly designated for such use.
- B. Off-street parking may be permitted in the front yard, provided all vehicles are located on an approved driveway.
- C. Recreational vehicles, commercial vehicles, and other vehicles exceeding 14 feet in length or nine feet in height may be parked on an approved driveway, provided such vehicles are located behind the front building line.

§ 350-8.4 OFF-STREET PARKING MINIMUMS

A. Determination of Requirements.

- 1. The requirement for a single use (e.g. a retail store) shall be determined directly from this section, unless otherwise noted within this Chapter.
- 2. The requirements for a combination of uses made up of multiple permitted or specially permitted uses (e.g. a retail store with an office building) shall be determined by establishing the requirement for each single use and adding them together, unless otherwise provided for in this Article.
- 3. Any use requiring ½ or more of a parking space shall be deemed to require the full space.
- 4. If the use is not specifically listed in the schedule of such requirements, the requirement shall be the same as for the most similar listed use as determined by the CEO.
- 5. The maximum number of parking spaces allowable for any use is not to exceed 125% of the minimum requirement, unless otherwise approved as part of **development plan** review.
- 6. The minimum parking requirement may be reduced as part of **development plan** review if the applicant can make permanent arrangements for shared parking with other uses or can otherwise prove that the parking standards are excessive for the particular use proposed.
- 7. The minimum parking requirement may be increased as part of **development plan** review if it is deemed necessary to protect the health, safety, and general welfare of the public.

- B. **Central Business District.** In the CB and CB-5 Districts off-street parking spaces shall be provided in accordance with the following table.

LAND USE	MINIMUM SPACES (CB & CB-5 Districts)
<i>Residential</i>	1 per dwelling unit
<i>Lodging</i>	1 per room
<i>Other</i>	3 per 1,000 square feet of gross floor area

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- C. CB District Exemptions.** No existing building within the CB and CB-5 Districts shall be required to provide additional off-street parking except when the building footprint is expanded. In such case, the required amount of additional off-street parking required shall be based on the additional building area.
- D. All Other Districts.** Off-street parking spaces shall be provided in all zoning districts, except the CB and CB-5 Districts, in accordance with the following table.

LAND USE		MINIMUM SPACES
RESIDENTIAL		
	<i>Dwelling</i>	1 per dwelling unit
	<i>Bed & Breakfast</i>	1 per room
	<i>Nursing Home or Adult Care Facility</i>	0.50 per room + 0.50 per employee ¹
BUSINESS & COMMERCIAL		
	<i>Brewery or Distillery</i>	3 per 1,000 square feet ²
	<i>Dance, Art, Music, or Photo Studio</i>	2 per 1,000 square feet ²
	<i>Funeral Home or Mortuary</i>	3 per 1,000 square feet ²
	<i>Gasoline Service Station or Car Wash</i>	2 per 1,000 square feet ²
	<i>Gym or Health Club</i>	3 per 1,000 square feet ²
	<i>Lodging</i>	1 per guest room + 0.50 per employee ¹
	<i>Office, Administrative or Professional</i>	2 per 1,000 square feet ²
	<i>Office or Clinic, Medical</i>	3 per 1,000 square feet ²
	<i>Personal Service Shop</i>	2 per 1,000 square feet ²
	<i>Recreation Facility, Indoor or Outdoor</i>	2 per 1,000 square feet ²
	<i>Restaurant, Bar, or Tavern</i>	4 per 1,000 square feet ²
	<i>Retail Store</i>	3 per 1,000 square feet ²
	<i>Vehicle Sales</i> ³	2 per employee ¹
	<i>Vehicle Service or Repair</i> ³	2 per 1,000 square feet ²
INDUSTRIAL		
	<i>All Uses</i>	1 per employee ¹
OTHER		
	<i>Hospital</i>	1 per bed + 1 per employee ¹
	<i>Licensed Daycare Facility</i>	1 per employee ¹
	<i>Place of Public Assembly</i>	2 per 1,000 square feet ²
	<i>Place of Worship</i>	1 per 3.5 seats
	<i>School, Public or Private</i>	2 per classroom + 1 per employee ¹
	<i>School, Occupational or Skill Training</i>	1 per 3 students + 1 per employee ¹

NOTES: (1) "Per employee" requirements shall be based on the maximum shift.
 (2) As measured by the gross floor area of the primary structure of the proposed use.
 (3) Minimum parking requirement does not include the spaces devoted to storage of vehicles to be sold.

§ 350-8.5 LOADING REQUIREMENTS

- A. Applicability.** Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, an off-street loading area must be provided in accordance with this Article to

accommodate the delivery or shipment operations in order to avoid undue interference with the public use of streets or alleys.

- B. CB Districts Exemption.** Within the CB and CB-5 Districts, loading spaces shall not be required unless otherwise determined through **development plan** and/or special use permit review to be necessary for the safe and efficient operation of the proposed use and/or to protect the public health, safety, and welfare.

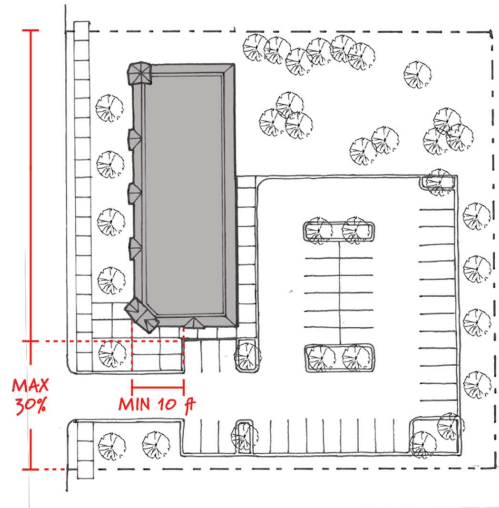
- C. Minimum Spaces Required.** Loading spaces shall be provided for uses in accordance with the table below.

GROSS FLOOR AREA (SF)	MINIMUM SPACES	MINIMUM SIZE
<i>Less than 5,000</i>	0	-
<i>5,000 to 10,000</i>	1	12 by 25 feet
<i>10,000 to 30,000</i>	1	14 by 50 feet
<i>Each additional 15,000</i>	+1	14 by 50 feet

§ 350-8.6 LOCATION OF OFF-STREET PARKING & LOADING SPACES

- A. Location in All Districts.** Off-street parking and loading spaces are prohibited in the front yard in all districts. However, parking in front yard space shall be allowed for single-, two-, and multi-family dwellings up to four units on an approved, designated driveway.
- B. GB, MU-I, and AT District Exemption.** Parking areas in the Gateway Business, Mixed Use – Industry, and Agricultural Technology District may be permitted in the side yard when in compliance with the following standards:
1. The overall width of the parking area frontage does not exceed 30% of the lot width (**see Figure 8.1**).
 2. The paved parking area is at least 10 feet behind the front building line. Where no primary structure is provided on a lot, the parking area shall meet the minimum setback requirements or be located at least 10 feet behind the front building line of an adjacent property, whichever is greater (**see Figure 7.1**).
 3. The parking area is screened from the public right-of-way with landscaping or other visual buffer measuring at least three, but no more than five feet in height.
- C. Special Restrictions.** Parking and loading spaces shall never be located at the corner of any street, in front of any building, or between a building and the public right-of-way.

FIGURE 8.1 SIDE YARD PARKING



D. Same Lot Requirement. All off-street parking and loading spaces shall be on the same lot as the use they are intended to serve unless otherwise specified in this Article.

E. Additional Loading Space Restrictions.

1. Loading spaces and delivery areas shall maintain a setback of at least 30 feet from adjacent residentially zoned property lines.
2. Loading spaces and delivery areas shall be located so as not to be visible from the street or public right-of-way. If not practicable, landscaping and buffering to screen such areas shall be provided to the extent required in **development plan** review.

§ 350-8.7 DESIGN REQUIREMENTS

Off-street parking and loading spaces shall conform to the following design requirements:

A. Materials and Markings.

1. All spaces shall be hard surfaced with dustless material and shall be maintained in smooth and well-graded condition. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt.
2. The use of pervious pavement material is highly encouraged. Areas comprised of permeable pavement shall be excluded from the calculation of maximum lot coverage.

3. All spaces shall be clearly and permanently marked with painted strips of at least four inches in width.
- B. **Landscaping and Screening.** All off-street parking and loading areas shall be landscaped and screened in accordance with Article 9.
- C. **Lighting.** All off-street parking and loading areas shall be illuminated in accordance with the requirements of §350-10.9.
- D. **Grading and Stormwater.** All spaces and their access driveways shall be graded so as to provide for the proper mitigation of stormwater and runoff.
- E. **ADA Conformance.** All new or reconstructed off-street parking areas must conform to Americans with Disabilities Act standards.
- F. **Arrangement.**
 1. All off-street parking areas must include a dedicated area independent of required parking and loading spaces for the placing and storage of snow.
 2. Off-street parking space and aisle dimensions shall be in conformance with the table below.

ANGLE OF PARKING SPACE	WIDTH (FEET)	LENGTH (FEET)	AISLE WIDTH
90 Degree	9 MIN	18 MIN	24 MAX
60 Degree	9 MIN	18 MIN	24 MAX
45 Degree	8 MIN	18 MIN	24 MAX
180 Degree (Parallel)	8 MIN	22 MIN	24 MAX

§ 350-8.8 ALTERNATIVE PARKING ARRANGEMENTS

The following alternative arrangements may be utilized to satisfy off-street parking requirements with **development plan** review approval.

- A. **On-Street and Municipally Owned Parking.**
 1. Within commercial and mixed-use districts, on-street and municipally owned parking spaces may be used to satisfy up to 25% of the minimum off-street parking requirement, provided such spaces are located within 1,000 feet of the use.
 2. Within residential districts, nonresidential uses are expected to provide the required number of parking spaces on site or as part of an approved shared or joint parking area. Reliance on street parking by nonresidential uses in residential districts is strongly discouraged.
- B. **Public Transit Access.** A public transit stop or station may be used to satisfy up to 10% of the minimum off-street parking requirement, provided the transit stop or station is located within 500 feet of the use.
- C. **Parking Demand Analysis.** The number of off-street parking spaces required for any use may be adjusted with the completion of a parking demand analysis by the

applicant. When parking will be shared with other functions, the parking demand analysis may be used to determine the sharing factor. Such analysis shall include, at a minimum:

1. An estimate of the number of spaces needed to accommodate the proposed use;
2. A summary and map of the proposed location and/or configuration of spaces (on-site, public lots, on-street, etc.);
3. A market study and/or other supporting information and rationale behind the requested number of parking spaces; and
4. An analysis of existing parking conditions in the surrounding area, to include a radius of at least 1,000 feet.

§ 350-8.9 JOINT & SHARED OFF-STREET PARKING AREAS

- A. **Benefit.** Joint and shared off-street parking areas that extend across property lines are encouraged as parking can be more efficiently organized between uses in larger areas, resulting in more parking capacity with less land devoted to parking.
- B. **Joint Parking.** Joint off-street parking areas by two or more buildings or uses located on the same lot or adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately. The land upon which the joint parking spaces are located shall be owned or leased by one or more of the collective users.
- C. **Shared Parking.** Shared off-street parking areas for two or more uses that are located on the same lot or adjacent lots is permitted, provided they have differing peak parking demands or operating hours. Shared parking areas shall conform to the following:
 1. The minimum number of spaces provided is at least that of the use with the greatest parking requirement.
 2. The parking area is located within 1,000 feet of the building(s) or use(s) it is intended to serve.
 3. The applicant demonstrates that the uses have different peak hour parking demands or that the total parking demand at one time would be adequately served by the total number of parking spaces proposed.
 4. A Shared Parking Agreement is executed documenting the shared uses and property owners and must be reflected in a deed, lease, contract, easement or other appropriate legal document.
 5. A Maintenance Agreement is executed documenting the responsibility of each user in the maintenance and upkeep of said shared parking facilities.

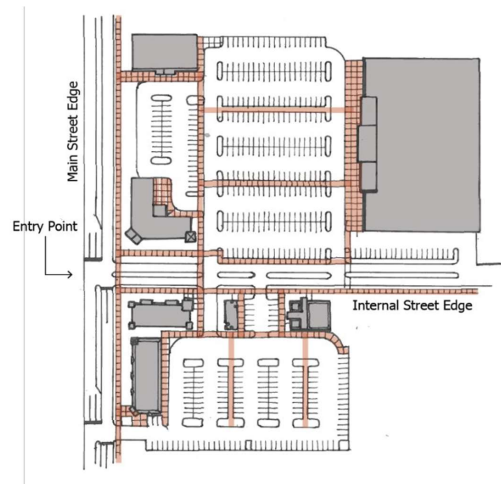
§ 350-8.10 BICYCLE & PEDESTRIAN ACCOMMODATIONS

A. Bicycle Parking.

1. Bicycle parking shall be provided with all multi-family and nonresidential development at a rate of at least 10% of vehicle parking requirements. However, in no case shall a single use provide less than two spaces, nor a use be required to provide more than 10 spaces.
2. This requirement shall not apply to properties within the CB and CB-5 Districts where there are publicly provided or shared bicycle parking facilities within 1,000 feet of the primary building or use.

- B. Pedestrian Connectivity.** Off-street parking areas of five or more spaces shall include a clearly identified pedestrian network from the parking spaces to building entrances and uses on site. Pedestrian connections to the public sidewalk shall also be required, where applicable (see Figure 8.2).

FIGURE 8.2 PEDESTRIAN CONNECTIONS



§ 350-8.11 ACCESS MANAGEMENT

- A.** Access from streets to parking areas shall be clearly defined. In order to minimize the number of curb cuts, shared access drives and the development of rear service lanes for access to parking and loading areas are encouraged.
- B.** All parking spaces, except those required for single-, two-, or multi-family dwellings up to four units, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

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- C.** No driveway providing access to an off-street parking area shall be located closer than 60 feet to the intersection of public streets.
- D.** The width of an access driveway shall be determined by the table below.

LAND USE	REQUIRED WIDTH (FEET)	
	10 MIN	16 MAX
<i>Single- or Two-Family Dwelling</i>	10 MIN	16 MAX
<i>Other – One Way Access</i>	10 MIN	16 MAX
<i>Other – Two Way Access</i>	20 MIN	24 MAX

ARTICLE 9. LANDSCAPING & SCREENING

§ 350-9.1 PURPOSE & INTENT

- A. Purpose.** The City of Geneva recognizes the value of trees and landscaping and that the preservation and enhancement of these resources is necessary to protect the health, safety and welfare of City residents. Landscaping is considered an integral part of site design, offering shade and habitat, impeding soil erosion, providing water absorption and retention to inhibit excess runoff and flooding, enhancing air quality, offering a natural barrier to noise and enhancing property values and providing scenic beauty. Landscaping emphasis shall be placed on providing features that enhance the overall aesthetics of development and the character of the City of Geneva.
- B. Intent.** The standards located within this Article are intended to:
1. Establish minimum standards and criteria for landscaping for multi-family and nonresidential development in the City, including parking areas.
 2. Dissuade the unnecessary clearing and disturbing of land to preserve the natural and existing growth of flora.
 3. Ensure the replacement of removed flora, or to establish new flora, that is indigenous to the Western New York region.
 4. Reduce the effects of wind and air turbulence, noise and the glare of automobile lights.
 5. Provide unpaved areas for the absorption of stormwater runoff and prevent soil erosion and avoid the blighted appearance of parking areas.
 6. Conserve and stabilize property values, preserve a healthful environment, and facilitate the creation of a convenient, attractive and harmonious community environment.

§ 350-9.2 APPLICABILITY

All nonresidential and multi-family development that is otherwise subject to **development plan** review shall meet the requirements of this Article.

§ 350-9.3 LANDSCAPE PLAN REQUIREMENTS

- A. Landscape Plan may be Required.**

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1. A landscape plan may be required as a part of the **development plan** review process if, in the opinion of the reviewing body, such a plan is necessary for adequate review of the development proposal.
 2. Where determined to be necessary for adequate review, the reviewing body may require that the landscape plan be prepared, signed and stamped by a professional, NYS licensed or registered landscape architect, certified nurseryman or landscape designer.
- B. Plan Requirements.** The landscape plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate:
1. Existing and proposed structures and uses;
 2. Parking areas and access aisles;
 3. Refuse disposal areas/dumpsters;
 4. Outdoor storage areas;
 5. Drainage patterns; and
 6. Provisions for visual and noise screening.
- C. Proposed Planting Summary.** The landscape plan shall delineate the location and description of all existing and proposed trees, shrubs and plantings. To insure proper protection of plantings and planted areas, landscape materials to be used on the site shall be identified in a planting schedule to be included on the landscape plan with the following information:
1. Type;
 2. Common and botanical names;
 3. Size;
 4. Quantity; and
 5. Pit or bed treatment.
- D.** The landscape plan shall include all existing plant materials that are to be removed from the site and such other information as may be required to aid in **development plan** review.
- E.** Landscape plans should include a variety of trees, shrubs, and ornamental planting (annuals and perennials) as part of the site design. The mixing of trees and shrubs helps to avoid a uniform, unnatural appearance, and to protect against extreme loss due to disease or infestation.
- F.** Upon approval of the landscape plan by the City, the property owner agrees to install and perpetually maintain the approved landscape design and materials for the duration of the approved use.

§ 350-9.4 APPROPRIATE PLANT MATERIAL

- A. Plant and landscape materials shall be compatible with soil conditions on-site and the regional climate. Native plant species are encouraged.
- B. All grasses, trees, and plant material shall be in accordance with those appropriate for the City of Geneva's Plant Hardiness Zone (Zone 6a) as defined by the United States Department of Agriculture, including any amendments thereto.
- C. Under no circumstance shall any site include plant material that is considered by the NYSDEC to be a prohibited and regulated invasive species per NYS Law 6 CRR-NY V C 575.

§ 350-9.5 GENERAL STANDARDS & CRITERIA

- A. A minimum ground cover of not less than 25% of the total lot area shall be landscaped with an appropriate balance of trees, conifers, shrubs, ornamental plantings and lawn area to create a naturalized appearance on the site.
- B. The arrangement and spatial location of landscaped areas shall be designed as an integral part of the site development and disbursed throughout the site, and not just located around the perimeter.
- C. Existing vegetation and trees (of all sizes and stages of maturity) shall be maintained, wherever possible.
- D. Plastic or other artificial plantings or vegetation are not permitted.
- E. Landscape plantings should be designed to stage blooms and have color throughout the growing season.
- F. Indigenous species shall be utilized to the greatest extent possible, as noted on the species list.
- G. Provisions for snow removal and snow storage must not adversely impact landscaped areas. Any area damaged as the result of snow removal or storage activities must be fully restored in accordance with the approved landscaping plan within the next planting season.
- H. Upon **development plan** review approval, ornamental lighting and street furnishings may be incorporated within approved landscaped areas.

§ 350-9.6 LAWN AREA

- A. Grass areas shall be planted in a species well adapted to localized growing conditions in Ontario County, New York. Grass areas may be sodded, plugged, sprigged, hydro-mulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion.
- B. In areas where other than solid sod or grass seed is used, over-seeding shall be sown for immediate effect and protection until coverage is otherwise achieved.

- C. Replacement or over-seeding mixes shall match or compliment the original installation.
- D. Grass areas shall also provide continuous, uniform, and consistent coverage.

§ 350-9.7 BUILDING FOUNDATION LANDSCAPING

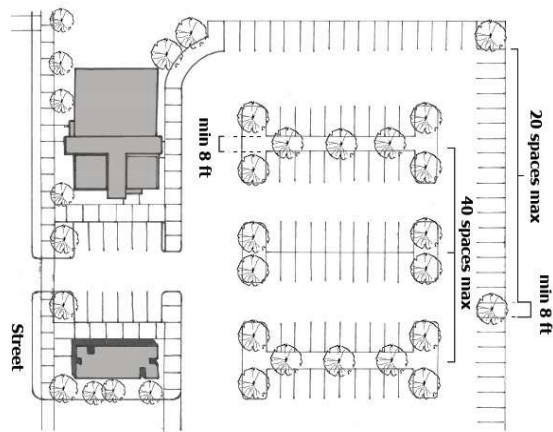
- A. A mix of landscape plantings shall be installed around all building foundations.
- B. Plant material shall be placed intermittently against long expanses of buildings walls, fences, and other barriers to soften the effect and to help break-up walls with little to no architectural detail.
- C. Ornamental plant material, such as flowering trees and shrubs, perennials, and ground covers are encouraged.
- D. Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.

§ 350-9.8 OFF-STREET PARKING & LOADING AREAS

- A. Parking shall not be located within 10 feet of any residential district or use, except where a solid screening wall or fence at least six feet in height is placed on the lot line with vehicle stops or a bumper to ensure the integrity of the fence, in which case no setback shall be required. Vehicle stops shall consist of durable material, such as concrete, masonry, metal or rubber. Wooden stops are prohibited.
- B. Where parking is located 10 feet from a residential district or use, the perimeter shall be landscaped with ground cover, low shrubs or flowering plants, and shade trees shall be planted at intervals of not more than 25 feet.
- C. Parking lots containing 10 or more spaces shall be planted with at least one tree per eight spaces, no smaller than two inch caliper (trunk diameter at four foot height). Each tree should be located within a landscaped island or median. Large and medium shade trees (no less than eight feet in height at maturity) are recommended. Due to heat and drought stress and vision clearances, ornamental and evergreen trees are not recommended in parking areas.
- D. The dimensions of all islands and medians should be a minimum of eight feet wide at the shortest side to protect plant materials and ensure proper growth (see Figure 8.1). Landscaped islands should be protected with concrete curbing.
- E. Each median or island should include at least one tree (see Figure 8.1). Low shrubs and ground covers will be required in the remainder of the landscaped area. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
- F. Landscaped islands should be utilized in parking areas to separate parking stalls into groupings of not more than 20 spaces between islands (see Figure 8.1).
- G. Parking lots should be broken up into "rooms" of no more than 40 spaces, separated by landscaped islands or pedestrian accessways or sidewalks (see Figure 8.1).

- H. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the above-mentioned standards may be amended as part of **development plan** review to allow credit for such plant material if such an adjustment is in keeping with the intent of these standards.

FIGURE 8.1 PARKING LOT LANDSCAPING



§ 350-9.9 DUMPSTER SCREENING

- A. **Requirements.** All dumpsters shall be screened from public view in accordance with the following:
1. Dumpster screening shall include a combination of landscaping and fencing or similar enclosures.
 2. Dumpsters shall be secured and kept closed when not in use.
 3. Dumpster enclosures must be equal to or taller than the dumpster being screened.
- B. **Exceptions.** Where dumpster screening may be infeasible due to site constraints, the requirements may be waived or modified through **development plan** review. In such cases, the waiver or modification of requirements should still ensure the greatest level of compliance with the spirit and intent of this Section.

§ 350-9.10 MECHANICAL EQUIPMENT SCREENING

Mechanical equipment located at ground level must be effectively screened with vegetation, low berms, or others measures that are equal to or taller than the equipment being screened.

§ 350-9.11 BUFFERING OF NONRESIDENTIAL USES

- A. Requirements.** Where any nonresidential use abuts a residential use or district, including off-street parking areas, a landscaped buffer of at least five feet in width shall be provided. Such buffer shall include one or any combination of the following screening as approved in **development plan** review.
1. A landscaped earthen berm a minimum of two feet high plus plantings a minimum of two feet high (a total of four feet high).
 2. A decorative concrete or masonry wall.
 3. A wood, wrought iron, tubular steel, or similar fence compatible with the character of the area in which the fence is to be placed. Fences or walls used to meet screening requirements shall display a finished face toward adjacent streets and properties.
 4. A compact hedge or other live vegetative barrier.
- B. Exceptions.** Where buffering between nonresidential and residential uses is infeasible due to site constraints, the requirements may be waived or modified through **development plan** review. In such cases, the waiver or modification of requirements should still ensure the greatest level of compliance with the spirit and intent of this Section.

§ 350-9.12 MAINTENANCE

- A.** All landscaped areas shall be maintained according to the approved landscape plan, or as amended by an approved **development plan** revision.
- B.** The property owner, or his designated agent, shall be responsible for the proper care and maintenance and replacement, if necessary, of all landscape materials in a healthy and growing condition.
- C.** Maintenance shall include, but not be limited to: watering, weeding, mowing (including trimming at the base of fencing), fertilizing, mulching, proper pruning, and removal and replacement of dead or diseased trees and shrubs on a regular basis.
- D.** All landscaping and plant material that is missing, dead, decaying, or injured as of September 30th shall be replaced by June 30th of the following year at the property owner's expense. The replacement shall be of the same species and size unless otherwise approved as part of **development plan** review.
- E.** Irrigation systems shall be designed to minimize spray on buildings, neighboring properties, roads or sidewalks; maintained in proper operating condition and conserve water to the greatest extent feasible through proper watering techniques.
- F.** Improper maintenance shall be determined through periodic inspection by the CEO. The CEO may require a review and status report of plantings by a professional landscaper, arborist, or engineer. All reasonable costs for review and determination shall be at the property owner's expense.

ARTICLE 10. BUILDING & SITE DESIGN STANDARDS

Common Council to consider the scope of these design regulations and determine the appropriate use of "should" (encouraged) vs "shall" (required).

§ 350-10.1 PURPOSE & INTENT

A. Purpose.

1. The purpose of this Article is to protect and maintain the character and architectural integrity of the City of Geneva while directing the building style of new or infill nonresidential, mixed-use, and multi-family development. These standards are intended to achieve building treatments and modifications that are consistent with the traditional character and walkable development pattern of the City.
2. While these standards do not mandate or prohibit any particular architectural style, the community has expressed a preference for architectural styles that relate to the original architecture found in the City.
3. New construction within the City shall strive to reinforce the coherence of the neighborhood area while harmonizing with existing historic and traditional character. This can best be achieved by varying the details from building to building while emulating the range of building types exemplified by the original structures and reinforced by these standards.

B. Intent. The intent of this Article is to improve resident quality of life, foster high-quality investment, and promote the City as a civic space where people are attracted to work, shop, and socialize.

C. Objectives. All nonresidential, mixed-use, and multi-family buildings and structures within in the City shall be designed to achieve the following objectives:

1. Improve the ambiance and visual quality of the City's commercial and mixed-use areas by maintaining and increasing density, encouraging compatible building forms, and promoting consistent streetscape design;
2. Promote a sense of design continuity that appropriately relates development and redevelopment to the historic context, integrity of architecture, and traditional settlement pattern of the community;
3. Utilize elements, details, styles and architectural features for buildings, sites, and public spaces that complement the surrounding area and maintain a sense of place;
4. Utilize predominant traditional building materials and architectural features found in the community as a guide in determining appropriate materials for structural or site modifications and new construction; and

5. Encourage the development of buildings consistent with the goals of the Leadership in Energy and Environmental Design (LEED) program.

§ 350-10.2 APPLICABILITY

- A. **Structures Subject to Regulation.** These design standards ~~shall~~should apply to all existing nonresidential, mixed-use, and multi-family structures and shall apply to significantly altered, and/or newly constructed nonresidential, mixed-use, and multi-family structures within the City of Geneva as follows:
 1. New construction and infill development **shall** be in conformance with all building, façade, roof, material, color, lighting, open space, and stormwater regulations of this Article. Development Plan Approval will be denied for proposals that are not in compliance with these standards and the spirit of the applicable guidelines.
 2. Improvements to existing buildings and sites, ~~shall~~should follow the regulations of this Article to the greatest extent practicable. In the case of nonconformities, Subsection C below ~~shall~~may apply. Development Plan Approval will be denied for proposals that are not in substantial compliance with the spirit of these standards and guidelines.
 3. Industrial buildings and structures located within the AT District ~~shall be~~are exempt from the requirements of this Article.
- B. **New Construction.** These guidelines are not intended to promote any specific historic architectural style. However, new construction is **required** to follow these standards and should be compatible with existing contributing architectural features and historic structures, where applicable.
- C. **Nonconformity.** A building or site not in conformance with this Article may not be required to bring the entirety of such structure into conformance, if, in the opinion of the reviewing body, the proposed improvements to the property do not increase the level of nonconformity and are otherwise consistent with the intent of this Article. Where the total cost of proposed improvements to a building and/or site are $\geq 150\%$ or more of the building and/or property value, the property **shall be required** to come into conformance with this Article unless a standard is specifically waived by the reviewing body in Development Plan Review.
- D. **Property Owner Assistance.** Owners of existing buildings should consult with City Staff and/or all applicable review boards for assistance in following these design guidelines prior to making exterior repairs, renovations, restorations, and alterations to their buildings or obtaining a building permit.

§ 350-10.3 REQUIREMENTS FOR REVIEW

- A. **Reviewing Body(s).** For the purposes of this Article, the terms "reviewing body" or "review body" **shall** mean the board, committee, commission, or other agent with

the authority of review of a development application as duly designated by this Chapter and the City of Geneva Code.

- B. **Development Plan Review.** All exterior changes proposed for nonresidential, mixed-use, or multi-family structures **shall** be subject to **development plan** review and approval as required by **Article 13**.
- C. **Certificate- of –Appropriateness.** Where- a –development –application- included structures within a historic district identified in §350-6.3, a Certificate of Appropriateness **shall** also be **required**. **Development plan** review approval **shall** be contingent upon the issuance of such certificate.
- D. **Modification of Requirements.** In reviewing development plan applications, the reviewing body may waive or modify the requirements of this Article if deemed necessary and appropriate to achieve the purpose and intent of this Chapter and maintain the character and integrity of historic structures within the City of Geneva.

§ 350-10.4 GENERAL DESIGN CONTEXT

- A. **Placement and Orientation.** Placement refers to how a building is situated on the lot. Orientation refers to the location of a building's main axis, or primary façade. Building placement and orientation is a crucial part of the interface of private building facades with public thoroughfares, which shape a compact, walkable public realm.
- B. **Massing and Form.** Massing and form refer to the volume and shape of a building. Buildings should provide visual interest that engages pedestrians and others to promote activity and business vitality. Wherever possible, new development should enhance the visual quality of the site on which it is located, as well as the character of the surrounding area.
- C. **Façade Composition.** A building façade serves as the interface between the public realm and the interior space of the building and should be compatible with the character and context of the surrounding area. Proper façade composition creates visual interest and adds character to a façade, providing visibility into the building interior, particularly for retail uses, contributing to the pedestrian, bicyclist, and motorist experience throughout the City. The arrangement of facade elements should be so designed to create a recognizable and consistent composition.
- D. **Fenestration.** Fenestration refers to the area of the façade or building exterior covered with openings, in particular windows and doors, how transparent the enclosing glass in the openings is, and how the openings are arranged and/or relate to each other with respect to size, depth, location, etc.
- E. **Rooflines.** A roofline is an architectural element, such as a cornice, parapet or change in material, plane, or design, which creates a distinction between the top of the building and the lower floors.

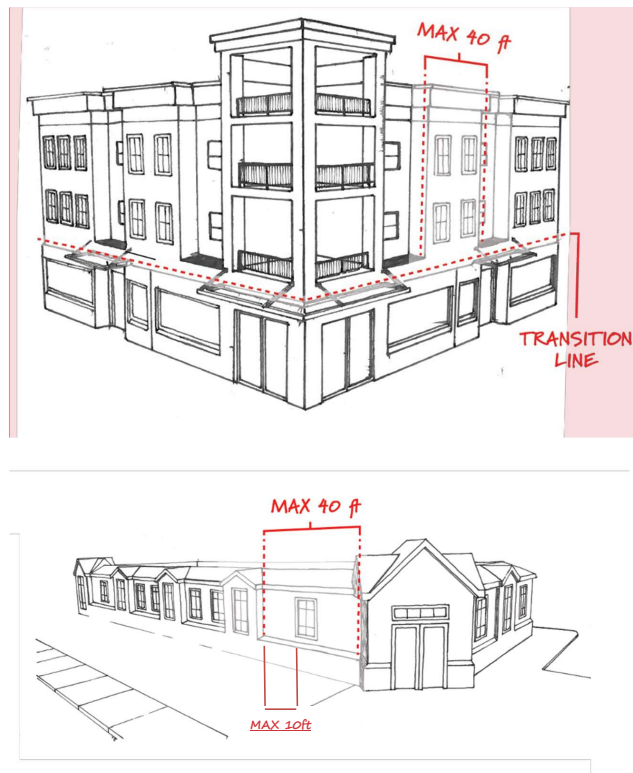
§ 350-10.5 BUILDING PLACEMENT, ORIENTATION, MASSING & FORM

A. Applicability. General Design Requirements.

1. The placement of buildings **shall** follow the minimum and maximum front yard requirements in Articles 3, 4, 5 and 6 of this Chapter. Relief from this provision may be provided for historically appropriate architectural elements and pedestrian amenities, such as recessed entries or chamfered corners, as deemed appropriate by the reviewing body.
2. The primary façade **shall** be oriented to the street or at the same orientation as adjacent historic structures.
3. Buildings situated at street corners **shall** "wrap" the corner by continuing certain facade elements (such as the cornice or horizontal accent bands) on all street elevations (see Figure 9.1).
4. Buildings should be taller than they are wide. Within the CB and CB-5 Districts, newly constructed buildings ~~shall~~ **should** be no less than 80% and no more than 120% the width of adjacent historic structures. Where it is necessary to exceed these limits, new buildings shall include architectural bays and other features that are vertically oriented and reflect the predominant rhythm of historic buildings in downtown Geneva.
5. ~~A single, large, dominant building mass shall be avoided.~~ No facade **shall** have a blank, uninterrupted length exceeding 40 feet without including architectural features such as columns, pilasters, piers, or changes in plane, in texture or masonry pattern, storefronts and entry treatments, windows or equivalent design element that subdivides the wall into pedestrian-scaled proportions. No street facing façade shall include an uninterrupted blank wall on any story with a length of more than 10ft without a window or door, most of a street facing façade should include windows or doors separated by less than 3ft of wall space. (see Figure 9.1).
6. A building frontage **shall** have a transition line. A transition line is a horizontal architectural element, such as a cornice, balcony or change in material,

which spans the full width of the facade, and creates a distinction between the first and second stories. Transition lines ~~shall~~should be designed in proportion to the overall height and width of the building and ~~shall~~should relate to adjacent historic structures (see Figure 9.1).

FIGURE 9.1 BUILDING MASSING & ARTICULATION



Commented [DW3]: Graphic should be updated - undulating façade requirement is not consistent with historic Geneva character.

7. The design of new structures should avoid mimicking the architectural style and appearance of historic structures, but rather compliment the design by utilizing similar massing, form, placement, orientation, and architectural design elements.
8. Buildings designed to advertise or promote a uniform corporate image in a manner that may render the building undesirable or unable to reasonably accommodate future uses **shall** be **prohibited**.
9. All buildings **shall** exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials, textures, and colors (see Figure 9.2). Buildings which are "squat" in proportion

or which have very strong horizontal elements that dominate the facade are discouraged.

FIGURE 9.2 TRIPARTITE (3-PART) FAÇADE DESIGN



§ 350-10.6 FAÇADE COMPOSITION & FENESTRATION

A. General Façade Design.

1. Buildings that are located on a street corner are considered to have two primary facades.
2. The rhythm of openings of a primary facade **shall** observe the size, location, and proportion of fenestration elements of adjacent historic structures, where applicable.
3. Facade elements such as windows and bays **shall-should** be of a consistent proportion to each other. Elements which share a common area (e.g., all of the windows at the base level) **shall-should** be of a consistent proportion and size as well.
4. The use of depth is encouraged to highlight facade openings such as windows to create a three-dimensional relief which produces shadows. Windows **shall-should** not be mounted flush to the exterior of the facade.

B. First Floor. Includes the area of façade below the transition line.

1. The first floor of any building should be between 12 and 15 feet in height.
2. The first floor of a structure **shall** include vertical elements dividing the building into "bays." Each bay should contain a window or entrance door.
3. Bays should start at ground level with bulkheads or kickplates, then the storefront windows above, including transoms.
4. The first-floor levels of a facade **shall** provide the highest amount of façade openings and articulation.

5. Within the CB and CB-5 Districts, structures fronting a public street **shall** provide at least 65% transparent glass openings in the area between two and eight feet above the ground. (see Figure 9.3).

FIGURE 9.3 CB & CB-5 DISTRICT FAÇADE TRANSPARANCY



6. Within the Gateway Business District, structures fronting a public street **shall** provide at least 50% transparent glass openings in the area between two and eight feet above the ground.
7. In all other districts, structures fronting a public street **shall** provide at least 30% transparent glass openings in the areas between two and eight feet above the ground.

C. Upper Floors. Includes all façade area above the transition line.

1. Within the CB and CB-5 Districts, upper floor portions of the building façade **shall** incorporate a minimum of 30% transparent glass openings (see Figure 9.3), or match that of nearby historic structures, whichever is greater.
2. The spacing and rhythm of upper-floor openings **shall-should** match that of the major entrance and design elements on the first floor.
3. Upper-floor openings **shall-should** be residential in size, proportion, and character.
4. Upper-floor windows **shall-should** be double-hung ~~with-and shall include~~ ornamental elements such as a flat stone lintel or hoodmolds. Other traditional window styles that match that of adjacent historic structures are permitted with review body approval.

D. Windows and Doors.

1. Awning or transom windows are **required** of new construction within the CB and CB-5 Districts.
2. The use of opaque, mirrored, or tinted glass with less than 50% light transmittance is **prohibited**. If screening is necessary, interior blinds or curtains are encouraged.

3. Acceptable materials for window frames include aluminum-clad, finished grade wood, and vinyl. All glazing ~~shall-should~~ be clear or lightly tinted.
4. Pairs of window shutters may be used if determined to be historically appropriate to the style of building. Shutters **shall** appear to actually cover the entire window opening when closed. Shutters **shall** not be mounted flush to the exterior of the façade but hung as if they were functioning on a hinge.
5. Doors that are comprised of an area of at least 30% transparent glass **shall** be used for building entrances on the primary façade. Opaque doors may be used for doorways providing access to upper floors.

E. Storefronts and Entrances.

1. Primary entrances **shall** face the street and be so located to afford direct access from the sidewalk, where applicable. Entrances for upper floors **shall** be distinguished from entrances for first floor uses.
2. Corner buildings may have two separate entry points or a single-entry point at the corner.
3. Storefront construction should be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk, where applicable.
4. The sill of storefront windows should be no higher than two feet above grade.

F. Awnings and Canopies.

1. Awnings or canopies may be permitted over entrances, storefronts, large first-floor windows, and upper-floor windows.
2. Awnings and canopies **shall** be designed to fit the window, door, or storefront openings that they are intended to cover. Placement should be in a traditional position and should not conceal architectural features.
3. Awnings should be made of low-sheen fabrics with a traditional appearance such as canvas or acrylic. The use of rigid, reflective, neon, and translucent materials or colors is **prohibited**.
4. Wood, metal, plastic, fiberglass, aluminum, stock metal, rounded or dome-like awnings are **prohibited**.
5. Awnings and canopies **shall** not be backlit or internally illuminated.
6. Awnings may be retractable or fixed, and capable of withstanding both high winds and winter snow loads.
7. Street-level awnings **shall** be mounted so that its valance is no less than seven feet above grade.
8. Awnings and canopies **shall** not project more than seven feet from the building façade.

§ 350-10.7 ROOF STYLES & TREATMENTS

A. Roof Design.

1. All structures **shall** have a visible roofline.
2. Rooflines **shall-should** be designed in proportion to the overall height and width of the building and, where practicable, **shall** relate to nearby historic structures.
3. Flat roofs **shall** slope to the back of the building to provide proper drainage and **shall** include an ornamental cornice.
4. Peaked or gable roofs **shall** have overhangs consistent with that of nearby historic structures. The use of ornamental brackets is encouraged.
5. Eaves **shall** include design detail to add visual interest.
6. Mechanical equipment that is located on the rooftop **shall** be effectively screened with parapet walls, decorative fencing and/or gables to eliminate views.

B. Roof Treatments.

1. Roofing materials that reflect sunlight (e.g. lighter colors) or incorporate vegetated roofing are encouraged. Lighter colors decrease heating and cooling needs, while green roofs reduce stormwater run-off. Where green roofs are proposed, the reviewing body may deduct a portion of the green roof building from the calculation for maximum lot coverage up to 50% of the building footprint.
2. The use of alternative energy materials and systems, such as solar panels or shingles, is encouraged. Their installation **shall-should** be incorporated into the design of the building so as not to detract from the architectural style and detailing. Where feasible, alternative energy equipment **shall-should** be located so as not to be visible from the public right-of-way.

§ 350-10.8 MATERIALS & COLOR

A. General Requirements.

1. Building facades **shall** be constructed of durable materials such as brick, stone masonry, or fiber cement (panels, siding and trim boards) or finishing wood.
2. No more than three building materials or colors should be used on any one facade of a building. A single material or color should be used as the dominant theme in the facade, with secondary materials and colors used to highlight and accent the design.
3. **When facade treatments include multiple materials or colors, c**Changes in materials **or colors shall** occur at inside corners. Material changes at the outside corners or in a plane **shall be prohibited**, unless otherwise approved by the reviewing body.

4. Building materials, textures, and colors ~~shall~~should be compatible with adjacent historic structures, where applicable, so as not to detract from existing historic character.

B. Prohibited Materials.

1. The use of stucco, vinyl, fiberglass, plastic panels, sheet metal, clear-coated aluminum, stainless steel, mirrored glass, concrete block, or smooth concrete is **prohibited** in the CB and CB-5 Districts.
2. Finishes that are intended or designed to reflect light and glare are not permitted in any district.

C. Modern Materials. The use of other modern and non-traditional materials or textures within the CB and CB-5 Districts may be permitted with approval by the reviewing body.

D. Color.

1. Florescent, neon, day-glow, primary, pastel, or metallic colors are **prohibited**.
2. Within the CB and CB-5 Districts, colors should be harmonious with the downtown environment and use paint palettes from the period in which the building was constructed or that of adjacent historic structures in the case of new development.
3. Colors that are equivalent to the 20 colors provided on Geneva's 1880 Wilson and Co.'s paint palette, or historic color collections of major paint manufacturers are preferable.

§ 350-10.9 EXTERIOR LIGHTING

A. Design of Fixtures.

Council to consider
requiring IDSA
lighting compliance.

1. Fixtures **shall** be fully shielded, pointing downward, to minimize skyglow, glare, and light trespass. The use of lighting fixtures compliant with International Dark Sky Association standards is highly encouraged.
2. The use of "wall packs" or other building-mounted high intensity fixtures is not permitted.
3. Pole-mounted fixtures **shall** not be higher than 18 feet above grade.
4. Spotlights or other types of artificial lighting used to illuminate signs or building faces **shall** be top mounted fixtures which project downward only onto the surface itself.
5. Canopy lights **shall** be recessed within their housing so as to focus their illumination directly downward.

B. Intensity of Illumination.

1. All lighting fixtures **shall** be shielded and directed so as not to cast an illumination of more than two (2) foot-candles on adjacent nonresidential properties or more than one-tenth (0.1) foot-candle on adjacent residential properties.
2. Exterior lighting should be illuminated only when needed, such as during business hours or in areas requiring illumination for security purposes. The use of motion activated sensors or reduced lighting after hours is encouraged.
3. Fixtures **shall** be no brighter than necessary to illuminate the site and/or area intended. Bulb types should be selected to reduce blue light emissions, which may be hazardous to human health and wildlife.
4. Lighting **shall** be white or amber in color. No lighting **shall** have a color temperature exceeding 3000 Kelvins.

§ 350-10.10 OPEN SPACE & STORMWATER MANAGEMENT

A. Open Spaces and Green Spaces.

1. Open spaces, green spaces, public preserves, parklands and other such natural areas **shall** be retained and established as required by this Chapter.
2. The reviewing body, as part of **development plan** review, may require the reservation or creation of open space provided such designation is determined to be:
 - a) Consistent with the City's adopted plans and studies with respect to environmental conservation and improving public use of and access to green spaces, recreational areas, trails, and the Seneca Lake waterfront;
 - b) Necessary for the protection and preservation of natural resources, local habitats, wildlife, and native species, woodlots, and/or wetlands;
 - c) A significant benefit to the health, safety, and general welfare of the public, relative to the burden placed upon the property owner and/or developer in preserving, maintaining, and/or programming such areas.

- B. Stormwater Management Facilities and Green Infrastructure.** Stormwater management facilities and green infrastructure, such as detention ponds or bioswales, **shall** not be considered open space for the purposes of this Chapter unless they are designed to be a multi-functional, productive, working landscape that integrates local environmental, aesthetic, and recreational benefits.

ARTICLE 11. SIGN REGULATIONS

§ 350-11.1 PURPOSE

- A. Purpose.** The purpose of this ordinance is to establish standards for the fabrication, erection, and use of signs, symbols, markings, and advertising devices within the City. These standards are designed to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public.
- B. Objectives.** The intent of this Chapter is to achieve the following objectives:
1. Ensure right to free speech as protected under the Constitution;
 2. Establish a clear and impartial process for those seeking to install signs;
 3. Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
 4. Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
 5. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
 6. Reduce the adverse effects of signage on the desirable aesthetic of the City and on the general environment of the community; and
 7. Enforce and encourage the objectives and goals of the City's Comprehensive Plan.

§ 350-11.2 APPLICABILITY

- A.** The regulations of this Chapter shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation and removal of all signs within the City visible from any street, sidewalk, public right-of-way, or public space.
- B.** The provisions of this Chapter shall not apply to safety signs, road signs, historical markers, or highway directional signs erected by municipal or public agencies.
- C.** This Chapter shall in no event be construed to prohibit the temporary decoration of premises in any district during religious, patriotic or holiday seasons in a customary manner.
- D.** If any portion of this Chapter is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance of the City or other local or state agency, the provision which establishes the higher standard shall prevail.

§ 350-11.3 SIGN PERMITS

- A. Permit Required.** Except as hereinafter provided, no person shall erect, alter, construct, relocate or cause to be erected, altered, constructed or relocated any sign without first having obtained a sign permit from the City of Geneva CEO as required by this Chapter.
- B. Signs Requiring Permits.** Sign permits are required for certain sign types, depending upon its location, design, or size. The table below indicates permit requirements by sign type.

SIGN TYPE	PERMIT REQUIRED	SIGN REGULATIONS
<i>A-Frame</i>	NO	§350-11.13 (A)
<i>Awning</i>	YES	§350-11.17 (A)
<i>Directional</i>	NO	§350-11.13 (B)
<i>Governmental</i>	NO	§350-11.13 (C)
<i>Ground</i>	YES	§350-11.17 (B)
<i>Incidental</i>	NO	§350-11.13 (B)
<i>Internal</i>	NO	§350-11.13 (D)
<i>Lawn</i>	NO	§350-11.13 (E)
<i>Marquee</i>	YES	§350-11.17 (C)
<i>Neon</i>	NO	§350-11.13 (F)
<i>Noncommercial</i>	NO	§350-11.13 (G)
<i>Pole</i>	YES	§350-11.17 (D)
<i>Projecting</i>	YES	§350-11.17 (E)
<i>Suspended</i>	YES	§350-11.17 (F)
<i>Wall</i>	YES	§350-11.17 (G)
<i>Window</i>	NO	§350-11.17 (H)
<i>Temporary</i>	YES	§350-11.17 (I)

- C. NYS Office of Parks, Recreation, and Historic Preservation Permit.** Per §13.07 of NYS Parks, Recreation, and Historic Preservation Law, any proposed sign within 500 feet of a State Park or Parkway boundary shall require a permit from the NYS Office of Parks, Recreation, and Historic Preservation.
- Signs no more than 24 square feet in area, less than 15 feet above ground level, and located on the front of a building are exempt from this provision.
 - NYS Parks, Recreation, and Historic Preservation Law permit approval must be obtained prior to submitting a sign application to the City of Geneva.
- D. Permit Exceptions.** The following actions shall not require the issuance of a new sign permit provided such maintenance, changes, or alterations do not in any way alter the physical size, design, or nature of the sign.
- Normal maintenance and repair of a sign not involving structure changes, including, but not limited to, repainting, repairing, changing of parts, or cleaning.

2. Changes in the sign user, owner, or owner of the property on which the sign is located.
- E. **Alteration.** Any sign for which a permit has been issued shall not be modified, relocated, altered, or replaced, unless an amended or new sign permit is obtained from the CEO.
- F. **Expiration.** A sign permit shall expire if the sign for which the permit has been issued is not fully constructed within 180 days from the date of issuance of the sign permit. The CEO may grant an extension provided the applicant submits a written request with sufficient reason for the delay in construction.
- G. **Revocation.** The CEO, at any time for a violation of this Chapter, may issue a notice of violation. A written notice of the violation including all reasons for the violation shall be mailed to the property, building, and/or sign owner. Said violation must be corrected within 30 days of the date of notice, otherwise the sign permit shall be revoked and the sign in question shall be required to be removed.

§ 350-11.4 SIGN PERMIT APPLICATIONS

A. Application Submittal.

1. Sign permit applications shall be submitted to the CEO on the appropriate forms provided by the City of Geneva.
2. Incomplete applications will not be processed. The CEO shall provide written or electronic notice of application deficiencies to applicants. If such deficiencies are not corrected within 30 days of notice, the application will be considered withdrawn.

B. Application Requirements.

The following shall be provided in all sign permit applications. The CEO may require application materials to be prepared by a licensed engineer or sign professional if deemed necessary for adequate review of the proposed sign.

1. Name, address, contact information, and signature of the applicant.
2. Name, address, and signature of the building and/or property owner (if not the applicant), and a statement of consent for the applicant to seek such sign permit.
3. All applicable permit fee(s).
4. Dimensions and drawings indicating the size, shape, construct, materials, and layout of the proposed sign(s).
5. Site plan and elevations indicating the proposed location and size of the sign(s) drawn to scale.
6. Color illustrations and/or photographs of the proposed sign and sign area.

7. Proposed illumination system, if any, and the type of lighting to be used.
 8. Plan for removal of the sign(s) and restoration of the building façade, ground, or other feature to which the sign(s) is proposed to be attached.
 9. Proof of NYS Parks, Recreation, and Historic Preservation Law permit approval, if applicable (refer to §350-11.3 (C)).
 10. Any additional site and/or sign information deemed necessary by the CEO for the proper review of such application.
- C. Review Criteria.** The approval of sign permit applications shall be based upon the following criteria:
1. The scale, color, texture and materials of the sign will be compatible with the style, color, texture and materials of the building on which it is located as well as neighboring buildings;
 2. The sign is not confusing or distracting, nor will it create a traffic hazard or otherwise adversely impact public safety;
 3. The sign follows the design guidelines outlined in §350-11.15 to the greatest extent practicable; and
 4. The sign is otherwise compliant with this Chapter and all other applicable local, state, and federal laws and regulations.

§ 350-11.5 REVIEW PROCEDURES

A. Administrative Review Procedures.

1. The CEO may approve, approve with modifications, or deny a sign application as part of administrative review.
2. The CEO may, at his or her discretion, refer any sign application to the Planning Board for review and issuance of an advisory opinion. Such review may occur at any regularly or specially scheduled Planning Board meeting.
3. The CEO may utilize the opinion of the Planning Board in the issuance of his or her decision to approve, approve with modifications, or deny a sign application.
4. Any person aggrieved by a decision for a sign permit by the CEO may submit an appeal to the City of Geneva Zoning Board of Appeals. Such appeal must be made within 30 days of the date of decision.

B. City Council Review.

Applications for signs that encroach upon public property, with the exception of a-frame signs, shall be subject to review and approval by City Council under the following procedures.

1. Sign permit applications shall be submitted to the CEO at least 10 business days prior to the City Council meeting at which such application is to be

considered. Upon receipt of all required information, the CEO will submit all materials to the City Council for their review.

2. The City Council shall review all sign applications received from the CEO. Such review may occur at any regularly or specially scheduled City Council meeting.
 3. The City Council may approve, approve with modifications, or deny a sign permit application upon consideration of the application's conformance to the applicable requirements contained in this Chapter, consistency with the architectural style of the building or structure with which the proposed sign or signs is associated, and all other applicable laws and ordinances.
 4. The City Council may, at their discretion, refer any sign application to the Planning Board for review and issuance of an advisory opinion. Such review may occur at any regularly or specially scheduled Planning Board meeting.
 5. The City Council may utilize the opinion of the Planning Board in the issuance of their decision to approve, approve with modifications, or deny a sign application.
- C. **Business Improvement District Guidance.** Applicants for signs located within a Business Improvement District (BID), as established by Chapter 116 of the City of Geneva Code, guidance from the Commercial Design and Advisory Team (CDAT) or other such designated BID committee for assistance in developing high-quality sign designs. No Sign Permit will be issued by the CEO until the guidance and approval of the CDAT committee has been issued as directed in Chapter 351, Signs.
- D. **Development Plan or Special Permit Review.** Developments subject to review and approval under this Chapter may have proposed signage reviewed and approved as part of the special permit or **development plan** review process. In the event of such review, all required sign permit application materials shall be provided as part of the special permit or **development plan** application.

§ 350-11.6 MEASUREMENT

A. Sign Area.

1. Single Sign Face. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any material, backdrop, or

FIGURE 1



FIGURE 2



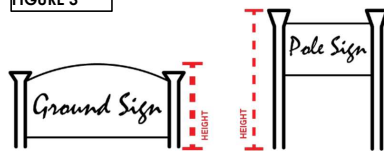
structure on which it is placed. See Figures 1 and 2.

2. Multi-Faced Signs. In the case of a multi-faced sign only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45 degrees or less.
3. Structural Support Not Included. The supporting structure or bracing of a sign shall not be computed as part of the sign area unless such supporting structure or bracing is made a part of the message with the inclusion of any text or graphics. If such is the case, a combination of regular geometric shapes which can encompass the area of said text or graphics shall be included as part of the total sign area computation.

B. Sign Height.

1. Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. See Figure 3.
2. Other Signs. The height of an awning, projecting, suspended, wall, or window sign shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face. See Figures 1 and 2.

FIGURE 3



§ 350-11.7 SAFETY PROVISIONS

All signs shall be designed, constructed, and located in accordance with the following criteria to protect the general health, safety, and welfare of the public.

- A. No sign shall be erected, constructed, or maintained so as to obstruct free egress from a window, door or fire escape, to interfere with any opening required for ventilation, or to become a menace to life, health or property.
- B. No sign shall be erected at or near any intersection of streets, alleys, or railways in a manner that obstructs free and clear vision for pedestrians, bicyclists, and motorists.
- C. No sign shall be of a shape, color, or design that may be confused with any authorized traffic control device.
- D. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used with any sign display.

- E. Signs shall maintain clearance from high voltage power lines.
- F. The erection of any sign and its supports, including any wiring and/or electrical components utilized therein, shall be consistent with the requirements of the NYS Uniform Code and National Electrical Code, as applicable.
- G. The erection of any sign, its supports, wiring, or other structural and/or electrical elements may be subject to inspection and approval by the CEO.

§ 350-11.8 DESIGN AND CONSTRUCTION

- A. All signs shall be constructed of permanent, weather resistant, and durable materials, except for banners, flags, temporary signs, and window signs otherwise in conformance with this Chapter.
- B. Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the NYS Uniform Code. All sign supports may be reviewed as part of the sign design.
- C. All sign lettering shall be permanently affixed to the sign. Ground signs utilizing manual changeable copy shall be enclosed and locked.
- D. No sign may be constructed of untreated, unfinished, or unpainted wood, or sandblasted metal. All wood components of signs must be sealed and protected from the elements.

§ 350-11.9 ILLUMINATION

- A. In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination therefrom to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. All lighting fixtures shall be dark sky compliant and directed so as not to cast an illumination of more than two foot-candles on adjacent nonresidential properties or more than three-tenths (0.3) of a foot-candle on adjacent residential properties.
- C. All illumination shall be a steady, continuous burning of bulbs or lights. The flashing, blinking, oscillating, rotating or intermittent turning on and off of any illuminating device is prohibited.
- D. Overhead wires or exposed wires on a sign or its supporting members are prohibited.
- E. Internally illuminated signs shall be prohibited. However, reverse channel illumination to produce a halo effect may be utilized in districts where illumination is permitted.

§ 350-11.10 LOCATION

- A. No sign shall obscure, alter, or cover the architectural features of any building.

- B. All signs shall be located on the same property for which the sign is intended to be applicable.
- C. All signs shall maintain at least a 10-foot setback from all property lines, unless otherwise noted within this Chapter.
- D. Per §13.07 of New York State Parks, Recreation, and Historic Preservation Law, any proposed sign within 500 feet of a State Park or Parkway boundary shall require a permit from the NYS Office of Parks, Recreation, and Historic Preservation. See §350-11.3 (C).

§ 350-11.11 MAINTENANCE & REPAIR

- A. All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Chapter at all times.
- B. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, replacement of copy, and other acts required for maintenance of such sign.
- C. If any sign does not comply with these standards, the CEO may require its removal.

§ 350-11.12 REMOVAL OF SIGNS

- A. Where required by this Chapter, the removal of signs shall be the sole responsibility of the property owner. If said sign is not removed within 30 days of the date of written notice by the CEO, the CEO or designee is authorized to affect its removal.
- B. The CEO may remove any sign that is found to be in violation of this Chapter. The property owner shall subsequently be given written notice of such sign removal. If the sign is not claimed within 30 days of the written notice, the CEO may dispose of the removed sign.
- C. Any costs incurred for the removal of a sign shall be fully reimbursed to the City of Geneva by the sign permit holder. Such costs may be assessed to the property for collection by the City.

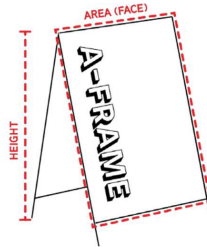
§ 350-11.13 SIGNS AUTHORIZED WITHOUT A PERMIT

The following types of signs may be erected in the City without obtaining a sign permit. Although permits are not required for these signs, they shall conform to all other requirements of this Chapter or may be subject to removal by the CEO.

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- A. A-Frame Signs.** A-frame signs shall not require a permit provided the following conditions are met:

1. The sign is located in a nonresidential district and does not interfere with vehicular, pedestrian, or bicycle access or visibility.
2. There is no more than one a-frame sign per use and the sign does not exceed four feet in height and six square feet in area.
3. The sign is not illuminated.
4. The sign is not located in the public right-of-way. The CEO may permit the placement of a-frame signs in the sidewalk area in the CB and CB-5 Districts, provided the proposed location does not violate Subsection A(1) above.
5. The Sign will be located in the front of and on the property of the Business for which it is advertising.
6. The sign is brought in each day at the close of business.



- B. Directional and Incidental Signs.** Signs that provide direction to pedestrians, bicyclists, or motorists, and signs erected to identify addresses, warnings, hours and days of operation, and the like, shall not require a sign permit provided the following conditions are met.

1. All signs are located entirely on the property to which they pertain and do not contain a commercial message (e.g. business name).
2. No sign exceeds an area of six square feet in a residential district, or 12 square feet in a nonresidential district, and is no more than three feet in height. The cumulative area of all signs shall not exceed 12 square feet in a residential district, or 16 square feet in a nonresidential district.
3. Signs located within residential districts are not illuminated.
4. No sign extends above the first floor of any given structure nor projects beyond property lines.

- C. Governmental Signs.** Any official sign, public notice, or warning sign supported by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. (Example: NYS inspection station or authorized repair shop identification). There are no size requirements or time limits for governmental signs.

- D. Internal Signs.** Signs within a building where such sign is intended only to be seen from within the enclosed space and is so oriented.

- E. Lawn Signs.** Lawn signs shall be allowed on any lot without a permit provided the following conditions are met :

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1. No single sign exceeds three feet in height and six square feet in area.
 2. The cumulative area of all signs on the lot does not exceed 12 square feet.
 3. No sign is displayed for more than 60 days in a 120-day period.
 4. No sign is illuminated.
- F. Neon Signs.** Neon signs are permitted in nonresidential districts without a permit, provided they conform to the following:
1. The cumulative area of signs does not exceed 15% of the window area.
 2. There are no more than three signs per use.
- G. Noncommercial Signs.** Any sign that does not contain a commercial message shall not require a sign permit, provided such sign is in conformance with the following:
1. The sign is not illuminated.
 2. The sign conforms to the requirements for type, size, and location as provided in §350-11.17.

§ 350-11.14 PROHIBITED SIGNS

The following signs are prohibited within the City:

- A.** Any sign for which no sign permit was issued, for which a sign permit was revoked, or any other sign not explicitly authorized herein.
- B.** Any sign that is not properly maintained, considered structurally unsound, hazardous, or otherwise unsafe.
- C.** Any sign on a utility pole, tree, rock, ledge or other natural feature, whether on public or private property.
- D.** Any sign that is no longer applicable or relevant to the use of the premises on which the sign is located.
- E.** Any sign that is located off-premise from the use and/or structure to which it serves.
- F.** Any sign that contains words or pictures of an obscene or pornographic nature.
- G.** Any sign that emits audible sounds, odor, or visible matter.
- H.** Any sign that is internally illuminated, except for reverse channel illumination as provided for by this Article.
- I.** Any sign that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or any sign which hides from public view any traffic or street sign, signal, or device.
- J.** Any sign that flashes, blinks, rotates, or revolves, or utilizes unshielded lighting

devices, mirrors, or reflective material.

- K.** Any sign that is mounted on wheels or mounted on any structure on wheels.
- L.** Any sign that is painted on a wall, fence, or other structure, except for works of art that contain no commercial message.
- M.** Any sign projecting above the roof of a structure.
- N.** Any banner, poster, pennant, ribbon, streamer, spinner, or balloon, unless such material is utilized as temporary signage subject to the regulations of §350-11.17 (I).

§ 350-11.15 SIGN DESIGN GUIDELINES

The following sign design guidelines are intended to provide applicants, the CEO, and the Planning Board with guidance for best practices in addressing issues related to sign compatibility, legibility, placement, and color.

A. Compatibility.

1. Signs should be constructed of high quality materials compatible with the building form and desired character of the area in which they are located.
2. Signs should be appropriately scaled for the building or site upon which they are located, so as not to dominate the façade or streetscape.
3. Signs on buildings that have a monolithic or plain façade should be used to create visual interest through appropriate sign design features, scale, and proportions.
4. Signs should be designed to include relief in the lettering or sign face to create shadows and provide depth and visual interest.

B. Legibility.

1. Hard to read, intricate typefaces should be avoided. The variation of lettering styles on a single sign should be limited to two for small signs and three for larger signs.
2. Letters and words should not be spaced too closely together. Generally, letters should not occupy more than 75% of the sign area.
3. Large areas of blank spaces should be avoided. Generally, 50% or more blank area should be avoided for boxed sign areas or framed signs.

C. Placement.

1. Signs should be so located to respect and compliment a building's façade, utilizing logical signage areas created by existing architectural details or ornamentation.

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2. Signs should be placed at or near the public entrance to a building to indicate the most direct access.

D. Color.

1. Signs should feature substantial contrast between the color and material of the background and text, graphics, or symbols.
2. Sign colors should complement the materials and colors of adjacent buildings, including accent and trim colors, where applicable.
3. Use of color and color combinations utilized for signs should be limited. Generally, a sign should not utilize more than three colors, including accent colors.
4. Day-glo or florescent colors should be avoided.

§ 350-11.16 REGULATIONS BY ZONING DISTRICT

A. The following table indicates the number and types of signs permitted in the City of Geneva by zoning district.

1. A "●" indicates that the sign type is permitted and may be illuminated.
2. A "○" indicates that the sign type is permitted but may not be illuminated.
3. A "-" indicates the sign type is prohibited.
4. Reverse channel illumination to produce a halo effect may be utilized in districts where illumination is permitted.

ZONING DISTRICTS	MAX # OF DIFFERING SIGN TYPES	AWNING	GROUND	MARQUEE	POLE	PROJECTING	SUSPENDED	WALL	WINDOW ¹	TEMPORARY ¹
LDR, MDR, MR	1 per use	-	○	-	-	-	-	○	○	○
NB	2 per use	○	●	-	-	●	●	●	○	○
CB	2 per use	○	●	●	-	●	●	●	○	○
GB, MU-I	2 per use	○	●	●	●	●	●	●	○	○
MU-H, MU-C	2 per use	○	●	●	-	●	●	●	○	○
AT, OS	2 per use	-	●	-	-	-	-	●	○	○
SIGN TYPE REQUIREMENTS										
§350-11.17	-	A	B	C	D	E	F	G	H	I

NOTE: (1) Window and temporary signs shall not count towards the maximum number of signs for any given use.

- B. There are certain building and development configurations that warrant the permission of additional signage to provide adequate visibility and identification for motorists, pedestrians, and bicyclists. The following table indicates the permitted number of signs and sign types for such certain building and development configurations. Unless noted as additional signage, these regulations shall supersede those of Subsection A above.

DEVELOPMENT CONFIGURATION	PERMITTED SIGN TYPE & STANDARDS
SINGLE- OR MULTI-FAMILY RESIDENTIAL DEVELOPMENT	
<i>Per Entrance ¹</i>	One additional ground sign, in conformance with §350-11.17 (B)
CAMPUS STYLE DEVELOPMENT	
<i>Per Entrance ¹</i>	One additional ground sign, no more than 40 sf in area and 8 ft in height
MIXED-USE OR MULTI-TENANT COMMERCIAL DEVELOPMENT	
<i>Per Use or Tenant</i>	Up to 2 sign types in conformance with §350-11.17, except ground and pole signs
<i>Per Lot</i>	One ground or pole sign in conformance with §350-11.17 (B) or (D)
MULTI-STORY, MIXED-USE OR MULTI-TENANT COMMERCIAL BUILDING	
<i>Per First-Floor Use</i>	Up to 2 different sign types in conformance with §350-11.17
<i>All Upper Floor Uses</i>	One shared wall, projecting, or suspended sign in conformance with §350-11.17

NOTE: (1) The additional signage shall be permitted only to entrance points from public streets and/or streets designated as primary entrances.

§ 350-11.17 REGULATIONS BY SIGN TYPE

A. Awning Sign. A sign that is part of or attached to a roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the facade of a structure.

1. All awning signs shall be in conformance with the standards of the following table.

	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
<i>Max Number</i>	-	1 per awning	1 per awning	1 per awning	1 per awning	-
<i>Max Area</i>	-	75% of Valence Area	75% of Valence Area	75% of Valence Area	75% of Valence Area	-
<i>Min Clearance ¹</i>	-	9 ft	9 ft	9 ft	9 ft	-
<i>Illumination</i>	-	-	-	-	-	-

NOTE: (1) Measured from the elevation of the ground directly beneath the center of the awning to the bottommost edge of the awning.

2. Additional Regulations.

- a) Awning signs shall be limited to the valence area.
- b) A single use may utilize no more than two awnings for signage. Where a single use has more than one awning, each awning shall match in color and style.
- c) Where an awning relates to more than one use, each use shall be entitled to one sign on such awning provided the color and style of the signs are the same.
- d) Awnings upon which a sign is to be placed shall be comprised of high-quality, weather-resistant materials designed for exterior use.



Awning Sign Example

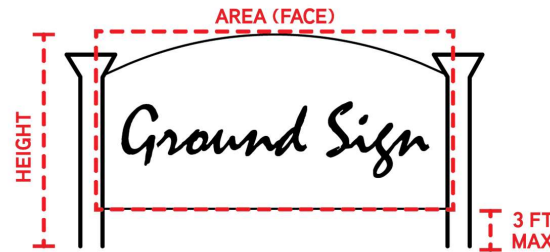
- B. Ground Sign.** A sign not attached to any building or structure, which may be flush with the ground or supported by two columns or posts provided the distance between the ground and bottommost edge of the sign is no greater than three feet.

1. All ground signs shall be in conformance with the standards of the following table.
2. No ground sign shall be permitted where the principal structure on the lot has a front setback of less than 10 feet.

	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
<i>Max Number</i>	1 per lot	1 per lot	1 per lot	1 per lot	1 per building	1 per building
<i>Max Area</i>	6 sf	16 sf	20 sf	36 sf	24 sf	24 sf
<i>Max Height</i>	3 ft	4 ft	4 ft	6 ft	6 ft	6 ft
<i>Illumination</i>	-	Permitted	Permitted	Permitted	Permitted	Permitted

3. Additional Regulations.

- a) All ground signs shall have a landscaped area at the base of the sign. The landscaping shall fully surround the sign and utilize appropriate plantings so as not to obscure the visibility of the sign.
- b) All plantings shall be properly manicured and maintained as the season may require. Dead or decaying plant material shall be replaced by the sign owner within 30 days of written notice by the Sign Officer.
- c) External lighting fixtures may be mounted on the ground or on the sign. Lighting fixtures mounted on the ground shall be shielded and directed so as to illuminate only the sign face.



C. Marquee Sign.

1. No building or use may have more than one marquee sign.
2. All location, dimensional, and illumination requirements for marquee signs shall be determined with review and approval by the Planning Board. The Planning Board may seek an advisory opinion of the Historic Districts and Structures Commission as deemed necessary.

D. Pole Sign. A sign not attached to any building or structure, which may be supported by one or two columns or posts where the distance between the ground and bottommost edge of the sign is greater than three feet.

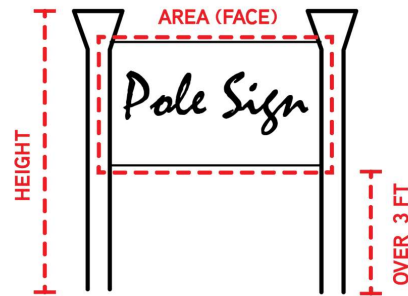
1. All pole signs shall be in conformance with the standards of the following table.
2. No sign shall be permitted where the principal structure on the lot has a front setback of less than 10 feet.

	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
Max Number	-	-	-	1 per lot	-	-
Max Area	-	-	-	24 sf ¹	-	-
Max Height	-	-	-	12 ft	-	-
Illumination	-	-	-	Permitted	-	-

NOTE: (1) For every foot over four feet that the sign face is elevated, the maximum area allowable shall decrease by two square feet.

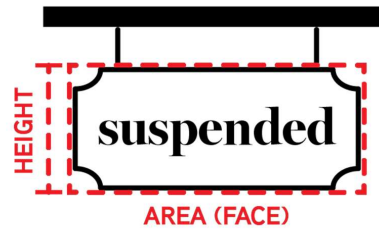
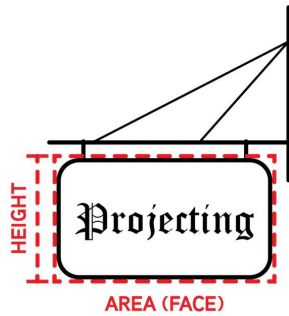
3. Additional Regulations.

- a) All pole signs shall have a landscaped area at the base of the sign. The landscaping shall fully surround the sign and utilize appropriate plantings so as not to obscure the visibility of the sign.
- b) All plantings shall be properly manicured and maintained as the season may require. Dead or decaying plant material shall be replaced by the sign owner within 30 days of written notice by the Sign Officer.
- c) External lighting fixtures may be mounted on the sign only.



- E. Projecting Sign.** A sign which is wholly dependent upon a building for support and which projects more than 12 inches from such building.

1. All projecting signs shall be in conformance with the standards of the following table.



	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
Max Number	-	1 per use	1 per use	1 per use	1 per use	-
Max Area	-	6 sf	6 sf	8 sf	8 sf	-
Max Height	-	2 ft	2 ft	3 ft	3 ft	-
Illumination	-	Permitted	Permitted	Permitted	Permitted	-

- F. Suspended Sign.** A sign attached to and supported by the underside of a horizontal plane.

1. All suspended signs shall be in conformance with the standards of the following table.

	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
Max Number	-	1 per use	1 per use	1 per use	1 per use	-
Max Area	-	6 sf	6 sf	8 sf	8 sf	-
Max Height	-	2 ft	2 ft	3 ft	3 ft	-
Illumination	-	Permitted	Permitted	Permitted	Permitted	-

G. Wall Sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than 12 inches from such building or structure.

1. All wall signs shall be in conformance with the standards of the following table.

	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
Max Number	1 per use	1 per use	1 per façade	1 per façade	1 per façade	1 per façade
Max Area	4 sf	8 sf	20% of façade OR 36 sf ¹	20% of façade OR 50 sf ¹	20% of façade OR 36 sf ¹	12 sf
Max Height	2 ft	2 ft	4 ft	6 ft	4 ft	4 ft
Illumination	-	Permitted	Permitted	Permitted	Permitted	Permitted

NOTE: (1) The more restrictive maximum sign area requirement shall prevail.



Wall Sign Examples

H. **Window Sign.** A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within three feet of the window, but shall not include graphics in connection with customary display of products.

1. All window signs shall be in conformance with the standards of the following table.
2. Window signs shall be limited to first floor windows only.

	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
Max Number	n/a	n/a	n/a	n/a	n/a	n/a
Max Area	20% of window area	20% of window area	20% of window area	20% of window area	20% of window area	20% of window area
Illumination	-	-	-	-	-	-

I. **Temporary Sign.** A sign which is not intended to be used for a period of time exceeding 60 days and is not attached to a building, structure, or ground in a permanent manner.

1. All temporary signs shall be in conformance with the standards of the following table.
2. Temporary signs shall not be displayed for more than 60 days in a 120-day period. This may be extended for up to two additional 60-day periods upon written request to the CEO setting forth the special circumstances requiring such extension.

	LDR, MDR, MR	NB	CB, CB-5	GB, MU-I	MU-H, MU-C	AT, OS
Max Number	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use
Max Area / Height	See restrictions of sign type most closely aligned with style of the temporary sign.					
Illumination	-	-	-	-	-	-

- I. The difference between the digital sign measurements when off and when displaying a solid-message (using the digital sign measurement criteria) shall not exceed 0.3 footcandles, regardless of ambient lighting conditions.
- J. All digital signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
- K. Digital signs shall be programmed or set in such a manner that the display will turn dark and emit no light in case of malfunction.
- L. No digital sign shall be located within 50 feet of a residential district or use as

$$\begin{array}{l} \text{MMMMMM} \diamond M \diamond \text{MMM} \diamond \text{MMM} \diamond \text{MMM} \diamond \text{MM} \\ \text{DDD} \diamond M \diamond M \diamond M \diamond M \diamond M \diamond D \diamond \text{MM} = \diamond A \diamond M \diamond M \diamond M \diamond M \diamond oooo \\ S \diamond D \diamond S \diamond S \diamond S \diamond \text{DDMM} \diamond S \diamond S \diamond S \diamond \text{MMM} \diamond \text{MMM} \diamond \text{FFMMMMM} \diamond xx 100 \end{array}$$

measured in a straight line from the location of the sign to the nearest residential property line.

§ 350-11.19 NONCONFORMING SIGNS

- A. Any sign that does not comply with this Chapter is eligible for characterization as a legal nonconforming sign if the sign complied with all requirements in effect at the time it was erected.
- B. Nonconforming signs must be brought into compliance with this Chapter under the following conditions:
 - 1. The sign is altered in any way, such as size, design, structure, or type of illumination (except for normal maintenance).
 - 2. The sign is relocated.
 - 3. The sign or its structural materials are wholly replaced.
- C. Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 60 days shall be presumed to be abandoned and discontinued, and therefore may not be restored or re-erected except in compliance with this Chapter.
- D. No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this Chapter, including but not limited to area, height, setback, and illumination.
- E. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from complying with the provisions of this Chapter regarding safety, maintenance and repair of signs. Any repainting, cleaning, or routine maintenance or repair of the sign or sign structure shall not be deemed to modify the sign in any way.

CHAPTER 350. CITY OF GENEVA ZONING CODE

ADMINISTRATION & ENFORCEMENT

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DRAFT MAY 28, 2021

After the completion of the December 10, 2021 Draft Code, the City Council authorized a comprehensive review and update to the current administrative, review, and enforcement provisions of the zoning code. This section has been updated and revised based on stakeholder feedback and discussions with City Staff.

Highlighted text indicates topics under review by City Council and/or the City Attorney.

ARTICLE 12. GENERAL REVIEW & APPLICATION PROCEDURES

§ 350-12.1 APPLICABILITY

- A. **Review Required.** Any person seeking to erect, construct, enlarge, alter, improve, demolish a building or structure; or establish, operate, convert, or change the nature of the use or occupancy of any building or structure within the City of Geneva shall first submit an application(s) for such development or improvement and secure all necessary approvals and permits as required by this Chapter.
- B. **Application Form.** Applications must be submitted in a form and in such numbers as outlined herein. Checklists of application submittal and review requirements may be made available within City Hall.
- C. **Review Body.** For the purposes of this Chapter the terms “reviewing body” or “review body,” shall refer to the City board, commission, committee, official, or other designated decision-making body that is charged with review and/or approval authority as enacted under this Chapter.
- D. **Properties in Violation Prohibited.**
 - 1. Applications that include a building, structure, property, or use that is in violation of this Chapter, Local Law of the City of Geneva, or NYS laws, rules, and/or regulations may not be accepted or processed at the discretion of the CEO.
 - 2. Applications which, in whole or in part, include a proposal to rectify and/or remove violations on such property may be considered by the appropriate review body(s) in accordance with this Chapter.

§ 350-12.2 PRE-APPLICATION CONFERENCE

- A. **Optional Process.** It is recommended that applicants request a pre-application conference prior to entering the formal application review process to discuss the nature of the proposed application and to determine the best course of action for submittal.
- B. **Conference Representatives.** Pre-application conferences may be held upon request of an applicant with one or more of the following City representatives:
 - 1. Code Enforcement Officer (CEO);
 - 2. City Manager;
 - 3. Superintendent of Building & Zoning;
 - 4. Planning Board (PC) Chair;
 - 5. Zoning Board of Appeals (ZBA) Chair; and/or

6. Historic Districts and Structures Commission (HDSC) Chair.
- C. **Purpose.** The purpose of the pre-application conference is to provide an opportunity for a potential applicant to consult early and informally with the City. A pre-application conference will help to build a better understanding of the proposal and property in question, ensure an understanding of the required application process, and establish an overall approach that respects important features to the City while maximizing the potential of the property.
- D. **Advisory Opinion.** In no way shall any comments or feedback provided by the City during a pre-application conference be construed as an indication of decision or be legally binding in any way.
- E. **Application Material.** Materials presented during the pre-application conference may be incomplete and/or conceptual in design. A formal, complete application is required to be considered for approval prior to action.

§ 350-12.3 GENERAL APPLICATION PROCEDURES

A. Submittal.

1. Applications shall be submitted to the Superintendent of Building & Zoning or other duly designated City official. (CEO)
2. Only the property owner or their agent, with legally binding and written permission of the owner, may file an application. Where there are multiple land owners, a written consent agreement among all land owners must be included within the application.
3. Applications shall be submitted in the following form, unless otherwise directed by the CEO.
 - a) An electronic copy in PDF or other acceptable digital format;
 - b) At least one set of originals in hard copy;
 - c) At least one hard copy for each official or review board member reviewing the application; and
 - d) At least one hard copy for County Referral, where required.
4. The deadline for application submittal shall be as established by the rules and procedures of the reviewing body.

B. Acceptance and Processing.

1. The Superintendent of Building & Zoning or CEO shall indicate that an application is considered accepted and ready for processing only if it is

submitted in the required number and form, includes all required materials, and is accompanied by the required application fee.

2. The acceptance of an application by the Superintendent Of Building & Zoning or CEO shall in no way be interpreted as a determination of the completeness, adequacy, or accuracy of application materials, but rather serve as an acknowledgement to the receipt of required application materials. The Superintendent Of Building & Zoning or CEO may consult with other City departments, officials, boards, committees, or consultants to confirm the relevant application materials required.
3. If an application is determined to be inadequate, the Superintendent Of Building & Zoning or CEO will provide paper or electronic written notice to the applicant, along with an explanation of all known deficiencies that prevent competent review.
4. No further processing of inadequate applications will occur. When the deficiencies are corrected, the application will be placed in the next available processing cycle. If the deficiencies are not corrected within 62 days, the application will be considered withdrawn.

**Fee Schedule to be
set and adopted by
City Council.**

- C. **Application Fees.** All applications shall be accompanied by the required fee(s) as established by the Fee Schedule set and approved by the City of Geneva City Council. Failure to submit said fee shall deem an application unacceptable, regardless of the status of submittal on all other required materials.

§ 350-12.4 REVIEW BODY ACTION

In taking action on an application, the reviewing body shall complete the following general procedures, as applicable:

A. Public Hearing. Where required by this Chapter, the reviewing body shall hold at least one public hearing for all applications under their review prior to the issuance of a decision.

B. State Environmental Quality of Review (SEQR).

1. Where required by NYS Law, the review body shall complete all required documentation and procedures in accordance with the State Environmental Quality Review Act (SEQRA).

C. Issuance of Decision.

1. The reviewing body may approve, approve with conditions or modifications, or deny a proposed application.

D. Written Findings. A copy of the decision shall be promptly filed in the City Clerk's Office and mailed to the applicant.

E. Coordinated Reviews. The following reviews may be conducted concurrently as provided herein. Where applicable, duplicate application materials may be combined to satisfy submittal requirements.

1. Development Plan Review. Where development plan review is also required, the application requirements of Article 13 shall apply.
2. Special Use Permit. Where a special use permit is also required, the application requirements of Article 14 shall apply. In the event that the permit is denied, any other associated application decision shall be null and void.
3. Certificate of Appropriateness. Where a certificate of appropriateness is also required, the application requirements of Article 15 shall apply. In the event that the certificate of appropriateness is denied, any other associated application decision shall be null and void.
4. Subdivision. Where subdivision review and approval is also required, the requirements of Article 16 shall also apply.
5. Variance. Where an application requires a variance, the requirements of Article 18 shall also apply. Should the applicant fail to secure variance approval, the associated application shall be amended accordingly.

F. Waiving Application Requirements. The reviewing body is authorized to waive or modify, in whole or in part, required application material if it is their determination

that one or more of the following conditions apply:

1. The material, or part thereof, is found not to be requisite in the interest of the public health, safety, or general welfare;
 2. The material is inappropriate, immaterial, and/or unrelated to the application;
 3. The material is unnecessary for a complete, adequate, and informed review.
- G. Additional Application Requirements.** At any point in the review process, the reviewing body may require the applicant to provide additional material necessary for a complete, adequate, and informed review. Such additional material shall be deemed necessary by a majority vote of the reviewing body.

§ 350-12.5 EXPIRATION, REVOCATION & ENFORCEMENT

- A. **Expiration.** With the exception of variance applications, the approval of an application shall expire if one of any of the following occur:
1. The approved use(s) cease operation for more than 12 consecutive months for any reason;
 2. The applicant fails to obtain necessary building permits or certificates of occupancy within the set timeframe approved by the reviewing body or within one year of the approval date, where no such timeframe has been set;
 3. The applicant fails to comply with the conditions of the application's approval within one year of the date of issuance or completion of construction, where applicable;
 4. The applicant fails to initiate construction or operation of use within one year of the approval date;
 5. The applicant fails to complete construction within three years of the approval date; or
 6. The applicant fails to renew a time limited permit prior to the stated time period ending.
- B. **Extensions.** The reviewing body may grant an extension for any condition in Subsection A upon written request by the applicant. The applicant shall include in such request the desired time period for the extension, not to exceed one year, and the reasoning for requesting the extension.
- C. **Revocation.** The CEO may revoke approval and/or related permit(s) if the applicant violates the conditions of the approval or engages in any construction, alteration, or operation not authorized by the approval and/or related permit(s).

§ 350-12.6 PUBLIC HEARINGS

A. Conducting Public Hearings.

1. Public hearings shall be held by the reviewing body as required by this Chapter and NYS Law.
2. The reviewing body may conduct concurrent or joint public hearings for related applications under their consideration, if desired (e.g. subdivision application with associated site plan).

B. Public Hearing Notice. Public notice shall be made as provided herein and required by NYS Law.

C. Media Notices. Media notice, where required, shall be provided to:

1. The official newspaper of the City; and
2. The official website of the City.

D. Posted Notices

1. Notice shall be posted in a location plainly visible within City Hall.
2. Notice shall be posted on the property in question in a location plainly visible to passersby. The applicant shall obtain a sign of public notice from the City and ensure its placement upon the property prior to the public hearing. Upon close of the public hearing, the applicant shall return the sign to City Hall.

E. Public Notice Expenses. An applicant shall be required to reimburse the City for the publication, mailing and posting of a public notice upon written request. If said fee is not received within 62 days of the request, the application shall be considered withdrawn and any decision rendered shall be null and void.

Posting requirement
subject to review
and approval by
City Council.

ARTICLE 13. DEVELOPMENT PLAN REVIEW

§ 350-13.1 PURPOSE & INTENT

The physical form of the City of Geneva contributes to its aesthetic character, charm, quality of life, function, economic vitality, and historic integrity. The intent of the development plan review process is to provide for the following:

- A. Preservation and enhancement the physical form of the City and to Foster appropriate Economic Development.
- B. Achievement of compatibility with adjacent development;
- C. Mitigation of potentially negative impacts on traffic, parking, drainage and similar environmental constraints and concerns;
- D. Improvement of the overall visual, aesthetic quality of the City and enhancement of community character;
- E. Increased capability of the Zoning Code to adapt to a variety of unique circumstances; and
- F. Protection of the health, safety, and general welfare of the community.

§ 350-13.2 APPLICABILITY

- A. **Review Required.** No construction or site improvement work may commence without development plan review and approval as required by this Chapter.
- B. **Development Actions.** All proposed development actions and/or property improvements shall be subject to review in accordance with the following table.

ACTION	EXEMPT	ADMIN REVIEW	SITE PLAN REVIEW
OTHER ACTIONS			
Ordinary Repair or Maintenance of Use or Structure ¹	•		
Interior Alteration	•		
Installation, Maintenance, Replacement of Approved Sign	•		
Replacement In-Kind of Previously Approved Plan	•		
Amendment to Previously Approved Plan		•	
Demolition of Building in CB District (§350-13.6)			•
Subdivision			•
Planned Unit Development District (Article 17)			•

- Table Continued on Next Page -

ACTION	EXEMPT	ADMIN REVIEW	SITE PLAN REVIEW
CONSTRUCTION / EXPANSION / ALTERATION			
Primary / Accessory Use or Structure ²			
Single-, Two-, or Three-Family		•	
Other, Up to 150 sf		•	
Other, Up to 500 sf		•	
Other, Over 500 sf			•
Landscaping, Exterior Lighting, Mechanical Equipment, or Stormwater/Green Infrastructure			
Single-, Two-, or Three-Family	•		
Other		•	
Off-Street Parking / Loading Area			
10 Spaces or Less		•	
Over 10 Spaces			•
Driveway			
Within Existing Curbcut	•		
Requiring New or Altered Curbcut			•
Other Use or Structure			
Park or Playground Equipment (Primary)			•
Short-term Rental			•
Solar Energy System (Accessory)		•	
Telecommunications Equipment			•

NOTES: 1) Repair or maintenance may include, but is not limited to, repainting, tuckpointing, or repair or replacement in-kind of roofing, siding, windows, doors, and the like.
2) Accessory use or structure includes decks, patios, fencing, garages, sheds, outdoor seating or storage, etc. For full list see Section 350-7.4.

§ 350-13.3 REVIEW PROCEDURES

- A. Application Processing.** Development plan review applications shall be submitted, processed, and reviewed in accordance with Article 12 of this Chapter.
- B. Administrative (Admin) Review.**
1. Actions requiring administrative review, per §350-13.2, shall be reviewed and decided upon by the Superintendent Of Building & Zoning.
 2. The Superintendent Of Building & Zoning may refer any administrative review application to the Planning Board for site plan review if, in their opinion, it is found that such application requires a discretionary or more significant review to determine the appropriateness of such proposal. Upon referral by the Coordinator, the Planning Board shall assume review and decision authority.
- C. Site Plan Review.** Actions requiring site plan review, per §350-13.2, shall be reviewed and decided upon by the Planning Board as provided for by this Chapter and NYS Law.

D. Public Hearings.

1. A public hearing for applications subject to site plan review may be held at the discretion of the Planning Board.
2. No public hearing shall be required for applications subject to administrative review. Where an application has been referred to the Planning Board, subsection 1 above shall apply.

E. Endorsement of Approved Plan. Upon approval, the Superintendent Of Building & Zoning or Planning Board Chair shall endorse its approval via signature on a copy of the development plan. For conditionally approved plans, the Coordinator or Planning Board Chair shall endorse its approval only after demonstration that the plan has been amended to reflect such conditions or modifications.

§ 350-13.4 APPLICATION REQUIREMENTS

A. Administrative Review Applications. Applications subject to administrative review shall include the following materials, as applicable. The Superintendent Of Building & Zoning or CEO may require such materials be prepared by competent professionals duly licensed to prepare such drawings.

1. Required application form, including the name, address, and signature of the applicant, property owner, and developer.
2. Description or narrative of all proposed uses and structures.
3. Site plans drawn at a scale deemed appropriate by the Superintendent Of Building & Zoning or CEO, with continuation on sheets as necessary for written information. The plans shall indicate the following:
 - a) The location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within 100 feet of the property in question.
 - b) The location and use of all existing and proposed structures on the property in question, including all building and lot dimensions.
 - c) The location of all existing and proposed topography as revealed by contours or key elevations, including final site grading.
 - d) The location and proposed impacts to environmental features, including, but not limited to, open spaces, trees, watercourses, steep slopes, wetlands, floodplains, and watersheds.
 - e) The location and dimensions of existing and proposed landscaping, screening, walls, and fences, including information regarding the size and type of plants and building materials proposed.

- f) The location and dimensions of existing and proposed public and private streets, off-street parking areas, access drives, driveways, sidewalks, ramps, curbs, and paths.
 - g) A waste and trash management plan including the type, size, location, appearance, and operation of dumpsters or other trash receptacles.
 - h) The type, size, location, appearance, and operation of all outdoor mechanical equipment.
 - i) The location, height, intensity, bulb type, and light color of all exterior lighting fixtures.
 - j) The location, height, size, material, and design of all existing and proposed signs.
 - k) The location all new or modified downspouts or stormwater systems, including the configuration of a system for stormwater drainage or green infrastructure.
 - l) The location of existing and proposed utility systems including sewage or septic, water supply, telephone, cable, electric, internet, and fiber.
- 4. Building elevations, drawn at a scale deemed appropriate by the Coordinator and descriptions of all exterior building materials.
- 5. Plans for disposal of construction and demolition waste.
- 6. Identification of any state or county permits required for the project and record of application for and approval status of such permits.
- 7. All NYS SEQR documentation as required by law.
- 8. Such other, further, and additional information or materials as deemed necessary by the Superintendent Of Building & Zoning or CEO. Coordinator.
- B. Site Plan Review Applications.** Applications subject to site plan review shall include the following materials, as applicable. Such materials shall be prepared by competent professionals duly licensed to prepare such drawings, unless otherwise permitted by the CEO or Planning Board.
 - 1. All required administrative review application materials of Subsection A.
 - 2. A site plan showing the location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within 500 feet of the property in question.
 - 3. A certified land survey.
 - 4. A natural resource inventory and/or tree survey.
 - 5. A detailed traffic study.
 - 6. A Stormwater Pollution Prevention Plan (SWPPP).

7. A schedule for completion of each construction phase.
8. Such other, further, and additional information or materials as deemed necessary by the Planning Board.

§ 350-13.5 REVIEW CRITERIA

The Superintendent Of building & Zoning, CEO and/or Planning Board shall consider the following, as applicable, during administrative or site plan review.

A. Adopted Plans and Studies. Conformance with the City of Geneva Comprehensive Plan and other adopted plans and studies, where applicable.

B. Zoning Regulations.

1. Conformance with all district, building, use, and lot requirements.
2. Conformance with all design and development standards, including, but not limited to, off-street parking, loading, and access management, landscaping and screening, building and site design, and sign regulations.

C. Development Character.

1. Compatibility of proposed uses and structures to that of adjacent properties, considering building orientation, site design, and transitional treatments.
2. Quality of building design and materials and compatibility with the desired character of the district and/or neighborhood.

D. Transportation Network.

1. Adequacy and arrangement of vehicular traffic and circulation, including intersections, road widths, traffic controls, traffic-calming measures, and accessibility to fire and emergency vehicles.
2. Adequacy and arrangement of pedestrian and bicyclist access and circulation, including separation from vehicular traffic and connections provided internally and externally to the site.

E. Environmental Resources and Sustainability.

1. Preservation and protection of natural site features, open spaces, and critical environmental resources.
2. Provision of public passive and/or active recreational facilities.
3. Preservation or enhancement of public access to Seneca Lake.
4. Adequacy of stormwater, drainage, and erosion management plans.

F. Services and Utilities.

1. Adequacy and appropriate location of utility systems.

2. Adequacy of proposed waste and trash management plan.
3. Adequacy of snow storage and/or proposed snow removal plan.

G. Other Considerations.

1. Encouragement of the most appropriate use of land and utilization of the site.
2. Adequacy and appropriateness of construction plans and phasing.
3. Potential for adverse effects to the functioning, economic stability, prosperity, and health, safety, or general welfare of nearby property owners and the community.

§ 350-13.6 DEMOLITION OF BUILDINGS IN THE CB & CB-5 DISTRICTS

A. Permit Required. The approval and issuance of a demolition permit shall be required for the following:

1. Demolition of 50% or more of the gross floor area of a building located within the CB or CB-5 District; or

B. Planning Board Review.

1. The Planning Board shall review all demolition permit applications required under this Section.
2. The Board shall approve the issuance of a demolition permit only if it determined that the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the property itself, the district or neighboring properties in such district.
3. Prior to the issuance of a demolition permit, the applicant shall also obtain approval of a redevelopment plan through site plan review as provided for by this Article.

C. Waiver of Permit Requirements.

1. The provisions of this Section may be waived by the CEO if:
 - a) The building is damaged or destroyed in whole or in part (at least 50% of assessed value) by fire or other catastrophe to the extent that it cannot be repaired; or
 - b) The building must be demolished for immediate emergency health and public safety reasons, as determined by the Fire Department or others considered by the CEO to be qualified to assess the damage.
2. In such instances, the building shall be rebuilt in its original form, unless otherwise approved by the Planning Board through site plan review.

ARTICLE 14. SPECIAL USE PERMITS

§ 350-14.1 PURPOSE

The purpose of this section is regulate those uses that have some particular impact or unique characteristics which require a case-by-case review of their location design, configuration and impacts on the surrounding area. By requiring the individual review of special use permit applications, the Planning Board helps to determine the level of compatibility and desirability of a use in its proposed location.

§ 350-14.2 APPLICABILITY

- A. **Permit Required.** Prior to the issuance of a building permit, a special use permit may be obtained for all uses as noted in the district tables of Articles 3, 4, 5, and 6 of this Chapter.
- B. **Additional Use Regulations.** In addition to the general district and development requirements of this Chapter, specially permitted uses shall also conform to the requirements of Article 7, where applicable.

§ 350-14.3 REVIEW PROCEDURES

- A. **Application Processing.** Special use permit applications shall be submitted, processed, and reviewed in accordance with Article 12 of this Chapter.
- B. **Authorized Review Body.** Special use permit applications shall be reviewed and decided upon by the Planning Board.
- C. **Public Hearing.** A public hearing shall be held for all special use permit applications.
- D. **Referrals.** All referrals shall be made in accordance with Section 350-12.5.

§ 350-14.4 APPLICATION REQUIREMENTS

A special use permit application shall include, at a minimum, the following:

- A. An application form, including the name, address, and signature of the applicant, property owner, and developer, as applicable.
- B. A site plan denoting the location of the subject property and all structures thereon, as well as all property, uses, and structures within 300 feet of the proposed use.
- C. A description of the proposed use and nature of its operation, including but not limited to:
 - 1. A business plan, vision, or model, and/or summary of products, goods, and services to be sold or provided;

2. The proposed hours of operation;
 3. The number of employees at maximum shift;
 4. The maximum seat capacity;
 5. The timing and manner of any and all anticipated deliveries;
 6. A recycling and waste management plan; and
 7. The nature and type of all mechanical equipment provided and/or required.
- D. An interior floor plan, including, but not limited to, the arrangement of seats, kitchen and/or bar size and location, storage areas, and location of machines or other mechanical equipment.
- E. A narrative describing how the proposed use will satisfy the special use permit review criteria (Section 350-14.5).
- F. All SEQR Documentation as required by NYS Law.

§ 350-14.5 REVIEW CRITERIA

The Planning Board shall consider the following when reviewing an application for special use permit.

- A. **Adopted Plans and Studies.** Conformance with the City of Geneva Comprehensive Plan and other adopted plans and studies, where applicable.
- B. **Zoning Regulations.** Conformance with all district, building, use, and lot requirements.
- C. **Neighborhood Context.** Compatibility of the proposed use with adjacent properties, uses, and structures, as defined by the potential of the use to:
1. Create a hazard to the public health, safety and general welfare or create a public nuisance;
 2. Alter the character of the neighborhood or be detrimental to the residents thereof through the production of noxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions;
 3. Cause significant traffic congestion, create a traffic hazard, or vehicular or pedestrian hazard;
 4. Cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area;
 5. Impact historic properties; and
 3. Otherwise result in an excessive or significant negative impact on the community that cannot be mitigated.

D. Services and Utilities.

1. Adequacy of existing utilities and public facilities and services, such as sufficient roadway capacity, police and fire protection, drainage structures, refuse disposal, and schools, to serve the use.
2. Adequacy of off-street parking, loading, and vehicular, pedestrian, and bicycle access and accommodations on-site so as not to create a parking shortage or other problems for nearby businesses and/or residents.
3. Adequacy of proposed waste and trash management plan.

E. Other Considerations.

1. Encouragement of the most appropriate use of land and utilization of the site.
2. Adequacy of landscaping and screening provisions, including mitigating measures to reduce potential negative impacts to adjacent properties.
3. Appropriate location, arrangement, size, and design of proposed signage.
4. Potential for adverse effects to the functioning, economic stability, prosperity, and health, safety, or general welfare of nearby property owners and the community.

ARTICLE 15. CERTIFICATES OF APPROPRIATENESS

§ 350-15.1 PURPOSE

- A. It is the purpose of this Article to ensure new construction, alteration, repair, or demolition of historic buildings and structures within the City of Geneva preserve the historic value, character, and architectural integrity of such structure and those of the surrounding area.
- B. It is not the intent of this Article to limit new construction, alteration or repair to any one period of architectural style, but rather to preserve an aesthetic whole.
- C. The reviewing body shall be lenient in its judgment of plans for new construction or for alteration, repair or demolition of structures of little historic value, except when such action would be in direct conflict with the purpose defined herein.

§ 350-15.2 APPLICABILITY

- A. **Certificate Required.** A certificate of appropriateness shall be required for the construction or exterior alteration of any building, structure, or architectural feature in the Historic Overlay (HO) District that is, in any respect, visible from a public street, park, or any other public or private space that is accessible to the public. No building permit shall be issued until a certificate of appropriateness has been obtained where required by this Chapter.
- B. **Exemptions.** This review shall consider only exterior features of a structure and will not consider interior arrangements.
- C. **Maintenance and Repair.** Nothing contained in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in either the HO District or on designated structures of historic and architectural importance which does not involve a change in design, material, color or the outward appearance thereof.

§ 350-15.3 REVIEW PROCEDURES

- A. **Application Processing.** Certificate of appropriateness applications shall be submitted, processed, and reviewed in accordance with Article 12 of this Chapter.
- B. **Authorized Review Body.** Certificates of appropriateness shall be reviewed and decided upon by the Historic Districts and Structures Commission (HDSC).
- C. **Public Hearing.** A public hearing for a certification of appropriateness application may be held at the discretion of the HDSC.
- D. **Referrals.** All referrals shall be made in accordance with Section 350-12.5.

E. Issuance of Decision.

1. The HDSC shall review and decide upon applications in accordance with Section 350-12.4 of this Chapter.
2. If approved, the HDSC Chair shall sign the certificate of appropriateness and immediately transmit it to the CEO for a building permit. The HDSC Chair shall also stamp all prints submitted signifying its approval.
3. Failure of the HDSC to issue a decision on an application within 62 days from the date of acceptance, unless otherwise mutually agreed upon by the applicant and HDSC, shall be deemed to constitute approval and the CEO shall proceed to process the application without regard to a certificate of appropriateness.

§ 350-15.4 APPLICATION REQUIREMENTS

A certificate of appropriateness application shall include the following.

- A. An application form, including the name, address, and signature of the applicant, property owner, and developer, as applicable.
- B. A site plan denoting the location of the subject property and all structures thereon, as well as all property, uses, and structures within 100 feet of the property.
- C. Building elevations, drawn at a scale deemed appropriate by the HDSC, and descriptions of existing and proposed exterior building materials.
- D. All other plans, elevations, and information deemed necessary by the HDSC to determine the appropriateness of the exterior features or buildings in question.

§ 350-15.5 REVIEW CRITERIA

The HDSC shall consider the following when reviewing an application for a certificate of appropriateness.

- A. The appropriateness of proposed exterior features of buildings, structures and appurtenant fixtures.
- B. The location on the lot and removal or demolition of any building or structure under their authority.
- C. The historical architectural value and significance of the structure and its relationship to the historic value of the surrounding area.
- D. The general compatibility of exterior design, arrangement, texture and materials proposed to be used.
- E. Any other factor, including aesthetic, which the HDSC deems pertinent.

ARTICLE 16. SUBDIVISIONS

§ 350-16.1 LEGISLATIVE AUTHORITY

By authority of the City of Geneva City Council, pursuant to NYS General City Law Article 3, Sections 32, 33, and 34, the Planning Board of the City of Geneva is hereby authorized and empowered to review and approve subdivision plats.

§ 350-16.2 PURPOSE

- A. Purpose.** The purpose of Article is not only to provide for future growth and development, but also maintain and enhance the physical character of the City, its multi-modal transportation network, natural environment, and protect the general health, safety, and welfare of the public. The administration of this law shall be in accordance with the following objectives:
1. Ensuring subdivisions properly provide quality facilities for housing and infrastructure, including all necessary utilities and services;
 2. Maintaining proper access and connectivity for pedestrians, bicyclists, and motorists and mitigating the potential negative impacts of increased traffic;
 3. Protecting the City's historic character and traditional settlement pattern from suburban development pressures;
 4. Employing the application of clustering and land use conservation principles in subdivision proposals;
 5. Providing parks and open space in subdivisions for the betterment of resident quality of life and preservation of property values;
 6. Promoting the use of green infrastructure and sustainable design practices in subdivision proposals; and
 7. Considering the comfort, convenience, safety, health and welfare of the general population as future development opportunities are considered.
- B. Intent.** It is declared to be the intent of this subdivision law to serve as part of a plan for orderly, efficient and economical development of the City of Geneva. Land(s) to be subdivided shall:
1. Be of such character with respect to layout and size of lots to complement the traditional character of the City and be in harmony with the settlement pattern of neighboring properties;
 2. Be of such character with respect to layout and size of lots so that it can be used safely for building purposes without danger to health, or peril of fire, flood, or other menace;

3. Make proper provisions for drainage, water supply, sewage, and other needed improvement and utilities;
4. Include streets of such width, grade, and location as to accommodate prospective traffic, facilitate fire protection, and provide access of emergency equipment to buildings while minimizing disruption to the natural environment;
5. Make proper provisions for leaving natural areas and corridors undeveloped to mitigate the adverse environmental impacts of subdivision, sustain a diverse population of native vegetation and wildlife, protect water resources, and scenic views, and implement the City's policies of protection of its environmental, historic, and economic resources;
6. Conform to the land use and development recommendations within the City of Geneva Comprehensive Plan; and
7. Be in conformance with this Chapter.

§ 350-16.3 REVIEW PROCEDURE

Site plan review under the provisions of this Chapter (Article 13) shall suffice for Planning Board review of subdivisions under Chapter 310 (Subdivision Regulations) of the City of Geneva Code, subject to the following conditions:

- A. The applicant shall prepare sets of subdivision plats suitable for filing with the office of the Ontario County Clerk in addition to site plan review application requirements.
- B. The applicant shall plat the entire development as a subdivision; however, planned unit developments being developed in stages may be platted and filed in the same stages.
- C. Site plan approval under this Article shall constitute final plat approval under Chapter 310 of the City of Geneva Code and provisions of NYS Law.

ARTICLE 17. PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

§ 350-17.1 PURPOSE

- A. Purpose.** The preservation of the distinctive environmental, and aesthetic character of the City of Geneva is directly related to the economic vitality of the City business districts, stability of property values, appeal of the City as a destination, and the quality of life for Geneva residents. Occasionally on larger projects, conventional use, space, dimensional, and bulk requirements contained in the underlying zoning may not be the best standards to ensure new development achieves the goals states above. It is the purpose of this Article to provide flexible performance standards for zoning districts identified as having the potential for redevelopment and new development, and which are identified in this Article. The intent of these standards is to:
1. Preserve historic resources and protect environmentally sensitive areas and natural features, including Seneca Lake;
 2. Preserve aesthetic community features and important viewsheds;
 3. Ensure a well-connected, multi-modal transportation network;
 4. Ensure new construction and development is compatible in design, scale, and use with the City and surrounding area.
- B. Intent.** The application of the PUD District review process is intended to achieve more creative land use and a higher quality of planning and a higher quality of site planning and design than can be accomplished through conventional zoning regulations.

§ 350-17.2 APPLICABILITY

- A. PUD Approval Required.** Whenever any planned unit development is proposed, before any permits for the erection of permanent buildings in such planned unit development shall be granted and before any subdivision plat or any part thereof may be filed in the office of the Ontario County Clerk, the developer or his authorized agent shall apply for and secure approval of such planned unit development in accordance with the procedures set forth in this Chapter. These procedures shall supersede any inconsistent procedures or regulations set forth elsewhere in the City codes or comprehensive plans.
- B. Eligibility.** To be eligible for the establishment of a PUD District under this Article, applicants must demonstrate the proposed project meets or exceeds two or more of the following criteria:
1. The property under consideration is at least 1 acre in contiguous area.

2. The project proposes an overall density and/or intensity of use which would not be permitted or required by the underlying zoning while also preserving more open land or providing more amenities to the community.
3. The project proposes a use that is compatible with the surrounding context but is otherwise not permitted by the underlying zoning. In determining compatibility, the reviewing board will consider traffic generation, noise, truck traffic, scale, density, intensity of use, impact to historic resources, viewsheds, aesthetics, and impacts on existing infrastructure.
4. The project preserves natural resources, historic resources, and/or important views to a greater degree than would be possible by the underlying zoning.

C. Relief from Conventional Zoning.

1. For projects deemed eligible, the reviewing board may waive City zoning regulations that would ordinarily apply to a property where the applicant demonstrates relief from said regulations is necessary to meet the purposes described herein.
2. It is not the intent of this Article to arbitrarily dispense with underlying zoning regulations, but rather to grant the minimum relief necessary to achieve the objectives of this Article.

§ 350-17.3 REVIEW PROCEDURES

- A. Pre-Application Conference.** A pre-application conference per Section 350-12.2 is strongly encouraged prior to submitting a PUD application.
- B. Application Processing.** PUD applications shall be submitted, processed, and reviewed in accordance with Article 12 of this Chapter.
- C. Planning Board Review and Recommendation.** The Planning Board shall conduct a review of the PUD application, site plan, and related documents and provide a recommendation of decision to the City Council.
- D. City Council Review and Decision.** Upon receipt of a recommendation from the Planning Board, the City Council shall review and decide upon such application as an amendment, in accordance with Article 18. If the City Council approves the PUD application, the zoning map and text shall be amended and filed accordingly.
- E. Public Hearings.** A public hearing shall be held by the City Council for all PUD applications.
- F. Referrals.** All referrals shall be made in accordance with Section 350-12.5.

§ 350-17.4 APPLICATION REQUIREMENTS

- A. Site Plan.** All PUD applications shall include the required site plan review application materials as noted in Article 13.

B. PUD District. In addition to the required site plan application materials, all PUD applications shall include:

1. Documentation that the applicant's particular mix of land uses meets existing community demands. Documentation may be in the form of specific studies or reports initiated by the applicant or in the form of references to existing studies or reports relevant to the project in question.
2. All interior streets, roads, easements and their planned public or private ownership, as well as all points of access and egress from existing public rights-of-way.
3. Specific definition of all uses, indicating the number of residential units and the density of each residential housing type, as well as the overall project density.
4. The overall water and sanitary sewer system with proposed points of attachment to existing systems, and the proposed stormwater drainage system and its relation to existing systems.
5. Description of the manner in which any areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and others, according to the proposals.
6. If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units or activities completed per phase.
7. A description of any covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
8. Documentation as required by the City Council of the applicant's ability to complete the proposed planned unit development. The applicant should be aware that at all subsequent stages, plans must be prepared by professionally competent site planners.

C. Final Site Plan. The final submission of site plan material approved by the Planning Board and forwarded to the City Council for PUD approval shall also contain:

1. The final site plan at a scale of one inch equals 50 feet. Where more than one sheet is required to show the entire development, a key map shall be provided.
2. The lines of existing and proposed streets and sidewalks immediately adjoining and within the PUD.
3. The names of existing and proposed streets.
4. Typical cross sections of proposed streets and sidewalks.
5. Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation.

6. Layouts of proposed lots, including lot numbers and proposed numbering system for buildings.
7. The location and size of any existing and proposed sewers (stormwater and/or sanitary), water mains, and pipes on the property or into which any connection is proposed.
8. Provisions for water supply and sewage disposal and evidence that such provisions have received approval of the Department of Health.
9. Locations of survey monuments.
10. A complete grading and drainage plan showing all existing and proposed contours and elevations and the complete storm drainage plan.
11. A planting plan indicating locations, varieties, and minimum sizes of trees to be planted and of existing trees to be preserved. Existing wooded areas need not be itemized but should be generally described.
12. Brief specifications, or reference to City standards, for all public facilities to be constructed or installed within the PUD.

§ 350-17.5 REVIEW CRITERIA

- A. **Site Plan.** All site plan elements of a PUD application shall be considered as provided by Article 13 of this Chapter.
- B. **Subdivision.** The associated subdivision plat of a PUD application shall be considered as provided by Article 16 of this Chapter.
- C. **Zoning Amendment.** All PUD applications shall also be subject to the review criteria of Article 18 of this Chapter.

§ 350-17.6 APPROVAL NOT GUARANTEED

The fact that an application complies with all of the specific requirements set forth herein shall not be deemed to indicate the proposed development would result in a more efficient and desirable development than could be accomplished by the use of conventional zoning categories or than would result in compatibility with the surrounding development; nor shall such compliance, by itself, be sufficient to require the approval of the site plan or the granting of the zoning amendment to create a PUD District.

§ 350-17.7 STAGING

- A. If the applicant wishes to stage the PUD development, then they may submit only those stages they wish to develop for site plan approval in accordance with the presented staging plan.
- B. Any plan which requires more than 24 months to be completed shall be required to be staged and a staging plan must be developed.

- C. It is the intent of this Article that individual stages of the PUD will have an integrity of use in their own right so that if for any reason the entire PUD would not be completed, those portions of the PUD already constructed will be an asset to the community by themselves. Staging plans must take account of this objective, and developers proposing individual stages that deviate significantly from the overall character of the PUD should present convincing evidence that such a stage is in keeping with this Section.

§ 350-17.8 **AMENDMENTS & MODIFICATIONS**

- A. Except as otherwise may be provided by the Planning Board, all land use activities situated within and in existence on the effective date of a final site plan approval or developed in accordance with an approved project plan as provided herein shall be subject to the issuance of a project plan amendment by the Planning Board in the event of the following:
 - 1. Change in or location of enumerated land uses.
 - 2. Demolition of a principal structure, except where mandated by the CEO in the interest of public safety.
 - 3. Establishment of new streets or other public/common areas.
 - 4. Any changes which may otherwise be regulated by the adoption of controls made specifically applicable to such district, either at its inception or subsequently.
- B. Except as otherwise provided, any modification not addressed above shall be reviewed and approved by the Planning Board prior to the issuance of permits for construction.

ARTICLE 18. AMENDMENTS, APPEALS & VARIANCES

§ 350-18.1 AMENDMENTS & REZONINGS

A. Authority to File.

1. Pursuant to the General City Law and the Geneva City Charter and all applicable provisions of this Chapter, this Chapter may be amended, supplemented and repealed.
2. Amendments to the text or map of this zoning law may be initiated by the City of Geneva City Council, Planning Board, or by a petition by property owners as proved by NYS City Law.

B. Authorized Review Bodies.

1. The Planning Board shall serve in an advisory role to the review of proposed amendments to this Zoning Law and issue a recommendation of decision to the City Council.
2. The City Council shall review and issue the final decision on all proposed amendments.

C. Public Hearing. A public hearing shall be held by City Council for all proposed amendments.

D. Review Procedure.

1. Each application shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to City Council, accompanied by a full statement of the reasons for such recommendations.
2. If the Planning Board fails to report within a period of 62 days from the date of receipt of notice or such longer time as may have been agreed upon by it and City Council, the Council may act without such report.
3. After receiving the report of the Planning Board, City Council shall issue a decision on the proposed amendment within 62 days. The Council may also return the application to the Planning Board for further consideration, together with a written explanation of the reasons for doing so.
4. If the City Council approves the amendment, supplement, change or modification to the zoning law, the Zoning Code and Map, as applicable, shall be amended after publication and filing with the City Clerk, County Clerk, and Secretary of State as required by NYS Law.

- E. Review Criteria.** In reviewing and making decisions on zoning amendments, the reviewing body must consider the following criteria, as applicable:
1. Whether the proposed amendment corrects an error or inconsistency in the zoning law or meets the challenge of a changing condition;
 2. Whether the proposed amendment is in substantial conformance with the adopted plans and policies of the municipality;
 3. Whether the proposed amendment is in the best interests of the municipality as a whole;
 4. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by any requested re-zoning;
 5. Whether any re-zoning will substantially harm the public health, safety or general welfare or the value of nearby properties;
 6. Whether any re-zoning is compatible with the zoning and use of adjacent property;
 7. Whether the property in question is suitable for the uses and development to which it has been restricted under the existing zoning regulations; and
 8. Whether the gain, if any, to the public health, safety and general welfare due to denial of the application outweighs that of the hardship imposed upon the landowner, if any, as a result of denial of the application.

§ 350-18.2 APPEALS

- A. Applicability.** Appeals may be made where it is alleged there has been an error in interpretation of any zoning code provisions or in any order, requirement, decision, or determination made by the Superintendent of Building & Zoning or CEO under the City Code.
- B. Right to Appeal.** Appeals may be filed by any person aggrieved by an administrative decision of the CEO or other agent duly designated to the administration and enforcement of this Chapter.
- C. Stay Upon Appeal.** An appeal shall stay all proceedings in furtherance of the appealed action, unless the CEO certifies to the ZBA a stay would, in their opinion, cause imminent peril to life or property. Then the proceedings shall not be stayed otherwise than by a restraining order granted by the ZBA or by a court of record on application, to the CEO.
- D. Authorized Review Body.** Appeals shall be reviewed by the Zoning Board of Appeals (ZBA).

E. Application Processing.

1. Appeal applications shall be submitted, processed, and reviewed in accordance with Article 12 of this Chapter.
2. Appeal applications must be filed within 30 days of the date of the decision being appealed.
3. Every appeal application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed.

F. Public Hearing Required.

1. A public hearing shall be held by the ZBA prior to issuing a decision.
2. A motion for the ZBA to hold a rehearing to review any order, decision or determination not previously reheard, may be made by any member of the ZBA. A unanimous vote of all members of the ZBA then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the ZBA may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the ZBA finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

G. Issuance of Decision.

1. In exercising the appeal power, the ZBA has all the powers of the City official or agent from whom the appeal is taken.
2. The ZBA may reverse the appeal or affirm the appeal, in whole or in part, or modify the decision being appealed.

ARTICLE 19. REVIEW BODIES

§ 350-19.1 CITY COUNCIL

- A. **Applicability.** The requirements of this Article are intended to apply solely to the role of the City of Geneva City Council with respect to this Chapter. As such, the City Council shall have full authority to administer and enforce this Chapter.
- B. **Staff Appointments and Confirmations.** The City Council may confirm clerks or other employees serving at its pleasure, upon appointment of such by the Mayor. The City Council may also confirm clerks or other employees to serve at the pleasure of the Historic Districts and Structures Commission, Planning Board, or Zoning Board of Appeals upon appointment of such by the Mayor.
- C. **Final Decision Authority.** Pursuant to this Chapter and NYS City Law, the City Council is hereby authorized and empowered with final decision authority to approve, approve with modifications or conditions, or deny applications for the following:
 - 1. Amendments to the text and/or map of this Chapter (re-zonings); and
 - 2. Planned Unit Development (PUD) Districts.

§ 350-19.2 PLANNING BOARD

- A. **Establishment.** Per NYS City Law the Planning Board previously established under local law and still in existence at the time of this Chapter's enactment shall hereby be continued.
- B. **Membership and Terms.**
 - 1. The Planning Board shall consist of nine members appointed by the Mayor and approved by the City Council.
 - 2. The terms of the members of the Planning Board shall be three years.
 - 3. Removal of members, alternates, and vacancies shall be addressed as provided for in NYS City Law.
 - 4. The members shall serve without compensation.
- C. **Advisory Authority.** Pursuant to this Article and NYS City Law, the Planning Board is hereby authorized and empowered with review and advisory authority for the following actions:
 - 1. Amendments to the text and/or map of this Chapter (re-zonings); and

2. Planned Unit Development (PUD) Districts.
- D. **Final Decision Authority.** Pursuant to this Article and NYS City Law, the Planning Board is hereby authorized and empowered with final decision authority to approve, approve with modifications or conditions, or deny applications for the following:
 1. Special use permits;
 2. Site plan review;
 3. Subdivisions; and
 4. Demolition permits.

§ 350-19.3 ZONING BOARD OF APPEALS (ZBA)

- A. **Establishment.** Per NYS City Law the Zoning Board of Appeals (ZBA) previously established under local law and still in existence at the time of this Chapter's enactment shall hereby be continued.
- B. **Membership and Terms.**
 1. The ZBA shall consist of seven members appointed by the Mayor and approved by the City Council.
 2. The terms of the members of the ZBA shall be three years.
 3. Removal of members, alternates, and vacancies shall be addressed as provided for in NYS City Law.
 4. The members shall serve without compensation.
- C. **Final Decision Authority.** Pursuant to this Article and NYS City Law, the ZBA is hereby authorized and empowered with final decision authority to approve, approve with modifications or conditions, or deny applications for the following:
 1. Variances;
 2. Appeals; and
 3. Code Interpretations.

350-19.4 HISTORIC DISTRICTS & STRUCTURES COMMISSION

- A. **Creation of Commission.** In order to execute the purposes declared in this Article, there is hereby created a commission to be called the "Historic Districts and Structures Commission (HDSC)." The HDSC still in existence as the time of this Chapter's enactment shall hereby be continued.
- B. **Membership and Terms.**

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1. The HDSC shall consist of seven members whose residences are located in the City of Geneva, as appointed by the Mayor and approved by City Council.
2. The terms of the members of the HDSC shall be three years.
3. Before making HDSC member appointments, the City Council shall request the Board of Directors of the Geneva Historical Society for recommendations. In no event is the City Council required to accept any recommendations so made to it.
4. A vacancy occurring in the membership of the HDSC for any cause shall be filled by a person appointed and confirmed by the City Council for the unexpired term.
5. The members shall serve without compensation.

C. Procedures and Rules of Commission.

1. The Historic Districts and Structures Commission shall elect from its membership annually a Chairman and Vice-Chairman from its own number.
2. The Chairman shall preside over the Commission and shall have the right to vote. The Vice-Chairman shall, in cases of absence or disability of the Chairman, perform the duties of the Chairman.
3. All Commission members shall have voting rights. The Commission may adopt rules and regulations not inconsistent with the provisions of this Article.
4. The Commission shall adopt rules which shall provide for the time and place of holding regular meetings. It shall provide for the calling of special meetings by the Chairman or by at least three members of the Commission.
5. At least four members of the Commission shall constitute a quorum for the transaction of its business.
6. All meetings of the Commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.
7. The Commission shall be furnished with a secretary by the City who shall keep a record of all resolutions, proceedings and actions of the Commission. This shall constitute a record which shall be open to public view. The concurring affirmative vote of four members shall constitute approval of plans before it for review or for the adoption of any resolution, motion or other action of the Commission.

D. Final Decision Authority. Pursuant to this Chapter, the HDSC is hereby authorized and empowered with final decision authority for the following:

1. Certificates of Appropriateness.

ARTICLE 20. CODE ENFORCEMENT

§ 350-20.1 CODE ENFORCEMENT OFFICER (CEO)

- A. Enforcement Authority.** This Chapter shall be enforced by the Code Enforcement Officer (CEO) designated in Chapter 22, Enforcement Officers, of the City of Geneva Code.
- B. Permit Issuance.** No building permit or certificate of occupancy shall be issued by the CEO, and no permit or license for any other purpose shall be issued by any other official or employee of the City, if the same would be in conflict with the provisions of this Chapter.
- C. Powers and Duties.** Except as otherwise specifically provided by law, ordinance or regulation, the CEO shall:
1. Administer and enforce all of the provisions of this Chapter.
 2. Receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof.
 3. Issue all appropriate notices or orders to remove illegal or unauthorized construction or to cease and desist any illegal or unauthorized uses.
 4. Examine the premises for which applications have been received or permits have been issued for the purpose of ensuring compliance with the provisions of this Chapter.
 5. Maintain permanent official records of all transactions and activities concerning the enforcement of this Chapter, including all applications received, permits or certificates issued, fees charged and collected, inspection reports and notices and orders issued.
 6. Submit to the City Council a written annual report and summary of all business conducted by his office.
- D. Stop Orders.** Whenever the CEO has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building and zoning laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, they shall notify the owner of the property, or the owner's agent, or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

- E. **Right of Entry.** The CEO or any designated subordinate, upon the showing of proper credentials and in the discharge of his duties, may enter any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

§ 350-20.2 BUILDING PERMITS

- A. **Building Permit Required.** No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a building permit from the CEO.
- B. **Permit Exemptions.** No building permit shall be required for the performance or ordinary repairs or improvements which are not structural in nature or if the total estimated cost including labor is less than \$500. If the work is to be performed by the owner or by another individual without compensation, the reasonable value of such labor shall be included to determine the estimated cost.
- C. **Application Requirements.**
1. Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.
 2. Application for a building permit shall be made to the CEO on forms provided by his office and shall contain the following information:
 - a) A description of the land on which the proposed work is to be done.
 - b) A statement of the present and proposed use or occupancy of all parts of the land and of the building or structure.
 - c) The valuation of the proposed work.
 - d) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.
 - e) A brief description of the nature of the proposed work.
 - f) A duplicate set of plans and specifications as set forth in Subsection 3 of this Section.
 - g) Such other information as may be reasonably required by the CEO to establish compliance of the proposed work with the requirements of the applicable building and zoning laws, ordinances and regulations.
 - h) An overall plan for proposed landscaping in regard to the site location of the subject structure or building will be required if the landscaping causes the alteration of the existing topography of the land or other

environmental features which would have an impact on neighboring structures or the overall preexisting appearance of the neighborhood.

- I.) Where the plans require compliance with the State Environmental Quality Review Act (SEQR), the appropriate proceedings must be completed pursuant to Part 617 of the NYCRR and any other applicable regulations before approval may be granted
3. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the CEO, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings.
4. The CEO may waive the requirement for filing plans, and except further that details of structural, mechanical and electrical work, including computations, stress diagrams and other technical data, shall not be required for one- and two-family dwellings when a statement is made that the proposed construction will be in accordance with the provisions and standards of the State Building Construction Code applicable to one- and two-family dwellings.
5. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to approval of the CEO.

D. Issuance of Building Permit.

1. The CEO shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. They shall approve or disapprove the application within a reasonable time and subject to all other requirements and procedures of this Chapter and any other ordinance, local law, rule or regulation of the City.
2. Upon approval of the application and upon receipt of the legal fees therefor, they shall issue a building permit to the applicant upon the form prescribed and shall affix their signature or cause their signature to be affixed thereto.
3. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "Approved." One set of such approved plans and specifications shall be retained in the files of the CEO and the other set shall be returned to the applicant together with the building permit and shall be kept at the building site open to inspection by the CEO or his authorized representative at all reasonable times. The building permit shall be posted upon the premises in a conspicuous place so as to be visible from the street throughout the period of construction.

4. If the application, together with the plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building and zoning regulations, the CEO shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the CEO shall cause such a refusal, together with the reasons therefor, to be transmitted to the applicant in writing.
- E. **Completion of Work.** Work authorized by a building permit must be started within six months after the date of the permit and completed within 12 months of the effective date of the permit. If work is not commenced within six months of the effective date, the permit shall be considered void. If work is not completed within 12 months of the effective date of the building permit, the CEO may allow one six-month extension.
- F. **Revocation of Building Permit.** The CEO may revoke a building permit theretofore issued and approved in the following instances:
 1. Where they find that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.
 2. Where they find that the building permit was issued in error and should not have been issued in accordance with the applicable law or ordinance.
 3. Where they find that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
 4. Where the person to whom the building permit has been issued fails or refuses to comply with a stop order issued by the CEO.

§ 350-20.3 CERTIFICATES OF OCCUPANCY

A. Certificate of Occupancy Required.

1. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the CEO, except for single-family dwellings legally established under this Chapter.
2. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy shall have been issued by the CEO.
3. Certificates of occupancy shall be applied for coincident with the application for a building permit, and no building permit shall be issued until application shall have been made for a certificate of occupancy.
4. No building hereafter enlarged, extended, or altered, or upon which work has been performed which required the issuance of a building permit, shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the CEO.

5. Upon transfer of title to a new owner, execution and recording of a mortgage or upon said building becoming vacant, no two-family dwelling, no mixed occupancy containing two or more families and no multiple dwelling shall be occupied in whole or in part until the issuance of a current certificate of occupancy by the CEO certifying that said dwelling conforms to the requirements of the City of Geneva Minimum Housing and/or Multiple Residence Codes. The certificate of occupancy shall also certify that the use of such building conforms to this Chapter. A "current certificate of occupancy," as used in this subsection, shall mean a certificate of occupancy issued within 60 days of the transfer of title to a new owner or the execution and recording of a mortgage.
- B. Conditions.** The CEO in his discretion may issue a certificate of occupancy with conditions where:
1. The subject dwelling is in compliance with this Chapter;
 2. The subject dwelling is near substantial compliance with the codes, ordinances and rules; and
 3. The work required to bring the dwelling into full compliance is not essential to making the building habitable.
- C. Temporary Certificate of Occupancy.** Upon request, the CEO may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portions as have been completed may be occupied safely without endangering life, property, or the public welfare.
- D. Inspection Required.**
1. Before issuing a certificate of occupancy, the CEO shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy, and they may conduct such inspections as they deem appropriate from time to time during and upon completion of the work for which a building permit has been issued.
 2. There shall be maintained in the office of the CEO a record of all such examinations and inspections together with a record of findings or violations of the law.
- E. Issuance of Certificate of Occupancy.**
1. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building and zoning laws, ordinances and regulations, and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the CEO shall issue a certificate of occupancy upon the form provided by them. If it is found that the proposed work has not been properly completed, the CEO shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building and zoning regulations.

2. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy are in conformity with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put, except that such certificate of occupancy shall not be considered as certification of location of lot boundaries or property division lines.
- F. Tests.** Whenever there are reasonable grounds to believe that any material, construction, or equipment or the location of a building or structure does not conform to the requirements of the applicable building laws, ordinances or regulations, the CEO may require the same to be subjected to tests and measurements in order to furnish proof of such compliance prior to the issuance of a certificate of occupancy.

§ 350-20.4 NONCONFORMITIES

A. Continuation of Nonconforming Building or Use.

1. Any lawful building, structure or use of premises existing at the time of enactment of this Chapter, or any subsequent amendment thereof applying to such building, structure or use of premises, may be continued although such building, structure or use of premises does not conform to the provisions thereof.
2. Any undeveloped lot in a subdivision which was not properly approved by the Planning Board and/or not filed in the office of the County Clerk and whose area and/or depth is less than the specified minimum lot requirements and average density requirements of this Chapter shall be considered a violation of this Chapter.

B. Discontinuance of Nonconforming Use.

1. Any building or land used for or occupied by a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used for or occupied by a nonconforming use.
2. If for a continuous period of two years either the nonconforming use of land with minor improvements is discontinued or the active operation of substantially all the nonconforming uses in any building or other structure is discontinued, such land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operation shall not affect the foregoing. The provisions of this subsection shall not apply if such discontinuance of active operations is directly caused by war, strike or other labor difficulties, a governmental program of materials rationing, or the construction of a duly authorized improvement project by a governmental body or a public utility company.

- C. Necessary Maintenance and Repairs.** A building or structure of nonconforming use may be repaired or restored to a safe condition. Any such repair or restoration shall be subject to the following provisions:

1. Such repair or restoration shall be permitted only upon the same lot as was in existence on the date the use became nonconforming.
2. Any increase in the volume, area or extent of the nonconforming use shall not be permitted.
3. If a structure has been damaged or destroyed to the extent of more than 75% of its assessed value, repair or reconstruction of the structure shall be prohibited except in compliance with all currently effective zoning regulations, as well as the provisions of the New York State Uniform Fire Prevention and Building Code.
4. Under no circumstances shall "repaired or restored" be construed to include the total demolition and rebuilding of a structure. In such an instance, the provisions of Subsection 3 above shall apply.

D. Extension or Change of Use.

1. A nonconforming use of a building, structure or land or any portion thereof cannot be extended or expanded in any manner; provided, however, that such nonconforming use may be changed to a conforming use.
2. A nonconforming building or structure cannot be increased in size or area except in conformity with the provisions of this Chapter.

E. Existing Undersized Lots.

1. Any lot held in single and separate ownership prior to the adoption of this Chapter and whose area and/or width and/or depth is less than the specified minimum lot requirements of this Chapter for the district may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
 - a) Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
 - b) Such lot has an area of at least 3,000 square feet and a minimum width of at least 40 feet at the required setback line if it is to be used for residential purposes.
 - c) All other bulk and dimensional requirements for that district are complied with.
2. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.
3. A lot of nonconforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.
4. The front yard of such lot will be considered that yard upon which the primary entrance to the dwelling faces.

5. Any application for a building permit for an existing undersized lot shall be referred to the Zoning Board of Appeals for approval prior to issuance of the building permit.
- F. **Reduction in Lot Size.** No lot shall be reduced in area so that it creates a nonconforming bulk or use in violation of any regulations contained in this Chapter.

§ 350-20.5 PENALTIES

All penalties
subject to review
by City Attorney

A. Penalties for Offenses; Injunction.

1. Any violation of this Chapter, as the case may be, shall be punishable as provided in § 1-17 of Chapter 1, General Provisions, of the City of Geneva Code.
2. Notwithstanding the foregoing and in addition thereto, the City may bring an action for a mandatory injunction to compel compliance with the provisions of this Chapter.

B. Penalties for Failure to Obtain Building Permit.

1. Whenever the CEO has reasonable grounds to believe that work on any building or structure is being performed without a required building permit, they shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work, and any such person shall stop such work and suspend all building activities until submission of the proper application to obtain a building permit.
2. Unless good cause is shown, the CEO shall thereafter be authorized to:
 - a) Double fees as set forth in the fee schedule, with a minimum of \$250 and a maximum of \$1,000 for the following projects:
 - i. Additions.
 - ii. New construction.
 - iii. Adding new apartments to existing buildings.
 - iv. Parking.
 - v. Renovations, for change of use.
 - b) Double fees as set forth in the fee schedule, with a minimum of \$100 and a maximum of \$250:
 - i. Decks.
 - ii. Pools.
 - iii. Fences.
 - iv. Sheds.

- v. Signs.
 - vi. Patios.
 - vii. Basketball, tennis courts.
 - viii. Renovations, no change of use.
3. The above penalties shall be in addition to any building permit applicable as provided above, and shall be paid before any permits issued.

§ 350-20.6 CONSULTANT FEES

- A. Board Consultation.** Any authorized review body, in the review of an application as provided for in this Chapter, may refer any such application presented to them to an engineering, architectural, historical, planning, technical, environmental, or legal consultant, or attorney, as reasonably necessary to enable them to review such application and adequately perform their duties.
- B. Determination of Fee.** The amount of the fee shall be determined by the respective board, in the case of applications reviewed by a City official determination should be made by the City Council, and the professional consultant at the time the application is made. Each of the consultants shall estimate their fees based on the services to be rendered on behalf of the City from a review of the application, including such documents, maps, plans, specifications, drawings and the like as may be a part of the same.
- C. Escrow Deposit.** The consultant will be retained pursuant to the **City Procurement Policy**. The applicant shall make an escrow deposit with the City, equal to the amount of the fees so determined. This escrow deposit shall be utilized to pay the cost of the special consultant's fees involved. The applicant's application shall not be deemed complete until such time as said escrow deposit has been made. If during the course of the review the need for further specialist consultation is deemed reasonably necessary by the Board, the same cost estimate and escrow deposit procedure shall be followed.
- D. Resolution.** Upon completion of said review and within a period of 45 days thereafter, the Board shall adopt a resolution specifying whether the escrow deposit amount specified was sufficient, excessive or insufficient. In the event that a respective Board should determine that said amount is excessive, then the balance shall be returned to the applicant within 60 days. In the event that the Board should determine that the escrow deposit was insufficient, it shall so specify and the applicant shall be required to make payment of such additional amount within 60 days.

To be verified by
the City Attorney