

## **Chapter 350**

### **ZONING**

#### **GENERAL REFERENCES**

**Enforcement officers — See Ch. 22.**

**Environmental quality review — See Ch. 147.**

**Board of Zoning Appeals — See Ch. 59.**

**Flood damage prevention — See Ch. 177.**

**Building construction — See Ch. 105.**

**Satellite dishes — See Ch. 282.**

**Business improvement districts — See Ch. 116.**

**Signs and fire escapes — See Ch. 288.**

**Economic development zones — See Ch. 138.**

**Subdivision of land — See Ch. 310.**



## ARTICLE I

**Purpose, Definitions and Districts****§ 350-1. Authority and 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.

**§ 350-2. Word usage and definitions.**

A. In interpreting this chapter, certain terms or words herein shall be defined as follows:

(1) The word "building" shall include the word "structure."

(2) The words "used for" shall be construed to include the words "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

B. The following definitions shall be used in interpreting this chapter:

**ACCESSORY BUILDING** — A building detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building.

**ACCESSORY USE** — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ADULT USE ESTABLISHMENT****[Added 6-18-1996 by Ord. No. 96-3]** — 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:
    - [1] 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
    - [2] 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:
- (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) PERSON — An individual, proprietorship, partnership, corporation, association or other legal entity.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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.

(19) 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.

(20) 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.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts of existing facilities of such building or structure or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

APARTMENT, UPPER-STORY — A dwelling unit located on the second floor, or higher, of a multi-story building meeting all applicable requirements of GMC - 202 Housing Code and the New York State Uniform Fire Prevention and Building Code having a gross leasable area as follows: **[Added 9-21-1999 by Ord. No. 8-1999; amended 6-3-2009 by Ord. No. 2-2009]**

- (1) A one-bedroom unit or studio unit having a minimum of 500 square feet.
- (2) A two-bedroom unit having a minimum of 1,000 square feet.
- (3) A three-bedroom unit having a minimum of 1,500 square feet.

AREA, BUILDING — 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.

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.

AUTO JUNKYARD — Two or more old or secondhand motor vehicles no longer intended or in condition for legal use on the public highways.

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.

**BILLBOARD** — A sign or structure which directs attention to an idea, products, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

**BOARDINGHOUSE** — A building, other than a hotel, containing a general kitchen and a general dining room in which at least three, but not more than six, sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house or rooming house shall be deemed a boardinghouse.

**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, ACCESSORY** — See "accessory building."

**BUILDING, DETACHED** — A building surrounded by open space on the same lot.

**BUILDING GROUP** — A group of two or more principal buildings, and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

**BUILDING LINE** — The line, established by statute, local law or ordinance, beyond which a building shall not extend, as specifically provided by law.

**BUILDING, MAIN** — A building in which is conducted the principal use of the lot on which it is located.

**BUILDING, PRINCIPAL** — A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING, SEMIDETACHED** — A building attached by a party wall to another building normally of the same type on another lot but having one side yard.

**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.

**CELLAR** — Any space in a building the structural ceiling level of which is less than four feet above average finished grade where such grade meets the exterior walls of the building. A cellar shall not be counted in determining the permissible number of stories.

**CLUB, MEMBERSHIP** — An organization catering exclusively to members and their guests or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or

commercial activities except as required generally for the membership and purposes of such club.

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

COMMUNITY POLE — A sign owned and maintained by the City or by a group of businessmen as approved by the City and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

CONTRACTOR'S YARD — Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, which are in active use by a construction contractor.

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

DEVELOPMENT — The utilization of a lot or tract of land for two or more uses.

DISTRICT, MORE RESTRICTED OR LESS RESTRICTED — In the following list each district shall be deemed to be more restricted than the district which follows it: AR, R1, R2, MR, H, B1, B2, X, F1 and F.**[Amended effective 5-6-1981 by Ord. No. 81-14]**

DUMP — A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind, including auto junkyards.

DWELLING — A building designed or used principally as the living quarters for one or more families. The term "dwelling," "one-family dwelling," "two-family dwelling," "multifamily dwelling," "multiple dwelling" or "dwelling group" shall not be deemed to include a motel, hotel, rooming house or other accommodations used for more or less transient occupancy. (See "residence.")

DWELLING GROUP — A group of three or more, but not over nine, attached single- or two-family dwellings with party walls between.

DWELLING, ONE-FAMILY — A building containing one dwelling unit only.

DWELLING, MULTIFAMILY — A dwelling containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family.

EXTRACTIVE OPERATION — The removal of soil, gravel, sand or dirt for purposes unrelated to excavation for construction where the extractive operation is conducted.

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.

FINISHED GRADE — The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade in computing height of buildings and other structures or for other purposes shall be the average elevation of all finished grade elevations around the periphery of the building, except that this average shall not exceed 1/2 of the floor-to-ceiling height.

FLOOR AREA — The aggregate sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior walls or from the center lines of walls separating two buildings.

- (1) In particular, the floor area of a building or buildings shall include:
  - (a) Basement space.
  - (b) Elevator shafts and stairwells at each floor.
  - (c) Floor space for mechanical equipment with structural headroom of seven feet and six inches or more.
  - (d) Penthouses.
  - (e) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet and six inches or more.
  - (f) Interior balconies and mezzanines.
  - (g) Enclosed porches.
  - (h) Accessory uses, not including space for accessory off-street parking.
- (2) However, the floor area of a building shall not include:
  - (a) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

- (b) Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- (c) Floor space used for mechanical equipment, with structural headroom of less than seven feet and six inches.
- (d) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet and six inches.
- (e) Uncovered steps and exterior fire escapes.
- (f) Terraces, breezeways, open porches, and outside balconies and open spaces.
- (g) Accessory off-street parking spaces.
- (h) Accessory off-street loading berths.

**GROSS LEASABLE AREA** — The total floor area designed for tenant occupancy and exclusive use. The area of tenant occupancy is measured from the centerlines of joint partitions to the outside of the tenant walls. All tenant areas, including areas used for storage, shall be included in calculating gross leasable area, provided they are within the dwelling unit. **[Added 6-3-2009 by Ord. No. 2-2009]**

**HEIGHT OF BUILDING** — The vertical distance measured from the average finished grade along the wall of the building (or adjacent to the side of the structure) to the highest point of such building or structure.

**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 small nameplate and in connection therewith there is not involved the keeping of a stock-in-trade. A professional person, including violin, piano or other individual musical instrument or voice instructor limited to a single pupil at a time, who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed to be a home occupation, and the occupation of dressmaker, milliner, or seamstress each with not more than one paid assistant shall also be deemed to be a home occupation. Dancing instruction, band instrument instruction in groups, tearooms, tourist homes, beauty parlors, real estate offices, convalescent homes, mortuary establishments and stores, trades or businesses of any kind herein excepted shall not be deemed to be home occupations. **[Amended effective 2-6-1974 by Ord. No. 74-4]**

**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 — A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

HOUSE TRAILER or 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.

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.

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.

LIBRARY, CENTRAL — A repository to house a minimum of 100,000 volumes and to provide services as a central reference and informational center to membership libraries of a cooperative library system.**[Added 6-3-1992 by Ord. No. 8-92]**

LIBRARY, PUBLIC — A library established pursuant to the Education Law and includes a free association library as defined in Subdivision 2 of § 253 of the Education Law.**[Added 6-3-1992 by Ord. No. 8-92]**

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 situated at the junction of and adjacent to two or more intersecting streets when the interior angle of intersection does not exceed 135°.

LOT COVERAGE — See "coverage."

LOT, DEPTH OF — The mean distance from the front street line of a lot to its rear line.

LOT FRONTAGE — A lot line which is coincident with a street line.

LOT LINES — The lines bounding a lot as defined herein.

LOT, THROUGH — A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

## LOT WIDTH —

- (1) The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines; or
- (2) The width of a lot measured along the rear line of the required front yard.

**MOTEL** — A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes but is not limited to every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabin, or roadside hotel.

**MOTOR VEHICLE SERVICE STATION** — An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

**NONCONFORMING BULK** — That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of this chapter, either following its effective date or as a result of subsequent amendment thereto.

**NONCONFORMING USE** — Any use of a building, other structure or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this chapter or as a result of subsequent amendments thereto.

**NURSERY SCHOOL** — Any place, however designated, operated for the purpose of providing daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis, including kindergartens, day nurseries, and day-care centers.

**NURSING OR CONVALESCENT HOME** — A building with fewer than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

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

**PREMISES** — A lot together with all the buildings and uses thereon.

**PROFESSIONAL OFFICES** — Offices or studios of physicians, surgeons, dentists, chiropractors or similar health practitioners, lawyers, engineers, architects, accountants, teachers and tutors, real estate brokers, insurance brokers or other similar professional or occupation

pursuits and where the primary activity is the furnishing of services. Specifically excluded are occupations such as barbers, hairdressers, and the like; mortuary establishments; dancing and musical instruction; and milliners, seamstresses, dressmakers, tailors and the like. **[Added effective 8-1-1984 by Ord. No. 84-14]**

**RENEWABLE ENERGY FACILITY** — A renewable energy facility is a facility that generates energy from natural resources such as sunlight, wind, rain, tides, and geothermal heat, which are renewable (naturally replenished). **[Added 5-12-2010 by Ord. No. 1-2010]**

**RESIDENCE, RESIDENTIAL** — A building, or any part of a building, which contains living and sleeping accommodations for permanent occupancy. Residences, therefore, include all one-family, multifamily, boarding, fraternity and sorority houses. However, residences shall not include the following:

- (1) Transient accommodations, such as hotels, motels, and hospitals; or
- (2) That part of a building containing both residences and other uses which is used for any nonresidential uses, except accessory uses for residences.

**RIDING ACADEMY** — Any establishment where horses are kept for riding, driving or stabling for compensation.

**RIGHT-OF-WAY** — The property of a circulatory facility. (See "street width.")

**ROAD STAND** — A light structure with a roof, either attached to the ground or movable, intended for the sale of local produce to the general public.

**SETBACK** — The distance in feet from the street line to the principal building on a lot.

**SHOPPING CENTER** — A group of three or more retail stores in a single structure, depending mostly on customers coming by automobile, and having parking facilities which are integrated with the site plan and the design of the stores.

**SIGN** — Any structure or part thereof or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking, or representation used as, or which is in the nature of, an announcement, direction or advertisement. "Sign" includes a billboard, neon tube, fluorescent tube, or other artificial light or string of lights outlining or hung upon any part of a building or lot for the purposes mentioned above, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, drive, movement, or event which is temporary in nature.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.

**SIGN AREA** — The area within the shortest lines that can be drawn around the outside perimeter of a sign, including all decorations and lights but excluding the supports if they are not used for advertising purposes. All faces of the sign shall be counted in computing the area. Any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot.

**SIGN, BUSINESS** — A sign which directs attention to a business or profession conducted on the premises. A "for sale" sign or a "to let" sign relating to the property on which it is displayed shall be deemed a business sign.

**SIGN, DIRECTLY ILLUMINATED** — A sign which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radio-activated or gaseous material or substance.

**SIGN, FLASHING** — An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

**SIGN, ILLUMINATED** — A sign designed to give forth any artificial light or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

**SIGN, INDIRECTLY ILLUMINATED** — A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

**SIGN, REPRESENTATIONAL** — Any three-dimensional sign which is built so as to physically represent the object advertised.

**SINGLE OWNERSHIP** — Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than 30 years, regardless of any division of such land into parcels for the purpose of financing.

**STORY** — That part of a building comprised between a floor and the floor or roof above it. (See "attic," "basement" and "cellar.")

**STORY, HALF** — That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to 1/2 the floor-to-ceiling height of the story below.

**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 WIDTH — The width of the right-of-way or the distance between property lines on opposite sides of a street.

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.

TOWNHOUSE — A building consisting of a series of one-family attached dwelling units having common party walls between each dwelling unit. See also "building, semidetached."

TRAILER CAMP or TRAILER PARK — A tract of land which is used or intended to be used for the parking of two or more house trailers.

TRAILER, HOUSE — See "house trailer."

USE — This term is employed in referring to:

- (1) The purpose for which any buildings, other structures or land may be arranged, designed, intended, maintained or occupied.
- (2) Any occupation, business activity, or operation conducted (or intended to be conducted) in a building or other structure or on land.

WAY — A thoroughfare, however designated, permanently established for passage of persons or vehicles.

YARD, FRONT — A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR — A yard extending along the full length of the rear lot line between the side lot lines.

YARD, 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.

YARD, SIDE — A yard situated between the building and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

**§ 350-3. Establishment of districts. [Amended effective 4-2-1980 by Ord. No. 80-9; 5-6-1981 by Ord. No. 81-6; 5-6-1987 by Ord. No. 87-12]**

For the purpose of this chapter, the City is hereby divided into the following 18 zoning districts:

AR	Agricultural Residential Use Districts
R1	One-Family Residential Use Districts
R2	Two-Family Residential Use Districts
MR	Multiple-Family Residential Use Districts
B1	Business Use Districts
B2	Business Use Districts
H	Highway Users Use Districts
X	Open Spaces Use Districts
F	Industrial Use Districts
F1	Industrial Use Districts
LF-1	Planned Unit Development District designated as L-5 in Article III
LF-2	Planned Unit Development District designated as L-1, L-2 and L-4 in Article III
LF-3	Planned Unit Development District designated as L-3 and L-6 in Article III
LF-4	Planned Unit Development District designated as L-7 and L-8 in Article III
LF-5	Lands designated as public lands in Article III
C-R	College-Residential District <b>[Added 11-7-2001 by Ord. No. 5-2001]</b>
H-R	Historic-Residential District <b>[Added 11-7-2001 by Ord. No. 5-2001]</b>
AT	Agricultural Technology District <b>[Added 11-20-2002 by L.L. No. 5-2002]</b>

#### **§ 350-4. Zoning Map.**

The location and boundaries of said zoning districts are shown on the map designated "Official Zoning Map of the City of Geneva," adopted on July 3, 1968, which is attached hereto and is hereby made a part of this chapter.<sup>1</sup> 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.

- A. The Zoning Map was changed by Ordinance No. 72-10, effective July 5, 1972. Section 2 thereof reads as follows:

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1. **Editor's Note: The Zoning Map is on file in the City offices.**

Section 2. That the official Zoning Map of the City of Geneva, adopted on July 3, 1968, shall be amended by the following described boundary change: Beginning at a point at the intersection of the center lines of East North Street and Wadsworth Street thence southerly 258 feet more or less to a point in the center line of Wadsworth Street said point being 33 feet easterly of the southeast corner of Block 18, Lot 66 of the City Assessor's map, thence westerly 136 feet more or less along the south line of Block 18, Lot 66 and continuing to a point in the easterly line of the present B1 District thence northerly along the east line of the present B1 District 180 feet more or less to a point in the center line of East North Street thence easterly along the center line of East North Street 156 feet more or less to the point of beginning. (Changed from R2 to B1.)

- B. The Zoning Map was further changed by Ordinance No. 73-10, effective July 5, 1973. Section 2 thereof reads as follows:

That the official zoning map of the City of Geneva adopted on July 3, 1968 and as amended on July 5, 1972 shall be amended by the following described boundary change: Beginning at the point of intersection of the center line of Copeland Avenue and the center line of Hamilton Street for a distance of approximately 700 feet to a point which is on the extended westerly boundary line of College of the Senecas thence; southerly at right angles with the center line of Hamilton Street approximately 250 feet to a point thence; westerly approximately 350 feet on a line parallel to the center line of Hamilton Street thence; northerly for a distance of 50 feet at right angles to the center line of Hamilton Street thence; westerly parallel to the center line of Hamilton Street for a distance of approximately 350 feet more or less said point being on the extended center line of Copeland Avenue thence; northerly along said Copeland Avenue center line extension a distance of 200 feet more or less to the point of beginning. (Intending to change from MR to B1.)

- C. The Zoning Map was further changed by Ordinance No. 76-6, effective March 3, 1976, as follows:

Section II. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and amended July 5, 1972 and July 5, 1973 shall be amended by the following described boundary change:

Beginning at the intersection of the center line of Main Street and the center line of Washington Street thence; westerly along the center line of Washington Street to a point 200 feet east of the center line of Pulteney Street thence; northerly along a line 200 feet east of and parallel to the center line of Pulteney Street to a point in the center line of Howard Street said point being 200 feet easterly of the center line of Pulteney Street thence; southeasterly to a point on the center line of Milton Street said point being 300 feet westerly from the center of Main Street thence; southerly along a line 300 feet from and parallel to the center line of Main Street to a point on the center line of William Street thence; easterly along the center line of William Street to the center line of Main Street thence; southerly along the center line of Main Street to the point of beginning. (Intending to change from B-3 to MR.)

Section III. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and amended on July 5, 1972 and July 5, 1973 shall be amended by the following described boundary change:

Beginning at the point of intersection of the north line of Lyceum Street with the west line of Nursery Avenue extended and running thence; southerly along the west line of Nursery Avenue 155 feet to a point thence; westerly 1,269 feet to a point on the east line of lands formerly owned by the New York State Agricultural Experiment Station and now owned by the City of Geneva thence; northerly along the east line of said City land 601 feet to a point on the south line of lands of the aforementioned Experiment Station thence; easterly along the south line of said Experiment Station 95 feet to a point thence; northerly along the east line of said Experiment Station 139 feet to a point thence; easterly 482 feet to a point thence; northeasterly 68.5 feet to a point thence; easterly 668.9 feet to a point in the easterly line of Nursery Avenue extended northerly thence; northerly along said extended street line 98 feet more or less to the center line of Castle Creek thence; easterly and southeasterly along the center line of Castle Creek thence; easterly and southeasterly along the center line of Castle Creek as it winds and turns to its intersection with the west line of Brook Street thence; southerly along said Brook Street 50 feet to a point thence; westerly on a line parallel with or nearly so to the north line of Lyceum Street 193.7 feet to a point thence; southerly along a line parallel with or nearly so to the west line of Brook Street 80 feet to a point thence; westerly on a line parallel with or nearly so to the north line of Lyceum Street 426 feet to a point thence; southerly 150 feet to a point on the north line of Lyceum Street thence; westerly along the north line of Lyceum Street to the point and place of beginning.

Accepting and reserving from the above described parcel all that tract or parcel of land bound on the west by a chain link fence on the north by the center line of Castle Creek on the east by a chain link fence and on the south by the north line of Lyceum Street said bounds enclosing existing commercial businesses. (Intending to change from Industrial to Open Space X.)

Section IV. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and amended on July 5, 1972 and July 5, 1973 shall be amended by the following described boundary change:

Beginning at the intersection of the center line of East North Street and the southerly boundary of the right-of-way of the Lehigh Valley Railroad thence; westerly along the center line of East North Street 1,000 feet to a point thence; northerly at a right angle to the center line of East North Street to the south boundary of said right-of-way thence; easterly along the south boundary of said right-of-way to the point of beginning. (Intending to change from B1 to R2 Residential.)

Section V. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and amended on July 5, 1972 and July 5, 1973 shall be amended by the following described boundary change:

Beginning at a point at the intersection of the center line of North Street and the east boundary of the right-of-way of the Penn Central Railroad thence; northerly along the easterly boundary of the Penn Central Railroad to the center line of Avenue B extended thence; westerly along the center line of Avenue B 300 feet more or less to a point thence; southerly along a line 300 feet from and parallel to the easterly boundary of the Penn Central Railroad to a point on the center line of North Street thence; easterly along the center line of North Street to the point of beginning. (Intending to change from Industrial to R2.)

Section VI. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and amended on July 5, 1972 and July 5, 1973 shall be amended by the following described boundary change:

Beginning at a point at the intersection of the center line of Mason Street and the center line of Bell Avenue thence; westerly along the center line of Bell Avenue and Bell Avenue extended approximately 550 feet to a point thence; northerly at a right angle 250 feet more or less to a point said point being 350 feet more or less south of the south boundary line of the Lehigh Valley Railroad Naples Branch thence; westerly 360 feet more or less from and parallel to the Lehigh Valley Railroad Naples Branch to a point on the center line of Carter Road thence; northerly along the center line of Carter Road to its intersection with the south boundary of the Lehigh Valley Railroad Naples Branch right-of-way thence; easterly along the south boundary of the Lehigh Valley Railroad Naples Branch right-of-way to its intersection with the center line of Mason Street extended thence; southerly along the center line of Mason Street extended to the point of beginning. (Intending to change from Industrial to R2 Residential.)

Section VII. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and amended on July 5, 1972 and July 5, 1973 be amended by the following described boundary change:

Beginning at a point of intersection of the center line of Castle Creek with the east line of Nursery Avenue extended northerly and running thence; southerly along said east line 98 feet more or less to a point thence; westerly 668.9 feet to a point thence; southwest 68.5 feet to a point thence; westerly 482 feet to a point in the east line of lands owned by the New York State Agricultural Experiment Station thence; northerly along the Experiment Station east line 424 feet more or less to the center line of Castle Creek thence; easterly and southeasterly along the center line of Castle Creek as it winds and turns to the point and place of beginning. (Intending to change from R1 to Open Space X.)

Section VIII. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and amended on July 5, 1972 and July 5, 1973 shall be amended by the following described boundary change:

Beginning at a point at the southwest corner of lands now owned by the Town and Country Plaza, said point also being a northeast corner of a parcel of land now or formerly owned by Heinz Mohr & Conrad P. Mohr, Jr. and running thence; along said Mohr parcel westerly 250.32 to a point thence; northerly 40 to a point on the south line of land now or formerly owned by Edith Cass. Running thence; along said Cass parcel easterly 38.98 to a point thence; northerly 149.17 to a point on the south line of lands of the Town and Country Plaza running thence; along said Plaza lands easterly 223.76 to a point thence; southerly 182.29 to the point and place of beginning. (Intending to change from R1 to B1.)

- D. The Zoning Map was subsequently changed by Ordinance No. 77-5, effective June 1, 1977, as follows:

Section I. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and as amended on July 5, 1972 and July 5, 1973 shall be amended in accordance with the map attached to this Ordinance.

Section II. That the official Zoning Map of the City of Geneva adopted on July 3, 1968 and as amended on July 5, 1972 and as amended on July 5, 1973 shall be amended by the following described boundary change:

Beginning at the point of the intersection of the west line of Roosevelt Street and in the center line of North Street and running thence westerly along the center line of North Street and West North Street to the intersection of the center line of Carter Road; thence northerly along the center line of Carter Road to the intersection of the right-of-way of what was formerly the Naples Branch of the Lehigh Valley Railroad; thence easterly along the southerly line of the aforementioned railroad right-of-way to a point where said right-of-way intersects with the west line of Roosevelt Street extended; thence southerly along the west line of Roosevelt Street extended and the west line of Roosevelt Street to the point of beginning. (Intending to change from R1 to MR.)

Section I. That the following described property shall be rezoned from an existing F district designation to that of an F1 district designation:

Beginning at a point on North Exchange Street at the intersection of the center line of North Exchange Street and the north line of the Lehigh Valley Railroad right-of-way; thence northerly along the center line of North Exchange Street to the intersection of the center line of North Exchange Street and the City and Town line; thence easterly along the City and Town line extended approximately 2,900 feet to a point; thence northerly along the former City and Town line to a point on the south line of the New York Central Railroad Penn Division (Conrail) right-of-way; thence southeasterly along the railroad right-of-way to the intersection of the south line of the right-of-way and the center line of Pre-Emption Street; thence southerly along the center line of Pre-Emption Street and approximately 420 feet to a point on the north line of property occupied by the Geneva Housing Authority extended; thence westerly along the north line of property occupied by the Geneva Housing Authority extended approximately 1,500 feet to a point; thence southerly along a line running parallel to Clark Street and approximately 350 feet westerly thereof to the intersection of the north right-of-way line of the Lehigh Valley Railroad; thence westerly along the north line of the Lehigh Valley Railroad to the point of beginning.

Section II. That the official Zoning Map of the City of Geneva adopted on July 3, 1968, and amended from time to time shall be and is hereby amended accordingly.

- E. The Zoning Map was also amended by Ordinance No. 80-9, effective April 2, 1980, as follows:

Section II. That the official zoning map of the City of Geneva adopted on July 3, 1968, and amended from time to time shall be amended by the following described boundary change:

Parcel #1: Beginning at a point on the east line of New York State Route #14 (North Exchange Street), at the southwest corner of lands now or formerly Watson (Liber 390, Page 319); thence South 82-03-30 East along the south line of Watson 150.00 feet to a point on the west line of the City of Geneva (Liber 569, Page 316); thence South 08-21-00 West along the west line of the City of Geneva 150.00 feet to the northeast corner of lands now or formerly Casasanta (Liber 514, Page 411); thence North 82-03-30 West along the north line of Casasanta 150.00 feet to a point on the east line of NYS Rt. 14; thence North 08-21-00 East along the east line of NYS Rt. 14 150.00 feet to the place of beginning. Comprising an area of 0.517 acre.

Parcel #2: Beginning at a point on the west line of lands now or formerly Geneva Forge, Inc., said point being North 08-03-00 East 186.00 feet from a concrete monument at the northeast corner of a 50-foot right-of-way (Liber 609, Page 569); thence North 82-07-27 West along the north boundary line of the City of Geneva 1995.25 feet to a point on the east line of lands now or formerly Russo (Liber 387, Page 331); thence North 08-21-00 East 132.43 feet to a point; thence North 85-02-40 West 230.00 feet to a point on the east line of lands now or formerly the City of Geneva (Liber 569, Page 316); thence North 04-31-40 East 596.82 feet to a point; thence North 85-02-40 West 20.00 feet to a point; thence North 08-21-00 East 510.00 feet to a point; thence North 35-21-00 East 600.00 feet to a point; thence North 25-47-00 East 58.56 feet to the northeast corner of lands of the City of Geneva (Liber 569, Page 316); thence North 82-03-30 West along the North line of lands of the City of Geneva 233.98 feet to a point in the center line of Marsh Creek at the southeast corner of lands now or formerly Wheeler (Liber 422, Page 310); thence along the center line of Marsh Creek the following courses and distances: North 28-01-30 East 146.92 feet; North 40-08-50 East 98.19 feet; North 20-01-10 East 59.32 feet; North 23-38-10 East 103.58 feet; North 20-46-30 East 103.36 feet; North 02-38-50 East 115.42 feet and North 24-56-00 West 89.86 feet to a point on the south line of lands now or formerly Hogan; thence South 81-12-59 East along the south line of lands now or formerly Hogan 1127.22 feet to a point on the west line of the New York Central Railroad; thence South 32-06-41 East along the west line of the New York Central Railroad 853.63 feet to a point; thence South 82-03-30 East 32.66 feet to a point on the west line of the New York Central Railroad; thence South 32-06-41 East along the west line of the New York Central Railroad 625.35 feet to a point at the northwest corner of lands now or formerly Geneva Forge, Inc.; thence South 08-03-00 West, along the west line of lands now or formerly Geneva Forge, Inc., 1,332.58 feet to the place of beginning. Comprising an area of 110.453 acres. (Adds F1 Industrial Use District.)

- F. The following described property was rezoned by Ordinance No. 85-2, effective February 6, 1985, from an existing MR District (in part) and an R1 District (in part) designation to that of a B1 District designation:

Beginning at a point, said point being the intersection of the center lines of Copeland Avenue and Hamilton Street; thence running easterly along said center line of Hamilton Street a distance of 565 to a point; thence running northerly a distance of 650 to a point on the south property line of property now or formerly owned by Catherine M. Duffle; thence westerly a distance of 570 to a point being the center line of Copeland Avenue; thence running southerly a distance of 665 to point of beginning.

- G. The following described property was rezoned by Ordinance No. 85-9, effective June 5, 1985, from an existing MR District (in part) and an R1 District (in part) designation to that of a B1 District designation:

Beginning at a point in the center line intersection of South West Street and Hamilton Street; thence running northerly along the center line of South West Street a distance of 250 plus or minus to a point; thence running westerly a distance of 164 plus or minus to a point; thence running southerly a distance of 15 plus or minus to a point which is the north-east corner of property now or formerly owned by Elizabeth Heaton; thence running westerly a distance of 284 plus or minus to a point; thence running southerly a distance of 235 plus or minus to a point in the center line of Hamilton Street; thence running easterly along the center line of Hamilton Street a distance of 476 plus or minus to the point of beginning.

- H. The following described property was rezoned by Ordinance No. 86-3, effective March 5, 1986, from an existing industrial designation to a R2 District designation:

Beginning at a point in the center line intersection of North Exchange Street and Willard Avenue; thence running westerly along the center line of Willard Avenue a distance of approximately 735 feet to a point; thence running northerly a distance of approximately 275 feet to a point; thence running easterly a distance of approximately 738 feet to the center line of North Exchange Street to a point; thence running southerly along the center line of North Exchange Street a distance of approximately 128 feet to a point, said point being the point of beginning.

- I. The following described property was rezoned by Ordinance No. 87-13, effective May 6, 1987, from an existing B1 District designation to that of an LF-2 District and LF-3 District as set forth in Article III:

All those lands lying west of the Railroad property and being more generally described as a parcel of land bounded on the east by the lands of the Railroad; on the south by the south line of the lands of the City of Geneva; on the west by the west line of South Exchange Street extended and running along the west line of South Exchange Street to Franklin Street; on the north by the south line of Franklin Street running easterly to the lands of the Railroad.

The properties described in the Lakefront District Planned Unit Development Ordinance were designated and zoned by Ordinance No. 87-14, effective May 6, 1987, to be that of the district designations contained in the Lakefront District Planned Unit Development Ordinance.

- J. The following described property was rezoned by Ordinance No. 87-20, effective June 3, 1987, from an existing designation to that of an R2:

Beginning at a point, said point being the intersection of the west street (R.O.W.) line of Roosevelt Street extended and the north (R.O.W.) line of Bell Avenue; thence running westerly along the street (R.O.W.) line of Bell Avenue a distance of approximately 30 to a point; thence running northerly a distance of approximately 249 to a point; thence running south-easterly a distance of approximately 220 to a point; thence running northerly a distance of approximately 155 to a point; thence running south-easterly a distance of approximately 162 to a point, said point being in the west street (R.O.W.) line of Sherrill Street; thence running southerly along the west street line of Sherrill Street a distance of approximately 160 to a point; thence running westerly a distance of approximately 250 to the point of beginning. (Originally in industrial district.)

- K. The following described property was rezoned by Ordinance No. 1-2000, adopted January 5, 2000, from F Industrial and/or X Open Space to MR Multiple Residential:

BEGINNING at a P.K. nail in concrete on the apparent north street line of Lyceum Street at the southwest corner of Eric H. & Coleen A. Sonntag (Liber 772 Page 239), said point being westerly along the apparent north street line of Lyceum Street a distance of 621 feet more or less from the intersection of the apparent north street line of Lyceum Street with the apparent west street line of Brook Street, said point being the southeast corner of premises to be conveyed.

THENCE running N 13° 39 38 E along the west line of Sonntag and along a chain link fence a distance of 150.96 to an iron pin on line, continuing along the same course and the west line of other lands of the City of Geneva (Liber 702 Page 489) a distance of 9.93 feet further to a point marked by a metal fence post, said point being an angle in the west line of other lands of the City of Geneva.

THENCE running N 64° 04 14 E along the west line of other lands of the City of Geneva and along said chain link fence a distance of 12.83 feet to a point marked by a metal fence post, said point being an angle in the west line of other lands of the City of Geneva.

THENCE running N 14° 23 24 E along the west line of other lands of the City of Geneva and along said chain link fence and a continuation thereof a distance of 2.58.38 feet to an iron pin on line, continuing along the same course a distance of 30 feet more or less to a point in the center line of Castle Creek, for a total distance of 288.38 more or less.

THENCE running northwesterly along the center line of Castle Creek as it winds and turns to a point, said point being a continuation of a north - south chain link fence, said course being on a Chord of N 56° 00 25 W a distance of 769.34 feet and being the northwest corner of premises to be conveyed and being the northeast corner of other lands of the City of Geneva (Liber 702 Page 489).

THENCE running S 13° 02' 25" W along the east line of other lands of the City of Geneva a distance of 26 feet more or less to an iron pin on line, continuing along the same course a distance 100.91 feet further to a metal fence post on line, continuing along the same course and along a chain link fence a distance of 598.94 feet further to a point marked by an iron pin on the apparent north street line of Lyceum Street, for a total distance of 725.85 feet more or less.

THENCE running S 76° 25' 45" E along the apparent north street line of Lyceum Street a distance of 200.00 feet to an iron pin on line, said point being the east street line of Nursery Avenue extended, continuing along the same course a distance of 500.00 feet further to the point of BEGINNING and containing 10.142 acres of land more or less.

- L. The following described property, currently zoned MR Multiple-Family Residential and R-1 One-Family Residential, is hereby rezoned to C-R College-Residential: **[Added 11-7-2001 by Ord. No. 5-2001]**

Beginning at a point at the northeast corner of Lot No. 104.15-3-5 and the corner of Hamilton Street and Cloverleaf South, and proceeding westerly along Hamilton Street approximately 2,702 feet to the northwest corner of Lot No. 104.18-3-27.1; thence proceeding southerly approximately 941 feet to the northeast corner of Lot No. 104.18-3-28; thence proceeding westerly approximately 266 feet to the northwest corner of Lot No. 104.18-3-28; thence proceeding southerly approximately 550 feet to the southwest corner of Lot No. 104.13-3-28 and the north side of Saint Clair Street; thence proceeding easterly along Saint Clair Street approximately 266 feet to the southeast corner of Lot No. 104.18-3-28; thence proceeding southerly across Saint Clair Street approximately 66 feet to a point on the north side of Lot No. 104.19-1-59; thence proceeding easterly along Saint Clair Street approximately 210 feet to the northwest corner of Lot No. 104.19-1-57; thence proceeding southerly approximately 240 feet to the southwest corner of Lot No. 104.19-1-57; thence proceeding westerly approximately 385 feet to the northwest corner of Lot No. 104.19-1-56; thence proceeding southerly approximately 362 feet to the southwest corner of Lot No. 104.19-1-56; thence proceeding easterly approximately 663 feet to the southeast corner of Lot No. 104.19-1-56; thence proceeding northerly approximately 40 feet to the southwest corner of Lot No. 104.19-1-54.3; thence proceeding easterly approximately 397 feet to the southeast corner of Lot No. 104.19-1-54.1; thence proceeding southerly approximately 40 feet to the southwest corner of Lot No. 104.19-1-63; thence proceeding easterly approximately 50 feet to the southeast corner of Lot No. 104.19-1-63; thence proceeding northerly approximately 30 feet to the southwest corner of Lot No. 104.19-1-53 (south parcel); thence proceeding easterly approximately 300 feet to the southeast corner of Lot No. 104.19-1-53 (south parcel); thence proceeding northerly approximately 310 feet to the southeast corner of Lot No. 104.19-1-53 (north parcel); thence proceeding easterly approximately 340 feet to the southeast corner of Lot No. 104.19-1-45 and the corner of Verplanck Street and College Avenue; thence proceeding northerly approximately 100 feet to a point south of Saint Clair Street; thence proceeding easterly approximately 150 feet to the southeast corner of Lot No. 104.19-1-22.1; thence proceeding northerly approximately 25 feet to a point on the south side of Lot No. 104.19-1-23; thence proceeding easterly approximately 50 feet to the northeast corner of Lot No. 104.19-1-41; thence proceeding southerly approximately 64 feet to the southwest corner of Lot No. 104.19-1-24; thence proceeding easterly approximately 50 feet to the southeast corner of Lot No. 104.19-1-24; thence proceeding northerly approximately 64 feet to the northwest corner of Lot No. 104.19-1-40; thence proceeding easterly approximately 400 feet to the southeast corner of Lot No. 104.19-1-30; thence proceeding southerly approximately 180 feet and across Verplanck Street to the northeast corner of Lot No. 104.19-2-42; thence proceeding westerly along Verplanck Street approximately 25 feet to the northwest corner of Lot No. 104.19-2-42; thence proceeding southerly approximately 55 feet to a point south of Verplanck Street; thence proceeding westerly approximately 25 feet to the northwest corner of Lot No. 104.19-2-42; thence proceeding southerly approximately 641 feet to the southwest corner of Lot No. 119.07-1-14, on the north side of Jay Street; thence proceeding easterly along Jay Street approximately 621 feet to the southeast corner of Lot No. 104.19-2-15; thence proceeding northerly approximately 180 feet to the northwest corner of Lot No. 104.19-2-11; thence proceeding easterly approximately 100 feet to the southwest corner of Lot No. 104.19-2-59; thence proceeding northerly approximately 157 feet to a point on the western side of Lot No. 104.19-2-58 and the southern side of Lot

No. 104.19-2-57; thence proceeding westerly approximately 68 feet to the southwest corner of Lot No. 104.19-2-57; thence proceeding northerly approximately 190 feet to the northwest corner of Lot No. 104.19-2-57; thence proceeding easterly approximately 103 feet to the southwest corner of Lot No. 104.19-2-56; thence proceeding northerly approximately 111 feet to the northwest corner of Lot No. 104.19-2-55; thence proceeding westerly approximately 110 feet to the southwest corner of Lot No. 104.19-2-54; thence proceeding northerly approximately 301 feet to the northwest corner of Lot No. 104.19-2-52; thence proceeding easterly approximately 141 feet to the southwest corner of Lot No. 104.19-2-51; thence proceeding northerly approximately 100 feet to the northwest corner of Lot No. 104.19-2-51, on the south side of Saint Clair Street; thence proceeding northerly approximately 896 feet to the southwest corner of Lot No. 104.15-3-24; thence proceeding northerly approximately 99 feet to the northeast corner of Lot No. 104.15-3-40; thence proceeding westerly approximately 71 feet to the southwest corner of Lot No. 104.15-3-25; thence proceeding northerly approximately 100 feet to the northwest corner of Lot No. 104.15-3-25; thence proceeding easterly approximately 55 feet to the southwest corner of Lot No. 104.15-3-26; thence proceeding northerly approximately 187 feet to the northwest corner of Lot No. 104.15-3-27, on the south side of the Cloverleaf South; thence proceeding westerly approximately 84 feet to the southeast corner of Lot No. 104.15-3-35; thence proceeding northerly approximately 321 feet along the Cloverleaf South to the point of beginning.

- M. The following described property, currently zoned MR Multiple-Family Residential, is hereby rezoned to H-R Historic-Residential: **[Added 11-7-2001 by Ord. No. 5-2001]**

Beginning at a point approximately 415 feet east of South Main Street, along the high-water mark of Seneca Lake and east of the northeast corner of Lot No. 104.15-3-15, and proceeding westerly approximately 415 feet to the northwest corner of Lot No. 104.15-3-15, on the east side of South Main Street; thence proceeding westerly along Hamilton Street approximately 498 feet to the northeast corner of Lot No. 104.15-3-5; thence proceeding southerly approximately 321 feet along the Cloverleaf South to the southeast corner of Lot No. 104.15-3-35; thence proceeding easterly approximately 84 feet to the northwest corner of Lot No. 104.15-3-27, on the south side of the Cloverleaf South; thence proceeding southerly approximately 187 feet to the southwest corner of Lot No. 104.15-3-26; thence proceeding westerly approximately 55 feet to the northwest corner of Lot No. 104.15-3-25; thence proceeding southerly approximately 100 feet to the southwest corner of Lot No. 104.15-3-25; thence proceeding easterly approximately 71 feet to the northeast corner of Lot No. 104.15-3-40; thence proceeding southerly approximately 99 feet to the southwest corner of Lot No. 104.15-3-24; thence proceeding southerly approximately 896 feet to the northwest corner of Lot No. 104.19-2-51 on the south side of Saint Clair Street; thence proceeding southerly approximately 100 feet to the southwest corner of Lot No. 104.19-2-51; thence proceeding westerly approximately 141 feet to the northwest corner of Lot No. 104.19-2-52; thence proceeding southerly approximately 301 feet to the southwest corner of Lot No. 104.19-2-54; thence proceeding easterly approximately 110 feet to the northwest corner of Lot No. 104.19-2-55; thence proceeding southerly approximately 111 feet to the southwest corner of Lot No. 104.19-2-56; thence proceeding westerly approximately 103 feet to the northwest corner of Lot No. 104.19-2-57; thence proceeding southerly approximately 190 feet to the southwest corner of Lot No. 104.19-2-57; thence proceeding easterly approximately 68 feet to a point on the western side of Lot No. 104.19-2-58 and the southern side of Lot No. 104.19-2-57; thence proceeding southerly approximately 157 feet to the southwest corner of Lot No. 104.19-2-59; thence proceeding westerly approximately 100 feet to the northwest corner of Lot No. 104.19-2-11; thence proceeding southerly approximately 180 feet to the southeast corner of Lot No. 104.19-2-15, on the north side of Jay Street; thence proceeding easterly along Jay Street approximately 246 feet to the southeast corner of Lot No. 104.19-2-12 and the corner of Jay Street and South Main Street; thence proceeding easterly across South Main Street approximately 100 feet to the southwest corner of Lot No. 104.19-2-10; thence proceeding 400 feet to the high-water mark of Seneca Lake; and thence proceeding northerly along said high-water mark of Seneca Lake approximately 2,000 feet to the point of beginning.

- N. The following described property, currently zoned MR Multiple-Family Residential, is hereby rezoned to R-1 One-Family Residential: **[Added 11-7-2001 by Ord. No. 5-2001]**

Beginning at a point approximately 125 feet south of Saint Clair Street, at the northwest corner of Lot No. 104.19-1-40; thence proceeding easterly approximately 400 feet to the southeast corner of Lot No. 104.19-1-30; thence proceeding southerly approximately 180 feet and across Verplanck Street to the northeast corner of Lot No. 104.19-2-42; thence proceeding westerly along Verplanck Street approximately 25 feet to the northwest corner of Lot No. 104.19-2-42; thence proceeding southerly approximately 55 feet to a point south of Verplanck Street; thence proceeding westerly approximately 25 feet to the northwest corner of Lot No. 104.19-2-42; thence proceeding southerly approximately 641 feet to the southwest corner of Lot No. 119.07-1-14, on the north side of Jay Street; thence proceeding westerly approximately 200 feet to the southwest corner of Lot No. 119.07-1-12; thence proceeding northerly approximately 590 feet to the northwest corner of Lot No. 104.19-2-28; thence proceeding easterly approximately 50 feet to the southeast corner of Lot No. 104.19-2-35; thence proceeding northerly approximately 246 feet and across Verplanck Street to the southeast corner of Lot No. 104.19-1-24; thence proceeding northerly approximately 64 feet to the point of beginning.

- O. The following described property currently zoned F Industrial is hereby rezoned to B2 Business District: **[Added 4-2-2003 by Ord. No. 1-2003]**

Tax Parcel No. 104.35-1-14, 279 Exchange Street; Tax Parcel No. 104.35-1-22, 281 Exchange Street; Tax Parcel No. 104.35-1-21, 293 Exchange Street; Tax Parcel No. 104.35-1-20, 297 Exchange Street; Tax Parcel No. 104.35-1-19, 303 Exchange Street; Tax Parcel No. 104.35-1-18, 307 Exchange Street; Tax Parcel No. 104.35-1-17, 313 Exchange Street; Tax Parcel No. 104.35-1-16, 43-45 Lake Street; Tax Parcel No. 104.35-1-15, 41 Lake Street; and alley off of Lake Street.

- P. The following described property currently zoned F Industrial is hereby rezoned to B2 Business District: **[Added 9-14-2005 by Ord. No. 4-2005]**

Tax Parcel No. 104.8-3-53200; Tax Parcel No. 104.35-1-1; Tax Parcel No. 104.35-1-2; Tax Parcel No. 104.35-1-3; Tax Parcel No. 104.35-1-4; Tax Parcel No. 104.35-1-5; Tax Parcel No. 104.35-1-6; Tax Parcel No. 104.35-1-7; Tax Parcel No. 104.35-1-8; Tax Parcel No. 104.35-1-9; Tax Parcel No. 104.35-1-10; Tax Parcel No. 104.35-1-11; Tax Parcel No. 104.35-1-12; Tax Parcel No. 104.35-1-13.

### **§ 350-5. Interpretation of district boundaries.**

Where uncertainty exists with respect to the boundaries of any aforesaid districts as shown on the Zoning Map,<sup>2</sup> the following shall apply:

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2. **Editor's Note: The Zoning Map is on file in the City offices.**

- 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 II  
**Use Regulations**

**§ 350-6. Permitted uses. [Amended 11-7-2001 by Ord. No. 5-2001]**

No building or premises shall be erected, altered, or used except for one or more of the uses designated for any district as hereinafter set forth in Schedule I,<sup>3</sup> and except for one or more of the uses designated for the Lakefront District PUD as hereinafter set forth in § 350-9, or for the College-Residential District as hereinafter set forth in § 350-26.1, or for the Historic-Residential District as hereinafter set forth in § 350-26.2.

**§ 350-7. Prohibited industrial uses. [Amended 5-6-1981 by Ord. No. 8-1981]**

In the F and F1 Industrial Districts, where manufacturing or light industry is permitted, no manufacturing use nor any trade, industry, 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, and this includes but is not limited to the uses specified in Schedule II hereinafter set forth.<sup>4</sup>

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3. Editor's Note: Schedule I is included at the end of this chapter.

4. Editor's Note: Schedule II is included at the end of this chapter.



## ARTICLE III

**Lakefront District Planned Unit Development  
[Added 5-6-1987 by Ord. No. 87-10]****§ 350-8. Intent; objectives; procedures; definitions.**

- A. Intent. The intent of this planned unit development (PUD) provision is to encourage a greater degree of flexibility for development and to provide a variety of residential and nonresidential activities in a planned, controlled environment in a manner blending all land uses into a functionally and aesthetically complementary whole. A planned unit development proposal may contain both individual building sites and common property which are proposed for development as an integrated land use unit. A mix of light manufacturing/research development and commercial uses may be included to provide employment opportunities and enhancements to the tax base. Retail and service uses may be included to provide for shopping needs.
- (1) This article recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of preregulation, regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned unit development concept. A rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where PUD techniques are deemed appropriate through the rezoning of land to a planned unit development district by the City Council, the use and dimensional specifications elsewhere in the codes of the City of Geneva are replaced by an approval process in which an approved PUD plan becomes the basis for continuing land use controls.
  - (2) As presented in this article, the planned unit development concept is subdivided into two types of districts: a planned residential development (PRD) and a planned commercial development (PCD), each of which is subject to specific development requirements and limitations. For purposes of interpretation, the term "planned unit development" or "PUD" can be taken to mean planned residential development or planned commercial development, as appropriate.
  - (3) While public lands in the Lakefront District do not qualify for regulation under this article, it is the intent of the City that the site planning criteria and guidelines which constitute the substance of this article apply to any and all development on public lands in the Lakefront Zoning District.
  - (4) This article is augmented and supplemented by Article IV, Appearance Code for Lakefront Zoning District, which sets standards and offers guidelines for architectural and site-related

aspects of appearance for development in both private parcels and public lands within the Lakefront District as shown in the attached Lakefront District Zoning Master Plan.<sup>5</sup> The criteria of the Appearance Code are applicable to the site plan review process inherent in this article.

B. Objectives. To implement the intent of the planned unit development provision, the following objectives must be met:

- (1) A maximum choice in the types of environment, occupancy tenure (e.g., cooperative, individual, condominium, or leasing), types of housing, lot sizes and community facilities available to persons at all economic levels.
- (2) Provision of usable open space and recreation areas and convenience in location of retail sales and service areas.
- (3) A development pattern which preserves trees, enhances important vistas and views, outstanding natural topography and geographic features, and prevents soil erosion.
- (4) A creative use of land and related physical development which allows an orderly transition of land from rural areas.
- (5) An efficient use of land resulting in smaller networks of utilities and streets.
- (6) A development pattern in harmony with the objectives of this chapter.
- (7) A more desirable environment than would be possible through the strict application of other articles of this chapter.
- (8) A mixture of land uses to enhance job creation and retention, increase of tax base, and variety of settings.

C. Procedures overview.

- (1) The classification of a property as a planned unit development (PUD) requires the undertaking of a two-step process involving the approval of both the Planning Board and the City Council.
- (2) In the first step, the Planning Board responds initially to the applicant's submission of a conceptual sketch plan and a general outline that discusses the contemplated development for the PUD. The Planning Board ensures compliance with the general requirements of this article and directs the preparation of the project plan narrative and graphic documentation.
- (3) Upon approval of the concept sketch plan, the second step involves application for the establishment of a planned unit development

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5. Editor's Note: The Lakefront District Zoning Master Plan is on file in the City offices.

district. This step is governed by the City Council and requires a public hearing. In the case where the Planning Board files an unfavorable advisory report with the City Council, the applicant may request a separate review by the City Council.

- (4) Subsequent to these first two approvals classifying the PUD, the site plan review process requires that the applicant prepare detailed preliminary and final site development plans which conform to any conditions of approval established in the approval of the initial concept sketch. All interpretation of land use regulations related to the proposed PUD shall be determined by the Planning Board.

D. District boundary definition.

- (1) It is the intent of this article that planned unit development apply only to the Lakefront Zoning District as delineated on the Official Zoning Map<sup>6</sup> of the City of Geneva.
- (2) Modifications to the Lakefront Zoning District may be subsequently determined and established by City Council.
- (3) Generally, the boundaries of the Lakefront Zoning District are as follows: Beginning at the point of intersection of the shoreline of Seneca Lake and the Conrail right-of-way east of Hamilton Street, north to the intersection of Linden and Washington Streets, east to Exchange Street, north to Franklyn Street, east to the Conrail right-of-way, north and east along the Conrail right-of-way to the Ontario County line, south along the county line to a point 1,000 feet off shore in Seneca Lake, and thence along a line generally 1,000 feet from the high water mark to the point of beginning.

E. Master Plan. All references in this article to an official master plan pertain to the attached Lakefront District Zoning Master Plan dated March 27, 1987, which defines the permitted uses on a parcel-by-parcel basis.<sup>7</sup>

F. Definitions. Terms used in this article shall generally have the meanings indicated in Article I, § 350-2 of this chapter. The following definitions take precedence over the intent of any similar terms found in this chapter.

AREA — The extent of surface contained within the boundaries or extremities of land or building.

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

COMMUNITY CENTER — Any building, room, or area designed or utilized primarily for indoor recreational, educational and civic pursuits

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6. Editor's Note: The Zoning Map is on file in the City offices.

7. Editor's Note: The Lakefront District Zoning Master Plan is on file in the City offices.

and purposes by the owners and residents of the planned unit development, but not including any retail, service, or other commercial activities.

**DWELLING, MULTIFAMILY** — A building arranged, intended or designed to provide three or more dwelling units independent of each other but having common hallways and entrances.

**DWELLING, SINGLE-FAMILY ATTACHED** — A building designed and occupied exclusively as a residence for one family and one of a group of three or more attached dwellings, placed side by side, separated by party walls, each containing one or two stories and each having separate front and rear or side and rear or front and side entrances from the outside.

**FLOOR AREA, GROSS** — The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of a wall separating two buildings. The floor area of a building is restricted to those levels above the surface of the ground and shall not include any basement or garage spaces under the surface. Garage facilities above the surface shall be included. Where the ground level changes a full story height or more along a building line, the floor area of such story shall be prorated in proportion to the average story height above grade.

**FLOOR AREA, NET** — The floor area of a building, but excluding stairwells and elevator shafts at each floor, parts of floors devoted exclusively to vehicular loading or parking, and all space devoted to mechanical services.

**FLOOR AREA RATIO** — The ratio between total site area and maximum floor area of principal and accessory structures permitted in a PCD district. Total site area shall be the entire site within the property lines of any development. In determining the floor area ratio, the gross building floor area shall be calculated based on parking and open space requirements according to type of land use or mix of uses. See § 350-9E(2)(a) of this article.

**FRONT YARD** — The setback distance from the principal building line and street right-of-way in the case of dedicated City streets or pavement edge in the case of private drives or parking lots.

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

**GROSS AREA** — Total of all land within the planned unit development, used in calculating the base density of development in the PRD.

**LIGHT MANUFACTURING/RESEARCH DEVELOPMENT** — 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.

OPEN SPACE, COMMON — Outdoor property, not occupied by structures, roads, or service areas, set aside for the recreational use and enjoyment of the owners and residents of the planned unit development and intended to enhance the present or potential value of the remaining lands in the planned unit development.

OPEN SPACE, DEVELOPED — Open space which contains structures, improvements and/or landscaping necessary and appropriate for the benefit and enjoyment of the owners and residents of the planned unit development for active and passive recreation purposes.

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 the existing City Zoning Ordinance for similar uses.

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

PROFESSIONAL AND BUSINESS OFFICES — Include but are not limited to the following services: planner, architect, landscape architect, doctor, dentist, insurance agency, lawyer, engineer, accountant, realtor, art and photography studios, and travel agencies.

RETAIL SALES AND SERVICE FACILITIES — Those commercial facilities which may serve the residents living within or in the vicinity of the planned unit development. Retail sales and service facilities include the following: retail business or service establishments, banks, restaurants, hotels, conference centers, convenience stores, drugstores, barbershops, beauty salons, dry cleaners, data processing services, theaters, sporting goods, clothing and jewelry stores, professional and business offices or laundromats.

### **§ 350-9. General requirements.**

#### **A. Minimum area.**

- (1) The minimum area required in the Lakefront District to qualify for a planned unit development (PUD) shall be five contiguous acres of land, exclusive of areas to be dedicated to the City for public purposes and with the exception of parcels L-1, L-2, L-3, L-4 and L-6 as shown in the Lakefront Zoning District Master Plan. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this section, the City Council may consider projects with less acreage.
- (2) All development parcels eligible for classification to PUD status are shown on the Lakefront Zoning District Master Plan. A PUD district may be enlarged to include other contiguous areas regardless of their size. Such areas, if separated by a public or private right-of-

way, may be considered contiguous if in the opinion of the City Council the continuity of development of the original PUD district is maintained.

- B. Ownership. The tract of land for a PUD may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner, or jointly by the owners, of all property included in the project. In the case of multiple ownership, the approved PUD plan is binding on all owners.
- C. Permitted uses. This subsection sets forth the uses approved for a planned unit development. Such uses include and shall be limited to the following, according to type of district:
- (1) Planned residential development (PRD).
    - (a) Single-family attached dwellings.
    - (b) Multifamily dwellings.
    - (c) Noncommercial community center facilities.
    - (d) Common, public or private open space, park, or recreation areas, including playgrounds, walkways, swimming pools, tennis courts, marinas, and other similar recreational activities.
    - (e) Accessory uses on the same parcel with, and customarily incidental to, any of the foregoing land uses, including off-street parking facilities, garages, storage facilities for landscape and building maintenance equipment, and satellite signal receiving equipment.
    - (f) Model home exhibits, temporary sales and construction offices and uses accessory thereto, solely in conjunction with the planned unit development.
    - (g) Under special authorization by the Planning Board, and consistent with the objectives of this article, the following retail sales and service uses may be allowed in a PRD:
      - [1] Convenience store.
      - [2] Drugstore.
      - [3] Laundromat.
  - (2) Planned commercial development (PCD).
    - (a) Retail sales and service uses.
    - (b) Business and professional offices.
    - (c) Light manufacturing.

- (d) Research and development facilities.
  - (e) Municipal uses.
  - (f) Educational uses.
  - (g) Marinas, marine services (not including boat storage), and water-related recreation and commercial uses.
  - (h) Common public or private open space, park or recreation areas, including walkways, sitting areas, courtyards and plazas, arcades, shelters and similar recreational uses.
  - (i) Accessory uses on the same parcel with, and customarily incidental to, any of the foregoing land uses, including off-street parking and loading areas, garages for commercial vehicles, and storage areas for trash and refuse.
- D. Mix of uses. The mix of permissible uses, scale of any such use, density and general design standards shall be determined by the Planning Board in its review of the project plan and pursuant to the provisions set forth in this article.
- E. Area limitations. Within the planned unit development, the following percentage of the gross land area shall be devoted to specific uses:
- (1) In a planned residential development, a maximum of 30% for all residential uses, including all principal and accessory structures but excluding any open space and recreation uses as defined in this article and the space devoted to streets and required off-street parking lots within the parcel.
  - (2) In a planned commercial development, a maximum of 70% for retail sales and service, business offices, light manufacturing, research facilities or a combination thereof. Said maximum shall include all principal and accessory structures, and the parking and service areas exclusively servicing such facilities within the parcel.
    - (a) On certain nonresidential development parcels shown on the Lakefront Zoning District Master Plan, a minimum floor area to gross lot area ratio shall be established by the Planning Board. Such a minimum ratio will be calculated by the Board on the basis of the applicant's proposed mix of uses as they relate to parking and open space requirements and other general requirements of this article.
      - [1] The following chart will be useful in calculating maximum building coverage on a development site as it relates to variable parking space requirements per 1,000 square feet net floor area (refer to Subsection H of this section which lists required parking according to type of land use) and as it relates to various building scenarios in number of stories (refer to height limitations in this article). Divide the

appropriate factor in the chart into the gross land area in square feet to find the number of thousands of square feet of allowable gross floor area, then divide by the number of stories to find the actual building footprint square footage.

- [2] In cases where parking requirements are related to number of employees, the applicant must determine the number of employees per 1,000 square feet net floor area and convert to the appropriate parking count.

		<b>Number of Stories</b>					
<b>Number of Parking Spaces per 1,000 Square Feet Net Floor Area</b>							
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	
1	1,895	1,101	943	824	752	704	
2	2,363	1,648	1,410	1,291	1,220	1,171	
3	2,830	2,116	1,877	1,758	1,687	1,638	
4	3,297	2,583	2,344	2,226	2,154	2,106	
5	3,764	3,049	2,811	2,693	2,621	2,573	
6	4,231	3,517	3,278	3,160	3,088	3,040	
7	4,698	3,984	3,746	3,627	3,556	3,507	
8	5,166	4,451	4,213	4,095	4,022	3,974	
9	5,633	4,919	4,680	4,561	4,490	4,441	
10	6,100	5,386	5,147	5,029	4,957	4,908	
11	6,567	5,853	5,614	5,495	5,424	5,376	
12	7,034	6,320	6,081	5,963	5,891	5,842	
13	7,501	6,787	6,548	6,430	6,358	6,310	
14	7,969	7,254	7,015	6,897	6,826	6,777	
15	8,436	7,721	7,483	7,364	7,293	7,244	

- (3) A minimum of 20% for developed and unimproved common or public open space and recreational uses as defined in this article. This area shall exclude all streets, roads, and required parking spaces within the parcel.

F. Density. This subsection pertains to the density of development of residential land uses in the planned residential development. The base residential unit density within the parcel shall be eight dwelling units per acre in the case of single-family attached dwellings and 12 dwelling

units per acre in the case of multifamily development. The maximum average unit density should not exceed 10.8 dwelling units per acre. To encourage development which meets the objectives of this article, densities beyond the base density shall be permitted when additional recreational improvements, open space, architectural character and siting considerations are included in the project plan by the developer. (See Appendix A.)

- (1) The mix of residential units among single-family attached dwellings and apartment buildings shall be determined by the Planning Board, but no single type of residential use shall comprise more than 65% of the total residential units.
  - (2) Additional requirements that apply to single-family attached dwellings:
    - (a) There shall be no continuous group of more than eight dwelling units or of more than 200 feet in total length.
- G. Geometric controls. The following controls or standards shall apply uniformly in the PRD and PCD districts:
- (1) Distance between buildings.
    - (a) Residential. Front, rear and side yards for residential areas shall be designed so that a single-family building is no closer than 20 feet to any other single-family building and 50 feet to any nonresidential buildings. A multifamily building may be no closer than 40 feet to any single-family dwelling unit or other multifamily unit and no closer than 50 feet to any nonresidential building.
    - (b) Nonresidential. Front, rear and side yards for nonresidential uses shall be designed so that a building is no closer than 40 feet to any other nonresidential building and 50 feet to any residential building. For purposes of interpretation, a structure which contains both residential and nonresidential uses shall comply with nonresidential requirements.
    - (c) Accessory structures shall be no closer than 10 feet to the principal structure with which they are associated and no closer than 20 feet to any other principal structure and five feet to any other accessory structure.
  - (2) Distance from parcel boundaries, streets and other paved areas. The minimum distance between any point on a building and a parcel boundary, a dedicated street right-of-way, private driveway or parking lot shall not be less than 20 feet or the height of the building, whichever is greater, in a residential district and 20 feet or 1/2 the height of the building, whichever is greater, in a nonresidential district.

- (3) Height.
  - (a) Residential. The maximum height of single-family dwellings and multifamily dwellings shall not exceed 36 feet (three floors) and 72 feet (six floors), respectively, and accessory structures shall not exceed 15 feet.
  - (b) Nonresidential. The maximum height of all principal structures shall not exceed 72 feet (six floors) in any parcel nor be less than 36 feet (three floors) in height in parcels so designated on the Lakefront District Master Plan. Accessory structures shall not exceed 36 feet in any parcel.
  - (c) All heights specified do not include necessary rooftop mechanical equipment or enclosures.
- H. Parking and loading. Off-street automobile parking spaces and truck loading areas for the various permitted uses in planned unit development districts shall be provided as follows:
  - (1) Planned residential development.
    - (a) Single-family attached dwellings: 1.5 spaces per dwelling, including one space in the driveway of each dwelling unit. In addition to required off-street parking, all single-family attached dwelling units shall be provided with a garage of sufficient dimension to accommodate a single automobile.
    - (b) Multifamily: one space per efficiency or one-bedroom unit; 1.2 spaces per two-bedroom unit; and 1.5 spaces per three-bedroom unit. Carport and garage parking may be provided for multifamily residential units on the basis of one space per dwelling unit.
    - (c) Community center: one space per 200 square feet net floor area.
  - (2) Planned commercial development.
    - (a) Retail sales and services: two spaces per 1,000 square feet net floor area on site and one space per 1,000 square feet net floor area off site.
    - (b) Business and professional offices: one space per 1,000 square feet net floor area on site and one space per 1,000 square feet net floor area off site.
    - (c) Light manufacturing: one space for each two employees.
    - (d) Research and development facilities: one space for each two employees.
    - (e) Marinas and marine services: two spaces per 1,000 square feet net floor area retail space plus two spaces for every four slips.

- (3) Additional parking requirements for specific uses are as follows:
- (a) Banks: 16 spaces per 1,000 square feet net floor area.
  - (b) Restaurants.
    - [1] Carry-out: seven spaces per 1,000 square feet net floor area.
    - [2] Drive-in: 32 spaces per 1,000 square feet net floor area.
    - [3] Sit-down/high turnover: 16 spaces per 1,000 square feet net floor area.
    - [4] Sit-down/low turnover: 13 spaces per 1,000 square feet net floor area.
  - (c) Conference center: one space per 100 square feet assembly space.
  - (d) Theaters: one space per five seats.
  - (e) Hotel: one space per sleeping unit.
  - (f) Bar or nightclub: 13 spaces per 1,000 square feet net floor area; 16 spaces per 1,000 square feet net floor area with live entertainment.
- (4) Additional general requirements.
- (a) In cases where parking requirements are proposed to be accommodated both on and off site, a parking plan must be submitted. The development of such a parking plan will be a joint effort of both the applicant and the City. Existing on-street parking may not be considered in any parking plan. Proposals for joint use of City-owned parking must be reviewed and approved by the Planning Board.
  - (b) When parking spaces are required on the basis of number of staff or employees, the maximum number present at any one time shall govern.
  - (c) A perimeter open space at least 10 feet wide, planted with deciduous trees and turf grass, or a durable and well-maintained solid wall, fence, compact evergreen hedge or other screening device three to four feet in height shall be provided along every dedicated street right-of-way. A screening device not less than six feet in height and not more than eight feet in height shall be provided where a nonresidential parking lot adjoins a residential use.
- (5) Design standards. The following standards apply in both PRD and PCD districts:

- (a) Each off-street parking space shall have the following maximum dimensions, width to length:
    - [1] Parallel parking: eight feet by 24 feet.
    - [2] Perpendicular parking: nine feet by 18 feet.
  - (b) There shall be adequate provision for ingress and egress to all parking areas.
  - (c) All parking areas, except driveways serving individual single-family attached dwellings, shall be designed to permit cars to exit without backing onto any street or sidewalk.
  - (d) Each parking space shall be provided with a sufficient backup area to permit egress in one maneuver, consisting of one backward and one forward movement.
  - (e) Every off-street parking lot shall be constructed in such a manner so as to provide an all-weather, durable and dustless surface and shall be graded and drained to dispose of all surface water accumulation by means of a subsurface storm sewer system. The surface and drainage system shall be approved by the City Engineer.
  - (f) Individual parking stalls shall be clearly identified by markings four inches to six inches in width.
  - (g) Fixed lighting shall be so arranged to prevent direct glare of beams onto any public or private property or streets.
  - (h) Car stops shall be provided, located and designed to protect required screening devices and landscaping from damage by vehicles.
  - (i) Trees located in paved areas shall be provided with tree pits protected by curbing.
  - (j) No area of any parking lot, excluding access ramps, shall have excessive slopes unless approved by the City Engineer.
  - (k) All parking lots shall provide for snow removal. No parking on City streets, or traffic lanes, will be allowed. Disposal of snow in Seneca Lake is prohibited.
  - (l) A minimum of 5% of total available spaces shall be designed to be accessible to the handicapped and shall be conveniently located.
- (6) Special standards. The following standards shall apply to any accessory parking area located in a residential front yard of single-family attached dwelling units:

- (a) Each space shall be accessory to, and permanently assigned to, a single dwelling unit and be located in the front yard of such unit.
  - (b) No more than one space shall be located in the front yard of any dwelling unit, and no more than two spaces shall be contiguous with each other.
  - (c) Areas between driveways shall be landscaped in an appropriate manner so as to minimize the visual impact of the automobiles' presence. Plantings shall include a minimum of one two-inch caliper deciduous tree or one five-foot minimum height conifer, plus one small flowering tree of one-and-one-half-inch caliper and five ornamental shrubs of eighteen-inch minimum height.
  - (d) Every parking space and driveway shall be designed and shall be of sufficient length and width to prevent the parked auto from encroaching on any street or sidewalk.
  - (e) The grade of driveway pavement to street shall not exceed 5%.
  - (f) The width of any single driveway or parking space shall not be less than nine feet nor greater than 12 feet.
- (7) Loading requirements. For uses not expressly listed in this article for planned unit developments, loading spaces shall be provided on the same basis as required for the most similar listed use or as determined by the Planning Board.
- (a) Loading spaces shall be located on the same parcel as the building or structure to which they are accessory.
  - (b) The duty to provide and maintain off-street loading and unloading spaces shall be the joint and several responsibilities of the owner, operator and lessee of the use for which off-street loading and unloading spaces are required.
  - (c) Loading spaces may be located anywhere on a lot, except that no part of any loading space shall extend into any required front yard.
  - (d) Loading spaces shall be provided in sufficient number and of sufficient size so that no loading or unloading operations infringe upon any street or sidewalk.
  - (e) A minimum of one loading space shall be provided for each commercial, industrial and institutional use unless a legal instrument, approved as to form and manner of execution by the City Council, is executed by the owners of two or more such uses requesting the joint use of the off-street loading spaces and is filed with the application for planned unit development zoning.

- (f) Sufficient screening, in the form of berms and planting or fencing, shall be provided along all lot lines abutting any residentially zoned or developed property to visually insulate the residential use from all operations, materials and vehicles within any loading space.
- (g) Loading areas accessory to commercial uses, or planned commercial developments, shall be located and screened so as to minimize public awareness.
- (h) Each loading space shall have the following minimum dimensions, in feet:

Type	Size		
	Width	Length	Height
Tractor-trailer	12	55	14
Other	12	35	14

- (i) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with traffic movement. Access to and from loading spaces shall be approved by the City Engineer.
  - (j) Every loading space shall be surfaced with an asphaltic or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public sewer system. Individual stalls shall be clearly identified by markings four to six inches in width.
  - (k) Fixed lighting shall be so arranged to prevent direct glare of beams onto any public or private property or streets.
  - (l) No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading space.
- I. Sign controls. The regulation of signs by this article is intended to promote and protect the public health, safety and welfare by creating signage compatible with the physical environment and land uses, by creating a more attractive economic and business climate within the commercial and industrial areas of the City, by enhancing and protecting the physical appearance of all areas of the City and by reducing the distractions, obstructions and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs.
- (1) Scope. The requirements of this article are in addition to the regulations found in § 350-30 of this chapter and are to be supplemented by the applicable portions of the Appearance Code

for planned unit developments, which is appended to this article.<sup>8</sup> Any sign not expressly permitted by these regulations shall be prohibited. The regulations of this article relate to the location of signs, by function and type, within planned commercial and planned residential developments and shall be in addition to the provisions of the Building Code and Electrical Code of the City as they apply to the construction and maintenance of signs.

- (2) Site plan review. Every application for preliminary site plan approval shall be accompanied by a copy of the plans and specifications showing the method of construction, illumination and support of any sign, as well as a sketch drawn to scale showing sign faces, exposed surfaces, and the proposed message and design, accurately represented as to size, area, proportion and color, and by a calculation of the total sign area in relation to the appropriate building facade.
- (3) General definitions and classifications of signs. For the purposes of this article, signs shall be defined and classified in the following manner:

ATTENTION-GETTING DEVICE — Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, flashing light, balloon or similar device or ornamentation designed for the purposes of attracting attention, promotion or advertising.

DISPLAY SURFACE — The area made available by a sign structure for the purpose of displaying the message.

FLASHING SIGN — Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

ILLUMINATED SIGN — A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

SIGN — Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination, or project images. "Sign" does not include the flag or emblem of any nation, organization of nations, state or City or of any fraternal, religious or civic organization; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; graffiti; or scoreboards located on athletic fields.

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**8. Editor's Note: See Art. IV of this chapter.**

- (4) Functional definitions. For the purposes of this article, the function of signs shall be as defined and classified in the following manner:

ADDRESS SIGN — A sign containing only the name or symbol of an owner, occupant or use and/or the street number of the building or premises as required by the City.

ADVERTISING SIGN — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BUSINESS SIGN — A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered, on the premises where the sign is located.

CONSTRUCTION SIGN — A temporary sign erected on the premises on which construction is taking place during the period of such construction indicating the names of the architects, engineers, landscape architects, contractors and similar artisans, and the owners, financial supporters, sponsors and similar persons or firms having a role or interest with respect to the structure or project.

GOVERNMENTAL SIGN — A sign erected and maintained pursuant to and in discharge of any governmental regulation.

HOLIDAY DECORATIONS — Signs in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday. Any other provision of this section to the contrary notwithstanding, such signs may be of any type, number, area, height, location, illumination or animation.

JOINT IDENTIFICATION SIGN — A sign which serves as a common or collective identification for two or more commercial business or industrial uses sharing space in a planned commercial development and which is located on such premises. Joint identification signs shall be permitted as provided by this article so long as the total area of each sign does not exceed either 100 square feet or the restrictions of the district in which such sign is located, whichever is smaller.

MEMORIAL SIGN — A sign or table memorializing a person, event, structure or the like.

ON-SITE INFORMATIONAL SIGN — A sign commonly associated with, and limited to, information and directions necessary for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.

POLITICAL SIGN — A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

**PUBLIC SERVICE INFORMATIONAL SIGN** — A sign capable of transmitting by intermittent lighting variable information to the public, such as date, time, and temperature, stock report, storm warnings, weather information, traffic control messages, news stories, etc. Public service messages do not include advertising, announcements of private events, promotional messages or political campaign promotions.

**REAL ESTATE SIGN** — A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

**RESIDENTIAL DISTRICT SIGN** — A permanent sign announcing the name of a planned residential development and located at the principal points of entry to the development.

**WARNING SIGNS** — Signs limited to messages of warning, danger or caution.

- (5) **Structural types.** For purposes of this article, signs shall be identified and classified according to the structure in the following manner:

**AWNING OR CANOPY SIGN** — A sign that is mounted or painted on or attached to an awning or canopy that is otherwise permitted by this chapter.

**GROUND SIGN** — Any sign, other than a pole sign, placed upon or supported by the ground independently of any other structure.

**POLE SIGN** — A sign that is mounted on a freestanding pole or other supports so that the top edge of the sign face is more than eight feet above grade.

**PORTABLE SIGN** — A sign that is not permanently affixed to a building, a structure or the ground, but not including identification lettering on vehicles and advertising on buses.

**PROJECTING SIGN** — A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. A banner made of fire-resistant material and meeting the foregoing standards shall be considered a projecting sign.

**ROOF SIGN** — A sign that is mounted upon the roof of a building or which is wholly dependent upon a building for support and which projects more than 12 inches above the roof peak.

**TEMPORARY SIGN** — A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time.

**WALL SIGN** — A sign fastened to or painted on 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 more than 12 inches from such building or structure.

WINDOW SIGN — A sign which is applied or attached to the exterior or interior of a window.

- (6) General standards. The following general standards shall apply to all signs:
- (a) Sign measurement.
    - [1] Area to be included. The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.
    - [2] Signs attached to the walls. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning, wall or window, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.
  - (b) Height of signs. Sign height shall be measured between grade and the highest point of the highest element of the sign face.
  - (c) Illumination. In no event shall an illuminated sign be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon any adjacent public or private premises so as to cause glare or reflection that may constitute a nuisance or traffic hazard. No illuminated sign located adjacent to, or across the street from, any residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless the use to which the sign pertains is open for business.
  - (d) Electrical elements. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the City Electrical Code. All Underwriters' Laboratories labels shall be affixed to any sign having an electrical component, or proof of the New York State Board of Fire Underwriters' approval shall be submitted to the City Engineer.
  - (e) Structural elements. The construction and structural components of all signs shall be in accordance with the standards and regulations of the City Building Code.<sup>9</sup>

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9. Editor's Note: See Ch. 105, Building Construction.

- (f) Obstruction of accessways. No sign or sign structure shall obstruct free ingress or egress from a fire escape door, window, or other required accessway.
- (g) Obstruction of light and air. No sign shall be erected or maintained within the zone of light obstruction for any window opening into any habitable room of any residential unit.
- (h) Obstruction of window surface. No sign shall project over, occupy or obstruct any window surface required for light or ventilation by the applicable code.
- (i) Traffic safety. No sign shall be maintained at any location where, by reason of its position, size, shape, content or color, it may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.
- (j) Signs in rights-of-way. No sign, except publicly owned signs, shall be placed in or extend into or over any public right-of-way unless the sign owner has received the written approval of the City Engineer regarding the adequacy of the sign owner's liability insurance program.
- (k) Sign maintenance.
  - [1] The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in a neat and orderly condition and good working order at all times and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
  - [2] Unsafe signs or unsightly, damaged, or deteriorated signs or signs in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for the repair or removal of unsafe signs. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the City and the costs assessed to the property owner.
  - [3] Unsafe temporary signs or unsightly, damaged, or deteriorated signs or signs in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for the repair or removal of unsafe temporary signs.
- (7) Signs specifically prohibited. The following signs are prohibited in all PRD and PCD districts and shall not be erected, maintained or permitted to continue in any district:

- (a) Attention-getting devices, except as expressly authorized by City permit.
  - (b) Temporary signs, except as expressly authorized in this section.
  - (c) Signs on vehicles. No person shall park any vehicle or trailer on any street, on any public property or on any private property so as to be visible from any street, which vehicle or trailer has attached thereto or located thereon any portable or temporary sign or advertising device intended primarily to provide advertisement of products or direction to any business or activity located on the same or any other premises.
  - (d) Portable signs. No portable sign shall be allowed unless the City Engineer shall have issued a temporary permit for the display and use thereof. Under no circumstances shall the City Engineer issue such temporary permit except for special occasions or events, such as festivals, bazaars and temporary sales of temporary duration. Such temporary permit shall contain such restrictions on the size and location of portable signs as he deems to be appropriate.
  - (e) Any outdoor sign which advertises, identifies or pertains to a business no longer conducted or a product no longer sold on the premises where such sign is located. Such signs shall be removed within 30 days following cessation of the relevant activity.
  - (f) Any sign on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge or other natural feature, whether on public or private property.
- (8) Signs permitted in any district. Except as expressly prohibited in this article, the following signs may be erected and maintained in a PCD or PRD district:
- (a) Address signs. Address signs, provided that such signs are limited to no more than one sign per occupancy. Such signs shall be attached to or mounted on the building, may not exceed one square foot in area and may be illuminated only by an indirect source of light (no internally illuminated sign).
  - (b) Construction signs. Not more than one construction sign of no more than 50 square feet in area per construction site. No such sign shall be maintained for more than 14 days following the conclusion of the construction in question.
  - (c) Flags and emblems. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization.

- (d) Governmental signs. Governmental signs, provided that the content and size of any such sign shall not exceed the requirements of the law, ordinance or regulation pursuant to which such sign is erected.
- (e) Holiday decorations. Holiday decorations, provided that such signs shall be displayed for a period of not more than 30 consecutive days nor more than 15 days following the holiday in connection with which they are displayed.
- (f) Home occupation signs. Not more than one sign per occupancy, not to exceed one square foot in area, identifying a home occupation. Such sign shall be attached flat against the dwelling, shall not be lighted and shall contain only the occupant's name and occupation.
- (g) Memorial signs. Memorial signs, provided that such signs are integral with the building and are made of durable materials such as bronze, stone or concrete.
- (h) On-site informational signs. On-site informational signs, provided that each such sign is limited to a wall, window or ground sign of not more than five square feet in area and not more than eight feet in height above grade.
- (i) Political signs. Political signs, provided that such signs are not more than 32 square feet in area if located in a PCD district or eight square feet in area if located in a PRD district; are limited to not more than one per lot; are located entirely on private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 45 days prior to such election; and are removed within seven days following such election.
- (j) Private sale signs. Private sale signs, provided that such signs are no more than five square feet in area; are located entirely on the premises where such sale is to be conducted or on other private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 12 hours in advance of such sale; and are removed on the day following the conclusion of such sale.
- (k) Not more than one "for sale or rent" or "sold or rented by" real estate sign of not more than eight square feet in area per residential lot or 50 square feet in area per commercial or industrial lot. "For sale" signs shall be removed within 24 hours of the removal of all contingencies in any purchase agreement. "Sold by" signs may be erected on the property for not more than 14 contiguous days thereafter. The owner of each such sign or signs, and any person named on the sign or signs, shall

be responsible for removal of the sign or signs. The name and telephone number of the person responsible for such removal shall be marked on the sign.

- (l) Temporary community signs. Temporary nonilluminated signs advertising coming events, special sales, contests and promotional activities sponsored by a nonprofit organization. The name, address and telephone number of the person responsible for removal of the sign shall be clearly marked on the sign.
  - (m) Warning signs. Warning signs, provided that such signs are wall or ground signs, are no more than three square feet in area each and are illuminated only by an indirect source of light (no internally illuminated signs).
- (9) District regulation for planned residential developments. Signs shall be permitted as follows:
- (a) All functional types permitted in Subsection I(8) above.
  - (b) Residential district entry signs.
  - (c) Business signs when accessory to a specially permitted commercial use in a PRD and subject to the district regulations for a planned commercial development.
  - (d) Structural types permitted: ground signs and wall signs.
  - (e) Number of signs permitted will be as allowed in Subsection I(8), one wall or ground sign when accessory to a specially permitted commercial use, and a maximum of two residential district entry signs.
  - (f) Maximum gross surface area shall be 24 square feet for a wall or ground sign. No sign shall have more than two faces.
  - (g) Maximum height of signs shall be six feet for ground signs. Wall signs shall be no higher than the second floor windowsill or the roof eave if no windows or openings occur in the facade.
  - (h) Minimum setback shall be 10 feet from all parcel boundaries or right-of-way lines.
  - (i) Indirect or internal illumination with white light is permitted. No flashing, animated, moving or bare bulb signs are permitted.
- (10) District regulations for planned commercial developments. Signs shall be permitted as follows in a planned commercial development:
- (a) All functional types of signs listed in this article are permitted except advertising signs.

- (b) Structural types permitted include awning or canopy signs, wall signs, projecting signs, and window signs. Ground signs may be permitted under special authorization by the City Council under the recommendation of the Planning Board. Roof signs, pole signs, and projecting signs are specifically prohibited in a planned commercial development.
- (c) The number of signs permitted shall be limited to one per occupant per facade facing a public right-of-way, except that a window sign may be used in concert with either a projecting sign, wall sign or an awning or canopy sign.
- (d) The maximum gross surface area shall be limited to 24 square feet for a wall sign and 20% of window area for window signs. When authorized, ground signs shall be limited to 24 square feet in area. Under special authorization of the City Council under the recommendation of the Planning Board, wall signs may be increased in gross surface area to 10% of the facade area facing a public right-of-way. Such signs may have only indirect illumination (no internally illuminated signs). Under special authorization to increase the surface area of a wall sign, the Planning Board shall approve the maximum mounting height.
- (e) Maximum height of signs permitted:
  - [1] Awning or canopy signs: 10 feet.
  - [2] Wall and projecting signs: 15 feet.
  - [3] Ground signs: six feet.
- (f) Minimum setback required for ground signs shall be five feet from right-of-way lines and 10 feet from any parcel boundary.
- (g) Type of illumination permitted shall be limited to indirect and internal white light for wall signs and ground signs. Neon and other gas tube illumination is permitted for window signs. No flashing, animated, moving or bare bulb signs are permitted. No internally illuminated projecting signs are permitted.
- (h) Projecting signs shall be limited to 10 square feet in surface area and shall be limited in materials to wood, wrought iron, brass and copper, and plastics. Plastic signs shall be sculpted or molded into forms related to the commercial purpose.
- (i) Where two or more separately owned enterprises are located in a single building or buildings connected or adjacent which have been developed as part of a planned commercial development, a joint identification sign referring to the businesses may be erected under special authorization of the City Council and by recommendation of the Planning Board.

Such sign may be either a wall sign or a ground sign. The maximum gross sign area shall not exceed 100 square feet in size and shall be subject to all other requirements of signs in a planned commercial development.

- J. Open space requirements. Developed and undeveloped open space in a planned unit development may be one or more sites for use in common by all of the occupants within the project area or by the residents of the City as a whole, depending upon dedication of such sites. In all cases, such open space devoted to recreation improvements and common park area as delineated and designated by the applicants as common open space shall not be less than 20% of the gross area of a proposed planned unit development.
- (1) Such common open space may be retained in private ownership or received in dedication by the City. If the open space remains in private ownership, arrangements for the operation, maintenance, improvement and liability of such common property and facilities must be approved by the Planning Board. No common open space so designated by the proposal and approved by the Planning Board may be thereafter developed or disposed of except with the approval of the Planning Board.
  - (2) All private recreation areas designated on the development plan shall be improved and equipped initially by the developer in accordance with plans approved by the Planning Board and shall be protected by adequate covenants running with the land or by covenants or dedications of the same to the City.
  - (3) Open space and recreation areas shall be designated to primarily benefit the residents of the planned unit development, and to this end the applicant shall have as many dwelling units (all types) as is feasible abut or be near an open space area.

### **§ 350-10. Application procedure and approval process.**

- A. General. 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 within the Lakefront Zoning District Master Plan or any future additions/amendments.
- B. Application for sketch plan approval.
- (1) The applicant shall arrange to meet with the City Planning Board to discuss his proposals regarding design, mix and density of uses,

location, layout, procedural requirements and other matters required by the Planning Board prior to submittal of his PUD zoning application.

- (2) Plan requirements. A concept sketch, setting forth the applicant's ideas and design intent, shall be provided to the Planning Board. Such sketch need not include engineering details but must include topographic information and drainage concepts, general utility locations and roadway layouts, pertinent natural features, and general location and character of all land uses, including elements of common open space.
- (3) Planning Board review. The Planning Board shall review the sketch plan and any related documents and shall render either a favorable or an unfavorable report in writing to the City Council and to the applicant. The Planning Board may call upon any public or private consultants that it feels are necessary to provide a sound review of the proposal at this stage.
  - (a) A favorable report shall be based on the following findings which shall be included as part of the report:
    - [1] The proposal conforms to the City Master Plan.
    - [2] The proposal meets the intent and objective of the planned unit development as expressed in this article.
    - [3] The proposal meets all the general requirements of this article.
    - [4] The proposal is conceptually sound in that it meets a community need and it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system, and the like.
    - [5] There are adequate services and utilities available or proposed to be made available in the construction of the development.
  - (b) An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report. The applicant may, within 10 days after receiving an unfavorable report, request a review by City Council.
  - (c) The Chairman of the Planning Board shall certify to the Mayor in writing when all of the necessary application material has been presented, and the Planning Board shall submit its report to the City Council within 60 days of such certification unless an extension of time is approved by the City Council. If no

report has been rendered after 60 days, the applicant may proceed as if a favorable report were given to the City Council.

- (d) Upon favorable report by the Planning Board, the developer may proceed to prepare his planned unit development (PUD) zoning application for submission to the City Council.
- C. PUD zoning application procedure. In order to provide for an orderly method of processing a proposed planned unit development zoning application, four copies of an application shall be provided to the City Council with the required application fee. The City Council, upon receipt of the proposal, shall send one copy to the City of Geneva Planning Board, one copy to the City Engineer and one copy to the Ontario County Planning Board for review and recommendation. All zoning matters relating to the proposed planned unit development shall be determined and established by the City Council after recommendation by the City Planning Board, City Engineer, and the County Planning Board.
- (1) Documentation. In addition to the concept sketch plan, revised or updated as required by the Planning Board, the following documentation shall be presented:
    - (a) Location and extent of all proposed land use, including open space, and an area map showing the parcel under consideration and all properties, subdivisions, streets, zoning classifications and easements within 500 feet of the parcel.
    - (b) 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.
    - (c) 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.
    - (d) 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.
    - (e) 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.
    - (f) 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.

- (g) 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.
  - (h) 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.
  - (i) 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.
  - (j) A draft environmental impact statement (DEIS) and/or environmental assessment form where required by operation of the State Environmental Quality Review Act (SEQRA). Such application shall not be considered complete until any DEIS required shall have been accepted by the lead agency.
- (2) Public hearing.
- (a) Within 60 days after receipt of a completed PUD zoning application, the City Council shall hold one or more public hearings, public notices of which shall have been given in accordance with § 83 of the General City Law, to determine the advisability of the proposal. The City Council shall, within 45 days following the conclusion of the hearings and receipt of a final environmental impact statement, if required, either grant zoning approval of the planned unit development district, subject to specified written conditions imposed by the City Council, or deny zoning of the PUD proposal.
  - (b) In the event that PUD zoning approval is granted, either of the proposal as submitted or with modifications and conditions, the City Council shall, as part of its resolution, specify the drawings, specifications and performance guaranty that shall be required to accompany any subsequent application for site plan/subdivision approval. The applicant (and all owners of land within the PUD) shall, within 30 days, notify the City Council of the acceptance of or refusal to accept all specified conditions. If the developer refuses to accept the conditions outlined, the City Council shall be deemed to have denied PUD zoning approval. If the applicant accepts, the proposal shall stand as granted.
  - (c) PUD zoning approval shall not qualify a proposal for recording nor authorize development or the issuance of building permits.

D. Application for preliminary site development plan approval. The site plan review provided for is pursuant to the City Code and Charter requirements. Preliminary site plan approval is a detailed submission relatively near to construction. It would be advisable for the applicant to have several information sessions with the Planning Board during the preparation of these plans, analogous to pre-preliminary proceedings encountered in subdivision review, so as to minimize the potential conflicts that might arise upon the formal submission of application for preliminary approval.

(1) Application for preliminary site plan approval shall be to the Planning Board and shall be accompanied by the following information prepared by a licensed engineer, architect and/or landscape architect:

(a) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, and easements within 500 feet of the applicant's property.

(b) A topographic map showing contour intervals of not more than two feet of elevation.

(c) A preliminary site plan including the following information:

[1] Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;

[2] North arrow, scale (i.e., one inch equals 50 feet) and date;

[3] Existing watercourses and drainage swales;

[4] Grading and drainage plan, showing existing and proposed contours;

[5] Location, proposed use and height of all buildings;

[6] Location, design and construction materials of all parking and truck loading areas, showing access and egress;

[7] Location of outdoor storage, if any;

[8] Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;

[9] Description of the method of securing sewage disposal and location, design and construction materials of such facilities;

[10] Description of the method of securing public water and location, design and construction materials of such facilities;

- [11] Location of fire and other emergency zones, including the location of fire hydrants;
  - [12] Location, design and construction materials of all energy distribution facilities, including electrical, oil, gas and solar energy;
  - [13] Location, size and design and construction materials of all proposed signs;
  - [14] Location and proposed development of all buffer areas, including existing vegetative cover;
  - [15] Location and design of outdoor lighting facilities;
  - [16] Designation of the amount of building area proposed for nonresidential uses, if any;
  - [17] General planting plan and planting schedule;
  - [18] Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution;
  - [19] A map or tracing overlay showing all soil areas and their classifications and those areas, if any, with moderate to high susceptibility to flooding and moderate to high susceptibility to erosion; the overlay shall also include an outline and description of existing vegetation for areas with potential erosion problems; and
  - [20] A map detailing the proposed stormwater drainage system, including all structures, pipe by type and sizes, and all rim and invert elevations.
- (2) Planning Board review. The Planning Board's review of a preliminary site plan shall include, but not be limited to, the following considerations:
- (a) Adequacy and arrangements of pedestrian traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
  - (b) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience.
  - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (d) Location, arrangement, size and design of buildings, lighting and signs.

- (e) Relationship of the various uses to one another and their scale.
  - (f) Adequacy, type and arrangement of trees, shrubs and turf constituting visual and/or a noise-deterring buffer between adjacent uses and adjoining lands.
  - (g) Adequacy and distribution of usable open space for playgrounds and informal recreation.
  - (h) Adequacy of stormwater and sanitary waste disposal facilities.
  - (i) Adequacy of structures, roadways and planting in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
  - (j) Protection of adjacent properties against noise, glare, unsightliness, or other objectionable features.
  - (k) Overall environmental impact.
  - (l) Conformance with other specific charges of the City Council which may have been stated in the zoning resolution.
- (3) Referrals to other agencies. The Planning Board shall refer the application for preliminary site plan approval to the Ontario County Planning Agency within 30 days of receipt of application. The Planning Board may call upon any other public or private consultants that it feels are necessary to provide a sound review of the proposal.
- (4) Action on preliminary site plan application.
- (a) Within 90 days of the receipt of the application for the preliminary site plan approval, the Planning Board shall act on it. The Planning Board may schedule a public hearing thereon within 45 days of receipt of the application. If no decision is made or public hearing scheduled within said forty-five-day period, the preliminary site plan shall be considered conditionally approved. Such time limits may be extended by mutual consent of the applicant and Planning Board or as may be required to provide for compliance with the State Environmental Quality Review Act (SEQRA). The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report.
  - (b) The Planning Board's statement may include conditions that certain revisions be incorporated in the final site plan. Such conditions shall be limited, however, to siting and dimensional details within general use areas and shall not significantly alter the PUD plan as it was approved in the previous sketch plan review proceedings.

- (c) If the preliminary site plan is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case the Planning Board may recommend further study of the site plan and resubmission after it has been revised or redesigned.
  - (d) No modification of existing stream channels, filling of lands with a moderate to high susceptibility to flooding, grading or removal of vegetation in areas with moderate to high susceptibility to erosion, or excavation for and construction of site improvements shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of this chapter, and, where necessary, final site plan approval may require the modification or removal of site improvements.
- (5) Request for changes in PUD zoning plan. If in the site plan development it becomes apparent that certain elements of the PUD plan, as it has been approved at the sketch plan stage, are unfeasible and in need of significant modification, the applicant shall then present his solution to the Planning Board as his preliminary site plan in accordance with the above procedures. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the zoning resolution. If a negative decision is reached, the site plan shall be considered as disapproved. The developer may then, if he wishes, produce another site plan in conformance with the recommended modifications. If an affirmative decision is reached, the Planning Board shall notify the City Council stating all of the particulars of the matter and its reasons for feeling the project should be continued as modified.

E. Application for final detailed site plan approval.

- (1) General. After receiving conditional approval from the Planning Board on a preliminary site plan, and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final detailed site plan and submit it to the Planning Board for final approval, except that if no more than 12 months have elapsed between the time of the Planning Board's report on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.
- (2) Conformance. The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been required at the preliminary

review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

- (3) Final site plan contents. In addition to the requirement for preliminary site plan approval, an application for final site plan approval shall also contain:
  - (a) 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.
  - (b) The lines of existing and proposed streets and sidewalks immediately adjoining and within the PUD.
  - (c) The names of existing and proposed streets.
  - (d) Typical cross sections of proposed streets and sidewalks.
  - (e) Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation.
  - (f) Layouts of proposed lots, including lot numbers and proposed numbering system for buildings.
  - (g) 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.
  - (h) Provisions for water supply and sewage disposal and evidence that such provisions have received approval of the Department of Health.
  - (i) Locations of survey monuments.
  - (j) A complete grading and drainage plan showing all existing and proposed contours and elevations and the complete storm drainage plan.
  - (k) 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.
  - (l) Brief specifications, or reference to City standards, for all public facilities to be constructed or installed within the PUD.
- (4) Documentation. The applicant shall prepare and submit all documentation consistent with SEQRA guidelines and regulations, as required by the Planning Board.
- (5) Action of the final detailed site plan application. Within 45 days of the receipt of the application for final site plan approval, the Planning Board shall render a decision to the applicant. If no

decision is made within the time period, the final site plan shall be considered approved.

- (a) Upon approving an application, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Building Inspector, who shall then issue a building permit to the applicant if the project conforms to all other applicable requirements.
  - (b) Upon disapproving an application, the Planning Board shall so inform the Building Inspector. The Planning Board shall also notify the applicant and the City Council in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.
- (6) Staging. If the applicant wishes to stage the PUD development, then he may submit only those stages he wishes to develop for site plan approval in accordance with his staging plan. Any plan which requires more than 24 months to be completed shall be required to be staged and a staging plan must be developed. 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.

**§ 350-11. Other regulations applicable to planned unit developments.**

- A. Regulation after initial construction and occupancy.
  - (1) For the purposes of regulating development and use of property after initial construction and occupancy, any changes other than use changes shall be processed as a special permit request to the Planning Board. Properties lying in planned unit development districts are unique and shall be so considered by the Planning Board when evaluating these requests, and maintenance of the intent and function of the planned unit shall be of primary importance.
  - (2) All changes in floor area of a principal or accessory structure will require a building permit.
- B. Site plan review. Site plan review under the provisions of this article shall suffice for Planning Board review of subdivisions under the City Subdivision Regulations,<sup>10</sup> subject to the following conditions:

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**10. Editor's Note: See Ch. 310, Subdivision of Land.**

- (1) The applicant shall prepare sets of subdivision plats suitable for filing with the office of the Ontario County Clerk in addition to those drawings required above.
- (2) 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.
- (3) Final site plan approval under this article shall constitute final plat approval under the City Subdivision Regulations and provisions of the City Law.

C. District amendments and modifications.

- (1) Modifications. 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:
  - (a) Change in or location of enumerated land uses.
  - (b) Demolition of a principal structure, except where mandated by the building official in the interest of public safety.
  - (c) Establishment of new streets or other public/common areas.
  - (d) Any changes which may otherwise be regulated by the adoption of controls made specifically applicable to such district, either at its inception or subsequently.
- (2) District amendments and miscellaneous modifications. 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 IV

**Appearance Code for Lakefront Zoning District  
[Added 5-6-1987 by Ord. No. 87-11]****§ 350-12. Statement of intent and objectives.**

## A. Intent.

- (1) The purpose of this code and these criteria is to establish a checklist of those items that affect the physical aspect of the Lakefront District's environment. Pertinent to appearance is the design of the site, buildings and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.
- (2) These criteria are not intended to restrict imagination, innovation, or variety but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the City, preserve taxable values, and promote public health, safety, and welfare.

## B. Objectives. To implement the intent of this code, the following objectives must be considered:

- (1) To establish a positive and compatible relationship with the character of the physical environment of downtown Geneva.
- (2) To promote a strong sense of internal unity and organizational coherency within the Lakefront District site planning and architectural details.
- (3) To capitalize upon and celebrate the relationship of new development to the lake, particularly in terms of visual connections and access to the water's edge.
- (4) To enhance the quality of experience of public spaces in the Lakefront District through attention to the visual character of new development adjacent to public ways.

## C. Related ordinances. This code is intended to augment and supplement Article III, Lakefront District Planned Unit Development. The criteria of this code are applicable to the site plan review process mandated in that article and, in particular, to § 350-9I, which pertains to sign controls.

**§ 350-13. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ACCESSORY STRUCTURES** — Facilities incidental to the principal structures on a site, including garages and carports, storage facilities,

swimming pools and other recreation improvements and satellite signal receiving equipment.

APPEARANCE — The outward visible aspect.

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

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

ARCHITECTURAL CONCEPT — The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, that produces the architectural character.

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.

ATTRACTIVE — Having qualities that arouse interest and pleasure in the observer.

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

CITY — The City of Geneva.

CODE — The Appearance Code of the Lakefront District Planned Unit Development Ordinance.

COHESIVENESS — Unity of composition between design elements of a building or a group of buildings and the landscape development.

COMPATIBILITY — Harmony in the appearance of two or more external design features in the same vicinity.

CONSERVATION — The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

EXTERIOR BUILDING COMPONENT — An essential and visible part of the exterior of a building.

EXTERNAL DESIGN FEATURE — The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place or way.

GRAPHIC ELEMENT — A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

HARMONY — A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

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

LOGIC OF DESIGN — Accepted principles and criteria of validity in the solution of the problem of design.

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

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.

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

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

SIGHT BREAK — A structural or landscape device to interrupt long vistas and create visual interest in a site development.

STREET FURNITURE — Man-made objects other than buildings that are part of the streetscape. Examples are lampposts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

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 — Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

UTILITARIAN STRUCTURE — A structure or enclosure relating to mechanical or electrical services to a building or development.

UTILITY HARDWARE — Devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

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

#### **§ 350-14. Site planning and design.**

##### **A. Relationship of buildings to sites.**

- (1) The site shall be planned to accomplish a desirable transition from buildings to the lake and to the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

- (2) Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.
  - (3) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means to minimize views from public walkways, streets, drives and park areas.
  - (4) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
  - (5) Buildings should be sited to capitalize on views of the lake while at the same time preserving visual access to the lake from Routes 5 and 20 as much as practicable.
  - (6) Building siting should consider building massing with respect to the existing skyline of the City as viewed from the lake and from the opposite shore.
  - (7) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- B. Relationship of buildings and site to adjoining area.
- (1) Adjacent buildings of significantly different architectural styles should be made compatible by such means as screens, sight breaks, and plant materials.
  - (2) Attractive landscape transition to adjoining properties should be provided.
  - (3) Harmony in texture, lines, and masses is required. Monotonous repetition of forms and materials shall be avoided.
- C. Landscape and site treatment. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
- (1) Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography is encouraged where it contributes to attractive spatial and architectural composition.
  - (2) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, where seating is provided, for sitting.
  - (3) Landscape planting shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Spectacular effects shall be reserved for special focal points.

- (4) Unity of site design shall be achieved by repetition of certain plant varieties and forms, paving materials, and site furniture, and by correlation with adjacent developments.
- (5) Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of well-grown form shall be used.
- (6) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs or other devices.
- (7) Interior parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings for shade and to add visual interest, except the public right-of-way of Routes 5 and 20.
- (8) Where building sites limit planting space, the placement of trees in walkways or paved areas is encouraged.
- (9) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- (10) In areas where general planting will not prosper, such as the north side of buildings, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- (11) Exterior lighting shall enhance the building design and relate in form, height, and style to lighting in adjacent public spaces. Building-mounted fixtures shall be of a design and size compatible with the building and shall be directed to minimize glare when viewed from adjacent areas. Illumination and lamping standards are as follows:
  - (a) Pedestrian walkways and sitting areas:
    - [1] Maximum height: 14 feet.
    - [2] Average maintained illumination: 1.2 footcandles.
    - [3] Lamping: High-pressure sodium.
  - (b) Parking lots:
    - [1] Maximum height: 30 feet.
    - [2] Average maintained illumination: 1.0 footcandle.
    - [3] Lamping: High-pressure sodium.

## (c) Building entrances:

- [1] Maximum height: varies.
- [2] Average maintained illumination: 5.0 footcandles.
- [3] Lamping: Incandescent preferred.

(12) Pedestrian pavements shall be of durable quality and shall relate to the general palette of building materials in the downtown area. In planned commercial developments, a minimum of 20% of the total area of pedestrian pavements used in entry courts and sitting areas shall be devoted to brick or other acceptable unit masonry materials, preferably used in a decorative or focal manner. Asphalt pedestrian pavements shall not be constructed in planned commercial or planned residential developments.

(13) Site furniture in the form of benches, litter containers, bollards, and other pedestrian-scale features shall be selected on the basis of stylistic relationship to furniture used in adjacent public spaces and development parcels and in the downtown area. Generally, furniture which incorporates a combination of cast iron and hardwood materials is preferred.

## D. Building design.

- (1) Architectural style is not restricted. Evaluation of the appearance of a project by the Planning Board and other advisory authorities shall be based on the quality of its design, relationship to surroundings, and consistency with the character of downtown.
- (2) Buildings shall be of such scale and form so as to be in harmonious conformance with permanent neighboring development within the Lakefront District.
- (3) Materials required.
  - (a) Materials shall have visually interesting architectural character and shall be selected for harmony with adjoining buildings.
  - (b) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have similar materials, or those that are visually harmonious in color and texture, used for all building walls and other exterior building components wholly or partly visible from public ways.
  - (c) Materials shall be of durable quality and shall be detailed so as to provide long-term service.

- (d) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
  - (e) Materials shall be of low reflective or specular quality.
  - (f) In planned commercial developments, brick veneer and masonry materials are preferred.
  - (g) In planned residential developments, a mixture of brick or masonry materials and wood is preferred.
  - (h) Exposed concrete block, split-faced block, aluminum or vinyl siding should be limited. No exposed texture "111" plywood is permitted.
- (4) Building components, such as windows, doors, eaves, and parapets, shall have proportions and detailing consistent with adjacent buildings and with the general visual themes in the downtown area.
  - (5) Colors shall be harmonious with the lakefront environment and shall use only compatible accents. Darker color values in earthtone neutrals are preferred for all extensive color fields. It is preferred that accents be in the same hue range as the general building color but of lighter value or increased intensity.
  - (6) Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or it shall be so located as not to be visible from any public ways.
  - (7) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
  - (8) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
  - (9) Monotony of design in single- or multiple-building projects should be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple-building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- E. Signs. This section is intended to provide general design guidelines for signage in addition to the requirements of the sections of Article III, Lakefront District Planned Unit Development, dealing with sign controls.
- (1) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

- (2) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- (3) The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- (4) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- (5) Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- (6) Identification signs and corporation logos shall conform to the criteria for all other signs.

F. Accessory structures.

- (1) Accessory structures shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, and colors shall be in harmony with buildings and surroundings.
- (2) Lighting in connection with accessory structures shall meet the criteria applicable to site, landscape, buildings and signs.

G. Maintenance; planning and design factors.

- (1) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- (2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- (3) Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, should be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish should be avoided.
- (4) All driveways, parking lots, and walkways shall be designed to facilitate snow removal. Provisions should be made for on-site snow storage.

H. Submittal requirements.

- (1) The requirements cited below are intended to provide more detail to the general requirements for preliminary site plan submission in Article III, Lakefront District Planned Unit Development.

- (2) All exhibits required for the permanent review file must be able to be reduced to legal size (8 1/2 inches by 14 inches) by folding or photo reduction. However, larger mounting boards, material samples, or other exhibits not meeting this criteria may be used for presentations to the Planning Board. An adequate number of color photographs are required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.
- (a) Site plan package. Per Article III, Lakefront District Planned Unit Development.
  - (b) Architectural drawings. Complete color-rendered elevations drawn to scale of all proposed construction and related elevations of any existing structures are required. A minimum of two section elevations through the major site features and one perspective sketch are required with the intent of demonstrating spatial and scale relationships. Site details should be included to the extent practicable to the scale of the drawing.
  - (c) Material samples. Material samples and product literature are required for all major exposed materials and site features.
  - (d) Sign submission. The location, dimensional setbacks, and functional types of all signs shall be shown on the site plans. In addition, the following submission requirements apply according to sign type:
    - [1] Ground signs. Provide an elevation and detailed drawings of each face of the proposed sign showing the size and layout of all letters and graphics; sign and frame materials and color; foundation and planter box details, as appropriate; lighting details; and an electrical wiring diagram.
    - [2] Wall signs and awning or canopy signs. Provide an elevation and detailed drawings as for ground signs, substituting wall anchorage details for foundation design, and including an elevation drawn to scale of the entire building wall to which the sign is to be fixed, correctly locating the sign. If the facade is not continuous, depict adjoining buildings and any relevant signs.
    - [3] Window signs. Provide an elevation drawn to scale of the entire building wall in which the window is situated, including any other awning or canopy signs or wall signs.
  - (e) Lighting submissions. A scaled drawing is required of all proposed lighting standards and fixtures showing all size specifications; information on lighting intensity (number of

watts, isofootcandle diagram, etc.); materials and colors; and ground or wall anchorage details.

## ARTICLE V

**Area and Bulk Regulations; Density Control****§ 350-15. Purpose.**

In order to provide adequate open spaces for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, and to lessen congestion in streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this article.

**§ 350-16. Density Control Schedule.**

The following schedule titled "Schedule III" sets forth the density control regulations that shall apply to all construction and uses in the City.<sup>11</sup>

**§ 350-17. Corner lots.**

Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

**§ 350-18. Projections into required yards.**

- A. The following projections into required yards may be permitted:
- (1) Open fire escape: four feet into side or rear yards.
  - (2) Awnings or movable canopies: six feet into any yard.
  - (3) Cornices, eaves and other similar architectural features: three feet into any yard.
- B. Any open or enclosed porch or carport shall be considered a part of the building in the determination of the size of the required yard or lot coverage. Nonroofed paved terraces shall not be considered a part of the building.
- C. Accessory uses not enclosed in a building may be located in a rear yard in accordance with § 350-24D.

**§ 350-19. Height exceptions. [Amended 1-2-1980 by Ord. No. 80-1]**

District building height regulations shall not apply to commercial broadcasting, radio, citizen band or television antennas, spires or cupolas, chimneys, elevator or stair bulkheads, parapets or railings or any similar structures, provided that such structures in their aggregate coverage occupy no more than 10% of the roof area of the building. Height exceptions not covered by this section to be referred to the Planning Board for approval.

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**11. Editor's Note: Schedule III is included at the end of this chapter.**

**§ 350-20. Compliance with minimum average residential density.**

- A. In all districts where residences are permitted, a lot held in single ownership may be improved for residential use according to the minimum lot size per family and bulk regulations for each district as set forth in the Density Control Schedule, provided that there shall be no more than one principal building and use on each lot. If two or more principal residential structures are located on the same lot, the minimum average density requirement must be complied with. No more than one single-family detached house shall be permitted on a lot.
- B. A residential lot of required or larger than required size as set forth in this chapter shall not be reduced in size for transfer of ownership if such lot so subdivided will form two or more lots which shall not be in compliance with the requirements for the minimum average residential density for the district in which such lot or lots are situated.

**§ 350-21. Side yards for semidetached houses or townhouses.**

Side yards for semidetached houses or townhouses shall be required at the ends of the total structure only.

**§ 350-22. Distance between principal buildings on same lot.**

No detached principal building shall be closer to any other principal building on the same lot than the average heights of said buildings.

**§ 350-23. Handicapped ramps. [Added 5-5-1993 by Ord. No. 4-93]**

Handicapped ramps shall be exempt from setback requirements. However, handicapped ramps shall not encroach on any public way or adjoining lot. In no event shall handicapped ramps be constructed in such a manner as to create a hazard to the general public.

ARTICLE VI  
**Supplementary Regulations**

**§ 350-24. General provisions. [Amended effective 8-4-1971 by Ord. No. 71-15; 1-3-1973 by Ord No. 73-1; 2-6-1974 by Ord. No. 74-4; 7-3-1974 by Ord. No. 74-18; 7-3-1974 by Ord. No. 74-19; 12-3-1980 by Ord. No. 80-29; 6-2-1993 by Ord. No. 5-93]**

A. Excavations.

- (1) Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavations shall not create any noxious or injurious substance or condition or cause public hazard.
- (2) In any district, excavation relating to the construction, on the same lot, of a building or structure for which a building permit has been issued shall be permitted. In the event that construction of a building or structure is stopped prior to completion and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials, and any excavation with a depth greater than two feet below existing grade shall immediately be filled in and the topsoil replaced, or all such excavations shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area in which the excavation is located.

B. Activity standards. In any district, the following standards for activities shall apply:

- (1) No offensive or objectionable vibration, odor, or glare shall be noticeable at or beyond the property line.
- (2) No activity shall create a physical hazard by reason of fire, explosion, radiation, or other such cause to persons or property in the same or adjacent district.
- (3) There shall be no discharge of any liquid or solid waste into any stream or body of water or any public or private disposal system or into the ground of any materials or nature that may contaminate any water supply, including groundwater supply.
- (4) There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin or endangers health in any way.
- (5) The emission of smoke, fly ash, or dust which can cause damage to the health of person, animals, or plant life or to other forms of property shall be prohibited.

C. Planned new streets. After the planned right-of-way line for future streets, for future extensions of existing streets, or for future street

widening is established on the Official Map, if any, buildings and structures shall be set back from such line as though it were a street line.

D. Accessory buildings and uses.

- (1) Accessory buildings not attached to principal buildings shall be located no closer to the principal building than 12 feet or a distance equal to the height of each accessory building, whichever is greater. Such accessory buildings shall be located no closer than four feet to any side or rear property line.
- (2) A detached garage shall be deemed to be an accessory building; provided, however, that a detached garage shall be located no closer than six feet to any side or rear property line.
- (3) Accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be located no closer than 10 feet to any rear or side property line, except that no such use shall be constructed in the front yard of any lot. Such uses shall also conform to any regulations provided elsewhere in this chapter for said uses.

E. Fences, hedges and walls.

- (1) In any residence district, 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 E(4) hereinbelow; provided, however, that 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.
- (2) In any business or industrial district there shall be no height restriction on fences, hedges or walls except as provided in Subsection E(4) hereinbelow, and except that on a boundary line between a business or industrial district and a residence district fences, hedges or walls shall be limited to eight feet in height, and, except where corner clearances are required by Subsection E(4) hereinbelow, no fence, hedge or wall in excess of three feet in height shall be constructed, maintained or permitted within 30 feet of the curblin.
- (3) In any industrial district, property that is adjacent to a residential or business district shall be provided, along such property lines, with a wall, fence, compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge not less than six feet in height. Where a front yard

adjoins a street, the wall, fence, or hedge shall be located no closer to the street than the depth of the required yard.

- (4) For the purpose of minimizing traffic hazards at street intersections, no fence, hedge, wall or other obstruction of a height greater than 2 1/2 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.
  - (5) No gate shall be placed, erected or maintained which shall swing outward over any sidewalk within the City.
  - (6) 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.
  - (7) In any business district, the owners of property that is adjacent to a residential district shall cause the property line adjacent to such a residential district to be properly landscaped so as to reasonably protect the residential character of such district. All such landscaping must be approved by the Planning Board of the City of Geneva.
- F. Commercial parking lots. Commercial parking lots shall comply with the provisions of § 350-25.
- G. Residential storage facility. In any residential district the utilization of any residence, apartment building or townhouse exclusively for storage or warehouse purposes only is prohibited.

**§ 350-25. Off-street parking and loading regulations. [Amended 3-7-1973 by Ord. No. 4-1973; 2-6-1974 by Ord. No. 2-1974; 5-5-1982 by Ord. No. 21-1982; 6-3-1992 by Ord. No. 8-1992; 12-2-1992 by Ord. No. 13-1992; 11-3-1993 by Ord. No. 17-1993; 2-18-1997 by Ord. No. 3-1997; 9-2-1998 by Ord. No. 11-1998; 2-3-1999 by Ord. No. 2-1999]**

- A. Required off-street automobile parking spaces. The minimum cumulative number of off-street parking spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees and/or seats contained in such new buildings or structures, or added by alteration of existing buildings or structures, and such minimum number of off-street parking spaces shall be maintained by the owners of such buildings or structures, as follows:

<b>Permitted Uses</b>	<b>Minimum Spaces Required</b>
Detached single-family residential dwellings	1 per dwelling unit
Two-family residential dwellings	1 per dwelling unit
Multiple-family residential dwellings	1 per dwelling unit
Boardinghouses	1 per bedroom
Funeral homes	1 per 5 seats of seating capacity
Churches, synagogues or other places of worship, including parish houses and convents	1 per 6 seats of seating capacity
Public utility services for the immediate vicinity, including only minor structures totaling not more than 500 square feet in area	0
Garages no more than 500 feet in area	0
Home occupations as defined in § 350-2	1 per employee
Storage buildings or sheds not more than 200 square feet in area	0
Swimming pools, including decks attached thereto	0
Cultural facilities, such as libraries, art galleries and museums	1 per 800 square feet of floor area
Bed-and-breakfasts	1 per guest room, plus 1
Day-care centers	1 per employee (maximum shift), plus 1 per 10 children
Garages more than 500 feet in area, unless accessory to a building consisting of 3 or more dwelling units, except that all garages over 1,000 feet in area shall require a special use permit	To be determined as a condition of the special use permit
Lodges and fraternal organizations	1 per 6 seats of seating capacity
Public, private and not-for-profit recreational and educational facilities	1 per employee (maximum shift), plus 1 per 10 children or other enrollees
Banks	1 per 400 square feet of floor area

<b>Permitted Uses</b>	<b>Minimum Spaces Required</b>
Banks, drive-in	4 (in a waiting line) per teller window or ATM
Bowling alleys	3 per lane
Dance halls	1 per 6 occupants, based on posted permitted capacity
Convenience stores	1 per 300 square feet of floor area
Government and public facilities	1 per 400 square feet of floor area
Health-care services and clinics, ambulatory	1 per 400 square feet of floor area
Newspaper offices, including printing operations accessory thereto	1 per 400 square feet of floor area
Offices, single-use, either public, general or professional	1 per 400 square feet of floor area
Personal services, such as beauty and barber shops, seamstresses, tailors, shoe repair, florists and laundromats and dry cleaners	1 per 300 square feet of floor area
Printing shops not more than 7,000 square feet in area	1 per 1,000 square feet of floor area
Restaurants	1 per 6 occupants, based on posted permitted capacity
Retail businesses or services, single-use	1 per 300 square feet of floor area
Retail businesses or services more than 5,000 square feet in area	1 per 400 square feet of floor area, plus 1 per employee (maximum shift)
Skating rinks	1 per 250 square feet of floor area
Theaters or concert halls	1 per 6 seats of seating capacity
Apartments, either one-bedroom or studio, except on the ground floor	1 per dwelling unit
Automobile storage in an enclosed facility	1 per 2,000 square feet
Motor vehicle salesrooms and/or repair shops	1 per service bay (which bay shall not count as a space), plus 1 per 2,000 square feet, plus 1 per employee (maximum shift)

<b>Permitted Uses</b>	<b>Minimum Spaces Required</b>
Bars or nightclubs	1 per 6 occupants, based on posted permitted capacity
Hotels	1 per guest room
Post offices	1 per 300 square feet of floor area
Shopping centers	1 per 300 square feet of floor area, except places of public assembly shall be calculated at a rate of 1 per 6 occupants, based on posted permitted capacity
Veterinary offices and animal hospitals, including kennel (boarding) facilities	1 per 500 square feet, plus 1 per employee (maximum shift)
Warehousing and distribution	1 per 10,000 square feet, plus 1 per employee (maximum shift)
Wholesale businesses	1 per 10,000 square feet, plus 1 per employee (maximum shift)
Light industrial uses, such as light assembly, research and development facilities and warehousing without distribution, occupying no more than 30,000 square feet, as the same are further defined in § 350-2	1 per 5,000 square feet of floor area, plus 1 per employee (maximum shift)
Bus stations Motor vehicle service stations	1 per 300 square feet of floor area, plus 1 per employee (maximum shift) 1 per fuel pump, plus 1 per employee (maximum shift)
Agricultural uses, such as farms, greenhouses, nurseries and gardens	1 per 5,000 square feet of floor area, plus 1 per employee (maximum shift)
Gymnasiums and related athletic facilities	1 per 200 square feet of floor area, or 1 per 6 seats of capacity, whichever is less
Hospitals	1 per 4 beds, plus 1 per employee (maximum shift)
Institutions of higher learning (where other use descriptions do not apply)	1 per 200 square feet of floor area, or 1 per 6 seats of seating capacity, whichever is greater
Nursing homes	1 per 4 beds, plus 1 per employee (maximum shift)

<b>Permitted Uses</b>	<b>Minimum Spaces Required</b>
Research and development facilities	1 per 1,000 square feet of floor area, plus 1 per employee (maximum shift)
Residential dwellings/dormitories	1 per dwelling unit or, in dormitories, 1 per bedroom
Printing shops	1 per 1,000 square feet of floor area, plus 1 per employee (maximum shift)
Railroad facilities, including tracks, terminals, yards and equipment-servicing facilities	1 per 5,000 square feet of floor area, plus 1 per employee (maximum shift)
Open (outdoor) storage areas accessory to a use on the same lot	1 per employee (maximum shift)
Manufacturing facilities, including the processing, manufacture, fabrication, extraction, assembly, packaging, warehousing and/or other handling of materials, components and/or products from previously manufactured materials and/or raw materials, in compliance with §§ 350-24B and 350-26, excluding prohibited industrial uses listed in § 350-7, not more than 30,000 square feet in area	1 per 5,000 square feet of floor area, plus 1 per employee (maximum shift)
Recycling centers and stations	1 per 5,000 square feet of floor area, plus 1 per employee (maximum shift)
Transportation and trucking facilities	1 per 5,000 square feet of floor area, plus 1 per employee (maximum shift)
Adult use establishments	1 per 200 square feet of floor area, or 1 per 6 occupants, based on posted permitted capacity, whichever is greater

B. Additional requirements.

- (1) For uses not listed in Subsection A above, requirements shall be as established by the Planning Board, if Planning Board review is required, or otherwise by the Zoning Board of Appeals.
- (2) For uses within the B2 Business District and the boundaries of the Business Improvement District, spaces in municipal parking lots,

where provided, may be credited toward 100% of the parking and truck loading requirements of any permitted use, provided that:

- (a) In the case of new construction, the size of the area of the use shall be less 5,000 square feet.
  - (b) In the case of rehabilitation or redevelopment of an existing building, the size of the area of the use shall be less than 10,000 square feet.
  - (c) For uses over the thresholds established in Subsection B(2)(a) and (b) above, as an alternative to providing the required parking and truck loading spaces, a development fee equal to 1/2 of 1% of the total project cost may be contributed by the developer to a dedicated fund for the purpose of acquiring and constructing additional municipal parking. Said contribution shall be subject to the approval of the City Council, which may in its discretion accept such a contribution but shall not be required to do so.
- (3) Required off-street automobile parking spaces for nonpermitted uses requiring a variance from this chapter will be established by the Zoning Board of Appeals as a condition of any variance granted.
  - (4) Calculation of required spaces. In the case of a combination of uses, the total requirements for off-street auto parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use and/or shift employment would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.
- C. Dimensions of off-street automobile parking spaces. Off-street automobile parking spaces shall be no smaller than nine feet by 18 feet. Every such space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:
- (1) Parallel curb parking: five feet end to end, with an aisle width of 12 feet for one-directional flow and an aisle width of 24 feet for two-directional flow.
  - (2) Thirty-degree parking: an aisle width of 13 feet for one-directional flow and an aisle width of 26 feet for two-directional flow.
  - (3) Forty-five-degree parking: an aisle width of 16 feet for one-directional flow and an aisle width of 26 feet for two-directional flow.
  - (4) Sixty-degree parking: an aisle width of 21 feet for one-directional flow and an aisle width of 26 feet for two-directional flow.
  - (5) Perpendicular parking: an aisle width of 26 feet for one-directional and two-directional flow.

## D. Location of required spaces.

- (1) In any residential district, required automobile parking spaces shall be provided on a buildable portion (taking into account the required setbacks) of the same lot or an immediately adjacent lot.
- (2) In all other districts, such spaces shall be provided on the same lot or not more than 500 feet therefrom.
- (3) No open or enclosed parking area shall encroach on any required front yard or required open areas. Open parking may encroach on a required side or rear yard to within three feet of a property line.
- (4) No entrance and exit drives connecting the parking area and the street shall be permitted within 25 feet of the intersection of two public rights-of-way.
- (5) In all multiple-residential, commercial and industrial developments, entrance/exit drives connecting a parking area to a street, and private roads connecting any part of a multiple-residential, commercial or industrial development to a street, must be at least 26 feet wide. All drives and roads must be paved.

## E. Required off-street truck loading areas.

- (1) Off-street truck loading areas shall be required as follows:
  - (a) For permitted general uses, one berth shall be required for 10,000 square feet to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.
  - (b) For funeral homes, one berth for each chapel.
  - (c) For hotels, motels and vacation resorts, one berth for floor area in excess of 10,000 square feet.
  - (d) For retail and commercial uses, one berth for 10,000 square feet to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area.
  - (e) For manufacturing and permitted industrial uses, one berth for the first 10,000 square feet of floor area, and one additional berth for each additional 40,000 square feet of floor area.
- (2) Dimensions for off-street loading berths. Each required loading berth shall have the following minimum dimensions: 35 feet long, 12 feet wide and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and eight feet high.
- (3) Location of required berths. All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any

required front or side yard, accessway or off-street parking area, except that in business districts off-street parking areas, where they exist, may be used for loading and unloading, provided that such spaces shall not be so used for more than three hours during the daily period that the establishment is open for business. Within the F1 Industrial District (Geneva Industrial Park), off-street loading areas shall be permitted to be located within the required front or side yard.

F. Construction and landscaping of parking areas.

- (1) Parking areas shall be paved with an all-weather surface of asphalt or concrete. The individual spaces shall be visibly marked with paint or other durable material no less than four inches in width.
- (2) At least 8% of the area of the lot usable for a parking area [the lot area, minus the square footage taken by the required setbacks and minus the area taken by the building(s) footprint, times .08] shall be devoted to landscaping with lawn, trees, shrubs or other plant materials. All loading berths and parking areas of three or more spaces that abut or are directly across the street from a residential property or any property within a residential district, and any parking areas of more than 20 cars, shall be properly screened by any one of the following:
  - (a) A solid masonry wall a minimum of four feet high, where the same is not otherwise prohibited by § 350-24 of this chapter.
  - (b) A visually opaque fence (in no case of chain link material) a minimum of four feet high, where the same is not otherwise prohibited by § 350-24 of this chapter.
  - (c) A continuous and compact evergreen hedge, or landscaped strip of evergreen trees and shrubs, so designed as to form a continuous visual screen when viewed from the adjoining property at any time of the year. Said screen shall be a minimum of four feet high at the time of planting and shall consist of plants no more than three feet apart, on center.
  - (d) Some combination of visual screening as provided in Subsection F(2)(a), (b) and (c) above. In no case shall a berm of any dimension or height be used to satisfy the maximum height requirements.
- (3) All parking areas and landscaping shall be properly maintained thereafter in a sightly and well-kept condition.
- (4) All of the above requirements shall be met prior to the issuance of a certificate of occupancy and commencement of the use, or, in the event that weather or other circumstance makes this impossible, the property owner shall post a bond or letter of credit, in form acceptable to the City Attorney, for an amount sufficient to ensure

completion of the work, prior to the issuance of a certificate of occupancy and commencement of the use. No part of said bond or letter of credit shall be refunded until such time as all work has been completed.

**§ 350-26. Industrial district regulations.**

The enforcement officer shall not issue a permit for the development of a parcel of land for industrial use until after a public notice and hearing before and approval by the Planning Board, and every industrial development shall be subject to the following conditions:

A. Use regulations.

(1) Permitted uses:

- (a) Any use permitted by right in the F and F1 Industrial Districts.
- (b) Any use permitted by special permit in the F and F1 Industrial Districts subject to the favorable approval thereof by the Board of Appeals. **[Amended 5-6-1981 by Ord. No. 10-1981]**

(2) Prohibited uses:

- (a) Residential uses, except dwellings of caretakers. Any and all residential uses made and permitted prior to the establishment of such F or F1 Industrial District in accordance with this section shall be allowed to continue as so permitted heretobefore. **[Amended 5-6-1981 by Ord. No. 12-1981]**
- (b) All prohibited industrial uses as so listed in § 350-7.
- (c) Any use, although expressly allowed as a permitted use, shall be prohibited if the particular application or adaptation of such use is or shall become or cause a nuisance.

B. Performance standards.

(1) General standards. The following general standards are hereby adopted for the control of uses in any industrial district, and no use shall be permitted, established, maintained or conducted therein which shall cause or be likely to cause:

- (a) Excessive smoke, fumes, gas, dust, odor or any other atmosphere pollutant beyond the boundaries of the lot whereon such use is located. What smoke is excessive shall be determined according to the Ringelmann Scale for Grading the Density of Smoke, published by the United States Bureau of Mines, when the shade or appearance of such smoke is darker than No. 2 on said Ringelmann Smoke Chart.
- (b) Noise perceptible beyond the boundaries of the lot occupied by such use causing the same.

- (c) Any pollution by discharge of any waste material whatsoever into any watercourse, open ditch or land surface.
  - (d) Discharge of any waste material whatsoever into any sanitary disposal system or sewerage system, except only in accordance with the rules of and under the control of public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Director of Public Works, shall not be discharged into any municipal system and must be treated by the industrial use.
  - (e) Storage or stocking of any waste materials whatsoever.
  - (f) Glare or vibration perceptible beyond the lot lines whereon such use is conducted.
  - (g) Hazard to person or property by reason of fire, explosion, radiation or other cause.
  - (h) Any other nuisance harmful to persons or property.
- (2) Specific standards. The following specific standards are hereby adopted and must be complied with for and by any use in any industrial district and before the same is permitted, established, maintained or conducted: **[Amended effective 7-3-1974 by Ord. No. 74-18]**
- (a) Storage facilities. Materials, supplies, or semifinished products shall be stored on the rear 1/2 of the property and shall be screened from any existing or proposed street.
  - (b) Loading docks. No loading docks shall be on any street frontage. Provisions for handling of all freight shall be on those sides of any building which do not face on any street or proposed streets. This requirement shall not apply within the F1 Industrial District (Geneva Industrial Park). **[Amended 9-2-1998 by Ord. No. 98-11]**
  - (c) Landscaping. It is hereby declared that all areas of the plot not occupied by buildings, parking, driveways or walkways or storage shall be landscaped attractively with lawn, trees, shrubs or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and the nature and condition of the terrain as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.
  - (d) Off-street parking and loading. Refer to § 350-25.
  - (e) Signs. Refer to § 350-30.

- (f) Buffer strip. In addition to the fences and walls, the entire district must be separated along its outside boundary from any adjoining residential zones by a buffer strip, suitably landscaped, at least 100 feet wide.
- (3) Proper and adequate water supply, sewage and waste disposal, other utility services, and accessibility to and from public streets must be provided.
- (4) Special consideration must be given to the traffic generated by each proposed use in an industrial district, and no undue traffic volumes shall be permitted on residential streets. Such data is to be submitted with each application. No access drive for any F District shall be within 300 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 access drive and such building or use.
- C. Area and bulk regulation. Area and bulk requirements shall be in compliance with those for the F or F1 District as set forth in the Density Control Schedule of this chapter.<sup>12</sup> **[Amended effective 5-6-1981 by Ord. No. 81-12]**
- D. Additional conditions prescribed by Planning Board. The Planning Board, upon review of the proposed development, may prescribe such additional conditions as are in its opinion necessary to secure the objectives of this chapter.

**§ 350-26.1. College-Residential District regulations. [Added 11-7-2001 by Ord. No. 5-2001]**

- A. Purpose. This district is intended to protect surrounding residential and commercial uses from the impacts of Hobart and William Smith Colleges uses and expansion, and to provide for the orderly, rational, and predictable expansion of Hobart and William Smith Colleges and affiliated organizations and institutions. These objectives are derived from the larger goals of conserving the value of land and buildings in the City of Geneva, and thus protecting the City's tax base.
- B. The following principal uses are permitted:
  - Administrative and faculty offices
  - Bed-and-breakfast businesses, meeting the definition of and requirements for a boardinghouse
  - Cafeterias for student, faculty, and staff use
  - Churches, synagogues, or other places of worship, including parish houses and convents

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**12. Editor's Note: Schedule III, Density Control Schedule, is included at the end of this chapter.**

Concert halls  
Cultural facilities such as libraries, art galleries, and museums  
Detached single-family residential dwellings  
Gymnasiums and related athletic facilities  
Health-care services and clinics serving students of the colleges  
Instructional facilities, including classrooms, lecture halls, drafting and art studios, laboratories, and greenhouses  
Multiple-family residential dwellings  
Public utility services for the immediate vicinity, including only minor structures not more than 500 square feet in area  
Student and faculty centers, including other uses directly associated with or complementary to college operations, such as college bookstores  
Student housing, including dormitories and college fraternities and sororities  
Theaters  
Two-family residential dwellings

C. The following accessory uses are permitted:

Day-care facilities  
Garages not more than 500 square feet in area  
Home occupations (Type I and Type II), as defined in § 350-2  
Storage buildings or sheds not more than 1,000 square feet in area  
Surface parking, subject to the applicable requirements of § 350-25 of this chapter.

D. The following uses shall require a special use permit:

Garages and parking structures more than 500 square feet in area  
Storage buildings or sheds more than 1,000 square feet in area  
Uses similar in purpose and scale to those permitted, but not specifically identified

E. Uses not permitted above are prohibited.

F. Dimensions:

- (1) Where the property abuts a public right-of-way, the minimum front setback shall be 25 feet.
- (2) Where the property abuts any adjacent zoning district, the minimum setback from the boundaries of said adjacent district shall be 40 feet or the height of the building, whichever is greater; however, this restriction shall not apply in the case of the boundary

of an overlay district such as the South Main Street-Pulteney Park Historic District.

- (3) Within 100 feet of a non-college-related residential use:
    - (a) The minimum rear yard setback shall be 40 feet.
    - (b) The minimum side yard setback shall be 12 feet or 1/2 of the height of the building, whichever is greater.
    - (c) The maximum lot coverage shall be 50%.
    - (d) The maximum height shall be four stories, but in no case more than 45 feet.
  - (4) Maximum height shall be six stories, but in no case more than 75 feet, except as described in Subsection F(3)(d) above.
  - (5) Additional dimensional requirements may be determined as part of the site plan review process. This process shall be governed by the goal of creating a campus 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.
- G. Site plan review shall be required as provided in § 350-44 of this chapter.
- H. Architectural review shall be required as provided in § 350-45 of this chapter.
- I. The number, arrangement, and buffering for off-street parking spaces shall comply with the applicable parking and loading requirements specified in § 350-25 of this chapter. It is the express intention of this district to allow required parking to be provided off-site, where determined to be appropriate by the Planning Board as part of site plan review.
- J. Signs shall not be erected without first obtaining a building permit and shall comply with the requirements in § 350-30 of this chapter.
- K. Fences, landscaping and buffering shall comply with all applicable requirements specified in §§ 350-24, 350-25, and 350-25.2 (buffers) of this chapter.
- L. Hobart and William Smith Colleges shall submit a campus plan indicating current and proposed uses to City Council and file this plan with the City Clerk. Permit applications for uses that are not in keeping with the plan shall require the colleges to revise the plan on file.
- M. Lighting design shall comply with the following requirements.
- (1) Exterior offset illumination of facades and landscape elements is encouraged. However, any building or landscape illumination

should be direct so that there is no overspill to adjacent buildings or properties.

- (2) The placement of freestanding lighting fixtures shall be in accordance with all required setbacks.
- N. 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, cold, glare, or night illumination. 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.

**§ 350-26.2. Historic-Residential District regulations. [Added 11-7-2001 by Ord. No. 5-2001]**

- A. Purpose. This district is intended to emphasize the role of private investment in historic preservation efforts by allowing mixed uses to create the most economically viable environment in which to maintain and/or improve upon the unique character of Geneva's historic districts.
- B. The following principal uses are permitted:
- Administrative and faculty offices
  - Bed-and-breakfast businesses, occupying not more than 6,000 square feet in area, or the existing building area, whichever is smaller, and meeting the definition of and requirements for a boardinghouse
  - Cafeterias for student, faculty, and staff use
  - Churches, synagogues, or other places of worship, including parish houses and convents
  - Concert halls
  - Cultural facilities such as libraries, art galleries, and museums
  - Detached single-family residential dwellings
  - Gymnasiums and related athletic facilities
  - Health-care services and clinics serving students of the colleges
  - Instructional facilities, including classrooms, lecture halls, drafting and art studios, laboratories, and greenhouses
  - Multiple-family residential dwellings
  - Public utility services for the immediate vicinity, including only minor structures not more than 500 square feet in area
  - Student and faculty centers, including other uses directly associated with or complementary to college operations, such as college bookstores

Student housing, including dormitories and college fraternities and sororities

Theaters

Two-family residential dwellings

C. The following accessory uses are permitted:

Day-care facilities

Garages not more than 500 square feet in area

Home occupations (Type I and Type II), as defined in § 350-2

Parking for not more than two vehicles

Storage buildings or sheds not more than 1,000 square feet in area

D. The following uses shall require a special use permit:

Garages and parking structures more than 500 square feet in area

Professional offices, occupying not more than 6,000 square feet in area, or the existing building area, whichever is smaller

Storage buildings or sheds more than 1,000 square feet in area

Surface parking consisting of three or more parking spaces, subject to the applicable requirements of § 350-25 of this chapter

Uses similar in purpose and scale to those permitted, but not specifically identified

E. Uses not permitted above are prohibited.

F. Dimensions:

(1) Where the property abuts a public right-of-way, the minimum front setback shall be 25 feet.

(2) Lot area and setbacks:

(a) The minimum lot area shall be 9,240 square feet.

(b) The minimum lot width at the building line shall be 70 feet.

(c) The minimum rear yard setback shall be 40 feet.

(d) The minimum side yard setback shall be 12 feet or 1/2 of the height of the building whichever is greater.

(e) The maximum lot coverage shall be 50%.

(f) The maximum height shall be four stories, but in no case more than 45 feet.

(3) Additional dimensional requirements may be determined as part of the site plan review process. 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.

- G. Site plan review shall be required as provided in § 350-44 of this chapter.
- H. Architectural review shall be required as provided in § 350-45 of this chapter. In the event that architectural review is required, review by the Historic Districts and Structures Commission shall take place before the Planning Board's architectural review.
- I. The number, arrangement, and buffering for off-street parking spaces shall comply with the applicable parking and loading requirements specified in § 350-25 of this chapter. It is the express intention of this district to allow required parking to be provided off-site, where determined to be appropriate by the Planning Board as part of site plan review.
- J. Signs shall not be erected without first obtaining a building permit and shall comply with the requirements in § 350-30 of this chapter.
- K. Fences, landscaping and buffering shall comply with all applicable requirements specified in §§ 350-24, 350-25, and 350-25.2 (buffers) of this chapter.
- L. Lighting design shall comply with the following requirements:
  - (1) Exterior offset illumination of facades and landscape elements is encouraged. However, any building or landscape illumination should be direct so that there is no overspill to adjacent buildings or properties.
  - (2) The placement of freestanding lighting fixtures shall be in accordance with all required setbacks.
- M. 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, cold, glare, or night illumination. 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.

**§ 350-26.3. Agricultural Technology District. [Added 11-20-2002 by L.L. No. 5-2002]**

- 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 the New York State Agricultural Experiment Station. The district is intended to facilitate the reconfiguration of the Agricultural Experiment Station 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., the Agricultural Experiment Station, or related activities of its parent institution, Cornell University.

B. The following principal uses are permitted:

- (1) Agricultural uses, such as greenhouses, but excluding facilities for livestock, and excluding (on-site) outdoor crop cultivation, subject to the nuisance regulations stipulated in Subsection N below.
- (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 § 350-7, and subject to the nuisance regulations stipulated in Subsection N below.
- (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. The following accessory uses are permitted:

- (1) Surface parking, subject to the applicable requirements of § 350-25 of this chapter. No farm or agriculture-related vehicle or equipment

(including tractors, cultivators, sprayers, and similar equipment) may be parked in this district.

- D. The following uses shall require a special use permit:
- (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.
- E. Uses not permitted above are prohibited.
- F. Dimensions.
- (1) Where the AT District abuts an adjacent district (other than the New York State Agriculture Experiment Station) on a side or rear lot line, the minimum setback shall be 150 feet.
  - (2) Where the AT District abuts the New York State Agriculture Experiment Station, 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 the New York State Agriculture Experiment Station, the minimum setback shall be 75 feet.
  - (4) The minimum setback for interior public roads, excluding roads or driveways at the New York State Agriculture Experiment Station, 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, air-handling units or other building appurtenances.
  - (7) Additional dimensional requirements may be determined as part of the site 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. Site plan review shall be required as provided in § 350-44 of this chapter.

- H. Architectural review shall be required as provided in § 350-45 of this chapter. In addition to the applicable design guidelines in § 350-45, buildings must comply with the following regulations:
- (1) 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.
  - (2) 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.
  - (3) Buildings should be well-designed and visually interesting in terms of both massing and detail.
    - (a) Unfenestrated walls are not permitted and shall be disallowed by the Planning Board during architectural review.
    - (b) Stepped-back buildings and modulated rootlines are encouraged.
    - (c) Flat roofs are not permitted.
    - (d) Building entries shall be clearly visible and readily obvious to the first-time visitor.
  - (4) Prefabricated metal buildings are not permitted.
  - (5) 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.
- I. The number, arrangement, and buffering for off-street parking spaces shall comply with the applicable parking and loading requirements specified in § 350-25 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. 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. 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 City of Geneva Planning Board.
- J. Signs shall not be erected without first obtaining a building permit and shall comply with the following requirements:
- (1) 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) Dimension and number of signs.
  - (a) One freestanding identification and/or directional sign no greater than 40 square feet in area is permitted at each primary entrance to the Cornell Agriculture and Food Technology Park.
  - (b) One freestanding identification sign not greater than 24 square feet in area is permitted per building.
  - (c) In addition to the one freestanding sign permitted per building, a facade-mounted identification sign, no more than 12 square feet in area, and not projecting above the roofline, is allowed for each use in each building. There may be no more than one facade-mounted identification sign on each facade. If there is more than one use in a building to be identified on a single facade, the facade-mounted sign may be up to, but not exceeding 15 square feet in area. This facade-mounted sign shall be flush to the facade.
- (3) Location of signs.
  - (a) Signs shall not extend more than six feet above the ground level, or eight feet above ground level for joint identification signs and district entrance signs.
  - (b) No sign, except publicly owned signs, shall be placed in or project into the public right-of-way.
  - (c) The minimum front setback for freestanding signs shall be 10 feet from any exterior or interior roadway, loading area, or driveway.
  - (d) Banners, canopies, marquees, and roof signs are not permitted.
- (4) Materials and lighting of signs.
  - (a) Self-illuminated signs are not permitted.
  - (b) Signs shall be front lit by offset lighting only.
  - (c) Permitted materials are wood, stone, etched brass and enameled metal.
- K. Fences, landscaping and buffering shall comply with all applicable requirements specified in §§ 350-24, 350-25, and 350-26B(2)(f) (buffers) of this chapter.

- L. The Cornell Agriculture and Food Technology Park shall submit a campus plan indicating current and proposed uses, including a site 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.
- M. Lighting design shall comply with the following requirements.
- (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.
- N. 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.

(6) And such other local, state and federal regulations as may be applicable.

O. 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.

### **§ 350-27. Procedure for rezoning.**

A. Filing of application. Application for rezoning the classification of a site shall be filed by the owner, or several owners jointly, or the holder of a written option to purchase the site with the City Clerk in writing in a form required by the City Council and shall be accompanied by a certified check in the amount of \$50 to help defray the cost of advertising the hearing on said petition and incidental disbursements. The applicant shall also submit the following:

(1) A plan of the site and surrounding areas drawn to scale and accurately dimensioned, showing the location of existing and proposed land use areas, lots, buildings, structures, parking and loading areas and access roads and streets, community facilities and topography.

(2) The use and height of each proposed building or structure, yard lines, lot coverage, and the number of parking spaces in each proposed parking area and the expected flow of traffic in and out of the area.

(3) Any additional data as may be requested by the Planning Board in order to determine the suitability of the tract for the proposed development.

B. Referral to Planning Board. Each application shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the City Council, accompanied by a full statement of the reasons for such recommendations. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the City Council, the City Council may act without such report.

- C. Action by City Council. The City Council by resolution shall fix the time and place of a public hearing and cause notice thereof to be published in the official newspaper not less than 10 days prior to the date of the public hearing. All other procedures before the City Council shall be conducted in accordance with the provisions of the Geneva City Charter, the General City Law and all other applicable laws.

**§ 350-28. Motor vehicle service stations.**

In any district where permitted, a motor vehicle service station shall be subject to the following regulations:

- A. Service stations shall be permitted only on lots of 10,000 square feet or more, with 100 feet minimum frontage.
- B. The area for use by motor vehicles, except access drives thereto, as well as any structures shall not encroach on any required yard area.
- C. 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.
- D. 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.
- E. All repair work and storage shall be within a completely enclosed building which has a maximum height of 15 feet. Such repair work shall not include any body repair work or spray painting.

**§ 350-29. Adult use establishments. [Added 6-18-1996 by Ord. No. 96-3]**

In any district where permitted, adult use establishments shall be subject to the following regulations:

- A. Legislative findings; 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, morals 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. Such a use may not be established except in accordance with the provisions of the City of Geneva Municipal Code, and subject to the following conditions and criteria, which shall be in addition to and supplementary to those matters which the Planning Board is to consider in reviewing a site plan application under § 350-44 of this chapter, and which shall also be in addition to and supplementary to those matters which the Zoning Board of Appeals is to consider in reviewing a special use permit application under § 350-53 of this chapter.
- C. Such a use shall be permitted only on lots of two acres or more.
- D. Such a use may not be established or maintained within 500 feet of:
- (1) A church, synagogue or regular place of worship.
  - (2) A public or private elementary or secondary school.
  - (3) Any child-care institution or day-care center, as defined herein and in the Education Law.
  - (4) A residence, or the boundary of any residential zoning district.
  - (5) A public park, playground, playing field, governmental office or facility or other similar area where large numbers of persons may travel or congregate.
  - (6) A municipal boundary.
- E. No two adult use establishments may be established or maintained within 1,000 feet of each other.

- F. Only one such use may be established or maintained on any lot or in any building or structure.
- G. 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, as listed in Subsection D(1) through (6) above, provided that for purposes of Subsection E above, 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.
- H. All such 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.
  - (4) Shall provide for the parking of vehicles on the site only during the hours of operation and shall provide for a parking space for each and every employee, in addition to those parking requirements specified in § 350-25.
  - (5) Shall provide for no more than a single building-mounted sign, no larger than 30 square feet, that shall identify only the name of the establishment and shall contain no graphic representation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas.
- I. Final approval by the Zoning Board of Appeals 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 site plan application for such a use.
- J. Inspection requirements.

- (1) 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.
- (2) The New York State Health Department, Fire Department, Code Enforcement Office, Fire Marshal and other code enforcement officials shall complete their certification that the premises is in compliance, or not in compliance, within 20 days of the inspection of the premises by such officials. The certification shall be promptly presented to the Code Enforcement Office and shall be a precondition to the issuance of any certificate of occupancy, certificate of compliance or any other certificate evidencing conformance with governmental laws, regulations, codes, rules or requirements.
- (3) An applicant, or permittee and/or licensee, shall permit representatives of the Police Department, New York State Health Department, Fire Department, Code Enforcement Office, or other City or county departments or agencies to inspect the premises of an adult use establishment for the purpose of ensuring compliance with applicable laws, rules and regulations at any time it is occupied or open for business.
- (4) While code enforcement officials shall have the right to inspect the premises for the purpose of ensuring compliance with all applicable laws, rules and regulations, the owner, agent or person in charge thereof shall have the right to insist upon the procurement of a search warrant from a court of competent jurisdiction in order to enable such inspection. The officials charged with conducting the inspection pursuant to this article shall be required to obtain a search warrant whenever an owner, agent or person in charge refuses to permit a warrantless inspection of the premises after having been advised that he or she has a constitutional right to refuse entry of the officials without a search warrant.

K. Penalties for offenses; enforcement.

- (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 K(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.

### **§ 350-30. Sign regulations.**

No sign or other device for advertising purpose of any kind may be erected or established in the municipality except and provided as follows:

- A. Signs in residential districts. No sign or other device for advertising purposes of any kind may be erected or established in any residential district except and provided as follows:
  - (1) Permitted nonresidential uses and legal nonconforming nonresidential uses, but not including home occupations or day nurseries, may display signs pertaining to the use of property having an aggregate total face area of not more than 30 square feet and not projecting beyond the principal building of such use to which they are attached more than 24 inches, except that where such nonresidential uses are set back from property lines, one sign may be erected in the ground, provided that such ground signs shall not exceed 15 square feet in total face area, shall not exceed five feet in height, shall be parallel to the lot frontage and shall be no nearer than 10 feet to any property line. If such freestanding signs face substantially at right angles to the road and/or display in more than one direction, they shall have a face area of not more than eight square feet per side, with no more than two sides.
  - (2) Dwellings for five or more families may display nonilluminated signs identifying the premises, having an aggregate total face of not more than 12 square feet, and not projecting beyond the principal building on the lot more than 24 inches.
  - (3) Any dwelling unit in a detached, attached or townhouse structure may display one name or professional sign not exceeding four square feet in area.
  - (4) Any boardinghouse may display one sign not exceeding five square feet in area and not projecting more than 24 inches from the principal building on the lot.
- B. Signs in B1, B2 and H Districts and F and F1 Industrial Districts. Two signs having an aggregate total face area of not more than 100 square feet may be displayed for each establishment, provided that such signs shall be located no nearer than 10 feet to any property line and

provided further that such signs shall not extend more than 20 feet above ground level or more than five feet above the height of the roof of a building at the point of location of the sign, whichever is less restrictive. **[Amended effective 5-6-1981 by Ord. No. 81-9]**

- C. Representational signs. No representational sign shall be permitted in any district except such sign as shall be approved by the Planning Board. Further, such sign shall not project more than five feet beyond the principal structure to which it is attached and shall not have a face area of more than 15 square feet. Only one such sign per establishment shall be permitted.
- D. Billboards. Notwithstanding any other provisions of this chapter, signs not pertaining to the use, sale, rent, or lease of property on the same lot, and signs not representing construction or subdivision activity as allowed, are not permitted in any district, except that signs for the purpose of directing persons to a local business or community establishment may be erected in any district, providing such signs shall not exceed four square feet in area per establishment, shall conform with applicable regulations of the district in which they are located, shall be grouped on community poles and shall be approved by the Planning Board.
- E. Projecting signs. Signs projecting into a public right-of-way shall have a clearance of not less than 10 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or thoroughfare. No sign may project into any public right-of-way without written approval from the Director of Public Works, pursuant to Chapter 288, Signs and Fire Escapes, of this Code. **[Amended effective 7-3-1974 by Ord. No. 74-20]**
- F. Subdivision signs. Any person offering lots of sale in a subdivision may erect nonilluminated directional signs within the limits of the subdivision, or adjoining property in the same ownership, having an aggregate total face area of not more than 50 square feet. The permit for such signs shall be issued for a period of one year and may be renewed for successive periods of one year each following a determination by the enforcement officer that the signs have been repainted or are in good condition in each case.
- G. Exemption from above regulations. The following are exempt from the above regulations:
  - (1) Real estate signs which advertise the sale, rental, or lease of the premises upon which said signs are located, having an aggregate total face of not more than six square feet, within any residential, business and highway districts, or not more than 20 square feet within any industrial district.

- (2) One professional or business nameplate not exceeding four square feet in area for any one professional or business establishment where such signs would not otherwise be a permitted use.
  - (3) One sign denoting the architect, engineer, and/or contractor when placed upon work under construction and not exceeding 24 square feet in area.
  - (4) Memorial signs or tablets, names of buildings, and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material.
  - (5) Traffic or other municipal signs, legal notices, and such temporary, emergency, or nonadvertising signs as may be authorized by the enforcement officer.
  - (6) The use of sandwich board signage may be permitted by special use permit when the Planning Board determines that a business is located in a highly pedestrian-oriented location. The permit may be conditioned as determined appropriate by the Planning Board, but in no way (excepting zoning district) shall the regulations outlined in § 351-7 be further relaxed. **[Added 3-5-2014 by Ord. No. 1-2014]**
- H. Internal/external illuminated signs. **[Amended 12-24-1994 by Ord. No. 94-9]**
- (1) Internal illumination of signs shall be permitted by special use permit for properties along Hamilton Street in B1 and H Zones and in the Downtown Business Improvement District (BID) in the B2 Zone. No more than one internal illuminated sign shall be permitted for each business. Such signs shall contain the name of the business only; no product messages or slogans shall be permitted. All flashing signs shall be prohibited.
  - (2) In reviewing said application the Zoning Board of Appeals shall take into consideration various aspects of the sign, including but not limited to size; color; proximity to street; residences; businesses; height; intensity of lighting; other signage in the area; type of lighting; and materials used to construct the sign. In addition, internally illuminated signs should be low intensity, have dark or opaque backgrounds, be compatible with other neighborhood signs or architectural features of the surrounding area, not block the visibility of other signs or businesses and needed by the applicant business to assure reasonable visibility.
  - (3) External illumination of signs is permitted. Lighting shall, however, focus directly onto the sign and may not create a glare or reflection to such a degree that lighting shall become a nuisance or interfere with the public safety.

- (4) All signs permitted or allowed by special use permit shall be of a scale, color, texture, and materials that are compatible with the character of signage in the surrounding area and proportional in design with the building. Continuity among nearby signs shall be sought where possible.
  - (5) All signs permitted or allowed by special permit shall be generally consistent with the standards and design guidelines in §§ 350-9I(6) and 350-14E.
  - (6) Application is incomplete if the proposed sign does not meet the criteria in this section or the standards and design guidelines in §§ 350-9I(6) and 350-14E.
- I. Banners. Banners and similar devices are prohibited, except nonpermanent ones displayed for the occasion of special events which shall be displayed no longer than for a three-week period and subject to approval of the Director of Public Works. **[Amended effective 7-3-1974 by Ord. No. 74-20]**
- J. Removal of certain signs.
- (1) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product available for purchase by the public on the premises shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure or land upon which such sign may be found within 10 days after written notification from the enforcement officer, and, upon failure to comply with such notice within the time specified in such order, the enforcement officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure or land to which such sign is attached.
  - (2) When, for whatever reason, a sign is removed from a building, pole, ground support, etc., all supporting devices must also be removed. This may include, but is not limited to, brackets, pole, chains, posts, beams, slabs of bases, etc. Such supporting devices shall be removed at the time that the sign is removed. **[Added 11-1-1989 by Ord. No. 89-18]**
  - (3) If the provisions of the foregoing sections are not complied with, the Superintendent of Public Works shall serve written notice upon the owner, occupant or any person having the control of any such property 30 days after receipt of such notice, or, if no person can be found in the City who either is or claims to be the owner of such property or who either represents or claims to represent such owner, the Superintendent of Public Works shall cause such signs and/or supporting devices on such property to be removed, and the actual cost of such removal plus a service charge of 50% thereof to cover cost of supervision and administration shall be certified by

the Superintendent of Public Works to the City Comptroller, and such certified amount shall thereupon become and be a lien upon the property on which such signs and/or supporting devices were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such property and shall bear interest at the same rate as City real estate taxes and shall be collected and enforced in the same manner as such taxes. **[Added 8-1-1990 by Ord. No. 90-12]**

**§ 350-31. Prohibited uses in all zoning districts.**

Auto wrecking yards, junkyards, mobile homes, drive-in theaters and slaughterhouses are specifically prohibited in all zoning districts.

**§ 350-32. Cemeteries and crematories.**

No burial or memorial plats or buildings shall be located closer than 50 feet to any residential lot line, except that when a dense evergreen hedge or a wall or landscaped strip at least six feet in height providing complete visual screening from all adjacent residential property is provided, burial or memorial plats of less than six feet in height may be located not closer than 20 feet to any residential lot line. Crematories shall be located only in cemeteries.

**§ 350-33. Conversions and additions in B1 District. [Added 6-3-1992 by Ord. No. 92-8]**

- A. Setbacks. Notwithstanding any other provisions in this chapter, any additions or conversions to an existing building shall not be governed by the provisions in Schedule III<sup>13</sup> relating to minimum yard dimensions, provided that the setback of any new conversion or addition does not exceed the setback of the existing building on any street, but shall be not less than six feet, in the B1 District.
- B. Height. Notwithstanding any other provisions of this chapter, any conversions or additions to any existing building shall not be governed by the provisions in Schedule III relating to maximum height of structures, provided that the height of any new addition or construction does not exceed the height of the existing building but shall not, on average, exceed 45 feet in height in the B1 District.

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**13. Editor's Note: Schedule III is included at the end of this chapter.**



## ARTICLE VII

**Nonconforming Buildings, Uses and Lots****§ 350-34. Continuation of nonconforming buildings and uses.**

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, except as follows:

- A. Any sign which becomes nonconforming upon the date of enactment of this chapter shall be removed or altered so as to conform within three years after such date of enactment, except that existing signs on the property of a legal nonconforming use may be continued if they conform to signs in the district where such use is permitted.
- B. 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.

**§ 350-35. Discontinuance of nonconforming use.**

- A. 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.
- B. 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. **[Added effective 4-2-1975 by Ord. No. 75-5]**

**§ 350-36. Necessary maintenance and repairs. [Amended 6-5-1995 by Ord. No. 9-95]**

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:

- A. Such repair or restoration shall be permitted only upon the same lot as was in existence on the date the use became nonconforming.

- B. Any increase in the volume, area or extent of the nonconforming use shall not be permitted.
- C. 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.
- D. 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 C above shall apply.

**§ 350-37. Extension or change of nonconforming use, building or structure.**

- A. 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 or to another nonconforming use more nearly conforming to the requirements of the district in which it is situated.
- B. A nonconforming building or structure cannot be increased in size or area except in conformity with the provisions of this chapter.
- C. A change of a nonconforming use to another nonconforming use as provided in Subsection A herein shall require a special use permit pursuant to and subject to § 350-53 of this chapter. **[Amended 2-6-1991 by Ord. No. 91-1]**

**§ 350-38. Construction previously started.**

Any building or structure for which construction was begun prior to the effective date of this chapter, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for the building or structure.

**§ 350-39. Existing undersized lots.**

- A. 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:
  - (1) 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.
  - (2) Such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback line if it is to be used for residential purposes.

- (3) The following minimum yard dimensions are maintained for residences:
- (a) Side yards: eight feet.
  - (b) Front and rear yards: 25 feet.
- (4) All other bulk requirements for that district are complied with.
- B. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.
- C. 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.
- D. The front yard of such lot will be considered that yard upon which the primary entrance to the dwelling faces. **[Added effective 2-6-1974 by Ord. No. 74-2]**
- E. 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. **[Added 4-6-1988 by Ord. No. 88-4]**

**§ 350-40. 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.



ARTICLE VIII  
**Administration**

**§ 350-41. Enforcement officer.**

- A. This chapter shall be enforced by the enforcement officer designated in Chapter 22, Enforcement Officers, of this Code.
- B. No building permit or certificate of occupancy shall be issued by the enforcement officer, 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.

**§ 350-42. Powers and duties of enforcement officer.**

Except as otherwise specifically provided by law, ordinance or regulation, the enforcement officer shall:

- A. Administer and enforce all of the provisions of this chapter.
- B. Receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof.
- C. Issue all appropriate notices or orders to remove illegal or unauthorized construction or to cease and desist any illegal or unauthorized uses.
- D. 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.
- E. 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.
- F. Submit to the City Council a written annual report and summary of all business conducted by his office.

**§ 350-43. Application for building permit.**

- A. 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 enforcement officer.
- B. 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 for a building permit shall be made to the enforcement officer on forms provided by his office and shall contain the following information:
- (1) A description of the land on which the proposed work is to be done.
  - (2) A statement of the present and proposed use or occupancy of all parts of the land and of the building or structure.
  - (3) The valuation of the proposed work.
  - (4) 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.
  - (5) A brief description of the nature of the proposed work.
  - (6) A duplicate set of plans and specifications as set forth in Subsection E of this section.
  - (7) Such other information as may be reasonably required by the enforcement officer to establish compliance of the proposed work with the requirements of the applicable building and zoning laws, ordinances and regulations.
  - (8) 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. **[Added 3-2-1988 by Ord. No. 88-2]**
  - (9) 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. It is the applicant's responsibility to assure the requirements of the SEQR process are met. **[Added 3-2-1988 by Ord. No. 88-2]**
- D. 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.
- E. 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 enforcement officer, 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.

- F. The enforcement officer 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.
- G. 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 enforcement officer.
- H. Applications must provide evidence of conforming to the architecture and character of the neighboring properties in accordance with § 350-45. **[Added 3-2-1988 by Ord. No. 88-2]**

**§ 350-44. Site plan review by Planning Board for approval of change of use. [Amended 3-3-1993 by Ord. No. 293; 6-5-1995 by Ord. No. 8-95]**

- A. In each case where a business or industry expands an existing use; or when a business or industry plans on developing a new facility; when a dwelling is built on a lot where none previously existed; when a residential use expands beyond a one- or two-family dwelling to a multiple dwelling as defined by the Multiple Residence Law of the State of New York; or when a multiple dwelling expands to add one or more dwelling units, in any zoning district within the City of Geneva, the enforcement officer shall refer the site plan for such proposal to the Planning Board for review before issuing a building permit. Site plan review of such residential uses shall not be required in the case of wholly internal expansions or conversions not involving any expansion of the building footprint and not involving any exterior site changes, proposed or required, including but not limited to grading, drainage improvements and traffic circulation. **[Amended 10-4-2000 by Ord. No. 6-2000]**
- B. As used in Subsection A above, the following terms shall have the meanings indicated:
  - BUSINESS or INDUSTRY — Any occupancy or use classified as a C1, C2, C3, C4, C5, C6 or C7 occupancy under the provisions of the New York State Uniform Fire Prevention and Building Code.
  - 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.

- C. The Planning Board shall either approve, approve with modifications or disapprove such site plan, stating the reasons therefor in writing in its records, and shall send a written notice of its decision to the enforcement officer who shall then act accordingly, either issuing a building permit, postponing issuance of a building permit pending compliance with the decision of the Planning Board, or denying such permit. If the enforcement officer does not receive any written communication from the Planning Board on the application within 45 days after such case is presented to the Planning Board, he or she shall assume that the site plan meets with its approval.
- D. A fee shall be paid by the applicant at the time of submission of any site plan application to cover the cost of the Planning Board's review of the application, such fee to be in addition to the regular fee for the issuance of a building permit. The fee shall be \$100 for Planning Board review involving alterations or additions to existing structures. The fee shall be \$150 for Planning Board review involving new construction. All fees shall be due and payable at the time the application is made. In the event that applications for approval of a subdivision and site plan review are made at the same time, the greater of the two fees shall be charged, and the lesser fee shall be waived. In the event that application is also made for architectural review at the same time, no additional fee shall be charged. **[Amended 6-19-2002 by Ord. No. 7-2002]**
- E. All of the materials listed below must be submitted to the Planning Board in advance of the meeting at which the applicant desires the Planning Board to review the submission. The exact deadline for submission shall be determined by the enforcement officer.
- F. A complete site plan application for any building, structure or use shall include copies of a site plan prepared by competent professionals duly licensed to prepare such drawings. The drawings shall be submitted in all cases where a change of use or expansion of an existing use is proposed. Drawings shall be to a scale of one inch equals 10 feet or one inch equals 20 feet. The site plan shall display the following information:
- (1) Property lines and related street right-of-way and easement lines as determined by survey.
  - (2) Location of existing and/or proposed buildings and structures with all required setbacks.
  - (3) Layout of existing and/or proposed off-street parking areas, showing the details of aisles, driveways and each parking space.
  - (4) Existing topography of the site and adjacent properties as revealed by contours or key elevations.

- (5) Proposed final grades, including detailed information relative to methods to be used during and after construction to retain, stabilize and/or refurbish regraded areas, e.g., sod, retaining walls, etc.
  - (6) Existing and proposed stormwater drainage facilities, sidewalks, curbs and curb cuts and similar structures.
  - (7) Existing and proposed landscaping and fences.
  - (8) Existing and proposed outdoor lighting structures, sign locations, telephones and electric utility poles.
  - (9) Names of current property owners as well as those of contract vendees and names of owners and establishments on adjoining properties.
  - (10) Type, size and locations of all dumpsters, waste compactors and other outdoor mechanical equipment, including screening of them.
- G. Copies of building elevations, drawn at a scale of 1/8 inch equals one foot or 1/4 inch equals one foot, and descriptions of exterior building materials shall be provided as outlined below:
- (1) Front, side and rear elevations.
  - (2) Front and side elevations of signage, with dimensions and proposed lighting.
  - (3) Elevations showing the proposed buildings in relation to adjacent buildings.
  - (4) A summary of proposed exterior building materials.
- H. The following requirements of Subsections F and G above are hereby waived, only for applications for approval of the expansion of a residential use:
- (1) The information required by Subsection F(4), regarding existing topography, F(5), regarding proposed final grades, F(6), regarding stormwater drainage facilities and sidewalks and curbs, and F(8), regarding outdoor lighting and sign and utility pole locations, is hereby waived unless additions or modifications to existing facilities are proposed.
  - (2) The information required by Subsection G, regarding a description of the exterior building elevations, is hereby waived unless additions or exterior modifications to the existing building or buildings are proposed.
- I. After Planning Board approval, a proposed change or revision either to the site or to the exterior of any structure on it shall be resubmitted for further review.

**§ 350-45. Review for architectural conformity. [Added 3-2-1988 by Ord. No. 88-2; amended 6-5-1995 by Ord. No. 7-95]**

- A. Legislative findings; purpose. The City Council hereby finds that inappropriate or poor quality design in the exterior appearance of buildings or land development adversely affects the desirability of the immediate area and neighboring areas, impairs the stability and value of both improved and unimproved real property, retards the most appropriate development, and creates an improper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this section to prevent these and other harmful effects of such exterior appearance of buildings and development and thus to promote and protect the health, safety, morals and general welfare of the community.
- B. The Planning Board of the City of Geneva (hereinafter referred to as the "Board") is hereby authorized to act as the Architectural Review Committee of the City of Geneva.
- C. The Planning Board shall review all applications for building permits and/or site plans in the following categories:
- (1) All applications for the construction, reconstruction or exterior alteration of any commercial, industrial or multiple-dwelling building or structure.
  - (2) Applications for new residential structures and/or subdivisions filed with the Planning Board.
  - (3) Plans for exterior alterations or additions to residential, commercial or industrial structures or facilities requiring a building permit, for which the cost is estimated to be in excess of \$5,000.
  - (4) All site development applications submitted to the Planning Board.
  - (5) Petitions for special permit uses, when architectural review advice on such a petition is requested by the Zoning Board of Appeals.
  - (6) Any building permit applications or proposals which in the opinion of the enforcement officer violate the spirit and intent of Subsection A. In the event that such a referral is made, the enforcement officer shall issue a specific written finding as to why he or she believes this to be the case.
- D. Applications must be accompanied by plans showing all elevations of new structures, as well as any affected elevations in the case of new additions or alterations. When required by the enforcement officer or by the Board, a site plan shall be submitted showing both existing and proposed contours at five-foot intervals, all existing trees with a trunk diameter of four inches or more at a height six feet above ground level,

and whether such trees shall remain or be removed, and/or other topographical features.

E. Procedures.

- (1) Approval of any application referred to the Board shall be by a vote of at least a majority of the members.
- (2) In considering an application, the Board shall take into account natural features of the site and surroundings, the exterior design and appearance of existing structures, and the character of the district and its particular suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of the land.
- (3) The Board may approve any application referred to it upon finding, in writing, that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan, would be in harmony with the purpose of this section, would not be visually offensive or inappropriate by reason of poor quality of exterior design, excessive similarity or striking dissimilarity in relation to the site or its surroundings, would not mar the appearance of the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development and utilization of the site or of the adjacent lands and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.
- (4) In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in Subsection E(3).
- (5) The Board may disapprove any application, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan, and provided that the Board finds and states, in writing, that the structure for which the permit was requested would, if erected as indicated, provoke one or more of the harmful effects set forth in Subsection E(3).

F. Standards. The Board shall apply the following standards in the course of its review:

- (1) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.
- (2) The height, width, and general proportions of a building should conform generally to other buildings in the district. Ratio of wall surface to openings, and the ratio of width and height of windows and doors, should also be consistent with the district. The scale and massing of a structure shall be a primary consideration.

- (3) Materials shall have good architectural character and shall be selected for harmony of the building with the adjoining buildings. Materials shall be selected for suitability to the type of building and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building elements wholly or partly visible from public ways. Materials shall be of a durable quality. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within the design and harmonious with their surroundings.
- (4) Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
- (5) Colors shall be harmonious and shall use only compatible accents.
- (6) Mechanical equipment or other utility hardware on the roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways.
- (7) Exterior lighting shall be considered as part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.
- (8) Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways, using materials harmonious with the building.
- (9) Monotony of design in single- or multiple-building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple-building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- (10) Signs. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and the surroundings. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- (11) The pattern of placement, proportions and materials of windows and doors shall be considered. Metal or plastic frame windows are generally unacceptable unless they are anodized or painted. Shutters should be sized to match windows.
- (12) The use of natural materials is to be favored. Imitation or synthetic materials, such as aluminum or vinyl siding, imitation brick or stone, or plastic, will generally be deemed inappropriate. Wood or asphalt shingles are appropriate. Roll roofing, built-up tar and gravel, plastic or fiberglass roofing materials are not appropriate, unless utilized on flat roofs that are not visible from public ways.

- (13) Where fences are to be used, they are to be of wood, stone, iron or plant materials. Chain link or similar metal fences, concrete block, plastic, fiberglass or plywood fences will generally be deemed inappropriate.
- (14) Exposed foundation walls should be of stone-faced or exposed aggregate concrete and should be as inconspicuous as possible.
- (15) Utility lines should be underground whenever possible, and entry fixtures should be located away from high-use areas and main entrances or screened in an approved manner. All lighting should be appropriate to the building and its surroundings in terms of style, scale and intensity of illumination.

**§ 350-46. Issuance of building permit.**

- A. The enforcement officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He 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.
- B. Upon approval of the application and upon receipt of the legal fees therefor, he shall issue a building permit to the applicant upon the form prescribed to him and shall affix his signature or cause his signature to be affixed thereto.
- C. 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 enforcement officer 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 enforcement officer 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.
- D. 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 enforcement officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the enforcement officer shall cause such a refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

**§ 350-47. Performance of work under building permit. [Amended effective 2-6-1974 by Ord. No. 74-3]**

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 enforcement officer may allow one six-month extension.

**§ 350-48. Building permit charges; penalties for failure to obtain permit. [Amended 2-6-1974 by Ord. No. 74-3; 5-3-1989 by Ord. No. 89-11; 8-5-1992 by Ord. No. 92-11; 6-19-2002 by Ord. No. 7-2002]**

A. Charges for building permits.

- (1) Residential construction (one- and two-family dwellings).
  - (a) The charges for building permits will be based on a per-square-foot rate of \$0.12 per square foot of building area, with a minimum charge of \$50 except as otherwise provided herein.
  - (b) A flat fee of \$40 shall be charged for permits for minor residential work, such as storage sheds of no more than 150 square feet, decks or porches of no more than 150 square feet, electrical or plumbing work in a single room, fences, signs permitted in residential zoning districts without variances, and demolition permits.
- (2) Nonresidential construction (multiple dwellings and all nonresidential or commercial construction).
  - (a) The charges for building permits will be based on a per-square-foot rate of \$0.15 per square foot of work area or complete building area where the building or a portion thereof is classified as a change of use under the Uniform Code, with a minimum charge of \$100, except as otherwise provided herein. **[Amended 9-3-2008 by Ord. No. 6-2008]**
  - (b) A flat fee of \$50 shall be charged for permits for minor nonresidential work, such as storage sheds of no more than 150 square feet, electrical or plumbing work in a single room, fences, signs that do not require an application to the Zoning Board of Appeals, and demolition permits.
  - (c) Where the square footage cannot be readily determined or is not applicable, the charge shall be based on \$1 per \$1,000 cost of work, but the minimum charge shall be \$100. The applicant shall provide written documentation of the cost, including all labor and materials, with the application.

- (d) An additional surcharge of \$1 per \$1,000 cost of work shall be charged for projects or buildings for which the cost of work is more than \$500,000. The applicant shall provide written documentation of the cost, including all labor and materials, with the application. **[Amended 9-3-2008 by Ord. No. 6-2008]**
  - (3) All fees shall be due and payable at the time the application for the building permit is made. In the event that construction does not proceed, fees are nonrefundable.
  - (4) If a building permit is extended as provided for in § 350-47, the fee for the six-month extension shall be 1/2 of the original fee. If work cannot be completed in a total of 18 months as provided in § 350-47, the applicant shall be required to obtain anew building permit and pay the full fee as described above.
  - (5) There shall be no additional charge for any inspections, unless requested the applicant outside of the usual working hours (8:30 a.m. to 4:30 p.m., Monday through Friday). In such cases the applicant shall reimburse the City for the full cost of any overtime pay, immediately upon receipt of an itemized statement detailing same. Said reimbursement shall be made on a monthly basis and in any case shall be paid in full before the issuance of any certificate of occupancy.
  - (6) There shall be no additional fee for a certificate of occupancy when said certificate of occupancy has been issued to document the proper completion of work for which a building permit has been obtained.
- B. Penalties for failure to obtain building permit.
- (1) Whenever the enforcement officer has reasonable grounds to believe that work on any building or structure is being performed without a required building permit, he 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 enforcement officer shall thereafter be authorized to:
    - (a) Double fees as set forth in Subsection A of this section, with a minimum of \$250 and a maximum of \$1,000 for the following projects:
      - [1] Additions.
      - [2] New construction.
      - [3] Adding new apartments to existing buildings.

- [4] Parking.
  - [5] Renovations, for change of use.
- (b) Double fees as set forth in Subsection A of this section for the following projects, with a minimum of \$100 and a maximum of \$250:
- [1] Decks.
  - [2] Pools.
  - [3] Fences.
  - [4] Sheds.
  - [5] Signs.
  - [6] Patios.
  - [7] Basketball, tennis courts.
  - [8] Renovations, no change of use.
- (c) The above penalties shall be in addition to any building permit applicable as provided above, and shall be paid before any permits issued.

#### **§ 350-49. Revocation of building permit.**

The enforcement officer may revoke a building permit theretofore issued and approved in the following instances:

- A. Where he finds 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.
- B. Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law or ordinance.
- C. Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
- D. Where the person to whom the building permit has been issued fails or refuses to comply with a stop order issued by the enforcement officer.

#### **§ 350-50. Stop orders; right of entry.**

- A. Stop orders. Whenever the enforcement officer 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, he 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.

- B. Right of entry. The enforcement officer 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.

**§ 350-51. Inspections; issuance of certificate of occupancy.**

- A. Inspection prior to issuance of certificate.
- (1) Before issuing a certificate of occupancy, the enforcement officer 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 he may conduct such inspections as he deems 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 enforcement officer a record of all such examinations and inspections together with a record of findings or violations of the law.
- B. Certificate of occupancy.
- (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 enforcement officer.
  - (2) 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 enforcement officer.
  - (3) 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 Building Inspector 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. **[Added effective 10-2-1974 by Ord. No. 74-26]**

- (a) Certificate of occupancy with conditions. The Building Inspector 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.
  - (b) Temporary certificate of occupancy. Upon request of the owner or his certified agent, the Building Inspector may, in his discretion, issue a temporary certificate of occupancy provided there is full compliance with this chapter and such temporary use or occupancy would not in any way jeopardize life or property.
- (4) 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 enforcement officer.
  - (5) 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.
- C. 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 enforcement officer shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the enforcement officer 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.
- D. Temporary certificate of occupancy. Upon request, the enforcement officer 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 or the public welfare.
- E. 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 enforcement officer 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.
- F. Fee. The fee for the issuance of a certificate of occupancy for residential property shall be consistent with the inspection fees established in § 202-79 and shall be paid to the enforcement officer prior to issuance. The fee for the issuance of a certificate of occupancy for nonresidential property shall be \$25 and shall be paid prior to issuance. If the property contains both residential and nonresidential occupancies, the charge shall be the sum of two fees. If the certificate of occupancy is issued in conjunction with a building permit for new construction work, there shall be no fee in addition to that charged for the building permit. **[Amended by Ord. No. 82-19, eff. 4-7-1982; 6-19-2002 by Ord. No. 7-2002]**



ARTICLE IX  
**Zoning Board of Appeals**

**§ 350-52. Membership; terms of office; rules and procedures.  
[Amended 3-7-1990 by Ord. No. 90-4]**

- A. There shall be a Board of Zoning Appeals consisting of seven members who shall be appointed by the City Council for a term of three years. Any vacancy shall be filled by the City Council for the unexpired portion of the term. The Board shall serve without compensation. **[Amended 6-5-1995 by L.L. No. 3-1995]**
- B. The Board shall have power and duties pursuant to the provisions of the General City Law and prescribed statutes. The Board shall determine its own rules and procedures and may adopt and promulgate bylaws and forms as it deems necessary for the proper execution of its duties and to secure the intent of this chapter. Such rules, procedures, bylaws and forms shall not conflict with, nor have the effect of waiving, any provisions of this chapter or any other ordinance or local law of the City.
- C. Public notice of applications. **[Added 9-4-1996 by Ord. No. 96-8; amended 6-19-2002 by Ord. No. 7-2002]**
- (1) In addition to such public notice of variance and other applications to be heard by the Board as is required by the General City Law to be published in a newspaper of general circulation in the City, public notice shall also be given by mail to the last known owners of the neighboring properties as follows:
- (a) Use variances: all neighboring properties within 500 feet of that property specified in the application.
- (b) Area variances and special use permits: all neighboring properties within 101 feet of that property specified in the application.

**§ 350-53. Special use permits. [Amended 9-15-1998 by Ord. No. 98-13]**

Special uses are 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 to determine, against the following standards, the desirability of permitting their establishment on a particular site.

- A. Application and review. If a use is only permitted by special use permit, the applicant shall make a written application for review and approval to the Planning Board, except that the review of internally illuminated signs shall continue to be the responsibility of the Zoning Board of Appeals as specified in § 350-30. The application shall include a written description of the proposed use, a written statement specifically addressing each of the standards established in Subsection B below,

and a site plan drawn to scale and of sufficient detail, as appropriate, to allow a thorough evaluation of the proposed use. A public hearing shall be held after public notice has been given, at which the applicant shall appear and answer such questions as the Board and/or the public may have.

- B. General standards. The Board may approve a special use permit only if the proposed use:
- (1) Is listed as a special permitted use in the appropriate zoning district and will be consistent with the purposes and intents of the Master Plan and the stated purpose of the applicable zoning district.
  - (2) Will conform to the standards and conditions specified in this chapter for that use.
  - (3) Will obtain from state or other authorities all other necessary permits and approvals.
  - (4) Will not have an adverse effect on adjacent properties or compromise the character and enjoyment of nearby properties by means of traffic conditions, parking, utility facilities or other matters affecting the public health, safety, welfare or convenience.
  - (5) Will not by operating be more objectionable to nearby properties by reason of noise, fumes, vibration, illumination, outdoor storage, or disposal of waste material than the operation of any permitted use not requiring such a special use permit.
  - (6) Will be served adequately by essential services such as streets and highways, off-street and on-street parking, police and fire protection, stormwater drainage, refuse disposal, water and sewer service, and schools.
  - (7) Will provide sufficient landscaping and/or other forms of buffering to protect surrounding land uses.
  - (8) Will obtain a building permit and a certificate of occupancy within a reasonable period of time as specified by the Board. Any special use permit granted which is not exercised within one year shall expire without further hearing by the Board.
  - (9) Complies with any additional requirements imposed by this chapter or as may be deemed necessary by the Board to ensure that the proposed use is to be conducted in a manner compatible with the surrounding neighborhood and will not constitute a threat to the public health, safety, welfare or convenience.
- C. Specific standards. In addition to those general standards listed above, the following specific standards shall apply to the following specific uses:

- (1) Light industry/light assembly uses, including research and development, and warehousing, without distribution, within the B2 District:
  - (a) The applicant shall supply sufficient information as part of the written application to verify quantities of truck traffic to and from the site; number of employee and company vehicles to be on site; specific nature of any noise, vibration, dust and/or smoke perceptible from beyond the property line; quantity and nature of any hazardous or toxic chemicals or substances to be kept or used on site; quantity, nature and location of any exterior lighting and/or signage; and daily hours of operation.
  - (b) The size and nature of the proposed use shall not be substantially inconsistent with the character of the surrounding neighborhood and/or jeopardize the continued use of the surrounding neighborhood for previously existing uses.
- (2) Motor vehicle salesrooms and repair garages, and motor vehicle service stations, in the B1 and B2 Districts:
  - (a) The same standards listed in Subsection C(1)(a) and (b) above.
  - (b) Such uses shall be permitted only on lots of 10,000 square feet or more, with 100 feet minimum street frontage.
  - (c) The area for use by motor vehicles, except access drives thereto, as well as any structures, principal or accessory, shall not encroach on any setback required.
  - (d) No fuel pump shall be located closer than 20 feet to any side lot line, or closer than 35 feet to any front lot line, measured from the outside edge of the fuel island.
  - (e) All repair work and overnight storage of vehicles shall be within the permitted area subject to any buffering requirements of the Geneva Planning Board.

**§ 350-54. Fees for appeal. [Amended 6-19-2002 by Ord. No. 7-2002]**

Upon the filing of a notice of appeal, a fee shall be paid to the enforcement officer to defray the expenses of advertising the public hearing and other expenses incidental thereto. Such fee shall be in addition to the regular fee for a building permit. The amount of said fee shall be \$50 for applications for area variances related to a single-family residence. The amount of said fee shall be \$150 for all other applications to the Zoning Board of Appeals.



## ARTICLE X

**Historic Zoning****[Added effective 6-4-1969 by Ord. No. 69-5]****§ 350-55. Purpose and intent.**

The purpose of this article is:

- A. To safeguard the heritage of the City of Geneva by preserving districts and buildings and structures in the City which reflect elements of its cultural, social, economic, political and architectural heritage.
- B. Stabilize and improve property values.
- C. Foster civic pride.
- D. Strengthen the local economy.
- E. Promote the use of historic districts, buildings and structures for the education, pleasure and welfare of the citizens of the City.

**§ 350-56. Boundaries.**

- A. Districts.
  - (1) The Historic District to be known as the South Main Street-Pulteney Park Historic District shall be bounded and described as follows: Commencing at the southeast corner of South Main and Seneca Streets, extending south to Conover Street, including all properties on the east side of South Main Street, crossing South Main Street due west, extending 400 feet west from the west side of South Main Street, extending north to include all properties along the west side of South Main Street to William Street, including all properties facing Park Place, all properties on the north side of Washington Street between Park Place and Pulteney Street, including the properties numbered 135 Washington Street, 129 Washington Street, 128 Washington Street, 144 Pulteney Street and 35 William Street and the properties on the west side of Pulteney Street between Washington Street and Worthington Avenue and crossing South Main Street at the southeast corner of South Main and William Streets to the place of beginning.
  - (2) The Historic District to be known as the Genesee Park Historic District shall be bounded and described as follows: Commencing at the northeast corner of Genesee Street and Genesee Park, east to the northeast boundary of 9 Genesee Park, south to property at 44 Lewis Street, crossing Lewis Street to the property at the southwest corner of Geneva Street and Lewis Street, extended south along the west side of Geneva Street west along the border of St. Peters Episcopal Church property, 145 Genesee Street, crossing Genesee Street, west to the western boundary of 152 Genesee Street, north along the western boundary of 146, 140 Genesee

Street, crossing Lewis Street, going north crossing Goodelle Terrace, bounded on the west by the properties fronting Genesee Park on the west, north to the northern boundary of number 112 Genesee Street, then east crossing Genesee Street to the place of beginning.

B. Buildings and structures. The historic buildings and structures are designated as follows:

Thomas Folger House	105 Jay Street
Ashcroft House	112 Jay Street
Douglas-Blackwell House	William Smith College Campus
Van Brent-Foote (DeLancey) House	46 DeLancey Drive
Greek Revival House	273 Washington Street
Greek Revival House	226 Washington Street
Greek Revival House	218 Washington Street
Victorian Eclectic House	210 Washington Street
Federal Three-Bay House	508 Washington Street
Greek Revival House	143 William Street
Greek Revival House	96 Pulteney Street
Greek Revival House	92 Pulteney Street
Geneva Women's Club	336 South Main Street
Baldrige House	196 Genesee Street
Simpson House	34 Elmwood Place
Former Smith Nursery Office	580 Castle Street
Denton House	643 North Street
Gothic House	165 Washington Street
The Smith Observatory	Castle Street
The Smith Opera House for the Performing Arts <b>[Added 1-24-1990 by Ord. No. 2-1990]</b>	82 Seneca Street

**§ 350-57. Regulation of structures.**

No structure or building, including stone walls, fences, steps and paving, shall be erected, constructed, reconstructed, altered, restored, repaired, moved, or demolished in the historic districts or on the designated historic buildings and structures, and no sign, light, fence, wall or other appurtenant fixture, hereafter called "appurtenant fixtures," shall be erected or displayed on any lands, buildings or structures therein or thereon unless such action complies with the requirements of this article.

**§ 350-58. Historic Districts and 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."
- B. Membership of the Commission.
  - (1) The Historic Districts and Structures Commission shall consist of seven members whose residences are located in the City of Geneva. They shall be appointed by the City Council of the City of Geneva for terms of office of three years, provided that two of the initial members shall be appointed for one year, two for two years and three for three years, and subsequently members shall be appointed for terms of three years as terms expire. Members of the Commission may be reappointed after their terms expire. The terms of office of the members shall begin as of the date of passage of this article.
  - (2) Before making said 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. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

**§ 350-59. Powers and duties of Commission.**

- A. The Commission, in reviewing applications for certificates of appropriateness, shall consider the appropriateness of proposed exterior features of buildings, structures and appurtenant fixtures, location on the lot and removal or demolition of any building or structure under authority of said Commission, where such exterior features, buildings, structures and appurtenances are subject to public view from a public street or way. All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the exterior features or buildings in question shall be made available to it by the applicant. In reviewing the plans, the Commission shall give consideration to:
  - (1) Historical architectural value and significance of the structure and its relationship to the historic value of the surrounding area;
  - (2) The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and
  - (3) Any other factor, including aesthetic, which it deems pertinent.
- B. The Commission shall pass only on exterior features of a structure and will not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous subsection.

- C. It is also the intent of this article that the Commission 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 construction, alteration, repair or demolition would seriously impair the historic value and character of surrounding structures or the surrounding area. 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.
- D. Nothing contained in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in either the historic districts or on designated structures of historic and architectural importance which does not involve a change in design, material, color or the outward appearance thereof.
- E. The Commission shall have the power to call in experts to aid in its deliberations and may ask the Council for appropriations for such services.
- F. The Commission shall have the power to issue a certificate of approval if it approves of the plans submitted to it for its review. The Superintendent of Building and Zoning shall not issue a building permit until such certificate of approval has been issued by the Commission.

**§ 350-60. Procedures and rules of Commission.**

- A. The Historic Districts and Structures Commission shall elect from its membership annually a Chairman and Vice-Chairman from its own number.
- B. 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.
- C. All Commission members shall have voting rights. The Commission may adopt rules and regulations not inconsistent with the provisions of this article.
- D. 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.
- E. At least four members of the Commission shall constitute a quorum for the transaction of its business.
- F. 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.

- G. 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.

**§ 350-61. Procedure for review of plans.**

- A. Application for a building permit to construct, alter, repair, move or demolish any structure in the historic districts or one of the specific historic buildings and structures shall be made to the Superintendent of Building and Zoning. The application shall state whether the property is in an historic district or listed as an historic designated structure in § 350-56B. Plans shall be submitted showing the structure in question and also showing its relation to adjacent structures.
- B. Upon the filing of such application, the Superintendent of Building and Zoning shall immediately notify the Historic Districts and Structures Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission unless it pertains solely to the interior of the structure.
- C. The Historic Districts and Structures Commission shall meet within 15 days after notification by the Superintendent of Building and Zoning of the filing, unless otherwise mutually agreed upon by the applicant and Commission, and shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit.
- D. The Commission shall approve or disapprove such plans and, if approved, shall issue a certificate of approval, which is to be signed by the Chairman, attached to the application for a building permit and immediately transmitted to the Superintendent of Building and Zoning. The Chairman shall also stamp all prints submitted to the Commission signifying its approval.
- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor in writing to the Superintendent of Building and Zoning and to the applicant. The Commission may advise what it thinks proper if it disapproves of the plans submitted. The applicant, if he so desires, may make modification to his plans and shall have the right to resubmit his application at any time after so doing.
- F. The failure of the Historic Districts and Structures Commission to approve or disapprove of such plans within 45 days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and Commission, shall be deemed to constitute approval, and the Superintendent of Building and Zoning shall proceed to process the application without regard to a certificate of approval.

- G. After the certificate of approval has been issued and the building permit granted to the applicant, the Commission shall from time to time inspect the construction, alteration or repair approved by such certificate and shall take such action as is necessary to force compliance with the approved plans.

**§ 350-62. Appeals.**

Any person or persons jointly or severally aggrieved by a decision of the Historic Districts and Structures Commission which shall result in the failure of the Superintendent of Building and Zoning to issue a building permit shall have the right to appeal to the Zoning Board of Appeals for a variance as provided by this chapter and seek such other remedies as may be provided for by this chapter or general law.

**§ 350-63. Applicability.**

The provisions of this article shall be in addition to and shall in no manner supersede or nullify any other provisions contained in this chapter.

## ARTICLE XI

**Swimming Pools****[Added effective 6-2-1971 by Ord. No. 71-10]****§ 350-64. 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.

**§ 350-65. Definitions.**

When used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

PERSON — Includes any natural person, firm, partnership, association, corporation, company or any organization of any kind.

SWIMMING POOL — Any structure, located outdoors, which is designated to contain water to a depth of two feet, or more, which has at least one horizontal dimension of 12 feet, or more, and the upper side of which is open. The term "swimming pool" shall include structures constructed, used, or maintained either on, above, or below the surrounding finished grade.

**§ 350-66. Building permit required; regulations.**

- A. 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.
- B. Construction, use and maintenance regulations. 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.

#### **§ 350-67. Existing pools.**

The provisions set forth on fencing in Subsection B(2) of § 350-66 of this article shall not be strictly applied to fences safeguarding swimming pools existing at the time that this article becomes effective. In such cases the Superintendent of Building and Zoning is hereby authorized and directed to approve such existing fences and gates which, in his discretion, substantially comply with these provisions. If, in his discretion, any such existing pool fences or gates do not substantially comply with the provisions of this article, he shall direct the owner or user thereof to erect fences and/or gates which are in compliance with these sections. Such owners and/or users shall be given a reasonable time to comply, the time to be given being chosen in accordance with the magnitude of the change required, but in no case shall it be more than 30 days. Any person(s) and/or association or corporation owning or using an existing swimming pool is required to apply for a certificate of compliance from the Superintendent of Building and Zoning within 30 days of the date that this article takes effect, such certificate to be issued only when, in the discretion of the Superintendent of Building and Zoning, there is substantial compliance with all of the sections of this article.

**§ 350-68. 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.

**§ 350-69. Light and noise abatement.**

- A. 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.
- B. 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.

**§ 350-70. Variances.**

The Zoning Board of Appeals may vary or adapt the strict application of any of the requirements of this article pursuant to and in accordance with the provisions of this chapter.

**§ 350-71. Applicability.**

The provisions of this article shall be in addition to and shall in no manner supersede or nullify any other provision contained in this chapter.



ARTICLE XII  
**Amendments and Penalties**

**§ 350-72. Amendments.**

- A. 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.
- B. Pursuant to the Geneva City Charter, the Planning Board shall file with the City Clerk its report on any proposed amendment, supplementation or repeal of this chapter within 45 days after such proposal has been referred to the Planning Board or its approval thereof shall be deemed to have been made.

**§ 350-73. Penalties for offenses; injunction.**

- A. Any violation of either this article or chapter, as the case may be, shall be punishable as provided in § 1-17 of Chapter 1, General Provisions, of this Code. **[Amended effective 7-5-1972 by Ord. 72-12]**
- B. 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. **[Amended effective 7-5-1972 by Ord. No. 72-14]**