

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

December 6, 2023 – 7:00 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

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

2. PUBLIC COMMENT

Darlene came up to speak, saying her goal is to honor veterans by putting up banners, which would be installed and stored by BID. She explained that the brackets are roughly \$150 dollars for a pair and is hoping the city will consider assisting in funding to purchase them. Her hopes are to have them on poles from the welcome center to Cloverleaf Drive. She doesn't want the families or veterans to have to pay for this expense so she's looking for ways to move the project forward. Clr. Regan asked how many they're planning on installing? She answered that they need 10 to order, but believes it'll take off once people see them, so she'd like to start with 20-30. Clr. Camera questioned the location, wondering if they'd come into downtown where some poles have brackets. Darlene answered that they're open to expanding to other areas.

Clr. Burrall said she should confirm that the banners are the same size as the BID banners and encouraged her to attend the next BID board meeting, which is December 21st, and to contact Catherine Price. He applauded her efforts for taking this project on.

Darlene explained she thinks they may need more brackets than what is currently there which is why she would like funding for these additional brackets.

Mayor Valentino suggested she push the information out to look for potential donors. He recommended looking into grants so that budget amendments wouldn't need to be made or it wouldn't have to be all city funds. He expressed interest in seeing it come to fruition and encouraged her to come back after talking to BID and looking into grant funds.

3. AMENDMENT TO THE AGENDA

ACTION TAKEN by Mayor Valentino; seconded by Clr. Gaglianese

**MOVED THAT the agenda be amended to include a resolution to adopt the City of Geneva
Farmer's Market and Lakefront Infrastructure Study dated December 2023.**

MOTION CARRIED UNANIMOUSLY

4. PUBLIC HEARING - TUDD Expansion

Mayor Valentino opened the public hearing at 7:06 and with no one appearing to speak closed it at 7:06.

5. PRESENTATION OF FARMERS MARKET BUILDING PROPOSAL – Liz Toner

Liz introduced the study by explaining the purpose was to enhance the current farmer's market, increase participation, compete with local markets, and extend the market season. She said they also wanted to find a way to not impact the lakefront park so people can use the amenities while also supporting events that occur there. She explained they put out an RFP and hired Plan Architecture out of Rochester who has a lot of experience doing similar markets.

Chris Lopez and Corland Knopp presented a PowerPoint which displayed the progress of their goal to evaluate a potential site for a structure. They held customer pop up events on May 27th and September 30th to receive feedback from people. They came up with 3 potential sites which included the (1) existing location, (2) a spot between the Visitor's Center and Lakefront Hotel, and the Bi-Centennial Park on Exchange Street. They determined there is a strong preference for site 2, and received feedback from people that they really wanted a permanent structure.

He said they looked at the proximity to the Visitor's Center and downtown, impact on the lakefront, potential conflicts, future growth potential, parking potential, utility access, flexibility of events, and more. The results from those listed criteria also showed a preference for site 2. They established numerous goals which included establishing a dedicated permanent structure, offering diverse types of vendor stalls, providing enclosed space to extend the season and host a wide range of events.

They then looked at concept design, creating a linear park-like structure that would accommodate up to 42 vendors with the possibility of 30-40 extra tent vendors. He said vendors on the west side have the convenience of backing their vehicles up to their space and those on the eastern side have the opportunity to interact with people on both sides of their booth. The building would have a restroom, storage and utilities, an office, and other versatile vending spaces. They want to provide a dedicated parking area for boat trailers and utilize the rest of the parking lot to expand spots.

They explained that at the second pop up they showed a visual aid, including a video walk through. From feedback collected they received significant enthusiasm about it and a strong preference for site 2 still. People liked the parking, the favorable views, extended season, and effective use of underutilized space. It would be approximately 2 acres for the site development with the pavilion at 10,000 square feet with about 3,300 covered, 5,100 enclosed and 1,600 fully enclosed and conditioned. He projected the cost being 9.5 million for construction costs and 11 million for project costs.

The city manager clarified that the resolution moves this forward to the next level where they would look at the cost structure and grants or funding but doesn't ensure this will happen.

Clr. Camera asked them to elaborate on the cost difference. They answered that they would need to do some studies and architectural and engineering fees. He also reiterated that the costs are just estimates especially with construction costs changing so much over the last few years. He recommends getting a construction manager to do a more detailed cost estimate, although he's usually pretty good at estimating it.

Clr. Burrall asked what the revenue projections are for the taxes for the project to which they said they haven't done. City Manager Hendrix explained it wasn't in their scope of work, but moving forward that's something they could look into.

Clr. Pealer said he likes site 2 as well and he's interested in this. He mentioned that for years people have said a sidewalk along the lake would make a nice boardwalk while having a retail experience. He asked why it wasn't put closer to the lake, with a lawn on the street side, since the lake side of the pavilion would be accessible. They told him that a lot of it was due to parking, so they could provide more for customers and vendors, without having to drive across grass. Clr. Pealer also asked if this was a grant-funded study? The city manager said it was funded by the budget last year in response to the numerous events to look at better utilizing that space. Clr. Pealer also asked the price of the study, which they said was \$15,000. She added that another reason for the location was to preserve more of the old growth and trees that wouldn't have to be cut down in this current position.

Clr. Gaglianese asked if the prices for the project are inflated by a percentage? They explained that they are cost projections with an escalation if the project were to happen within the next couple years, but just at a concept

level, and as design is developed those numbers can be more accurate. He added that these numbers are based on what they've seen recently, from similar projects in the last few years.

Clr. Salamendra felt the presentation was great, and appreciated the effort to keep the trees, and is excited about the economic development that this could bring.

Clr. Camera asked if they know how much a vendor pays at the Rochester Market to lease a space for a season? They said for just an open shed it may be around \$100 for a season, which he feels is very low, but added that market operates on a breakeven scale. He said they're not aiming for economic development because they want to keep rates as low as possible for the farmers but they've had huge demand at that market to hold special events on non-market days and that would be a huge potential for revenue.

The mayor thanked them for the presentation as well as Liz Toner for her efforts.

6. FOUNDRY UPDATE

The city clerk read the following update provided by Michael Murphy:

Remedial Design

- Soil samples from the project staging area located on State Street were collected and submitted for lab analysis. The remedial design for the State Street staging area will be completed once the laboratory results are received, in anticipation of remedial construction during Spring 2024.
- Letters of No Further Action are anticipated to be provided by NYSDEC in December to the owners of properties remediated during 2023.
- An annual community update fact sheet will be distributed by NYSDEC to property owners and community stakeholders in early 2024.

Remedial Construction

- Property restoration activities were completed at properties located on Geneva, Tillman, and Lewis Streets. Replacement plants and trees will be installed during Spring 2024.
- Additional excavation and substantial restoration activities were completed on the last remaining block of residential properties, located along Genesee and Geneva Streets just south of St. Peter's Church. Remaining items including replacement plantings and new public sidewalks on a portion of the east side of Geneva Street will be completed during Spring 2024.
- Remediation of the State Street staging area and two residential parcels located on Tillman Street and Clinton Street will be completed during Spring 2024. Demobilization from the additional project staging area on Lehigh Street will also be completed in 2024.
- The remedial contractor is wrapping up minor restoration items this week and completing winter shutdown activities. The remedial contractor will return in Spring 2024 to complete remaining project activities.

7. SUPERVISOR UPDATE

Supervisor Kennedy began by acknowledging the cap slide at the landfill on November 15th, which is being investigated by DEC in partnership with the county and Casella, but he has no updates so far. He also wanted to recognize the city manager for helping to add this event to the hazard mitigation study. He said the new county clerk took office this week and come January he hopes to discuss additional uses with the unoccupied spaces in the county office building. He has been following up with issues regarding mental health and will continue to by attending the police budget advisory committee meeting next month. He said he's read a draft of the parks master plan, and while he can't share details, he expects it to be completed within the first quarter of next year.

There is a grant for youth team sports, due at the end of the week, which Supervisor Kennedy said he's advised the city manager and recreation director about just this week. He explained he believes the funding is from the federal government to support both public and private youth team sports in the county but he wasn't sure how

much it would be for. City Manager Hendrix clarified she just found out about it, and they would look into it, but it is a very tight timeline.

Supervisor Kenneday continued by saying the APRA funding second series of grants ended December 1st. He said during the initial round of funding the Geneva Community Center received a couple grants. He concluded by saying there is nothing new to report regarding the housing study.

Clr. Noone said Seneca County passed a resolution not too long ago which allowed them to share their tax revenue with local municipalities within the county. He said they've discussed their encouragement to have Ontario County share the tax revenue with surrounding municipalities as well and he was wondering where that currently stands. Supervisor Kennedy said he will follow up with his fellow supervisors as well as the Ways and Means Committee and bring back answers in February. Clr. Noone thanked him and said he hopes it's an initiative that they'll consider and advocate for.

Clr. Regan asked if the youth team sports grant would be distributed equally through the county? Supervisor Kenneday said he was not sure, but all the supervisors were informed about it.

8. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of October 18th (Special Council Meeting) be approved

**ROLL CALL VOTE: Aye – Clr. Camera, Clr. Regan, Mayor Valentino, Clr. Gaglianese,
Clr. Burrall, Clr. Pealer, Clr. Noone and Clr. Brimm**

Abstain – Clr. Salamendra

MOTION CARRIED

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

MOVED THAT the minutes October 25th (Special Council Meeting) be approved

**ROLL CALL VOTE: Aye – Clr. Camera, Clr. Regan, Mayor Valentino, Clr. Gaglianese,
Clr. Burrall, Clr. Pealer, Clr. Noone and Clr. Brimm**

Abstain – Clr. Salamendra

MOTION CARRIED

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

MOVED THAT the minutes of November 1st (Regular Council Meeting) be approved

**ROLL CALL VOTE: Aye – Clr. Camera, Clr. Regan, Mayor Valentino, Clr. Gaglianese,
Clr. Burrall, Clr. Pealer, Clr. Noone and Clr. Brimm**

Abstain – Clr. Salamendra

MOTION CARRIED

9. CITY MANAGER REPORT

City Manager Hendrix reported:

Grants Received

We received two grant award announcements this week.

- The first grant is from NYSERDA and is awarded due to our Climate Smart Communities work, which the shared Sustainability position with the Town has been able to bring back. This award is for \$10,000 to go

towards the purchase of an electric mower. We have budgeted for two new mowers in 2024 and this will offset the cost of purchasing one of these as an electric model, which is slightly more expensive than the model we were looking to procure.

- The second grant is part of the Regional Economic Development Council Consolidated Funding Application Awards and is for work on the trail connections in the BOA area. This grant is for \$180,000 to expand and maintain the rail trail.

Grant Funding

As of December, City Staff have written or coordinated 16 grant requests, requesting \$1.3M in funding. The City has received grant awards of \$417,000 and paid \$17,000 in grant writing costs. We are still awaiting 4 grant announcements.

Legal Services Proposals

We received 11 proposals for legal services from vendors throughout New York State on Monday, November 27. Staff are currently reviewing the proposals and will prepare packets with staff recommendations for the incoming council members to determine which firm they would like to contract with starting in the New Year.

Community Meeting on Flooding

The Community Meeting on Flooding was well attended by 30+ community members. Thank you to the members of council that participated in the meeting. Within the next two weeks, we will communicate with all the attendees on next steps, which will include a recommendation to council to create a Storm Task Force, continued study of storm systems, review of current projects, and updates on any additional work that has occurred since the meeting. We will be sending an update to all the attendees on this by the end of the week.

Hazard Mitigation Plan

The 2023 Hazard Mitigation Plan has been submitted to the County and includes updates related to all potential hazards the community may face, from man-made to natural disasters.

2024 Work Projects

Include council 2023 council priorities and align with 2024 adopted budget. Will be placed on the City Manager website prior to year-end.

2024 Budget is now live on the CM budget page.

Clr. Gaglianese said he cannot stress enough that he feels there needs to be someone working on grants full-time. He said between the grants David Linger got for Middle Street and Jackie Augustine received with Blueprint Geneva the amounts received exceed those awards to the City of Geneva. He feels if we aren't writing them then we won't be getting them and was frustrated they're just hearing about the grant with the county. He wants to stress that the next budget the city hires someone who can search for and write grants full time to offset a lack of revenue creation.

Clr. Regan asked if winners have been announced for the micro assistance program grant and if not is there a timeline? David West answered that it's a multi-stage process, so they've received and reviewed applications, and are currently working toward contracts with the finalists. He explained they need to go through environmental review before the award can be offered and make final adjustments to the scope. City Manager Hendrix added that the grant is from the state and then given to small business owners after our city review process but the business owners are not yet aware of the results.

Clr. Pealer asked roughly how many applicants applied, to which David answered 14.

Clr. Burrall asked if the \$10,000 electric mower that was purchased was a riding mower? The city manager clarified that the \$10,000 will go toward the purchase of the electric mower but not cover it, and stated it is a tractor.

She added that there were two (not electric) mowers put in the 2024 budget and this will help offset the costs and make one electric.

10. RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE CITY OF GENEVA'S ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE

The Director of Planning and Economic Development, David West, presented the following resolution:

WHEREAS, the City of Geneva declared Lead Agency in the review of the ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE (City of Geneva Zoning Update); and

WHEREAS, the City Council has determined that the proposed adoption qualifies as a Type 1 Action under SEQRA based on 6 CRR-NY 617.4 b-2.; and

WHEREAS, the proposed ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE will not allow significant change in use or new construction without further review/permitting subject to SEQR; and

WHEREAS, the ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE is a re-zoning. Any substantial new construction will undergo its own environmental review that will be no less protective of the environment and will assess any impacts on community-provided services.; and

WHEREAS, the City Council of the City of Geneva has reviewed the Full EAF Part 1 New York State Environmental Quality Review Act ("SEQRA") form; and

WHEREAS, the Geneva City Council has completed Parts 2&3 (EAF Part 2&3) of the required NY State Environmental Quality Review Act (SEQRA) forms providing all relevant information, verifying its completeness and accuracy;

WHEREAS, the City Council has determined that the proposed adoption will have no or small environmental impact on every impact category in the Full Environmental Assessment Form Part 2 and elaborated on the reasoning behind Part 2 in Part 3.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, the City Council issues a Negative Declaration of Environmental Significance under SEQR and directs the City Manager to affix their signature to the FEAF Part 3 form.

BE IT FURTHER RESOLVED by the City Council of the City of Geneva, New York that the City Clerk should file the Negative Declaration of Environmental Significance in the NYS Environmental Notice Bulletin as required by law

David explained they sent the zoning to the Ontario County Planning Board who reviewed it and approved it with no recommended modifications. He stated the project they're working on is repealing and replacing the existing zoning with the new zoning. The zoning that is being replaced was originally adopted in 1968 and this update in general fixes a lot of problems but doesn't change things dramatically. He added that while there aren't many changes in development potential but there are some in the process, rules, and design requirements. David went

through the first section, then went on to part 2, where he carefully went through each question with council. Clr. Pealer clarified the N/A or is not the same as saying no, and David agreed, saying that parts left blank are because they don't apply. The Mayor pointed out that there is no specific project that would impact any of these issues and if any were to come forward they would go through their own environmental impact. David explained the law understand that they aren't necessarily experts but ask them to decide in their best judgement. After going through each question all the councilors agreed on each of the answers, that they didn't foresee impacts to any of the categories listed.

Clr. Pealer pointed out many don't apply, like the dunes. Clr. Camera said there would be no impact on ground water since they aren't doing anything different than they currently are. The mayor agreed that if they developed the plaza there would be no impact to ground or surface water, regardless of what is done. Clr. Camera said issues with flooding wouldn't change, and David agreed because there are stricter rules which would be an improvement in this category. He also agreed with Clr. Camera that there wouldn't be an impact to air or transportation because even if more people were to live here it would be in a compact way that would minimize emissions by maximizing transportation choices. As for aesthetic resources Mayor Valentino feels they may be improved due to design requirements for downtown and the TUDD expansion. David pointed out that the new zoning increases the land designated for open space so there wouldn't be a negative impact. Under energy, noise, odor, and light the mayor said there would only be positive impacts. David noted with regard to lighting they did include dark sky lighting requirements. Lastly, everyone agreed that there were no negative impacts to exposure to contaminants, that it is consistent with the community plan and our community character.

David asked if there would be any impacts to the land, geological features, surface water, ground water, flooding, air, plants and animals, agricultural resources, aesthetic resources, historical and archeological resources, open space/ recreation, critical environmental areas, transportation, energy, noise/odor/light, loss of flora or fauna, human health from exposure to contaminants, consistent with community plans, community character. Council agreed with answering no to all of the questions as they went through each one. At the end they said the project would result in no significant adverse impacts on the environment.

****Documents inserted on page 25****

**ACTION TAKEN by Clr. Camera; seconded by Clr. Gaglianese
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

11. SECOND READING OF AN ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE

The Director of Planning and Economic Development, David West, presented the following resolution:

Be it enacted by the City Council of the City of Geneva, NY as follows: that Chapter 350 of the Geneva City Code be repealed and replaced with the Chapter 350 text, tables, map and images contained on the following pages.

This ordinance is enacted pursuant to the New York State Constitution, Municipal Home Rule, General City Law, and the City of Geneva's police power to regulate the use of land and structures for the protection of the health, safety, welfare, comfort, peace and prosperity of the City and its inhabitants. This ordinance is adopted in conformance with the City of Geneva Comprehensive Plan to connect the City's values--which include stewardship of natural resources, a strong economy, its "uniquely urban" setting and sense of community, multicultural heritage and the local arts, architectural and recreational assets--with its vision of being a "Beautiful, Prosperous, Equitable, Connected and Sustainable" city.

Effective Date

This Ordinance, repealing and replacing the Geneva City Code Chapter 350, shall take effect immediately upon adoption by the City Council

Clr. Camera asked if it has ever been completed reviewed, which David agreed, saying it has been amended but never completely reviewed.

****Documents inserted on page 52****

**ACTION TAKEN by Clr. Camera; seconded by Clr. Brimm
MOVED THAT this ordinance be approved for second reading
MOTION CARRIED UNANIMOUSLY**

12. RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE CITY OF GENEVA'S TUDD (Traditional Urban Design District) MAP UPDATE

The Director of Planning and Economic Development, David West, presented the following resolution:

WHEREAS, the City of Geneva declared Lead Agency in the review of the TUDD (Traditional Urban Design District) Map Update; and

WHEREAS, the City Council has determined that the proposed adoption qualifies as a Type 1 Action under SEQRA based on 6 CRR-NY 617.4 b-2.; and

WHEREAS, the proposed TUDD (Traditional Urban Design District) Map Update will not allow any change in use or new construction without further review/permitting subject to SEQR; and

WHEREAS, the TUDD (Traditional Urban Design District) Map Update enacts stronger provisions on the currently extant for the preservation and protection of the historic neighborhood character of the neighborhood around Pulteney Park; and

WHEREAS, the City Council of the City of Geneva has reviewed the Full EAF Part 1 New York State Environmental Quality Review Act ("SEQRA") form; and

WHEREAS, the Geneva City Council has completed Parts 2&3 (EAF Part 2&3) of the required NY State Environmental Quality Review Act (SEQRA) forms providing all relevant information, verifying its completeness and accuracy;

WHEREAS, the City Council has determined that the proposed adoption will have no or small environmental impact on every impact category in the Full Environmental Assessment Form Part 2 and elaborated on the reasoning behind Part 2 in Part 3.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the TUDD (Traditional Urban Design District) Map Update will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, the City Council issues a Negative Declaration of Environmental Significance under SEQR and directs the City Manager to affix their signature to the FEAF Part 3 form.

BE IT FURTHER RESOLVED by the City Council of the City of Geneva, New York that the City Clerk should

file the Negative Declaration of Environmental Significance in the NYS Environmental Notice Bulletin as required by law.

David asked if there would be any impacts to the land, geological features, surface water, ground water, flooding, air, plants and animals, agricultural resources, aesthetic resources, historical and archeological resources, open space/ recreation, critical environmental areas, transportation, energy, noise/odor/light, loss of flora or fauna, human health from exposure to contaminants, consistent with community plans, community character. Council agreed with answering no to all of the questions as they went through each one. At the end they said the project would result in no significant adverse impacts on the environment.

Clr. Pealer asked for an example of when a yes would be given as an answer. David replied that if they rezoned South Main Street to allow a building to be 150 stories.

****Documents inserted on page 229****

**ACTION TAKEN by Clr. Regan; seconded by Clr. Pealer
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

13. SECOND READING OF AN ORDINANCE AMENDING SECTION 351-3 OF THE GENEVA CITY CODE

The Director of Planning and Economic Development, David West, presented the following resolution:

Be it **ENACTED AND ORDAINED** by the Geneva City Council, as follows:

Section 351-3 of the Geneva City Code be amended to reference the attached map extending the boundaries of the Traditional Urban Design District to include the historic dense small-lot urban fabric centered on Pulteney Park in recognition of the area's important and historic contribution to downtown Geneva's walkability and accessibility and it further,

ENACTED AND ORDAINED that the attached map shall be the authoritative document defining the boundaries of the Traditional Urban Design District, that interpretation of this map shall conform to Geneva City Code Section 350-1.3 Interpretation of District Boundaries, and that the description of the TUDD in Geneva City Code Section 351-3 shall be amended to read as follows.

§ 351-3 Creation of Traditional Urban Design District as overlay zoning district. The boundaries of the TUDD are delineated on the attached map. The boundaries constitute the core area of Geneva's downtown as it developed in the late nineteenth through early twentieth century.

~~BEGINNING at a point that marks the intersection of the west line of Exchange Street and the south line of the railroad tracks; thence southerly encompassing all properties that front on the west line of Exchange Street to a point which marks the intersection of the west line of Exchange Street and the north line of Castle Street; THENCE westerly encompassing all properties that front the north line of Castle Street to the southwest corner of property known as 244 Main Street (the Public Library); THENCE southerly encompassing all properties that front the west line of Main Street to a point which marks the intersection of the west line of Main Street and the north line of William Street; THENCE easterly across Main Street to the southwest corner of property known as 357 South Main Street (Civic Center); THENCE easterly encompassing all properties that front on the south line of Seneca Street to a point which marks the intersection of the south line of Seneca Street with the east line of South Linden~~

Street;

~~THENCE southerly along the east line of South Linden Street to a point which marks the intersection of the east line of South Linden Street and the north line of Elizabeth Blackwell Drive;~~

~~THENCE easterly encompassing all properties that front the north line of Elizabeth Blackwell Drive to a point which marks the intersection of the north line of Elizabeth Blackwell Drive and the west line of Routes 5&20 (Lakefront Drive);~~

~~THENCE northerly along the west line of Routes 5&20 to a point which marks the intersection of the west line of Routes 5&20 and the north line of Lake Street; THENCE westerly encompassing all properties except the railroad that front the north line of Lake Street to a point which marks the intersection of the north line of Lake Street and the east line of Exchange Street.~~

~~THENCE northerly encompassing all properties along the east line of Exchange Street that front the east line of Exchange Street to a point which marks the intersection of the east line of Exchange Street and the south line of the railroad tracks;~~

~~THENCE westerly along the south line of the railroad tracks to the point and place of beginning,;~~

and it is further,

ENACTED AND ORDAINED, that this amendment to the Geneva City Code is adopted pursuant to the New York State Constitution, Municipal Home Rule, General City Law, and the City of Geneva's police power to regulate the use of land and structures for the protection of the health, safety, welfare, comfort, peace and prosperity of the City and its inhabitants, and it is further,

ENACTED AND ORDAINED, that this amendment to the Geneva City Code is adopted in conformance with the Geneva City Comprehensive Plan in furtherance of the City's values--which include stewardship of natural resources, a strong economy, its "uniquely urban" setting and sense of community, multicultural heritage and the local arts, architectural and recreational assets--with its vision of being a "Beautiful, Prosperous, Equitable, Connected, and Sustainable" City.

Effective Date

This Ordinance shall take effect immediately upon adoption by the City Council

****Documents inserted on page 257****

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

MOVED THAT this ordinance be approved for second reading

MOTION CARRIED UNANIMOUSLY

14. RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LED CONTRACT

The Director of Public Works, Joe Venuti, presented the following resolution:

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of NY Route 5 and US 20 Pavement Rehabilitation from Lake Street to Seneca County Line, City of Geneva, Ontario County, P.I.N. 4005.00, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above

mentioned project the verification of depth/location of approximately one (1) water main, adjustment of elevation of approximately three (3) sanitary manhole covers, and adjustment of elevation of approximately one (1) water valve box, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Note relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans and Utility Special Notes, relating to the above-mentioned project.

NOW, THEREFORE, BE IT RESOLVED: That the City of Geneva Department of Public Works approves of the adjustment to water line valve boxes and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Geneva Department of Public Works will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the City Manager has the authority to sign, with the concurrence of the City of Geneva Department of Public Works, any and all documentation that may become necessary as a result of this project as it relates to the City of Geneva Department of Public Works, and

BE IT FURTHER RESOLVED: That the City of Geneva Department of Public Works is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation

Mr. Venuti explained that they met with the state several weeks ago to discuss this project. He said it will span from the DRI construction limits (just east of Lake St.) to the Seneca County line just past the State Park entrance. He explained the 'road diet' would consist of one lane east bound and two lanes west bound with existing curb lines staying the same and the shoulder width increasing to 8 feet wide for better biking and pedestrian access. In the course of their milling and paving operations this resolution is required so they can make adjustments to the existing sanitary sewer covers and the water main valve box.

Clr. Gaglianese asked when the project is supposed to start? Joe explained that most likely with a contractor selected in April or May the construction would begin in May or June. The city manager added that while they don't know exactly when it will begin, they've been given a list of events to attempt and avoid such as the eclipse.

Clr. Pealer asked if the shoulder will be widened on both sides and Joe confirmed it will be 8 feet wide on both.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

15. RESOLUTION ADOPTING THE CITY OF GENEVA FARMER'S MARKET AND LAKEFRONT
INFRASTRUCTURE STUDY DATED DECEMBER 2023

Liz Toner presented the following resolution:

WHEREAS, the City Council of the City of Geneva wishes to create a Farmer's Market and Lakefront Infrastructure study, and;

WHEREAS, the City Council of the City of Geneva, has completed an inclusive and participatory process in cooperation with the steering committee, City residents, and community stakeholders to plan for said study; and

WHEREAS, the inclusive and participatory process resulted in the creation of a document entitled *City of Geneva Farmer's Market and Lakefront Infrastructure study* dated December 2023; and

WHEREAS, the City Council of the City of Geneva wishes to advance the community's vision, values, planning principles and priorities through adoption of the document entitled *City of Geneva Farmer's Market and Lakefront Infrastructure study* dated December 2023; and

NOW, THERE, BE IT RESOLVED by the City Council of the City of Geneva, New York that document entitled *City of Geneva Farmer's Market and Lakefront Infrastructure study* dated December 2023 is hereby adopted.

RESOLVED this December 6, 2023

Liz clarified that the resolution is not a decision to do the project but rather giving permission for staff to continue and research the project. That includes looking for grant funding, a more in-depth planning study, and continuing to look at the feasibility.

ACTION TAKEN by Clr. Camera; seconded by Clr. Brimm
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

16. RESOLUTION APPROVING WORKERS' COMPENSATION FUND BUDGET FOR THE YEAR 2024 AND APPROPRIATING MONIES THEREFORE

The City Comptroller presented the following resolution:

WHEREAS, the Workers' Compensation Fund Budget of the City of Geneva for the year 2024 has been submitted to the City Council for its approval, and

WHEREAS, it appears that the Workers' Compensation Budget as presently presented should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York, that the Workers' Compensation Budget as presently presented be and it hereby is adopted, and that a copy of the Workers' Compensation Budget, as hereby adopted be set forth in the minutes of this meeting, and

FURTHER BE IT RESOLVED that the several sums in the Workers' Compensation Budget for the year 2024 as appropriations for expenditures, in the total amount of \$297,618, be and the same hereby are appropriated in the amounts and for the several purpose of payment of workers' compensation insurance premiums

The comptroller explained that the amount is determined by the county and needs this for the 2024 budget to be finalized. Clr. Pealer asked for clarification if this would have any impact on the taxpayers. The comptroller answered that it was already included in the budget so there would be no change and the city manager added that it's simply because all funds needed to be called out, like water and sewer.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

17. RESOLUTION TO ESTABLISH A RESIDENTIAL DISPOSAL DROP-OFF

Clr. Regan presented the following resolution:

WHEREAS humanity around the globe recognizes the importance of reducing waste that goes to landfills, and whereas the Finger Lakes sees this need most acutely, with two landfills prominent in our landscape; and

WHEREAS on January 5, 2022, Geneva City Council voted to changes in its city code that allows the Geneva Recovery Park at Doran Ave to accept recyclables, construction debris, yard, and food waste as well as solid waste; and

WHEREAS no real action toward creation of this facility has been undertaken through private entities, while need for it has only increased; and

WHEREAS this facility has the potential to incentivize waste reduction by structuring its pricing to make compost and recycling the least expensive means of disposal, resulting in less waste being added to landfills; and

WHEREAS this facility would reduce truck traffic on our streets, as well as lessen the “every day is trash day” perception here by reducing trash pickup over time by the multiple haulers offering service in Geneva.

THEREFORE BE IT RESOLVED, that the City of Geneva take this initiative on for its citizens, using the resources of the Sustainability Officer on staff through December 2024 to research permit, staffing, funding and other needs for its organization.

Clr. Regan said she sees this as a continuation of work that began in 2021 when council passed a resolution to allow a micro-hauler. She said in that resolution there was language that allows us to accept all waste, as a transfer station, and deliver it to the landfill in a timely manner. She explained this resolution is asking council to not give up the work that’s been started by now establishing the facility under city management like the town does. Clr. Regan explained the timing for this is due to the opportunity of utilizing the sustainability officer on staff who is funded under a short grant. She said the equipment, which is minimal, can be rented and punch cards can be purchased from citizens to cover those costs, and the sustainability officer can train those who work to get the project started. She feels there are plenty of benefits such as incentivizing waste reduction by encouraging compost and recycling and providing a less expensive way to dispose of waste. She foresees truck traffic decreasing due to fewer haulers being needed and slowly reduces the complaint that every day feels like trash day. Lastly, she pointed out while there is someone on staff, they could take over the training and since there is no private company running it any more it is already being run out of the city budget. She concluded by saying she hopes council will join her in trying to do something to reduce waste rather than sitting back and complaining about the growing landfill.

Clr. Noone said he likes the idea and feels it is long overdue. He asked the city manager where the city is at in regards to getting the vermiculture trench fully operational? City Manager Hendrix explained the proposal is beyond just the vermiculture trench, and asked Joe to come speak since it is still operating as they work on developing an RFP to find an operator. Joe Venuti said the two concrete trenches to process compost and shed are still at Doran Avenue but they just don’t have an operator in place. He explained they’re working with Growing Cycle to provide two green totes for people to fill and bring food waste, which they then dump into the trenches and put leaves on.

However, what they aren't doing is using the worms in the material, or working through a cycle since the operator took the finished cycles with them when they left. He said regarding staffing the leaf and yard debris section is open Monday-Friday 7:30-3:00, aside from recognized city holidays, and Saturdays 8:00-12:00. Moving forward he would like to get a request for proposal together to see if there is commercial or private interest in operating it like it was set up for. He planned on bringing the numbers to council to decide if they want to do it in house, with city staff, or go with a proposal but all of that is much smaller than what Clr. Regan is proposing. He explained, while obtainable, it would require a different DEC registration that the city currently has.

Clr. Noone asked if the punch cards would truly be able to supplement the costs that would be required to get this going? Joe replied that he doesn't know the true costs but personally feels the costs could be offset by selling the cards. He acknowledged there will be numerous costs for equipment, staffing and disposal since it still will need to go to the landfill once it's collected. Clr. Noone then asked if this wouldn't be able to get off the ground until he submits the proposals? Joe said the proposals he is working on are for the vermiculture trench operations and if they pass the resolution then other plans could be looked at. Clr. Noone asked why we may now have money and staff to fund this when the operator asked for money there wasn't any? Joe responded that the 3-year contract in his budget had a line of revenue as part of a user agreement and when negotiations came up the city was asked to pay instead. City Manager Hendrix added that if requests for proposals were received that would be when council could decide if it is something they'd want to pay for. At that point someone may be able to benefit from the space enough to not charge the city, like the old contract had been set up, and the old operator would be able to apply along with new ones.

Clr. Regan jumped in to clarify that the resolution specifically addresses the city taking initiative, through research, to seriously look at what is needed and take it seriously to move progress forward.

Clr. Camera asked if up until this fall the vermiculture operation was paying for itself through the agreement with the contractor. Joe said he couldn't speak on their finances, although he doesn't believe it was profitable for them, but agreed it did not cost the city any money. Clr. Camera said going forward this, while this person is still funded until the end of 2024, they should be able to do the research that was already going to be done. Clr. Regan said she doesn't know if it was specifically stated but the grant allows them to work on a transfer station like the town does. She feels it's a priority we should be undertaking and hopes this resolution will get everything back on track. Clr. Camera clarified that this to get answers to questions by doing research rather than start filling the transfer station up. Joe added that this would expand the RFP since the previous agreement had language indicating it could only be used for vermiculture work. Clr. Camera said it's still the city's prerogative because they'll get the research before asking for an RFP for anything other than the vermiculture.

Clr. Pealer asked if the sustainability officer was under Joe's direction, or who their boss would be? City Manager Hendrix explained they're a town employee so they report to the town and they're working with three departments within the city like a consultant. She said that if they had to report to one person it would likely be herself since the other two department heads report to her, but their boss is technically Mark Venuti in the town. She explained there are two grants that are being shared between the municipalities and within the initial grant it was not specifically addressed but she feels there is room for growth. Clr. Pealer also asked why the resolution was needed since it is essentially directing the city manager to direct her staff and he feels they should follow standard operation. Clr. Regan addressed his question, saying that it is something new that hasn't been considered so it is essentially changing the use and she felt a resolution was needed.

Clr. Salamendra thanked Clr. Regan for putting this forward, as we sit between two major landfills, during a time communities are looking for their own garbage solutions. She feels the sustainability officer is especially qualified and the time is now to move this forward.

**ACTION TAKEN by Clr. Regan; seconded by Clr. Camera
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

**18. REQUESTING GOVERNOR KATHY HOCHUL ISSUE A PROCLAMATION SCHEDULING A SPECIAL
ELECTION TO FILL A VACANCY IN THE POSITION OF GENEVA WARD 6 CITY COUNCILOR**

City Manager Hendrix presented the following resolution:

WHEREAS, The Geneva City Charter adopted in 1974 pursuant to Municipal Home Rule Law §10 1. (c) (1), provides for a City Council, consisting of eight city councilors and a Mayor. §2.1 of the Geneva City Charter.

WHEREAS, prior to the November 2023 general election, all members of the City Council were elected every four years at the same general election, and

WHEREAS, a proposition passed at the November 2023 general election created a scheme of staggered terms for the members of the Geneva City Council, and

WHEREAS, according to the proposition passed at the November 2023 general election, the councilor representing City of Geneva Ward 6 was to be elected to a two-year term that would expire at the end of December 2025, and

WHEREAS, Kyle Brimm and Scott Bowes were the candidates in the November 2023 general election for the office of City of Geneva Ward 6 councilor expiring on December 31, 2025 and

WHEREAS, the Ontario County Board of Elections has advised that Kyle Brimm and Scott Bowes each received 89 votes in the November 2023 general election for the office of City of Geneva Ward 6 councilor, and

WHEREAS, as a result, the Ontario County Board of Elections has declared a failure to elect a City Councilor for Geneva Ward 6 for the term expiring on December 31, 2025.

WHEREAS, there will be a vacancy in the position of City of Geneva Ward 6 City Councilor, as of January 1, 2024, caused by the expiration of the term of office set forth in City Charter §2.1, and

WHEREAS, §2.8 of the Geneva City Charter authorizing the City Council to fill vacancies in City Elective Offices is inapplicable to the upcoming vacancy in the position of City of Geneva Ward 6 City Councilor, as said Charter provision does not authorize the City Council to fill a vacancy occurring by expiration of a term of office, and

WHEREAS, In the absence of a provision in the Geneva City Charter or elsewhere, that would allow the Geneva City Council to fill the vacancy in position of City of Geneva Ward 6 City Councilor, Subdivision 3 of §42 of the New York State Public Officers Law allows the Governor to schedule a special election to fill such office for the term commencing on January 1, 2024 and ending on December 31, 2025 by Proclamation, and

WHEREAS, it is in the best interests of the City of Geneva and the residents of City Ward 6 to fill the office of Ward 6 City Councilor as soon as possible, it is now therefore,

RESOLVED, that the City of Geneva respectfully requests that New York State Governor Kathy Hochul issue a Proclamation pursuant to Subdivision 3 of §42 of the New York State Public Officers Law scheduling a special election to fill the vacancy in the office of City of Geneva Ward 6 City Councilor for the term commencing on January 1, 2024 and ending on December 31, 2025, and it further,

RESOLVED, that the City Manager, the City Clerk, and the City Attorney confer with the Office of the Governor and the Ontario County Board of Elections regarding the scheduling of the Special Election and details related thereto

ACTION TAKEN by Clr. Camera; seconded by Clr. Gaglianese
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY

19. BOARD AND COMMISSION APPOINTMENTS

A. Board of Ethics

Clr. Salamendra said she will be voting no due to principal since the interviews were conducted by the ethics board rather than city council. She feels they were conducted in an inappropriate way so due to the process she'll be voting no regardless of the individuals. Clr. Camera said he concurred.

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone
MOVED THAT Colleen Lombardi and Mollie Dapolito be appointed to the Board of Ethics
ROLL CALL VOTE: Aye – Mayor Valentino, Clr. Gaglianese, Clr. Burrall, Clr. Pealer, Clr. Noone
and Clr. Brimm
Nay – Clr. Salamendra, Clr. Regan, and Clr. Camera
MOTION CARRIED

Clr. Regan said she was voting no for the same reasons Clr. Salamendra had mentioned. She added that it has no reflection on the person, but simply the process.

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone
MOVED THAT Andrew Spink be appointed an alternate to the Board of Ethics
ROLL CALL VOTE: Aye – Mayor Valentino, Clr. Gaglianese, Clr. Burrall, and Clr. Noone
Nay – Clr. Salamendra, Clr. Regan, Clr. Camera, Clr. Brimm, and Clr. Pealer
MOTION DEFEATED

B. Industrial Development Agency

Clr. Burrall confirmed that the IDA does not have a city residency requirement to be on the board, and Clr. Gaglianese said that's correct. Clr. Salamendra said she feels, as she's stated previously, that people who don't have residency in the city should hold these powerful positions on boards so therefore, she will be voting no. Clr. Burrall clarified that if this is an issue it is a charter issue, and the mayor agreed.

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone
MOVED THAT Allison Koczent be appointed to the Industrial Development Agency
ROLL CALL VOTE: Aye – Mayor Valentino, Clr. Gaglianese, Clr. Burrall, Clr. Pealer, Clr. Noone,
Clr. Regan, and Clr. Brimm
Nay – Clr. Salamendra and Clr. Camera
MOTION CARRIED

20. MAYOR AND COUNCIL REPORTS

Clr. Camera began by saying he attended the Shade Tree Committee meeting on November 16th. He feels it's a great committee with knowledgeable people who have planted 40+ trees in neighborhoods and 20+ in cemeteries and parks. He said he enjoys attending meetings and seeing the cost that's being saved by growing the trees ourselves. As a student at Hobart and William Smith colleges he said he received the nickname of "tree man" due to

his passion for planting trees. Clr. Camera explained many are also trying to advocate for the denial of a permit for Seneca Meadows to expand the landfill, as a group to John O'Leary who is a director of energy for the state.

He ended with the following statement for his last meeting as a city councilor:

I kind of struggled with my sign off for my last official CC meeting. What would I say? Something important hopefully and nothing too much. So, after many long thoughts about what to say, I came up with this. A thank you message.

I mainly want to say thank all the people who encouraged me to run for CC and abided by my early efforts and defeats. There are actually too many people to name in this session, but suffice to say that an occasional good word in my daily interaction with many residents also helped me through the tough times.

In particular I do have a list of people to thank who provided advice, support and encouragement throughout my 12 years on CC. They include a number of people in the Dem party:

- Larry and Judy Campbell
- Eileen Buckley
- Charlie Evangelista
- Jackie Augustine
- Bill Riley
- Pat Brockley
- Chris Lavin
- Steve Churchill
- Ed Lavin
- Dan and Liz Howard
- Yvonne Taylor and Joseph Campbell
- Sam Bonney and Mary Lee
- Jan Regan.

Finally, I would like to put in a few words of thanks for this current City Council (CC) because while we stumbled over the last two years, we can be remembered as well for a couple of important accomplishments.

First, we did respond to our own grass roots BLM movement and created a model police accountability board three years ago. I would like to thank Laura Salamendra and all the members of the People's Peaceful Protest and Women's Assembly for their crucial role in bringing this important issue forward for CC consideration and passage. It may have not have lasted in the face of a subsequent vote, but the legislation now exists and the model is ready to go if a new CC ever chooses to take up the cause again. I can't name all the people in this cause to whom I am grateful, but you know who you are. The Police Review Board (PRB) was not anti-police as some people allege. Its distinguishing feature was providing all its recommendations to the City Police Chief as input for her final determination of a complaint. It was a model for small communities to follow and it would have strengthened our department.

The second thing is that this CC had to undertake a search for a new City Manager (CM) and during the process found and hired, Amie Hendrix, who is doing an excellent job. And under her leadership the CC accomplished the first comprehensive update of the City Zoning Code in over 30+ years.

I would also like to thank all residents and city councilors who stood together with the LGBTQ+ community when hateful slurs and insults were thrown their way. Thank you for speaking up during this cycle and calling out the haters and bigots who publicly felt immune while disparaging some residents of Geneva. Thank you for bravely speaking out at the podium of our CC meetings and for helping me write an articulate censure resolution and thank you.

And finally, I have to thank this CC for supporting our agenda to defend the City and Seneca Lake from environmental threats and hazards. Sometime during my 2nd term, I chaired the Geneva Green Committee (GGC). Part of our agenda was to support our environmental stewardship and challenge the

Seneca Meadows (SMI) and Greenidge Generation's Bitcoin operations which together are polluting our environment and threatening our \$3 billion agri-tourism industry. This CC, in spite of our differences, always sent me off to various engagements across the State with their unanimous support. When a City like Geneva stands up for our residents and their environmental health, it adds to the voices of the region. Our Finger Lakes wine and farming community need our continued help on this. Finally, on the topic of the GGC, I would like to personally thank Jan Regan for taking over the reins with the GGC and keeping the environmental agenda front and center for all of us to support and enhance. I hope the new CC will entertain our continuance in our environmental efforts for the region.

Clr. Salamendra read the following statement:

Tonight, I want to say just one thing for the record. Because it matters. The United States is funding genocide. For the last 75 years Palestinian people have been living under an occupation. And right now, we are witnessing the ethnic cleansing of thousands of men, women and children funded by our tax dollars.

US politicians and the media try to make it sound like this is complicated but it's simple. The CEOs of weapons manufacturers have seen their profits skyrocket since Oct 7th so it makes sense they continue to line the pockets of politicians who beat the drums of war.

But those of us with our eyes open can see the simple truth: there is no justification for genocide. We see the hospitals being bombed, the families being displaced, the children trapped under rubble, and entire families buried in mass graves.

We've also seen millions of people in the streets across the world and right in here in the Finger Lakes demanding a permanent ceasefire, demanding an end to the occupation, demanding an end to US military aid to Israel. In fact, 65% of Americans support a ceasefire. But does Biden listen? No. He asked Congress for a blank check to fund the annihilation of the Palestinian people.

I ran for Geneva's city council because I believe in a government for and by the people. Because I thought one person who is not a career politician, who fights for the working class, could tell the truth and make a difference. But I was wrong. We live in a political system that values profits over human life. And asks us to choose "the lesser of two evils" rather than what is right.

This moment in history tells us that the lesser of two evils is still evil. But I don't think the people of this country are evil — just what is being done in our name. What does it matter if people are against war, suffering, and poverty if our political system here in Geneva and at the federal level will not represent the people?

We can have peace, we can end poverty, and we can protect the planet, but it's not going to happen in this room or any one room. It is going to happen in the streets, from the outside. From people getting organized and mobilizing against a system that doesn't represent us. All over the world people are demanding an end to business as usual until Palestine is free. And here in the US we have a special responsibility. Because without the US' financial, political, and economic support to the Israeli occupation, this genocide could not continue.

I have one wish this holiday season — that you hold Palestine in your hearts and refuse to stay silent. Talk to your families and tell the truth about what our government is doing to the people of Palestine. Join a protest. Hang a Palestinian flag. Join an organization. Do something. Do anything. But don't do nothing — if you want to be on the right side of history. Humanity depends on you.

Clr. Brimm said he has no report from the Housing Authority but he wanted to thank everyone who helped give him the opportunity to serve.

Clr. Gaglianese said at the end of this chapter he has mixed emotions. He would like to extend his heartfelt congratulations to the newly elected officials, while wishing them success in leading the community forward and commending their commitment to public service. As he reflected on his time on city council, he expressed his

gratitude for everyone who supported him throughout the work, challenges, and progress. He said it's an experience he'll never forget. He feels this election was tough, shaped by a referendum on public safety, which he feels should always be the first priority of a council. He feels every resident should be able to close their eyes and night and not have to worry. He thanked those who engaged in the democratic process for their dedication in shaping the future of the city. He concluded by saying while his time on council has come to an end his passion for public safety has not and he remains optimistic about the potential positive changes in the hands of the new officials. To the residents he thanked them for the opportunity to serve them, asked everyone to move forward together in unity, to continue the passion for progress and safety to keep the future of the city bright.

Clr. Regan said she attended the flooding meeting and praised Cassie Sneider for initiating that and suggesting a task force. She was invited to be a part of the city committee which is planning for the April 8th solar eclipse, and they're looking at all the details for what will be needed. She's also attended many downtown events such as the art walk, a concert at the Smith Opera House, and feels they're important gatherings that help Geneva grow. She encourages all of city council and citizens to attend and enjoy as participation makes a big difference. She thanked the Green Committee for all they do and for allowing her to be their liaison since they are, as always, highly productive and relevant. She said they're continuing to present their book discussions and movie screenings at the library and doubled their attendance at the last film. They will be doing a reading of a book (*Not Too Late: Changing the Climate Story from Despair to Possibility*) and forming a group to purchase them through Stomping Grounds. Group discussions will take place over several months, on the second Tuesday from January until April beginning at 6pm at the library. She gave the contact for Richard Cox (richard4life2@gmail.com) for anyone who wishes to join or reserve a copy. She suggested everyone pay attention to the great things the library has and provides.

She said they also discussed the Doran Ave facility and Julia Hoyle provided her knowledge from extensive research on stormwater and flooding issues with the city sewer system. Clr. Regan said to expect low cost to free initiatives coming soon to help some of the battles many are dealing with flooding. They hope to get grants for rain barrels and educate by providing workshops on what homeowners can do such as leaving leaves in yards.

She went on to say she'd like to thank all of council for the intense experience it provided her personally. She thanked Clr. Camera for his years of service and said she appreciated having the chance to work with him and his passion. She also said she was grateful to the people of ward 3 who gave her the privilege of serving them and she would've loved to stay on as she truly enjoyed it. City council introduced her to many people, whose friendships she'll treasure, and ideas which she otherwise wouldn't have encountered.

Clr. Regan explained that at the same time it became clear Geneva faces some difficult issues, specifically the divides that can dominate, which she feels can prevent progress of the community as a whole. The dividing lines she said include the color of our skin, accent in our voice, income levels, how we live and who we choose to love, educational degrees, where we work, and even the circumstances of where we're born or our parents choose to raise us. She explained her two children were born and raised in Geneva, where they attended public schools, and received an excellent education. She said there they learned from their teachers, as well as peers, and feels the children are a reflection of us.

Clr. Regan recalled when one of her children first went away and came back with a revelation that well known names in Geneva were not as common or heard where he went. Her children loved the families who had generations tied to Geneva, while playing sports with them and going to their homes, but also embraced kids from all over the world who came to Geneva. They knew kids whose parents were not like their own, but rather single or same-sex. Some parents were highly educated scientists and professors from the colleges, other parents graduated high school alone but went on to have successful careers locally, and others who struggled to keep any job at all. She feels this allowed her kids to have a real-world experience right here in this small city, with small town charm, but not defined by that; a uniquely urban place. She feels Geneva is so different from the bland, middle-class, all-white suburb that she grew up in and that's one of the things she loves most about this place.

She doesn't want Geneva to turn its back on the changes to its population, saying diversity is more than a buzz-word, but a reality of life. She added that it's here and there is much to be gained from it because people with different backgrounds offer different approaches, creative ideas, and enhance the community by being resilient in the

face of change. She feels the community engagement officer will provide small steps toward unifying the divides and is very excited about the new position. She hopes the new councilors will embrace all the initiatives that bring us together, to bridge the divides which would otherwise hold us back, and wishes them all the best. In conclusion she thanked everyone again for allowing her to be a part of council and stated she will still be cheering on the city, which she calls her hometown, for a long time.

Clr. Pealer said the recreation board met last month to talk about ice skating and rink operations. He noted that the amount of rink annual passes has held flat compared to last year but they hope there will be an increase by year end. He announced that the rink will be open for public skate on December 23rd from 12:30-2:30 and 6:45-9:30. He also said they tabled a conversation about interviews for available spots on the board due to attendance but will be discussing it next meeting.

Clr. Pealer noted that he will miss serving with Clr. Gaglianese, who he didn't know before, but has seen how passionate he is about improving Geneva and developed a friendship. He hopes he'll look for ways to continue to serve the city and said he'll support him in those endeavors.

Clr. Burrall thanked Supervisor Kennedy and encouraged him to get the other two supervisors involved in the report next month.

He explained that while at college he knew nothing about donating blood despite the Red Cross being on campus what seemed like every week. Despite his councilor reports always having times for blood donations he admitted he never gave blood while in college because he didn't know how important it is. He said while his father was ill, a girl he was dating suggested a mega blood drive to the National Bank, who then started it at the field house at HWS. That blood drive broke the record for first time blood donors in New York state, and he was proud to be one of them. Since then, he'd tried to be a member of the sixers club every year, which is donating every 54 days, as that's the maximum number of times someone can donate blood in a calendar year. Therefore, as part of his final report, he wants to give dates during the most giving month of the year since there is no substitute for blood and he wants to encourage everyone to donate. He said it's been rewarding to have individuals approach him and say if it wasn't for his encouragement, they would've never donated blood.

The dates are: Friday, Dec 8th (9-2) at Jordan Hall, Wednesday December 13th (1-7) at the Presbyterian Church, Wednesday December 20th (1-6) at Delago, Thursday December 21st (12-6) at Clifton Springs FD, Friday December 22nd (10-3) at GGH, and Thursday December 28th (1-6) at Hall FD. He said unfortunately, due to medical problems, he hasn't been able to donate blood for the last two years but the girlfriend he was dating at the time he has now been married to for 32 years.

Clr. Burrall discussed BID, saying Daisy Hoyt is designing a plan for flower bed continuity downtown for the spring so there are guidelines on the growth of the plants to prevent them from growing into intersections. He said they also noted the veteran's day flags are showing signs of wear and they've reached out to the American Legion and Rotary Club to replace them. He hadn't realized BID owned the flags and is a reason he encouraged the speaker tonight to coordinate with the BID as there may be joint fundraising efforts.

He went on to say the Discover Downtown Geneva Passport is live, and you can sign up to support downtown businesses at <https://www.genevadowntown.com/downtownpassport>. He explained when you register and do business at the area merchants, you're eligible for discounts and there is no charge to sign up. Additionally, he said the rack card is completed and distributed from Ithaca through Canandaigua and at thruway rest areas and welcome centers between Buffalo and Canandaigua. He said the BID is encouraged that this can be made to be a permanent part of their budget while rotating as many businesses as possible. He stated that the chili competition and small business Saturday was a huge success. They collected over 400 Christmas ornaments from the Geneva schools to decorate trees in city hall, in BID, and the Welcome Center and had over 60 people at The Dove for ornament decorating. Clr. Pealer jumped in to announce Wesley Greco, from Lake City Hobby, won the chili contest. Clr. Burrall said the BID is also looking at planning for the eclipse and as for the Garlic Festival they've created an RFP to contract it out to someone who has the staffing and ability to keep it successful.

Clr. Burall stated HDC did not meet and thanked Clr. Camera for his report on the shade tree committee, which he hopes to join in the future. He explained he cuts firewood for his own stress relief since November 2021. He presented a check from firewood sales for \$1,515 which are strictly sales from this past month in November. To date, not the final count for 2023, he has collected \$10,052 since December of 2021. He explained \$294 have been used to reimburse the volunteers, primarily for tree stakes, so any necessary supplies don't come out of the budget. He assured the project is not ending, both for his well-being, and to meet the goal of doing 7-8,000 annually in sales. He said the monthly record was in February 2023 for \$1,560.

Lastly, he read a poem:

My parting words are part of this councilors rhyme
Neither happy nor sad simply another part of time
Four years passed like a laser lightening flash
Voting on you name it including hauling trash
Most of us started with limited official knowledge
But I did get my youngest through four years of college
The challenges of course were all over board
Sometimes hitting a most sensitive hard cord
I thought I knew all folks coming into this seat
But how wrong I was when people were under the heat
Listening and learning all along the way
With sidewalk conversations nearly every day
I respect my friends who number 8 around me
I hope they continue to make Geneva the best it can be
The applause received for a job well done
Always to be remembered, a feeling like I won
The losses were no greater than good folks who left us alone
I miss John Pruett and our friend John Salone
One star of the show was city clerk Lori Guinan
I miss her often, breakfast, lunch and during fine dinin'
COVID came and took us all on the chin
We couldn't get along and we couldn't win
It was easy to throw stones and criticize our trouble
But no matter the action you couldn't burst my bubble
No regrets I have, some say a job without thanks
I disagree and say I've joined the higher ranks
Thick skin, no problem, run for office if you choose
Each word you utter is subject to wrongful accuse
This is not the end of service I hope you all see
Just more time to stay involved and join a committee for me
I hope all who are leaving stay active in your mission
To put Geneva, NY in a better, sound condition
So, I thank you Geneva for changing my full life
My business is booming and I still have a wife
Every day is a blessing no matter your health and your brain
My experience here has been nothing but gain
Do good and smile and donate blood if you can
Think positive, be kind, and make a good plan
My parting words are over and there's no time for more
Thank you so much for four years on the floor.

Clr. Noone said he wanted to end his term the same way he started it, which was with a shout out to a special man, Antonio Costantino. He was the first Italian mayor elected, before that serving as a ward 4 trustee, who was also his sister's godfather, a barber, and a very good friend who passed away unexpectedly the past Thursday. Clr. Noone recalls how much it meant that he'd taken the time to rush from church to watch him get sworn in. He said 23 years ago, while he was in 8th grade, Mr. Costantino became mayor and he would sit at village board meetings. Therefore, he feels it was due to his Uncle Tony that he is sitting as a councilor today so he wanted to give him the same shout out that he gave him four years ago.

Clr. Noone said the past four years were unpredictable, with challenging times, but he believes it was a genuine privilege to occupy his seat. In reflecting on his time on council he wished they'd achieved more and fostered a more professional environment by taking the time to get to know each other as people. While campaigning he told someone that instead of asking about businesses and development, he'd prefer to be asked personal questions like a favorite pastime or music preference to get to know each other as people. He had a meeting with the city manager recently, where the personal conversation that followed became one of his favorites, despite the numerous meetings they've had because he got to know her more personally in that time. He'd like for everyone to take that time to get to know each other. He hopes the next council will bridge the divides that Clr. Regan spoke on, while also ending hypocrisy and double standards so that the divides can be amended and the city can move forward. He also hopes they will prioritize projects to address the strain on our water and sewer systems, work with BID and staff to attract additional stores downtown and the town and country plaza. He hears that people want a shoe, clothing, toy or book store to increase investments in the community.

Clr. Noone said he wants to increase investments in the neighborhoods to enhance economic health and community development. He stated, from the county housing study, we've learned that we need to immediately address the concerns and look at our needs. He said, most importantly, he wants to support an adequately funded, well-trained, and fully staffed police and fire department to put the safety of Geneva first.

Lastly, he thanked those who showed their support during the recent election, and his girlfriend who has supported him endlessly throughout the past few years. He also addressed his friends, saying he appreciated those who reassured him or lent an ear when it was needed, as it meant a great deal to him. He thanked city staff as he's seen the immense dedication that they have for the city regardless of their position.

Clr. Noone gave a special thanks to Lori Guinan, who he described as an incredible human being, who helped all of council over the past years out of pure dedication and guidance. He'll forever cherish the connections and friendships, is committed to staying involved, and is hopeful to see the betterment of Geneva.

Mayor Valentino said he had many thanks to give. He feels staff is critical in their success by helping to fix mistakes, keep them in line, and uphold their part. He also acknowledged the staff who've left in the past years and said even they've been critical in moving council forward. He agreed they all truly care, just like all of the councilors at the table, and thanked them for doing the best they could the past four years. He appreciates all the support, saying the community members mean a lot, and he will continue to do his best in the future. He feels what he's seen over the years is great progress and ended by thanking council, the community, and staff.

21. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm
MOVED THAT the meeting be adjourned at 9:52pm
MOTION CARRIED UNANIMOUSLY**

Nicole Wright

City Clerk



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: David West, Director of Planning and Economic Development

Meeting Date: December 6, 2023

Item Title: SECOND READING OF REPEAL AND REPLACE ZONING ORDINANCE CHAPTER 350

Action Required:

SEQR review – This is a Type 1 Action and requires completion of a Full Environmental Assessment Form. A draft has been provided by staff including a findings statement and Negative Declaration of Environmental Significance

Second Reading/Final Adoption

Background:

City Council voted on October 4 to act as Lead Agency in SEQR Review of the Zoning Update and to schedule a public hearing on the proposed ordinance for 7pm on November 1, 2023 at the regularly scheduled City Council Meeting. City Staff mailed notices of the Declaration of Lead Agency on November 3rd, 2023 with a return date of December 3rd to Ontario County, Seneca County, Town of Geneva, Town of Waterloo, US Army Corps of Engineers, NYS Dept. of Environmental Conservation, NYS Department of State, NYS Office of Parks, Recreation and Historic Preservation, NYS DOT, and received letters of concurrence from several agencies and no substantive comment or challenges to the City Council's Lead Agency status.

Office of the City Manager

Amie Hendrix

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-2603 - FAX (315) 789-0604 – ahendrix@geneva.ny.us - www.cityofgenevany.com

City staff also submitted an application for GML 239 review to Ontario County Planning Board who considered the application and voted to recommend approval with no required modifications. County Planning did provide an informal list of suggestions for future changes that staff hopes to pursue with small amendments throughout 2024.

Following the public hearing, Council completed the first reading of this ordinance to repeal and replace the City Code Chapter 350 – Zoning implementing the Zoning Update process that started with the 2016 Comprehensive Plan.

In 2016 the City of Geneva adopted a new Comprehensive Plan that called for replacement of the zoning ordinance. The Comprehensive Plan calls for repeal and replacement of the existing zoning with a Form Based Code or a Hybrid Code and lays out a number of major initiatives and goals that should be supported by the zoning update. In 2019 the City began the work of updating the code with a Steering Committee designated by Council. A Draft Code was publicized in October of 2020 and a public hearing was held the following month. Work continued into 2023 incorporating feedback and amendments from the community including key stakeholders like the Geneva Business Improvement District and, toward the end of the year engagement in several zoning work group meetings to hash out final details and come to a general consensus.

No changes have been made since the November Council Meeting.

Financial Impact:

Adopting the Zoning Update will necessitate the expenditure of approximately \$7,000 to update the City's physical and e-code versions of the Code of the City of Geneva. However, failing to update the zoning is likely to have much greater negative fiscal impact including stifling the tax base and leaving the door open to a number of potential lawsuits due to outdated, contradictory, and/or illegal zoning requirements.

Full Environmental Assessment Form
Part 1 - Project and Setting

CITY OF GENEVA
ZONING CODE UPDATE

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Amendment to the City of Geneva Zoning Code (Chapter 350)		
Project Location (describe, and attach a general location map): City of Geneva, Ontario County, New York		
Brief Description of Proposed Action (include purpose or need): This project includes the complete repeal and replacement of the City of Geneva Zoning Law and Map (Chapter 350 of City Code). Originally adopted in 1968, the City of Geneva Zoning Code still reflects many of the suburban, auto-oriented, and land consumptive regulatory practices of its time. Although previous piecemeal amendments served the City in the interim, the regulations as a whole have become fragmented, incongruous, and outdated. The revised code not only reflects the current vision and values of the community, but also responds to changing environmental, economic, and societal needs. In accordance with NYS City Law, all existing zoning district, use, and development requirements were revised to align with City's updated Comprehensive Plan. Map amendments were also made to address areas where existing land uses were inaccurately zoned, as well as identify desirable areas for future redevelopment, investment, and open space consistent with the character and development patterns recommended in the adopted Plan. As a result of this action, the City's existing Chapter 350 will be fully repealed and replaced by the revised code. It is expected that a more detailed SEQR process will be completed with each significant future development application under the revised code as required by NYS Law. In summary, the adoption of this zoning code update will have a positive impact on the City's community, environment, and economy.		
Name of Applicant/Sponsor: City of Geneva	Telephone: 315.835.0436	
	E-Mail:	
Address: 47 Castle Street		
City/PO: Geneva	State: New York	Zip Code: 14456
Project Contact (if not same as sponsor; give name and title/role): David West, Director of Planning and Economic Development	Telephone: 315.835.0436	
	E-Mail: dwest@geneva.ny.us	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	City Council Adoption	Adoption is anticipated December 2023
b. City, Town or Village Planning Board or Commission ☐ Yes ☒ No	*PB representation was on Project Committee* Board review optional	
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☒ No	*ZBA representation was on Project Committee* Board review optional	
d. Other local agencies ☐ Yes ☒ No	*HDSC & BID representation was on Committee* Board review optional	
e. County agencies ☒ Yes ☐ No	Ontario County Planning Board Referral	Referral initiated in October 2023
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

North End Neighborhoods Brownfield Opportunity Area, Seneca Lake Watershed Management Plan, City of Geneva Active Transportation Plan, Geneva Downtown Revitalization Initiative

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☒ Yes ☐ No

If Yes, identify the plan(s):

Ontario County Agricultural Enhancement Plan

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Agriculture (AR, AR (HD), AT); Business (B-1, B-2, H); Residential (R-1, R-2, MR, MR (HD), CR); Industrial (I, I-1); Lakefront (LF-C, LF-R),
Open Space (X)

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? Res: LDR, MDR, MR; Busi: CB, CB-5, NB, GB; Mixed: MU-H, MU-I, MU-C; Other: AT, OS, HO

C.4. Existing community services.

a. In what school district is the project site located? Geneva City School District

b. What police or other public protection forces serve the project site?

Geneva Police Department; Ontario County Sheriffs Office; Hobart and William Smith Campus Safety

c. Which fire protection and emergency medical services serve the project site?

Geneva City Fire Department, Geneva General Hospital, Finger Lakes Regional EMS Council,

d. What parks serve the project site?

Bicentennial Park, Brook Street Park, Clark Street Park, Genesee Park, Gulvin Park, Jefferson Street Park, Lakefront Park, McDonough Park, Neider Park, Pulteney Park, Richards Playground, Ridgewood Park, Washington Street Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ 	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ _____	☐ Yes ☐ No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☐ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____ _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____ _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ _____ • Operation: _____ _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ _____ • Operation: _____ _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No - If yes, DEC site ID number: _____ - Describe the type of institutional control (e.g., deed restriction or easement): _____ - Describe any use limitations: _____ - Describe any engineering controls: _____ - Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No - Explain: _____ _____
E.2. Natural Resources On or Near Project Site
a. What is the average depth to bedrock on the project site? _____ feet
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %
d. What is the average depth to the water table on the project site? Average: _____ feet
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site ☐ Moderately Well Drained: _____ % of site ☐ Poorly Drained: _____ % of site
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site ☐ 10-15%: _____ % of site ☐ 15% or greater: _____ % of site
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No If Yes, describe: _____ _____
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: - Streams: Name _____ Classification _____ - Lakes or Ponds: Name _____ Classification _____ - Wetlands: Name _____ Approximate Size _____ - Wetland No. (if regulated by DEC) _____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____
i. Is the project site in a designated Floodway? ☐ Yes ☐ No
j. Is the project site in the 100-year Floodplain? ☐ Yes ☐ No
k. Is the project site in the 500-year Floodplain? ☐ Yes ☐ No
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No If Yes: i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : Short Term Rental Code Amendment
Date : 9-1-23

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:					
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	☐	☐		
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	☐	☐		
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐		
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	☐	☐		
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐		
vi. 43 tons/year or more of methane	D2h	☐	☐		
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐		
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐		
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	☐	☐		
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐		
f. Other impacts: _____ _____		☐	☐		

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐		
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐		
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐		
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐		

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☒	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☒	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☒	☐

d. Other impacts: _____ _____		☐	☐
If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3: e. i. The proposed action may result in the destruction or alteration of all or part of the site or property. ii. The proposed action may result in the alteration of the property’s setting or integrity. iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3g, E3f E3e, E3f, E3g, E1a, E1b E3e, E3f, E3g, E3h, C2, C3	☐ ☐ ☐ 	☐ ☐ ☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐		
e. Other impacts: _____ _____		☐	☐		

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐		
c. Other impacts: _____ _____		☐	☐		

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached findings statement

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Repeal and replace zoning ordinance, existing zoning code, City of Geneva Comprehensive Plan, record of all Zoning update meetings and public hearings, findings statement, Comments from Ontario County Planning Board review

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Geneva Council _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: City of Geneva Zoning Update

Name of Lead Agency: City of Geneva

Name of Responsible Officer in Lead Agency: Amie Hendrix

Title of Responsible Officer: City Manager

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: David West

Address: 47 Castle St. Geneva, NY 14456

Telephone Number: 315.835.0436

E-mail: dwest@geneva.ny.us

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

RESOLUTION # 61 - 2023

RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE CITY OF GENEVA'S ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE

WHEREAS, the City of Geneva declared Lead Agency in the review of the ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE (City of Geneva Zoning Update); and

WHEREAS, the City Council has determined that the proposed adoption qualifies as a Type 1 Action under SEQRA based on 6 CRR-NY 617.4 b-2.; and

WHEREAS, the proposed ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE will not allow significant change in use or new construction without further review/permitting subject to SEQR; and

WHEREAS, the ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE is a re-zoning. Any substantial new construction will undergo its own environmental review that will be no less protective of the environment and will assess any impacts on community-provided services.; and

WHEREAS, the City Council of the City of Geneva has reviewed the Full EAF Part 1 New York State Environmental Quality Review Act ("SEQRA") form; and

WHEREAS, the Geneva City Council has completed Parts 2&3 (EAF Part 2&3) of the required NY State Environmental Quality Review Act (SEQRA) forms providing all relevant information, verifying its completeness and accuracy;

WHEREAS, the City Council has determined that the proposed adoption will have no or small environmental impact on every impact category in the Full Environmental Assessment Form Part 2 and elaborated on the reasoning behind Part 2 in Part 3.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, the City Council issues a Negative Declaration of Environmental Significance under SEQR and directs the City Manager to affix their signature to the FEAF Part 3 form.

BE IT FURTHER RESOLVED by the City Council of the City of Geneva, New York that the City Clerk should file the Negative Declaration of Environmental Significance in the NYS Environmental Notice Bulletin as required by law.

ORDINANCE # 9 - 2023

AN ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA CITY CODE

Be it enacted by the City Council of the City of Geneva, NY as follows: that Chapter 350 of the Geneva City Code be repealed and replaced with the Chapter 350 text, tables, map and images contained on the following pages.

This ordinance is enacted pursuant to the New York State Constitution, Municipal Home Rule, General City Law, and the City of Geneva's police power to regulate the use of land and structures for the protection of the health, safety, welfare, comfort, peace and prosperity of the City and its inhabitants. This ordinance is adopted in conformance with the City of Geneva Comprehensive Plan to connect the City's values--which include stewardship of natural resources, a strong economy, its "uniquely urban" setting and sense of community, multicultural heritage and the local arts, architectural and recreational assets--with its vision of being a "Beautiful, Prosperous, Equitable, Connected and Sustainable" city.

Effective Date

This Ordinance, repealing and replacing the Geneva City Code Chapter 350, shall take effect immediately upon adoption by the City Council.

CHAPTER 350.

CITY OF GENEVA ZONING CODE

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

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
- ARTICLE 19. REVIEW BODIES
- ARTICLE 20. CODE ENFORCEMENT

Zoning Map



CHAPTER 350. CITY OF GENEVA
ZONING CODE

INTRODUCTORY
PROVISIONS

ARTICLE 1. PURPOSE & INTENT 2

ARTICLE 2. DEFINITIONS 3

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. **MASSAGE 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.

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).

COMMERICAL 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.

li

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.

LI

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, amphitheatres, 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.

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:

- 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

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

CHAPTER 350.

CITY OF GENEVA
ZONING CODE

DISTRICT & USE
REGULATIONS

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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					
<i>Single- or Two-Family Dwelling</i>	P	P	P	P	-
<i>Multi-Family Dwelling, By Conversion</i>	-	SP	-	SP	§350-7.14
<i>Multi-Family Dwelling, Up to 6 Units</i>	-	P	-	P	§350-7.14
<i>Multi-Family Dwelling, 7 to 12 Units</i>	-	-	-	P	§350-7.14
<i>Multi-Family Dwelling, Over 12 Units</i>	-	-	-	SP	§350-7.14
<i>Fraternity or Sorority House</i>	-	SP	SP	SP	-
<i>Bed and Breakfast or Short-Term Rental</i>	SP	SP	SP	SP	§350-7.7 or 7.18
<i>Home Occupation (including Day Care)</i>	P	P	P	P	§350-7.12
<i>Hospice, Nursing Home, or Assisted Living</i>	-	SP	-	SP	-

- Table Continued on Next Page -

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.

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	SP	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 or 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.

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 -

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) Baldridge 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.

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 rootlines 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

(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 than 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 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.
- D. 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 birds and other domesticated pets may be maintained as pets if kept in a clean and sanitary manner and are not offensive or dangerous.
- E. Chickens, 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. All such uses dealing with the sale and/or consumption of cannabis products shall obtain a license as required by the Office of Cannabis Management. A complete copy of any application filed with and license issued by the NYS Liquor Authority or Office of Cannabis Management 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. Businesses are encouraged to include options for donation of excess food and composting of food scraps and compostable waste as appropriate in their waste management plan.
- 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. **Findings.** The purpose of this Chapter is to regulate the Short-Term Rental of

dwelling units within the City of Geneva, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The City also recognizes that extensive Short-Term Term Rentals have the potential to compromise the residential character of the community, drive up prices of limited low cost housing supply, and may cause disruption to the peace, quiet and enjoyment of neighboring residents. Accordingly, in order to respect the rights and interests of all residents of the City, this Chapter seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of Geneva's neighborhoods.

B. Definitions.

- a. Short-Term Rental: -As used in this chapter, the term "Short-Term Rental" shall mean a dwelling that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter, as amended. Short Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.
- b. Rental As used in this chapter, the term "Rental" shall mean an agreement granting use or possession of a dwelling in whole or in part, to a person, group or entity in exchange for consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

C. Presumption of dwelling unit as short-term rental property

- a. The following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:
 - i. All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 30 consecutive nights or less; and/or
 - ii. All or a part of the property is offered for lease for a period of 30 days or less through any form of advertising.
- b. The foregoing presumptions may be rebutted by evidence presented to the City of Geneva Code Enforcement Office that the premises is not operated as a short-term rental.

D. General Requirements.

- a. Any conditions imposed by the City Code Enforcement Office or the City Planning Board through Special Use Permit and/or Site Plan Review.
- b. The property must have sufficient off-street parking spaces as required by the City of Geneva Code Enforcement Office or the City Planning Board on Special Use Permit Review.
- c. Tenants and guests shall only park on a suitably improved parking area and shall not park in the required front yard setback.
- d. The maximum number of bedrooms that can be rented is limited to 4.
- e. The maximum occupancy for each short-term rental unit shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section PM 404.4.1..
- f. Regardless of all other occupancy limitations, maximum occupancy may not exceed 10 people and occupancy limitations are in effect 24 hours a day.
- g. Advertisements for the short-term rentals in the City of Geneva must conform to what is allowed under this section, the short-term rental permit issued for the short-term rental in question, and contain a statement advising potential occupants that short term rentals of the property are subject to Section 350-44 of the Geneva City Code.
- h. A Short-Term Rental may only be used for overnight accommodations and

shall not be used for gatherings, including, but not limited to, cultural events, weddings, private events, special or sales events, bachelor or bachelorette parties or other similar party or activities, funerals, fundraisers, or similar group-type gatherings.

- i. Short-Term Rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under Federal, State or Local law.

E. Short-Term Rental License Required. The Operator of a Short-Term Rental unit must acquire a Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code within one (1) year from the issuance of a Special Use Permit or Site Plan Approval or said Permit or Approval becomes null and void.

- a. Where the district regulations of this Chapter require a special use permit or site plan review, issuance of such approval shall be required prior to issuance of a revocable short-term rental license under Chapter 215-44.
- b. Operators of properties being currently operated as a short-term rental as defined in this section, shall apply for a license by April 30, 2024. A Temporary License shall be issued pending a decision on the application.

§ 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.
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.

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.

CHAPTER 350.

CITY OF GENEVA
ZONING CODE

DEVELOPMENT
STANDARDS

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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

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

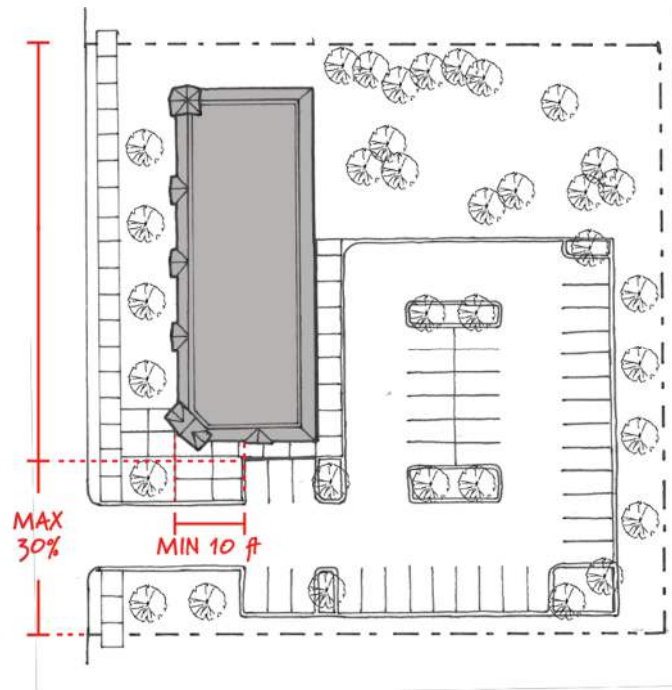
- C. Minimum Spaces Required.** Loading spaces shall be provided for uses in accordance with the table below.

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.

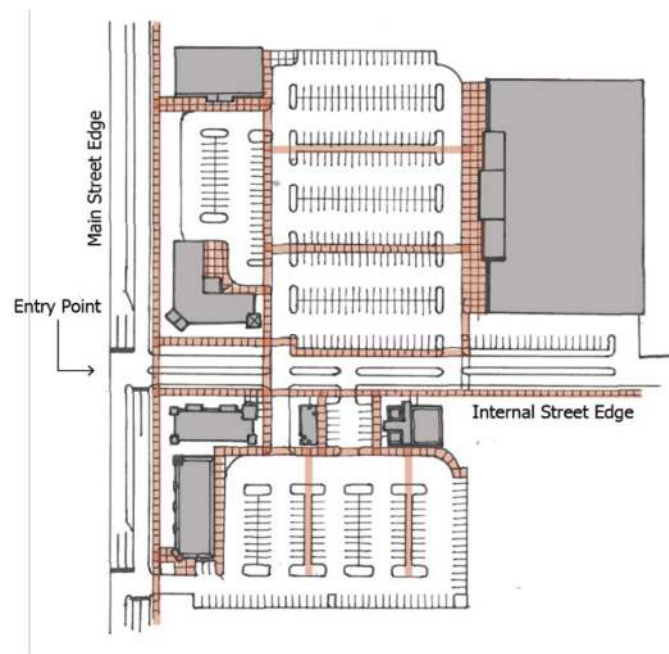
§ 350-8.10 BICYCLE & PEDESTRIAN ACCOMMODATIONS

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.

- 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)	
<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.**

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

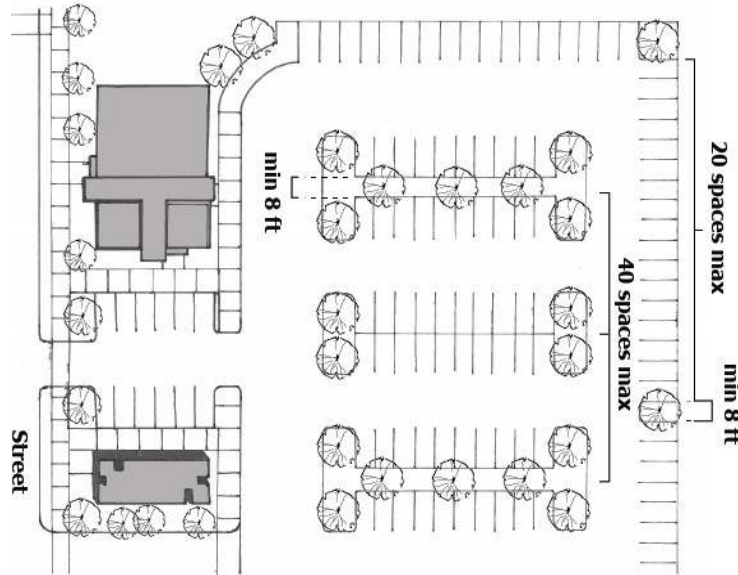
- A. A mix of landscape plantings shall be installed around all building foundations.
- B. Plant material shall be placed intermittently against long expanses of buildings walls, fences, and other barriers to soften the effect and to help break-up walls with little to no architectural detail.
- C. Ornamental 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

§ 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 **should** apply to all existing nonresidential, mixed-use, and multi-family structures and shall apply to significantly altered and 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, should follow the regulations of this Article to the greatest extent practicable. In the case of nonconformities, Subsection C below 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 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 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 includes 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.

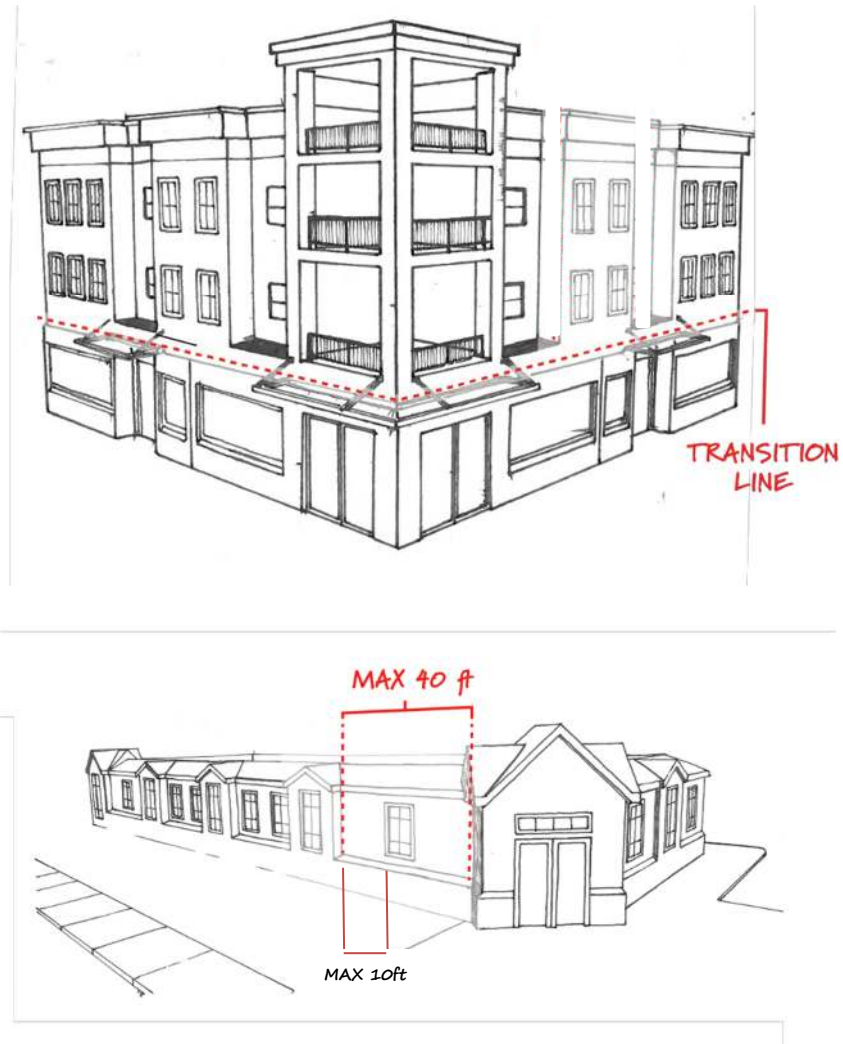
§ 350-10.5 BUILDING PLACEMENT, ORIENTATION, MASSING & FORM

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 **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. 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 **should** be designed in proportion to the overall height and width of the building and **should** relate to adjacent historic structures **(see Figure 9.1)**.

FIGURE 9.1

BUILDING MASSING & ARTICULATION



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 **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) **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 **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 **should** match that of the major entrance and design elements on the first floor.
3. Upper-floor openings **should** be residential in size, proportion, and character.
4. Upper-floor windows **should** be double-hung 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 **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 facade. 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 **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 **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 **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 façade treatments include multiple materials or colors, 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 **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.

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.

1. 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

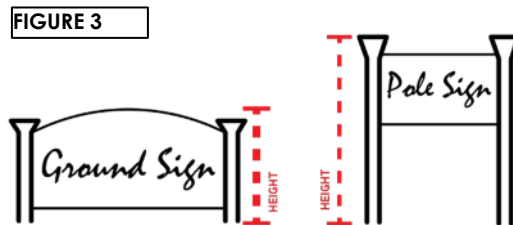


structure on which it is placed. See Figures 1 and 2.

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.



§ 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

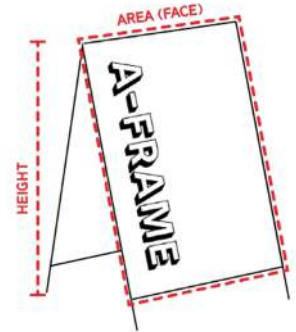
- A. Where required by this Chapter, the removal of signs shall be the sole responsibility of the property owner. If said sign is not removed within 30 days of the date of written notice by the CEO, the CEO or designee is authorized to affect its removal.
- B. The CEO may remove any sign that is found 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.

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 :

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.

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
Max Number	-	1 per awning	1 per awning	1 per awning	1 per awning	-
Max Area	-	75% of Valence Area	75% of Valence Area	75% of Valence Area	75% of Valence Area	-
Min Clearance ¹	-	9 ft	9 ft	9 ft	9 ft	-
Illumination	-	-	-	-	-	-

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.

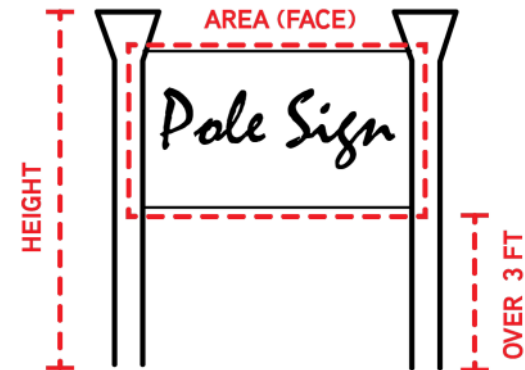
1. All pole signs shall be in conformance with the standards of the following table.
2. No sign shall be permitted where the principal structure on the lot has a front setback of less than 10 feet.

	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.

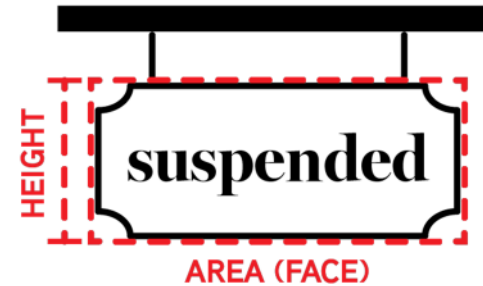
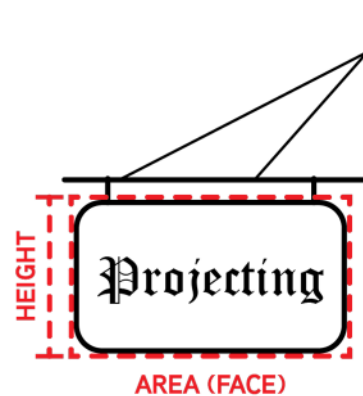
3. Additional Regulations.

- 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
<i>Max Number</i>	n/a	n/a	n/a	n/a	n/a	n/a
<i>Max Area</i>	20% of window area	20% of window area	20% of window area	20% of window area	20% of window area	20% of window area
<i>Illumination</i>	-	-	-	-	-	-

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
<i>Max Number</i>	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use
<i>Max Area / Height</i>	See restrictions of sign type most closely aligned with style of the temporary sign.					
<i>Illumination</i>	-	-	-	-	-	-

§ 350-11.18 DIGITAL SIGNS

The following requirements shall apply to any sign utilizing digital technology.

- A. The use of digital sign technology shall be limited to districts where illumination is permitted.
- B. The extent of sign face area utilizing digital sign technology, including any screens or other display area, shall not exceed 25%.
- C. Digital technology shall not be utilized in any wall sign, projecting sign, suspended sign, awning sign, or window sign.
- D. Digital signs shall display static messages with no animation, no effects simulating animation, and no video.
- E. Changes in copy, message, or graphics shall occur no more than once every 30 seconds.
- F. Each transition shall be accomplished immediately with no fade, scroll, flash, spin, revolve, shake or include any other type of movement or motion.
- G. Digital signs shall be equipped with photosensitive equipment that is programmed to automatically adjust the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- H. The illuminance of a digital sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the digital sign off, and again with the digital sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken at a height of at least five feet and a distance determined by the following calculation. All fractions shall round up to the nearest foot.
- 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 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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PREPARED BY:

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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.

- 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.

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.**

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

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 REIMBURSEMENT OF EXPENSES ASSOCIATED WITH REVIEW OF ZONING AND LAND USE APPLICATIONS

A. Purpose

1. Reasonable costs incurred by the Geneva City Council, the Geneva City Zoning Board of Appeals or the Geneva City Planning Board, hereinafter respectively referred to as the "Council" or the "Board", to retain private consultants, including, but not limited to, attorneys and engineers, to assist with the review and evaluation of certain zoning and/or land use applications, including, but not limited to concept or sketch plans, site plans, special permits, PUDs, variances, appeals from other Boards, or zoning law amendments, shall be charged to the applicant. The costs shall be reasonable in amount and limited to activities necessary to the accomplishment of government functions of the Council or the Board. Such reimbursement costs shall be in addition to any application fees required by the provisions found in this Chapter of the City Code.

B. Exemption of Minor Projects

1. This provision shall not apply to applications for minor projects. For purposes of this provision, minor projects shall include all projects classified as "Type II" SEQRA actions pursuant to 6 N.Y.C.R.R. §617.5, and such other and similar small projects as the City Council or any of its reviewing Boards, in their discretion, may exempt from this provision upon initial review of the application.

C. Review of Applications and Estimate of Costs to be Reimbursed

1. Upon receipt of an application, the City Council or the Board authorized to review the application shall make an estimate of the reasonable amount of private consultant expenses it expects to incur during the course of its review, evaluation, and determination of the application and the amount of a deposit necessary to insure the payment of the charges by the applicant. In making this estimate, the reviewing board shall be guided by the following:
 - a. Previous experience of costs associated with review of similar projects;
 - b. In situations where the reviewing board is the "lead agency" under the State Environmental Quality Review Act (SEQRA), the procedures and standards of 6 N.Y.C.R.R. §617.13 amendments thereof or similar enactments and the provisions found in this Chapter;
 - c. Where the project involves property that is or may be heavily contaminated by past industrial, commercial or agricultural use, anticipated costs of consultants and/or City employees for testing, analysis, site monitoring remediation, and other actions reasonably needed to protect public health and safety; and
 - d. Discussions with the applicant's legal and technical representatives, appropriate City officials, and private consultants as to the likely course of the application review process and the issues likely to be encountered during that process.

D. Deposits

1. The City Council or the Board authorized to review an application shall notify the applicant to make a deposit of 50% of its estimate of the reasonable amount of private consultant expenses it expects to incur during the course of its review and evaluation of the application.
2. The deposit determined by the Council or the Board authorized to review the application described under C above or E below, shall be deposited by the applicant in escrow with the City Clerk prior to the City Council or the Board commencing any review of the application.

3. The applicant, the Council, or the Board may negotiate a different deposit and/or method of making the deposit, as long as the City's right to receive reimbursement for the reasonable amount of private consultant expenses it expects to incur during the course of its review and evaluation of the application is preserved.

E. Replenishment

1. If the amount so deposited is exhausted or diminished during the review process to the point that the City Council or the Board determines that the remaining amount will not be sufficient to enable the board to complete its review of the application, the reviewing City board may notify the applicant of the additional amount that must be deposited with the City Clerk. This additional amount shall also be established in a manner consistent with the provisions of subparagraph (C.) above.
2. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to this section of the City Code, the reviewing City Council or Board in its discretion may:
 - a. Suspend review of the application until such amounts are paid; or
 - b. Deny the application.
3. The time for the City Council or the Board to determine the application shall not commence until the deposit(s) described in C or E above have been made. All other requirements and definitions applicable to the time to make a determination found in the City Code or State Statute, including but not limited to so called "default approvals", shall be subject to the provisions of this section of the City Code.
4. At the conclusion of the application review process, all funds not expended by the Council or the Board shall be returned to the applicant.

F. Disbursement of Funds

1. Disbursement of funds from the escrow account by the City to pay the invoices of its consultants shall be made by the City Comptroller following review and approval by the City Manager.

G. Written Agreement

1. Prior to the City Council or the Board commencing any review of the application, the City and the applicant shall enter into a written agreement concerning the amount and mechanism for payment of costs charged to the applicant under this section of the City Code, including a provision for a confession of judgment if the charges are not paid.

H. Validity

1. A determination of invalidity of any provision of this section of the City Code shall not affect the validity of any other provision of this section that can be given effect without such invalid provision.

I. Effective Date

1. The provisions of this section shall take effect immediately upon adoption and shall only apply to applications filed after its effective date



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: David West, Director of Planning and Economic Development

Meeting Date: December 6, 2023

Item Title: SECOND READING OF AN ORDINANCE AMENDING CHAPTER 351-3 OF THE GENEVA CITY CODE

Action Required:

Public Hearing

SEQR review – This is a Type 1 Action and requires completion of a Full Environmental Assessment Form. A draft has been provided by staff including a findings statement and Negative Declaration of Environmental Significance

Second Reading/Final Adoption

Background:

In 1998 the City of Geneva adopted a Master Plan that included a variety of recommendations for supporting the future of the City. One of the foundational recommendations was the creation of a Traditional Urban Design District (TUDD) as an overlay on dense downtown areas that predated the era of auto-dependence. The TUDD imposes a variety of restriction on changes to historic buildings to protect these areas as an amenity and part of the cultural heritage of the community and also provides an exemption from minimum parking requirements in the underlying zoning that clash with historic practices for those areas and are impractical to meet without destroying the best qualities of those areas.

Office of the City Manager

Amie Hendrix

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-2603 - FAX (315) 789-0604 – ahendrix@geneva.ny.us - www.cityofgenevany.com

The 2016 Comprehensive Plan recommended strengthening the TUDD design guidelines and removing minimum parking requirements entirely. While a full removal of minimum parking requirements wasn't politically feasible, extending the TUDD to cover more of the areas that are characterized by the high density and high level of walkability that is indicative of Geneva's historic core forwards the goals of the plan and allows for continued investment in the South Main and Pulteney Park vicinity.

This proposed ordinance was referred to the Ontario County Planning Board who voted to recommend approval with no required modifications. Minor changes to the ordinance format and structural language have been made based on recommendations from the City's attorney.

Financial Impact:

None

Full Environmental Assessment Form
Part 1 - Project and Setting

City of Geneva
TUDD Map Update

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Amendment to the City of Geneva TUDD Map Code Chapter 351		
Project Location (describe, and attach a general location map): City of Geneva, Ontario County, New York		
Brief Description of Proposed Action (include purpose or need): This project expands the TUDD (Traditional Urban Design District) overlay zone to include the historic small lot area surrounding Pulteney Park.		
Name of Applicant/Sponsor: City of Geneva	Telephone: 315.835.0436	
	E-Mail:	
Address: 47 Castle Street		
City/PO: Geneva	State: New York	Zip Code: 14456
Project Contact (if not same as sponsor; give name and title/role): David West, Director of Planning and Economic Development	Telephone: 315.835.0436	
	E-Mail: dwest@geneva.ny.us	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	City Council Adoption	Adoption is anticipated December 2023
b. City, Town or Village Planning Board or Commission ☐ Yes ☒ No		
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☒ No		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	Ontario County Planning Board Referral	Referral initiated in November 2023 - Recommended for adoption
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Historic District

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Historic Overlay, Medium Density Residential, open Space, Central Business, Central Business - 5 Story

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? T U D D

C.4. Existing community services.

a. In what school district is the project site located? Geneva City School District

b. What police or other public protection forces serve the project site?

Geneva Police Department; Ontario County Sheriffs Office; Hobart and William Smith Campus Safety

c. Which fire protection and emergency medical services serve the project site?

Geneva City Fire Department, Geneva General Hospital, Finger Lakes Regional EMS Council,

d. What parks serve the project site?

Pulteney Park,

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: 	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☐ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____ _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____ _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ _____ • Operation: _____ _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ _____ • Operation: _____ _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No - If yes, DEC site ID number: _____ - Describe the type of institutional control (e.g., deed restriction or easement): _____ - Describe any use limitations: _____ - Describe any engineering controls: _____ - Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No - Explain: _____ _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site ☐ Moderately Well Drained: _____ % of site ☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site ☐ 10-15%: _____ % of site ☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: - Streams: Name _____ Classification _____ - Lakes or Ponds: Name _____ Classification _____ - Wetlands: Name _____ Approximate Size _____ - Wetland No. (if regulated by DEC) _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name David West, City of Geneva Date 12/1/23

Signature  Title Director of Planning & Economic Development

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : City of Geneva TUDD Map Update
Date : 9-1-23

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☒ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☒ NO ☐ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:					
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	☐	☐		
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	☐	☐		
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐		
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	☐	☐		
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐		
vi. 43 tons/year or more of methane	D2h	☐	☐		
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐		
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐		
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	☐	☐		
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐		
f. Other impacts: _____ _____		☐	☐		

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐		
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐		
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐		
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐		

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☒	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☒	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☒	☐

d. Other impacts: _____ _____		☐	☐
If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3: e. i. The proposed action may result in the destruction or alteration of all or part of the site or property. ii. The proposed action may result in the alteration of the property’s setting or integrity. iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3g, E3f E3e, E3f, E3g, E1a, E1b E3e, E3f, E3g, E3h, C2, C3	☐ ☐ ☐	☐ ☐ ☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐		
e. Other impacts: _____ _____		☐	☐		

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐		
c. Other impacts: _____ _____		☐	☐		

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The expansion of the Traditional Urban Design District (TUDD) overlay zone imposes stricter historic preservation and design guidelines, restricts demolitions of historic structures, and removes parking requirements that are inconsistent with the historic character and form of Geneva's downtown neighborhoods. The expansion of this zone to include the small lot fabric around Pulteney Park will serve to protect the urban character of the area that would otherwise be harmed by demolition of structures to meet parking requirements. This change will not result in environmental impacts because it specifically protects the existing historic character of the area and includes design guidelines and other controls to ensure that any new development conforms the the character and quality of the area.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

City of Geneva Comprehensive Plan, Record of Review by Ontario County Planning Board

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Geneva Council _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: City of Geneva TUDD Update

Name of Lead Agency: City of Geneva

Name of Responsible Officer in Lead Agency: Amie Hendrix

Title of Responsible Officer: City Manager

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: David West

Address: 47 Castle St. Geneva, NY 14456

Telephone Number: 315.835.0436

E-mail: dwest@geneva.ny.us

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

RESOLUTION # 62 - 2023

RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE CITY OF GENEVA'S TUDD (Traditional Urban Design District) Map Update

WHEREAS, the City of Geneva declared Lead Agency in the review of the TUDD (Traditional Urban Design District) Map Update; and

WHEREAS, the City Council has determined that the proposed adoption qualifies as a Type 1 Action under SEQRA based on 6 CRR-NY 617.4 b-2.; and

WHEREAS, the proposed TUDD (Traditional Urban Design District) Map Update will not allow any change in use or new construction without further review/permitting subject to SEQR; and

WHEREAS, the TUDD (Traditional Urban Design District) Map Update enacts stronger provisions on the currently extant for the preservation and protection of the historic neighborhood character of the neighborhood around Pulteney Park; and

WHEREAS, the City Council of the City of Geneva has reviewed the Full EAF Part 1 New York State Environmental Quality Review Act ("SEQRA") form; and

WHEREAS, the Geneva City Council has completed Parts 2&3 (EAF Part 2&3) of the required NY State Environmental Quality Review Act (SEQRA) forms providing all relevant information, verifying its completeness and accuracy;

WHEREAS, the City Council has determined that the proposed adoption will have no or small environmental impact on every impact category in the Full Environmental Assessment Form Part 2 and elaborated on the reasoning behind Part 2 in Part 3.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the TUDD (Traditional Urban Design District) Map Update will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, the City Council issues a Negative Declaration of Environmental Significance under SEQRA and directs the City Manager to affix their signature to the FEAF Part 3 form.

BE IT FURTHER RESOLVED by the City Council of the City of Geneva, New York that the City Clerk should file the Negative Declaration of Environmental Significance in the NYS Environmental Notice Bulletin as required by law.

ORDINANCE # 10- 2023
AN ORDINANCE AMENDING SECTION 351-3 OF THE GENEVA CITY CODE

Be it **ENACTED AND ORDAINED** by the Geneva City Council, as follows:

Section 351-3 of the Geneva City Code be amended to reference the attached map extending the boundaries of the Traditional Urban Design District to include the historic dense small-lot urban fabric centered on Pulteney Park in recognition of the area's important and historic contribution to downtown Geneva's walkability and accessibility and it further,

ENACTED AND ORDAINED that the attached map shall be the authoritative document defining the boundaries of the Traditional Urban Design District, that interpretation of this map shall conform to Geneva City Code Section 350-1.3 Interpretation of District Boundaries, and that the description of the TUDD in Geneva City Code Section 351-3 shall be amended to read as follows.

§ 351-3 Creation of Traditional Urban Design District as overlay zoning district.
The boundaries of the TUDD are delineated on the attached map. The boundaries constitute the core area of Geneva's downtown as it developed in the late nineteenth through early twentieth century.

~~BEGINNING at a point that marks the intersection of the west line of Exchange Street and the south line of the railroad tracks; thence southerly encompassing all properties that front on the west line of Exchange Street to a point which marks the intersection of the west line of Exchange Street and the north line of Castle Street; THENCE westerly encompassing all properties that front the north line of Castle Street to the southwest corner of property known as 244 Main Street (the Public Library);~~
~~THENCE southerly encompassing all properties that front the west line of Main Street to a point which marks the intersection of the west line of Main Street and the north line of William Street;~~
~~THENCE easterly across Main Street to the southwest corner of property known as 357 South Main Street (Civic Center);~~
~~THENCE easterly encompassing all properties that front on the south line of Seneca Street to a point which marks the intersection of the south line of Seneca Street with the east line of South Linden Street;~~
~~THENCE southerly along the east line of South Linden Street to a point which marks the intersection of the east line of South Linden Street and the north line of Elizabeth Blackwell Drive;~~
~~THENCE easterly encompassing all properties that front the north line of Elizabeth Blackwell Drive to a point which marks the intersection of the north line of Elizabeth Blackwell Drive and the west line of Routes 5&20 (Lakefront Drive);~~
~~THENCE northerly along the west line of Routes 5&20 to a point which marks the intersection of the west line of Routes 5&20 and the north line of Lake Street;~~
~~THENCE westerly encompassing all properties except the railroad that front the north line of Lake Street to a point which marks the intersection of the north line~~

~~of Lake Street and the east line of Exchange Street.~~

~~THENCE northerly encompassing all properties along the east line of Exchange Street that front the east line of Exchange Street to a point which marks the intersection of the east line of Exchange Street and the south line of the railroad tracks;~~

~~THENCE westerly along the south line of the railroad tracks to the point and place of beginning.;~~

and it is further,

ENACTED AND ORDAINED, that this amendment to the Geneva City Code is adopted pursuant to the New York State Constitution, Municipal Home Rule, General City Law, and the City of Geneva's police power to regulate the use of land and structures for the protection of the health, safety, welfare, comfort, peace and prosperity of the City and its inhabitants, and it is further,

ENACTED AND ORDAINED, that this amendment to the Geneva City Code is adopted in conformance with the Geneva City Comprehensive Plan in furtherance of the City's values--which include stewardship of natural resources, a strong economy, its "uniquely urban" setting and sense of community, multicultural heritage and the local arts, architectural and recreational assets--with its vision of being a "Beautiful, Prosperous, Equitable, Connected, and Sustainable" City.

Effective Date

This Ordinance shall take effect immediately upon adoption by the City Council.

CITY OF GENEVA

Traditional Urban Design District (TUDD) Map

